



Date: 7 October 2026
Our Reference: J002541
Your Reference: MCUI/2018/5497/A

Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350

Dear Sir / Madam,

Site Address:	Lot 45 Heinemann Road, Wellcamp QLD 4350
Property Description:	Lot 45 on SP194167
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 Sunny Queen Australia ("the Applicant"), regarding the above-mentioned development approval. The original development approval (TRC Reference: MCUI/2018/5497) was issued by Toowoomba Regional Council, ("Council") as assessment manager, on 27 March 2019, for the following aspect of development:

- Development Permit for a Material Change of Use for Medium Impact Industry (Fruit and Vegetable Cold Press Juice Production).

A revised development approval (TRC Reference: MCUI/2018/5497/A) was issued by Council on 07 February 2023, for the following aspect of development:

- Development Permit for a Material Change of Use for High Impact Industry (Liquid Egg Production).

A copy of the Existing Approval (TRC Reference: MCUI/2018/5497/A) is enclosed at **Attachment 2**.

This change application is made to Council, as the responsible entity, and requests a Minor Change to the Existing Approval, pursuant to Section 78 of the Planning Act 2016 ("the Act").

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 issued by Toowoomba Regional Council;
- **Attachment 3** - Amended Proposal Plans prepared by Scott Connell Architects;
- **Attachment 4** - Amended Site Based Management Plan prepared by Sunny Queen Australia; and
- **Attachment 5** - Noise Impact Assessment prepared by MWA Environmental.

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

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1. BACKGROUND

The subject site has an established development approval history associated with the ongoing use of the premises for industrial activities.

The original development approval was granted in 2019 for a Medium Impact Industry involving fruit and vegetable cold press juice production. That development approval was subsequently changed through an Other Change Application in 2023 to facilitate the use of the premises for a High Impact Industry involving liquid egg production. The development approval, as changed, is the Existing Approval to which this Minor Change Application relates.

Given the history of development approvals applying to the subject site, and for clarity in understanding the scope and effect of the proposed changes, an overview of the relevant applications is provided below.

1.1. Development Application - MCUI/2018/5497

The development application was lodged with the assessment manager and properly made on 02 November 2018. The development application sought a development approval for:

- Development Permit for a Material Change of Use for Medium Impact Industry (Fruit and Vegetable Cold Press Juice Production).

The development application involved assessable development subject to impact assessment and was therefore required to be assessed against the Toowoomba Regional Planning Scheme 2012 ("the planning scheme") as a whole.

The development application also triggered referral to the State Assessment and Referral Agency ("SARA") pursuant to Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017 ("the Regulation"), as the subject site is within 25m of a State Transport Corridor (Toowoomba Cecil Plains Road) and within 100m of an intersection with a State Controlled Road (Toowoomba Cecil Plains Road).

SARA subsequently issued its referral agency response with no requirements on 29 November 2018.

As the development application was subject to impact assessment, public notification was undertaken in accordance with the applicable requirements of the Act. No properly made submissions were received during the public notification period.

The development application was subsequently approved by Council on 22 March 2019 with the decision notice issued on 27 March 2019.

1.2. Other Change Application - MCUI/2018/5497/A

An Other Change Application was subsequently lodged with Council and properly made on 30 June 2022. The application sought to change the existing development approval from a Medium Impact Industry (Fruit and Vegetable Cold Press Juice Production) to a High Impact Industry (Liquid Egg Production).

The change was required primarily because the proposed liquid egg production operation exceeded the applicable annual throughput threshold for a Medium Impact Industry. The proposal involved the reuse of the existing industrial building and associated infrastructure, with no external changes to the building or overall site configuration proposed.

The Other Change Application remained subject to impact assessment and required referral to SARA pursuant to Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Regulation. SARA subsequently issued its referral agency response with no requirements on 30 August 2022.

No properly made submissions were received during the public notification period.

