

28 September 2026

The Assessment Manager  
Toowoomba Regional Council  
PO Box 3021  
**TOOWOOMBA QLD 4350**

Attention: The Manager  
By Email: [development@tr.qld.gov.au](mailto:development@tr.qld.gov.au)

Dear Sir/Madam

**CHANGE APPLICATION (MINOR CHANGE) – SECTION 78, PLANNING ACT 2016 – CHANGE APPLICATION (MINOR CHANGE) - MATERIAL CHANGE OF USE - AIR SERVICE (HANGAR) - 1511 TOOWOOMBA CECIL PLAINS ROAD, WELLCAMP – LOT 6 & LOT 800 SP296105 (FORMERLY LOT 12 SP190236)** (Council Ref: MCUI/2014/716/B; Our Ref: 2026-073)

I act on behalf of the applicant, Wagner Corporation Pty Ltd, in respect of the above matter.

We hereby lodge a Change Application pursuant to section 78 of the *Planning Act 2016* (the Act), that relates to Development Permit MCUI/2014/716/B for – Air Service (Hangar) on land at 1511 Toowoomba Cecil Plains Road Wellcamp, being that land described as Lot 6 & Lot 800 SP296105 (Formerly Lot 12 SP190236).

The applicant seeks to make a 'minor change' to Development Permit MCUI/2014/716/B pursuant to Schedule 2 of the Act. This application is made to Toowoomba Regional Council (**Council**) in their capacity as Assessment Manager.

The nature of the change sought, and the facts and circumstances relied upon in support of such change are detailed in sections 1.0 and 2.0 below.

## **1.0 DESCRIPTION OF PROPOSED CHANGE**

### **1.1 BACKGROUND**

The following background information is relevant to this application:

- On 11 September 2014, Toowoomba Regional Council issued a Decision Notice (Council Ref: MCUC/2014/716) approving a Development Permit for Material Change of Use- Air Services (Hangar Complex) over land at Airport Drive, Wellcamp being that land described as Lot 11 SP140293 and Lot 12 SP190236 (now Lot 6 SP296105).
- On 20 October 2014, a request for a Negotiated Adopted Infrastructure Charges Notice (Council Ref: MCUC/2014/716/A) issued in respect of the Development Permit for Material Change of Use – Air Service (Hangar Complex) was lodged with Toowoomba Regional Council.

- On 7 May 2015, the applicant lodged a Request to Change development conditions forming part of the existing Development Approval to achieve alignment with the intended operations of the facility and other design considerations.
- On 15 June 2015, Council issued a Changed Development Approval (Council Ref: MCUC/2014/716/B); refer to **Appendix A**. The associated approved plans are attached to **Appendix B**.
- On 28 September 2018, the applicant lodged a request to Extend the Relevant Period (Council Ref: MCUC/2014/716/C). On 30 October 2018 the request was approved extending the relevant period of the approval until 7 November 2022.
- The combined Covid Applicable Event extensions meant that the approval period was extended until on or about the 7 November 2024.
- On 20 October 2022, the applicant lodged a request to Extend the Relevant Period (Council Ref: MCUC/2014/716/D). On 13 December 2022 the request was approved extending the relevant period of the approval until 7 November 2026.
- On 19 March 2026, the applicant lodged a request to Extend the Relevant Period (Council Ref: MCUC/2014/716/E). On 10 April 2026 the request was approved extending the relevant period of the approval until 7 November 2030; refer to **Appendix C**.

It is acknowledged that the original application was assessed and decided under the *Sustainable Planning Act 2009*.

## 1.2 SCOPE OF PROPOSED CHANGE

The applicant is seeking changes to Development Permit MCUI/2014/716/B to accommodate the operational needs of proposed tenant for helicopter maintenance and storage. The proposed changes to the development are illustrated on the revised development plans prepared by Wagner Corporation and attached at **Appendix D**.

The approved development included two (2) hangar buildings including attached office spaces with a total GFA and building footprint of 3,840m<sup>2</sup>. A total of 68 car parking spaces are approved in the front of the building, with two vehicle crossovers to Airport Drive. The approved development also comprises four (4) stages.

