

RECEIVED
19/05/2026

**TOOWOOMBA
REGIONAL COUNCIL**

workable planning solutions

precinct
URBAN PLANNING

www.precinctplan.com.au

19 May 2026

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Attention: Mr Joe Kirkwood
By Email: development@tr.qld.gov.au

Dear Joe,

CHANGE APPLICATION (MINOR CHANGE) – SECTION 78, PLANNING ACT 2016 – CHANGE APPLICATION - MATERIAL CHANGE OF USE – RELOCATABLE HOME PARK (EXTENSION TO EXISTING RELOCATABLE HOME PARK) – 518-528 AND 530-538 BRIDGE STREET, WILSONTON – LOT 3 RP118443 AND LOTS 2 & 4 SP113679 (Council Ref: MCUI/2023/2779/A)(Our Ref: 2025-184)

We act for Hometown Australia Communities (**the applicant**).

We hereby lodge a Change Application pursuant to section 78 of the *Planning Act 2016* (**the Planning Act**), that relates to Development Permit MCUI/2023/2779/A for a Material Change of Use (Relocatable Home Park – extension to an existing relocatable home park) on land at 518-528 and 530-538 Bridge Street, Wilsonton, described as Lot 3 RP118443, Lot 2 SP113679 and Lot 4 SP113679 (**the site**).

The applicant seeks to make a 'minor change' to Development Permit MCUI/2023/2779 pursuant to Schedule 2 of the Planning 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 background to this Change Application is as follows:

- Lots 2 and 4 SP113679 comprises the existing facility, identified as the Bridge Street Community. It is understood that the original development approval associated with the site was granted in the early to mid-1990s. A relocatable home park was approved in relation to Lot 2 SPP113679, whilst a caravan park was approved for Lot 4 SP113679. Overall, there are 185 existing home sites.
- On 16 August 2024, Council issued a Decision Notice for Material Change of Use for a Relocatable Home Park (extension to existing relocatable home park)(Council ref: MCUI/2023/2779). The development approval comprised the following elements:
 - The establishment of 60 relocatable home sites;

precinct
URBAN PLANNING Pty Ltd

TOOWOOMBA 14-16 Hill Street, Toowoomba City
POST PO Box 3038, Toowoomba QLD 4350
P 07 4632 2535 **E** info@precinctplan.com.au

IPSWICH 3/180 Brisbane Street, Ipswich
POST PO Box 2251, North Ipswich QLD 4305
P 07 3447 0466 **E** info@precinctplan.com.au

Precinct Urban Planning Pty Ltd / ACN 639 546 688 / ABN 81 639 546 688

- A total of 2 dwelling typologies were approved (2 and 3 bedroom configurations each of a single storey construction);
- Provision of 31 off street car parking spaces (in addition to parking associated with each dwelling);
- Establishment of a new communal facility (including a pool); and
- The re-purposing of facilities within the existing home park.
- On 29 September 2025, Council issued an amended Decision Notice for Material Change of Use for a Relocatable Hoke Park (extension to existing relocatable home park)(Council ref: MCUI/2023/2779/A)(**the development approval**). The development approval was issued in response to a change application that introduced 4 additional relocatable home typologies (meaning that a total of 6 typologies were approved for the development).

Separate to the above planning approvals, the applicant has also obtained an Operational Works approval for stormwater, earthworks and driveway crossovers. This approval was issued on 12 February 2026 (Council ref: OW/2025/6439).

1.2 SCOPE OF PROPOSED CHANGE

The scope of the proposed change primarily relates to the extent of landscaping that is to be provided adjacent to the eastern boundary of the site (south of Freighter Avenue). It is understood that the applicant's landscape architect has been engaging with Council in relation to the landscaping approach and in this respect, the Council advice is to seek an amendment to Condition 125.5.

As Council has issued an approval for operational works, there is a need to align the landscaping outcome for the eastern boundary in the context of the approved civil drawings (noting that the basis for the operational works was the conditions of the development approval). The drawings of the operational works approval detail 20 visitor car parks adjacent to the eastern boundary of the site (this includes the relocation of 4 spaces aligned with the southern boundary which is viewed as being beneficial as an improved landscaping outcome to the more obtrusive industrial uses to the south and south-west).

It is noted that the development approval does not reference the landscape intent plans that were originally prepared by Jackie Amos Landscape Architect. Given the matter that has arisen in relation to the eastern boundary of the site, it is considered that a landscape concept plan for the eastern boundary of the site should be referenced as part of an amended approval.

