

19 May 2026

Chief Executive Officer  
Toowoomba Regional Council  
PO Box 3021  
TOOWOOMBA QLD 4350  
Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

**RECEIVED**  
25/05/2026  
**TOOWOOMBA  
REGIONAL COUNCIL**

Dear Sir/Madam,

**Re: Request to Change Approval (Minor Change) for approved Material Change of Use for 'Hospice' use at 57B O'Quinn Street, Harristown QLD 4350 (Lot 104 on SP138138) – C12/99.**

On behalf of the applicant, Toowoomba Hospice Association Incorporated, and in accordance with *Section 78* of the *Planning Act 2016*, we hereby submit a Change Application (Minor Change) for the approved Material Change of Use for 'Hospice' use at 57B O'Quinn Street, Harristown – described as Lot 104 on SP138138.

### Approved Use

The change request applies to the Development Permit for an approved Material Change of Use for 'Hospice' use decided by Council on 13 April 1999 (C12/99 – attached). With subsequent change issued by Council on 13 July 2000 (B46/2571), to delete Conditions 8, 10 and 16 – also attached.

The application was Code Assessable and did not require referral to the State (or others) under the *Planning Regulation 2017*.

The approved use is generally as described in the Decision Notice for the approval (C12/99) as reproduced (in part for Decision Notice) below:

<b>PROPOSAL:</b>	Six bedroom hospice and ancillary uses including offices, training room and staff amenities
<b>TYPE OF DEVELOPMENT:</b>	Material Change of Use

As per the conditions of the Decision Notice (C12/99) issued by Council, the approved use is generally described as follows:

'Hospice' use:

- Six (6) bedroom hospice and ancillary uses including offices, training room and staff amenities;
- 724m<sup>2</sup> Gross Floor Area (GFA);
- 833.6m<sup>2</sup> total FA (93.3m<sup>2</sup> FA + 724m<sup>2</sup> GFA); and
- Minimum Four (4) Car Parking Spaces.

### SERVICING:

Toowoomba Region & South East QLD: • Brisbane • Gold Coast • Ipswich • Gatton • Laidley • Logan • Moreton Bay Region • Redland • Scenic Rim Region  
• Somerset Region • Southern Downs: • Warwick • Stanthorpe • Western QLD: • Chinchilla • Dalby • Miles • Goondiwindi • Maranoa  
Wide Bay/Burnett to Sunshine Coast: • Bundaberg • Maryborough • Hervey Bay • Cooloola • Gympie • Rainbow Beach • Tin Can Bay • Noosa • Sunshine Coast  
North QLD: • Mackay • Townsville • Cairns • Central QLD: • Gladstone • Rockhampton

As per the proposed 'change', the approved use will be generally described as follows:

Extension to 'Hospice' use:

- Six (6) bedroom hospice and ancillary uses including offices, training room and staff amenities;
- 789.2m<sup>2</sup> GFA (48.9m<sup>2</sup> new GFA);
- 830.4m<sup>2</sup> Total FA (41.2m<sup>2</sup> new FA);
- 13 Car Parking Spaces; and
- Four (4) Staff Parking Spaces.

