

04 May 2026

Chief Executive Officer
Toowoomba Regional Council,
4 Little Street, Toowoomba, Qld, 4350

Attention: James Leader

Dear James,

MCUI/2025/305, Lot 1 SP349893, Application for Minor Change, Approval of changes to Site Plan and Landscape Drawings Resulting from Proposed Lot 9 Rear Boundary Modifications, Endeavour Way, Torrington

1.0 Introduction

This letter provides support for a Change minor application to modify the proposed site plan for the above approval on proposed lot 9 due to a change in the rear boundary shared with proposed Drainage Reserve off southern side of Endeavour Way. The landscape drawings that were originally lodged with the DA application have also been modified and included with this change application.

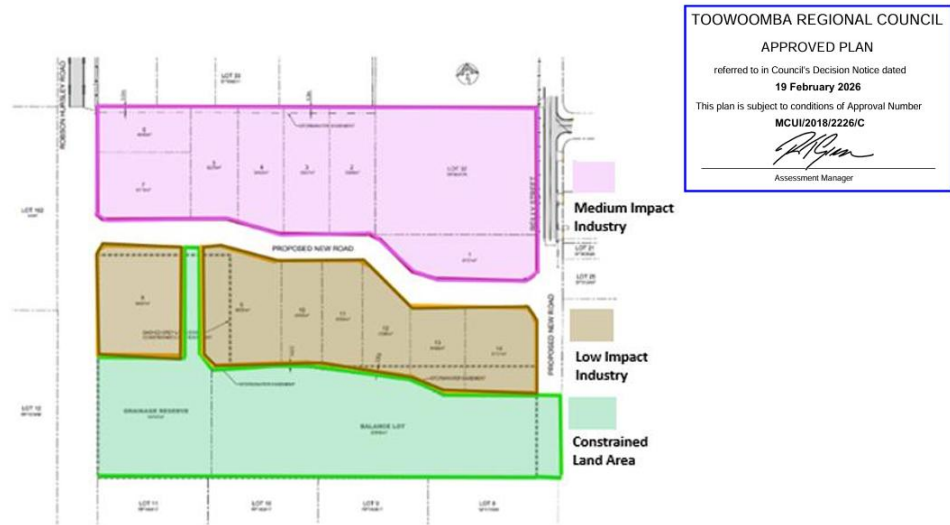
The relevant **Application Form-5 and owner's consent** are attached to this letter. I have summarised in the paragraphs below primary elements relating to the application to simplify explanations and relevant information. Table 1 is a summary of ownership and existing approvals applicable to the subject land.

Table 1

SUMMARY OF RELEVANT APPROVALS AND PROPERTIES AFFECTED BY CHANGE APPLICATION	
APPLICATION NUMBER	MCUI/2025/305
APPROVAL CONSEQUENTIALLY AFFECTED	RAL/2022/5361/D
APPLICANT/OWNER	Tunney Investments Pty Ltd
LOCATION	Endeavour Way, Torrington
PROPER DESCRIPTION	Lot 1 SP349893
APPROVED USE	Low Impact Industry and Drainage Reserve
ZONING/PRECINCT	ECZ and Scheme Variation 2018/2226/C

The **Structure Plan** that forms part of the Scheme Variation MCUI/2018/2226/C is shown below. The changed plan boundaries align with the proposed 'zoning' boundaries and the proposed Low Impact Industry approved for Lot 9 accords with the recently approved Structure Plan. Constrained Land area still covers the Drainage Reserve lot (and Balance Lot) which carries through from the latest iteration of RAL/2022/5361/D.

Revised Structure Plan for Scheme Variation MCUI/2018/2226/C



Reference: NU-09/2025 – Version A

Prepared by Nexus Urban Consultants – September 2025

2.0 Proposed Changes

Changes to Approved Drawings

The proposed changes in *Table 2 (second column)* show amendments to the Approved Plan associated with MCUI/2025/305, as discussed above.

The proposed changes do not alter in any way the ability to use proposed Lot 9 for low impact industrial activities. The changes included on the drawings in relation to the proposed building, parking or landscaping are designed to make better use of the site due to the slight increase in area and site - length. The landscape drawings have been modified to include those changes to the site plan arising from the boundary modifications and the other minor changes made by AM Civil on its drawings.



No Change to this drawing

2.2. Changes to Conditions

The Site Plan, in Table 2, requires corresponding changes to Condition 6 of RAL/2022/5361/C. The amended condition is in Table 3.

There were no conditions relating to the landscape plans other than Conditions 98 and 99 requiring plan lodgement for endorsement before commencement of works. Although submitted with the original application these plans were not included amongst the stamped plans in the Decision Notice. I have included the landscape plans for comparison purposes and completeness.

Table 3

Changes to Condition 6 in MCUI/2025/305	
Existing Condition 6.	Changed Condition 6.
Plan No: Drawing No SP-101, Revision B Description: Preliminary Site Plan, prepared by AM Civil and dated 4 April 2025. Amendments: Nil	Plan No: Drawing No SP-101, Revision B (B) (1) Description: Preliminary Site Plan, prepared by AM Civil and dated 4 April 2025. 20 March 2026 Amendments: Nil
Plan No: Drawing No SP-105, Revision A Description: Building Elevations, prepared by AM Civil and dated 20 February 2025. Amendments: Nil	No Change to this Drawing

3.0 Statutory Provisions (and Tests)

We have reproduced statutory and advisory information relating to the tests that apply to an application for a minor change.

