

TOWN PLANNING (IMPACT) ASSESSMENT REPORT

184 Gardner Road, 56 Farley Road and
198 Gardner Road, Rochedale

Reconfiguring a Lot and a Variation
Request

January 2026

development directive



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01/04/2026
APPLICATION REF
A006940193



QUALITY ASSURANCE

Town Planning (Impact) Assessment Report
Development Directive Project Number: 31801

- Development Permit for Reconfiguration of a lot (3 into 14, drainage reserve and new road); and
- A variation request under section 50(3) of the Planning Act 2016 (Planning Act) to vary the effect of the Brisbane City Plan 2014 version 35, effective 5 December 2025 as amended from time to time

184 Gardner Road, 56 Farley Road and 198 Gardner Road, Rochedale

Draft Report Preparation History:

Draft No	Date Completed	Prepared by	Reviewed by
A	14/01/2026	Neal Charlton	Lachlan Macgregor
B	29/01/2026	Neal Charlton	Lachlan Macgregor

Revision/Checking History:

Version	Date of Issue	Checked by	Issued by
A	14/01/2026	Lachlan Macgregor	Lachlan Macgregor
B	30/01/2026	Neal Charlton	Lachlan Macgregor

Document Distribution:

Destination	Revision									
	A	Date Issued	B	Date Issued	C	Date Issued	D	Date Issued	E	Date Issued
Client	<input checked="" type="checkbox"/>	14/01/2026	<input type="checkbox"/>	Date	<input type="checkbox"/>	Date	<input type="checkbox"/>	Date	<input type="checkbox"/>	Date
Assessment Manager	<input checked="" type="checkbox"/>	14/01/2026	<input checked="" type="checkbox"/>	30/01/2026	<input type="checkbox"/>	Date	<input type="checkbox"/>	Date	<input type="checkbox"/>	Date

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EXECUTIVE SUMMARY

Development Directive on behalf of Gardner Rd Developments Pty Ltd hereby makes a development application over land at 184 and 198 Gardner Road and 56 Farley Road, Rochedale (more specifically described as Lot 102 on SP226721 and Lots 3 and 6 on RP114765) (**the site**) for the following (**the application**):

- A Preliminary Approval under s50(3) of the *Planning Act 2016* (**Planning Act**), to vary the effect (variation request) of the Brisbane City Plan 2014, version 35 effective 5th December 2025 as amended from time to time (**City Plan**), for a Material Change of Use (low-impact industry, warehouse and multiple dwellings) including a variation request (to 60846m²).
- Development Permit for Reconfiguration of a lot (3 into 15 lots) new road and drainage reserve; and

Variation Request

The proposed variations to the City Plan are:

- To allow future development applications for Multiple Dwelling land use, to be subject to code assessment where within the residential variation area shown in **Figure 1**; and
- To allow future development applications for Low-impact Industry (**LI**) or Warehouse land uses, to be subject to code assessment where within the industrial variation area shown in **Figure 1**.

Relevantly, a variation request to permit low-medium density residential uses has been approved over proposed lot 904 under a previous development approval Council reference A005747839. The approval has been reproduced in the proposed variation plan for transparency and improved structure planning.



Figure 1: Proposed Variation Plan – Location and Extent of future Proposed Land Uses



The variation request, the subject of this development application seeks to establish a planning mechanism to:

- Establish and secure 'in-principle' support for future low-impact industry, warehouse and multiple dwellings, with appropriate flexibility to allow for detailed design to be determined at a later stage and within the limitations established by the variation;
- Provide clarity, predictability, transparency and certainty to Gardner Rd Developments Pty Ltd, Brisbane City Council, and the wider community regarding future development outcomes on the proposed 14 development lots and the provision of drainage reserve and new road infrastructure.

Reconfiguration of a lot

The proposed Reconfiguration of a lot seeks to create:

- 14 future development lots (proposed lots 1,2,3,4,5,6,13,15,16,17,18, 19, 904 and 905)
- Drainage reserve (proposed lots 800)
- New road
- Balance land (lot 907)

The proposed reconfiguration seeks (amongst other things) to establish 14 future development lots as shown in **Figure 2**.

Together with the proposed variation, 14 future development lots (proposed lots 1,2,3,4,5,6,13,15,16,17,18, 19, 904 and 905) will accommodate low-Industry and warehouse uses, while the remaining 2 future lots (proposed lots 13 and 904) will accommodate multiple dwellings.

Relevantly, a variation request permitting low-medium density residential uses has already been approved over proposed lot 904. The proposed residential component of the application will therefore integrate with the existing Development Approval A005747839, which already facilitates low-medium density residential outcomes over parts of 56 Farley Road (proposed Lot 904), ensuring consistency and alignment with existing local planning outcomes.

The proposed reconfiguration establishes a logical and well-considered subdivision pattern that acknowledged and reflects existing development approvals and creates development lots of appropriate size and configuration to support high-amenity, low-impact industrial uses. These land use outcomes are consistent with the intent and overall outcomes of the Business Park and Gateway Civic Precinct within the Rochedale Urban Community Neighbourhood Plan (NPP-003), Brisbane City Plan 2014. Furthermore, the layout provides a clear and functional land use transition, forming an effective buffer between the Rochedale landfill sites located north of the subject land, and the planned low- to medium-density residential areas to the south.

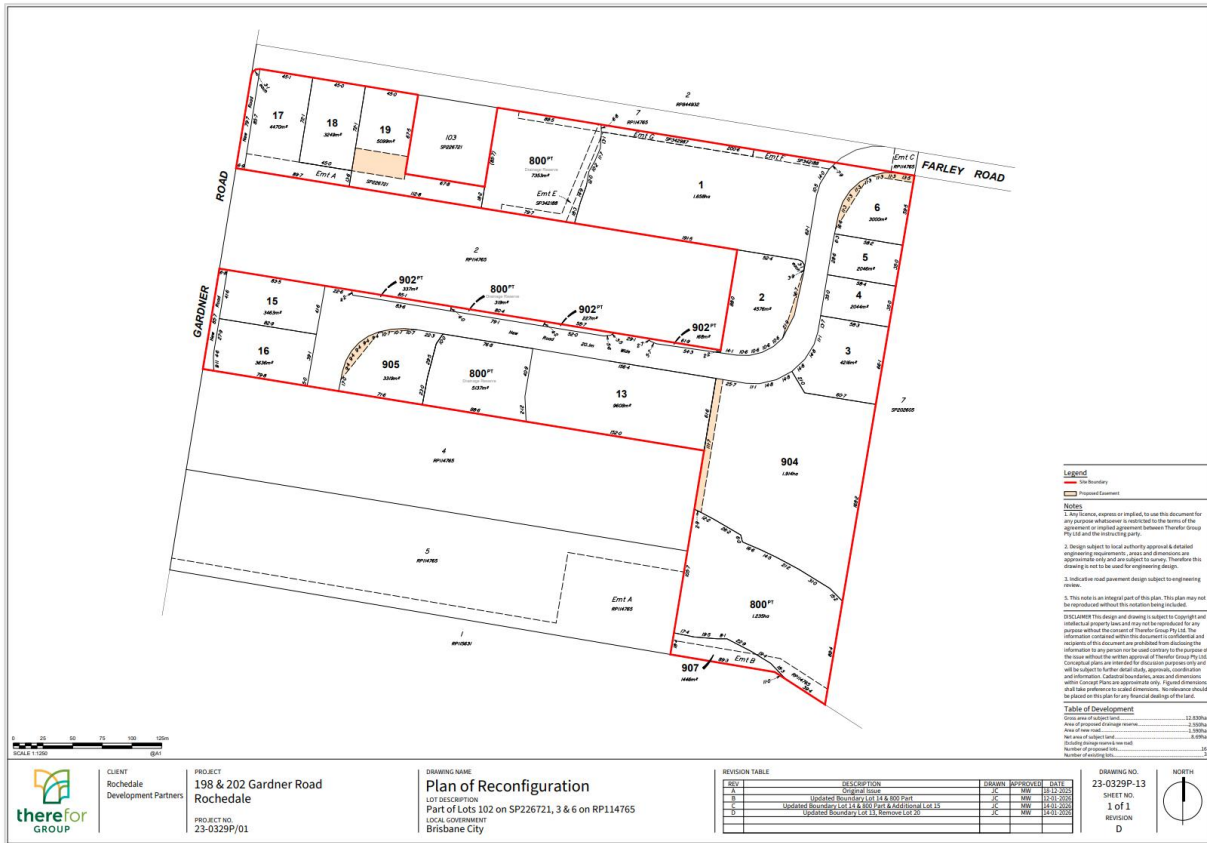


Figure 2: Plan of Reconfiguration

The proposed subdivision also seeks to capture the parts of the site that are subject to 1%AEP flooding as dedicated drainage reserve, contributing to the wider stormwater network planning outcomes in the locality. Notably, the parts of the site to become drainage reserve align with the 1%AEP and proposed dedication for drainage reserve under development application A006761597 (as changed under section 27.1 of the Development Assessment Rules on 11 December 2025) over land at 198 and 202 Gardner Road, Rochedale (formally described as Lots 3 and 4 on RP114765), which seeks:

- To vary the effect of the Waterway corridors overlay mapping and Biodiversity areas overlay mapping to reflect ground-truthed investigations regarding the true location and alignment of the waterway and associated ecological features within the site; and
- To provide a drainage reserve which correctly reflects the drainage patterns and hydrological features of the site.

Figure 3 illustrates the ‘Proposed Waterway Centreline and proposed Waterway Corridor Overlay’ and Figure 4 illustrates the ‘Proposed subdivision’ which are the subject of A006761597.

Importantly, the proposed subdivision the subject of this application “overlaps with” the proposed subdivision included in A006761597 which includes the realignment of the waterway corridor and establishment of associated drainage reserve. Together, this development application and A006761597 together seek to correctly identify, map and protect the waterway corridor and associated biodiversity values and map the full and correct extent of land subject to 1%AEP flooding.

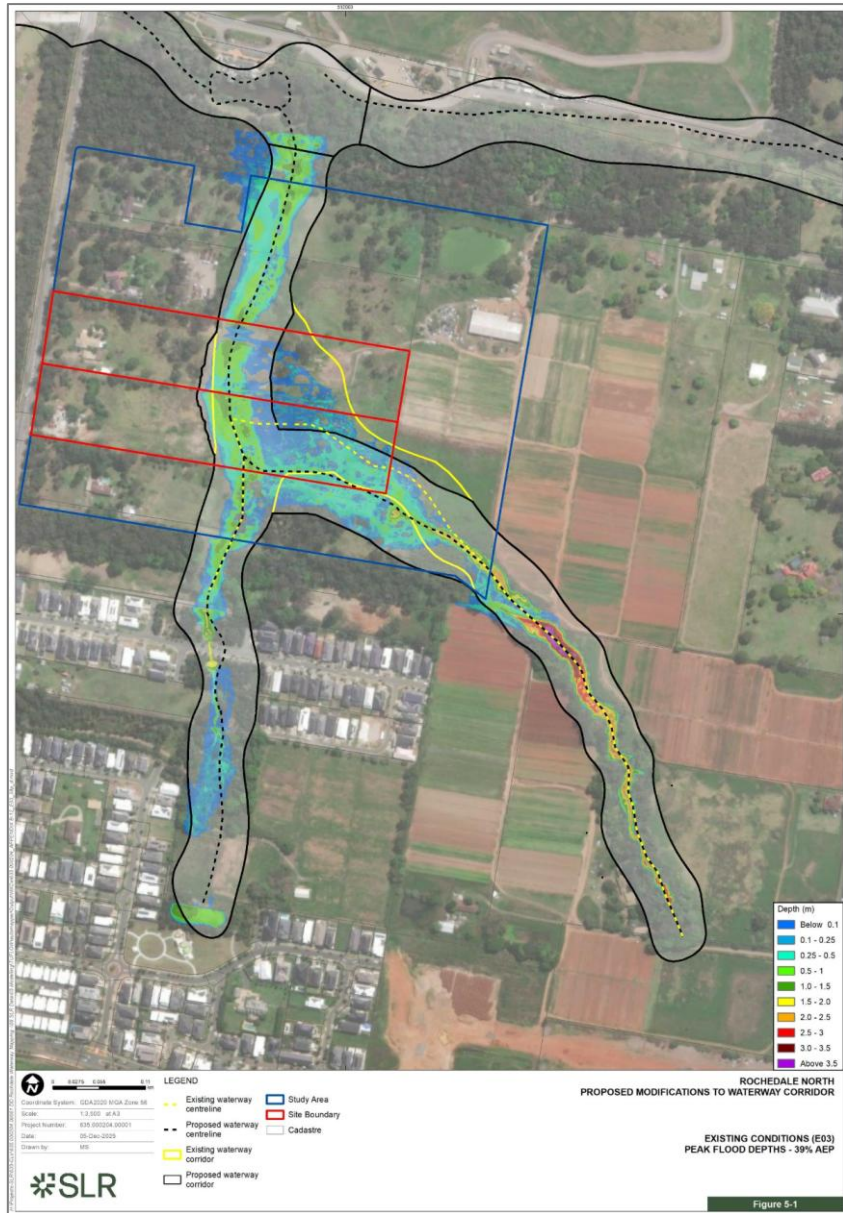


Figure 3: Relevant Development Application A006761597 - Proposed Waterway Centreline and Proposed Waterway Corridor Overlay

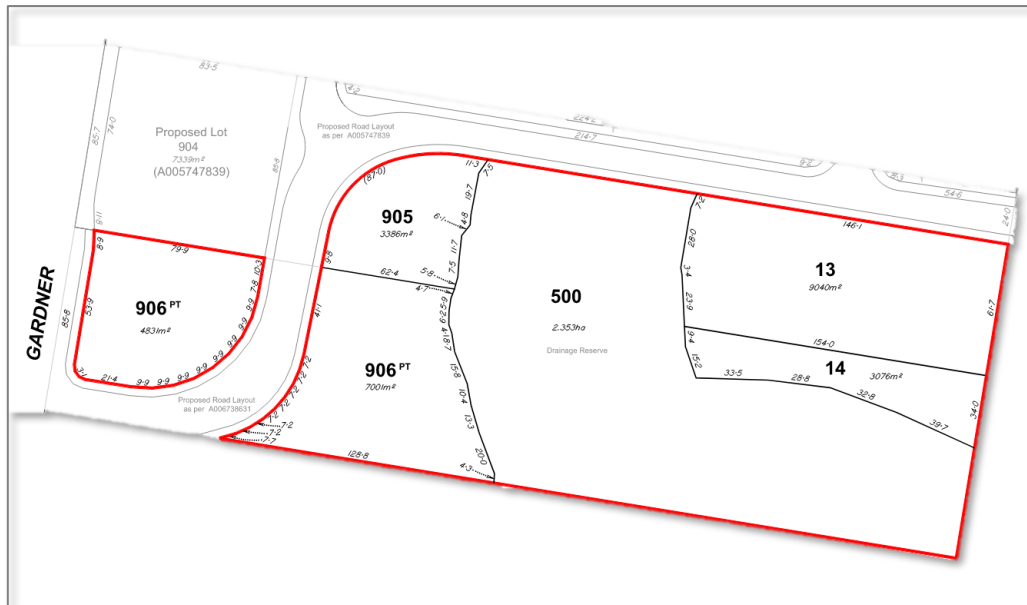


Figure 4: Relevant Development Application A006761597 - Proposed plan of subdivision

The proposed reconfiguration seeks to also provide new road the alignment of which has already been approved under historic development approval A005747839. The proposed new road will complete and secure the provision of a local road connection between Farley Road and Gardner Road, in line with an approved structure planning for area.

Associated with the new road, the proposal also provides an easement in gross benefitting Council for future road connectivity. This easement in gross is provided in recognition of the requirements of condition 16 imposed on development approval A005747839 and provides an access to lot 4 RP114765 from the new road and allowing future development of this lot.

In summary, the development application seeks to reconfigure the land to establish future development lots intended to accommodate high-amenity and low-impact industry and warehouse land uses towards the north of the site. These low-impact industrial lots will act as a buffer from existing industrial land uses north of the site and proposed low-medium density residential development towards the south of the site and in keeping with historic development approvals for similar low-density residential development. The proposal also seeks to provide new trunk road in keeping with an approved structure plan for the area and sets aside the balance of the site as drainage reserve which reflects the sites natural drainage features and land subject to 1%AEP flooding.

Overall, the proposed reconfiguration and variation the subject of this development application takes account of historic development approvals issued over and nearby the site and proposes a plan of development that is **consistent with** the Planning Scheme, particularly:

- The Strategic Framework
- The Rochedale Urban Community Neighbourhood Plan
- The low-medium density code
- The low-impact industry code; and
- The Local Government Infrastructure Plan

Table 1 provides summary details of the site and the applicable planning framework that is relevant to the assessment of the application.

Table 2 provides summary details of the proposal and application details.