The Other Change Application was subsequently approved by Council on 03 February 2023 with the decision notice issued on 07 February 2023.

The Existing Approval has since been acted upon, with the approved High Impact Industry (Liquid Egg Production) use having commenced.

The existing High Impact Industry (Liquid Egg Production) operating from the subject site is hereafter referred to as "the facility".

2. PROPOSED CHANGES

2.1. Overview

Following implementation of the Existing Approval and having regard to the evolving operational requirements of the facility, it has been identified that a minor change to the development approval is required.

The proposed changes are intended to provide greater operational flexibility and accommodate the future operational needs of the facility, while retaining the fundamental nature, scale and intent of the Existing Approval.

The following sections outline the proposed changes to the Existing Approval (TRC Reference: MCUI/2018/5497/A).

2.1.1. Building Extension and Internal Reconfiguration

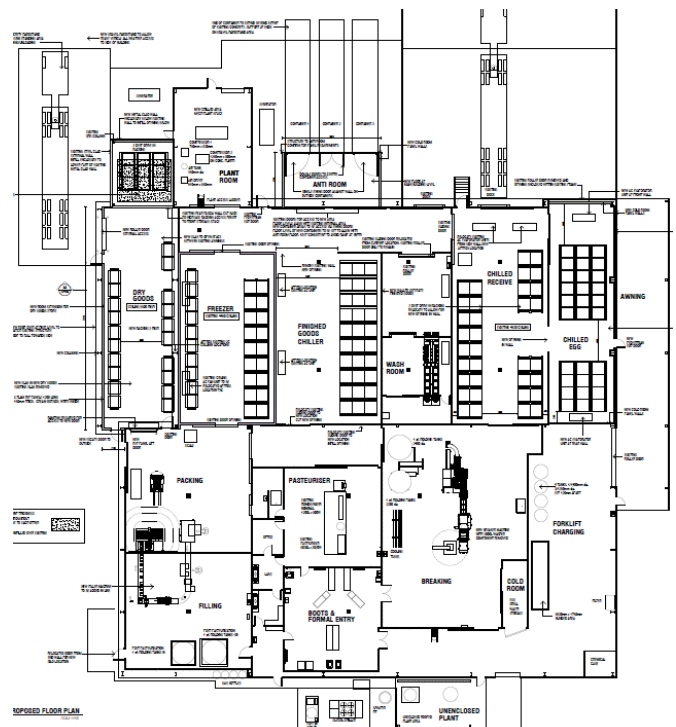
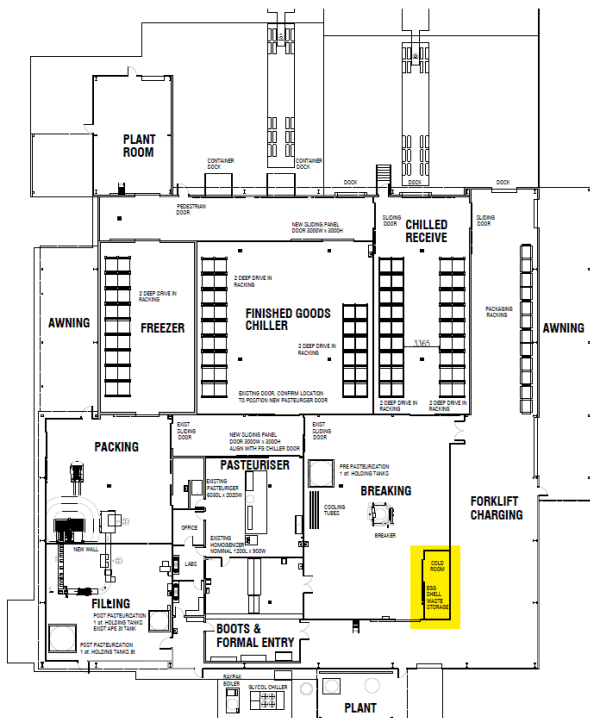
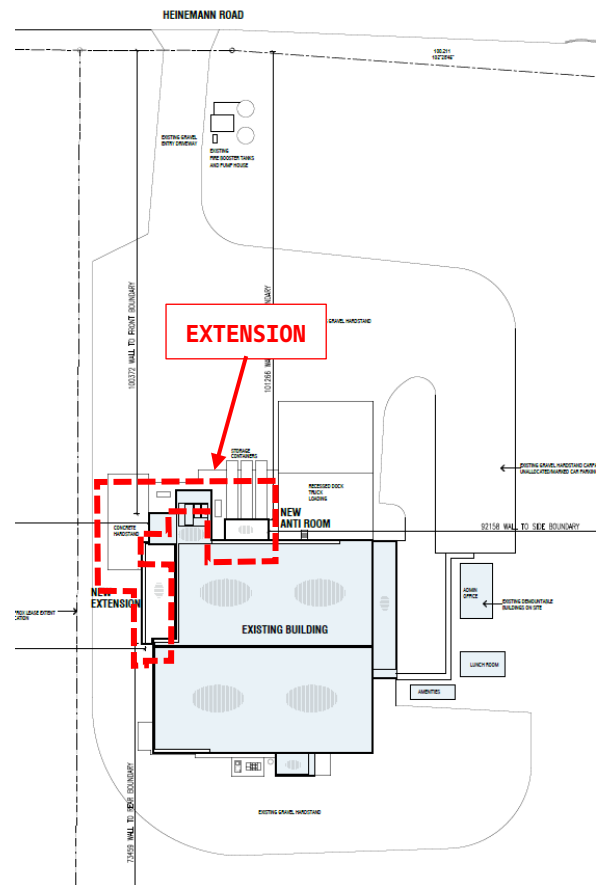
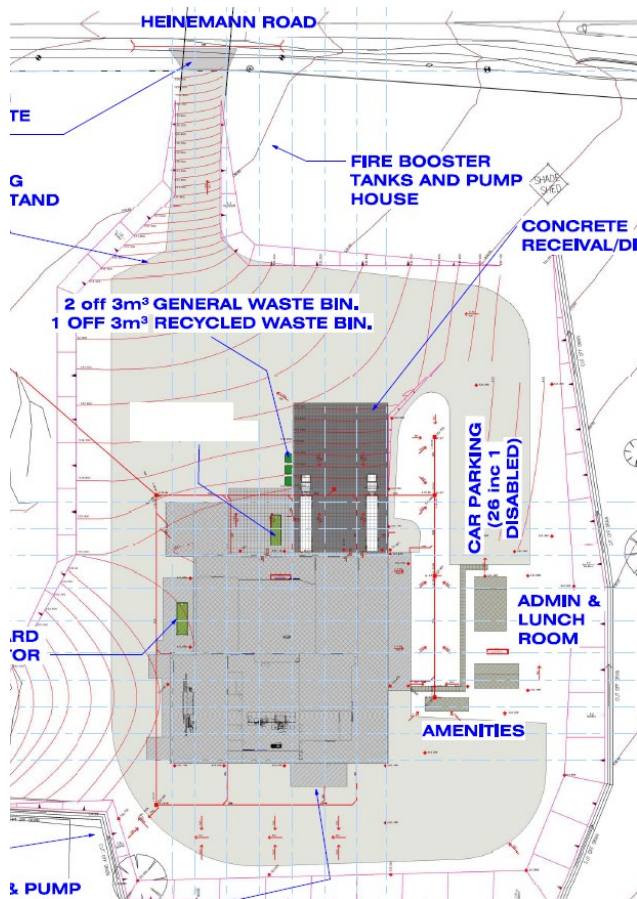
The proposed changes include a minor extension and internal reconfiguration of the existing facility to support ongoing operational requirements.