The applicant is seeking to change the Development Permit to construct a single hangar with attached office/storage space to the frontage. The hangar will be utilised for the purposes of helicopter maintenance and storage. The hangar will have a total GFA of 2571m<sup>2</sup>, calculated as follows:

- Office 232 sqm
- Parts Store 843 sqm
- Open Hangar 1496 sqm (2273sqm total, less 777sqm area that is designated solely for parking of helicopters)

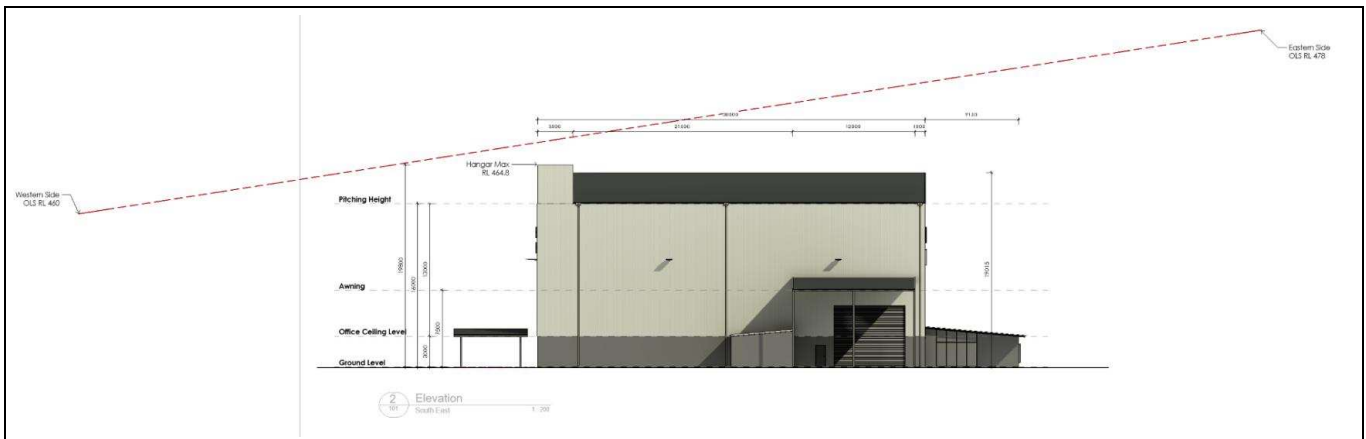
Total GFA 2571 sqm

Overall, the facility will have a building footprint of approximately 3528m<sup>2</sup>. Accordingly, the changed development results in a reduction of GFA by 1523m<sup>2</sup> and reduction of the overall building footprint by 312m<sup>2</sup>.

The external elevations of the hangar will be altered to ensure it is compatible with the function and use of the hangar as a helicopter storage and maintenance facility. This includes increasing the height of the hangar noting the maintenance of the helicopters will require the use of an internal overhead crane. The height of the current approved hangar is approximately 10.5m, and the proposed hangar will have a pitching height of 16m with the maximum height extending in parts beyond this to approximately 19.8m.

The height of the building does not impinge on the Obstacle Limitation Surface (OLS) of the Wellcamp Airport ensuring the proposed increase in height will not compromise airport safety. In this regard, the Airport Obstacle Limitation Surface (OLS) is at RL460 to RL478 across the development site and the height of the building does penetrate the OLS at this location as demonstrated in **Figure 1** (also attached as **Appendix F**).

**FIGURE 1 - BUILDING HEIGHT RELATIVE TO AIRPORT'S OBSTACLE LIMITATION SURFACE (OLS)**



The development will retain carparking at the frontage of the building, with a single vehicle crossover proposed to Airport Drive. Carparking numbers are reduced from the original proposal but are in excess of the rates specified for a Medium Impact Industry use which is considered commensurate with the proposed operations for helicopter storage and maintenance (noting Air Services do not have a specified rate under the Transport, Access and Parking Code). A total of 36 parking spaces are proposed, and 28 required in accordance with the Medium Impact Industry rates. It is noted that when the original approval was issued, the hangars were intended to cater for private aircraft and passengers and resulted in a higher demand for parking as identified within the Traffic Impact Assessment submitted as part of the original application.

The conditions proposed to be amended as part of this Change Application are detailed in section 2.0.