Table 3 provides details of the applicant and contact details for all correspondence

Table 1: Site Details and Planning Framework

Site address	184 Gardner Road, 56 Farley Road and 198 Gardner Road, Rochedale (the site)
Real property description	102 SP226721, 3 RP114765, 6 RP114765
Site area	128,303m ²
Landowner	Gardner Rd Developments Pty Ltd & Tianland Ma (the landowner)
Existing easements	<ul style="list-style-type: none"> • Easement in Gross No 714514630 benefiting Energex Pty Ltd¹ • Easement No 714514631 • Easement in Gross No 723479938 benefiting Urban Utilites • Easement No 723603993 • Easement No 602016209 • Easement No 601849404 • Easement No 601937836 • Easement No 602202280 • Easement No 601803724 • Easement in Gross No 723479939 benefiting Urban Utilites • Easement in Gross No 723603994 benefiting Urban Utilites
Cultural Heritage	<input type="checkbox"/> Local Heritage Register <input type="checkbox"/> Permanent or Provisional Queensland Heritage Register <input type="checkbox"/> Register of the National Estate <input checked="" type="checkbox"/> N/A
Local government area	Brisbane City Council
Planning scheme in force	Brisbane City Plan 2014 (Version 35)
Zone	Emerging Community Zone
Neighbourhood Plan	Rochedale Urban Community Neighbourhood Plan
Overlays	Airport environs overlay <ul style="list-style-type: none"> • Procedures for air navigation surface • BBS zone – Distance from airport 8-13km Bicycle network overlay Biodiversity areas overlay <ul style="list-style-type: none"> • High ecological significance strategic sub-category • Koala habitat area sub-category • Matters of state environmental significance (MSES) sub-category Bushfire overlay <ul style="list-style-type: none"> • High hazard area sub-category • Medium hazard area sub-category • High hazard buffer area sub-category • Medium hazard buffer area sub-category Community purposes network overlay Critical infrastructure and movement network overlay <ul style="list-style-type: none"> • Critical infrastructure and movement planning area sub-category Flood overlay <ul style="list-style-type: none"> • Overland flow flood planning area sub-category Industrial amenity overlay <ul style="list-style-type: none"> • Industrial amenity investigation area sub-category Landslide overlay Road hierarchy overlay

¹ Note, this easement is for the benefit of Energex. Referral of the development application to Energex in its capacity as a distribution entity under the *Electricity Act 1994* is therefore required pursuant to section 54 of the *Planning Act 2016* and Schedule 10, Part 9, Division 1 of Planning Regulation 2017



	Streetscape hierarchy overlay Waterway corridors overlay <ul style="list-style-type: none"> Local waterway corridor sub-category
Regional Plan Land use designation	The proposed site is within the Urban Footprint of <i>ShapingSEQ 2023</i> (SEQ Regional Plan).
DAMS mapping layers	SEQ Regional Plan land use category <ul style="list-style-type: none"> Urban footprint State transport corridor <ul style="list-style-type: none"> State-controlled transport corridor Area within 25m of railway Water Resources <ul style="list-style-type: none"> Water Resource Planning Area Boundaries
Referral Agencies	<ul style="list-style-type: none"> Chief Executive administering the <i>Planning Act 2016</i> (SARA) as referral agency Energex as advice agency

Table 2: Development Application Details

Development Description	Development Permit for Reconfiguration of a Lot (ROL) and a Preliminary Approva Variation Request. A detailed description of the proposal is provided at section 2 of this report.
Category of Development	Reconfiguring a Lot and Variation Request
Category of Assessment	Impact assessment

Table 3: Applicant Details

Applicant	The Development Directive Pty Ltd
Address	884 Logan Road Holland Park West QLD 4121
Contact person	Lachlan Macgregor
Contact details	p. 0452 226 254 e. lachlan@developmentdirective.com.au
Our reference	31801



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1 THE SITE & SURROUNDS

1.1 SITE LOCATION

The subject site is located at 184 Gardner Road, 56 Farley Road and 198 Gardner Road, Rochedale and is formally described as 102 SP226721, 3 RP114765, 6 RP114765 (**the site**). A Locality Map is provided at **Figure 5**. The site is within the Brisbane City Council local government area and has a total area of approximately 12.9 hectares (ha). The site has frontages to Gardner Road located to the west of the site which provides a local road connection to the Gateway Motorway via the Mount Gravatt Capalaba Road further north. Farley Road (reserve) is located along the northern boundary of the site.



Figure 5: Locality Map

Rochedale is a rapidly evolving, master-planned suburb in Brisbane's southeast growth corridor, characterised by modern residential estates, strong community amenities, and strategic infrastructure investment supporting sustainable urban expansion. The population of Rochedale was 7,633 people as of the 2021 census which was a significant increase from the 2016 census population of 3,175, showing a growth of 140.4%. In this immediate locality there are multiple developments occurring and currently under assessment by Council.

The site and the surrounding land are currently in a state of infill development transition, from a rural area to a predominantly low-medium density residential area. This transition is consistent with the Emerging Community area zoning applicable to the site and the wider locality. More specifically, as shown in **Figure 6** and **Figure 7**, land to the south and east of the site is transitioning from rural and rural-residential activities to low-medium density residential development.

Land to the north and west of the site is comprised of Brisbane Landfill and Austral Bricks Brickworks. These significant legacy industrial activities have recently been fringed by lower impact industrial activities in more recent times, including distribution facilities located in the Goodman Rochedale Motorway Estate and new industrial subdivision for warehousing development currently under construction in Prebble Street on the western side of Gardner Road.



Figure 6: Road connections



Figure 7: Site Context

1.2 EXISTING LAND USE AND EXISTING STRUCTURES

The development sites at 184 Gardner Road and 198 Gardner Road, each contain a dwelling house while 56 Farley Road is currently used for rural/agricultural purposes and includes a dam at the northern extent of the site and. The Farley Road site also contains an agricultural shed amongst cropping/fields as shown in **Figures 8 and 9**.



Figure 8: Site photo - 56 Farley Road (view looking north towards shed)



Figure 9: Site photo - 56 Farley Road (view looking west towards 198 Gardner Road)

1.3 SITE OWNERSHIP, EASEMENTS ENCUMBRANCES AND INTERESTS

The registered owner of all lots that comprise the site (Lot 102 on SP226721 and Lots 3 and 6 on RP114765) is Gardner Rd Developments Pty Ltd.

Pursuant to section 51(2) of the *Planning Act 2016* (the Planning Act), owners' consent for the development application is not required as the applicant is the owner. Notwithstanding, it has been provided within **Appendix 2**.



Title searches describing the landowner details for each lot are provided in **Appendix 3**. An Easement and Titling map is provided in **Figure 10**. Relevantly, Easement in Gross No 714514630 and Easement No 714514631 over Lot 102 benefit of Energex. Referral of the development application to Energex in its capacity as a distribution entity under the Electricity Act 1994 is therefore required pursuant to section 54 of the *Planning Act 2016* and Schedule 10, Part 9, Division 1 of Planning Regulation 2017.



Figure 10: Easement and Titling Map

1.4 SITE CHARACTERISTICS

Topography

The site slopes toward the center of lot 184 and lot 198 and all lots slope down to lot 198. A detailed site survey has been undertaken on the site (and its surrounds) and is included in **Appendix 4**.

Vegetation

The site is sparsely vegetated with existing vegetation concentrated around the existing developments facing Gardner Road. An ecology assessment of the site has been undertaken by BAAM Consultants and highlights the areas of ecological importance on the site. This report is included in **Appendix 5**.

Infrastructure

The Site Services Report (**Appendix 6**) provides detailed descriptions of the existing infrastructure and services in relation to the site and surrounding area. This section of the report provides the following summary of this information.



Figure 11 below illustrates the location of existing water and wastewater infrastructure on and nearby site:

- **Drinking water supply** – There is an existing trunk drinking water main within Gardner Road. Parallel to the trunk main is a reticulated main from which existing property connections to the site are made. This provides a water connection location for the properties. The site is also within Urban Utilities drinking water connection area.
- **Waste water** - There is existing sewer infrastructure within the waterway which bisects the site. The site is also within Urban Utilities future wastewater connection area.

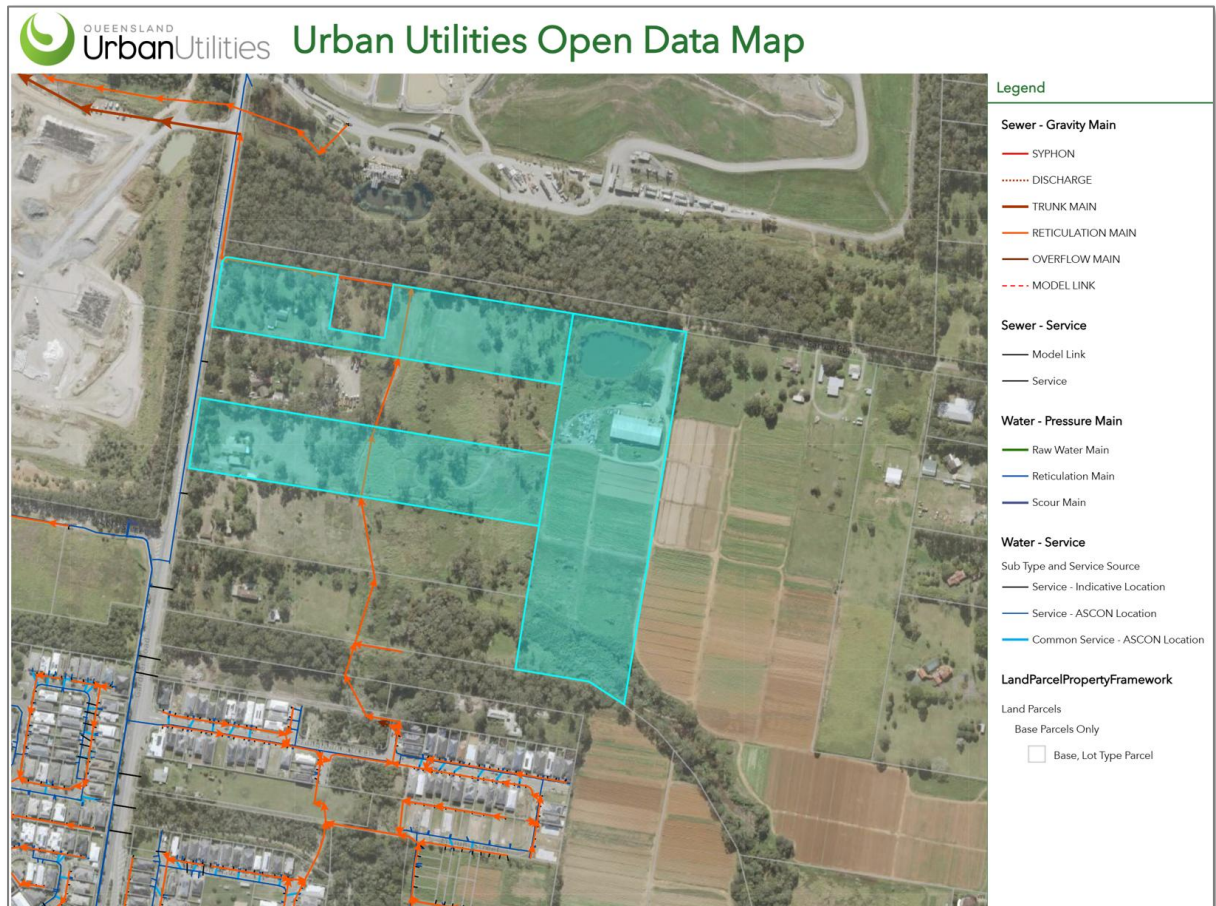


Figure 11: Existing water and wastewater infrastructure

Figure 12 below illustrates the location of planned water and wastewater infrastructure on and nearby the site. There are 2 easements in gross registered over 184 Gardner Road, Rochedale to the benefit of Urban Utilities to provide for the construction of a future sewer reticulation main (SDVG155), providing a sewer connection from the existing sewer main to Farley Road. There is a condition within development approval A005747839 (Central Leg) and not part of this application, which requires a future sewer connection to be provided through the easements.

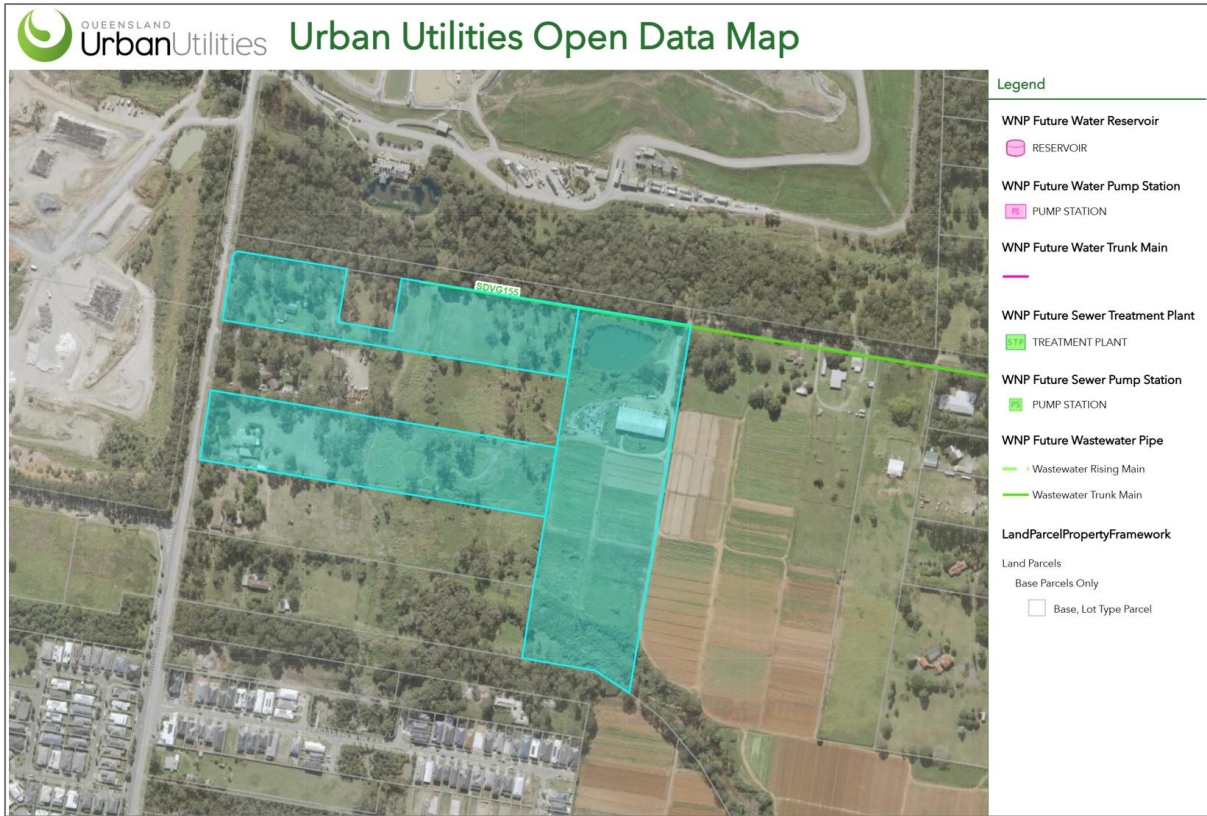


Figure 12: Planned water and wastewater infrastructure

- **Stormwater** – The site has a Lawful Point of Discharge to the waterway which bisects the site. The site falls towards the waterway.
- **Electricity, gas and telecommunications** – There are power connections to the site within Gardner Road and Farley Road.

Traffic and Access

The site has a frontage to Gardner Road and Farley Road. Gardner Road is a Suburban Road and primary access road (Brisbane City Council). Gardner Road is also identified as a National Heavy Vehicle Register (NHVR) approved route for B-double vehicles up to 25/26m, but this approval is only currently granted to the Brisbane Landfill Access point, approximately 230m north of the boundary of the subject site.

As outlined further in this report, there is a trunk road connection required through the site, connecting to Gardner Road to Farley Road, including a new signalised intersection at Prebble St / Gardner Road / New Road intersection. Relevantly, the site is subject to a separate application (A006738631) which will provide the south-western portion of this trunk road connection to Gardner Road to finalise the full trunk road connection. Refer to **Figure 13**.

