

# MINOR CHANGE APPLICATION

Development permit for Material  
Change of Use – Child Care Centre

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202 Russell Street and 49 Wallace  
Street, Newtown, QLD 4350

Lot 17 on SP357460

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June 2026

Site details	
Address	202 Russell Street and 49 Wallace Street, Newtown, QLD 4350
RPD	Lot 17 on SP357460
Local Authority	Toowoomba Regional Council
Local Authority Zoning	Low density residential zone (General precinct)
Application details	
Application type	<b>Change application – minor change</b> Request to change development approval under section 78 of the <i>Planning Act 2016</i>
Current Approval	<b>MCUI/204/4094/C</b> Development permit for Request to Change Approval for Material Change of Use for Childcare Centre - Approved on 7 March 2025.
Referral Agencies / Affected Entities	Not applicable
Applicant Details	<b>Newtown Properties (Qld) Pty Ltd</b> C/- HPC Planning Level 12, 126 Margaret Street, Brisbane QLD 4000 Contact: Hilary Barrett Phone: (07) 3217 5800 Email: <a href="mailto:hilary.b@hpcplanning.com.au">hilary.b@hpcplanning.com.au</a> Web: <a href="http://www.hpcplanning.com.au">www.hpcplanning.com.au</a>

## 1 Introduction

We act on behalf of the applicant, Newtown Properties (Qld) Pty Ltd, in lodging this change application under section 78 of the *Planning Act 2016*. The applicant is seeking changes to the current approval with reference MCUI/204/4094/C, that was granted 7 March 2025. The proposed changes seek are in relation to the current stamped approved plans. The amendments include removing a shed which adjoins the south of Building A, rearranging the carpark resulting in additional parking spaces, relocating the bin storage enclosure and removing pavement areas to increasing outdoor play areas.

As demonstrated in section 5 of this report the applicable requirements of the *Planning Act 2016* (the Act) and *Development Assessment Rules* have been satisfied and the assessment of this change application should proceed under section 81 and 81A of the Act.

The following supporting documentation is provided with this application:

- **Appendix A:** Revised Architectural Plans by *Templo*
- **Appendix B:** Swept Paths by *SITE Traffic*
- **Appendix C:** Title Search
- **Appendix D:** Owner's Consent
- **Appendix E:** Planning Act Form 5

## 2 Development Approval History

On 28 April 2015 Toowoomba Regional Council (Council) issued an amended Development Permit for a combined Material Change of Use and Boundary Realignment (Council reference MCUI/2014/4094 and RAL/2014/4095). The Material Change of Use component established a Child Care Centre use within the existing building fronting Russell Street. The Boundary Realignment saw 8 lots amalgamated into one lot for the Child Care Centre (Lot 15) and a second lot (Lot 16) for the existing Dwelling House on Wallace Street.

On 29 August 2024, Council issued a Negotiated Decision Notice for an Other Change to the above 2015 approval, which was for the conversion of the house on previous Lot 16 to a new kindy room catering for 30 places and extension of the carpark to include an additional seven spaces. This approval has reference of MCUI/2014/4094/B.

On 7 March 2025, a Minor Change with reference MCUI/2014/4094/C was approved with the approved change being to reconfigure the floor plan of Building A and consequently increase the capacity of the Kindy 1 room by one place. This is the current development permit in effect for the premises, to which further minor changes are sought as discussed below.

## 3 Proposed Modifications

This minor change application seeks to amend the plans of the approved development to reflect the following modifications. The primary purpose of the changes is to improve the outdoor play environment for children and improve supervision by removal of sightline obstacles.

### External area changes:

- Amendment to the car park layout, including removal of landscape area next the intersection of the aisles (note a large feature tree remains in this general location), removal of loading and turnaround areas at the northern end of the carpark, and relocation of the refuse storage and collection area to the southern end of the carpark. The attached swept path diagrams prepared by SITE Traffic demonstrate that these changes maintain effective car park and waste servicing operations.
- The above changes will enable an additional two (2) carparking spaces to be provided, increasing supply from 29 to 31 spaces.
- Removal of the shed which adjoins Building A to the south. This is to be replaced by a smaller outdoor store area that maintains the same function and does not reduce the 2 metre landscape area to the eastern boundary.
- Removal of the small storage shed on the western side of the carpark. This, together with the removal of the manoeuvring area between the gate house and PWD space as shown on the currently approved Site Plan, are required to straighten the eastern edge of the combined outdoor play area for the Kindy and OSCH.

