

Claudia Morales Castro

From: Gerard Eyres <Gerard@partnersinproperty.com.au>
Sent: Wednesday, 7 April 2021 12:27 PM
To: Helen Danalis; Rory Kelly
Cc: CPAS-DS-PlanningSupport; edaeast
Subject: RE: A004685227 - 381 ROCHEDALE RD ROCHEDALE QLD 4123 - Submission to a Development Application (id:4224617)

Categories: Claudia, SUBMISSION

This email originates from outside of Brisbane City Council.

Hi Helen / Rory,

Further to the my correspondence below I confirm our solicitors have reviewed to the changes to application A004685227, and are of the opinion the change is not a **minor change** because (amongst other things), the changes are inconsistent with the definition of "minor change" in schedule 2 of the *Planning Act 2016*, and in particular, the requirement that the change does not result in "substantially difference development". This is so because:-

1. The change "changes the ability of the proposed development to operate as intended" by preventing dedicated road access to land to the north, including our land.
2. The change "removes a component that is integral to the operation of the development", by preventing dedicated road access to land to the north, including our land.
3. The change "significantly impacts on traffic flow and the transport network" by preventing dedicated road access to land to the north, including our land.
4. The change "introduces new impacts or increase the severity of known impacts" by alienating developable land to the north, because the change prevents dedicated road access to land to the north, including our land.

Council is now on notice in relation to our concerns.

Our Solicitors will separately write to Council (and the applicant), on or before Friday 9th of April detailing why we are of the opinion the change to the development approval is not a minor change, and suggest a way forward.

Following issue of the letter, we will then seek to arrange a meeting with both Council and the applicant to discuss potential resolution pathways.

Regards

Gerard



GERARD EYRES

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From: Gerard Eyres
Sent: Wednesday, 17 March 2021 3:52 PM
To: helen.danalis@brisbane.qld.gov.au

Cc: DSPlanningSupport@brisbane.qld.gov.au; edaeast@brisbane.qld.gov.au; Rory.Kelly@brisbane.qld.gov.au
Subject: RE: A004685227 - 381 ROCHEDALE RD ROCHEDALE QLD 4123 - Submission to a Development Application (id:4224617)

Hi Helen,

Thank you for the submission acknowledgement letter and further to the acknowledge letter I would like to draw Council's attention to the following:

- Public notification on this DA was over 3 years ago;
- The plan that was publicly advertised back then provided access to our site. **So there was no cause for submission;**
- The changed plan **removes access** to our site;
- Given environmental constraints on the site to the west, there is no feasible alternative access;
- The new plan 'land locks' our site;
- The change to the application is **not a minor change** and Council should not have accepted it as such; and
- The proposal is a poor planning outcome and does not promote orderly development.

In addition please see attached Indicative ROL Plan for the south west corner of 56 Fraley Road which illustrates that a 5 lot subdivision is possible when access via 216 Garner Road is provided.

And finally, I note we are in the process of trying to get in contact with the applicant of 216 Gardner Road to understand if they would be willing to revise their proposed plan to include for road access through to 56 Fraley Road and we keep you updated on our endeavours in this regard moving forward.

Looking forward to further feedback and consideration of our points raised above?

Regards

Gerard



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-----Original Message-----

From: DSPlanningSupport@brisbane.qld.gov.au <DSPlanningSupport@brisbane.qld.gov.au>

Sent: Tuesday, 16 March 2021 2:54 PM

To: Gerard Eyres <Gerard@partnersinproperty.com.au>

Subject: A004685227 - 381 ROCHEDALE RD ROCHEDALE QLD 4123 - Submission to a Development Application (id:4224617)

Dear Submitter,

Council has received a submission from you about a development application.

Please find attached Council's formal acknowledgment of that submission.

Regards,
Development Services
Brisbane City Council

NOTE: This is an automated response. Please do not reply to this e-mail.

The table below provides a document description of the file/s attached to this email.

File Attachment Reference [Attachment Document Description]

a004685227_32496015.pdf [Submitter Ack Letter Impact Notifiable Code Late Invalid]

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