



Date: 24 June 2026
Our Reference: J002659
Your Reference: MCUI/2025/5515 and OW/2025/5517

Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Dear Sir / Madam,

Site Address:	Pipe Street, Wellcamp QLD 4350
RPD:	Lot 4 on SP361095 and Lot 56 on SP361095
Method of Distribution:	Email [development@tr.qld.gov.au]
Subject:	Change Application (Minor Change) Under Section 78 of the Planning Act 2016

We write on behalf of F K Gardner and Sons Pty Ltd ("the Applicant"), regarding the abovementioned development approval.

This change application relates to the development approval (MCUI/2025/5515 and OW/2025/5517) which was granted by Toowoomba Regional Council ("the assessment manager") on 21 November 2025 for the following aspects of development:

- Development Permit – Material Change of Use for High Impact Industry and Warehouse; and
- Development Permit – Operational Works associated with a Material Change of Use – Stormwater.

This change application is made to Toowoomba Regional 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 prepared by Property Projects Australia
- Attachment 2 – Existing Approval (MCUI/2025/5515 and OW/2025/5517)
- Attachment 3 – Amended Proposal Plans prepared by FKG Group

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

BRISBANE OFFICE LOWER GROUND/618-626 BRUNSWICK ST NEW FARM QLD 4005 AUSTRALIA P +61 7 3254 1566	TOOWOOMBA OFFICE 123 MARGARET ST TOOWOOMBA QLD 4350 AUSTRALIA P +61 7 4632 0516	MELBOURNE OFFICE LEVEL 1, 239 NICHOLSON STREET CARLTON VIC 3053 AUSTRALIA P +61 3 7037 0432
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1. BACKGROUND

The subject site benefits from a range of development approvals which are relevant to this Minor Change:

RAL/2024/7202

The development application (RAL/2024/7202) was lodged with Council on 06 November 2024 and approved by Council on 01 April 2025. The application was subject to code assessment and associated with the following aspect of development:

- Development Permit for Reconfiguring a Lot for Subdivision (Three (3) Lots into Ten (10) Lots, Access Easements and New Road, in Seven (7) Stages).

The development application triggered referral to the State Assessment and Referral Agency (SARA) and Ergon Energy under the following provisions of the Planning Regulation 2017:

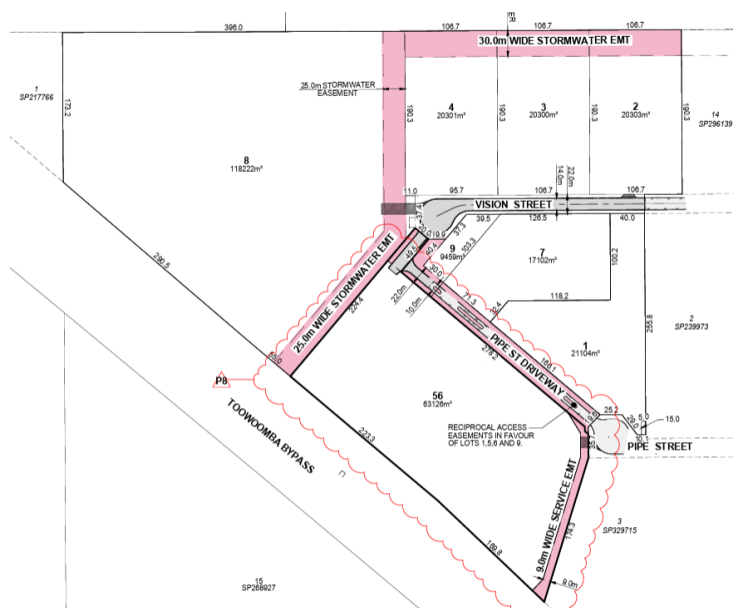
- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 - Development impacting on State transport infrastructure; and
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 - Reconfiguring a lot near a State transport corridor; and
- Schedule 10, Part 9, Division 2, Table 1 - Reconfiguring a lot subject to an easement or near a substation site.

RAL/2024/7202/A

A change application (RAL/2024/7202/A) was lodged with Council on 20 January 2026 and approved by Council on 11 February 2026. The revised development approval was associated with the following aspect of development:

- Development Permit for Reconfiguring a Lot for Subdivision (Three (3) Lots into Nine (9) Lots, Access Easements and New Road, in Seven (7) Stages).

Extract 1 below illustrates the latest approved lot layout.



