

20 August 2026

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

RECEIVED
20/08/2026
TOOWOOMBA
REGIONAL COUNCIL

By Email: development@tr.qld.gov.au

Dear Sir/Madam,

PLANNING SUBMISSION – DEVELOPMENT APPLICATION – MATERIAL CHANGE OF USE CHILD CARE CENTRE –241,243 & 249 BRIDGE STREET, NEWTOWN – LOT 1 RP17060, LOT 1 RP51161 AND LOT 2 RP60061 – COUNCIL REFERENCE: MCUI/2026/5077 (Our Ref: 2026-168)

Precinct Urban Planning Pty Ltd has been commissioned by Cenaphora Investments Pty Ltd ACN 632 017 040 (**"the submitter"**) to undertake the preparation of a planning submission in respect of a development application for a Development Permit for Material Change of Use for a Child Care Centre.

The application relates to land at 241,243 and 249 Bridge Street, Newtown described as Lot 1 RP17060, Lot 1 RP51161 and Lot 2 RP60061 (**"the subject land"**). The application to the Toowoomba Regional Council (**"the Council"**) as Assessment Manager, seeks to facilitate the lawful establishment and use of the proposed development and has been made by Development Holdings Pty Ltd (**"the applicant"**).

The following report comprises a "properly made submission"¹ for the purposes of section 53(6) of the *Planning Act 2016*. It outlines the grounds upon which the submitter objects to proposed development, and the facts and circumstances relied upon in support of those grounds.

¹ Schedule 2 of the *Planning Act 2016* defines a properly made submission as follows:

".... properly made submission means a submission that—

(a) is signed in hard copy, or electronically given in the way stated in the notice for making the submission, by each person (the submission-makers) who made the submission; and

(b) is received—

(i) for a submission about an instrument under section 18, a State planning instrument, or a designation—on or before the last day for making the submission; or

(ii) otherwise—during the period fixed under this Act for making the submission; and

(c) states the name and residential or business address of all submission-makers; and

(d) states its grounds, and the facts and circumstances relied on to support the grounds; and

(e) states 1 postal or electronic address for service relating to the submission for all submission-makers; and

(f) is made to—

.....

(ii) for a submission about a development application—the assessment manager; or

..."

Relevant extracts of the application documentation and the Toowoomba Regional Planning Scheme 2012 have been referenced in the preparation of this submission.

1.0 PROPOSED DEVELOPMENT

This submission relates to the development application seeking a Development Permit for Material Change of Use for a Child Care Centre over the subject land.

The applicant has described the proposed development as follows:

The proposal involves the establishment of a Childcare Centre designed to accommodate 123 children. The development provides a single-storey built form and is designed to integrate “..... with the surrounding residential environment while delivering a critical community service. The proposed development will operate from Monday to Friday, 6:00am to 7:00pm and is serviced by 37 car parking spaces, including one (1) PWD space and ten (10) staff spaces. |

.....”

2.0 SUBMISSION ISSUES

2.1 INTRODUCTION

The grounds of this submission objecting to the proposed development and the facts and circumstances provided in support of those grounds are detailed individually below. For ease of comprehension the submission ground is nominated and then followed by a summary of the facts and circumstances in support of that ground.

2.2 SUBMISSION GROUND 1

The application has been publicly notified incorrectly and not in accordance with the provisions of the Planning Act 2016. That non-compliance has compromised the public's awareness and knowledge of the proposal and has adversely affected their ability to fully and properly exercise their rights or make considered and informed submissions in respect of the application pursuant to the rights available to submitters under the Planning Act 2016 and the DA Rules.

SUPPORTING FACTS & CIRCUMSTANCES

Where an information request is issued by an assessing authority, and an applicant elects to respond to that request, Part 3, Section 15 of the DA Rules states:

15 End of part 3

15.1 Part 3 is complete when—

(a) if no assessing authority makes an information request, the later of the periods stated under sections 12.2 and 12.4, as relevant to the application, has ended; or

(b) if any assessing authority makes an information request, the earlier of the following occurs—

(i) the applicant has finished responding to all information requests in the way stated under section 14.1; or

(ii) all periods for the applicant to respond to all information requests as stated in section 13.1 have ended.

