

Date: 21 May 2026
Our Reference: J002656
Your Reference: MCUI/2019/3145/A

Toowoomba Regional Council
Development Services
PO Box 3021
TOOWOOMBA QLD 4350

Dear Sir / Madam,

| | |
|--------------------------------|---|
| Site Address: | 1F Alderley Street, Rangeville 4350 |
| Property Description: | Lot 62 on CC555 |
| Method of Distribution: | development@tr.qld.gov.au |
| Subject: | Change Application (Minor Change) Under Section 78 of the Planning Act 2016 |

We write on behalf of Dash House Pty Ltd A.C.N. 643 040 886 Trustee Under Instrument 720554857 ("the applicant"), regarding the abovementioned development approval. The development approval was granted by Toowoomba Regional Council, as assessment manager, on 08 August 2023, for the following aspect of development:

- Development Permit for a Material Change of Use for a Dwelling House.

A copy of the development approval has been enclosed at **Attachment 3**.

This change application is made to Toowoomba Regional Council as the responsible entity and requests a minor change to the development approval, pursuant to s.78 of the Planning Act 2016.

The change application is to be considered in conjunction with the following detailed attachments:

- **Attachment 1** - Application Documentation compiled by Property Projects Australia
- **Attachment 2** - Amended Proposal Plans prepared by Ikai Design
- **Attachment 3** - Development Approval issued by Toowoomba Regional Council

Further detail regarding the development approval history and the amendments proposed via this change application is provided below.

1. SITE DETAILS

Table 1 summarises the relevant site details which apply to the site under the Toowoomba Regional Council Planning Scheme – Version 28 (“the current planning scheme”)

Table 1 – Site Details

| | |
|------------------------------|--|
| Site Address: | 1F Alderley Street, Rangeville 4350 |
| Property Description: | Lot 62 on CC555 |
| Site Area: | 19,805m ² |
| Zone: | Limited Development (Constrained Land) Zone |
| Precinct: | Not Applicable |
| Local Plan: | Not Applicable |
| Overlays: | <ul style="list-style-type: none">■ Airport Environs Overlay<ul style="list-style-type: none">○ 13km Wildlife Hazard Buffer Zone■ Environmental Significance Overlay<ul style="list-style-type: none">○ Areas of Ecological Significance Buffer○ Areas of Ecological Significance○ Biodiversity Corridors■ Bushfire Hazard Overlay<ul style="list-style-type: none">○ Bushfire Hazard – High Fire Risk○ Bushfire Hazard – Medium Fire Risk■ Landslide Hazard Overlay |
| Referral Agencies: | The referral requirements under the Planning Regulation 2017 have been reviewed and this change application does not trigger referral. |

2. BACKGROUND

Council Reference: MCU/2019/3145 – Approved 05 November 2019

The original development application triggered impact assessment and was submitted to Toowoomba Regional Council on 12 August 2019 seeking approval for the following aspect of development:

- Development Permit for a Material Change of Use for a Dwelling House.

Toowoomba Regional Council granted approval to the development application on 05 November 2019. The development approval has a currency period until 05 November 2025. However, pursuant to the extensions to currency periods granted by the Minister, the currency period is automatically extended by an additional two (2) years, resulting in a revised currency period until 05 November 2027.

Council Reference: MCUI/2019/3145/A – Approved 08 August 2023

A change application was submitted and properly made on 03 February 2023 with Toowoomba Regional Council, seeking to amend the previous development approval MCUI/2019/3145. The change included an amended, larger house design.

Toowoomba Regional Council granted development approval on 08 August 2023, and later issued a Generally in Accordance letter on 09 April 2025, seeking to amend the approved plans.

The works anticipated under the development approval have already commenced on site and, as such, the development approval is considered to have been substantially commenced.

A copy of the recent development approval is enclosed within **Attachment 3**.

3. PROPOSED CHANGES

The proposed changes, comprising the addition of a new 84m² single storey pavilion, is not anticipated to materially alter the previously approved development, being a dwelling house, as defined under the planning scheme. The pavilion is an extension to the approved land use and will not operate in isolation, for commercial purposes or as a secondary dwelling.

The proposed changes remain substantially consistent in nature and positioning with the previously approved development and does not increase the severity of bushfire or landslide risk affecting the development.

The new structure is proposed generally within the same approved building envelope and does not extend further east toward the identified bushfire hazard area. The proposed pavilion will be situated within a relatively cleared portion of the site capable of accommodating an appropriate asset protection zone. Importantly, the previous approval identified that the predominant fire run affecting the site approaches from the east. The proposed pavilion does not intensify exposure in this direction and is located within an already disturbed and managed portion of the site.