As illustrated by **Extract 1 to Extract 4**, the proposed extension comprises a limited increase to the building footprint together with internal alterations to improve storage, handling and production functionality within the facility.

Specifically, the proposed changes include:

- a new enclosed dry goods storage area;
- a new enclosed anti-room (associated with loading/unloading activities for trucks);
- revised internal racking and storage arrangements;
- new hardstand areas (to assist with loading and unloading activities); and
- associated internal and external building modifications.

The proposed changes result in an increase in the total building area from 2,429m² to 2,541m², representing an increase of 112m².



As illustrated in **Extract 1** to **Extract 4**, the proposed extension is relatively minor in the context of the scale and operations of the existing facility. The proposed changes are limited to providing additional storage and operational capacity to support the efficient functioning of the existing facility. No increase in approved throughput of product is proposed.

2.1.2. Hours of Operation

The primary operational change sought as part of this Minor Change Application relates to the approved hours and days of operation of the facility, together with the hours and days associated with loading and unloading, and waste collection.

Under the Existing Approval, the facility is permitted to operate between 6:00am and 6:00pm, Monday to Friday. Service vehicle movements are permitted between 6:00am and 10:00pm, Monday to Friday, while waste collection is permitted between 7:00am and 6:00pm, Monday to Friday.

The proposed change seeks to provide greater flexibility for the ongoing and future operational requirements of the facility by:

- extending the operating hours of the facility to 6:00am to 10:00pm;
- permitting heavy vehicle deliveries, loading and unloading across the proposed operating period;
- permitting waste collection from 6:00am, rather than the currently approved 7:00am commencement; and
- permitting these activities across seven (7) days per week.

For clarity, the broader servicing arrangements for the facility are not proposed to change, with servicing hours to remain between 6:00am and 10:00pm.

While the facility is presently anticipated to continue operating Monday to Friday, approval is sought for operation across seven (7) days per week to provide sufficient flexibility to accommodate future production requirements, seasonal demand and operational contingencies without the need for a further change application.

These proposed changes have been assessed within the Noise Impact Assessment prepared by MWA Environmental and provided at **Attachment 5**, the assessment specifically considers the acoustic implications associated with the extended operating framework, including production activities, heavy vehicle movements, loading and unloading, car parking and mechanical plant. The assessment concludes that the modified operation can comply with the relevant noise criteria at surrounding sensitive receivers.

2.1.3. Full-Time Equivalent Staff

The proposed change seeks to increase the maximum number of staff associated with the facility from the currently approved nine (9) full-time equivalent ("FTE") staff to twenty (20) FTE staff.

Importantly, the proposed twenty (20) FTE represents an upper estimate intended to provide flexibility for the future growth and operational requirements of the facility, rather than an immediate staffing requirement.

Staffing requirements are influenced by a range of factors associated with the operation of the facility, including the complexity and duration of production processes, processing and handling requirements, cleaning and shutdown procedures, maintenance activities, quality assurance requirements and the time and personnel required to complete individual operational tasks.

In particular, the operation involves a number of separate production and cleaning components which occur across an extended operating period. A full production and cleaning cycle may require approximately 15.5 hours, including pasteuriser shutdown, two (2) separate cleaning cycles and cleaning of the breaking line. As a consequence, staffing requirements are to involve staggered shifts across the day rather than all staff being present on the site at the same time.

An indicative future staffing profile may comprise staggered shifts generally as follows:

- 6:00am – 2:06pm: approximately three (3) production staff;
- 8:00am – 4:06pm: approximately two (2) production staff;
- 9:00am – 5:06pm: approximately two (2) production staff;
- 11:54am – 8:00pm: approximately six (6) production staff;
- 6:00am – 2:06pm: approximately four (4) indirect staff; and
- 9:00am – 2:00pm: approximately one (1) indirect staff.