### Building A changes:

- The kitchen and store room configuration adjacent to Kind 1 room have been revised.
- A new window has been included to the northern wall of Toddler 3 room.
- Removal of the external shed has enabled the inclusion of a new deck and door from the southern wall of Bath 4.

The above changes are designed to improve supervision and amenity outcomes for staff and children, will generate no adverse impacts and do not increase GFA.

### Building B changes:

- The external ramp access to the outdoor play space has been extended for compliance with grade requirements.

- An open roof structure has been included over the deck, for weather protection purposes. The roof is of a lower height than the existing house roof and is a lightweight open structure which will not generate any adverse built form impacts.

Overall, the proposed changes are purposed to appropriately respond to the operational requirements of the approved Child Care Facility. The proposed minor changes have been reflected in the amended Architectural Plans excerpted in Table 1 below.

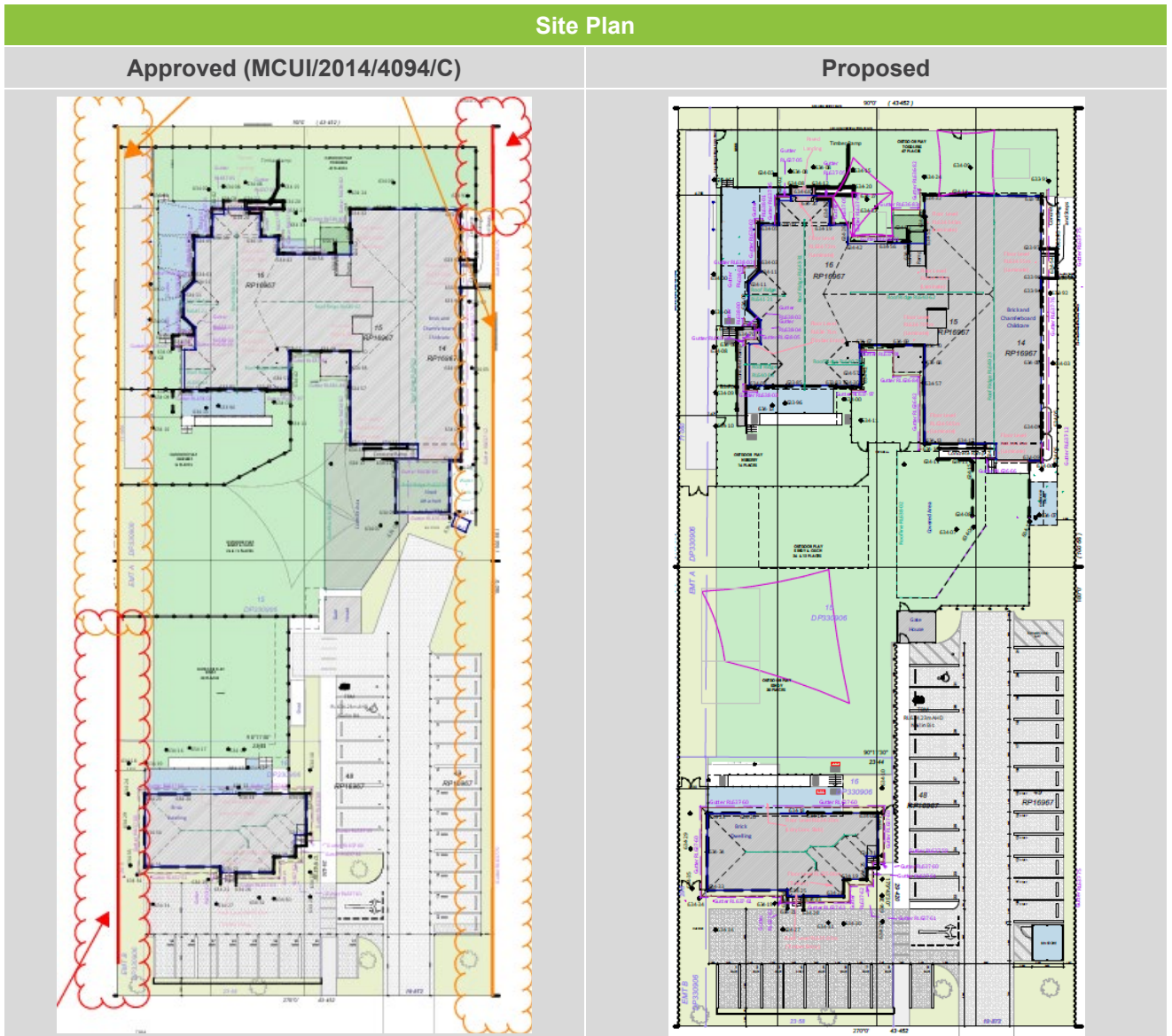


Table 1: Proposed Minor Changes to the Site Plan

## 4 Changes to Approval Package

This section outlines the changes required to the current development approval package to reflect the proposed changes described above.

### 4.1 Approved Documents

The proposed changes relate to Condition 7 of the existing approval which is required to reflect the amended plans are set out in Table 2 below.

Drawing or Document	Number	Plan Date	Action
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Proposed Site Plan – Building A	<del>Sheet 10, Revision K</del> <b>Sheet 12, Revision Z</b>	<del>22 January 2024</del> <b>19 May 2026</b>	Replace as indicated
Proposed Site Plan – Building B	<del>Sheet 11, Revision K</del> <b>Sheet 13, Revision Z</b>	<del>22 January 2024</del> <b>19 May 2026</b>	Replace as indicated
Proposed Floor Plan – Building A	<del>Sheet 14, Revision L</del> <b>Sheet 14, Revision Z</b>	<del>30 January 2025</del> <b>19 May 2026</b>	Replace as indicated
Proposed Floor Plan – Building B	<del>Sheet 13, Revision K</del> <b>Sheet 15, Revision Z</b>	<del>22 January 2025</del> <b>19 May 2026</b>	Replace as indicated
Proposed Elevations – Building A	<del>Sheet 14, Revision K</del> <b>Sheet 17, Revision Z</b>	<del>22 January 2024</del> <b>19 May 2026</b>	Replace as indicated