Extract 1 – Approved – Overall Lot Layout (C2324371 – DA01 – Issue P8)
Source – Development Approval (RAL/2024/7202/A)

MCUI/2025/5515 and OW/2025/5517

The original development application (MCUI/2025/5515 and OW/2025/5517) was lodged with Council on 06 August 2025 over Part of Lot 4 on SP353522. Since the development application was approved, Lot 4 on SP353522 has been subdivided and is now described as Lot 4 on SP361095 and Lot 56 on SP361095 (**Extract 2**).



Extract 2 – Subject Site
Source – QLD Globe

The application was subject to impact assessment and approved by Council on 21 November 2025. The decision notice granted approval for the following aspects of development:

- Development Permit – Material Change of Use for High Impact Industry and Warehouse; and
- Development Permit – Operational Works associated with a Material Change of Use – Stormwater.

The development application triggered referral to the SARA under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 5, Division 2, Item 8 – Development Permit for Material Change of Use for Environmentally Relevant Activities ERA(7)(4)(a), ERA(7)(5)(a) and ERA61(4);
- Schedule 10, Part 9 Division 4, Subdivision 1, Table 1, Item 1 – Development impacting on state transport infrastructure; and
- Schedule 10, Part 9 Division 4, Subdivision 2, Table 4, Item 1 – Material Change of Use of premises near a State Transport corridor or that is a future State Transport Corridor.

Environmental authority permits were issued for the environmentally relevant activities outlined above and the referral agency response (2508-47782 SRA) was issued on 16 October 2025.

A copy of the Existing Approval (MCUI/2025/5515 and OW/2025/5517) has been provided within **Attachment 2**.

2. CONSENT

The change application is supported by landowner consent from the two (2) following entities:

- Witmack Industrial Pty Ltd A.C.N. 150 199 296 (owner of Lot 4 on SP361095); and
- Advanta Seeds Pty Ltd A.C.N 010 933 061 (owner of Lot 56 on SP361095).

The landowner consent letters are provided within **Attachment 1**.

3. PROPOSED CHANGES

Following receipt of the development approval and detailed design works, it has been determined that a minor change to the development approval is required. The following section outlines the changes proposed to the development approval.

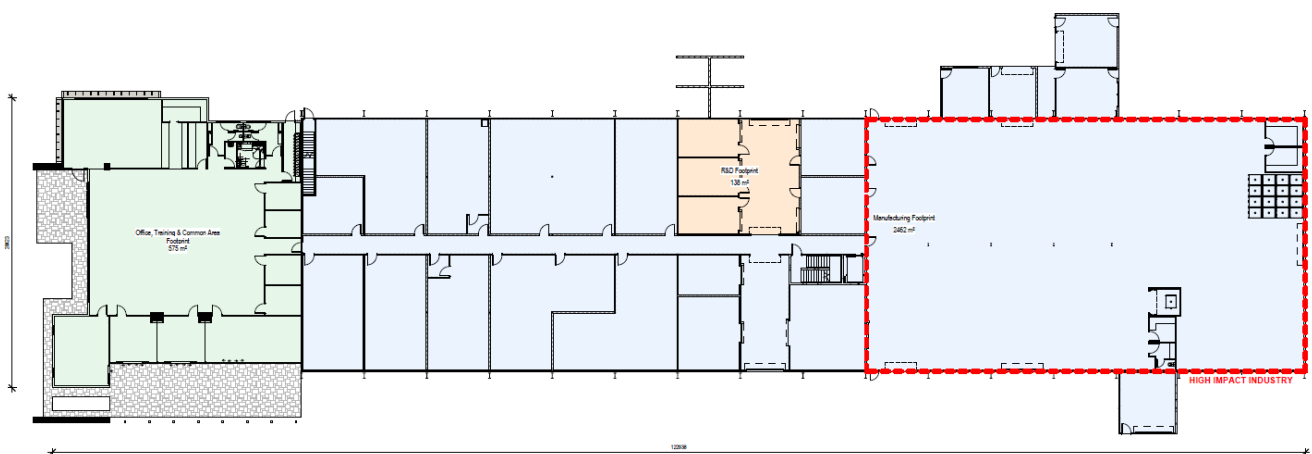
The Amended Proposal Plans at **Attachment 3** demonstrate the basis for the change application with the key changes associated with land use, site layout and floor areas.

3.1. Land Use

A key change associated with this change application is associated with the introduction of an additional land use (Medium Impact Industry) into the development approval whilst reducing the extent of High Impact Industry.