The practical implication of Part 3, Section 15 of the DA Rules is that the information request period does not conclude, nor can Part 4 – Public Notification commence until the information request has been responded.

We have reviewed relevant application documentation available on Council's Developmenti portal, and this confirms the following:

- On 28th July 2026 – The public notification contractor acting on behalf of the applicant submitted a Notice of intention to commence public notification under section 17.2 of the DA rules;
- This notice confirmed:
 - A notice would be published in the Toowoomba Chronicle on 29 July 2026;
 - Public notices would be placed on the premises on 29th July 2026;
 - Adjoining owners would be notified on 28th July 2026;

To enable the public notification period to commence on **30th July 2026**. A copy of this document is included in **Appendix A – Public Notification Documents**.

- On 29th July 2026 a public notice appeared in the Toowoomba Chronicle. A copy of this document is included in **Appendix A – Public Notification Documents**. Among other things, that notice confirmed the public notification period would extend from 30 July 2026 until 20 August 2026 (inclusive).
- On 4th August 2026, the applicant submitted their response the information request. A copy of this document is included in **Appendix A – Public Notification Documents**. The information request was not received until a week after the first action of the public notification stage ²was undertaken, and four (4) days after the applicant commenced the public notification stage.
- The sequence of events detailed above confirms that the applicant has directly contravened statutory public notification requirements by commencing public notification prior to the information request stage concluding.
- The evident non-compliance has had a materially significant and adverse impact on potential submitters knowledge of and ability to exercise their rights to make submissions in respect of the proposal by:
 - Not publicly notifying the proposal for the correct statutory period. Accounting for the lodgement of the information request response not being completed until 4 August 2026, the earliest the statutory public notification period could have commenced would have been the 5th, or more realistically 6th August, meaning that the period ought not to have

² Notice of intention to commence public notification

concluded until Wednesday 26th August 2026. The applicants have not advertised the application for the required period thereby unreasonably curtailing public knowledge of the proposal and its impacts, and the community's ability to make submissions on the proposal.

- The public's knowledge of the proposal and its associated impacts have been unreasonably restricted as information response material was not available until a number of days after the public notification period had commenced.
- The time provided for potential submitters to properly review and respond to the application material in informing any submission is insufficient and directly contravenes statutory requirements.
- The application has not been correctly publicly notified from the perspective that:
 - The notification period commenced prior to the information request stage concluding.
 - The commencement of the public notification period was procedurally premature resulting in the application being notified for a period less than the minimum 15 business days after the information request is responded to.
 - The notification period proceeded without the community having the benefit of the required statutory period to review the information request response material.
 - The notification period undertaken by the applicant was not of sufficient duration following the receipt of information request response material.
- The application has not been properly or fully notified in accordance with statutory procedures resulting in adverse impacts on the public's awareness of the proposal and has curtailed its ability to respond fully and properly to it in accordance with rights available to submitters under the Planning Act 2026 and the DA rules, and such non-compliance cannot be excused.
- The application needs to be readvertised in accordance with the applicable statutory procedures.

2.3 SUBMISSION GROUND 2

The location, design and scale of the development is contrary to sound traffic planning and access principles and will contribute to traffic safety, efficiency and circulation problems in the locality.