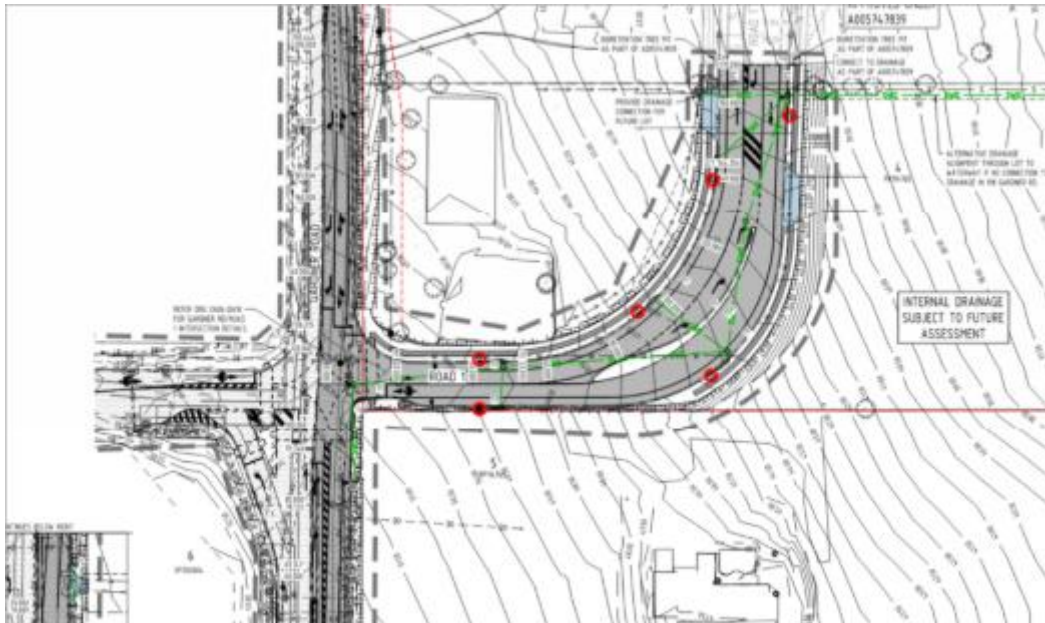


Figure 13: Trunk Road Access through 202 Gardner Road, Rochedale (as proposed by A006738631)

Contaminated Land

In accordance with the requirements of the *Environmental Protection Act 1994 (Q)*, the Department of Environment, Tourism, Science and Innovation (DETSI) maintains a register of sites identified as having previous or current notifiable activities, or which are contaminated by hazardous materials. The Environmental Management Register (EMR) identifies 'low risk' sites that have been used for an activity which is likely to cause land contamination, while the Contaminated Land Register (CLR) identifies 'risk' site as requiring remediation.

The site is not identified as being included on either the EMR or CLR. This is confirmed by EMR and CLR Search provided in **Appendix 7**.

Cultural Heritage

There is no known cultural heritage on the site and the site has an agricultural land use history, having been previously and currently cultivated and disturbed. Risks for disturbance of aboriginal cultural heritage will be managed under the duty of care guidelines, as applicable to all land disturbing activities, under the *Aboriginal Cultural Heritage Act 2003*.

The site is not identified on the Local Heritage Register, Permanent or Provisional Queensland Heritage Register, or the Register of the National Estate.

1.5 RELEVANT DEVELOPMENT APPLICATIONS & APPROVALS

The subject site has a relatively complex development approval history. At the time of writing, this includes several decided and undecided development applications in various stages of assessment.

The relevant development approvals and undecided development applications are:

- Development Approval 1: Central Leg Approval (Council Ref: A005747839)
- Development Application 2: Northern Leg Application (Council Ref A006484551)
- Development Application 3: Southern Leg Application (Council Ref: A006738631)
- Development Application 4: Overlay mapping Variation Request (Council Ref: A006761597)



1.5.1 DEVELOPMENT APPROVAL 1: CENTRAL LEG AND RESIDENTIAL DEVELOPMENT (A005747839)

This development approval relates to land located at 180, 184 & 198 Gardner Road and 56 Farley Road, Rochedale QLD 4123 formally described as Lots 3, 6 & 7 on RP114765 and Lot 102 on SP226721. This development approval overlaps the subject site at 198 Gardner Road, but is a stand-alone approval and is unaffected by this application.

The existing approval provides for residential development adjacent to the site (within 56 Farley Road, Rochedale) and facilitates a road connection to Gardner Road via 198 Gardner Road, Rochedale – thus providing a road frontage to the development for reconfiguring a lot contained within this application.

Notably, the development approval was supported by a Flood Impact Assessment which determined the extent of approved residential development and informed the design of the approved trunk road through 198 Gardner Road, Rochedale which is the subject of an Infrastructure Agreement.

Specifically, the approval is for:

- Preliminary approval including a Variation request for a Material change of use for Residential activities; and
- Development permit for Reconfiguring a lot (3 into 6 lots, new road, bicycle path and access easement)

Extracts of the approved plans are provided in **Figures 14, 15 and 16.**

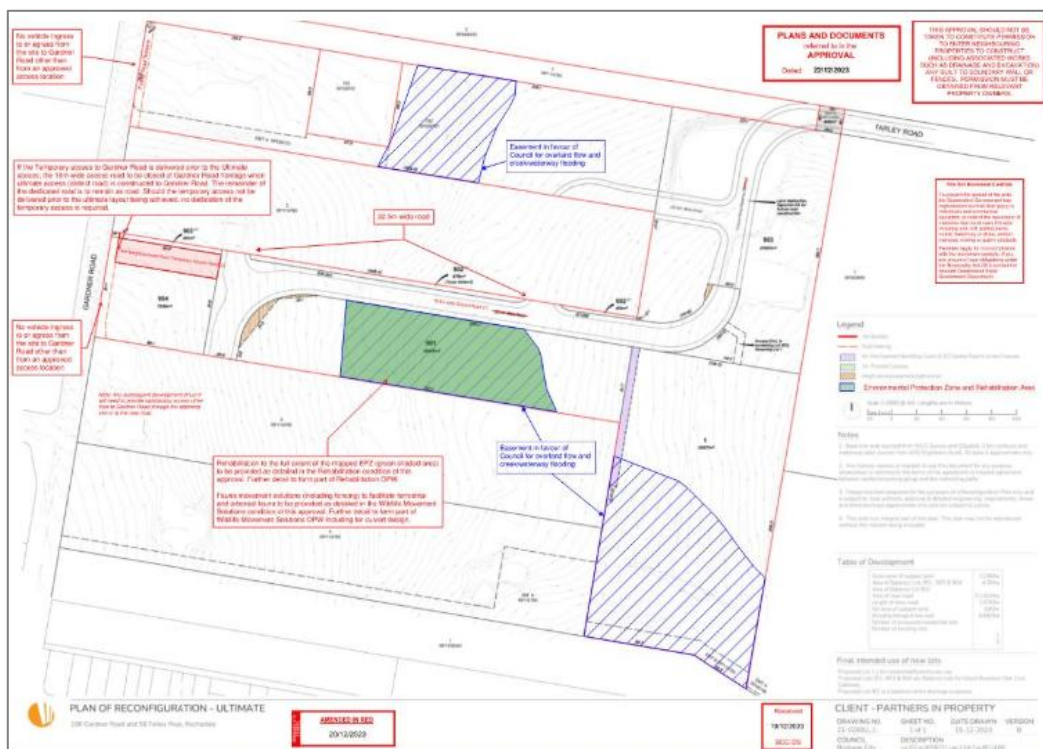


Figure 14: Approved Plan A005747839

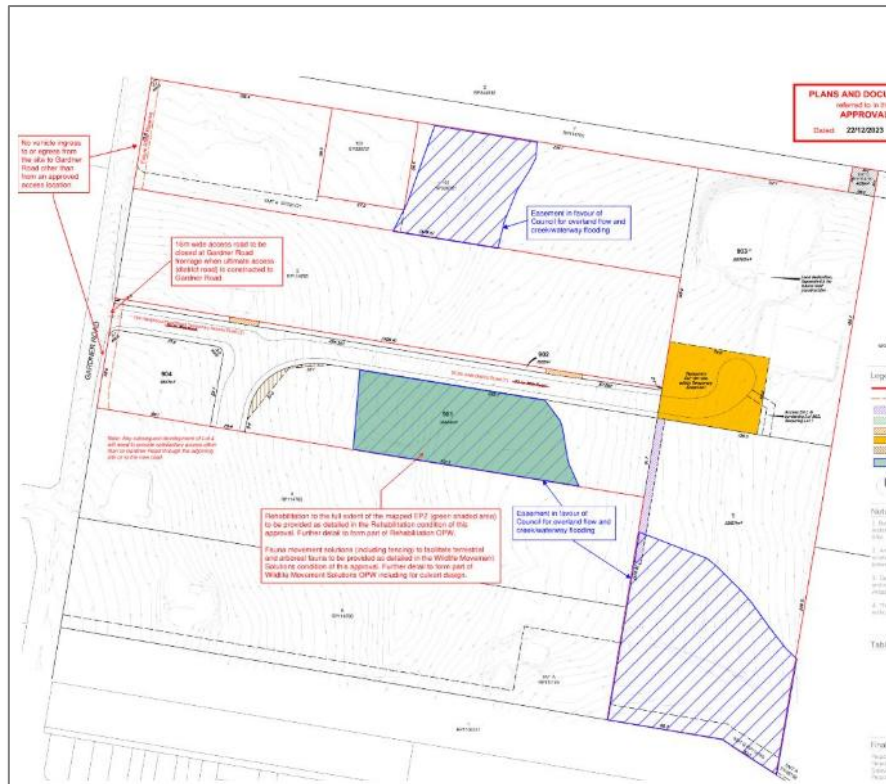


Figure 15: Approved Plan A005747839

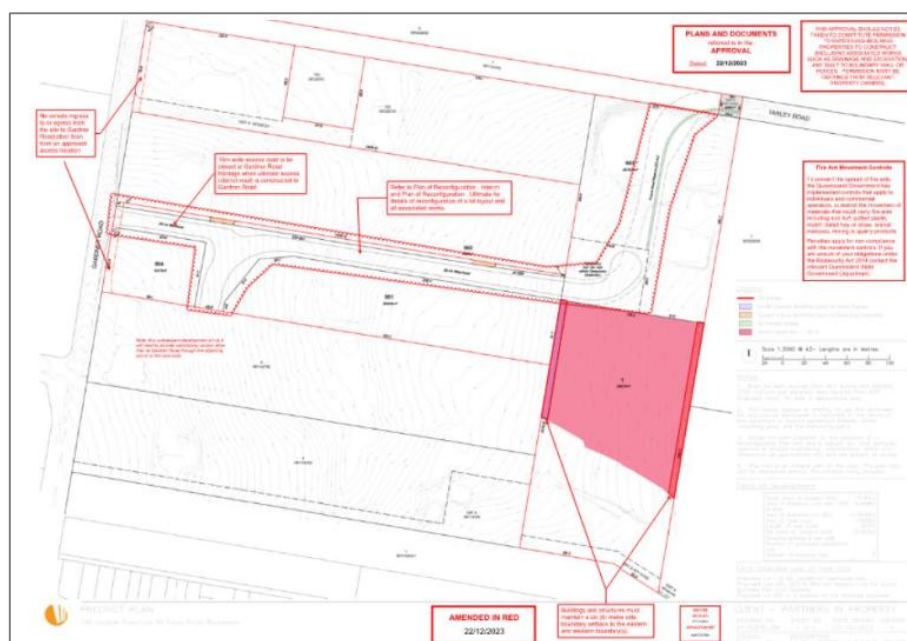


Figure 16: Approved Plan A005747839

Applicable to the assessment and consideration of this development application is condition 16 imposed by Brisbane City Council requiring the provision of easements. The condition (to the extent relevant) is as follows:

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

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



- Open Cut and Overland Flow affected by the 1%AEP for Creek/Waterway flooding or 2% AEP Overland Flow flooding as shown on the approved plan 21-0260U_03 Sheet 1 of 1 Version O amended in red 20/12/2023.

...”

Relevantly, on the approved plan of development (Plan number 21-0260U_03 Sheet 1 of 1 Version O amended in red 20/12/2023), Council has notated in blue (not red) the extent of the easement required. The relevant part of the plan is reproduced in **Figure 17**.

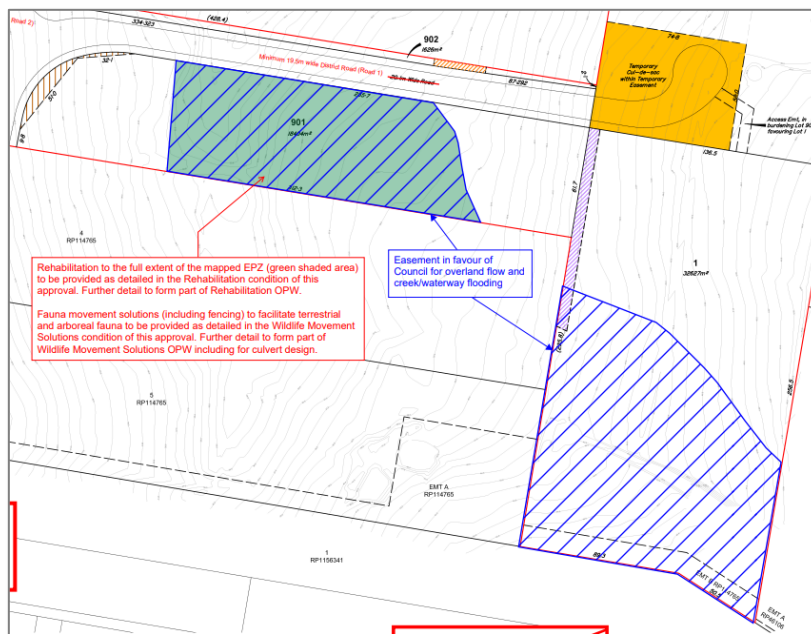


Figure 17: Plan number 21-0260U_03 Sheet 1 of 1 Version O amended in red 20/12/2023

Development Directive is of the view that the extent of the easement illustrated on the approved plan, as drawn by Brisbane City Council, is excessive and does not accurately reflect the true extent of the hydraulically modeled drainage paths over the site. Therefore, in assessing and deciding this application, we note that condition is likely to be carried forward and in doing so, we request that Council draft a condition and any associated amendments in red to accurately reflect the true extent of the 1%AEP for Creek/Waterway flooding or 2% AEP Overland Flow flooding over the site, in accordance with hydraulic modelling which has been undertaken for the site.

This development approval also requires the provision of an easement in gross benefiting Brisbane City Council for access purposes as indicated on the approved plan of development illustrated in **Figure 17**. Relevantly, this easement has been reproduced in the proposed plan of reconfiguration the subject of this development application, in recognition of the historic approval and in anticipation that this previously approved outcome to provide an easement in gross to Council for access purposes will be carried forward in the event this development application is approved.

1.5.2 DEVELOPMENT APPLICATION 2: NORTHERN LEG APPLICATION (COUNCIL REF A006484551)

This development application is under assessment by Council and relates to land located at 180 & 174 Gardner Road and 56 Farley Road, Rochedale QLD 4123 formally described as Lots 6 & 7 on RP114765 and Lot 2 on RP844932. This application provides a connection between the approved trunk road under A005747839 and existing Farley Road. The application is in decision stage and is for:

- Development permit for Reconfiguring a lot (2 into 5 lots and new road).

An extract of the proposed plan of development is provided in **Figure 18**.



Figure 18: Proposed plan submitted under application A006484551

1.5.3 DEVELOPMENT APPLICATION 3: SOUTHERN LEG APPLICATION (COUNCIL REF: A006738631)

This development application relates to part of the site, being 202 Gardner Road (lot 4 on RP114765). The development application seeks a development permit for Reconfiguration of land (Council Ref: A006738631) to deliver the “southern leg” of the new road connection (connecting to the “Central Leg” approved under A005747839 to Gardner Road) and to develop the signalised Gardner Road-Prebble Street intersection. The plan of development submitted with the application is shown in **Figure 19** and **20**. This application is currently in decision stage.

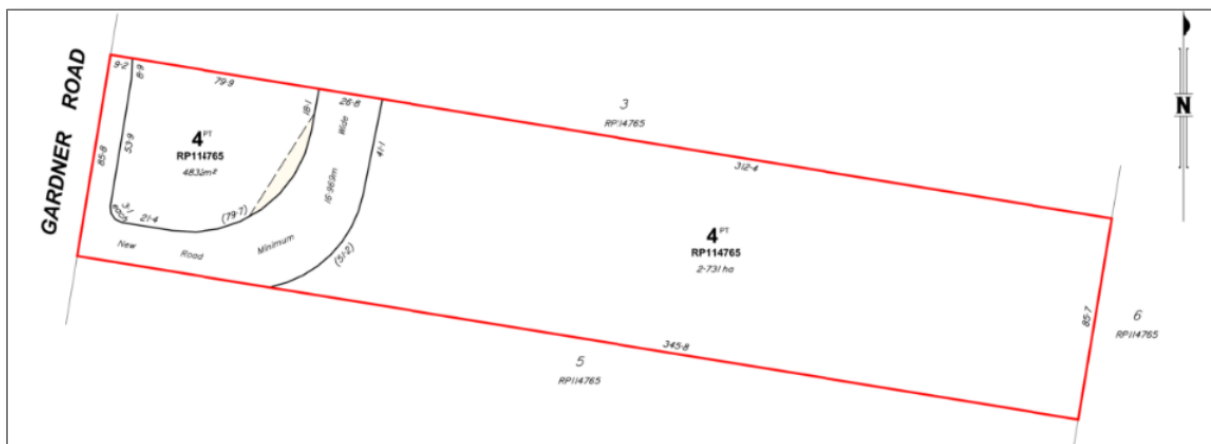


Figure 19: Proposed plan submitted under application



Figure 20: Modified intersection arrangement

1.5.4 DEVELOPMENT APPROVAL 4: A006826637 - RESIDENTIAL COMMUNITY AT 323 ROCHEDALE ROAD, ROCHEDALE

The land at 323 Rochedale Road, Rochedale has a long development approval history, which is relevant to this application, as it utilised a methodology of 'ground-truthing' to determine the extent of development on the site, in relation to the mapped waterway. Notably, the ground-truthed surveys submitted identify that the features on the ground, do not align with the Council mapped Local Waterway Corridor Overlay mapping.

