

Date: 13 August 2026
Our Reference: J000993 - Avondale
Your Reference: MCUI/2020/1100/A & ERA/2020/1103/A

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

Dear Sir / Madam,

Site Address:	2403 Turallin Road, TURALLIN QLD 4357
RPD:	Lot 2 on RP79686
Method of Distribution:	Email [development@tr.qld.gov.au]
Subject:	Change Application (Minor Change) Under Section 78 of the <i>Planning Act 2016</i>

We write on behalf of *Ellerslie Free Range Farms Pty Ltd* ("the Applicant"), regarding the above-mentioned development approval.

The changed development approval was granted by *Toowoomba Regional Council*, ("Council") as assessment manager, on 29 April 2026, for the following aspects of development:

- Development Permit for Material Change of Use for Intensive Animal Industry (Poultry Farm - Maximum 840,000 birds); and
- Environmentally Relevant Activity for Poultry Farming (more than 200,000 birds) (ERA 4 (2)).

A copy of the Existing Approval is enclosed at **Attachment 2**.

This change application is made to 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
- **Attachment 2** - Existing Approval
- **Attachment 3** - Amended Site Plan
- **Attachment 4** - Amended Site Based Environmental Management Plan

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

1. BACKGROUND

On 14 September 2020, a development approval (Council Reference: MCUI/2020/1100 & ERA/2020/1103) was granted by Council.

This development approval related to poultry farming, with the key components of the approval including:

- An overall capacity of 840,000 birds, consisting of:
 - 600,000 layer birds across ten (10) layer sheds; and
 - 240,000 rearing birds across two (2) sheds.
- An associated egg grading floor/packing shed, and various other ancillary buildings.

On 29 April 2026, a changed development approval (Council Reference: MCUI/2020/1100/A & ERA/2020/1103/A), issued in response to a Minor Change application lodged on 12 September 2025, replaced the development approval previously issued for the following aspects of development:

- Development Permit for Material Change of Use for Intensive Animal Industry (Poultry Farm – Maximum 840,000 birds); and
- Environmentally Relevant Activity for Poultry Farming (more than 200,000 birds) (ERA 4 (2)).

The changed application (Council Reference: MCUI/2020/1100/A & ERA/2020/1103/A) sought the following amendments:

- The removal of two (2) rearing sheds (containing 240,000 birds);
- The construction of two (2) new layer sheds adjacent to the ten (10) approved laying sheds;
- Amendments to the proposed staging; the development is now to include two (2) stages. Notably:
 - Stage 1 will consist of the egg production components of the farm; and
 - Stage 2 will consist of structures relating to sorting and packaging of eggs.
- The introduction of an ancillary manager's accommodation within stage 1;
- The introduction of an ancillary maintenance shed, machinery building, and feed complex within stage 1;
- Amendments to the floor plan/elevations of the packing shed (reduction in overall GFA);
- The reduction of the approved landscape buffer from 30m to 10m in width; and
- The adoption of an Amended Odour Assessment.

The updated approval, reflecting the changes, was issued by Council on 29 April 2026.

The changed development approval has not yet been enacted. With development of the site now scheduled to commence, the operator is seeking to make minor amendments to the existing approval as part of this change application to align with current operational needs.

2. PROPOSED CHANGES

This change application involves the following changes:

- The rotation of the approved manure pad by 90 degrees (refer *Amended Site Plan* at **Attachment 3**);
- The adoption of an *Amended Site Based Environmental Management Plan* (refer **Attachment 4**) involving a 'Reverse Osmosis' strategy in which ground water is pumped up and processed (desalinated) to provide clean water for poultry drinking purposes, whilst the salty byproduct is held/contained within an evaporation pond; and
- Incorporation of several evaporation ponds (associated with the proposed reverse-osmosis system);

It is noted that:

- The new evaporation ponds/rotation of the manure pad does not alter the relevance of the approved Noise Impact Assessment
- The ponds have been located to ensure they are located to ensure minimal intrusion on the overland flow paths mapped over the site under the *Balance (Mixed)* sub-category of the *Flood Hazard Overlay*. This is shown in the Proposal Plans provided at **Attachment 3**. The ponds can be designed to ensure floodwater intrusion does not occur and a condition of approval can be applied to ensure this occurs.