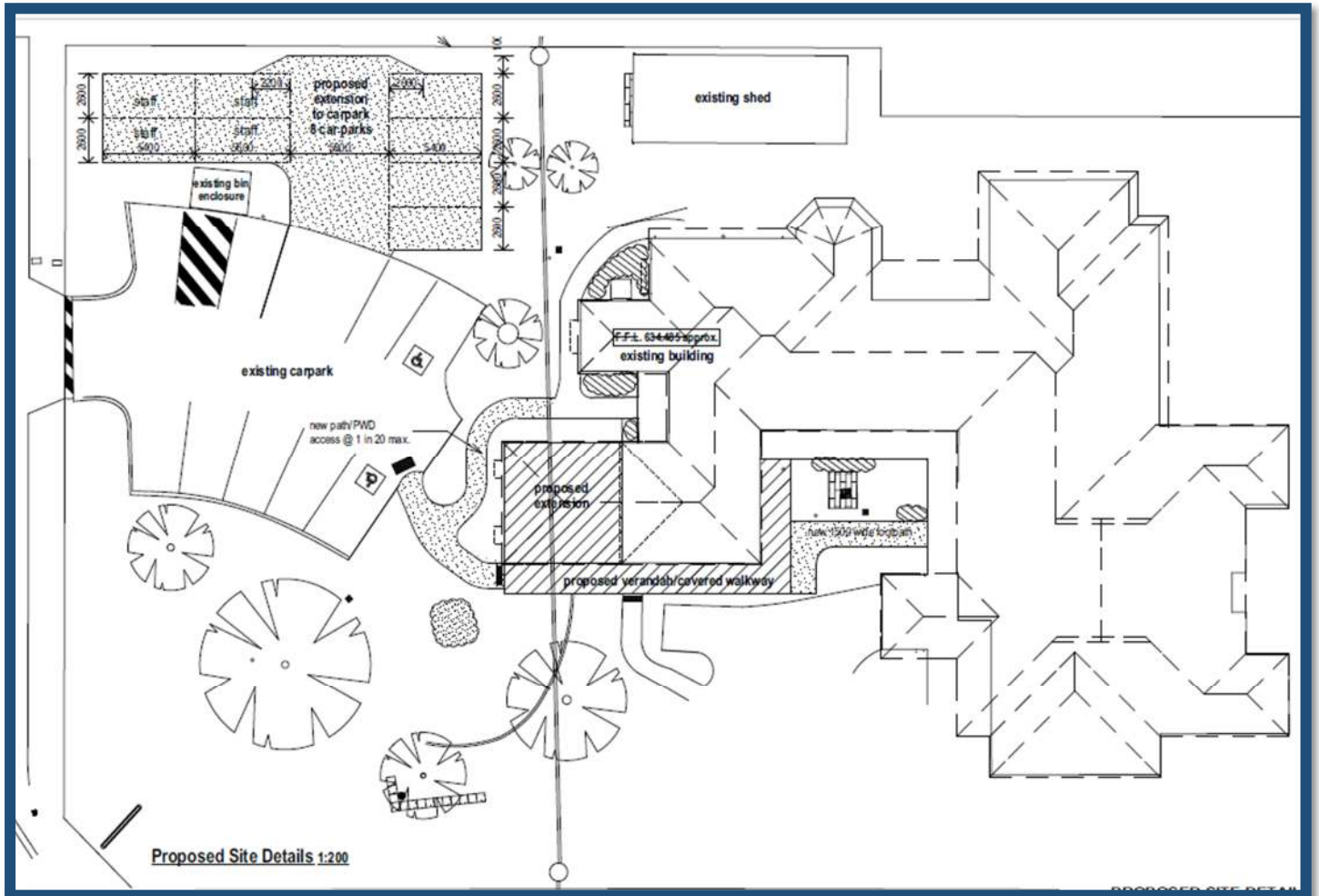


Figure 1: Site Plan - Proposed Extensions

Source: Eco Blueprints

## Proposed Change to Approval

### Description of Proposed Change (Minor Change)

The proposed change will result in 'minor changes' to the approved development's conditions of approval as it seeks to amend the conditions of approval in the original Decision Notice relating to the approved 'Gross Floor Area of Buildings' and 'Approved Plans'; and will not amend or alter the approved use in any other way, with no other changes proposed to the approved development and no other conditions of approval proposed or required to be amended/changed/deleted. The applicant seeks the following changes to the conditions of the approval:

1) **Amend Condition 25** - as per below, to accurately reflect the proposed changes to the development.

25. Gross Floor Area of Buildings: **789.2m<sup>2</sup>** ~~724m<sup>2</sup>~~.

2) **Amend Condition 26** - as per below, to accurately reflect the proposed changes to the approved plans.

26. The development should be carried out generally in accordance with the plans prepared by **Eco Blueprints Drawing No's 1-7 dated March 2025** ~~Downs Blueprints Drawing No's. 98/029 Sheets 1 & 2 dated November 1998~~ subject to any changes required to comply with the foregoing conditions.