On 16 June 2021, the Council approved a preliminary approval including a variation request to facilitate (amongst other things) a residential community (retirement) development (Council Ref: A005052057). The approved plan is provided in **Figure 21**.

As part of the development application assessment process, the application included Ecology and Waterway reporting which re-mapped the extent of the ground-truthed waterway within the site and included a Waterway Rehabilitation Plan. This exercise ultimately determined the extent of area that could be appropriately developed on the site balanced with new environmental improvements and waterway protection. This Development Approval was amended (and approved) in 2024 (Council Ref: A006310847). **Figures 22** and **23**, show the Waterway Rehabilitation Plan and Development Plans (respectively).

This application also sought to amend the preliminary approval for 'retirement village' to substitute the land use for 'multiple dwelling' development. Notably, the approval maintained the waterway alignment and planning as approved under the previous approval (A005052057). This approval represents the current development approval for the site.

It is noted that a development application for a development permit (Material Change of Use) has been lodged to establish a Manufactured Home Park (also known as a Land Lease Community) pursuant to the Preliminary Approval (A006310847) over the land. This application is yet to be decided and is in information request stage, however, has sought to development in accordance with the preliminary approval and associated approved ground-truthed waterway mapping. Refer to **Figure 24**.

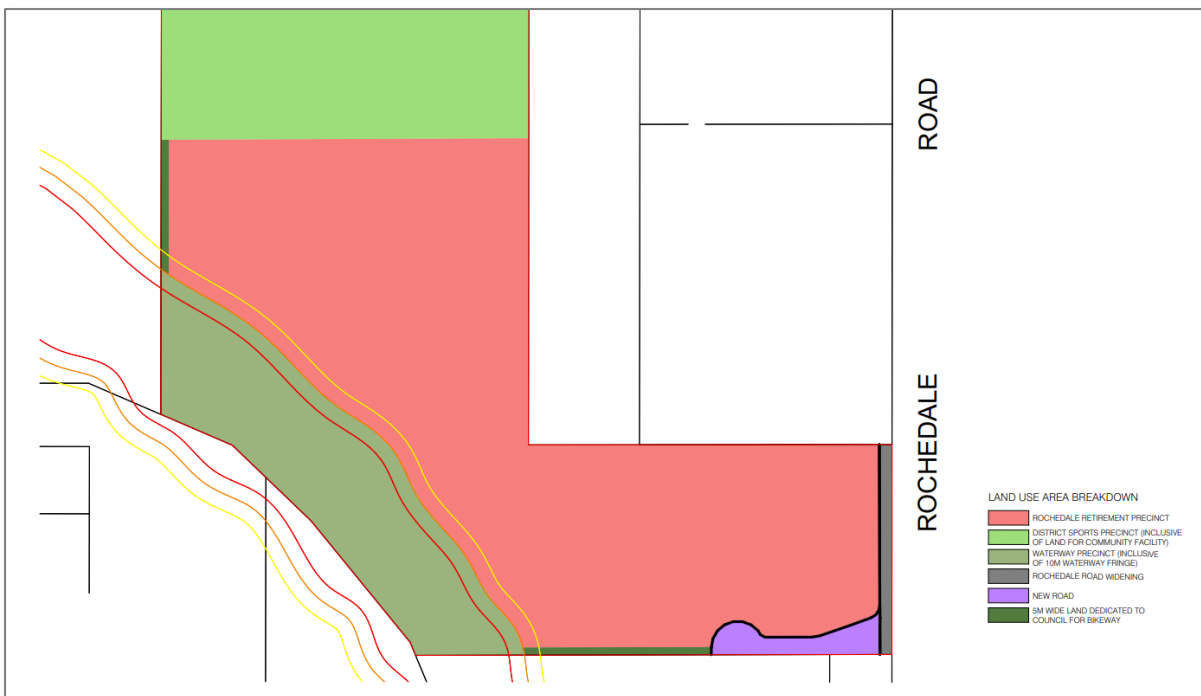


Figure 21: Approved Plan of Development at 323 Rochedale Road (A006310847)

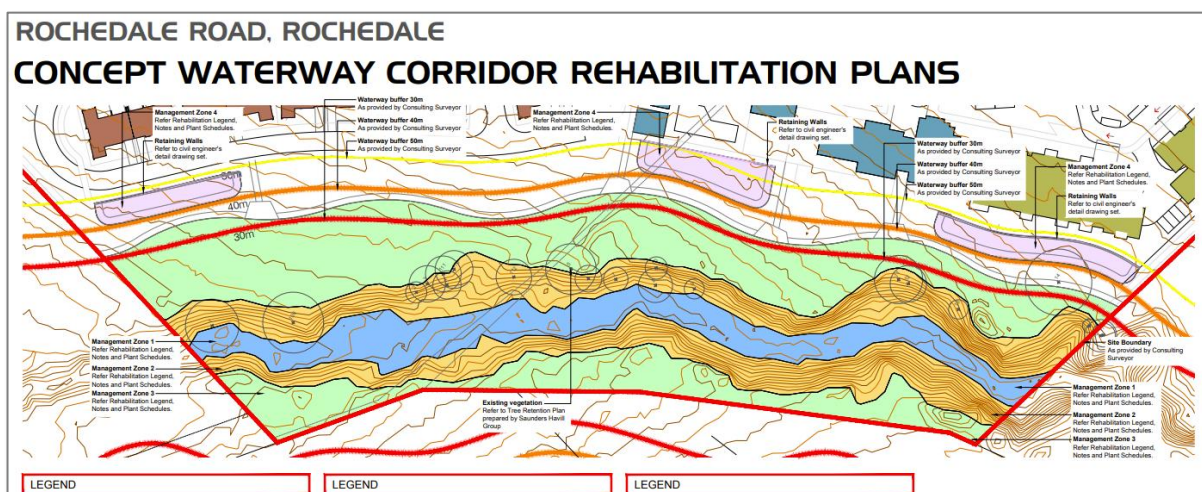


Figure 22: Approved Waterway Extent and Rehabilitation Plan at 323 Rochedale Road (A006310847)

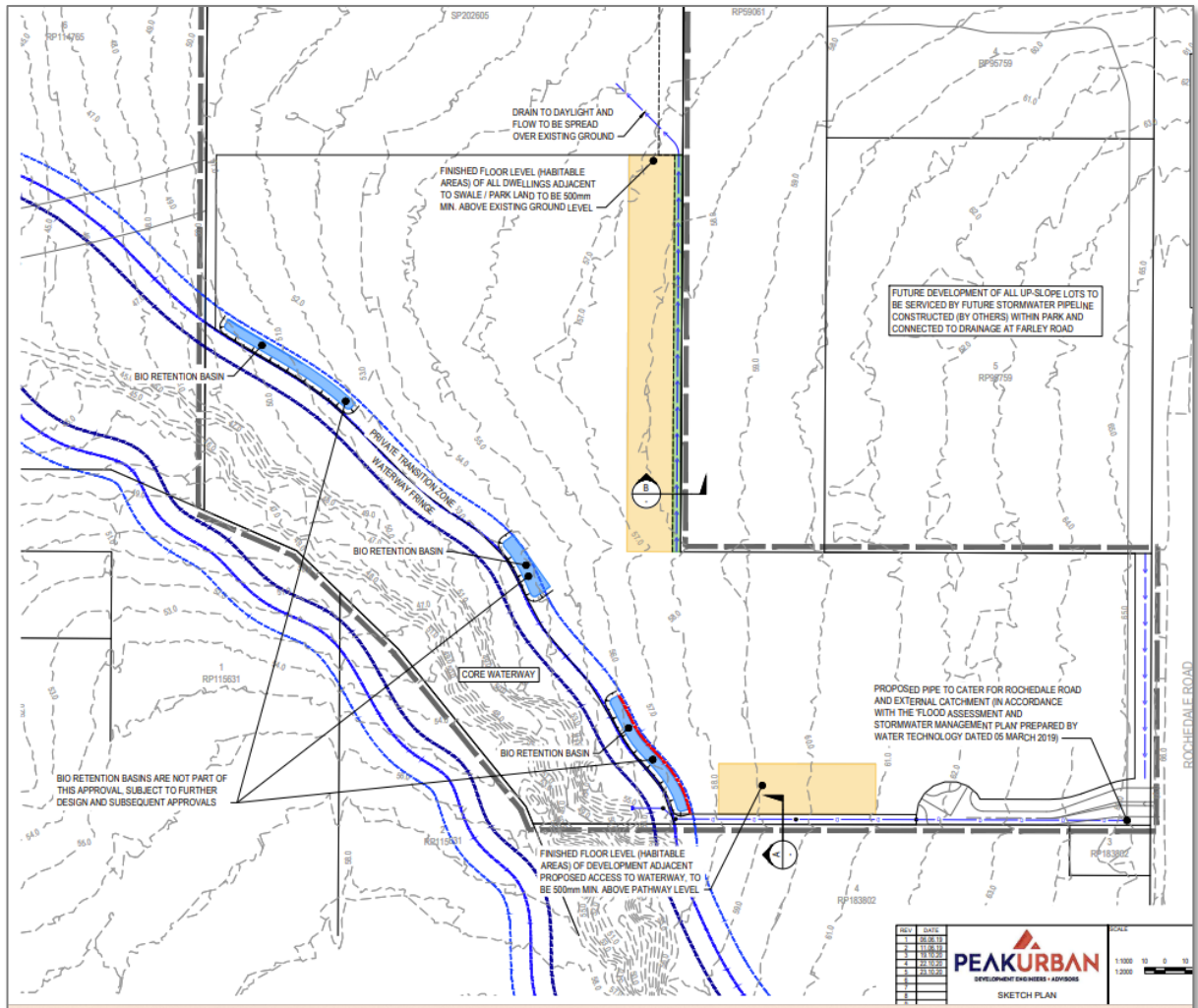


Figure 23: Approved Stormwater Management Plan at 323 Rochedale Road (A006310847) showing extent of waterway to inform development extent

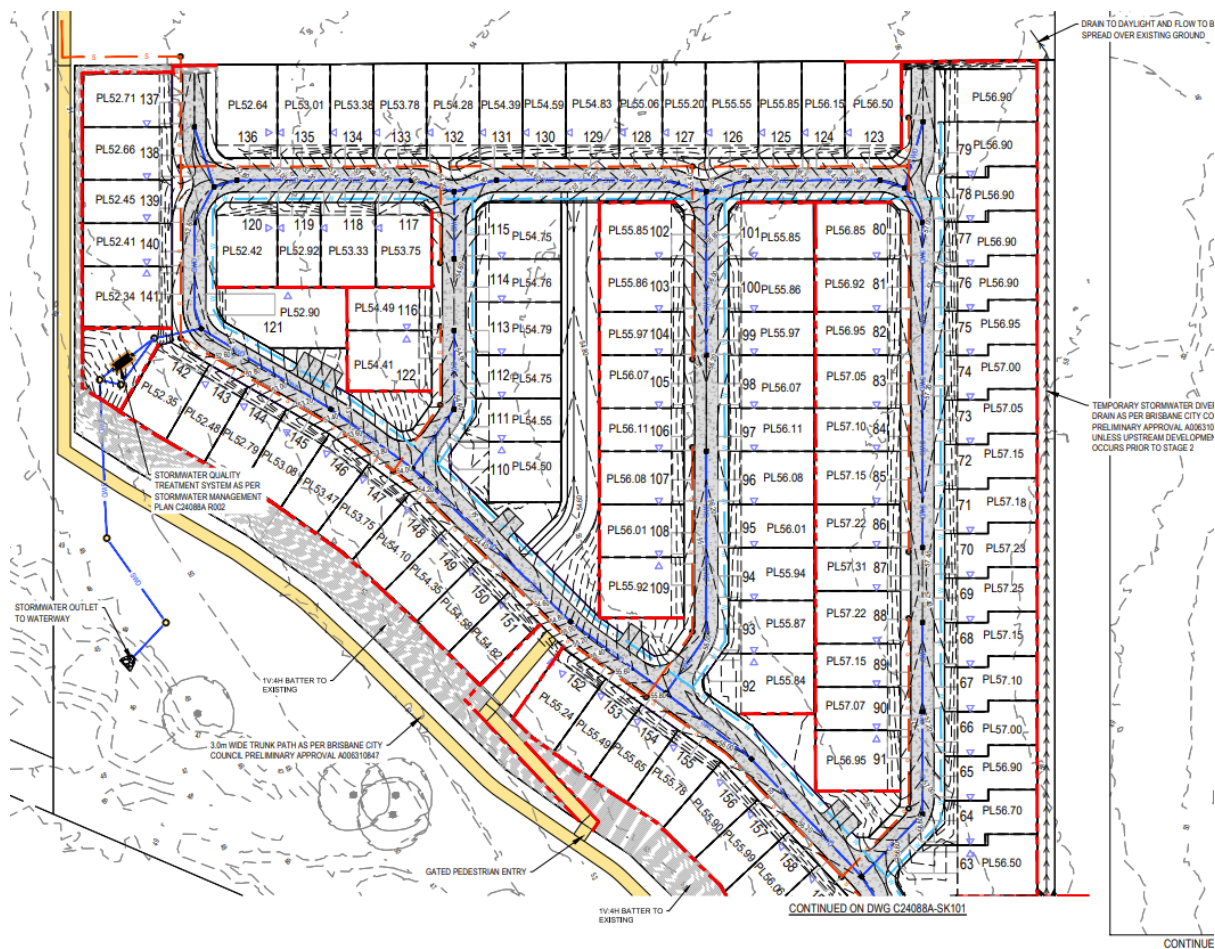


Figure 24: Extract from Stormwater Management Plan for application for Development Permit (MCU) at 323 Rochedale Road (A006826637) – demonstrating that built form extent has followed ground-truthed waterway mapping as part of development proposal

1.5.5 DEVELOPMENT APPLICATION 4 A006761597 -OVERLAY MAPPING VARIATION REQUEST

This development application relates to land at 198 and 202 Gardner Road, Rochedale (more specifically described as Lots 3 and 4 on RP114765) and seeks:

- Preliminary approval for a Material Change of Use (Multiple Dwellings) including a variation request to vary the effect of the Brisbane City Plan 2014 (Planning Scheme); and
- Development permit for Reconfiguration of a Lot (2 into 4 lots, new road and drainage reserve).

The variation request comprises of two key parts:

- Firstly, to vary the effect of the Waterway corridors overlay mapping and Biodiversity areas overlay mapping, to reflect ground-truthed investigations regarding the true location and alignment of the waterway and associated ecological features within the site.
- Secondly, to apply the Table of Assessment for the Low-medium Density Residential (LRM) Zone to the portion of land within the site no longer subject to the Waterway corridor and Biodiversity areas overlay.

The development application also seeks to set aside drainage reserve land which correctly reflects the drainage patterns and hydrological features of the site. The extent of the drainage reserve has been informed by hydraulic studies and appropriately captures land subject to 1%AEP. Importantly, the extent of the drainage reserve land proposed in this development application over 198 Gardner Road, as shown in **Figure 25**, and the proposed variation to apply the Table of Assessment for the Low-medium Density Residential (LRM) Zone to the portion of land within the site no longer subject to the Waterway



corridor, as shown in **Figure 26**, have both been reflected in the plan of subdivision and plan of variation proposed in this application.