Further, the pavilion is positioned outside constrained hazard areas and remains capable of being managed through the same asset protection and construction measures contemplated under the existing approval conditions and technical recommendations (including those outlined in the approved Bushfire Management Report). Accordingly, the proposed amendment does not materially alter the bushfire risk profile of the approved development, and the findings of the approved Bushfire Management Report remain applicable.

Similarly, the previously approved Geotechnical Report demonstrated the suitability and feasibility of accommodating a dwelling house within the approved development area. The findings and recommendations of the approved Geotechnical Report remain relevant to the amended proposal including the location of the pavilion on the site, and the existing conditions of approval continue to provide an appropriate framework to ensure landslide hazards are appropriately managed.

The previously approved Ecological Assessment identified that the development footprint is located predominantly within a cleared and maintained portion of the site, outside the mapped extent of regulated vegetation. Although the proposed changes include an increase in gross floor area within the mapped area, the expanded footprint is located predominantly to the north within the cleared area and approved dwelling envelope, outside of true environmentally constrained areas. The proposed changes remain generally consistent

with the approved siting and development extent previously assessed and does not introduce any substantial encroachment into environmentally significant areas or regulated vegetation.

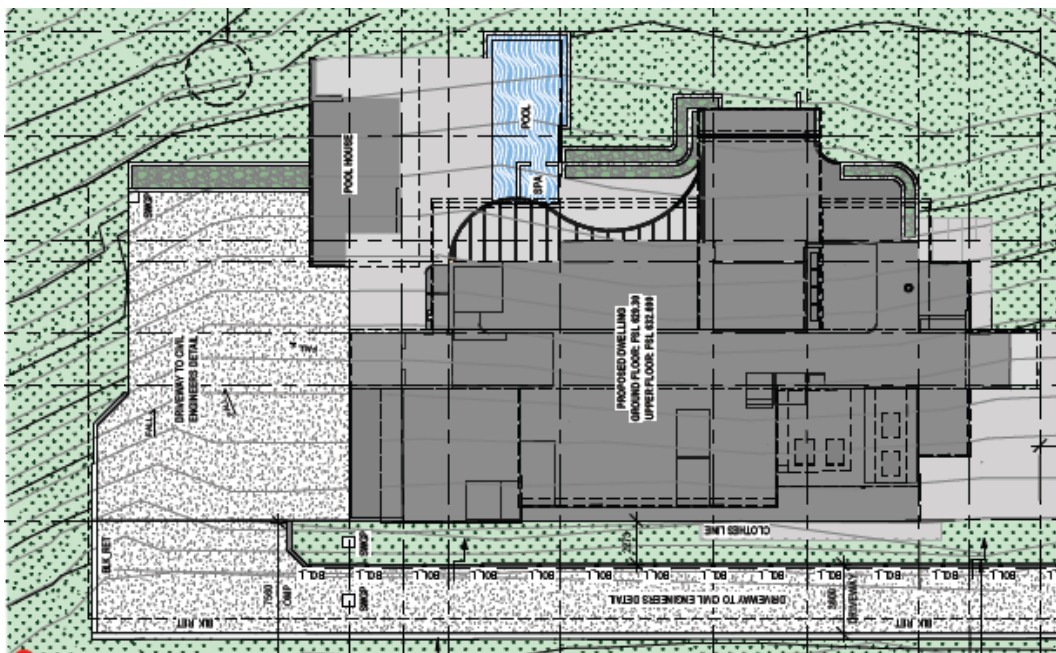
The approved Geotechnical Report identified the land to the east as containing steeper slopes and areas of fill with increased landslide sensitivity. The proposed pavilion does not extend into these constrained eastern portions of the site and is instead located within an area previously identified as suitable for development

As identified within the approved Geotechnical Report, the portion of the site where the proposed works are anticipated is categorised as Zone A. Provided that Zone B is appropriately managed and any slumping is controlled to prevent migration, the area is identified as having a Very Low likelihood hazard rating, corresponding to a Likelihood Descriptor of "Barely Credible". Accordingly, Zone A is considered to present a low level of landslide risk under the current site conditions. It is noted, however, that if slumping within Zone B is not appropriately managed, the likelihood hazard rating for this area may increase over time.