These staggered shifts illustrate how the proposed staffing allowance may be distributed across the day to support production, processing, cleaning, quality assurance, maintenance and other supporting functions. Importantly, the proposed maximum of twenty (20) FTE does not mean that all staff would necessarily be present on the site at the same time.

Instead, staff would work across a series of staggered shifts of varying duration, with the majority of production and indirect staff working shifts of approximately eight (8) hours, while some support roles may operate for shorter periods. On the indicative roster outlined above, up to approximately eighteen (18) individual staff may work across the course of a day, equating to approximately eighteen (18) FTE when having regard to the duration of those shifts.

The proposed maximum of twenty (20) FTE therefore provides an appropriate allowance above the indicative day-to-day staffing profile to accommodate operational variability, periods of increased supply and the occasional use of additional or casual staff.

The proposed staffing increase can also be accommodated within the existing on-site car parking provision. The Existing Approval requires a minimum of twenty six (26) on-site car parking spaces, together with appropriate access and manoeuvring areas.

Having regard to the indicative future staffing profile outlined above, a maximum of approximately eighteen (18) individual staff may be present across the relevant overlapping shift periods. Accordingly, even on the conservative assumption that each staff member travels to the facility by private vehicle, the existing twenty six (26) car parking spaces provide sufficient capacity to accommodate the anticipated staff parking demand, with additional capacity remaining for visitors and other ancillary parking demands.

The staggered commencement and finishing times will also assist in distributing vehicle arrivals and departures across the day, rather than concentrating all staff movements within a single peak period. Accordingly, no additional on-site car parking is considered necessary as a consequence of the proposed increase to the maximum FTE allowance.

2.2. 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

Drawing or Document	Number	Drawing / Document Date
Site Plan	00REL002 Revision 3	11 October 2018
Proposed Site / Roof Plan	DA-001 Revision A	26 June 2026
Elevations	01-REL302 Revision 3	11 October 2018
Proposed Elevations / Sections	DA-004 Revision A	26 June 2026
Elevations	01-REL303 Revision 2	11 October 2018
Proposed Floor Plan	SK-001 Revision M	21 June 2022
	DA-003 Revision A	26 June 2026
Site Based Management Plan, Version No. Final, prepared by Integrity Ag and Environment	–	22 November 2022
Site Based Management Plan Wellcamp (Site), July 2026, Final V3, prepared by Sunny Queen Australia.		15 July 2026

2.3. Changes to Conditions

In addition to the amendments outlined above, the proposed changes will require alterations to the conditions of the approval. The amendments are shown in red within in Table 2.

Table 2 – Conditions

Existing Condition	Proposed Condition
Condition 1 – Approved Use This Development Approval is for a Material Change of Use for: 1.1 Medium High Impact Industry with gross floor area of 2,350 2,106m² for the purpose of fruit and vegetable cold press juice liquid egg production, having an annual throughput of product of less than 10,000 tonnes; and 1.2 A maximum of nine (9) full-time equivalent staff.	Condition 1 – Approved Use This Development Approval is for a Material Change of Use for: 1.1 Medium High Impact Industry with gross floor area of 2,350-2,106m² a building area of 2,541m² for the purpose of fruit and vegetable cold press juice liquid egg production, having an annual throughput of product of less than 10,000 tonnes; and 1.2 A maximum of nine (9) twenty (20) full-time equivalent staff.
Condition 6 – Approved Plans <i>Refer to Table 1.</i>	Condition 6 – Approved Plans <i>Refer to Table 1.</i>

