

1 September 2026



Assessment Manager / Development Assessment
Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350



Council Reference: MCUI/2023/3647
Site: 83 Kowitz Road, Aubigny QLD 4401
Property Description: Lot 4 on SP112548

CC: an.vu@acciona.com
rani.stephensen@acciona.com

Dear Assessment Manager,

Re: 250936 – Tangkam BESS – Minor change Application (roadworks) for Decision Notice MCUI/2023/3647

This correspondence is submitted on behalf of Tangkam BESS Pty Ltd and constitutes an application to change a development approval pursuant to section 78 of the *Planning Act 2016* (Planning Act) and Part 7 of the Development Assessment Rules – version 3.0.

The application seeks approval for a Minor Change to the Development Permit for a Material Change of Use – Impact – Undefined Use being a Battery Energy Storage System (BESS) (MCUI/2023/3647), issued by Toowoomba Regional Council on 4 January 2024. A previous minor change to this development approval was approved on 24 June 2026 which amended Conditions 7 (approved plans), 30 (Construction Noise Impact) and 45 (Roadworks).

We note that an Operational Works approval for stormwater and earthworks (OW/2026/242) was granted on 4 June 2026. A second Operational works for drainage and roadworks (OW/2026/5052) application has also been lodged with Council.

Council officers (Development Engineering) have previously advised that the proposed amendments to Conditions 46, 48, 49 50 and 51 outlined below are suitable to be considered as a minor change (refer to Appendix A), subject to the submission of supporting information.

DESCRIPTION OF THE PROPOSED CHANGES

The Minor Change Application seeks approval for the following amendments:

Sunshine Coast

Building 1, 30 Chancellor Village Boulevard Sippy Downs QLD 4556
T. (07) 5306 1205 E: ngh@nghconsulting.com.au
W: nghconsulting.com.au FYFE ABN: 57 008 116 130

Condition no.	Existing condition	Amended condition	Change descriptions
46	After the completion of construction phase and prior to the commencement of the use, the widened road must be reinstated as follows: Street: Kearney Road Classification: Regional Arterial Construction Standard: reinstatement of minimum 7.0m pavement width <i>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</i>	After the completion of construction phase and prior to the commencement of the use the widened road must be reinstated as follows: Street: Kearney Road Classification: Regional Arterial Local Access Road (as per the Lower Order Road Design Guidelines (LORDG) Construction Standard: reinstatement of minimum 7.0m 6.5m pavement width. <i>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</i>	Amended to reflect the functional classification of Kearney Road as a local access road rather than a regional arterial road. Based on discussions with Council' Infrastructure Service team, the existing regional arterial classification does not reflect the road's role, traffic function or operational characteristics. The proposed local access road classification is consistent with the lower-order road function of Kearney Road and supports a fit-for-purpose road design outcome. The pavement width is proposed to be reduced from 7.0m to 6.5m, which remains suitable for the anticipated operational traffic associated with the approved development. A reduced reinstatement width of 6.5m is proposed, which is sufficient to accommodate the operational traffic requirements of the development while reducing unnecessary construction works.

Condition no.	Existing condition	Amended condition	Change descriptions
48	The design and construction of road must comply with Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure (PSP No.2) and must include in particular: 48.1 Table drain works.	The design and construction of road must comply with Planning Scheme Policy No. 2 - Engineering Standards - Roads and Drainage Infrastructure Lower Order Road Design Guidelines (LORDG) and must include in particular: o 48.1 Table drain works	Amended to reflect the proposed classification of Kearney Road as a lower-order local access road and allows the design to be based on standards specifically developed for roads of this type while maintaining appropriate safety and operational outcomes. LORDG is specifically intended for low-volume, lower-order roads and provides a fit-for-purpose design framework that reflects the road's function, traffic volumes and site constraints, while maintaining appropriate safety outcomes.
49	Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 to allow for the above.	Any pavement widening must join neatly to the existing pavement so that there are no specific irregularities in line or level resulting at or adjacent to the join for the length of the construction. Where necessary the existing pavement must be brought to a satisfactory standard in accordance with PSP No. 2 Austroads Guide to Pavement Technology Part 2 to allow for the above.	Amended to replace the reference to PSP No. 2 with Austroads Guide to Pavement Technology Part 2. The amendment adopts the recognised industry standard for pavement assessment and rehabilitation and is consistent with discussions held with Council regarding the appropriate pavement design reference.