## 2.0 CONDITIONS PROPOSED TO BE AMENDED

This Change Application relates to Development Permit MCUI/2014/716/B, dated 15 June 2015, attached to this correspondence as **Appendix A**.

The conditions proposed to be amended/deleted are reproduced in both their current and amended form and are followed by a summary of the reasons and/or justification for the change.

## APPROVED AND AMENDED PLANS

### Existing Condition

7. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this approval and the amendments listed below:

**Plan No:** 12/064 PP61

**Description:** Airport Hangar Lot, Revision B, prepared by Byrne Surveyors, dated 11 February 2014 and received by Council 14 February 2014

**Amendments:** Remove reference to Lot 57

**Plan No:** DA-101

**Description:** Locality Plan, Revision A, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014

**Amendments:** Nil

**Plan No:** DA-102

**Description:** Site Plan, Revision A, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

**Amendments:** Amend carparking layout to include a heavy vehicle un/loading area as per condition 56

**Plan No:** DA-103

**Description:** Ground Floor Plan, Revision A, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

**Amendments:** Nil

**Plan No:** DA-104

**Description:** Elevations, Revision A, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

**Amendments:** Nil

**Plan No:** DA-107

**Description:** Architectural Illustrations, Revision A, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.

**Amendments:** Nil

#### Reason for Change

It is recommended Condition 7 be amended to reflect the revised development plans, as described at Section 1.2 above.

#### Proposed Condition

7. The development must be carried out generally in accordance with the Approved Plans listed below, subject to the conditions of this approval and the amendments listed below:

~~**Plan No:** 12/064 PP61~~

~~**Description:** Airport Hangar Lot, Revision B, prepared by Byrne Surveyors, dated 11 February 2014 and received by Council 14 February 2014~~

~~**Amendments:** Remove reference to Lot 57~~

~~**Plan No:** DA-101~~

~~**Description:** Locality Plan, Revision A, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014~~

~~**Amendments:** Nil~~

**Plan No:** DA-102 1118.DA.00.003

**Description:** Site Plan, Revision A **C**, prepared by I3 Consulting Pty Ltd **Wagner Corporation**, dated 31 January 2014 and received by Council 14 February 2014 **1 September 2026**.

**Amendments:** Amend carparking layout to include a heavy vehicle un/loading area as per condition 56 **Nil**

**Plan No:** DA-103 1118.DA.01.101

**Description:** ~~Ground Hangar Floor Plan, Revision A C, prepared by I3 Consulting Pty Ltd Wagner Corporation, dated 31 January 2014 and received by Council 14 February 2014~~ **1 September 2026.**

**Amendments:** Nil

**Plan No:** ~~DA-104~~ **1118.DA.01.401**

**Description:** Elevations, Revision A, prepared by I3 Consulting Pty Ltd Wagner Corporation, dated 31 January 2014 and received by Council 14 February 2014 **1 September 2026.**

**Amendments:** Nil

**Plan No:** ~~DA-107~~

**Description:** ~~Architectural Illustrations, Revision A C, prepared by I3 Consulting Pty Ltd, dated 31 January 2014 and received by Council 14 February 2014.~~

**Amendments:** ~~Nil~~

## STAGED DEVELOPMENT

### Existing Condition

13. Staging of the development is to occur in accordance with the staging indicated on the approved plans subject to and modified by any conditions of this approval.
14. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the approved plans, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stage/s being complied with.

### Reason for Change

It is recommended Conditions 13 and 14 are deleted noting staging is no longer proposed.

### Proposed Condition

- ~~13. Staging of the development is to occur in accordance with the staging indicated on the approved plans subject to and modified by any conditions of this approval.~~
- ~~14. Stages must be completed in sequential order (i.e. Stage 1 must be completed before Stage 2) as identified on the approved plans, or may be combined and constructed at one time, subject to all conditions applicable to the relevant stage/s being complied with.~~

## INFRASTRUCTURE SEWERAGE (ON SITE WASTEWATER TREATMENT SYSTEM)

### Existing Condition

33. Provide a wastewater treatment and disposal system for waste water subject to:
  - 33.1 Confirmation of peak design capacity;
  - 33.2 The identification of suitable waste water treatment and disposal areas;
  - 33.3 Compliance with AS3500.2:2003 Plumbing and drainage Part 2: Sanitary plumbing and drainage, AS1547:2012 On-site domestic wastewater management, the Queensland Plumbing and Wastewater Code and the Plumbing and Drainage Act 2002; and
  - 33.4 Design certification by a Registered Professional Engineer Queensland (RPEQ).
34. If the peak design capacity is 21 equivalent persons or more, obtain a licence to operate the treatment plant in accordance with the Environmental Protection Regulation 2008.