Since the development approval was granted, further investigations into the operation of the facility have occurred and on this basis the area of the site that will be used for High Impact Industry activities has been reduced. Specifically, the extent of High Impact Industry has been reduced by 2,254m² from 3,307m² to 1,053m².

The area that will be utilised for High Impact Industry activities is limited to the area on the lower floor level of the IBC Building highlighted in **Extract 3**.



Extract 3 - IBC Floor Plan (2481-101 - Issue E)

Source - FKG Group

Table 1 provides an overview of the areas of the IBC Building.

Table 1 – IBC Building Area Summary

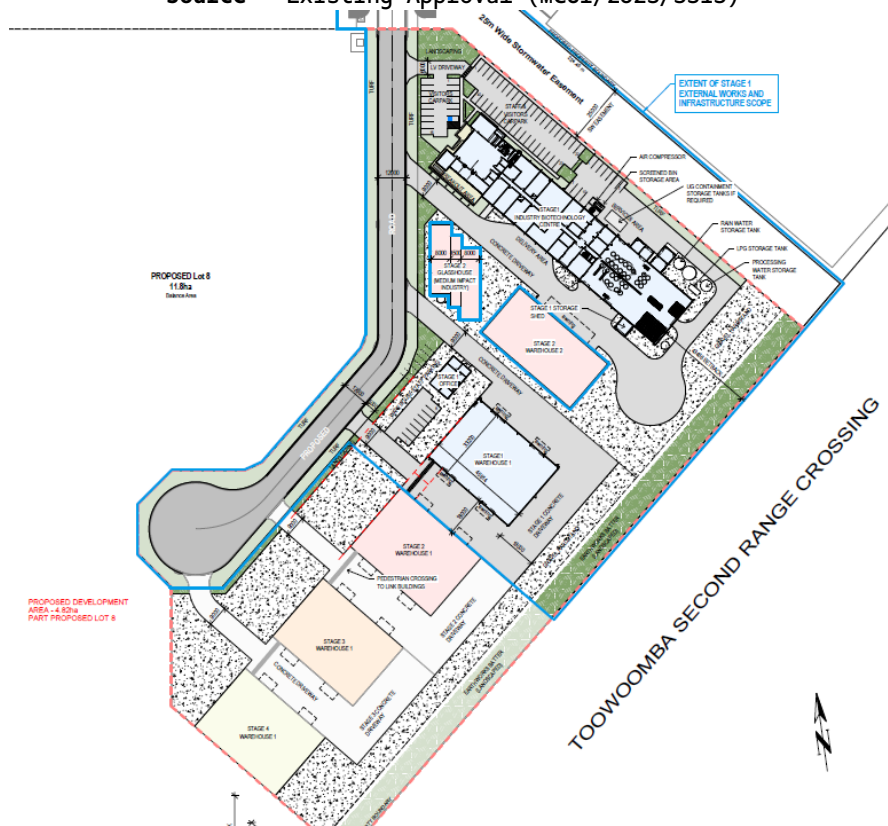
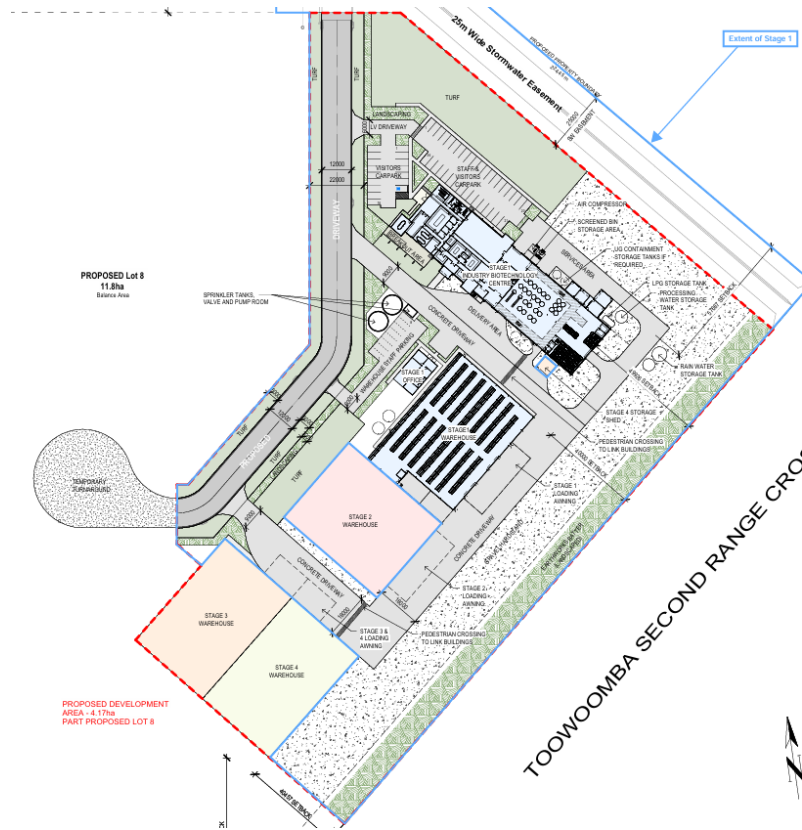
Aspect	Land Use	Area
Office, Training & Common Area Component Floor Area	Medium Impact Industry / Warehouse	575m ²
R&D Component Floor Area	Medium Impact Industry	138m ²
Manufacturing Component Floor Area (Medium) (Ground Floor)	Medium Impact Industry	1,409m ²
Manufacturing Component Floor Area (Medium) (First Floor)	Medium Impact Industry	998m ²
Manufacturing Component Floor Area (High) (Ground Floor)	High Impact Industry	1,053m ²
Total IBC Building GFA		4,173m²