Accordingly, the proposal remains consistent with the outcomes sought under the Bushfire Hazard Overlay Code and the Landslide Hazard Overlay Code of the planning scheme, particularly where the proposed changes:

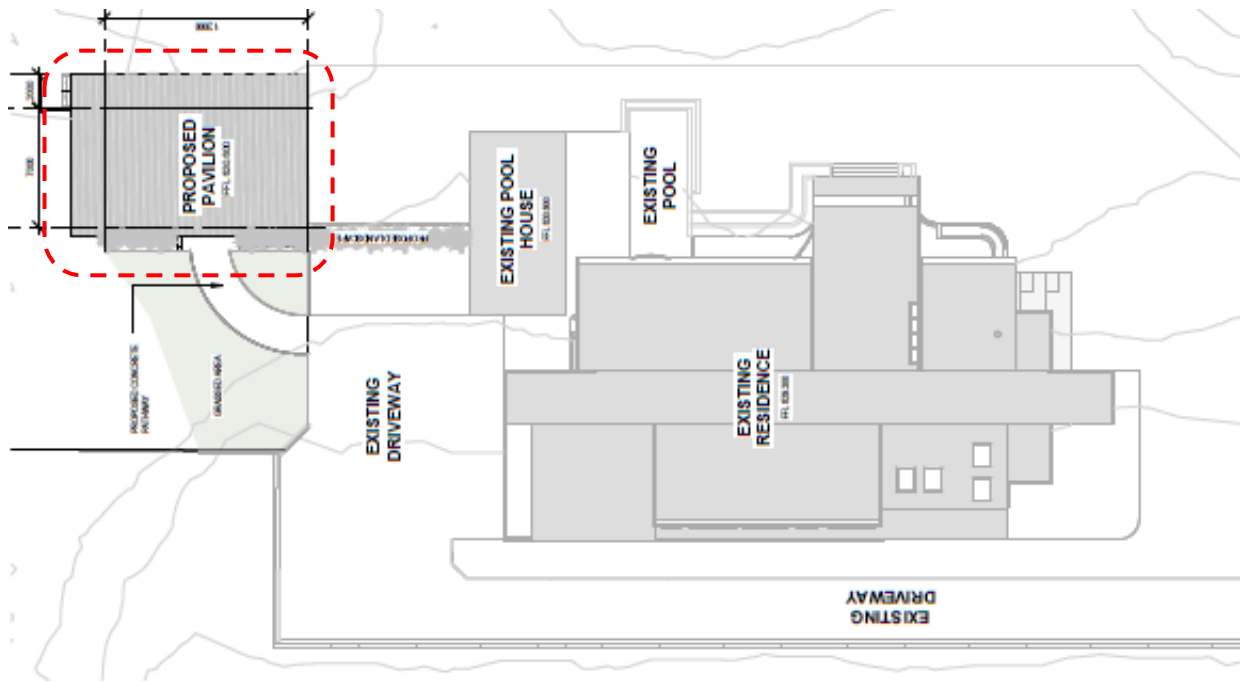
- avoid intensifying development within areas of elevated landslide and bushfire risk;
- maintains development within areas demonstrated as low bushfire risk and geotechnically suitable for construction;
- does not increase instability risks through inappropriate excavation, filling or loading; and
- is capable of complying with the recommendations of the endorsed Geotechnical Report, Bushfire Management Report and associated engineering measures.

In this regard, the proposed amendment is considered to satisfy the intent of the Bushfire Hazard Overlay Code and the Landslide Hazard Overlay Code by ensuring the development does not result in adverse impacts on bushfire risk, slope stability, risk to property or surrounding land, while remaining responsive to the physical constraints of the site.



Extract 1 – Approved – Site Plan (001 – Issue 4)

Source – VHD



Extract 2 – Amended – Site Plan (260019-001 – Issue A)

Source – Ikai Design

3.1. Changes to Approved Drawings and Documents

The proposed changes require amendments to the list of approved drawings and documents, as identified in **Table 2** below.

The approved drawings and documents to be removed have been struck out and the amended drawings and documents to be included are shown in bold. Where not listed in **Table 2** below, the drawings or documents will remain as documented in the development approval.