35. The proposed treatment plant must operate on the basis of private ownership. Council will take no responsibility for any operation and maintenance of the system and/or any associated costing in relation to wastewater treatment and discharge.
36. All internal sewerage reticulation network must remain as private property. All associated cost for design, construction, operation and maintenance and management will be at no cost to Council.

#### Reason for Change

It is requested Conditions 33 - 36 are replaced acknowledging the development will be connected to the sewerage infrastructure now servicing the Wellcamp Airport and Business Park.

#### Proposed Condition

It is requested Conditions 33 – 36 be replaced with the standard sewer conditions applied to Wellcamp Airport and Business Park:

- ~~33. Provide a wastewater treatment and disposal system for waste water subject to:~~
  - ~~33.1 Confirmation of peak design capacity;~~
  - ~~33.2 The identification of suitable waste water treatment and disposal areas;~~
  - ~~33.3 Compliance with AS3500.2:2003 Plumbing and drainage Part 2: Sanitary plumbing and drainage, AS1547:2012 On-site domestic wastewater management, the Queensland Plumbing and Wastewater Code and the Plumbing and Drainage Act 2002; and~~
  - ~~33.4 Design certification by a Registered Professional Engineer Queensland (RPEQ).~~
- ~~34. If the peak design capacity is 21 equivalent persons or more, obtain a licence to operate the treatment plant in accordance with the Environmental Protection Regulation 2008.~~
- ~~35. The proposed treatment plant must operate on the basis of private ownership. Council will take no responsibility for any operation and maintenance of the system and/or any associated costing in relation to wastewater treatment and discharge.~~
- ~~36. All internal sewerage reticulation network must remain as private property. All associated cost for design, construction, operation and maintenance and management will be at no cost to Council.~~
- 33. The development must be connected to the sewerage reticulation, treatment and disposal system provided by the service provider Wellcamp Business Park Pty Ltd at no cost to Council.**

#### **WATER INFRASTRUCTURE SUPPLY (CONNECTION TO RETICULATED SYSTEM)**

#### Existing Condition

37. The development must be connected to Council's reticulated water supply at Toowoomba-Cecil Plain Road in accordance with PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure.  
Note: This Condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.
38. Should the development require the provision of a new-metered water service, and/or upgrading or extension of Council's existing reticulation main, then the connection of this service, the disconnection of any existing services, and/or upgrading/extension of Council's existing reticulation mains will be at no cost to Council. Any external works will require the lodgement of an operational works application.
39. Construct an internal water reticulation system to serve the development site. The internal system must be connected to Council's existing water reticulation system located in Toowoomba-Cecil Plains Road or at another location approved by Council. The works must:
  - 39.1 Include connection to the existing reticulation system and the provision of all necessary valves, fittings and fire hydrants prior to any building works on the relevant lot/s; and
  - 39.2 Be constructed within the development site.

40. Any construction works to be undertaken in the vicinity of Council's existing water supply infrastructure must not adversely affect the integrity of the infrastructure. The repair, replacement or alteration of existing infrastructure must be undertaken by Council at no cost to Council.

#### Reason for Change

It is requested Conditions 37 - 40 are replaced acknowledging the development will be connected to the water infrastructure now servicing the Wellcamp Airport and Business Park.