The condition 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/2023/2779, dated 16 August 2024, attached to this correspondence as **Appendix A**. The approved plans are contained in **Appendix B**.

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.

Condition 7 - Approved Plans

The only proposed change to this condition is the inclusion of the following plan:

Plan No: LDA100, Revision 1

Description: Eastern Boundary Landscape Plan, prepared by Studio 151 Landscape Architecture, dated 12 May 2026

Amendments: Nil

Condition 125 – Landscape Plan

Existing Condition

Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement, a Detailed Landscape Plan prepared by a suitably qualified person prepared generally in accordance with Toowoomba Regional Council's Landscape Work Information Sheet 006 and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:

- 125.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed, and existing vegetation within the drainage corridor to be retained and/or removed including all proposed rehabilitation and enhancement planting works;*
- 125.2 A detailed Planting Plan and Schedule that include species, stock sizes and quantities and the location;*
- 125.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage, and maintenance;*
- 125.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;*
- 125.5 Landscape buffers are to be provided along the boundaries of Lot 3 RP118443 as follows:*
 - (a) A minimum 8 metre wide buffer along the southern boundary;*
 - (b) A minimum 7 metre wider buffer along the eastern boundary (south of the Freighter Avenue access driveway);*
 - (c) A minimum 3m wide buffer along eastern boundary (North of the Freighter Avenue access driveway); and*
 - (d) A minimum 3.5m wide buffer along the northern boundary; and*
 - (e) Buffers are to be in accordance with the Approved Plans listed within this Development Approval, exclusive of the access driveways, visitor parking, drainage corridor and generally uncompromised by infrastructure;*

- 125.6 Location, height and finish of fencing and retaining walls fronting public land (including street frontages);
- 125.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 125.8 Construction details of proposed surfaces, surface level changes and structures;
- 125.9 Vegetated screening of the acoustic barriers, including trees and understorey planting of shrubs, grasses and groundcovers;
- 125.10 All site landscaping must be contained within the site boundaries;
- 125.11 Sight lines at pedestrian and vehicle entrance points must be maintained, tree stock to have a minimum 1.8m high clean trunk.
- 125.12 Control of all weed species listed in the following standards and legislation:
 - (a) Declared plants under the Biosecurity Act 2014 and subordinate regulation; and
 - (b) Toowoomba Region Biosecurity Plan (August 2020).

Proposed Condition

Prior to the commencement of any works on site or the issue of a Development Permit for Operational Work or Building Work (whichever occurs first), submit to Council for endorsement, a Detailed Landscape Plan prepared by a suitably qualified person prepared generally in accordance with Toowoomba Regional Council's Landscape Work Information Sheet 006 and the conditions of this Development Approval, including the landscaping shown on all Approved Plans listed in this Development Approval, that details in particular:

- 125.1 Location and species of existing site vegetation to be removed and/or retained in accordance with this Development Approval, including adjacent street trees to be retained and/or removed, and existing vegetation within the drainage corridor to be retained and/or removed including all proposed rehabilitation and enhancement planting works;
- 125.2 A detailed Planting Plan and Schedule that include species, stock sizes and quantities and the location;
- 125.3 The typical planting detail including soil preparation, backfill, staking, mulching, irrigation, drainage, and maintenance;
- 125.4 Dimensions of all planting areas, type and location, taking into account orientation, shading and wind direction;
- 125.5 Landscape buffers are to be provided along the boundaries of Lot 3 RP118443 as follows:
 - (a) A minimum 8 metre wide buffer along the southern boundary;
 - (b) A ~~minimum 7 metre wide~~ buffer along the eastern boundary (south of the Freighter Avenue access driveway) ~~is to be provided and~~ generally in accordance with the Eastern Boundary Landscape Plan, Drawing No. LDA100, Revision 1, prepared by Studio 151 Landscape Architecture and dated 12 May 2026);
 - (c) A minimum 3m wide buffer along eastern boundary (North of the Freighter Avenue access driveway); and
 - (d) A minimum 3.5m wide buffer along the northern boundary; and

- (e) Buffers are to be in accordance with the Approved Plans listed within this Development Approval, exclusive of the access driveways, visitor parking, drainage corridor/*infrastructure*, and generally uncompromised by *other service* infrastructure;
- 125.6 Location, height and finish of fencing and retaining walls fronting public land (including street frontages);
- 125.7 Location and dimensions of any communal bin stores requiring vegetative screening;
- 125.8 Construction details of proposed surfaces, surface level changes and structures;
- 125.9 Vegetated screening of the acoustic barriers, including trees and understorey planting of shrubs, grasses and groundcovers;
- 125.10 All site landscaping must be contained within the site boundaries;
- 125.11 Sight lines at pedestrian and vehicle entrance points must be maintained, tree stock to have a minimum 1.8m high clean trunk.
- 125.12 Control of all weed species listed in the following standards and legislation:
- (a) Declared plants under the Biosecurity Act 2014 and subordinate regulation; and
 - (b) Toowoomba Region Biosecurity Plan (August 2020).