### **Supporting Representations for the proposed Change as follows:**

The proposed changes to the conditions are considered to be justified on the following basis:

- 1) The proposed change does not result in an increase in the scale and intensity of the approved use, with no additional beds or patients resulting from the proposed extensions. The proposed changes to the existing 'Hospice' use merely propose minor additional ancillary use areas including a new committee room and verandah walkway, as well as additional car parking spaces.
- 2) The approved use was comprised of 724m<sup>2</sup> of GFA and the proposed change only increases the GFA to 789.2m<sup>2</sup> for the proposed committee room, noting that the verandah walkway and car parking spaces do not constitute GFA as per the Planning Scheme's definition of GFA – which in its wording excludes 'open structures' and areas used for 'parking, loading and manoeuvring of vehicles'.

The proposed 'minor changes' only involve extensions to the approved 'ancillary uses' and car parking areas, noting that the lot layout and design will be generally the same, density/lot yield will remain unchanged and the proposed change will improve overall outcomes by improving function, accessibility, weather protection and parking availability on site. The proposed changes will not impact upon the approved development's 'compliance' with relevant assessment criteria, and the development will maintain compliance with the existing conditions of approval of the approved development. Furthermore, the proposed change retains other design elements and infrastructure connections and impacts in accordance with that of the existing approval.

The proposed change will not result in changes in the lots included within the approval or the defined use; and will not impact upon the approved use and its ability to operate as proposed/approved.

The proposed change will not adversely impact upon or result in a conflict with existing development approval requirements or Planning Scheme requirements as relates to the following matters:

- **Car Parking & Access** – the proposed change will provide an additional Six (6) on-site car parking spaces on site (Two (2) removed, Eight (8) added), with Four (4) of the spaces being allocated as staff parking. Overall, the 'Hospice' use will provide sufficient car parking spaces in surplus of Planning Scheme Requirements. The extension to the car parking area will not compromise existing access arrangements for the approved use.
- **Built Form and Design** – the proposed change will involve minor alterations to the approved built form, in the form of extensions along the south-eastern side of the existing 'Hospice' building. The proposed changes are consistent with the approved building design and materials, do not alter the building height, maintain large and compliant front, side and rear setbacks distances, and only involve a minor increase to the approved GFA, as discussed above. Overall, the proposed extensions do not materially alter the overall built form, site layout or design of the approved use.
- **Infrastructure** – the proposed change will not result in additional or adverse impacts upon infrastructure. Noting that the proposed changes will not result in notable changes to impervious/roofed areas, will not alter proposed areas of cut and fill and retaining wall heights and locations, will not impact upon the scale and intensity of the approved use and will not increase or alter potential infrastructure impacts. The proposed changes will not result in adverse impacts upon the traffic infrastructure network and/or the safety of the users of, or the operation of, the external road network. The proposed extensions will be located over part of the existing sewer line traversing the site, however, this is only a very small section and the sewer infrastructure will be protected by appropriate engineering design.
- **Environmental Impacts** – the proposed change will not result in notable changes to the approved development's layout and design and/or lot yield/density; and therefore the proposed change will not result in changes to the approved development's potential environmental impacts to that of the existing development. Noting also that other existing conditions of approval relating to potential environmental impacts are not proposed to be altered/amended and the proposed change, as per the approved development, will not result in the potential for additional or adverse environmental impacts.
- **Landscaping** – the proposed changes will not overall reduce or adversely impact upon the existing or approved landscaped areas.
- **Use and use areas** – the proposed change will ensure that the proposed use can operate effectively and efficiently generally as originally approved/intended. The proposed change will not alter or increase the scale or intensity of the proposed/approved use.

### **Conditions Proposed/Required to be Amended**

The proposed change to the approved development will require changes to the conditions of approval as discussed in detail above.

The proposed change will not require the amendment of any other conditions of approval and should not require the addition of any new conditions of approval.

The proposed changes will maintain compliance with all other existing conditions of approval.

### **Implications for Infrastructure Charges Notice**

There was no Infrastructure Charges Notice originally issued for the approved development, and instead the original approval applied Headworks (Infrastructure) Charges within the Conditions of Approval (Condition 16) of approval C12/99. It is noted that an increase in total GFA and sealed areas will result from the proposed extensions to the 'Hospice' building, which 'trigger' additional Infrastructure Charges 'demand' - from the approved 724m<sup>2</sup> GFA to the proposed 789.2m<sup>2</sup> GFA. Noting that the applicant is entitled to discounted Infrastructure Charges as a Not-For-Profit Organisation and the Council previously agreed to delete Condition 16 (via Change – B46/2571), removing the requirement for the payment of Headworks (Infrastructure) Charges.