#### Proposed Condition

It is requested Conditions 37 – 40 be replaced with the standard water supply conditions applied to Wellcamp Airport and Business Park:

- ~~37. The development must be connected to Council's reticulated water supply at Toowoomba Cecil Plain Road in accordance with PSP No. 3 – Engineering Standards – Water and Waste Water Infrastructure.~~

~~Note: This Condition is imposed pursuant to Section 665 of the Sustainable Planning Act 2009.~~

- ~~38. Should the development require the provision of a new metered water service, and/or upgrading or extension of Council's existing reticulation main, then the connection of this service, the disconnection of any existing services, and/or upgrading/extension of Council's existing reticulation mains will be at no cost to Council. Any external works will require the lodgement of an operational works application.~~

- ~~39. Construct an internal water reticulation system to serve the development site. The internal system must be connected to Council's existing water reticulation system located in Toowoomba Cecil Plains Road or at another location approved by Council. The works must:~~

~~39.1 Include connection to the existing reticulation system and the provision of all necessary valves, fittings and fire hydrants prior to any building works on the relevant lot/s; and~~

~~39.2 Be constructed within the development site.~~

- ~~40. Any construction works to be undertaken in the vicinity of Council's existing water supply infrastructure must not adversely affect the integrity of the infrastructure. The repair, replacement or alteration of existing infrastructure must be undertaken by Council at no cost to Council.~~

- 46. The development must be connected to the reticulated water supply provided by the service provider Wellcamp Business Park Pty Ltd at no cost to Council.**

#### **ON-SITE CAR PARKING, SERVICE BAYS AND MANOEUVRING**

#### Existing Condition

55. The premises must be provided with 68 car parking spaces including four (4) car spaces for people with disabilities together with standing and manoeuvring for an articulated vehicle (AV) service vehicle. Twenty two (22) car parking spaces including one (1) space for people with disabilities (PWD) must be provided at Stage 1, and forty six (46) car parking spaces including three (3) PWD spaces must be provided at Stage 3. Carparking and manoeuvring areas must be:

55.1 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions for User Class 2 parking as defined in AS 2890.1:2004 Parking facilities – Off-street car parking;

55.2 Designed and constructed in accordance with the requirements of AS2890.1:2004;

55.3 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1, AS 1428.1:2009 Design for access and mobility – General requirements for access - New building work and AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities

55.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;

55.5 Designed to enable all vehicles to enter and leave the site in a forward gear

55.6 Kept and used exclusively for vehicle parking and manoeuvring; and

55.7 Accessible and available to the general public and staff during approved hours of operation.

56. The premises must be provided with a services bay/s for ~~a B-Double~~ an articulated vehicle (AV). The design and provision of manoeuvring areas and loading/unloading facilities for service vehicles is in accordance with AS 2890.2:2002 Parking facilities – Off-street commercial vehicle facilities.

#### Reason for Change

The proposed change to condition 55 seeks to update the carparking requirements to reflect the needs of the revised development. Carparking numbers are reduced from the original proposal but are in excess of the rates specified for a Medium Impact Industry use which is considered commensurate with the proposed operations for helicopter storage and maintenance (noting Air Services do not have a specified rate under the Transport, Access and Parking Code). A total of 36 parking spaces are proposed, and 28 required in accordance with the Medium Impact Industry rates. It is noted that when the original approval was issued, the hangars were intended to cater for private aircraft and passengers and resulted in a higher demand for parking as identified within the Traffic Impact Assessment submitted as part of the original application.

#### Proposed Condition

It is recommended Condition 55 is amended as follows:

55. The premises must be provided with ~~68~~ **36** car parking spaces including ~~four (4)~~ **one (1)** car spaces for people with disabilities together with standing and manoeuvring for an articulated vehicle (AV) service vehicle. ~~Twenty two (22) car parking spaces including one (1) space for people with disabilities (PWD) must be provided at Stage 1, and forty six (46) car parking spaces including three (3) PWD spaces must be provided at Stage 3.~~ Carparking and manoeuvring areas must be:

55.1 Provided with a sealed surface and be line marked or otherwise delineated to the minimum dimensions for User Class 2 parking as defined in AS 2890.1:2004 Parking facilities – Off-street car parking;

55.2 Designed and constructed in accordance with the requirements of AS2890.1:2004;

55.3 Designed to ensure disabled car parking spaces are located in close proximity to a primary building entrance and meet the requirements of AS2890.1, AS 1428.1:2009 Design for access and mobility – General requirements for access - New building work and AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities

55.4 Provided with signage and pavement markings that indicate the location of parking areas and the proposed flow of traffic through the site;

55.5 Designed to enable all vehicles to enter and leave the site in a forward gear

55.6 Kept and used exclusively for vehicle parking and manoeuvring; and

55.7 Accessible and available to the general public and staff during approved hours of operation.

56. The premises must be provided with a services bay/s for ~~a B-Double~~ an articulated vehicle (AV). The design and provision of manoeuvring areas and loading/unloading facilities for service vehicles is in accordance with AS 2890.2:2002 Parking facilities – Off-street commercial vehicle facilities.