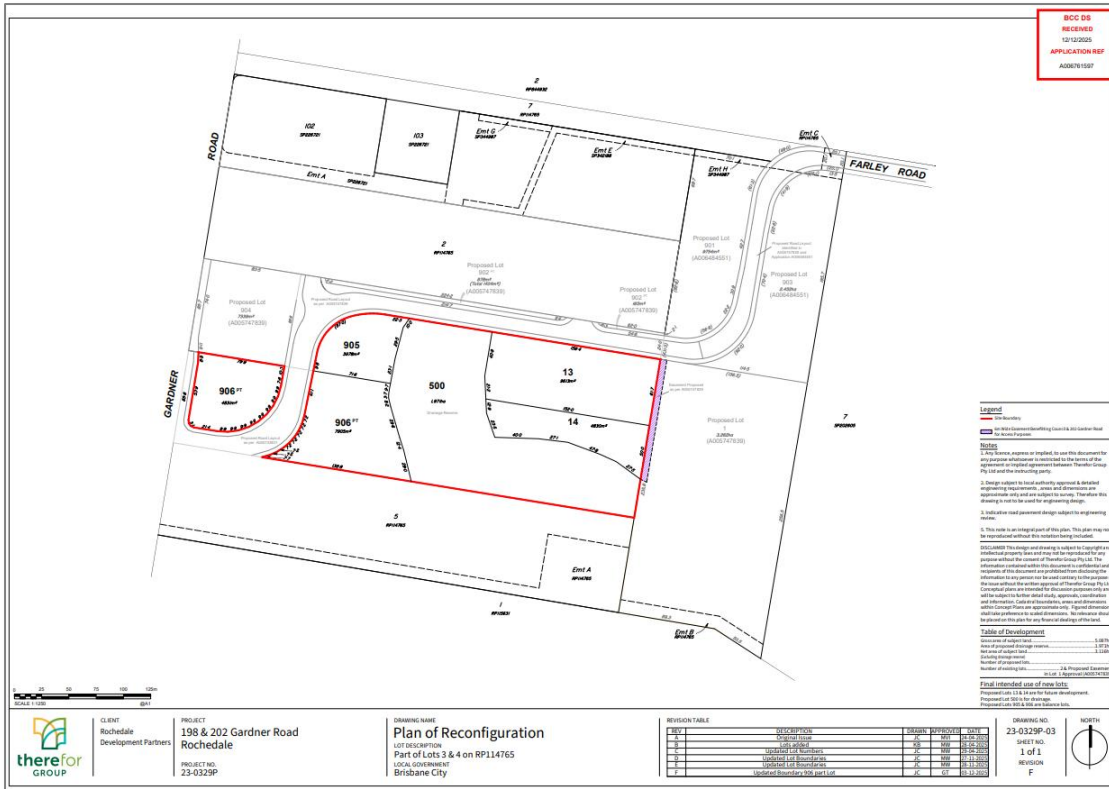


Figure 25: A006761597 Plan of Subdivision

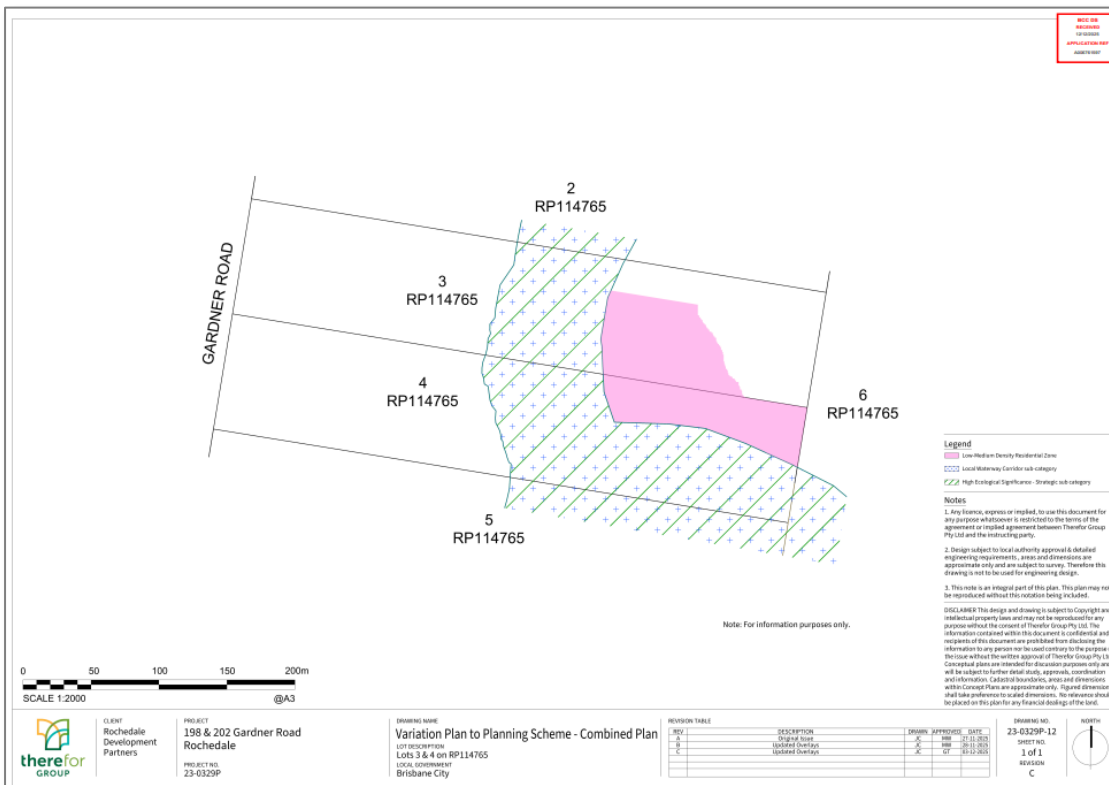


Figure 26: A006761597 Variation Plan



In summary, **Figure 27** provides a summary visual snap-shot of the relevant development approvals and development applications relevant to the site.

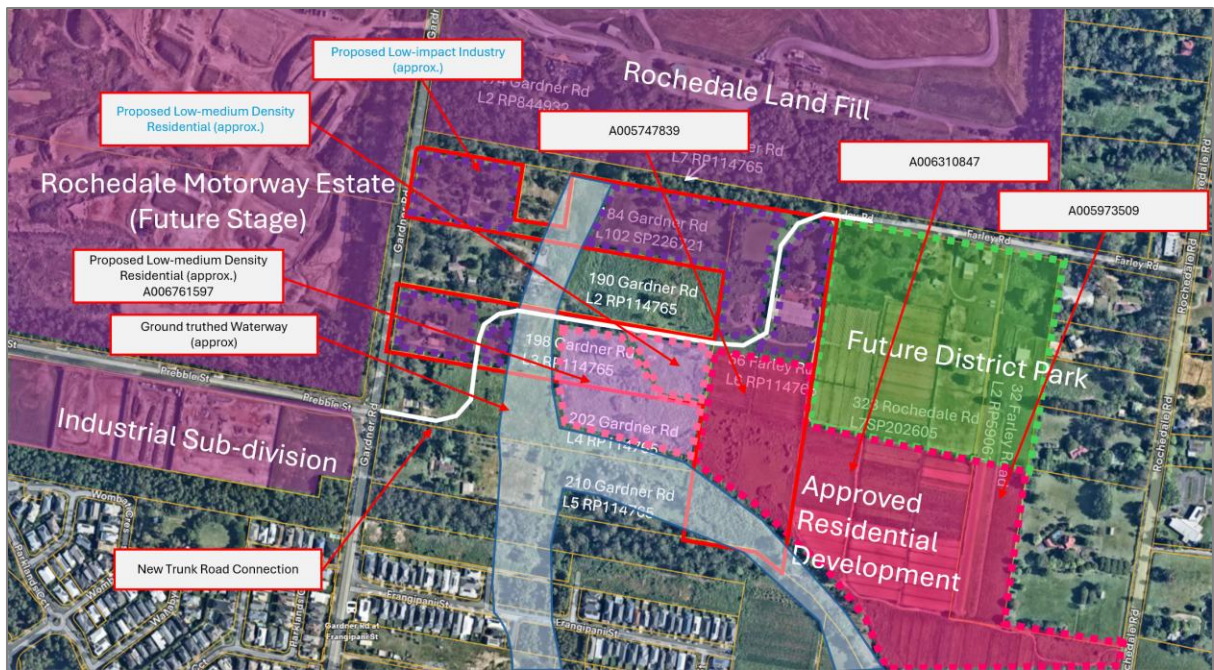


Figure 27- Extent of surrounding approved applications

2 PROPOSED DEVELOPMENT

2.1 THE PROPOSAL

This development application over land at 184 and 198 Gardner Road and 56 Farley Road, Rochedale and formally described as Lot 102 on SP226721 and Lots 3 and 6 on RP114765 (the site), seeks to establish the following:

- A Reconfiguration of a Lot (3 into 15 lots, drainage reserve and new road); and
- Preliminary Approval for Material Change of Use including a variation request under section 50(3) of the Planning Act to vary the effect of the Brisbane City Plan 2014.

For clarity, the proposed variation request is not sought to apply to the proposed drainage reserve lots or balance land, included in the proposed ROL.

The variation request, seeks to:

- Apply the category of development and assessment for Multiple Dwelling Unit uses for the Low to Medium Density Residential (LMR) Zone, to the 'residential variation area' part of the site; and
- Apply the category of development and assessment for Low-impact Industry and Warehouse uses for the Low-impact industry (LI) Zone, to the 'industrial variation area' part of the site.

The below sets out further the details of the proposed variation request.

2.1.1 VARIATION REQUEST

The intent of the variation request is to vary the effect of the current *Brisbane City Council City Plan 2014* over the site, to facilitate future development of low-impact industry, warehouse and multiple dwellings on land established through the concurrently proposed ROL. The variation is proposed to establish a planning mechanism to obtain and secure in principle support for these land uses with



flexibility to allow for detailed design of site uses to be determined at future development stages on a site-by-site basis.

This planning approach to the future management of the proposed lots streamlines future development applications by lowering the level of assessment from impact to code accessible while simultaneously allowing for the development scheme to evolve and respond to the market within the limitations to be established through the variation application and will also provide certainty and transparency about the future development of the proposed lots.

The parts of the site where low-impact industry, warehouse and multiple dwellings are to be subject to code assessment is set out on the proposed plan of variation (Drawing no 23-0329P-14 1 of 1 Rev D), shown in **Figure 28** and provided in **Appendix 8**. More specifically, the proposed variations seeks:

- To allow future development applications for Multiple Dwelling use to be subject to code assessment where within the residential variation area shown in **Figure 28**; and
- To allow future development applications for Low-impact Industry and Warehouse uses to be subject to code assessment where within the industrial variation area shown in **Figure 28**.

Importantly, the variation that is the subject of this application applies only to a relatively small portion of proposed lot 904 noting that this lot (currently lot 6 RP114765) is already the subject of a variation approval (A005747839) for low-medium density residential development.



Figure 28: Variation Plan – Location and Extent of Proposed Land Uses

The variation request is sought to apply to the current version of the Brisbane City Plan 2017, version 35, effective 5 December 2025 and as amended from time to time.

The effect of the variation sought is outlined in the below table.

Variation Request	
Brisbane City Plan 2014 (v35, effective 5 December 2025)	Variations Proposed
Part 1: About the Planning Scheme	No variation
Part 2: State Planning Provisions	No variation
Part 3: Strategic Framework	No variation
Part 4: Local Government Infrastructure Plan	No variation
Part 5: Tables of Assessment Table 5.5.20—Emerging community zone Table 5.6.1—Reconfiguring a lot (Emerging community zone) Table 5.7.1—Building work (Emerging community zone)	Variation sought for development in the Emerging Community Zone: <ul style="list-style-type: none"> • Apply Part 5, Section 5.5 Categories of development and assessment, material change of use Table 5.5.15—Low impact industry zone over proposed lots 1, 2, 3, 4, 5, 6, 13, 15, 16, 17, 18, 19, and 905 for the following land uses only: <ul style="list-style-type: none"> ○ Low-impact Industry; and ○ Warehouse. <p><i>(resulting in development for MCU for LI or Warehouse be code assessable (or accepted development subject to requirements as per the circumstances outlined in the table))</i></p> • Apply Part 6, Section 5.5 Categories of development and assessment material change of use Table 5.5.2—Low-medium density residential zone to proposed lots 14 and 904 for the following land uses only: <ul style="list-style-type: none"> ○ Multiple Dwelling. <p><i>(resulting in development for MCU for multiple dwellings to be code assessable (or accepted development as per the circumstances outlined in the table))</i></p> <p>Notes for clarity:</p> <ul style="list-style-type: none"> - No variations are sought for: <ul style="list-style-type: none"> ○ <i>Table 5.9.59.A—Rochedale urban community neighbourhood plan: material change of use</i> ○ <i>Table 5.9.59.B—Rochedale urban community neighbourhood plan: reconfiguring a lot</i> ○ <i>Table 5.9.59.C—Rochedale urban community neighbourhood plan: building work</i>



- *Table 5.9.59.D—Rochedale urban community neighbourhood plan: operational work*
- *Section 5.8 Categories of development and assessment – Operational Work Table 5.8.1 Operational Work*

Part 6: Zones	No variation
Part 7: Neighbourhood Plans	No variation
Part 8: Overlays	No variation
Part 9: Development Codes	No variation
Part 10: Other Plans	No variation
Schedules	No variation
Appendices	No variation

In summary, the proposed variation request is to apply to the proposed development lots, as follows:

Lots 1, 2, 3, 4, 5, 6, 13, 15, 16, 17, 18, 19, 904 and 905	Existing zone: Emerging Community Proposed variation: Development for MCU for LI or Warehouse to be code assessable (or accepted development subject to requirements as per the circumstances outlined in Table 5.5.15).
Lots 14 and 904	Existing zone: Emerging Community Proposed variation: Development for MCU for multiple dwellings to be code assessable (or accepted development as per the circumstances outlined in Table 5.5.2)

The above outcome has been reflected in the proposed plan of development contained in **Appendix 9**.

For the purposes of facilitating the development under the provisions of the above variation request, it nominated under 88(2)(b) of the *Planning Act 2016* that the Council's decision consider a relevant period of 8 years.

2.1.2 RECONFIGURATION OF A LOT

The proposed Reconfiguration of a lot (ROL) is set out on the proposed plan of subdivision (Drawing no 23-0329P-14 1 of 1 Rev D), shown in **Figure 29** and provided in **Appendix 10**. The reconfiguration seeks to create:

- 14 future development lots (proposed lots 1,2,3,4,5,6,13,15,16,17,18, 19, 904 and 905)
- New road, and
- Balance land as proposed lot 907 (not subject to variation request).



Residential Zone. In addition, all proposed industrial lots surpass the minimum average lot width requirement of 25m and can accommodate a rectangular building envelope of at least 18m x 30m. Each lot is appropriately oriented to the proposed new road or provided with direct access via a 13.6m-wide connection from Gardner Road. Collectively, these design outcomes ensure that the lots are of suitable size, configuration, and orientation to support high-amenity, low-impact industrial uses consistent with the intent of the planning scheme.

Lots within the proposed Residential variation area

The proposed variation also seeks to enable low-medium density residential development in the southern portion of the site within proposed lots 14 and a small portion of 904. Notably, much of lot 904 area has been approved for low-medium density residential use under Development Approval A005747839. This lot (904) has been incorporated into this proposal, for improved development alignment and structure planning.

The proposed residential allotments, in conjunction with Development Application A006761597 (which seeks to realign the waterway corridor and designate land within 184 Gardner Road for low-medium density residential use) and A005747839 (for residential development in the southern part of 56 Farley Road), establish a logical and integrated framework for master planning the site with adjoining land. This coordinated approach will enable efficient delivery of well-located infill housing supply, addressing Brisbane’s demand for diverse residential options in a strategic location.

Collectively, this proposal within the context of surrounding concurrent projects, will deliver an outcome that is consistent with the planned intent for the development of the Rochedale Urban Community, while meeting reasonable community expectations for well-planned urban growth.

The proposed reconfiguration of a lot, together with the material change of use variation request, establishes a well-structured settlement pattern that facilitates high-amenity, low-impact industrial uses in the northern portion of the site. This configuration creates a deliberate and functional land use transition, providing an effective buffer between the Rochedale landfill and other legacy high-impact industrial activities to the north, for the planned low- to medium-density residential infill development in the south of the subject site. This outcome is consistent with the overall intent of the Business Park sub-precinct within the Rochedale Urban Community Neighbourhood Plan, which seeks to deliver land uses that mitigate amenity impacts while supporting economic activity. The approach reflects best-practice planning principles applied in similar greenfield development areas, such as Pallara in Brisbane City.

2.2 DEVELOPMENT PARTICULARS

Table 6 summarises the particulars of the proposed development and is discussed in further detail in the following sections of this report.

Table 6: Development Particulars

Development Description	The proposed development seeks the following: <ul style="list-style-type: none"> • Development Permit for Reconfiguring a Lot (3 Lots into 15 new road and drainage reserve); and • Preliminary Approval for a Variation Request; For further details, refer to section 2 of this report.
Category of Development	Reconfiguring a Lot and a Variation Request
Category of Assessment	Impact assessment

3 TECHNICAL MATTERS

3.1 TECHNICAL REPORTS

The application material includes supporting technical reports listed in Table 7 below.

Table 7: Technical Reports

Appendix	Name	Prepared By
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Appendix 5	Ecological Assessment Report	BAAM
Appendix 6	Engineering Services Report	Arcadis
Appendix 11	Stormwater Management Plan	Arcadis
Appendix 12	Bushfire Hazard Assessment	Therefor Group
Appendix 13	Traffic Impact Assessment	SLR

3.2 KEY TECHNICAL MATTERS

The proposed Reconfiguration and Variation Request build on previously approved applications and some more recent development applications under assessment.

PREVIOUS RECONFIGURATION OF A LOT AND WATERWAY ALIGNMENT

As discussed above a separate Development Application, A006761597, is relevant to the proposed development as it affects portion of the site. The existing application seeks approval for a Reconfiguration of a Lot and a variation request.

The Variation Request sought to vary the effect of the Waterway corridors overlay mapping and Biodiversity areas overlay mapping, to the extent these overlays currently apply to reflect ground-truthed investigations regarding the true location and alignment of the waterway and associated ecological features. This portion of the application A006761597 is applicable to this development application as it will take benefit from the realigned waterway corridor mapping.

The Application A006761597 also seeks a variation request to vary the effect of the planning scheme to apply the Table of Assessment for the Low-medium Density Residential (LMR) zone to the portion of the land within the site that would no longer be subject to the Local Waterway Corridor Overlay and Biodiversity areas overlay. Additionally, this application concurrently seeks a Reconfiguration of a Lot which will assist in achieving appropriate drainage patterns and areas for residential development that are responsive to assessed flood impacts.

TRUNK INFRASTRUCTURE

Several surrounding development approvals and applications establish key infrastructure connections to, and through, the site. This application provides a coordinated framework to secure and deliver the trunk infrastructure in a manner that integrates with these adjoining projects and supports the strategic intent of the planning scheme and delivery of planned infrastructure networks.