### **Planning Act 2016**

Subdivision 2 of Part 5, Division 2 of the *Planning Act 2016* allows for the changing of a development approval after the completion of all appeal periods. The subject Change Application is assessed against the relevant sections of the *Planning Act 2016* below.

#### **Section 78 - Making change application**

- (1) A person may make an application (a change application) to change a development approval.**

**Note—**

*For the making of a change application for a development approval that was a PDA development approval, see also the Economic Development Act 2012, sections 51AM, 51AN and 51AO.*

- (2) A change application must be made to the responsible entity for the application.**

**Response:** Complies – application made to Toowoomba Regional Council.

#### **Section 78A - Responsible entity for change applications**

- (1) The responsible entity for a change application is—**

**(a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or**

**(b) otherwise—the assessment manager.**

**Note—**

*For the responsible entity for a change application for a development approval that was a PDA development approval, see also the Economic Development Act 2012, section 51AN.*

**Response:** Complies – change application is made to the Assessment Manager – Toowoomba Regional Council.

- (2) However, the P&E Court is the responsible entity for the change application instead of the person under subsection (1) if—**

**(a) the change application is for a minor change to a development approval; and**

**(b) the development approval was given or changed by the P&E Court; and**

**(c) a properly made submission was made about—**

**(i) the development application for the development approval; or**

**(ii) another change application for the development approval.**

**Response:** Not applicable.

- (3) Also, the Minister is the responsible entity for the change application instead of the person under subsection (1) if—**

**(a) the change application is for a change to—**

**(i) a condition of a development approval that the Minister directed be imposed or amended under section 95; or**

- (ii) *a condition of a development approval that the Minister directed be imposed under the old Act, section 419 or the repealed Integrated Planning Act 1997, section 3.6.1; or*
  - (iii) *a development approval given or changed by the Minister for an application that was called in under a call in provision; and*
- (b) *the P&E Court is not the responsible entity for the change application.*

**Response:** Not applicable.

- (4) *If the P&E Court is the responsible entity for the change application, the court—*
- (a) *must assess and decide the change application under this subdivision; but*
  - (b) *is not otherwise bound by the requirements of this subdivision for administering the change application.*

**Response:** Not applicable.

- (5) *If the change application is made to the Minister as the responsible entity under subsection (3) and the Minister is satisfied the change does not affect a State interest, the Minister may refer the change application to the assessment manager.*

**Response:** Not applicable.

- (6) *If the Minister refers the change application to the assessment manager, the assessment manager is the responsible entity for the application instead of the Minister.*

**Response:** Not applicable.

#### **Section 79 - Requirements for change applications**

- (1) *A change application must be—*
- (a) *made in the approved form; and*
  - (b) *accompanied by—*
    - (i) *the required fee; and*
    - (ii) *for an application for a minor change—a copy of any pre-request response notice for the application.*

**Response:** Complies – this change application is accompanied by the completed approved form and the required fee (noting the applicant is entitled to a 100% discount as a Not-For-Profit Organisation). A pre-request response notice was not made to the Assessment Manager.

- (1A) *Also, a change application must be accompanied by the written consent of the owner of the premises the subject of the application to the extent—*
- (a) *the applicant is not the owner; and*
  - (b) *the application is in relation to—*
    - (i) *a material change of use of premises or reconfiguring a lot; or*
    - (ii) *works on premises that are below high-water mark and outside a canal; and*
  - (c) *the premises are not excluded premises.*

**Response:** Complies – this change application is accompanied by the written consent of the owner of the premises, being Toowoomba Regional Council.

- (2) *The responsible entity—*
- (a) *must accept an application that the responsible entity is satisfied complies with subsections (1) and (1A); and*
  - (b) *must not accept an application unless the responsible entity is satisfied the application complies with subsection (1A); and*
  - (c) *may accept an application that does not comply with subsection (1)(a) or (b)(ii); and*

- (d) may accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).