#### **REFUSE STORAGE AREA**

#### Existing Condition

58. Refuse storage facilities must be provided within a dedicated waste storage room located within the Hangar building that is:

58.1 In a location with carting routes devoid of steps and steep rises that allows bins to be easily maneuvered to their place of collection;

58.2 Fly and vermin proof; and

58.3 Refrigerated or otherwise ventilated in accordance with the Building Code of Australia and Australian Standard 1668.2 The use of Ventilation and Air Conditioning in Buildings.

58.4 Be designed to enable bins to be washed out within the storage area and drained to:

(i) A sewer system (requiring trade waste approval from Council) within sewerage areas; or

(ii) An area of significant landscaping, a water treatment device or water quality improvement system e.g. Bioretention in non-sewered areas.

59. Refuse storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that they are screened from public view with a minimum 1.5m high solid fence or wall.

60. The size and capacity of the refuse storage areas must be sufficient to accommodate:

60.1 The level of waste likely to be generated from the development having regard to the frequency of refuse collection;

60.2 General refuse bins of an industrial type appropriate to the nature and scale of the use;

60.3 Recycling bins appropriate to the nature and scale of the use; and

60.4 A floor area with dimensions which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front.

#### Reason for Change

It is recommended Conditions 58 – 60 are replaced with standard conditions now applied to refuse storage in the Wellcamp Airport and Business Park.

#### Proposed Condition

~~58. Refuse storage facilities must be provided within a dedicated waste storage room located within the Hangar building that is:~~

~~58.1 In a location with carting routes devoid of steps and steep rises that allows bins to be easily maneuvered to their place of collection;~~

~~58.2 Fly and vermin proof; and~~

~~58.3 Refrigerated or otherwise ventilated in accordance with the Building Code of Australia and Australian Standard 1668.2 The use of Ventilation and Air Conditioning in Buildings.~~

~~58.4 Be designed to enable bins to be washed out within the storage area and drained to:~~

~~(i) A sewer system (requiring trade waste approval from Council) within sewerage areas; or~~

~~(ii) An area of significant landscaping, a water treatment device or water quality improvement system e.g. Bioretention in non-sewered areas.~~

~~59. Refuse storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that they are screened from public view with a minimum 1.5m high solid fence or wall.~~

~~60. The size and capacity of the refuse storage areas must be sufficient to accommodate:~~

~~60.1 The level of waste likely to be generated from the development having regard to the frequency of refuse collection;~~

~~60.2 General refuse bins of an industrial type appropriate to the nature and scale of the use;~~

~~60.3 Recycling bins appropriate to the nature and scale of the use; and~~

~~60.4 A floor area with dimensions which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front.~~

**58. Refuse storage facilities must be provided generally in accordance with the Approved Plans listed within this Development Approval and the following:**

**58.1 The size, mix and capacity of bins provided must be sufficient to accommodate the type and level of waste likely to be generated from the development having regard to the frequency of disposal or collection;**

**58.2 Provision of a constructed bulk bin store with an impervious hardstand base for the permanent storage location and service collection of all bulk bins, having minimum dimensions which exceed the combined size of bins by at least 300mm at the rear and both sides and 600mm at the front and no closer than 2m to any fresh air intake of a habitable room;**

**58.3 Refuse storage facilities must be screened from public vantage points with a minimum 1.5m high built enclosure or solid screen fencing; and**

**58.4 Bins must be kept in a clean state and in good repair and fitted with tight-fitting lid assemblies designed to prevent ingress of pests and water.**

### **3.0 MINOR CHANGE CRITERIA & ASSESSMENT**

#### **3.1 MINOR CHANGE CRITERIA**

Section 78 of the *Planning Act 2016* (the Act) allows a person to request a 'minor change' to a development approval. A 'minor change' is defined under Schedule 2 of the Act as follows:

*"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 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, 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.*

An application pursuant to section 78 of the Act involves the application of a two-step test:

1. A threshold question as to whether the application is for a minor change<sup>1</sup>; and
2. An assessment pursuant to section 81. In particular, section 81(2) provides that the responsible entity must consider all matters it would or may assess against, or have regard to, as if the change application was a development application.