Condition 6A – Approved Plans The plan to be amended must only incorporate the amendment(s) listed within this Development Approval and must be resubmitted to Council for approval prior to the commencement of use.	<i>It is requested this condition is deleted.</i>
Condition 7 – Approved Document Refer to Table 1.	Condition 7 – Approved Document Refer to Table 1.
Condition 7A – Approved Document The document to be amended must only incorporate the amendment(s) listed within this Development Approval and must be resubmitted to Council for approval prior to the commencement of use.	<i>It is requested this condition is deleted</i>
Condition 29 – Acoustic Amenity – General Acoustic measures and treatments must be incorporated into the development in accordance with Section 63.1 of the approved Acoustic Impact Assessment Report Site Based Management Plan listed within this Development Approval.	Condition 29 – Acoustic Amenity – General Acoustic measures and treatments must be incorporated into the development in accordance with Section 63.1 of the approved Acoustic Impact Assessment Report and Site Based Management Plan listed within this Development Approval.
Condition 30 – Acoustic Amenity – General Unless otherwise approved in writing by Council, the approved use must not operate outside the hours of: 30.1. 7:00AM 6:00AM to 6:00PM Monday to Friday.	Condition 30 – Acoustic Amenity – General Unless otherwise approved in writing by Council, the approved use must not operate outside the hours of: 30.1. 7:00AM 6:00AM to 6:00PM 10:00PM Monday to Friday Sunday.
Condition 31 – Acoustic Amenity – General Service vehicle movements (including loading and unloading) associated with the approved use must not occur outside the hours of: 31.1. 6:00AM to 10:00PM Monday to Friday.	Condition 31 – Acoustic Amenity – General Service vehicle movements (including loading and unloading) associated with the approved use must not occur outside the hours of: 31.1. 6:00AM to 10:00PM Monday to Friday Sunday.
Condition 32 – Acoustic Amenity – General Waste Collection services must not operate outside the hours of: 32.1. 7:00AM to 6:00PM Monday to Friday.	Condition 32 – Acoustic Amenity – General Waste Collection services must not operate outside the hours of: 32.1. 7:00AM 6:00AM to 6:00PM Monday to Friday Sunday.
Condition 33 – Noise Limits 33. Noise from activity associated with the use of the subject land must not exceed the levels specified in Table 1 when measured at the facade of any sensitive receptor and within the hours of operation specified in the conditions above.	Condition 33 – Noise Limits 33 Noise from activity associated with the use of the subject land must not exceed the levels specified in Table 1 of the Approval Noise Impact Assessment.

Table 1 - Noise Limits

	Noise level measured in dB(A)	
	Variable noise assessment criteria $L_{Aeq\ adj, T}$	Continuous noise assessment criteria $L_{Aeq\ adj, T}$
Day (7am-6pm)	47	42
Evening (6pm-10pm)	42	37
Night (10pm-7am)	39	36
Sleep Disturbance	45 dB(A) L_{Amax} internal noise limits	

Condition 44 - Waste Management (Removal)

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44.5. Waste removal must not occur outside the hours of 7:00AM to 6.00PM;

. . .

~~**Table 1 - Noise Limits**~~

	Noise level measured in dB(A)	
	Variable noise assessment criteria $L_{Aeq\ adj, T}$	Continuous noise assessment criteria $L_{Aeq\ adj, T}$
Day (7am-6pm)	47	42
Evening (6pm-10pm)	42	37
Night (10pm-7am)	39	36
Sleep Disturbance	45 dB(A) L_{Amax} internal noise limits	

Condition 44 - Waste Management (Removal)

. . .

44.5. Waste removal must not occur outside the hours of ~~7:00AM~~ **6:00AM** to 6.00PM;

. . .

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 Section 78 of the Act.

Table 3 and Table 4 demonstrate that the change application for a Minor Change complies with the relevant provisions of the Act, the Regulation and the Development Assessment Rules (Version 3.0).