Whilst the proposal introduces Medium Impact Industry as a separate land use, the amendment occurs within a development already approved for High Impact Industry. High Impact Industry represents a more intensive industrial land use classification than Medium Impact Industry under the Planning Scheme. Accordingly, the introduction of Medium Impact Industry does not increase the development intensity, environmental risk profile, or operational impacts previously contemplated by the approval. Rather, the amendment reduces the extent of area that will be used High Impact Industry activities by 2,254m² and replaces those areas with lower intensity industrial or warehouse activities.

Notably, the change application does not seek to introduce a new development activity that is unrelated to the approved industrial use of the site. The amendment reflects a refinement to the operational structure of the approved Industry Biotechnology Centre, with industrial activities continuing to occur within a building, development footprint and operational environment largely consistent with the existing approval.

3.2. Site Layout

As a result of further design work, this change application seeks to revise the site layout. For reference, the approved site layout is shown in **Extract 4** and the proposed site layout is shown in **Extract 5**.



As demonstrated within **Extract 5**, the amendments to the site layout involve the following:

- The footprint of the IBC Building has shifted towards the north east;
- The floor area of the IBC Building has been increased from 3,290m² to 4,173m²;
- The floor area of the Stage 1 Warehouse has reduced;
- Stage 2 now features two (2) warehouses and one (1) glasshouse (Medium Impact Industry);
- The floor area of the Stage 3 Warehouse and Stage 4 Warehouses have been reduced;
- The configuration of the warehouses in Stage 1, Stage 2, Stage 3 and Stage 4 have been revised;
- The site coverage has increased from has 9.8% to 10.3%;
- The total gross floor area has been increased from 11,584m² to 12,321m²; and
- The extent of car parking has increased from a total of 64 spaces to 74 spaces.

Notwithstanding the amendments outlined above, the overall development outcome remains substantially consistent with the approved development. Whilst the proposal incorporates a modest increase in gross floor area and site coverage, the changes are distributed across the site and occur within the approved development footprint.

The amended site layout maintains the approved access arrangements, vehicle manoeuvring areas, servicing strategy and staging framework. The proposal continues to provide substantial setbacks to adjoining boundaries and retains a site coverage of only 10.3% across the development site.

Importantly, the amendments do not fundamentally alter the scale, character or operation of the approved industrial development and instead represent a refinement of the site layout following detailed design investigations.

3.3. Gross Floor Area

The abovementioned changes to land use and site layout result in marginal changes to the previously approved gross floor area. **Table 2** below provides an overview of the gross floor area of the previous approval and the gross floor area proposed as part of this change application.

Table 2 – Gross Floor Area Changes

Aspect	Approved GFA	Proposed GFA	Change
Stage 1			
Warehouse	2,277m ²	1,720m ²	- 577m ²
Medium Impact Industry / Warehouse	Not Applicable	575m ²	+ 575m ²
Medium Impact Industry	Not Applicable	2,545m ²	+ 2,545m ²
High Impact Industry	3,307m ²	1,053m ²	- 2,254m ²
Stage 1 Total GFA	5,584m²	5,893m²	+ 309m²
Stage 2			
Warehouse	2,000m ²	2,771m ²	+ 771m ²
Medium Impact Industry	Not Applicable	615m ²	+ 615m ²
Stage 2 Total GFA	2,000m²	3,386m²	+ 1,386m²

Stage 3			
Warehouse	2,000m ²	1,521m ²	- 479m ²
Stage 3 Total GFA	2,000m²	1,521m²	- 479m²
Stage 4			
Warehouse	2,000m ²	1,521m ²	- 479m ²
Stage 4 Total GFA	2,000m²	1,521m²	- 479m²
Total GFA	11,584m²	12,321m²	+ 737m²

Whilst the overall gross floor area increases by 737m², the increase is modest relative to the scale of the approved development and does not materially alter the development outcome previously approved by Council.