ROCHEDALE URBAN COMMUNITY NEIGHBOURHOOD PLAN

The subject site is located within the Emerging Community zone and is surrounded by largely emerging community zone, Low Impact Industry and Environmental Management zone.

The site is designated within the Rochedale Urban Community Neighbourhood Plan Area and within the Business Park and Gateway Civic Precinct (NPP-003) of the neighbourhood plan area.

The purpose of the NPP-003 designation is intended to provide low impact industry uses as buffering between residential land uses and higher impact industry uses such as the Rochedale Landfill, to the north. Based on surrounding development approvals, a clear development pattern has been established by surrounding development approvals, which effectively identifies any land to the south of the Future District Park and to the east of the local waterway as being appropriate for residential development.

The proposed development seeks to deliver the mix of uses envisaged by the Rochedale Urban Community Neighbourhood Plan—namely low-impact industry and low-medium density residential—through a structured two-step approach.

The first part to streamline future development that is consistent with the intent of the neighbourhood plan precinct, involves obtaining a Preliminary Approval for a variation to the current EC Zone tables of assessment to enabling implementation of the future LI and LMR desired land use outcomes under the neighbourhood plan. This variation request aligns the site with surrounding development approvals and



facilitates the future establishment of low-impact industry in the northern portion of the site and low-medium density residential uses in the southern portion. A variation approval will provide certainty for future land users on the planning and approvals pathways for development of the site and facilitate the necessary land use transition and buffer between the Rochedale landfill and sensitive uses.

It is noted that, strictly speaking, the part of the variation request that seeks to establish low-density residential over parts of proposed lot 13 which falls within the Business park and gateway civic precinct and intended to provide specialised employment opportunities in the form of low-impact industry. However, given that a variation facilitating low-density residential development has already been approved over lot 904 directly adjacent the land, the proposed variation to facilitate similar low-density residential development over proposed lot 13 represents a logical and more appropriate use of this land.

The second part involves a Reconfiguration of a Lot (ROL) to create development parcels that are functional and appropriately sized for their future LI and LMR intended uses. The ROL ensures the delivery of well-located housing and optimises land for employment-generating industrial activities.

At a broader level, the combined variation and subdivision deliver a coordinated outcome that supports economic growth, provides much-needed infill housing supply, and achieves a complementary mix of uses consistent with the strategic planning framework and community expectations.

4 TOWN PLANNING ASSESSMENT

4.1 RULES FOR ASSESSMENT

Section 60(3) of the Planning Act sets out the decision rules for an assessment manager undertaking an impact assessment and provides:

To the extent the application involves development that requires impact assessment, and subject to section 62, the assessment manager, after carrying out the assessment, must decide—

- a) to approve all or part of the application; or*
- b) to approve all or part of the application, but impose development conditions on the approval; or*
- c) to refuse the application.*

Subject to section 62 of the Planning Act (which does not apply here), the above provision confers a power on an assessment manager to exercise a broad planning discretion. The discretion must be exercised in one of three ways, which are identified in subsections (3)(a), (b) and (c).²

This statutory regime represents a movement away from the old “two-part test” under *the Sustainable Planning Act 2009*, which involved identifying conflict and then sufficient grounds to overcome that conflict. Instead, the planning discretion requires the assessment manager to, after carrying out its (impact) assessment, reach a balanced decision in the public interest, where two competing considerations are at play: (1) the need for the rigid application of the planning documents (assessment benchmarks) on the one hand; as against (2) the adoption of a flexible approach to the application of the planning documents (assessment benchmark) to, inter alia, exercise the discretion that advances the purposes of the Act.³

Accordingly, the existence of a non-compliance with such a document will be a relevant ‘fact and circumstance’ in the exercise of the planning discretion under section 60(3) of the Planning Act. Whether that fact and circumstance warrants refusal of an application, or is determinative one way or another, is a separate and distinct question. It will be a matter for the assessment manager to consider the circumstances which informs the exercise of the planning discretion under section 60(3). It should not

² *Ashvan Investments Unit Trust v Brisbane City Council & Ors* [2019] QPEC 16, [43].

³ *Ibid*, [54], confirmed in *Abelada v Brisbane City Council* [2020] QCA 257, [54].



be assumed that non-compliance with an assessment benchmark automatically warrants refusal. This must be established, just as the non-compliance must itself be established. ⁴

4.2 RELEVANT PLANNING INSTRUMENTS

The assessment of this development application must be carried out against the laws and policies in place at the time of lodgement of this development application, which relevantly include:

- Planning Act 2016 (**Planning Act**) current at 10 June 2022
- Planning Regulation 2017 (**Planning Regulation**) current at 28 July 2023
- State Planning Policy 2017 (July) (**SPP**) which took effect on 3 July 2017
- South East Queensland Regional Plan – Shaping SEQ 2023 (**SEQ Regional Plan**) which took effect on 15 December 2023
- Brisbane City Plan 2014 (Version 35) (**Planning Scheme**) which took effect on 5/12/2025

4.3 ASSESSMENT MANAGER

Pursuant to Schedule 8 of the Planning Regulation, the Local Government – being Brisbane City Council, is the assessment manager for this development application.

4.4 CATEGORISATION OF DEVELOPMENT ASSESSMENT

There are various planning instruments that categorise the level of assessment for development applications. Table 8 outlines the categorising instruments and what level of assessment the proposed development is categorised as.

Table 8: Categorisation of Development Assessment – Variation Request & Reconfiguring a Lot

Categorising Instrument	Assessment Trigger	Level of Assessment Variation	Level of Assessment RoL
Planning Regulation 2017 (Schedule 10)	N/A	Exempt	
Brisbane City Plan 2014 (Version 35)	Rochedale Urban Community Neighbourhood Plan	No change	Change
	Airport Environs Overlay	Exempt	Exempt
	Bicycle Network Overlay	Code Assessment	Code Assessment
	Biodiversity Areas Overlay	Code Assessment	Code Assessment
	Bushfire Overlay	Code Assessment	Code Assessment
	Community Purposes Network Overlay	Code Assessment	Code Assessment
	Critical Infrastructure and Movement Network Overlay	Exempt	Exempt
	Flood Overlay- Overland Flow Flood Planning Area	Code Assessment	Code Assessment
	Industrial Amenity Overlay	Code Assessment	Code Assessment
	Lnadslide Overlay	Not Applicable	Code Assessment
	Road Hierarchy Overlay	Code Assessment	Code Assessment
	Streetscape Hierarchy Overlay	Code Assessment	Code Assessment
	Waterway Corridor Overlay	Code Assessment	Code Assessment
Emerging Community Zone	Impact Assessment	Code Assessment	
Temporary Local Planning Instrument	N/A		
Existing Preliminary Approval	N/A		

⁴ Ashvan Investments Unit Trust v Brisbane City Council & Ors, [53], confirmed in Abelada v Brisbane City Council [2020] QCA 257, [54].



Based on the table(s) above, the applicable level of assessment for the proposed development is Impact Assessment.

4.5 PUBLIC NOTIFICATION

Pursuant to section 53 of the Planning Act, the proposed development is subject to impact assessment and requires 30 business days of public notification. Public notification will be carried out in accordance with *Part 4: Public Notification* of the DA Rules.

5 STATE PLANNING FRAMEWORK

Table 9: State Planning Framework

State Planning Framework	Response
<p>Planning Act 2016</p>	<p>The Planning Act establishes the framework for Queensland's planning system and governs the development assessment process for a development application.</p> <p>Section 44 of the Planning Act outlines the category of development for a development application. In this instance, the application contains 'assessable development'.</p> <p>In accordance with Table 8 above, the category of assessment for the proposed development has been determined to be impact assessment and has been assessed against the matters relating to Impact Assessment, in accordance with Section 45(5) of the Planning Act, which states that:</p> <p><i>'Impact assessment is an assessment that —</i></p> <ul style="list-style-type: none"> <i>(a) must be carried out—</i> <ul style="list-style-type: none"> <i>i. against the assessment benchmarks in a categorising instrument for the development; and</i> <i>ii. having regard to any matters prescribed by regulation for this subparagraph; and</i> <i>(b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.</i> <p><i>Examples of another relevant matter—</i></p> <ul style="list-style-type: none"> <i>• a planning need</i> <i>• the current relevance of the assessment benchmarks in the light of changed circumstances</i> <i>• whether assessment benchmarks or other prescribed matters were based on material errors</i> <p>Subsections (7) and (8) of Section 45(5) of the Planning Act apply if an assessment manager is assessing a development application against or having regard to—</p> <ul style="list-style-type: none"> <i>(a) a statutory instrument; or</i> <i>(b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.</i> <p>Subsection (7) states <i>that the assessment manager must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.</i></p>



	<p>Subsection (8) states <i>that the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to—</i></p> <ul style="list-style-type: none"> (a) <i>if the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document; or</i> (b) <i>another statutory instrument—</i> <ul style="list-style-type: none"> i. <i>that comes into effect after the development application is properly made but before it is decided by the assessment manager; and</i> ii. <i>that the assessment manager would have been required to assess, or could have assessed, the development application against, or having regard to, if the instrument had been in effect when the application was properly made.</i>
<p>Referral Jurisdiction</p>	<p>Agency</p> <p>Section 55(2) of the Planning Act states that:</p> <p><i>“For any other referral agency, a regulation may prescribe the matters the referral agency—</i></p> <ul style="list-style-type: none"> (a) <i>may, must or must only assess a development application against; and</i> (b) <i>may, must, or must only have regard to for the assessment.”</i> <p>Part 4, Section 22(1) of the Planning Regulation states that:</p> <p><i>“Schedules 9 and 10 prescribe—</i></p> <ul style="list-style-type: none"> (a) <i>for section 54(2)(a) of the Act, the referral agency for the development applications stated in the schedules; and</i> (b) <i>for section 55(2) of the Act, the matters the referral agency—</i> <ul style="list-style-type: none"> i. <i>may or must assess the development application against; and</i> ii. <i>may or must assess the development application having regard to.”</i> <p>An assessment of Schedule 10 the Planning Regulation has identified that the application does require referral as follows:</p> <ul style="list-style-type: none"> • Schedule 10, Part 9 Infrastructure Related referrals, Division 2 Electricity infrastructure—referral agency’s assessment, Table 1—Reconfiguring a lot subject to an easement or near a substation site item 1(b) part of the lot is within 100m of a substation site <p>In this case the chief executive of the distribution entity or transmission entity is the relevant referral agency (advice agency). There are no State Assessment and Development Provisions prescribed for this assessment.</p> <p>As such the application will be referred to Energex as the distribution entity.</p> <ul style="list-style-type: none"> • Schedule 10, Part 9 Infrastructure related referrals, Division 4 State transport infrastructure—referral agency’s assessment, Subdivision 1 State transport infrastructure generally, Item 1(b)(a).



	<p>As such the State Assessment and Referral Agency (SARA) and the State Development Assessment Provisions (SDAP) do apply.</p>
<p>State Planning Policy</p>	<p>The current State Planning Policy 2017 (SPP) commenced in July 2017 and is a State planning instrument made under Chapter 2, Part 2, Section 10 of the Planning Act. As prescribed in section 26(2)(a)(ii) of the Planning Regulation, the SPP represents an assessment benchmark and the assessment manager must have regard to, to the extent that the SPP is not adequately reflected in the planning scheme.</p> <p>It is identified under Part 2 of the planning scheme that it does not adequately integrate the interests of the SPP. Specifically, State interests not adequately reflected are:</p> <ul style="list-style-type: none"> • Natural Hazards, Risk and Resilience • Strategic Airports and Aviation Facilities <p>The State interests not adequately reflected are discussed below.</p> <p><u>Natural Hazards, Risk and Resilience</u></p> <p>The site is identified as partly within the Medium potential bushfire intensity and Potential Impact buffer of the Bushfire prone areas.</p> <p>The proposal achieves compliance with the State Interest noting that:</p> <ul style="list-style-type: none"> • Neither the preliminary approval or the proposed reconfiguration of a lot introduces an increase in severity of bushfire or its potential for damage on the site or other properties. Future development on the site will be subject to further development approvals at which point detailed assessment of bushfire risk can be undertaken; • The proposal does not involve the storage or release of hazardous materials; and <p><u>Strategic Airports and Aviation Facilities</u></p> <p>Part 2.1 of the planning scheme notes that building restricted area (which seeks to protect the safety and operation of airport and aviation facilities are not impacted by building height) is not identified in the planning scheme.</p> <p>The proposal achieves compliance with the State Interest, noting that the proposed variation and reconfiguration of the land does not facilitate or enable buildings on the site of a height that would interfere with airport or aviation operations.</p>
<p>South East Queensland Regional Plan</p>	<p>The South East Queensland Regional Plan 2023 – ShapingSEQ (SEQ Regional Plan) was given effect on 15 December 2023.</p> <p>The purpose of SEQ Regional Plan is to provide a sustainable growth management strategy for the region that articulates the strategic direction and certainty to accommodate a significant increase in population in SEQ to 2041.</p> <p>As prescribed in Section 26(2)(a)(i) of the Planning Regulation, the SEQ Regional Plan represents an assessment benchmark that the assessment manager must have regard to if it is not identified as being appropriately reflected in the planning scheme.</p>



Part 2 of the planning scheme identifies that the current Regional Plan is not reflected in the current version of the planning scheme. ShapingSEQ 2023 identifies new areas of land within the Urban Footprint, to assist in achieving the targeted 38,000 new homes required each year until 2046. It also includes a focus on industrial land planning and identifies special use sites which requires protection. Whilst the planning scheme has not yet been updated to reflect ShapingSEQ 2023, the proposed development is assessed to be consistent with the intent of the Regional Plan and the urban footprint designation applicable to the site. The development proposes a Reconfiguration of a Lot and a Variation request within the Urban Footprint.

Table 10: Matters Requiring Referral under the Planning Regulation

Schedule Reference	Matter of Interest	Applicability	Relevant SDAP Code
Part 1	Airport land	Not Applicable	
Part 2	Battery storage facilities	Not Applicable	
Part 3	Clearing native vegetation	Not Applicable	
Part 4	Contaminated land	Not Applicable	
Part 5	Environmentally relevant activities	Not Applicable	
Part 6	Fisheries	Not Applicable	
Part 7	Hazardous chemical activities	Not Applicable	
Part 8	Heritage places	Not Applicable	
Part 9	Infrastructure related referrals	Applicable	Chief executive administering the Planning Act - State Code 6 Protection of state transport networks. Energex as the applicable electricity (substation) distribution entity is an advice agency and no State code applies.
Part 10	Koala habitat in SEQ region	Not Applicable	
Part 11	Noise sensitive place on noise attenuated land	Not Applicable	
Part 12	Operational work for reconfiguring a lot	Not Applicable	
Part 13	Ports	Not Applicable	
Part 14	Reconfiguring a lot under Land Title Act	Not Applicable	
Part 15	SEQ development areas and SEQ major enterprise and industrial areas	Not Applicable	



Part 16	SEQ regional landscape and rural production area and SEQ rural living area	Not Applicable	
Part 16AA	Solar Farms	Not Applicable	
Part 16A	Southport Spit	Not Applicable	
Part 16B	SEQ northern inter-urban break	Not Applicable	
Part 17	Tidal works or work in a coastal management district	Not Applicable	
Part 18	Urban design	Not Applicable	
Part 19	Water-related design	Not Applicable	
Part 20	Wetland protection area	Not Applicable	
Part 21	Wind farms	Not Applicable	

6 LOCAL PLANNING FRAMEWORK

6.1 ASSESSMENT AGAINST LOCAL PLANNING INSTRUMENT

Part 1.5 of the planning scheme describes the hierarchy of assessment benchmarks where there is inconsistency between the provisions in the planning scheme. As such, the following rules apply to development assessment:

- *Strategic Framework prevails over all other components to the extent of the inconsistency for impact assessment*
- *Relevant codes as specified in Schedules 6 and 10 of the Planning Regulation prevail over all other components, to the extent of the inconsistency*
- *Overlays prevail over all other components, to the extent of the inconsistency*
- *Neighbourhood plan codes prevail over zone codes, use codes and other development codes, to the extent of the inconsistency*
- *Zone codes prevail over use codes and other development codes, to the extent of the inconsistency*
- *Part 10 of the Planning Scheme can override any of the above.*

The assessment of the proposed development has been undertaken in accordance with the hierarchy of the planning scheme.

In assessing the proposed development, the assessment manager may consider an assessment benchmark only to the extent it is relevant to the development. Pursuant to section 5.3.3 of the planning scheme, where the proposed development complies with the purpose, overall outcomes and the performance outcomes or acceptable outcomes of the relevant code it is deemed to comply with the code (e.g. the assessment benchmark). Where the proposed development complies with relevant assessment benchmark, the Council must approve the development and may impose relevant and not unreasonable conditions.

Because the category of assessment for this application is code assessment, this report assesses the proposed development in relation to each assessment benchmark and in accordance with the hierarchy of the planning scheme. A detailed assessment against relevant codes is provided in Appendix 14 of this report. Where the proposed development seeks to achieve compliance with the relevant purpose/s, overall outcomes and the performance outcomes (a performance outcome), this report will provide a further explanation and justification against the performance criteria as relevant.