Proposed Elevations – Building A	<del>Sheet 15, Revision K</del> <b>Sheet 18, Revision Z</b>	<del>22 January 2024</del> <b>19 May 2026</b>	Replace as indicated
Proposed Elevations – Building B	<del>Sheet 16, Revision K</del> <b>Sheet 18, Revision Z</b>	<del>22 January 2024</del> <b>19 May 2026</b>	Replace as indicated

**Table 2: Proposed changes to approved table of drawings and documents (Condition 7)**

## 4.2 Conditions of Development

HPC have reviewed the conditions of development for **MCUI/2014/4094/C** and recommend changes to Condition 7 and Condition 71 only to reflect the amendments to the approved Architectural Plans, as described in Table 2 above.

### Condition 7:

We formally request that Condition 7 is amended to reflect Table 2 above.

### Condition 71:

Condition 71 currently reflects the previous amount of car parking spaces shown on the site plan. Therefore we proposed Condition 71 to be amended to reflect the following changes

#### **Proposed Changes to Condition 71:**

71. The premises must be provided with a minimum of ~~twenty-nine (29)~~ **thirty-one (31)** on-site car parking spaces including one space for people with disabilities, together with standing and maneuvering for a refuse collection vehicle. Car parking and maneuvering areas must be:
  - 71.1 Constructed generally as shown on the Approved Plans listed within this Development Approval;
  - 71.2 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions detailed in the Toowoomba Regional Planning Scheme and Australian Standard AS2890 - Parking Facilities;
  - 71.3 Designed and constructed in accordance with the requirements of AS2890;
  - 71.4 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities and AS 1428.1:2009 Design for access and mobility – General requirements for access - New building work;
  - 71.5 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site. Refuse collection (both entry and exit) must occur via Wallace Street only;
  - 71.6 Parking spaces ~~14-29~~ **1-15** as shown on the Approved Plans (as amended) listed within this Development Approval must be for staff only and provided with signage and pavement markings;
  - 71.7 Accessible and available to the general public and staff during approved hours of operation; and
  - 71.8 Car park entrances must be physically restricted outside of the business hours of the approved use using a lockable gate or similar device.