Condition no.	Existing condition	Amended condition	Change descriptions
50.	All street/road surfacing must be in accordance with the pavement construction standards in PSP No. 2.	All street/road surfacing must be in accordance with the pavement construction standards in with PSP No. 2 Austroads Guide to Pavement Technology Part 2	Amended to replace the reference to PSP No. 2 with Austroads Guide to Pavement Technology Part 2 for pavement construction standards. The amendment aligns the condition with the relevant industry standard for pavement design and construction and ensures consistency with Condition 49.
51	Verge widths, street reserve widths, intersection treatment, and provision of speed control devices must comply with Council's requirements in PSP No. 2.	Verge widths, street reserve widths, intersection treatment, and provision of speed control devices must comply with the requirements in the PSP No. 2 Lower Order Road Design Guidelines (LORDG)	Amended to reference the LORDG for verge widths, road reserve widths, intersection treatments and speed control measures. The amendment reflects the proposed local access road classification and provides a design framework that is more closely aligned with the road's function and anticipated traffic demand than the current regional arterial classification.

MINOR CHANGE ASSESSMENT

Under the *Planning Act 2016*, the assessment manager, responsible entity, or the Chief Executive must decide whether a proposed change would result in “substantially different” development.

For a change to be minor, the works must not constitute substantially different development. This is established under the Development Assessment Rules under the Planning Act, Section 68.

The following table assesses the proposed changes against the substantially different development test.

Test Benchmark	Proposal	Comments
Involves a new use; or	No new uses are proposed. The development remains approved for a	The nature and purpose of the development remain unchanged.

Test Benchmark	Proposal	Comments
	Material Change of Use – Undefined Use (Battery Energy Storage System).	
Results in the application applying to a new parcel of land; or	No change is proposed to the approved development footprint or cadastral boundaries.	The development continues to be confined to Lot 4 on SP112548 and associated roadwork.
Dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes relate solely to amendments to road upgrade and road design conditions. No changes are proposed to the approved built form, site layout, scale or appearance of the development	The proposed amendments do not alter the approved development footprint, building envelopes, structure heights or site layout. The development will continue to present as approved.
Changes the ability of the proposed development to operate as intended; or	The proposed changes do not alter how the development operates. The ability of the development to function as approved remains unchanged.	The proposed amendments relate only to the design standards, classification and timing of road improvement works. The operational characteristics of the approved BESS remain unchanged
Removes a component that is integral to the operation of the development; or	No integral components are removed. Landscaping outside the eastern boundary is not integral to the operation of the development. The requested amendments for the road works will not remove a component that is integral to the development.	The eastern boundary buffer continues to provide the required visual mitigation outcome. The amendments related to road improvements only relate to the timing of construction.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The proposed amendments do not increase traffic generation, change site access arrangements, or alter the approved operational characteristics of the development. The amendments seek to revise the classification and design standards for the reinstatement and upgrade of Kearney Road to better reflect its function as a lower-order local access road.	The development will continue to generate the same construction and operational traffic volumes as approved. The proposed amendments do not result in additional traffic movements, changes to vehicle types or changes to the location of site access. The amendments relate only to the standard, timing and design framework for road improvement works and do not adversely affect the operation of the transport network.
Introduces new impacts or increases the severity of known impacts; or	No new impacts are introduced. The proposed amendments relate solely to classification and design standards of road improvement works.	The proposed amendments do not introduce any new environmental, traffic, amenity or infrastructure impacts. The development will continue to operate in accordance with the approved development permit.
For a development prescribed by the Planning Regulation as requiring	Although BESS developments are now prescribed by the Planning Regulation 2017 as requiring social	The development approval was granted prior to the introduction of the social impact assessment and community