A summary of the proposal's level of compliance with the relevant assessment benchmarks of the planning scheme is outlined in Table 12.

Pursuant to section 5.3.2(5) of the planning scheme, where development is proposed on premises partly affected by an overlay, the category of development or assessment for the overlay only relates to the part of the premises affected by the overlay.



The provisions of the planning scheme that are relevant to the proposed development are identified and addressed in the following sections of this report.

6.2 STRATEGIC FRAMEWORK

The strategic framework of the planning scheme sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

The strategic framework identifies specific outcomes and land use strategies particular to the development of the city's suburban living areas as part of Element 5.5 – Brisbane's Suburban Living Areas.

Relevant to the consideration of the Strategic Framework provisions, the site is located within the Future Suburban Living Area under the Brisbane City Shape Land Use Strategic Framework mapping as shown in **Figure 29**. The site is also mapped as containing environmental areas under the Greenspace System Strategic Framework Map as shown in **Figure 30**.

Given the relevant Strategic Framework mapping, a full assessment of the proposal against all of the Strategic Framework provisions is not considered necessary. Rather, Table 8 identifies and responds to the provisions of the Strategic Framework considered relevant in the assessment of the proposal within the Future Suburban Living Area and Greenspace System Strategic Framework.

Table 11: Strategic Framework

Theme	Element & Specific Outcomes	Assessment Response
Theme 3: Brisbane's clean and green leading environmental performance	Element 3.1 – Brisbane's Environmental Values	<p>The proposed Reconfiguration of a lot allows for the continued protection of the existing greenspace system present on the site and further protects the biodiversity corridor to the north of the site.</p> <p>The proposed site layout ensures adequate buffer areas are provided to the waterway present on the site and prohibits access to the biodiversity corridor to the north of the site.</p>
	<p>Specific Outcomes</p> <p>SO1 - Brisbane's Greenspace System's biodiversity, recreational and cultural values and functions are protected, restored and enhanced.</p> <p>SO2 - Brisbane's Greenspace System provides an effective network of greenspace links and contributes to a regional network.</p> <p>SO3 - Brisbane's ecosystems provide ecosystem services which are maintained and enhanced.</p> <p>SO4 - Brisbane has an ecologically resilient and robust network of well-connected habitats containing a comprehensive, adequate and representative sample of ecosystems and species.</p> <p>SO7 - Brisbane's waterways, wetlands and foreshores are protected, in particular their natural drainage, stormwater conveyance, visual amenity, landscape character, recreational, cultural and biodiversity values.</p>	



Theme	Element & Specific Outcomes	Assessment Response
Theme 5: Brisbane's City Shape	Element 5.5 - Brisbane's Suburban Living Areas.	
	<p>Specific Outcomes</p> <p>SO1 - Suburban Living Areas experience growth in response to local context and needs including centres, community facilities, medium and high density residential and industrial uses.</p> <p>SO8 - Development of Emerging community zoned land reinforces intended local character and amenity, positively contributes to the creation of sustainable and functional communities that are fully integrated within the Suburban Living Area and is serviced by appropriate supporting infrastructure and services.</p>	<p>The proposed variation to apply the Tables of Assessment for the LMR and Low Impact Industry zones to the relevant portions of the site consistent with the theme as the proposed application of the LMR zone reflects and reinforces surrounding development approvals for infill development across Rochedale and would result in a consistent settlement pattern that contributes to the EC zone in this locality.</p> <p>The variation request is made in recognition of the reasonable community expectation that the land will transition away from rural and rural-residential land uses, towards low-medium urban development.</p> <p>Given the opportunity presented by the underutilised precinct, particularly in the context of the surrounding development approvals, the proposed planning provisions consistent with the LMR zone for the site is considered to be consistent with local values and responsive and well planned around site constraints.</p> <p>It is intended that future development will provide for urban infill residential development to introduce housing options for existing and future residents of the area. The level of assessment tables for the LMR zone are more reflective of the scale and density of development occurring within Rochedale and provide a more appropriate mechanism to secure 'in-principal' support for development concepts (with the flexibility of allowing for detailed design to be determined at a later time), compared to the current</p>



Theme	Element & Specific Outcomes	Assessment Response
		Emerging Community zone provisions.
	<p>Element 5.7 - Brisbane's Future Suburban Living Areas.</p> <p>SO1 - Future Suburban Living Areas are well planned accounting for land use, environment and infrastructure; and the social and economic characteristics, issues and interrelationships of each Future Suburban Living Area.</p>	<p>Consistent with the land use strategy and the Future Suburban Living Areas Strategic Framework Map, the development facilitates the development of residential development with Rochdale at a scale that is consistent with that envisaged by the Rochdale Urban Community Neighbourhood Plan and with local values.</p>

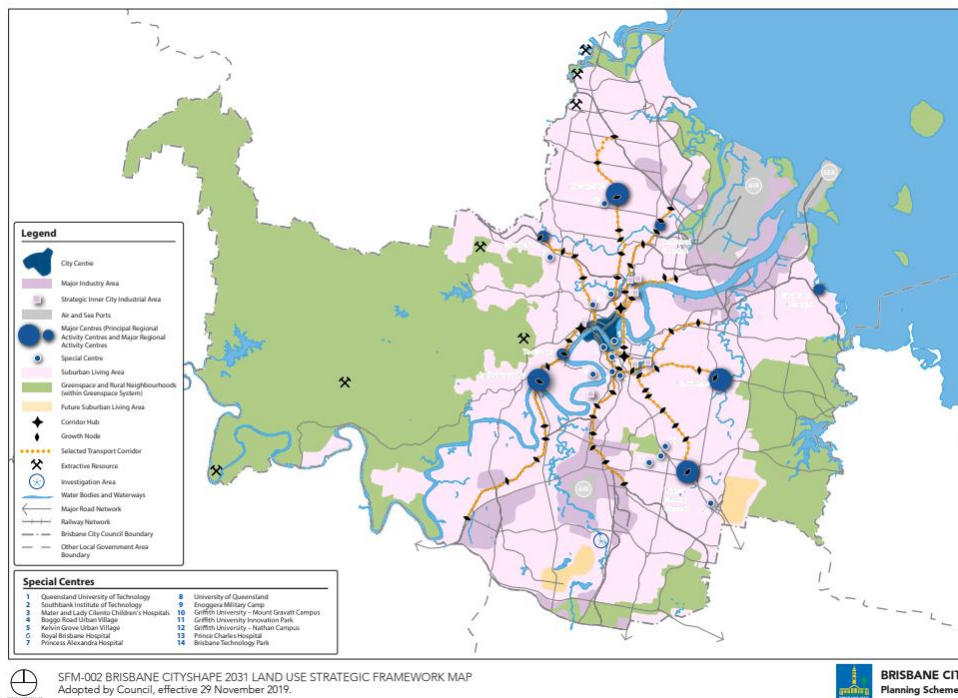


Figure 29: Strategic Framework Map – Brisbane City Shape

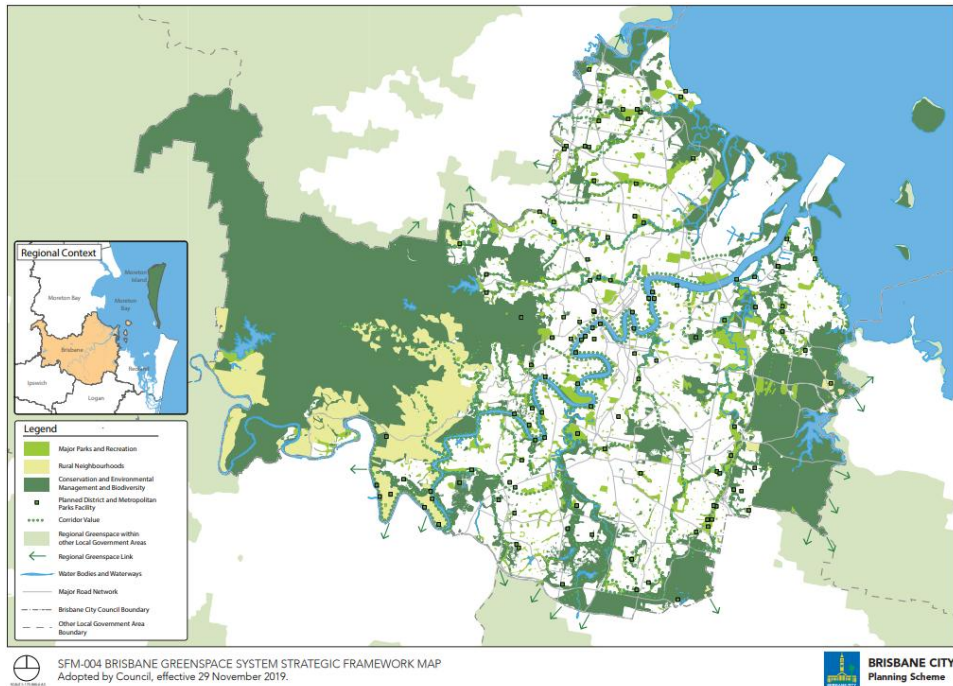


Figure 30: Strategic Framework Map – Greenspace System

6.3 ZONING

The subject site is located within the Emerging Community zone, as illustrated in **Figures 31 and 32**. The site is surrounded by other development within the Emerging Community zone, Low Impact Industry and the Environmental Management zone.

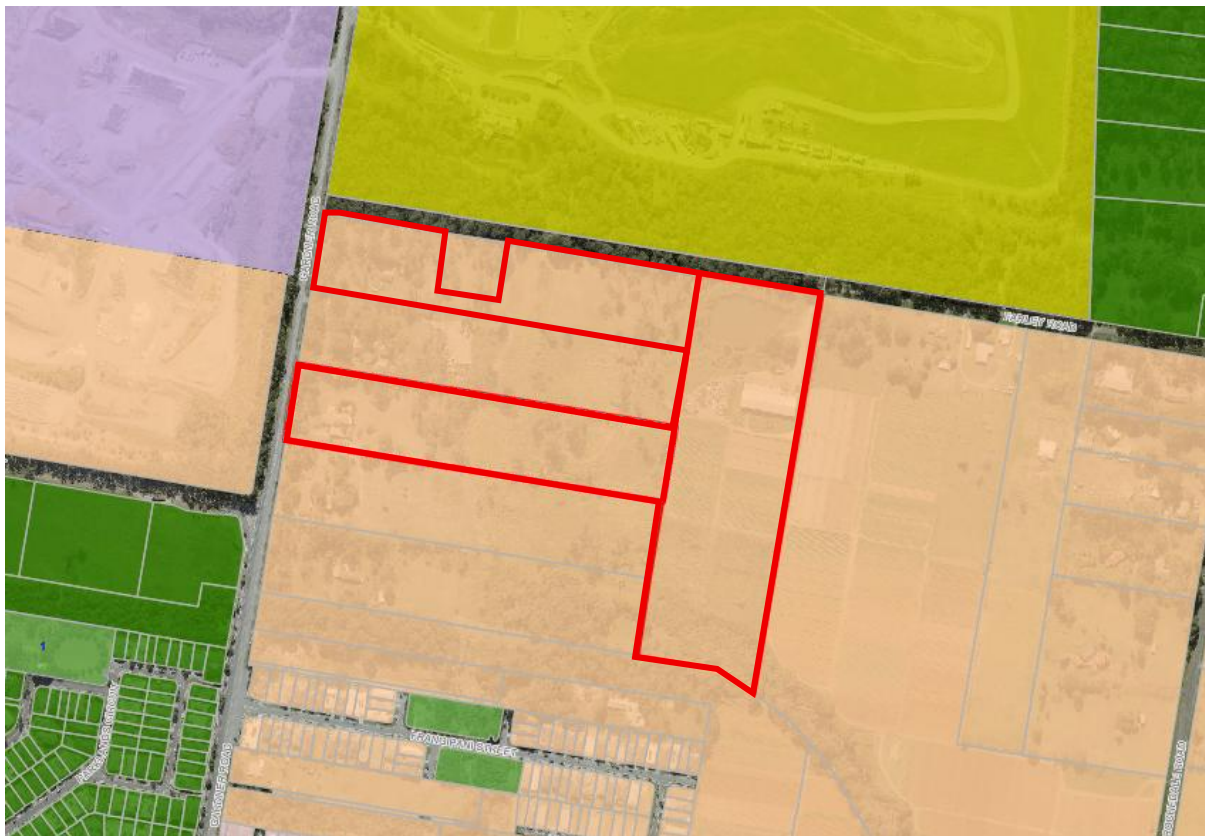


Figure 31: Zoning Map

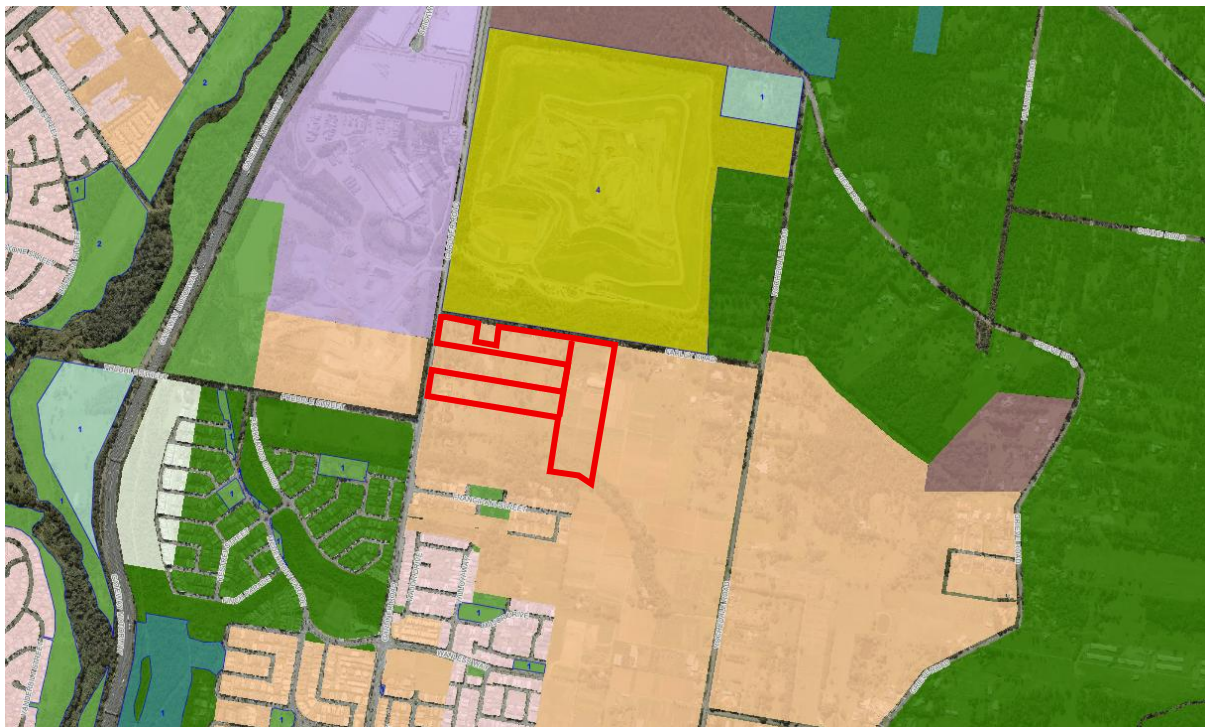


Figure 32: Zoning Context Map

6.4 OVERLAYS

Table 12: Overlay Assessment

Overlay	Response
Airport environs overlay <ul style="list-style-type: none"> • Procedures for air navigation surface • BBS zone – Distance from airport 8-13km 	The proposed development seeks to implement low impact industry and low to medium density residential. As such any future built form and production on the site will comply with the relevant requirements of the Airport environs overlay.
Bicycle network overlay	The proposed development will be conditioned to comply with the bicycle network overlay code.
Biodiversity areas overlay <ul style="list-style-type: none"> • High ecological significance strategic sub-category • Koala habitat area sub-category • Matters of state environmental significance (MSES) sub-category 	The proposed development does not alter any areas of ecological significance. Any future built form will be conditioned to comply with the requirements of the biodiversity area overlay code.
Bushfire overlay <ul style="list-style-type: none"> • High hazard area sub-category • Medium hazard area sub-category • High hazard buffer area sub-category • Medium hazard buffer area sub-category 	The proposed development does not introduce any built form in the areas affected by the bushfire overlay. Any future built form will be conditioned to comply with the requirements of the Bushfire overlay code.
Community purposes network overlay	The proposed site is privately owned and is not required to provide for any specific community facility or other community infrastructure.
Critical infrastructure and movement network overlay <ul style="list-style-type: none"> • Critical infrastructure and movement planning area sub-category 	Infrastructure required to service the proposed development has already been proposed and approved in previous development applications.



Flood overlay <ul style="list-style-type: none"> • Overland flow flood planning area sub-category • Industrial amenity overlay • Industrial amenity investigation area sub-category 	The proposed development does not introduce any built form in the areas affected by the Flood overlay. Any future built form will be conditioned to comply with the Flood overlay code.
Landslide overlay	The proposed development is not affected by the landslide overlay.
Road hierarchy overlay	Access to the site has already been established and approved in previous applications.
Streetscape hierarchy overlay	Access to the site has already been established and approved in previous applications.
Waterway corridors overlay <ul style="list-style-type: none"> • Local waterway corridor sub-category 	The proposed development is designed as to not disrupt the existing waterway on the site.