## 5 Minor Change Requirements

### 5.1 Planning Act 2016

The *Planning Act 2016* schedule 2 defines what constitutes a *Minor Change* to a development approval:

- (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 application is made would not cause—
    - (A) the inclusion of prohibited development in the application; or
    - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
    - (C) referral to extra referral agencies, other than to the chief executive; or
    - (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or
    - (E) public notification if public notification was not required for the development application.

The proposed changes constitute a **Minor Change** because:

- (i) The proposed changes do not result in a substantially different development (refer to section 5.2 below).
- (ii) If the application were remade:
  - (A) The application does not involve prohibited development;
  - (B) No referral agencies would be triggered;
  - (C) No referral agencies would be triggered;
  - (D) No referral agencies would be triggered;
  - (E) The proposal would remain Impact Assessable.

### 5.2 Development Assessment Rules – Substantially Different Development

Reference is made to Schedule 1 of the *Development Assessment Rules* (DA Rules) to assist in determining whether a change constitutes substantially different development. Table 3 below outlines changes that may be considered to result in substantially different development, per Schedule 1, clause 4 (a)-(j) of the DA Rules.

A change may result in a substantially different development if the proposed change	Assessment of proposed changes
<b>Involves a new use</b>	The proposed changes do not involve a new use. The development will continue to operate as a Child Care Centre.
<b>Results in the application applying to a new parcel of land</b>	The proposal does not result in the application applying to a new parcel of land.
<b>Dramatically changes the built form in terms of scale, bulk and appearance</b>	The proposed changes will reduce the built form in terms of scale, bulk and appearance as the shed is being removed and replaced with green outdoor areas. However, the proposed changes will visually inconsequential.
<b>Changes the ability of the proposal to operate as intended</b>	The proposed changes are designed to improve centre operation by enabling increased supervision.
<b>Removes a component that is integral to the operation of the development</b>	No integral components will be removed as a result of the proposed changes.
<b>Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site</b>	The proposed changes do will not generate additional traffic to the site. The relocation of bin storage will not impact it's serviceability, as demonstrated in the attached swept path diagrams.

A change may result in a substantially different development if the proposed change	Assessment of proposed changes
Introduces new impacts or increases the severity of known impacts	The proposed changes will not introduce new impacts or increase the severity of known impacts.
For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – Introduces new social impacts or increase the severity of known social impacts	Not applicable. The development does not require social impact assessment.
Removes an incentive or offset component that would have balanced a negative impact of the development	The proposed changes will not result in the removal of any incentive or offset component of the development.
Impacts on infrastructure provision	The proposed change does not prevent or inhibit the provision of infrastructure as per the development conditions.

**Table 3: Guideline for substantially different development when changing applications and approvals**

As demonstrated above, the proposed changes do not result in substantially different development and therefore can be assessed as a Minor Change under section 81 of the *Planning Act 2016*.

## 6 Affected Entities

The *Planning Act 2016* section 80 requires that affected entities are notified of a change application for a minor change. The original application did not trigger referral to any external agencies. Therefore, the proposed change application does not have any affected entities.

## 7 Conclusion

This change application proposes minor modifications to the approved development at 202 Russell Street and 49 Wallace Street, Newtown, QLD 4350. The changes include The amendments include removing a shed which adjoins the south of Building A, rearranging the carpark resulting in additional parking spaces, relocating the bin storage enclosure and removing pavement areas to increasing outdoor play areas.

This report has assessed the proposed changes with respect to the requirements of *Planning Act 2016* and *Development Assessment Rules 2017* and concludes that the changes are of a low-risk nature and satisfactorily address all relevant planning, traffic and amenity concerns. It is therefore requested that the assessment manager issue a new Decision Notice inclusive of the amended plans and conditions as detailed in this report.

If you have any questions, please do not hesitate to contact this office on 07 3217 5800.

Yours sincerely,

**HPC Planning**

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