

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Bernoth Holdings Pty Ltd
Contact name <i>(only applicable for companies)</i>	C/- JFP Urban Consultants (Allie Peacoulakis)
Postal address <i>(P.O. Box or street address)</i>	PO Box 3634
Suburb	South Brisbane
State	QLD
Postcode	4101
Country	Australia
Email address <i>(non-mandatory)</i>	apeacoulakis@jfp.com.au
Mobile number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	B3688P

2) Owner's consent - Is written consent of the owner required for this change application?

Note: Section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- Yes – the written consent of the owner(s) is attached to this change application
 No

PART 2 – LOCATION DETAILS

3) Location of the premises *(complete 3.1) or 3.2, and 3.3) as applicable)*

3.1) Street address and lot on plan

- Street address **AND** lot on plan *(all lots must be listed)*, **or**
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises *(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed)*.

a)	Unit No.	Street No.	Street Name and Type	Suburb
		0	Robson Hursley Road	Torrington
	Postcode	Lot No.	Plan Type and Number <i>(e.g. RP, SP)</i>	Local Government Area(s)
	4350	12	SP130910	Toowoomba Regional Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number <i>(e.g. RP, SP)</i>	Local Government Area(s)



3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum		Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application

Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Toowoomba Regional Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	RAL/2016/7356/D	22/07/2021	Shokhida Safarova / TRC
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Refer to attached Minor Change Cover Letter for details.

6.2) What type of change does this application propose?

Minor change application – proceed to Part 5

Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

- For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application Yes Not applicable

- For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application Yes Not applicable

- Supporting information addressing any applicable assessment benchmarks is attached to this application Yes
- Note:** This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

- Relevant plans of the development are attached to this development application Yes
- Note:** Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- By making this change application, I declare that all information in this change application is true and correct.
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 50327788	Search Date: 25/08/2023 15:24
Date Title Created: 08/09/2000	Request No: 45478441
Previous Title: 17087147	

ESTATE AND LAND

Estate in Fee Simple

LOT 12 SURVEY PLAN 130910
Local Government: TOOWOOMBA

REGISTERED OWNER

INTEREST

Dealing No: 720789559 13/05/2021

BERNETH PROPERTIES INDUSTRIAL PTY LTD A.C.N. 619 328 602 UNDER INSTRUMENT 718186750	TRUSTEE	1/2
WIRRA TRADING PTY LTD A.C.N. 648 356 503 UNDER INSTRUMENT 720789559	TRUSTEE	1/2

AS TENANTS IN COMMON

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10210035 (POR 164)
2. MORTGAGE No 722230177 13/01/2023 at 15:36
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

To Whom It May Concern
C/- JFP Urban Consultants
P.O. Box 3634
South Brisbane QLD 4101

Attention: Development Assessment

Dear Sir/ Madam

**RE: LAND OWNER'S CONSENT TO THE MAKING OF A DEVELOPMENT APPLICATION UNDER THE
PLANNING ACT 2016
LOT 12 ROBSON HURSLEY ROAD, TORRINGTON QLD 4350 – LOT 12 ON SP130910**

Bernoth Properties Industrial Pty Ltd A.C.N. 619 328 602 Trustee Under Instrument 718186750 being the registered proprietor of the above property hereby authorizes Bernoth Holdings Pty Ltd C/- JFP Urban Consultants or its agents to apply for all development approvals in relation thereto, including town planning and operational works approvals and/or changes thereto to the applicable Local Government, Utility Provider and all relevant authorities over the above referenced land.

Name: Mitchell Bernoth

Title: ~~Sole Director~~ / Director OR Company Secretary (Please circle)

Signature: 

Date: 12/9/2023.

Name: Barry Bernoth

Title: ~~Sole Director~~ / Director OR Company Secretary (Please circle)

Signature: 

Date: 12/9/2023.

Please note that the owner's consent is required to be completed in accordance with the following.

- the signature of either-
 - Two directors of the company
 - A director and a company secretary of the company or
 - If a proprietary company that has a sole director who is also the sole company secretary, that director

OR

- The company seal (if the company has a common seal) witnessed by-
 - Two directors of the company
 - A director and a company secretary of the company or
 - For a propriety company that has a sole director who is also the sole company secretary, that director.

To Whom It May Concern
C/- JFP Urban Consultants
P.O. Box 3634
South Brisbane QLD 4101

Attention: Development Assessment

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Wirra Trading Pty Ltd A.C.N. 648 356 503 Trustee Under Instrument 720789559 being the registered proprietor of the above property hereby authorizes Bernoth Holdings Pty Ltd C/- JFP Urban Consultants or its agents to apply for all development approvals in relation thereto, including town planning and operational works approvals and/or changes thereto to the applicable Local Government, Utility Provider and all relevant authorities over the above referenced land.

Name: Mitchell Bernoth

Title: Sole Director / Director OR Company Secretary (Please circle)

Signature: 

Date: 12/9/2023

Name: _____

Title: Sole Director / Director OR Company Secretary (Please circle)

Signature: _____

Date: _____

Please note that the owner's consent is required to be completed in accordance with the following.

- the signature of either-
 - Two directors of the company
 - A director and a company secretary of the company or
 - If a proprietary company that has a sole director who is also the sole company secretary, that director

OR

- The company seal (if the company has a common seal) witnessed by-
 - Two directors of the company
 - A director and a company secretary of the company or
 - For a propriety company that has a sole director who is also the sole company secretary, that director.

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Doulina White

From: Nathan Harmsworth [REDACTED]
Sent: Monday, 11 September 2023 1:38 PM
To: Admin
Subject: FW: B3688P - Robson Hursley Road, Torrington ("Minor Change") - Owners Consent Forms
Attachments: PAct Owners Consent Letter_Bernothe Properties Industrial_Unsigned.docx; PAct Owners Consent Letter_Wirra Trading_Unsigned.docx; CT Lot 12 on SP130910.pdf

Hi D,
Can you please help get these signed.

Thanks
Nathan



Nathan Harmsworth
Director, Senior Project Manager
T 07 4638 4672 M 0437 384 658
PO Box 4797 Toowoomba East Qld 4350
[REDACTED] www.HN



From: Allie Peacoulakis [REDACTED]
Sent: Monday, September 11, 2023 11:31 AM
To: Mitchell Bernoth [REDACTED]
Cc: Nathan Harmsworth <[REDACTED]>
Subject: B3688P - Robson Hursley Road, Torrington ("Minor Change") - Owners Consent Forms

Hi Mitchell,

Please find attached the Owners Consent Forms for Lot 12 Robson Hursley Road, Torrington, if you could please organise signing by the relevant owners and return a pdf copy of the signed documents via email at your earliest convenience. This is required for the Minor Change application.

The Current Title Search for the above has been attached for your records.

Any queries, feel free to call.

Kind Regards,

ALLIE PEACOUKAKIS
SENIOR URBAN PLANNER
JFP URBAN CONSULTANTS
P 07 3012 0100