2.1. Changes to Approved Drawings and Documents

The proposed changes require amendments to the list of approved drawings and documents, as identified in **Table 1** 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 1** below, the drawings or documents will remain as documented in the Existing Approval.

Table 1 - Approved Drawings and Documents

Plan No. / Document Desc.	Description	Comment
LBD 25-0302, Rev G	Site Plan, prepared by Langton Building Designs, dated 3 November 2025	This plan is superseded by the 'Amended Site Plan' referenced in the row below.
LBD 25-0302, Rev J	Amended Site Plan, prepared by Langton Building Designs, dated 29 July 2026	This plan supersedes the previous site plan struck-out in the row above.
Avondale Cage Free Layer Farm: Site Based Environmental Management Plan - Jan 2026	Site Based Environmental Management Plan prepared by Integrity Ag, dated January 2026, received by Council 27 January 2026	This document is superseded by the 'Amended Site Based Environmental Management Plan' referenced in the row below.
Avondale Cage Free Layer Farm: Site Based Environmental Management Plan - July 2026	Site Based Environmental Management Plan prepared by Integrity Ag,	This document supersedes the document struck-out in the row above.

dated July 2026, received by Council August 2026.

3. LEGISLATIVE ASSESSMENT

3.1. Minor Change Criteria

The Applicant seeks to amend the Existing Approval to incorporate the proposed changes via a Minor Change, pursuant to s.78 of the *Planning Act 2016*.

Table 2 and **Table 3** 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*.

Table 2 - Compliance with Definition for a Minor Change

Relevant Provision	Assessment
The definition of a minor change to a development approval under Schedule 2, <i>Planning Act 2016</i> , is:	
<i>"Minor change means a change that...</i> <i>... (b) for a development approval -</i>	
<i>(i) would not result in substantially different development; and</i>	Complies An assessment of the substantially different development requirements under the <i>Development Assessment Rules (Schedule 1)</i> has been undertaken as part of this correspondence. Please refer to Table 3 below for further detail, which concludes that the amendments do not result in substantially different development.
<i>(ii) if a development application for the development, including the change, were made when the change application is made would not cause -</i>	
<i>(A) the inclusion of prohibited development in the application; or</i>	Not Applicable The change application does not result in prohibited development as per the <i>Planning Regulation 2017</i> .
<i>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	Not Applicable There was a referral agency for the original development application.
<i>(C) referral to extra referral agencies, other than to the chief executive; or</i>	Not Applicable The proposed change does not trigger referral to an additional referral agency.
<i>(D) a referral agency to assess the application against, or have regard to, matters prescribed by</i>	Not Applicable

<i>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</i>	The proposed change does not require a referral agency to assess the application against matters which would not have been assessed as part of the original proposal. Notably, the proposal retains the same overall number of birds and a similar development layout.
<i>(E) public notification if public notification was not required for the development application</i>	Not Applicable Public notification was required as part of the original development application.

Table 3 - Compliance with Substantially Different Development Test

In relation to part (b)(i) of the definition of Minor Change under the Planning Act 2016, the substantially different development requirements under the <i>Development Assessment Rules</i> (Schedule 1) provide instructive guidance as follows:-	
<i>"A change may be considered to result in a substantially different development if the proposed change:</i>	
<i>involves a new use; or</i>	Complies The proposed change does not result in the introduction of a new use.
<i>results in the application applying to a new parcel of land; or</i>	Complies The proposed change does not introduce new land.
<i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	Complies The appearance of the development is not dramatically altered. Rather, the development retains the appearance of a poultry farm with a low intensity of built form with a largely similar distribution of development across the site. The proposed changes to the manure pad/inclusion of evaporation ponds, which relates to a relatively minor part of the development and a small part of the site, does not dramatically change built form.
<i>changes the ability of the proposed development to operate as intended; or</i>	Complies The proposed change does not impact the ability of the approved development to operate as intended. The manure pad is retained. The evaporation ponds reflect the use of groundwater as part of the water supply for the farm (which was always intended to occur), and are reflective of the need to appropriately treat water prior to its use.