SUPPORTING FACTS & CIRCUMSTANCES

- The location and design of the proposed development give rise to a multitude of traffic, access and circulation issues which have not been fully or properly addressed.
- The traffic issues of particular relevance include the following:

- The application proposes a total of 37 on-site parking spaces, of which 19 are staff parks. A total of 25 of those spaces are in tandem configuration. Unlike similar proposal the applicant has not provided, nor has the Council requested a “tandem parking management plan”. It is noted that many of the tandem spaces are not to be exclusively used by staff. That is, there will be interaction between staff and patron parking via the tandem arrangements proposed. Simply allocating staff parking to the rear of tandem parking arrangements as a suitable management response ignores that fact that staff will arrive and leave the centre at the commencement and conclusion of shifts of varying duration during the day. It cannot be assumed that all staff using rear tandem parks will arrive before and leave after parents dropping- off and collecting children during peak or off-peak times. The mixing of staff and patron parks in tandem arrangements will result in traffic conflicts and safety issues.
- Car parking design does not make proper provision for vehicle turning and the servicing of the bin enclosure which cannot be accessed where end of aisle parking spaces is occupied.
- Insufficient provision has been made for vehicle manoeuvring for vehicles reversing from car parking spaces at the eastern end of the car park.
- The centre is accessed from Hillview Street. Hillview Street is essentially a residential street, and the proposed development will lead to a significant increase in non-residential traffic entering Hillview Street with associated adverse impacts on residential amenity and vehicular and pedestrian safety.
- The location of car park ingress and egress will be located directly adjacent to the two-way crossover providing access to the adjacent Seven- Eleven Service Station. In practical terms this creates a T-intersection for vehicle entering and exiting both the Service Station and the Child Care Centre. Considering the traffic generation attributes of both uses, particular during the morning and evening childcare peak, this gives rise to unsatisfactory potential of inappropriate vehicle conflicts and associated safety concerns.

2.4 SUBMISSION GROUND 3

The applicant has not demonstrated the presence of a sufficient economic or justifiable planning and community need that would warrant approval of the proposed development or justify its establishment where more suitable and available facilities already exist.

SUPPORTING FACTS & CIRCUMSTANCES

- Section 45 (Categories of assessment) of the *Planning Act 2016* which allows an applicant to nominate “other relevant matters”³ in the assessment of an application that might otherwise assist in overcoming a conflict or balancing an inability to comply with applicable planning requirements.

³ Section 45 of the *Planning Act 2016* provides examples of “other relevant matters” as follows:

- a planning need
- the current relevance of the assessment benchmarks in the light of changed circumstances

- Section 45 (Categories of assessment) of the *Planning Act 2016* states as follows with respect to development subject to impact assessment:

“...(5) An **impact assessment** is an assessment that—

(a) must be carried out—

(i) against the assessment benchmarks in a categorising instrument for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

.....”

- In attempting to demonstrate that an impact assessable proposal should be approved, an applicant must demonstrate the presence of a “planning need” as one of possibly several “other relevant matters”. Planning need is best characterised as features or attributes of a proposal that result in positively improved planning outcomes in the public interest, that would not otherwise be achieved through the application of the planning scheme, and which accordingly justify departure from it.
- It is noted that Council indicated at pre-lodgement stage, that the proposed use needed to demonstrate its establishment could be justified from a need perspective. The Queensland Planning & Environment Court has described **planning need** as an assessment of the extent to which a proposed development is needed from a planning perspective, namely whether the development is required having regard to the existing and planned provision of facilities, services and land uses within the planning framework. Where the term “need” is used in a planning instrument without qualification, it is generally taken to mean **planning need** rather than merely economic demand.
- The childcare centre is proposed to be established in a location with an oversupply of comparable facilities, many of which are operating at between 60-70% capacity and without waiting lists. This is empirical evidence of market oversupply.
- Spatially speaking the proposed centre is located in very close proximity to two existing centres namely the Freckles Childcare at 221-223 Bridge Street and the Kath Dickson Centre on the corner of Gladstone and Bridge Streets. Our enquiries have confirmed that both centres are operating well below capacity.
- A key determinant of the existence of a planning need is having regard to the existing and approved supply of childcare facilities.
- No assessment of planning need has been provided by the applicant or sought by Council after the pre-lodgement meeting. This is highly unusual and irregular in our experience when Council's approach to similar proposals is considered.
- The applicant has ignored or failed to demonstrate that the proposal should be approved notwithstanding the evident and extensive inconsistency with the requirements of the planning scheme which are predicated on establishing the suitability of a use relative to competing uses and

-
- *whether assessment benchmarks or other prescribed matters were based on material errors*

on demonstrating the presence of a planning need. In that regard the applicant has failed to satisfy an onus that rests squarely with them.