**Response:** Complies – this change application complies with Sections (1) and (1A).

#### **Section 80 - Notifying affected entities of minor change application**

- (1) ***A person who proposes to make a change application for a minor change to a development approval must give notice of the proposal, and the details of the change, to the following entities (each an affected entity)—***
- (a) ***if the assessment manager would be the responsible entity for the change application if it were made—a referral agency for the development approval other than the chief executive;***
  - (b) ***if a referral agency would be the responsible entity for the change application if it were made—***
    - (i) ***the assessment manager; and***
    - (ii) ***another referral agency for the development approval other than the chief executive;***
  - (c) ***if the P&E Court would be the responsible entity for the change application if it were made—***
    - (i) ***the assessment manager; and***
    - (ii) ***a referral agency for the development approval;***
  - (d) ***if the Minister would be the responsible entity for the change application if it were made—***
    - (i) ***the assessment manager; and***
    - (ii) ***a referral agency for the development approval other than the chief executive;***
  - (e) ***another person prescribed by regulation.***

**Response:** Not Applicable – the application did not require referral.

- (2) ***An affected entity for the change application may give the person a notice (a pre-request response notice) that states—***
- (a) ***whether the affected entity objects to the change; and***
  - (b) ***the reasons for any objection.***

**Response:** Not applicable - the application did not require referral.

- (3) ***If the applicant for a change application for a minor change has not received a pre-request response notice from an affected entity for the application, the applicant must give a copy of the application to the affected entity as soon as practicable after the applicant gives the application to the responsible entity.***

**Response:** Not applicable - the application did not require referral.

- (4) ***An affected entity must, within 15 business days after receiving a copy of a change application for a minor change, give the responsible entity and the applicant a notice (a response notice) that states—***
- (a) ***the affected entity has no objection to the change; or***
  - (b) ***the affected entity objects to the change and the reasons for the objection.***

**Response:** Not applicable - the application did not require referral.

- (5) ***If the affected entity does not do so, the responsible entity must decide the application as if the affected entity had given a response notice stating the affected entity had no objection to the change.***

**Response:** Not applicable - the application did not require referral.

#### **Section 81 - Assessing and deciding application for minor changes**

- (1) ***This section applies to a change application for a minor change to a development approval.***

- (2) *In assessing the change application, the responsible entity must consider—*
- (a) *the information the applicant included with the application; and*
  - (b) *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
  - (c) *any pre-request response notice or response notice given in relation to the change application; and*
  - (d) *if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
  - (da) *if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
  - (e) *another matter that the responsible entity considers relevant.*
- (3) *Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—*
- (a) *a statutory instrument; or*
  - (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
- (4) *The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.*
- (5) *However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—*
- (a) *the statutory instrument or other document as in effect when the change application was made; or*
  - (b) *if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or*
  - (c) *another statutory instrument—*
    - (i) *that comes into effect after the change application is made but before it is decided; and*
    - (ii) *that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made*

**Response:** Noted. The proposed changes remain generally consistent with original assessment requirements and compliant with the original conditions of approval.

#### **81A - Deciding change applications for minor changes**

- (1) *This section applies in relation to a change application for a minor change to a development approval.*
- (2) *After assessing the change application under section 81, the responsible entity must decide to—*
  - (a) *make the change, with or without imposing or amending development conditions in relation to the change; or*
  - (b) *refuse to make the change.*
- (3) *If there is no affected entity for the change application, the responsible entity must decide the application within 20 business days after receiving the application.*
- (4) *If there is an affected entity for the change application, the responsible entity—*
  - (a) *must not decide the application until—*
    - (i) *the responsible entity receives a pre-request response notice, or response notice, from the affected entity; or*
    - (ii) *the end of 20 business days after receiving the application; but*
  - (b) *must decide the application within 25 business days after receiving the application.*

- (5) However, the applicant and the responsible entity may, within the period stated in subsection (3) or (4)(b), agree to extend the period for deciding the change application.