Reason for Change

The proposed change to this condition only relates to Condition 125.5 as it is associated with the landscaping approach for the eastern boundary of the site.

When the current wording of condition 125.5 is read and considered as a whole, the following is noted in the context of the eastern boundary:

- South of Freighter Avenue, the landscape buffer is to be a minimum of 7m in width: and
- The buffer is to be in accordance with identified approved plans, exclusive (i.e. not including) of access driveways, visitor parking, drainage corridor and generally uncompromised by infrastructure.

Given that Council did not specifically reference the Jackie Amos Landscape Architect plans in the development approval, the 'approved plans' revert to the approved site plan which details a 'green' landscape area along the eastern boundary of the site (whereby the visitor car parking spaces are clearly articulated). In this respect, the current wording of Condition 125.5 requires a landscaped buffer along the eastern boundary, that has to be a minimum of 7m wide, and the landscaped buffer width does not include areas required for driveway crossovers, visitor car parking or drainage corridors.

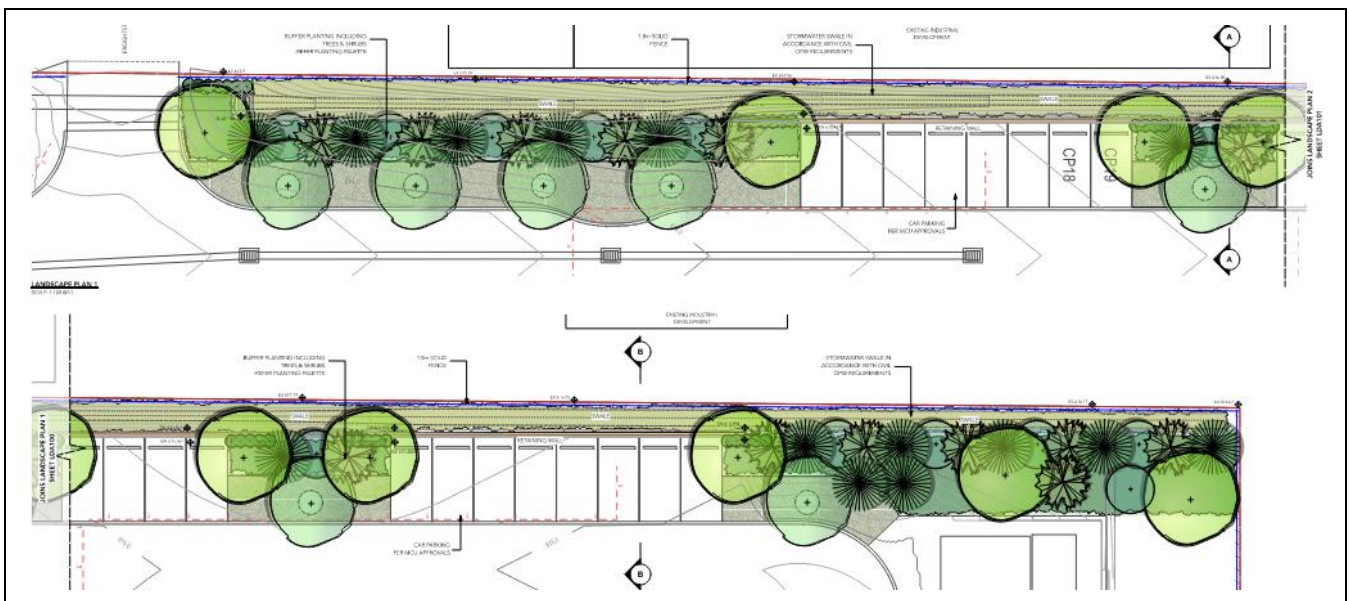
The operational works approval clearly details that a swale extends along the eastern boundary. By virtue of addressing Conditions 34-38 of the development approval, the detailed design process confirmed that a swale was required adjacent to the entirety of the eastern boundary (south of Freighter Avenue) in order to appropriately manage the external catchment (i.e. the runoff associated with the adjoining industrial development). The approved swale constitutes a drainage corridor in relation to Condition 125.5.