3.4. Summary of Changes

The proposed changes are primarily associated with refinements to the approved development following detailed design investigations and a more comprehensive understanding of the operational requirements of the future facility.

The key amendments comprise:

- A reduction in the extent of High Impact Industry floor area from 3,307m² to 1,053m²;
- The introduction of Medium Impact Industry activities within areas previously approved for High Impact Industry;
- Minor amendments to the approved building footprints and site layout;
- A marginal increase in overall gross floor area;
- Minor changes to the configuration and staging of warehouse buildings;
- The introduction of a glasshouse within Stage 2; and
- An increase in on-site car parking.

Importantly, the proposed changes do not alter the fundamental nature of the approved development, being an industrial and warehouse facility. The proposal remains wholly contained within the approved development area, does not introduce additional lots or land, does not materially alter the approved access arrangements and does not generate impacts beyond those previously contemplated by Council.

Overall, the proposed changes represent a refinement of the approved development outcome rather than a new or substantially different development.

3.5. Changes to Approved Drawings and Documents

The proposed changes require amendments to the list of approved drawings and documents, as identified in **Table 3** 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 3** below, the drawings or documents will remain as documented in the Existing Approval.

Table 3 – Approved Drawings and Documents

Drawing or Document	Number	Plan Date
Site Plan	2481-001 Issue C 2481-001 Issue H	04 September 2025 19 June 2026
IBC Floor Plans	2481-101 Issue B 2481-101 Issue E	04 August 2025 19 June 2026
IBC Building Elevations	2481-201 Issue B 2481-201 Issue E	04 August 2025 19 June 2026
IBC Building Sections	2431-301 Issue B	04 August 2025
Stage 1 – Warehouse Office Floor Plan and Perspective	2481-102 Issue B	04 August 2025
Stage 1 – Warehouse Office Elevations	2481-202 Issue B	04 August 2025
Stage 1 – Warehouse Floor Plan	2481-103 Issue B	04 August 2025
Stage 1 – Warehouse Section and Elevations	2481-203 Issue B	04 August 2025
Stage 2 – Warehouse Type 2 Floor Plan	2481-104 Issue B 2481-104 Issue D	04 August 2025 29 May 2026
Stage 2 – Warehouse Section and Elevations	2481-204 Issue B	04 August 2025
Stage 3 and 4 – Warehouse Floor Plan	2481-105 Issue B	04 August 2025
Stage 3 and 4 – Warehouse Section and Elevations	2481-205 Issue B	04 August 2025
Stage 4 – Store Building Details	2481-601 Issue B	15 September 2025
New Plans		
Stage 1 to Stage 4 – Warehouse Type 1 Floor Plan	2481-103 Issue D	29 May 2026
Stage 2 – Glasshouse Floor Plan and Elevations	2481-105 Issue D	29 May 2026
Stage 1 to Stage 4 – Warehouse Type 1 Elevations (Sheet 1)	2481-201 Issue D	29 May 2026
Stage 1 to Stage 4 – Warehouse Type 1 Elevations (Sheet 2)	2481-202 Issue D	29 May 2026
Stage 2 – Warehouse Type 2 Elevations	2481-204 Issue D	29 May 2026

3.6. Changes to Conditions

In addition to the amendments outlined above, the proposed changes will require alterations to the approved conditions. The amendments are listed in Table 4.

