

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Marbig Pty Ltd ATF The Alkon Trust
Contact name <i>(only applicable for companies)</i>	c/- Saunders Havill (Liam Wiley)
Postal address <i>(P.O. Box or street address)</i>	9 Thompson Street
Suburb	Bowen Hills
State	QLD
Postcode	4006
Country	Australia
Email address <i>(non-mandatory)</i>	liamwiley@saundershavill.com
Mobile number <i>(non-mandatory)</i>	07 3251 9456
Applicant's reference number(s) <i>(if applicable)</i>	11122

2) Owner's consent - Is written consent of the owner required for this change application? <i>Note: Section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.</i>	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises <i>(complete 3.1) or 3.2), and 3.3) as applicable)</i>				
3.1) Street address and lot on plan				
<input type="checkbox"/> Street address AND lot on plan <i>(all lots must be listed), or</i>				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises <i>(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).</i>				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		689	Toowoomba Cecil Plains Road,	WELLCAMP
	Postcode	Lot No.	Plan Type and Number <i>(e.g. RP, SP)</i>	Local Government Area(s)
	4350	5	A341	
b)	Unit No.	Street No.	Street Name and Type	Suburb
		689	Toowoomba Cecil Plains Road,	WELLCAMP
	Postcode	Lot No.	Plan Type and Number <i>(e.g. RP, SP)</i>	Local Government Area(s)
	4350	6	A341	



3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application

Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Toowoomba Regional Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	RAL/2022/4965	15 September 2023	TRC
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Changing a development approval for Reconfiguring a Lot (340 lots) to create 359 lots.

6.2) What type of change does this application propose?

Minor change application – proceed to Part 5

Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application Yes Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application Yes Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- By making this change application, I declare that all information in this change application is true and correct.
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Schedule 1 – List of all premises associated with this application

Lot 5 on A341
Lot 6 on A341
Lot 7 on A341
Lot 8 on A341
Lot 20 on A341
Lot 21 on A341
Lot 22 on A341
Lot 23 on A341
Lot 24 on A341
Lot 279 on AG3110
Lot 280 on AG3111

Liam Wiley

From: Kari Musgrove <Kari.Musgrove@tr.qld.gov.au>
Sent: Thursday, 21 December 2023 11:17 AM
To: Brad Sullivan (brad.sullivan@wagnerco.com.au)
Cc: Adam Gould; Liam Wiley
Subject: Gainsborough Lodge approval - MCUI/2020/5051 and RAL/2022/4965

Hi Brad,

Further to our discussions on Tuesday, I understand you are seeking feedback from Council regarding condition 5, which requires the road reserve (adjoining balance lot 2001) to be widened to 19m, noting it is currently shown on the plans at 16m wide.

5. The development must be carried out generally in accordance with the Approved Plan listed below, subject to the conditions of this Development Approval and the amendments listed below:

Plan No: 136664-33, Revision H

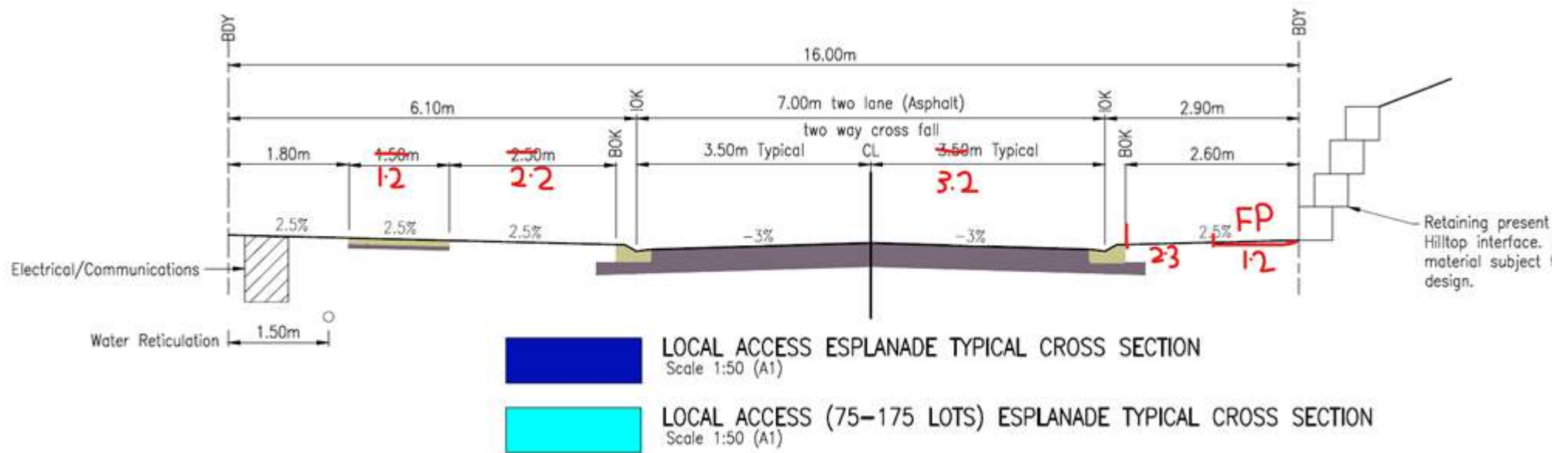
Description: Gainsborough Lodge – Overall Proposal Plan, prepared by RPS and dated 1 August 2023.

Amendments: Plan to be resubmitted to include the following amendments:

- 'New 16m Wide Esplanade Road' adjacent the 'Balance Parcel 2001' and between proposed Lots 119 to 163 must be widened to a minimum road reserve width of 19m.

Note: *The provision and location of paths on the Approved Plan is indicative and subject to design at the Operational Works stage.*

Given the unique circumstances of the road in question and the topography of the adjoining balance lot, Council on this occasion, is not opposed to allowing the reserve at 16m, so long as the internal configuration can accommodate a 1.2m wide footpath on both sides of the road, and a 6.7m wide two-lane asphalt carriageway, as shown in the section below:



As you know, whilst a request to suspend to the appeal period was lodged on 16 October, 2023, that period has now expired as no representations were lodged. As such, should you wish to make any change to the conditions of the approval, you will be required to lodge a change application in accordance with s.78 of the Planning Act. Council will assess that application on its merits at that time. Should you wish to pursue this course of action, I advise you to include this email as part of your application materials.

Please let me know if you have any questions.

kind regards

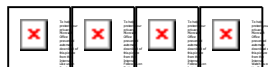
Kari Musgrove

Manager, Planning Branch

Planning and Development Services Group

Toowoomba Regional Council

P 4696 7916 E 7916 M: 0409 654 794 IM sip:Kari.Musgrove@tr.qld.gov.au





We acknowledge the Traditional Custodians of the Toowoomba Region whose song lines traverse our lands and pay our respect to Elders past, present and emerging, for they hold the knowledge, rich traditions and bold ambitions of Australia's first peoples.

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed.

If you have received this email in error please notify the sender and delete the material from any computer.

The Council accepts no responsibility for the content of any email which is sent by an employee which is of a personal nature or which represents the personal view of the sender.

If you wish to contact Council by non electronic means, Council's postal address is: Toowoomba Regional Council. PO BOX 3021, Toowoomba QLD 4350.