

**Our ref:** STP4553  
**Contact:** Alex Steffan | alex@steffanharries.au  
**Website:** [www.steffanharries.au](http://www.steffanharries.au)  
**Phone:** 07 3317 0042



Thursday, 25 June 2026

Chief Executive Officer  
Brisbane City Council  
GPO Box 1434,  
Brisbane Qld 4001

**Attention:** Dalina Howden | Brisbane City Council  
Via email: DSPlanningSupport@brisbane.qld.gov.au

## RE: CHANGE APPLICATION (S81)

**Reconfiguration of Lot**  
**COUNCIL REF: A006705978**  
**489 Hemmant-Tingalpa Road, Tingalpa QLD 4173**  
**Lot 5 on RP32978**

To whom it may concern,

This written representation is for a change to the existing approval at 489 Hemmant-Tingalpa Road, Tingalpa QLD 4173 (Council reference: A006705978 - decision date 12<sup>th</sup> March 2026). As per s81 of the *Planning Act 2016* we wish to change the existing development approval to modify the easements through Lots 2 & 3 to become road reserve.

Please find the following letter and subsequent attachments that form part of this request:

- Planning Act Form 5 – Change Application Form; and
- Updated subdivision proposal plan.

This Change Application seeks to amend the approved lot layout to incorporate a 3m wide ‘road reserve’ connection through to Fleming Road. Note, we are not proposing that this area is to be constructed with a road or any new infrastructure, just that it is dedicated as ‘road reserve’ (e.g. similar to the pedestrian connection further to the south).

The amendment is required in response to matters raised by Energex during the delivery of the development, as the site is unable to obtain the necessary power connections without a 3m wide road reserve extending to Fleming Road. This is to ensure compliance with Condition 37. Following a review of the approved plan set, the proposed reserve along the western boundary from Fleming Road is not considered to adversely impact the approved development outcome. Rather, it provides a practical and orderly mechanism for Brisbane City Council (BCC), Urban Utilities (UU) and Energex to access and maintain their infrastructure assets, without the need for more complex easement arrangements.

While it is acknowledged that converting the approved easement areas into road reserve will result in a minor reduction to the lot areas of Lots 2 and 3, the road reserve will serve the same functional purpose as the approved easements. The amendment will not materially reduce the usability, functionality or development potential of either allotment. Lot 1 will be owned by BCC irrespective of this change, so it is seen to be an inconsequential amendment to the size of Lot 1, or the function of the Stormwater basin.

Consequently, the following amendments to the approval package is proposed:

**Drawings and Documents:**

- Replace 'Proposed Reconfiguration Plan Lot 5 on RP32978' plan with attached updated subdivision proposal plan.
- Mark up engineering plans to refer to the approved subdivision proposal plan (if required).

**Conditions:**

Condition 11: Amend as per the following markup:

Grant the following easement(s) as may be required:

~~(i) Easements, in favour of Brisbane City Council for:~~

~~- Underground Drainage, Overland Flow & Open Cut over Lot 2, as shown on the approved plans and documents~~

~~Note: These easements include the provision for Council to obtain access.~~

(ii) Easements in gross over proposed Lot 5 in favour of Brisbane City Council and its agents;

- Right of Way Easement for refuse vehicle turning areas where such areas are located on private property.

- The easement is to be extinguished once the permanent public road access on Lot 4 on RP32978 has been constructed and is on maintenance.

~~(iii) Easement for the purpose of access, construction and maintenance of utility services in favour of proposed lot(s) 2 and 3.~~

~~(iv) Easements for access purposes over proposed lot 2 in favour of proposed lot 3 as indicated on the approved DRAWINGS AND DOCUMENTS.~~

(v) Easements in gross for public thoroughfare purposes over Lot 11.

Timing: As part of the plan of subdivision notated by Council, and then to be maintained

Condition 23: Amend as per the following markup:

Design and construct all proposed building pad levels to the appropriate flood planning level with freeboard (where required) in accordance with the relevant Brisbane Planning Scheme Codes and the approved drawings and documents.

The minimum building pad level for Lot 2 is to be 8.673m AHD, OR being 200mm above adjacent driveway levels ~~in EMT-A~~, and a min 150mm above adjacent stormwater basin embankment levels.

The minimum building pad level for Lot 3 is to be 8.727m AHD, OR being 200mm above adjacent driveway levels ~~in EMT-A~~).

**PROOF OF FULFILMENT**

*"As-Constructed" drawings prepared and certified by a Registered Surveyor (Qld). The Registered Surveyor (Qld) must certify that the development has been constructed in accordance with this condition.*

## Assessment of proposed changes

The proposed changes are considered to minor in nature as they do not result in a substantially different development. The representations are inconsequential to the overall development, purpose and intent of the use of the site under the City Plan 2014, whilst allowing for the development to proceed in accordance with Energex and requirements of Condition 37.

### Civil engineering:

We acknowledge that the location of the road reserve includes BCC and UU assets that have siting requirements under the Planning Scheme Policies, but we propose that a servicing cross-section plan to be provided at the Operational Works phase to ensure these services are constructed in compliance with the relevant standards. The project engineering team do not foresee this to be an issue.

The proposed development is compliant with the definition of a Minor Change as outlined within Schedule 2 of the *Planning Act 2016*, as outlined below.

Definition	Response
(i) would not result in substantially different development;	The proposed development won't result in substantially different development. Please refer to the below for further justification.
(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 (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or (C) referral to extra referral agencies, other than to the chief executive (D) a referral agency, in assessing the application under <a href="#">section 55(2)</a> , to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or (E) public notification if public notification was not required for the development application.	(A) The proposed development won't result in prohibited development. (B) The proposed development will not require referral to a referral agency. (C) No additional referral agencies have been identified. (D) This change does not require a referral. (E) The proposed development remains the same level of assessment and does not require additional public notification.

Pursuant to the definition of a Minor change under Schedule 2 of the *Planning Act 2016*, the proposed must not result in a substantially different development. As a result, please find a response to the substantially different 'test' taken from Schedule 1 of the DA Rules [s68(1) – *Planning Act 2016*].

Involves a new use	The proposed changes do not involve a new use or create additional impacts.
Results in the application applying to a new parcel of land.	The proposed changes will only apply to site subject to the approved development.
Dramatically changes the built form in terms of scale, bulk and appearance.	This application will not dramatically change the built form in terms of scale, bulk and appearance. The changes merely amend an easement to become Council land.

Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	This change will not alter the ability for the approved development to operate as intended.
Removes a component that is integral to the operation of the development.	This change does not remove any integral components of the development.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed changes do not have any impacts on the immediate traffic network.
Introduces new impacts or increases the severity of known impacts.	No new impacts or increase in the severity of any known impacts will be created as part of this change.
Removes an incentive or offset component that would have balanced the negative impact of the development.	This change will not remove an incentive or offset a component that would have balanced any negative impacts of the development.
Impacts on infrastructure provision from a location or demand.	The proposed changes do not impact on any infrastructure servicing the subject site and surrounding lots.

Based on the insignificant changes to the existing approval, Steffan Harries respectfully requests a favourable decision from Brisbane City Council with regards to this s81 Minor Change application.

If additional information is required, please contact our office via the contact details below.

Kind regards,



Alexander Steffan | Director  
**Steffan Harries**  
**Email:** [alex@steffanharries.au](mailto:alex@steffanharries.au)