Table 4 – Approved Drawings and Documents

Existing Condition	Proposed Condition
Condition 1 (1) This Development Approval is for a Material Change of Use in four (4) stages for: (1.1) High Impact Industry (Industry Biotechnology Centre); and . . . (1.2) Warehouse with a maximum of six (6) Full-time Equivalent staff. . . .	Condition 1 (1) This Development Approval is for a Material Change of Use in four (4) stages for: (1.1) High Impact Industry (Industry Biotechnology Centre); and . . . (1.2) Warehouse with a maximum of six (6) Full-time Equivalent staff. . . . <u>(1.3) Medium Impact Industry.</u>
Condition 2.1 Stage 1 comprises: (a) Industry Biotechnology Centre (Maximum GFA of 3,270m²); (b) Warehouse Office (Maximum GFA of 161m²); (c) Warehouse (Maximum GFA of 2,116m²); (d) All driveways, vehicle manoeuvring areas and carparking areas; and (e) All landscaping areas.	Condition 2.1 Stage 1 comprises: (a) Industry Biotechnology Centre <u>(Combination of High Impact Industry, Medium Impact Industry and Warehouse)</u> (Maximum GFA of 3,270m² 4,173m²); (b) Warehouse Office (Maximum GFA of 161m²); (c) Warehouse (Maximum GFA of 2,116m² 1,521m²); (d) All driveways, vehicle manoeuvring areas and carparking areas; and (e) All landscaping areas; <u>and</u> <u>(f) Storage Shed (Maximum GFA of 38m²).</u>
Condition 2.2 Stage 2 comprises: (a) Warehouse and Loading Awning (Maximum GFA of 2,000m²);	Condition 2.2 Stage 2 comprises: (a) Warehouse and Loading Awning (Maximum GFA of 2,000m² 2,771m²); <u>and</u> <u>(b) Glasshouse (Maximum GFA of 615m²).</u>
Condition 2.2 Stage 3 comprises: (a) Warehouse and Loading Awning (Maximum GFA of 2,000m²); and	Condition 2-2 2.3 Stage 3 comprises: (a) Warehouse and Loading Awning (Maximum GFA of 2,000m² 1,521m²); and
Condition 2.3 Stage 4 comprises: (a) Warehouse and Loading Awning (Maximum GFA of 2,000m²); and (b) Storage Shed (Maximum GFA of 38m²).	Condition 2-3 2.4 Stage 4 comprises: (a) Warehouse and Loading Awning (Maximum GFA of 2,000m² 1,521m²); and (b) Storage Shed (Maximum GFA of 38m²).
Condition 3	Condition 3

<i>Any office and storage shed/s must be ancillary to the approved use of the premises for High Impact Industry and Warehouse.</i>	<i>Any office and storage shed/s must be ancillary to the approved use of the premises for High Impact Industry, <u>Medium Impact Industry</u> and Warehouse.</i>
Condition 83 <i>The premises must be provided with a minimum of 60 on-site car parking spaces inclusive of one (1) PWD car parking spaces, together with standing and manoeuvring for B-Double service vehicles.</i>	Condition 83 <i>The premises must be provided with a minimum of 60 74 on-site car parking spaces inclusive of one (1) PWD car parking spaces, together with standing and manoeuvring for B-Double service vehicles.</i>

4. LEGISLATIVE ASSESSMENT

4.1. 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 5 and **Table 6** 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 (Version 3.0).

Table 5 – Compliance with Definition for a Minor Change

Relevant Provision	Assessment
<i>The definition of a minor change to a development approval under Schedule 2, Planning Act 2016, is: "Minor change means a change that..... (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 Development Assessment Rules (Schedule 1) has been undertaken as part of this correspondence. Please refer to Table 6 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 Planning Regulation 2017.
<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 The original development application was referred to the Department of State Development, Infrastructure and Planning. The change application does not trigger referral to extra referral agencies.

<i>(C) referral to extra referral agencies, other than to the chief executive; or</i>	Not Applicable The original development application was referred to the Department of State Development, Infrastructure and Planning. The change application does not trigger referral to extra referral agencies.
<i>(D) a referral agency to assess the application against, or have regard to, matters prescribed by 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>	Not Applicable The original development application was referred to the Department of State Development, Infrastructure and Planning. The change application does not trigger referral to extra referral agencies.
<i>(E) public notification if public notification was not required for the development application</i>	Not Applicable The original development application did require public notification.

Table 6 – 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 Development Assessment Rules (Schedule 1) provide instructive guidance as follows: <i>"A change <u>may</u> be considered to result in a substantially different development if the proposed change:</i>	
<i>(a) involves a new use; or</i>	Complies Whilst the change application introduces Medium Impact Industry as an approved land use, the proposed change does not result in a substantially different development. In this regard, it is noted that the wording of Schedule 1 of the DA Rules is such that the list provided is not exhaustive and is intended to provide guidance on changes that <u>may</u> result in substantially different development. However, the actual change must be considered on its merits and with the relevant context to determine whether it actually results in substantially different development. In this instance, the Existing Approval authorises High Impact Industry, Warehouse and associated activities across the subject site. Since the approval was granted, further investigation into the intended operation of the facility has confirmed that a significant portion of the previously approved High Impact Industry activities are better characterised as Medium Impact Industry activities. As a consequence, the extent of High Impact Industry floor area is proposed to reduce from 3,307m² to 1,053m², representing a reduction of approximately 68%. The balance of the previously approved industrial floor area is proposed to operate as Medium Impact Industry or Warehouse. Importantly, the introduction of Medium Impact Industry does not increase the intensity of development or introduce impacts beyond those previously