Table 3 – Compliance with Definition for a Minor Change

Relevant Provision	Assessment
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) would not result in substantially different development; and	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 4 below for further detail, which concludes that the amendments do not result in substantially different development.
(ii) if a development application for the development, including the change, were made when the change application is made would not cause –	
(A) the inclusion of prohibited development in the application; or	Not Applicable The change application does not result in prohibited development as per the Planning Regulation 2017.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	Not Applicable The original development application triggered referral to SARA.
(C) referral to extra referral agencies, other than to the chief executive; or	Not Applicable The change application does not result in a requirement of referral to an extra referral agency.
(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	Not Applicable The original development application triggered referral to SARA, however, the change application would not require the referral agency to have regard to any additional or particular matters.
(E) public notification if public notification was not required for the development application	Not Applicable

	The original development application was subject to impact assessment and required public notification.
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Table 4 – 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: "A change may be considered to result in a substantially different development if the proposed change:	
(a) involves a new use; or	Complies The change application does not introduce a new use that was not involved in the original development application.
(b) results in the application applying to a new parcel of land; or	Complies The change application does not introduce new land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	Complies The change application involves only a minor and highly contained alteration to the existing built form and does not dramatically change the scale, bulk or appearance of the approved development. The proposed works are limited to a modest extension and associated internal reconfiguration of the existing facility, increasing the total building area from 2,429m² to 2,541m², being a net increase of only 112m². The additional built form is therefore minor in the context of the established industrial building and overall site. Importantly, the proposed extension: ■ remains directly associated with the existing approved High Impact Industry (Liquid Egg Production) use; ■ does not introduce a new building typology or materially alter the established industrial character of the premises; ■ does not increase the height, scale or visual prominence of the facility; ■ is integrated with the existing building form and operational layout of the facility; and ■ does not result in any fundamental change to the appearance or presentation of the development when viewed from surrounding properties or the public realm. Accordingly, the proposed changes represent a limited refinement of the existing approved built form, rather than a material or dramatic change in scale, bulk or appearance.
(d) changes the ability of the proposed development to operate as intended; or	Complies The change application does not affect the ability of the development to operate as intended, being a High Impact Industry (Liquid Egg Production).

(e) removes a component that is integral to the operation of the development; or	Complies The change application does not remove a component that is integral to the operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	Complies The change application does not significantly impact on traffic flow or the transport network. While the change application seeks greater operational flexibility, including an increased maximum staffing allowance and extended operating hours, the associated vehicle movements will remain modest and distributed across staggered periods throughout the day. The proposed staffing arrangements involve staggered commencement and finishing times, which will assist in avoiding a concentrated peak in staff vehicle movements. Heavy vehicle deliveries and loading / unloading activities will continue to occur within the established industrial operation of the site and utilise the existing access, manoeuvring and servicing arrangements. The proposed changes do not introduce a new access point, change the existing servicing configuration or fundamentally change the transport function of the premises.
(g) introduces new impacts or increase the severity of known impacts; or	Complies The proposed changes do not introduce any new impacts and will not increase the severity of impacts already associated with the approved use. The proposed changes relate to the operational parameters of the existing facility, including extended operating hours, increased staffing flexibility, and a minor building extension. These activities remain directly associated with the established facility and do not introduce a new land use or fundamentally different operational activity. The primary potential impact associated with the proposed changes is acoustic amenity. This has been specifically assessed by MWA Environmental within the Noise Impact Assessment (Attachment 5) having regard to the proposed extended operating framework, including production activities, staff and vehicle movements, loading and unloading and mechanical plant. The assessment concludes that the modified operation can comply with the relevant noise criteria at surrounding sensitive receivers. Similarly, the proposed increase in staffing and associated vehicle activity will be distributed across staggered shifts and accommodated within the existing access, parking and servicing arrangements, while the minor building extension does

	not materially alter the scale or intensity of built form impacts. Accordingly, the proposed changes do not introduce a new impact or significantly increase the severity of known impacts associated with the Existing Approval. The nature and extent of impacts remain consistent with those reasonably anticipated for a facility of this nature.
(h) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – Introduces new social impacts or increase the severity of known social impacts; or	Not Applicable The development is not prescribed by the Planning Regulation as requiring a social impact assessment under section 106T of the Planning Act 2016.
(i) removes an incentive or offset component that would have balanced a negative impact of the development; or	Complies The change application does not remove an incentive or offset component that would have balanced a negative impact of the development.
(j) impacts on infrastructure provisions.	Complies The change application does not involve a material impact on the infrastructure provisions designated to the subject site.