Table 2 – Approved Drawings and Documents

| Drawing or Document | Number | Plan Date |
|------------------------------|---------------------------------|-----------------------------|
| Site Plan | 1319.24047 – Issue 4 | 17 December 2024 |
| | 260019-001 – Issue A | 11 May 2026 |
| Ground Floor Plan | 1319.24047 – Issue 6 | 17 December 2024 |
| Upper Floor Plan | 1319.24047 – Issue 6 | 17 December 2024 |
| Building Elevations | 1319.24047 – Issue 6 | 17 December 2024 |
| New Plans | | |
| Floor Plan (Pavilion) | 260019-101 – Issue A | 11 May 2026 |
| Elevations (Pavilion) | 260019-401 – Issue A | 11 May 2026 |

4. LEGISLATIVE ASSESSMENT

4.1. Minor Change Criteria

The applicant seeks to amend the development approval to incorporate the proposed changes via a minor change, pursuant to s.78 of the Planning Act 2016.

Table 3 and **Table 4** demonstrate that the change application for a minor change complies with the relevant provisions of the Planning Act 2016, Planning Regulation 2017 and the Development Assessment Rules (Chapter 1) (Version 3.0).

Table 3 – Compliance with Definition for a Minor Change

| Relevant Provision | Assessment |
|---|--|
| The definition of a minor change to a development approval under Schedule 2, Planning Act 2016, is minor change means a change that . . . (b) for a development approval – | |
| (i) would not result in substantially different development; and | Complies An assessment of the substantially different development requirements under the Development Assessment Rules (Chapter 1) (Version 3.0) has been undertaken as part of this correspondence. Please refer to Table 4 below for further detail, which concludes that the amendments do not result in substantially different development. |
| (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 | Not Applicable The change application does not result in prohibited development as per the Planning Regulation 2017. |
| (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or | Not Applicable The development application that gave rise to the development approval did not require referral to any external agencies and the change application would not cause referral to any referral agency under the Planning Regulation 2017 (Schedule 9 and Schedule 10). |
| (C) referral to extra referral agencies, other than to the chief executive; or | Not Applicable The original development application and previous change application that gave rise to the development approval did not require referral to any external agencies and the change application would not cause referral to any referral agency under the Planning Regulation 2017 (Schedule 9 and Schedule 10). |

| | |
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| (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 | Not Applicable The original development application and previous change application that gave rise to the development approval did not require referral to any external agencies and the change application would not cause referral to any referral agency under the Planning Regulation 2017 (Schedule 9 and Schedule 10). |
| (E) public notification if public notification was not required for the development application | Not Applicable The original development application triggered impact assessment and underwent public notification, however. |

Table 4 – Compliance with Substantially Different Development Test

| Relevant Provision | Assessment |
|---|---|
| <p>In relation to part (b)(i) of the definition of minor change under the Planning Act 2016, the substantially different development requirements under the Development Assessment Rules (Chapter 1) (Version 3.0) provide instructive guidance as follows:-</p> <p>A change may be considered to result in a substantially different development if the proposed change:</p> | |
| a. involves a new use; or | <p>Complies</p> <p>The proposed changes at 1F Alderley Street, Rangeville 4350 (Lot 62 on CC555) do not involve a new use and maintain the approved land use, being a dwelling house, as defined under the planning scheme. The new building represents an ancillary building to the primary use of the premises for a dwelling house.</p> |
| b. results in the application applying to a new parcel of land; or | <p>Not Applicable</p> <p>The proposed changes do not introduce a new site where only involving 1F Alderley Street, Rangeville 4350 (Lot 62 on CC555).</p> |
| c. dramatically changes the built form in terms of scale, bulk and appearance; or | <p>Complies</p> <p>While the proposed changes involve a change in terms of scale, bulk or appearance through the additional of the new pavilion, the proposed change maintaining an overall building height that is generally consistent with the primary dwelling and maintains the operations and use, being a dwelling house, in accordance with the existing approval. Refer to the amended architectural plans provided at Attachment 3.</p> |
| d. changes the ability of the proposed development to operate as intended; or | <p>Not Applicable</p> |

| | |
|--|--|
| | The proposed changes do not change the ability of the dwelling house, as defined under the planning scheme, to operate as intended. |
| e. removes a component that is integral to the operation of the development; or | Not Applicable The change application does not remove a component of the proposed works which are integral to its operation as a dwelling house, as defined under the planning scheme. |
| f. significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or | Not Applicable The change application does not alter the premises or impact on traffic flow and / or the transport network. The development remains a site utilised for a single dwelling house. |
| g. introduces new impacts or increase the severity of known impacts; or | Not Applicable The change application does not introduce new impacts or increase severity of known impacts associated with the development where the existing use, being a dwelling house as defined under the planning scheme, is maintained. |
| h. for development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act: <ul style="list-style-type: none"> introduces new social impact or increase the severity of known social impacts; or | Not Applicable The change application does not introduce any new social impacts and there are no known social impacts. |
| i. removes an incentive or offset component that would have balanced a negative impact of the development; or | Not Applicable The change application does not remove an incentive or offset component. |
| j. impacts on infrastructure provisions. | Not Applicable The change application will not have a material impact on existing urban utilities or other infrastructure where the development, being a dwelling house as defined under the planning scheme, is maintained. |

4.2. Confirmation of Responsible Entity and Affected Entity

In accordance with s.78A(1)(b) of the Planning Act 2016, the responsible entity for this change application is Toowoomba Regional Council. There are no affected entities as part of this change application.