**Response:** Noted.

## Schedule 2 – Definition of Minor Change

*minor change means a change that —*

(b) *for a development approval —*

- (i) *would not result in substantially different development; and*
- (ii) *if a development application for the development, including the change, were made when the change is made would not cause—*
  - (A) *the inclusion of prohibited development in the application; or*
  - (B) *referral to a referral agency if there were no referral agencies for the development application; or*
  - (C) *referral to extra referral agencies; or*
  - (D) *a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or*
  - (E) *public notification if public notification was not required for the development application.*

*Note—*

*For when a change to a development approval that was a PDA development approval is a minor change, see also the Economic Development Act 2012, section 51AM.*

**Response:** Complies as the proposed change will not result in a substantially different development – see assessment of a ‘Substantially Different Development’ below under “Development Assessment Rules”; and complies further as required above.

## Development Assessment Rules

### Schedule 1: Substantially different development

1. An assessment manager or responsible entity may determine that the change is a minor change<sup>27</sup> to a development application or development approval, where – amongst other criteria – a minor change is a change that would not result in ‘substantially different’ development.
2. An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—
  - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;
  - (b) made to a development application in accordance with part 6;
  - (c) made to a development approval after the appeal period.<sup>28</sup>
3. In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.
4. A change may be considered to result in a substantially different development if any of the following apply to the proposed change:
  - (a) involves a new use; or

**Response:** Complies – does not propose or involve a new use.

(b) results in the application applying to a new parcel of land; or

**Response:** Complies – does not involve the inclusion of a new parcel of land to that of the original approval.

(c) dramatically changes the built form in terms of scale, bulk and appearance; or

**Response:** Complies – the proposed change will not dramatically alter the built form of the approved use in terms of scale, bulk and appearance.

**(d) changes the ability of the proposed development to operate as intended; or**

**Response:** Complies – the proposed change will not change or alter proposed/approved functions or use areas; and thus the change will ensure that the proposed use can compliantly operate as intended and originally defined/proposed/approved.

**(e) removes a component that is integral to the operation of the development; or**

**Response:** Complies – does not remove a component that is integral to the operation of the development as discussed herein/above.

**(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or**

**Response:** Complies – the proposed change will not result in any changes to the approved use's operations, scale or intensity. Therefore, the proposed change to the approved use will not result in additional traffic generation or impacts.

**(g) introduces new impacts or increase the severity of known impacts; or**

**Response:** Complies – the proposed change will not introduce any new potential impacts or impact upon the approved uses' ability to address/mitigate potential impacts as 'required' by the existing approval.

**(h) removes an incentive or offset component that would have balanced a negative impact of the development; or**

**Response:** Complies – the change will not result in the removal of an incentive or offset component that would have balanced a negative impact of the development.

**(i) impacts on infrastructure provisions.**

**Response:** Complies – the proposed change will not result in a change to, or additional impacts on infrastructure items; and all required infrastructure will be provided as per the original approval.

## **Conclusion**

The proposed Change (Minor Change) to the approved Material Change of Use for 'Hospice' use at 57B O'Quinn Street, Harristown (Lot 104 on SP138138) involves a 'minor change' and is consistent with the requirements of the *Planning Act 2016*, as demonstrated herein; and the approved development was determined to be generally consistent and compliant with the *Toowoomba Regional Planning Scheme 2012*.

The assessment of the proposed change herein has demonstrated that the proposed 'changed development' is generally consistent with the existing approval (including the conditions of approval) and is compliant with the requirements of the *Planning Act 2016* (including the related Development Assessment Rules) for a 'minor change'. Therefore, it is considered that approval of the subject change application is warranted by Council and said approval is respectfully requested.

If any additional information is required, or if you have any questions or queries, please don't hesitate to contact me on 0439 373 414 or by email at [andrew@alphaplanning.com.au](mailto:andrew@alphaplanning.com.au).

Yours faithfully



**Andrew Hill**  
**Managing Director**



Urban and Regional Planning and Development Consultants

### **Attachments:**

**Attachment A** – Decision Notice – Approved Material Change of Use for 'Hospice' Use – C12/99 (& Change – B46/2571)

**Attachment B** – Proposed Plans

**Attachment C** – Landowners Consent

**Attachment D** – DA Form 5 for Change Application (Minor Change)

# Attachment A

Decision Notice – C12/99  
(& Change – B46/2571)

# Attachment B

## Proposal Plans

# Attachment C

## Landowners Consent

# Attachment D

DA Form 5 for Change Application  
(Minor Change)