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<sup>1</sup> Which must be answered in the affirmative having regard to the definition of minor change under Schedule 2 of the *Planning Act 2016*

### 3.2 GOVERNING PRINCIPLES - MINOR CHANGE ASSESSMENT

The following governing principles relating to the assessment of a Minor Change may be derived from applicable case law in the Planning & Environment Court:

- (A) The Development Assessment Rules (DAR) Schedule 1 principles:
  - are a guide only;
  - there is no stated legislative requirement to consider them; and
  - may, not must, result in 'substantially different development'.
- (B) A comparison is required between pre- and post- change development approval scenarios;
- (C) The consideration must be directed to the proposed changes in the context of the whole of the authorised development;
- (D) The proposed changes must be considered as 'a matter of fact and degree' and 'broadly and fairly';
- (E) The words 'substantially different' must be given their natural meaning: *essential, material or important*;
- (F) The relevant test is that the change not result in a substantially different development, not merely that it not result in some substantially different development.
- (G) Not only should changes be considered in the context of the overall approved development, they must be considered from a qualitative and quantitative town planning impacts perspective.

### 3.3 ASSESSMENT AGAINST MINOR CHANGE CRITERIA

The proposed change has been assessed against the Minor Change criteria as follows:

#### 3.3.1 Substantially Different Development

The Development Assessment Rules, version 1.2 (the DA Rules), includes Schedule 1: Substantially Different Development. Item 4 of Schedule 1 outlines nine (9) criteria for consideration as to whether a change application involves substantially different development.

A change may be considered to result in substantially different development if the proposed change:

#### **(A) involves a new use; or**

The proposed change does not involve a new use of premises.

#### **(B) results in the application applying to a new parcel of land; or**

This change does not result in the inclusion of a new parcel of land.

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

It is noted the development seeks to combine the approved two (2) hangars into a single hangar with an overall decrease in GFA and building footprint, thereby decreasing the scale of the development in terms of building coverage. The development will retain carparking, landscaping and vehicular access to the frontage of Airport Drive, generally maintaining approved streetscape in that regard.

It is also acknowledged that the height of the hangar is required to be increased to ensure the built form is compatible with the function and use of the hangar as a helicopter storage and maintenance facility. In this regard, the maintenance of the aircraft will require the use of an internal overhead crane and hence the change in building height is essential for the function of the use. The height of the current approved hangar is approximately 10.5m, whereas, the proposed hangar will have a pitching height of 1.6m with the maximum height extending in parts beyond this to approximately 19.8m (resulting in a total increase of 9.3m).

Despite the height increase, the development's setting in the broader context of the scale of industrial development in the Wellcamp Business Park and Airport, including the height of other existing and approved structures, ensures the increase in height would not have the same impact as increasing the height of a building for a similar sized development in a smaller estate/development area. Specific reference is made to Development Permit MCUC/2022/472/A which approved an increased building height for the Boeing Assembly Building from 14.5m to 24.2m (i.e. increase of 9.7m) acknowledging the function of the building to accommodate aircraft.

Consideration should also be given to the location of the development site in relation to neighbouring properties. The development site is centrally located within the Wellcamp Business Park and Airport and setback approximately 800m from the Toowoomba – Cecil Plains Road frontage, and >1,000m from the nearest adjoining boundary of land not associated with the Airport/Business Park. Accordingly, the consequences of the change sought in the height of the building are considered to be negligible in terms of visual impact on surrounding properties and from public viewpoints.

Acknowledging the setting of this development within the Wellcamp Business Park, in addition to its separation from neighbouring properties, ensures the change in height will not adversely impact the visual amenity of the site and adjoining/nearby properties.