In addition to the swale, the drawings associated with the Operational Works approval demonstrate that a pipe is located below the swale to also assist with dealing with the external catchment. In this respect, it is noted that the external catchment is significant, and given there was not the horizontal clearance available on the site (given the extent of the development footprint), an underground pipe was also necessary to deal with the full extent of the catchment. This outcome could only be determined once

the detailed design process had been undertaken. This stormwater pipe could be considered to constitute 'infrastructure' in the context of Condition 125.5; however, it is located within the extent of the drainage corridor (i.e. the swale), which does not need to be landscaped (based on the wording of Condition 125.5).

A landscape concept plan has been prepared to detail the extent of proposed landscaping adjacent to the eastern boundary of the site. the following extract details the extent of landscaping that is proposed:

Figure 1 – Extract of Eastern Boundary Landscape Plan



Refer to **Appendix C**.

As outlined in **Figure 1**, an appropriate approach to landscaping adjacent to the eastern boundary can be achieved that accords with the requirements of Condition 125.5 and the operational works approval. Landscaping cannot be located in the swale (other than grass) as this will affect the function of the swale and may also impact on the underlying pipe.

It is noted that a 1.8m high acoustic fence will be erected along the eastern boundary of the site. Future relocatable homes will be setback at least 12.5m from the eastern boundary. This setback, along with the fence and proposed landscaping will combine to ensure that there will not be direct views to the industrial development/operations to the east.

It is viewed that a denser landscaping outcome would be required if a relocatable home were to be directly adjacent to an industrial use (as with the case for the relocatable home sites that are aligned with the southern boundary of the site). The proposed approach to landscaping the eastern boundary interface is viewed as being appropriate and responds to the engineering requirements of the operational works approval.

Therefore, in order to resolve the current issue where Council will not endorse the submitted landscape plan, it is proposed that a landscape concept plan be referenced in Condition 125.5.

As it is proposed that a plan be referenced to detail the appropriate landscaping adjacent to the eastern boundary, it is considered that the specific reference to 7m can be removed.

In addition, and to avoid further confusion, it is proposed that stormwater infrastructure be specifically detailed as not being an area of the buffer that is to be landscaped (even though the pipe in question forms part of the broader 'drainage corridor').

It is considered that there is no requirement to amend the approved site plan associated with the development. This is because the realignment of the visitor car parking spaces adjacent to the eastern boundary of the site, as detailed on the drawings associated with the operational works approval, is generally in accordance with what was detailed on the approved site plan (i.e. 20 visitor spaces are provided as part of the development that are south of Freighter Avenue).

3.0 MINOR CHANGE CRITERIA & ASSESSMENT

3.1 MINOR CHANGE CRITERIA

Section 78 of the *Planning Act 2016 (the Planning 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 change¹; 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.

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 Schedule 1 principles:
 - are a guide only;

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

- 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 3.0 (the DA Rules)*, includes Schedule 1: Substantially Different Development. Item 4 of Schedule 1 outlines ten (10) 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. The development will still be defined as a Relocatable home park.

(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

The proposal does not dramatically change the built form in terms of scale, bulk and appearance. In this respect, no changes to the approved relocatable home typologies are proposed as part of this application.

(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. The proposed approach to landscaping along the eastern boundary considers the requirements of the operational works approach as well as the overall intent of Condition 125.5.

(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. In this context, the change does not affect the access locations to the external street network, nor does it alter the configuration of the internal road network that was approved. In addition, there is no change in the number of on-street car parks that will be provided as part of the development.

(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. As there is no change in the approved yield or the extent of developable area, it is viewed that there is no impact on the recommendations of the various technical assessments that were submitted, assessed and approved as part of the original application process.

The landscape outcome that has been proposed for the eastern boundary will not adversely impact on the amenity of future residents. This is due to the extent of the setback to the eastern boundary as well as the requirement for an acoustic fence (which will obscure direct views of adjoining industrial activities).

(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 Planning Regulation outlines that a social impact assessment is only required in relation to a solar farm that has a maximum instantaneous electricity output of 1MW or more and a windfarm. The approved development and the proposed change is not associated with a solar farm or windfarm.

(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 (i.e. the submitted plan demonstrates that the swale and associated pipe will not be affected by the proposed landscape outcome). Infrastructure will be provided in accordance with the existing approvals over the site.

3.3.2 No Prohibited Development

The proposed change does not include any prohibited development.