Test Benchmark	Proposal	Comments
social impact assessment as identified under section 106T of the Act – Introduces new social impacts or increase the severity of known social impacts; or	impact assessment, the proposal would not introduce any new social impacts or the severity of known impacts.	benefit agreement requirements. The proposed amendments will not create additional social impacts. No additional visual impacts will result from the proposed changes. The construction protocol will mitigate any potential impacts during the construction. No additional impacts on roads will occur.
Removes an incentive or offset component that would have balanced a negative impact; or	No incentives or offsets are affected.	All environmental and infrastructure requirements remain in force.
Impacts on infrastructure provisions.	The proposed amendments do not alter the extent, capacity, location or demand for infrastructure required to service the development. The amendments relate to the timing and design standards of road improvement works and construction management requirements.	The development will continue to be serviced by the same infrastructure as approved. No additional infrastructure demand will be generated, and no approved infrastructure is removed. The amendments to the road conditions are intended to provide a more appropriate design basis for Kearney Road having regard to its function and anticipated traffic volumes, while continuing to ensure that the required road improvements are delivered. The proposed changes therefore do not result in any adverse impact on existing or planned infrastructure.

CONCLUSION

It is considered that the proposed amendments to Conditions 46, 48, 49, 50 and 51 do not result in a substantially different development when assessed against the Development Assessment Rules – version 3.0.

The proposed amendments are limited to the classification, design standards of road improvement works. The amendments do not alter the approved land use, development footprint, scale of development, access arrangements, traffic generation or operational characteristics of the approved BESS. No additional demand on infrastructure is created and no new or increased impacts arise as a consequence of the proposed changes.

The amendments provide a more appropriate and fit-for-purpose framework for the design and delivery of the required road works, while continuing to achieve the intent of the original development approval.

Accordingly, it is requested that Toowoomba Regional Council approve the proposed amendments as a Minor Change pursuant to section 78 of the Planning Act .

If you have any questions, please contact me via email: Julie.giguere@fyfe.com.au. I would be pleased to discuss this project with you further.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Julie Giguere', written in a cursive style.

Julie Giguere

Senior Environmental Planner

Julie.giguere@fyfe.com.au

Appendix A – Correspondence with Council

From: [Julie Giguere](#)
To: [Stephensen, Rani](#); [Samita Thapa](#); [Andrew Lilley](#)
Subject: 250936- Tangkam - OW/2026/5052 quick meeting notes
Date: Thursday, 13 August 2026 4:08:00 PM

Hello all,

Thank you everyone for your time and valuable contributions. We appreciate Council's practical approach and willingness to engage in open and constructive discussions.

Please find below a summary of the key discussion points and agreed actions:

1. Council is generally supportive of adopting Austroads standards where compliance with the relevant Council Planning Scheme Policy requirements is not achievable.
2. Council is generally satisfied with the proposed solution to reinstate the road to a lower-order road classification.
3. Council advised that the change in road classification identified in the overarching MCU condition will require a minor change application.
4. Julie to provide Council with an informal response addressing the relevant Information Request items.
5. Julie to circulate draft operational works conditions aimed at facilitating commencement of the works prior to approval of the minor change.
6. Acciona to consider whether the operational works application should be split into two separate applications. One for the road widening and the other for the re-instatement.
7. Acciona to submit the RPEQ-certified plans when available.
8. Development Engineering to liaise with the Planning Department regarding the matters discussed.

Please feel free to add anything I may have missed. If you have any questions or would like to discuss any of the above items further, please do not hesitate to contact me.

Many thanks.

Julie Giguere | Senior Consultant - Environmental Planner
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