Additionally, the proposed increase in height will not compromise airport safety. In this regard, the Airport Obstacle Limitation Surface (OLS) is at RL460 to RL478 at this location and the new height of the building (i.e. 19.8m) ensures it will not penetrate the OLS at this location; refer to **Figure 1 and Appendix F**.

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

The proposed change does not affect the ability of the proposed development to operate as intended and rather seeks to alter the development to ensure it is compatible with the function and operations of the aircraft storage and maintenance facility.

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

The proposed change does not remove a component that is integral to the operation of the development.

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

The proposed change will not significantly impact on traffic flow or the transport network.

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

The proposed change does not introduce new impacts or increase the severity of known impacts.

**(H) 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; or

The proposed change is not prescribed by the Planning Regulation as requiring social impact assessment.

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

The proposed change does not remove an incentive or offset component that would have balanced a negative impact of the development.

**(J) impacts on infrastructure provision.**

The proposed change will not impact on infrastructure provision.

### 3.3.2 No Prohibited Development

The proposed change does not include any prohibited development.

### 3.3.3 Referral Agencies

The proposed change does not involve:

- referral to a referral agency where there were no referral agencies;
- referral to extra referral agencies, noting since the original approval was issued over the subject site, an easement in favour of Ergon Energy (Easement P SP296105) has been registered over Lot 800 SP296105. If a new development application were lodged today, it would require referral to Ergon Energy, however, the proposed change would not cause the development to require referral to Ergon Energy. The requirement to refer the Development Application to Ergon Energy today would only be triggered due to changes in an applicable planning instrument, or registration of the subject easement during the intervening time period;
- 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 originally made.

### 3.3.4 Public Notification

The proposed change does not necessitate public notification of the application where such notification was not previously required.

### 3.3.5 Owners Consent & Approved Form

In accordance with section 79 of the *Planning Act 2016*, landowner's consent is required to be provided. On this basis, consent has been provided with respect to Lot 6 & Lot 800 SP296105.

The Change Application is also made on the approved form. Both the Change Application Form and landowner's consent are included as **Appendix E**.

## 4.0 PLANNING ACT 2016 - SECTION 81 ASSESSMENT

Section 81 of the *Planning Act* sets out the requirements for the assessment of change applications for a minor change to a development approval. The applicable provisions of this section are as follows:

- (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*
  - (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*

- (f) *if paragraphs (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*
- (g) *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), (e) or (f), 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.*

Section (4) requires the responsible entity to assess or have regard to the statutory instrument that was in effect when the application was made. Section (5) identifies that the responsible entity may have regard to statutory instruments or other documents that applied when the change application was made.

The original Development Permit was issued under the *Toowoomba Regional Planning Scheme 2012* as it existed and had effect on 15 June 2015. The proposed changes do not introduce any new components which may be inconsistent with the *Toowoomba Regional Planning Scheme 2012*.

## 5.0 SUMMARY OF MINOR CHANGE

On the basis of the preceding correspondence, we contend that the proposed change comprises a “Minor Change” pursuant to schedule 2 of the *Planning Act 2016*, as the proposed change:

- (i) Does not result in substantially different development.
- (ii) Does not include prohibited development pursuant to Schedule 10 of the *Planning Regulation 2017*.
- (iii) Does not require referral to referral agencies where referral was not previously required; or referral to additional referral agencies, or referral to assess additional referral matters not required to be assessed when the application was originally made; and
- (iv) Does not necessitate the development being subject to public notification when public notification was not previously required.

On this basis, it is considered that Toowoomba Regional Council may lawfully consider the proposed change to Decision Notice MCUI/2014/716/B, as part of a Change Application (Minor Change) in accordance with the relevant provisions of the *Planning Act 2016*.

## 6.0 SUPPORTING DOCUMENTATION

Attached to this correspondence at **Appendix E** are the following documents required to accompany a Change Application:

- Change Application Form (DA Form 5); and
- Landowner's Consent Form.

The application will be supported by the relevant application fee of [REDACTED] in accordance with Council's 2026/27 Register of Fees and Charges. Payment of this fee will be made upon lodgement of the application.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on phone 07 4632 2535, mobile 0427 875 871 or by email at [kim@precinctplan.com.au](mailto:kim@precinctplan.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Kim Reeve".

**Kim Reeve**  
**Precinct Urban Planning**