Table 4 below provides a summary of the tests applied and our interpretation of those tests. As demonstrated, there should be no doubt that the requested changes are of a minor nature and accord with the statutory tests applied in the Planning Act 2016 and in the DA Rules.

These tests need to be read in relation to the change components listed in Tables 2 and 3 above.

Table 4

Statutory Tests for Compliance with Change Minor in regards to a Development Approval	
Relevant Statutory Conditions to Meet	Comments
S78 Planning Act 2016: Change applications. For a change application to be considered a minor change, the change to the development approval must meet the definition of a minor change as set out in schedule 2 of the Planning Act . This definition includes the requirement that the proposed change would not result in ‘ substantially different development ’. Schedule 1 of the DA Rules contains further information about substantially different development.	The proposed change will not result in a substantially different industrial development therefore meeting this requirement.
Extract from Planning Act 2016, Schedule 2: (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	Change will not result in substantially different development therefore meeting this requirement. Complies Complies Complies

<p>(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</p> <p>(E) public notification if public notification was not required for the development application.</p>	<p>Complies</p> <p>Complies</p>
<p>Schedule 1: DA Rules</p> <p>3. In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.</p> <p>4. A change may be considered to result in a substantially different development if any of the following apply to the proposed change:</p> <p>(a) involves a new use; or</p> <p>(b) results in the application applying to a new parcel of land; or</p> <p>(c) dramatically changes the built form in terms of scale, bulk and appearance; or</p> <p>(d) changes the ability of the proposed development to operate as intended; or</p> <p>(e) removes a component that is integral to the operation of the development; or</p> <p>(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</p> <p>(g) introduces new impacts or increase the severity of known impacts; or</p> <p>(h) removes an incentive or offset component that would have balanced a negative impact of the development; or</p> <p>(i) impacts on infrastructure provisions.</p> <p>The change application is for a minor change to a development condition that a referral agency imposed – in which case the responsible entity is the referral agency,</p>	<p>Noted and Complies</p> <p>Doesn't involve new use. Doesn't involve new parcel of land. Doesn't change built form in terms of scale bulk or appearance. Doesn't change ability to operate as intended. Doesn't remove a component that is integral to proposal. Doesn't significantly impact traffic flows. Doesn't increase severity of known impacts. Doesn't remove an incentive or off set. Doesn't impact on infrastructure provisions. Doesn't change a condition imposed by a referral agency.</p>
<p>After making the change application to the responsible entity, the person making the application must give the application to affected entities. Affected entities are provided with the opportunity to assess the change application and provide a response to the responsible entity. This can either take the form of a pre-request response notice before the change application is made or can be given as a response notice after the change application is made. Sections 81 and 81A of the Planning Act sets out how a responsible entity must assess and decide a change application for a minor change, the period in which to decide the change and the period in which to give a decision notice about the change.</p>	<p>As the requested changes are well within the anticipated activities and impacts of the original approval, there is no requirement to notify referral agencies or affected entities.</p>

4.0 Matters to be considered by a 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 below which provides an indication of the proposal's compliance with each of these considerations.

Table 5 - Considerations

Pursuant to s. 81 of the Planning Act 2016, the responsible entity must consider a range of issues in assessing the change application. Summary headings are listed below:	
Required information	Letter/submission and subdivision plan attached
Previous properly made submissions	Not applicable
Pre-response notice	Not applicable
If responsible entity is the Minister	Not applicable
Any other matters	Nil
Statutory Instrument	Toowoomba Regional Planning Scheme 2012

There are no issues pursuant to s. 81 of the Planning Act 2016 as indicated in the above table.

5.0 Infrastructure Charges

No floor space changes are included in this Change request nor change in intensity of use. Minimal effect on ICs due to site being marginally enlarged.

6.0 Conclusion

Attached to the transmitting email are documents that will assist planning officers in considering the Change application, namely:

- Attachment 1 Letter/Report Supporting Application
- Attachment 2 DA Form 5
- Attachment 3 Decision Notice for MCUI/2025/305
- Attachment 4 Approved Site Plan MCUI/2025/305
- Attachment 5 Change minor Site Plan SP-101 (B) (1)
- Attachment 6 Approved Landscape Plans for MCUI/2025/305
- Attachment 7 Modified Landscape Plans
- Attachment 8 Owners Consent Form signed and dated.

The change application responds to boundary realignments between proposed lot 9 and the proposed lot for the Drainage Reserve which have been approved in a previous change application.

The applicant will make the **required fee payment** once the amount is confirmed by Council Officers.

Your favourable consideration of the proposed boundary changes to the existing approval would be appreciated. Should you require any further information or advice please contact me on the phone number listed below.



Stewart Somers
Principal Consultant

M. 0400 539 942

E. nexusconnections@hotmail.com