<i>removes a component that is integral to the operation of the development; or</i>	Complies The proposed change does not remove a component that is integral to the operation of the development.
<i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	Complies The proposed change does not create any impact on traffic flows or the transport network. Notably, the proposed change does not involve a change in the overall intensity of the development, where the number of poultry to be onsite remains the same. The site access arrangement is not altered.
<i>introduces new impacts or increase the severity of known impacts; or</i>	Complies The proposed change does not introduce new impacts or increase the severity of known impacts. It is noted that: - The manure pad is provided in generally the same location (just rotated 90 degrees) - The evaporation ponds are not associated with any noise or odour impacts - Evaporation ponds will be designed to ensure that byproduct does not leave the site, where managed in accordance with the procedures of the amended Site Based Environmental Management Plan. - Works generally avoid areas mapped as being affected by the Flood Hazard Overlay (as shown in the <i>Amended Site Plan</i> provided at Attachment 3.
<i>removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	Complies The proposed change does not involve the removal of an incentive or offset component that would have balanced a negative impact of the development.
<i>impacts on infrastructure provisions.</i>	Complies The proposed change does not create impacts upon infrastructure provisions. Notably, the intensity of the use is not altered where the overall number of birds to be onsite remains the same.

3.2. 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.

Under s.80 of the *Planning Act 2016*, there are no affected entities.

3.3. 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 4** below which provides an assessment of the proposal's compliance with each of these considerations.

Table 4 - Assessment against s.81 of the Planning Act 2016

Relevant Provision	Assessment
(2) In assessing the change application, the responsible entity must consider -	
<i>The information the applicant included with the application;</i>	Noted In addition to the assessment contained within this letter, the <i>Existing Approval</i> for MCUI/2020/1100/A & ERA/2020/1103/A, an <i>Amended Site Plan</i> , and <i>Amended Site Based Environmental Management Plan</i> are enclosed at Attachment 2 , Attachment 3 , and Attachment 4 , respectively.
<i>if the responsible entity is the assessment manager-any properly made submissions about the development application or another change application that was approved;</i>	Noted The original application was subject to Impact Assessment but no properly made submissions were received.
<i>Any pre-request response notice or response notice given in relation to the change application; and</i>	Not Applicable No pre-request response notice or response notice has been given in this instance.
<i>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</i> <i>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</i>	Item d) is not applicable to this change application. Item da) is applicable to this change application. See response to Items 4 and 5 below.
<i>Another matter that the responsible entity considers relevant.</i>	It is not considered that there are any other relevant matters warranting consideration.
(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	

<i>(b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.</i>	
<i>(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.</i>	The statutory instrument in effect at the time the original development application was properly made was the <i>Toowoomba Regional Planning Scheme (Version 23)</i> .
<i>(5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to –</i> <i>a) the statutory instrument or other document as in effect when the change application was made; or</i> <i>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</i> <i>c) another statutory instrument—</i> <i>(i) that comes into effect after the change application is made but before it is decided; and</i> <i>(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.</i>	a) The current version of the planning scheme is version 29, and this does not include variations to the version under which the original approval was given that have any significant bearing with regards to the changes proposed. b) If the planning scheme is updated before the change application is decided that instrument may be considered. c) Any changes to statutory instruments made after the application is made may be considered.

3.4. Infrastructure Charges

In accordance with s.119(6) of the *Planning Act 2016*, a local government may give an amended infrastructure charges notice to the applicant in approving a change application.

In this instance, it is considered that an amended infrastructure charge notice may not be issued given that no changes to Gross Floor Area (GFA) or impervious areas result from this change application.

3.5. 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 (provided at **Attachment 1**);
- The written consent of the owner of the premises (provided at **Attachment 1**); and
- The applicant will make payment of the required fee to Council, once the applicable amount has been confirmed by Council.

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.

4. SUMMARY

This change application is lodged with the responsible entity and identifies the amendments that are sought to the existing approval. As demonstrated above, the amendments are a minor change to the existing changed 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 the undersigned on (07) 4632 0516.

Yours faithfully,

Property Projects Australia Pty Ltd



Blake Brindley
Senior Town Planner

Enc. As Above.