	contemplated by Council. Rather, the amendment results in a lower intensity industrial outcome than that approved under the Existing Approval. The proposal remains industrial in nature, continues to operate within the approved development envelope and does not alter the overall function of the development. In simple terms, external to the development, there will be no discernible change to the proposal due to the recharacterization of floor areas from High Impact to Medium Impact Industry. Accordingly, whilst a new land use definition is introduced, the change does not result in a substantially different development and, on balance, represents a reduction in the scale and intensity of industrial activities previously approved.
<i>(b) results in the application applying to a new parcel of land; or</i>	Complies The change application does not introduce a new parcel of land. The original development application was lodged over Part of Lot 4 on SP353522. Since the development application was approved, Lot 4 on SP353522 has been subdivided and is now described as Lot 4 on SP361095 and Lot 56 on SP361095.
<i>(c) dramatically changes the built form in terms of scale, bulk and appearance; or</i>	Complies The change application involves minor refinements to the approved development, including a minor reconfiguration of the site layout and marginal changes to the built form. Whilst the Amended Proposal Plans (Attachment 3) involve minor amendments to the previously approved site layout and built form, overall, the change application maintains a scale, bulk and appearance which is largely consistent with the arrangement previously approved by Council. As such, the proposed changes do not dramatically change the built form in terms of scale, bulk and appearance as outlined above.
<i>(d) changes the ability of the proposed development to operate as intended; or</i>	Complies The change application does not affect the ability of the development to operate as intended, being an industrial development comprising High Impact Industry, Medium Impact Industry and Warehouse activities.
<i>(e) removes a component that is integral to the operation of the development; or</i>	Complies The change application does not remove a component that is integral to the operation of the development.
<i>(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	Complies Whilst the proposal includes an increase in gross floor area and additional car parking, the amendment does not materially increase traffic generation beyond that anticipated under the existing approval. Importantly, the extent of High Impact Industry is reduced, and the overall development continues to operate within the capacity of the approved road network.

	Overall, the change application does not significantly impact on traffic flow or the transport network.
<i>(g) introduces new impacts or increase the severity of known impacts; or</i>	Complies Whilst the proposal introduces Medium Impact Industry as an approved use, this occurs in conjunction with a substantial reduction in the extent of High Impact Industry floor area. Accordingly, the amendment is not expected to increase environmental, amenity or operational impacts beyond those previously assessed and accepted by Council. In particular, the reduction in High Impact Industry activities has the potential to reduce the intensity of impacts commonly associated with industrial development, including noise, emissions, odour and operational activities. The proposal continues to operate within the approved site, maintains the approved access arrangements and remains supported by the environmental approvals previously issued for the development. On this basis, the proposed changes do not introduce new impacts or increase the severity of known impacts.
<i>(h) For development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act:</i> ■ <i>Introduces new social impact or increase the severity of known social impacts; or</i>	Not Applicable The change application is not prescribed by the Planning Regulation as requiring social impact assessment.
<i>(h) removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	Complies The change application does not remove an incentive or offset component that would have balanced a negative impact of the development.
<i>(i) impacts on infrastructure provisions.</i>	Complies The proposed changes do not materially impact upon the infrastructure provisions applicable to the subject site. The amendment does not alter the approved road network, access arrangements, servicing strategy, stormwater management framework or staging structure associated with the development. Existing infrastructure networks remain capable of servicing the amended development outcome. Whilst minor increases in gross floor area and car parking are proposed, these changes do not alter the fundamental infrastructure assumptions that underpinned the Existing Approval. Furthermore, the proposal remains located within the approved development area and does not generate demand for new trunk infrastructure beyond

	that already contemplated by Council through the Existing Approval and associated infrastructure charging framework. Accordingly, the proposed changes do not materially impact infrastructure provisions.
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4.2. 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. In accordance with s.80(1)(a) of the Planning Act 2016, no affected entities are required to be notified of this minor change application.

4.3. 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 6** below which provides an assessment of the proposal's compliance with each of these considerations.