- The fact remains, that the Child Care Centre use proposed is intended for a location where it is patently unsuitable. To the extent there is a need for additional Child Care facilities of the scale and nature proposed, it could be established at a more suitable and appropriately serviced location, where its impacts on surrounding amenity and character could be much reduced, and where the obvious land use conflicts and reverse amenity impacts could be avoided or better ameliorated.
- In demonstrating that a "planning need" for a particular use exists, the second and equally important component of the test is the spatial dimension of being able to show that a demonstrated need should be met at the proposed location. If an economic need has been demonstrated in this case (which we do not concede), the applicant's lack of preparedness to address the issue of "planning need" indicates that the nature of the proposed is such that meeting that need by locating the development on the subject land is clearly and manifestly not in the public interest, where it will have a negative and deleterious impact on existing underutilised centres in the locality.

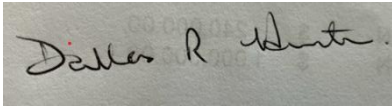
3.0 CONCLUSION

On the basis of the issues raised in this submission, it is considered that sound town planning grounds exist to warrant the refusal of the development application for a Development Permit for Material Change of Use for the purposes of "Child Care Centre" on land at 241,243 and 249 Bridge Street, Newtown. In summary, this submission has demonstrated that the proposed development is patently inappropriate for the following reasons:

1. The development application has been publicly notified incorrectly and not in accordance with the provisions of the Planning Act 2016. That non-compliance has compromised the public's awareness and knowledge of the proposal and has adversely affected their ability to fully and properly exercise their rights or make considered and informed submissions in respect of the application pursuant to the rights available to submitters under the Planning Act 2016 and the DA Rules.
2. The location, design and scale of the development is contrary to sound traffic planning and access principles and will contribute to traffic safety, efficiency and circulation problems in the locality.
3. The applicant has not demonstrated the presence of a sufficient economic or justifiable planning and community need that would warrant approval of the proposed development or justify its establishment where more suitable and available facilities already exist.

Based on the preceding matters, the submitters respectfully requests that Council refuse the proposed development. The submitter can be contacted and/or further information or clarification provided in respect of the matters raised in the following submission by contacting Andrew Bullen – Director (Precinct Urban Planning) on (07) 4632 2535 or email andrew@precinctplan.com.au.

This correspondence comprises a “properly made submission” and is made to the Assessment Manager – Toowoomba Regional Council pursuant to s53(6) of the *Planning Act 2016* having been prepared for and on behalf of the submitter listed below:

A handwritten signature in black ink that reads "Dallas R. Hunter".

Mr Dallas Hunter - Director
Cenaphora Investments Pty Ltd (ACN 632 017 040)
Unit 7/81 Tabletop Drive
Withcott QLD 4352

APPENDIX A – PUBLIC NOTIFICATION DOCUMENTS

Notice of intention to commence public notification
Section 17.2 of the Development Assessment Rules

MCUI/2026/5077

Development Holdings Pty Ltd

C/- Development Signs Australia Pty Ltd
admin@developmentsigns.com.au

07 33 555 030

28 July 2026

Toowoomba Regional Council

PO Box 3021 Toowoomba QLD 4350

RE: Development application for:

Child Care Centre (123 Children)

Where: 241, 243 & 249 Bridge Street, NEWTOWN QLD 4350

On: Lot 1 RP17060, Lot 1 RP51161 and Lot 2 RP60061

Dear Sir/Madam

In accordance with section 17.2 of the Development Assessment Rules, I intend to start the public notification required under section 17.1 on:

30 July 2026

DEVELOPMENT SIGNS

At this time, I can advise that I intend to:

☒ Publish a notice in:

Toowoomba Chronicle
On
29 July 2026

and

☒ Place notice on the premises in the way prescribed under the Development Assessment Rules

29 July 2026

and

☒ Notify the owners of all lots adjoining the premises the subject of the application

28 July 2026

If you wish to discuss this matter further, please contact me on the above telephone number.