3.2. Confirmation of Responsible Entity and Affected Entity

In accordance with Section 78A(1)(b) of the Act, the responsible entity for this change application is Toowoomba Regional Council.

In accordance with Section 80(1)(a) of the Act, no affected entities are required to be notified. SARA, the chief executive, was a Concurrence Agency for the original development application. As the chief executive was the only referral agency for the original development application, there is no 'affected entity' relevant to this minor change application.

3.3. Matters to be considered by Responsible Entity

In accordance with Section 81 of the Act, the responsible entity must consider a range of items in assessing this change application. Please refer to **Table 5** below which provides an assessment of the proposal's compliance with each of these considerations.

Table 5 – Assessment against Section 81 of the Act

Relevant Provision	Assessment
(2) In assessing the change application, the responsible entity must consider -	
(a) The information the applicant included with the application;	Noted

	In addition to the assessment contained within this letter, the change application is supported by the following: ■ Attachment 1 - Application Documentation prepared by Property Projects Australia; ■ Attachment 2 - Existing Approval issued by Toowoomba Regional Council; ■ Attachment 3 - Amended Proposal Plans prepared by Scott Connell Architects; ■ Attachment 4 - Amended Site Based Management Plan prepared by Sunny Queen Australia; and ■ Attachment 5 - Noise Impact Assessment prepared by MWA Environmental.
(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved;	Noted The original development application was subject to public notification, however, no properly made submissions were received.
(c) Any pre-request response notice or response notice given in relation to the change application; and	Not Applicable No pre-request response notice or response notice has been given in this instance.
(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	Not Applicable Item (d) is not applicable to this change application.
(e) if the responsible entity is, under section 78A(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 declared to be an application for State facilitated development under section 106D; and	Not Applicable Item (e) is not applicable to this change application.
if paragraphs (d) and (e) do 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	Noted Refer to response to Item 4 and Item 5 below.
(e) Another matter that the responsible entity considers relevant.	Noted Where the proposed development is bound to assessment against the Toowoomba Regional Planning Scheme 2012, it is considered that there are no other matters relevant to the assessment of this change application.

	The proposal continues to maintain compliance with the assessment benchmarks and remains consistent with the outcomes achieved under the Existing Approval.
(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 (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.	
(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.	Noted Whilst Item 4 and Item 5 are matters for Council to consider, the following is noted: ■ The original development application was properly made when the Toowoomba Regional Planning Scheme 2012 (Version 19) was in effect. ■ The other change application was properly made when the Toowoomba Regional Planning Scheme 2012 (Version 27) was in effect. ■ This change application will be properly made when the planning scheme (Toowoomba Regional Planning Scheme 2012 (Version 29)) is in effect. Based on a review, no relevant amendments to the applicable assessment benchmarks have been made since the original development application was assessed and subsequently approved.
(5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to – (a) the statutory instrument or other document as in effect when the change application was made; or (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 (c) another statutory instrument– (i) that comes into effect after the change application is made but before it is decided; and (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.	

3.4. Other Requirements for Change Applications

In accordance with Section 79 of the Act, this change application for a Minor Change includes the applicable mandatory information, as follows:

- The application is accompanied by the approved form, being DA Form 5 at **Attachment 1**;
- The written consent of the owner of the premises is provided at **Attachment 1**; and
- The applicant will make payment of the required fee to Council, upon receipt of a 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.

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 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 Blake Brindley or the undersigned on (07) 4632 0516.

Yours faithfully,
Property Projects Australia Pty Ltd



VICTORIA STURGEON
Town Planner

Enc. As Above.