The following is specifically provided:

- The site is located within the Urban Footprint of the *Shaping SEQ - South East Queensland Regional Plan 2023 (the Regional Plan)*.
- The site is not identified as being within a Koala Priority Area, however it is identified as containing Core Koala Habitat. As only one of these layers applies, the change application is therefore not associated with prohibited development detailed in Schedule 10, Part 10, Division 2, Section 16A of the *Planning Regulation 2017*.
- The site is not mapped as being within a wetland protection area. The change application is not associated with prohibited development detailed in Schedule 10, Part 20, Division 1 of the *Planning Regulation 2017*.

3.3.3 Referral Agencies

The original development triggered referral to the State Assessment and Referral Agency (**SARA**) in relation to the site's proximity to a State transport corridor, the number of dwellings proposed from a threshold perspective and the fact that mapped koala habitat would be cleared to facilitate the development.

The proposed change does not involve:

- referral to a referral agency where there were no referral agencies;
- referral to extra referral agencies; or
- 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.

SARA issued their formal response on 6 September 2023. The proposed change only relates to the approach to landscaping adjacent to the eastern boundary of the site. In this respect, the change does not affect the approved yield (from a traffic perspective) and there is no impact on the approved extent of rehabilitation (in the context of the mapped koala habitat area). As no additional referrals are triggered, it is considered that the proposed change will not affect the original SARA response.

3.3.4 Public Notification

The original development application submitted in July 2023 triggered impact assessment (on the basis of the defined land use). As a result of the change and given that there is no additional land uses proposed, there is no change in the level of assessment.

It is noted that a number of public submissions received by Council during the initial public notification stage. None of the submissions that were received related to the landscape interface between industrial land and the proposed development (and in many respects, the assessment of adjoining industrial development should have been required to consider reverse amenity impacts in any case). Given that the proposed approval to landscaping with entirely within the site boundaries, it is considered that the revised concept would not result in the lodgement of any further public submissions.

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 3 RP118443, Lot 2 SP113679, Lot 4 SP113679.

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

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
 - (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.

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 application was lodged in accordance with the requirements of the *Toowoomba Regional Planning Scheme 2012*, version 28, which commenced on 28 November 2022 (**the planning scheme**). It is noted that there have not been any amendments to the planning scheme since this date. As a result, the version of the planning scheme that was applicable as at the date of the lodgement of the application is still the relevant version of the planning scheme that needs to be considered in relation to the proposed change.

The proposed change does not, in the context of what was originally approved:

- increase or affect the overall dwelling yield (both in terms of dwellings and maximum bedrooms);
- increase or affect the approved building height (i.e. 1 storey);
- impact on the minimum setbacks that were approved to the site's property boundaries (in relation to the development area);

- alter the internal configuration of the development in terms of the road network and how it integrates with the existing relocatable home park;
- affect the access arrangements for the external road network
- impact on the extent of car parking that was approved (in terms of spaces for each dwelling and the on-street car parking (i.e. 31 visitor spaces are provided across the development area); or
- impact on the extent of rehabilitation and landscaping.

As there are no substantial changes to the overall concept, it is considered that the recommendations of the various technical assessments that supported the original application are still valid.

The issue that has been raised by Council relates primarily to the wording of a condition that was imposed whereby there was potentially insufficient scope for the condition to cater for a detailed design process that was required to be undertaken in order to address all of the relevant engineering conditions of the development approval. In this respect, it is viewed that the proposed approach to landscaping adjacent to the eastern boundary achieves the intent of Condition 125.5 and the requirements of the operational work approval (with the proposed amendments to Condition 125.5 ensuring that there is no future confusion). This is further demonstrated by the plan that is proposed to be referenced as part of the amended condition. The swale itself will be landscaped by way of turf, which is an appropriate outcome given that concrete or rocks would have been the alternative.

It is therefore viewed that the proposed landscaping approach complies with PO13 of the Medium Density Residential Zone Code. In this respect, the setback to the eastern boundary which includes an internal road and car parking), the acoustic fence and the landscaping that is proposed will assist with minimising the visual impact of the adjoining industrial uses.

In this respect, it is viewed the much of the Council assessment associated with the original development application can also be applied to the proposed change.

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/2023/2779A, 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 D** are the following documents required to accompany a Change Application:

- Change Application Form (DA Form 5); and
- Signed landowner's consent documentation.

The relevant application fee will be paid by the applicant upon lodgement of this change application.

Should you require any additional information or clarification please do not hesitate to contact the undersigned on (07) 4632 2535 or by email at scott@precinctplan.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Scott Clarke". The signature is written in a cursive, slightly slanted style.

Scott Clarke
Precinct Urban Planning