4.3. Matters to be considered by Responsible Entity

In accordance with s.81 of the Planning Act 2016, the responsible entity must consider a range of items in assessing this change application. Please refer to **Table 5** below which provides an assessment of the proposal's compliance with each of these considerations.

Table 5 – Assessment against s.81 of the Planning Act 2016

| Relevant Provision | Assessment |
|---|--|
| 2. In assessing the change application, the responsible entity must consider - | |
| a. The information the applicant included with the application; | <p>Noted</p> <p>The following detailed attachments are provided to assist in the assessment of the change application, in addition to the content of this letter:</p> <ul style="list-style-type: none"> ■ Attachment 1 – Application Documentation ■ Attachment 2 – Amended Proposal Plans ■ Attachment 3 – Development Approval |
| b. if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; | <p>Not Applicable</p> <p>The original development application triggered impact assessment and underwent public notification, however, no properly made submissions were made.</p> |
| c. Any pre-request response notice or response notice given in relation to the change application; and | <p>Not Applicable</p> <p>No pre request response notice or response notice has been issued.</p> |
| 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 | <p>Not Applicable</p> <p>Item (d) is not applicable to this change application.</p> |
| e. if the responsible entity is, under section 78A(4)(a), the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be an application for State facilitated development under section 106D; and | <p>Not Applicable</p> <p>Item (e) is not applicable to this change application.</p> |
| f. if paragraph (d) and (e) do 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 | <p>Noted</p> <p>Item (d) and (e) are not applicable to this change application. Refer to the response provided to Item 4 and Item 5 below.</p> |

| | |
|--|--|
| <p>g. another matter that the responsible entity considers relevant.</p> | <p>Noted</p> <p>The proposed changes maintain compliance with the assessment benchmarks and the planning scheme in accordance with the original application. There are no additional matters that are suggested for consideration by the assessment manager as part of this change application.</p> <p>There are no changes proposed that would conflict with the development outcome on the site.</p> |
| <p>3. Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider-</p> <ul style="list-style-type: none"> a. a statutory instrument; or b. another document applied, adopted or incorporated (with or without changes) in a statutory instrument. | |
| <p>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.</p> | <p>Noted</p> <p>The original development application (MCUI/2019/3145) was properly made under Version 20 of the Toowoomba Regional Council Planning Scheme 2018. No substantial changes have been introduced within the current planning scheme (Version 28), relating to the applicable assessment benchmarks, since the development approval was granted which would alter the assessment of this change application.</p> |
| <p>5. However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to -</p> <ul style="list-style-type: none"> 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- <ul style="list-style-type: none"> 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. | <p>Noted</p> <p>The statutory instrument in effect at the time this application is made is Toowoomba Regional Council Planning Scheme - Version 28. Whilst item 5 is a matter for Council to consider, it is submitted that assessment should be limited to the planning scheme.</p> |

4.4. Other Requirements for Change Applications

In accordance with s.79 of the Planning Act 2016, this change application for a minor change includes the applicable mandatory information, as follows:

- The application is accompanied by the approved form (DA Form 5) at **Attachment 1**;
- The written consent of the owner of the premises is provided at **Attachment 1**; and
- The applicable fee will be paid by the applicant upon receipt of a fee quote.

On this basis, we request that the responsible entity proceed to assess the minor change and issue and notice of the decision at the earliest opportunity.

5. SUMMARY

This change application is lodged with the responsible entity and identifies the amendments that are sought to the development approval. As demonstrated above, the amendments are a minor change to the development approval and, therefore, the responsible entity should proceed to make the requested changes and issue an amended development approval at the earliest opportunity.

Whilst we trust that this information is sufficient for your purposes, should you require any further information or clarification, please do not hesitate to call Blake Brindley or the undersigned on (07) 4632 0516

Yours faithfully,
Property Projects Australia



FRANCISCO LEMUS
Town Planner