Yours sincerely

Ben Dale  28 July 2026	
---	---



Welcome to Australia’s leading network of trusted local classifieds

To place business advertising
13 11 13 or buysearchsell.com.au

Notices

Proposed Development Notices

Proposed Development

Make a submission from
30 July to 20 August 2026
Child Care Centre (123 Children)
Where: 241, 243 & 249 Bridge Street,
NEWTOWN QLD 4350
On: Lot 1 RP17060, Lot 1 RP51161 and Lot 2
RP60061
Approval sought: Development Permit for a
Material Change of Use
Application ref: MCUI/2026/5077
**You may obtain a copy of the application and
make a submission to:**
Toowoomba Regional Council
PO Box 3021 Toowoomba QLD 4350
development@tr.qld.gov.au
131 872
www.tr.qld.gov.au

**Public notification requirements are in
accordance with the *Planning Act 2016***
www.developmentsigns.com.au

Date: 28 July 2026
Our Reference: J002595
Your Reference: MCUI/2026/5077

Attn: Rumpa Sarkar

Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350

Dear Rumpa,

Site Address:	241, 243 & 249 Bridge Street, Newtown QLD 4350
Property Description:	Lot 1 on RP17060, Lot 1 on RP51161 and Lot 2 on RP60061
Method of Distribution:	Email [rumpa.sarkar@tr.qld.gov.au / development@tr.qld.gov.au]
Correspondence Subject:	Response to Information Request Pursuant to s.13 (Chapter 1) of the Development Assessment Rules

We write on behalf of *Development Holdings Pty Ltd* ("the Applicant") regarding the abovementioned development application.

On 03 July 2026, an information request was issued by *Toowoomba Regional Council*, as assessment manager. Pursuant to s.13.2(b) of the *Development Assessment Rules*, please refer below for the applicant's response to this information request.

This information request response is to be considered in conjunction with the following detailed attachments:

- Attachment 1 - Information Request
- Attachment 2 - Applicant Response Table
- Attachment 3 - Amended Proposal Plans
- Attachment 4 - Amended Landscape Concept Plan
- Attachment 5 - Amended Operational Waste Management Plan
- Attachment 6 - Transport Engineering Response
- Attachment 7 - Civil Engineering Response
- Attachment 8 - Arboricultural Impact Assessment

Under s.13.3 of the *Development Assessment Rules*, we request that the assessment manager proceed with assessment of this application.

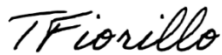
With this response provided, the Applicant will proceed to Part 4: Public Notification of the Development Assessment Rules.

SUMMARY

In accordance with s.13.2 of the *Development Assessment Rules*, this correspondence represents part of the information requested by the assessment manager and we hereby request that the assessment of this development application now continues.

Whilst we trust this information is sufficient to enable you to progress with the assessment of this development application, should you have any queries, please do not hesitate to contact the undersigned on 07 4632 0516.

Yours faithfully,
Property Projects Australia Pty Ltd



Toby Fiorillo
Town Planner

Enc. **Attachment 1** - Information Request
 Attachment 2 - Applicant Response Table
 Attachment 3 - Amended Proposal Plans
 Attachment 4 - Amended Landscape Concept Plan
 Attachment 5 - Amended Operational Waste Management Plan
 Attachment 6 - Transport Engineering Response
 Attachment 7 - Civil Engineering Response
 Attachment 8 - Arborist Report