Table 7 – Assessment against s.81 of the Planning Act 2016

Relevant Provision	Assessment
<i>(2) In assessing the change application, the responsible entity must consider -</i>	
<i>(a) The information the applicant included with the application;</i>	Noted In addition to the assessment contained within this change application cover letter, the change application is supported by Amended Proposal Plans prepared by FKG Group (Attachment 3).
<i>(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved;</i>	Not Applicable The original development application did not receive any properly made submissions during the public notification period.
<i>(c) 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>(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</i>	Not Applicable Item (d) is not applicable to this change application.
<i>(e) if the responsible entity is, under section 78(4)(a), the chief executive – all matters the chief executive would or may assess against or have regard to, if the change application were a development application; and</i>	Not Applicable Item (e) is not applicable to this change application.
<i>(f) if paragraphs (d) and (e) do not apply—all matters the responsible entity would or may</i>	Noted

<i>assess against or have regard to, if the change application were a development application; and</i>	Given the extent of changes is limited to site layout reconfigurations, a reduction in the extent of High Impact Industry area and marginal amendments to built form design, all relevant matters have been addressed as part of this application.
<i>(g) Another matter that the responsible entity considers relevant.</i>	Noted Given the extent of changes is limited to site layout reconfigurations, a reduction in the extent of High Impact Industry area and marginal amendments to built form design, it is submitted that there are no other matters relevant to the assessment of this change application. There are no changes proposed that would conflict with earlier determinations by Council that the development outcome on the site complies with the relevant statutory instruments. The proposal continues to maintain compliance with the assessment benchmarks and remains consistent with the outcomes achieved under the existing development approval.
<i>(3) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider–</i> <i>(a) a statutory instrument; or</i> <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> <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>	Noted Whilst Item 4 and Item 5 are matters for Council to consider, the following is noted: ■ The development application was properly made when the Toowoomba Regional Planning Scheme 2012 (Version 28) was in effect. ■ This change application will be properly made when the same planning scheme (Toowoomba Regional Planning Scheme 2012 (Version 28)) is in effect. Based on the above, no amendments to the applicable assessment benchmarks have been made since the original development application was assessed and subsequently approved.

(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.

4.4. 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. Although the proposal results in minor amendments to floor areas, any revised infrastructure charges should be determined in accordance with the Witmack Road Development – Infrastructure Agreement (DM#6487882).

In accordance with the Witmack Road Development – Infrastructure Agreement (DM#6487882), given the development does not exceed 50% site coverage, the adopted land use charge and adopted stormwater charge should be nil.

We request that the local government issue an amended infrastructure charges notice to the applicant, in line with the above.

4.5. 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 (DA Form 5);
- The written consent of the owner of the premises is provided at **Attachment 1**; and
- The applicant will make payment of the required fee ([REDACTED]) to Council, upon receipt of a tax invoice / fee quote.

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.

5. SUMMARY

This change application is lodged with the responsible entity and identifies the amendments that are sought to the Existing Approval (MCUI/2025/5515 and OW/2025/5517).

The proposed amendments include a reduction in the extent of High Impact Industry activities, the introduction of Medium Impact Industry activities, amendments to building footprints and site layout, minor increases in gross floor area and car parking supply, and consequential changes to approved plans and conditions.

Importantly, the proposal does not introduce additional land, alter the approved development footprint in any significant manner, generate impacts beyond those previously assessed, require referral to additional referral agencies or affect the ability of the development to operate as intended.

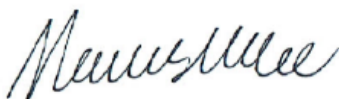
The amended development remains consistent with the overall industrial character, function and intent of the Existing Approval. Furthermore, the proposal results in a substantial reduction in the extent of High Impact Industry activities previously approved and therefore does not increase the intensity of industrial operations on the site.

Having regard to the Planning Act 2016, Planning Regulation 2017 and Development Assessment Rules, the proposed amendments do not result in a substantially different development and are appropriately characterised as a Minor Change.

As demonstrated above, the amendments are a Minor Change to the Existing 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 James Juhasz or the undersigned on (07) 4632 0516.

Yours faithfully,
Property Projects Australia



MARCUS MCNEE
Senior Town Planner

Enc. **Attachment 1** – Application Documentation
 Attachment 2 – Existing Approval (MCUI/2025/5515 and OW/2025/5517)
 Attachment 3 – Amended Proposal Plans

ATTACHMENT 1

Application Documentation

ATTACHMENT 3

Amended Proposal Plans