



Habitat Mt Kynoch Pty Ltd (ACN 652 333 394)
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The Assessment Manager
Toowoomba Regional Council
131 Annand Street
Toowoomba QLD 4350

Submission in relation to Application MCUI/2022/5495 Material Change of Use —
Shopping Centre (Shops and Food and Drink Outlet) 145 Ruthven Street, 6 Isaac Street,
1/3/5/7/9/11 Hagan Street, 151/153/155 Ruthven Street, North Toowoomba Lot 1
RP107538, Lot 3 RP63441, Lots 2-4 & 6-11 RP53542, Lot 100 SP234396

The Assessment Manager,

This submission is made under the Planning Act 2016 by Habitat Mt Kynoch Pty Ltd ACN 652 333 394 (“Habitat”).

Habitat is the owner of the Habitat Mt Kynoch residential and commercial development situated a 1 New England Highway, Mt Kynoch, which is governed by a Variation Scheme Document approved under MCUI/2017/6624 (“VSD”) — an operative planning instrument under section 50 of the Planning Act 2016 (“Habitat Development”).

Habitat does not support approval of Application MCUI/2022/5495 (“Application”).

Habitat’s reasons are:

- 1. The applicant has not established the required economic need for the development proposed in the Application.**

When the applicant initially lodged the Application, Council had the Application’s supporting Economic Impact Assessment report peer reviewed by Foresight Partners in a report dated 18 June 2025 (“Foresight Report”).

The Foresight Report determined that there was no economic need for the development proposed in the Application and identified an oversupply of approximately 2,868sqm of retail space in the relevant Trade area. The applicant's new Economic Impact Assessment undertaken by Colliers dated 12 February 2026 (“Colliers EIA”), has not addressed or rebutted these findings of the Foresight Report.

The application has therefore not established the necessary economic need for the development proposed in the Application and if approved the Application will exacerbate the oversupply of retail shopping space identified Trade area identified in the Foresight Report.

2. The applicant's supplied analysis of supply of approved retail development is flawed in that it has failed to account for the full approved retail capacity at the Habitat Development, which is within the Application's identified Trade area.

The Collier's EIA supplied in support of the Application references a proposed supermarket at 1,560sqm.

The VSD for the Habitat Development establishes approved convenience retail thresholds at section 3.2.16(b) and AO6.1 at 2,000 sqm GFA at the Primary Eastern Local Centre and 500 sqm GFA at the Secondary Western Local Centre (total 2,500m²). These thresholds were based on an Economic Needs Assessment undertaken by Economic Associates (December 2017) that Council accepted in the approval of MCUI/2017/6624.

The Colliers EIA does not reference the Habitat Development VSD, the retail thresholds provided in the VSD or address in any way the Economic Needs Assessment undertaken by Economic Associates .

It would appear that the Colliers EIA has incorrectly assumed the total area of retail development at the Habitat Development is limited to 1,560sqm, based on an issued development approval lodged by a third party – at this point that approved has not progressed.

The 940 sqm difference between the assumed area of retail use at the Habitat Development of 1,560 sqm used in the Colliers EIA compared to the actual approved retail thresholds of 2,500sqm is a significant undercalculation of approximately 60%.

It is also noted that multiple MCU approvals for retail development exist at the Habitat Development site (including MCUC/2023/5405, MCUI/2023/5404, and MCUC/2023/5399) which together comprise an integrated local centre, not a standalone supermarket as referenced in the Colliers EIA.

It appears the Colliers EIA does not account for the full approved retail capacity at the Habitat Mt Kynoch site when used in the applicant's analysis in support of the Application.

3. The Application if approved will negatively impact Habitat's approved centres

The development proposed for approval in the Application has the potential to delay or undermine delivery of the Habitat Local Centres, being centres that Council has already endorsed through the VSD approval process and approvals MCUC/2023/5405, MCUI/2023/5404, and MCUC/2023/5399.

Objection to the Application and Request to Refuse Approval

The submitter objects to the Application and respectfully requests that Council refuse the Application.

Address for correspondence

The postal address for service of notices relating to this submission is PO Box 426, Toowoomba QLD 4350.

The electronic address for service is info@habitatmtkynoch.com.au.

Signed and Dated 13 March 2026



Anthony Douglas Randall
Director and Duly Authorised Officer of Habitat
Mt Kynoch Pty Ltd ACN 652 333 394