6.5 NEIGHBOURHOOD PLAN

The site is located within the Rochedale urban community neighbourhood plan area, more specifically the site is within the Business Park and Gateway Civic Precinct (NPP-003). A map illustrating the neighbourhood plan and precinct boundaries is provided in **Figure 33**.



Figure 33: Neighbourhood Plan Map

The purpose of the Rochedale Urban Community neighbourhood plan is to provide finer grained planning at a local level for the Rochedale Urban Community neighbourhood plan area. More specifically the neighbourhood plan aims to guide the development of Rochedale and ensure that the neighbourhood plan area is developed as a complete urban community that caters to a mix of uses. The plan also provides for the protection and enhancement of waterway corridors and areas of significant biodiversity.



At a precinct level the Business park and gateway civic precinct aims to provide local employment opportunities and to deliver a buffer area between the Rochedale landfill, future industry area and residential areas that can provide for high amenity areas and low impact industry.

This Development Application seeks to achieve the objectives of the neighbourhood plan and precinct plan through the proposed development. The proposed variation seeks to alter portions of the sites zoning to enable the uses proposed within the Neighbourhood Plan. Additionally, the proposed ROL seeks to divide the existing lots to diversify the potential of the land and create lots that are usable for the uses applied through the variation.

The proposed Reconfiguration also allows for the additional protection of the waterway present on the site through allowing for generous setbacks from the waterway present on the site and will ensure that the waterway corridor and fringe waterway corridor are protected.

This is achieved through the provision of acceptable outcomes and performance outcomes for development within the Rochedale Urban Community neighbourhood plan code. This code has been addressed in **Appendix 14**.

6.6 CODES

Pursuant to section 5.3.2(5) of the planning scheme, where development is proposed on premises partly affected by an overlay, the category of development or assessment for the overlay only relates to the part of the premises affected by the overlay.

Table 13: Assessment Benchmarks

Code	Applicability	Comment
Overlay Codes		
Airport Environs Overlay Code	Applicable	An assessment of the Airport Environs Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Bicycle Network Overlay Code	Applicable	An assessment of the Bicycle Network Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Biodiversity Areas Overlay	Applicable	An assessment of the Biodiversity Areas Overlay has been prepared by Development Directive. Refer Appendix 14 .
Bushfire Overlay Code	Applicable	An assessment of the Bushfire Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Critical Infrastructure and Movement Network Overlay Code	Applicable	An assessment of the Critical Infrastructure and Movement Network Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Flood Overlay Code	Applicable	An assessment of the Flood Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Industrial Amenity Overlay Code	Applicable	An assessment of the Industrial Amenity Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Road Hierarchy Overlay Code	Applicable	An assessment of the Road Hierarchy Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Streetscape Hierarchy Overlay	Applicable	An assessment of the Streetscape Hierarchy Overlay has been prepared by Development Directive. Refer Appendix 14 .
Waterway Corridors Overlay Code	Applicable	An assessment of the Waterway Corridors Overlay Code has been prepared by Development Directive. Refer Appendix 14 .
Neighbourhood Plan Codes		



Rochdale Urban Community Neighbourhood Plan code	Applicable	An assessment of the Rochdale Urban Community Neighbourhood Plan code has been prepared by Development Directive. Refer Appendix 14 .
Zone Codes		
Emerging Community Zone code	Applicable	An assessment of the Emerging Community Zone code has been prepared by Development Directive. Refer Appendix 14 .
Low Density Residential Zone Code	Applicable	An assessment of the Low Density Residential Zone code has been prepared by Development Directive. Refer Appendix 14 .
Low Impact Industry Zone Code	Applicable	An assessment of the Low Impact Industry Zone code has been prepared by Development Directive. Refer Appendix 14 .

Compliance with acceptable outcomes is noted in Table 13 above. Where the proposed development seeks to achieve compliance with the relevant purpose/s, overall outcomes and the performance outcomes, further explanation and justification in Table 14. Please note that for sake of brevity and readability, 'notes' and 'editors notes' that appear in the relevant assessment codes have not been reproduced in Table 14.

Table 14: Performance Solutions

Performance Outcome	Acceptable Solution	Response / justification
Rochdale Urban Community Neighbourhood Plan		
PO2 Development protects significant existing vegetation.	AO2 No acceptable outcome is prescribed.	As detailed in the Ecological Assessment Report prepared by BAAM (Appendix 5), the site does not contain any significant vegetation except for scattered eucalypt trees. Trees will be retained in the waterway and a concept rehabilitation plan proposes control of exotic grasses and weeds. Accordingly, the proposed development complies with PO2 and no existing significant vegetation will be impacted.
Waterway Corridor Overlay Code		
PO1 Development avoids or minimises clearing of riparian, native and significant vegetation and limits any clearing and disturbance to only the extent and location reasonably necessary for the use, to promote: a. bank stabilisation; b. connectivity between habitat areas; c. natural cooling of the urban environment; d. the natural aesthetic values of the corridor	AO1.1 Development within the Local and Citywide waterway corridor sub-categories, or Brisbane River sub-category – sections 1 - 5 is located within an approved development footprint plan or complies with AO1.2, AO1.3 and AO1.4. AO1.2 Development within the Local and Citywide waterway corridor sub-categories does not result in the removal of vegetation	As detailed in the Ecological Assessment Report prepared by BAAM (Appendix 5), the site does not contain any significant vegetation except for scattered eucalypt trees. Trees will be retained in the waterway and a concept rehabilitation plan proposes control of exotic grasses and weeds. Accordingly, the proposed development complies with PO2 and no existing significant vegetation will be impacted.
PO2 Development protects and enhances the function	AO2.1 Development includes waterway corridors that:	The only development to occur in the waterway corridor is the road and bridge.



Performance Outcome	Acceptable Solution	Response / justification
<p>of waterway corridors, including:</p> <ul style="list-style-type: none"> a. water conveyance; b. water quality; c. rehabilitation of ecological health and habitat values; d. recreation and amenity; e. preventing development from occurring within the waterway corridor. 	<p>are a minimum of:</p> <ul style="list-style-type: none"> a. 60m wide; or b. the width as mapped within the whichever is greater; c. designs the corridors to be clear from development. d. Waterway corridors overlay <p>AO2.2 Development rehabilitates the waterway corridor in accordance with an approved rehabilitation plan.</p>	<p>A concept rehabilitation plan proposes to control the exotic grasses and weeds that are currently restricting fauna movement. Rehabilitation will provide a vegetated waterway that is fringed by open areas with water-tolerant native trees including <i>Eucalyptus tereticornis</i>, <i>Melaleuca quinquenervia</i> and <i>Lophostemon suaveolens</i>.</p>
<p>PO6 Development protects and enhances the values and functions of a waterway corridor by:</p> <ul style="list-style-type: none"> a. avoiding fragmentation of the waterway; b. providing environmental connectivity along the waterway; c. maintaining natural flow conditions; d. protecting water quality, ecological health and habitat values; e. protecting water conveyance; f. contributing to the waterway corridor natural amenity; g. contributing to recreation where planned within the Local government infrastructure plan; h. contributing to natural cooling of the urban environment via minimal impervious surfaces, retention of vegetation and continuity of naturally vegetated areas; i. ensuring that any future buildings can be positioned outside the corridor; j. providing a development footprint 	<p>AO6.1 Development is not located within a waterway Corridor</p> <p>AO6.2 Development:</p> <ul style="list-style-type: none"> a. does not increase the number of lot boundaries that cross a waterway corridor; b. retains the corridor within a single lot. 	<p>The only development to occur in the waterway corridor is the road and bridge.</p> <p>A concept rehabilitation plan proposes to control the exotic grasses and weeds that are currently restricting fauna movement. Rehabilitation will provide a vegetated waterway that is fringed by open areas with water-tolerant native trees including <i>Eucalyptus tereticornis</i>, <i>Melaleuca quinquenervia</i> and <i>Lophostemon suaveolens</i>.</p>



Performance Outcome	Acceptable Solution	Response / justification
plan that is located in accordance with an ecological assessment.		
Biodiversity Areas Overlay Code		
<p>PO4 Development ensures that ecological features and ecological processes, koala habitat trees, areas of strategic biodiversity value, waterways and wetlands within the High ecological significance sub-category or the High ecological significance strategic sub-category are protected, conserved and restored to ensure the area's long-term viability</p>	<p>No acceptable outcome is prescribed.</p>	<p>A concept rehabilitation plan proposes to control these exotic grasses and weeds and to provide a vegetated waterway that is fringed by open areas with water-tolerant native trees including Eucalyptus tereticornis, Melaleuca quinquenervia and Lophostemon suaveolens.</p> <p>Relevantly, a separate but related development application application (A006761597) seeks to realign the waterway corridor overlay and associated High Ecological Significance strategic sub-category to align with the ground-truthed alignment of the waterway.</p> <p>Utilising the approach of aligning the HESS mapping with the ground truthed waterway, will result in an overall enhancement of the ecological outcomes achieved through the retained and rehabilitated portions of the site being correctly identified.</p>
PO5		
Bushfire Overlay Code		
Section C – if for RoL		
<p>PO15 Development does not materially increase the number of premises exposed to unacceptable risk during bushfire events.</p>	<p>AO15 Development does not materially increase the number of people living or working in the Bushfire overlay area.</p>	<p>The bushfire hazard assessment submitted in support of this development application has determined that all lots and proposed zoning are exposed to tolerable level of bushfire risk. As such, the proposed subdivision does not materially increase the number of premises exposed to <u>unacceptable</u> risk during bushfire events</p>
<p>PO16 Development is designed to:</p> <ol style="list-style-type: none"> a. mitigate the risk of bushfire hazard to each lot; b. limit the spread of bushfire; c. achieve and maintain sufficient separation distance between development and hazardous vegetation to minimise bushfire hazard to future 	<p>AO16 Development requires that lot number, size, shape and layout allow for the siting of future buildings within the lowest hazard locations on the site being located:</p> <ol style="list-style-type: none"> a. within a building protection zone in accordance with Figure b and Figure c; b. away from ridgelines and hilltop sites in 	<p>The proposed residential lot is in compliance with PO16 as any residential lots created within will be a minimum of 90 m east of the identified hazardous vegetation area (HA1), achieving a sufficient separation distance to minimise bushfire hazard. The current proposed road connection and open space both constitute low hazard areas, and will mitigate and minimize the risk of bushfire hazard to the proposed residential lots.</p>



Performance Outcome	Acceptable Solution	Response / justification
<p>buildings during a bushfire;</p> <p>d. allow for emergency services access;</p> <p>e. locate buildings within a building protection zone</p>	<p>compliance with Figure a;</p> <p>c. on land with a gradient less than 15%;</p> <p>d. preferably on east to south facing slopes and avoiding north to west facing slopes unless the slope is clear of vegetation and is not located in the High hazard buffer area sub-category or Medium hazard buffer area sub-category</p>	<p>The proposed road will allow for emergency services to access the development via Farley Road and Gardner Road.</p>
<p>PO18</p> <p>Development ensures that the road layout and design provides:</p> <p>a. efficient emergency services access to sites and manoeuvring within the subdivision;</p> <p>b. safe and efficient movement of residents, workers and visitors out of the subdivision and away from an approaching bushfire;</p> <p>c. safe and efficient movement of emergency services into the subdivision;</p> <p>d. alternative egress routes considering the most likely bushfire scenarios;</p> <p>e. ongoing availability and maintenance of access and egress routes for the purposes of evacuation and emergency services access.</p>	<p>AO18.2</p> <p>Development involving a new road or fire maintenance trail is designed and constructed in compliance with:</p> <p>a. Table 8.2.5.3.C; or</p> <p>b. an approved bushfire management plan.</p> <p>AO18.2</p> <p>Development has a road layout and design which:</p> <p>a. provides for alternative access routes to the subdivision, by public roads that meet the requirements in Table 8.2.5.3.C and are able to access the arterial road network;</p> <p>b. excludes cul-de-sacs, except where a perimeter road with a cleared width of 20m isolates the development from hazardous vegetation;</p> <p>c. does not include dead-end roads or if a dead-end road is unavoidable, it is a maximum of 60m long, or 200m where located in the Environmental management zone, Conservation zone, Rural zone, or Rural residential zone, and an alternative emergency</p>	<p>The new road connection will both be designed and constructed in compliance with Table 8.2.5.3.C and thus are in compliance with PO18.</p>
<p>PO19</p> <p>Development involving new premises provides adequate infrastructure to support</p>	<p>Development involving new premises ensures that:</p> <p>a. lots have access to reticulated water supply and water pressure</p>	<p>The proposed subdivision is located within an area that will have access to reticulated water supply, thus providing adequate infrastructure to</p>



Performance Outcome	Acceptable Solution	Response / justification
fire fighting.	<ul style="list-style-type: none"> b. available for fire-fighting requirements with water supply and c. pressure that accord with the standards specified by the relevant d. utilities provider; or e. where reticulated water supply is not available for: f. residential lots, there is a minimum water supply g. available and retained for fire-fighting purposes in h. compliance with Table 8.2.5.3.B, which may be in the i. form of a separate tank or a reserve section as part of a j. main water supply tank; k. development other than residential lots, onsite water l. storage is provided which is appropriate to the m. proposed future use according to the standards n. specified by the relevant emergency services agency o. and is not less than 5,000 litres. 	support firefighting and is complaint with PO19.

Section D - where in Potential impact sub-category

<p>P20 Development is designed and constructed to reduce vulnerability to bushfire attack and addresses the bushfire hazard by a bushfire hazard assessment that:</p> <ul style="list-style-type: none"> a. utilises a fit for purpose methodology prepared in accordance with the State Planning Policy – State interest technical manual – Natural hazards, risk and resilience; b. includes the following measures and inputs: <ul style="list-style-type: none"> i. potential fuel loads for vegetation in its mature state from areas subject to 	<p>AO20.1 Development is designed and sited in compliance with an approved bushfire management plan relevant to the full nature of the uses, which identifies the level of future bushfire hazard and the location of future hazardous vegetation affecting the development</p> <p>AO20.2 Development other than ROL determines bushfire attack level using:</p> <ul style="list-style-type: none"> a. potential fuel loads for vegetation in its mature state from areas subject to revegetation or regrowth vegetation; b. a published vegetation hazard classification 	<p>The BHAMP contained in the Bushfire Hazard Assessment (which has been prepared by a suitably qualified professional), has identified the level of future bushfire hazard and the location of hazardous vegetation affecting the development, and is considered to be within tolerable risk in accordance with the Bushfire Resilient Communities technical reference, SPP state interest guidance material for bushfire and the BCC planning scheme policy of bushfire hazards. Measures and inputs specified in PO20.b. have been utilised within this BHAMP and bushfire attack level has been calculated within this assessment.</p>
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Performance Outcome	Acceptable Solution	Response / justification
revegetation or regrowth vegetation; ii. a published vegetation hazard classification dataset from the relevant fire authority; iii. forest fire danger index of 54 (AEP 5%); iv. potential flame length; v. potential rate of fire spread. c. is undertaken by a person suitably qualified and experienced with technical expertise in the field of bushfire hazard identification and mitigation, including protection of biodiversity values; d. determines the relevant bushfire attack level for that part of the site in which development is proposed.	dataset from the Relevant fire authority; c. forest fire danger index of 54 (AEP 5%).	

6.7 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

The Local Government Infrastructure Plan (LGIP) is a relevant assessment benchmark for the purpose of assessing this application. The LGIP allows for the levying of infrastructure charges on new developments in accordance with the Brisbane City Council *Infrastructure Charges Resolution (No. 14 (the Resolution))*.

7 RELEVANT MATTERS

The development assessment of the proposed development may be carried out against, or have regard to, any other *relevant matter*, other than a person's personal circumstances, financial or otherwise.⁵ The Planning Act provides a non-exhaustive list of examples of a 'relevant matter' which include:

- A planning need
- The current relevance of the assessment benchmark in the light of changed circumstances
- Whether assessment benchmarks or other prescribed matters were based on material errors.

In *Ashvan Investments Unit Trust v Brisbane City Council & Ors*⁶, Williamson QC DCJ provided a further explanation of a relevant matter at [80] – [82]:

⁵ Planning Act 2016, s 45(5)(b).

⁶ [2019] QPEC 16.



[80] A relevant matter is not defined in the PA. It is described in s.45(5)(b) by what it is not. It does not include a person's personal circumstances, financial or otherwise. Given it is not defined, it is a phrase that should be given its ordinary meaning, read subject to the words of limitation in the provision itself. The ordinary meaning of the phrase captures a 'matter' that has a bearing upon, or is connected with the assessment of the application, save for those matters that involve a person's personal circumstances. Subject to what I have said in paragraphs [81] and [82], it should, in my view, be treated as capturing an expansive range of considerations. Further, it is not to be treated as a synonym for 'grounds' as defined in SPA or earlier statutory predecessors. It may include matters that militate for, and against, approval.

[81] Section 45(5)(b) of the PA is subject to an implied limitation. It is any implied limitation that may be found in the subject matter, scope and purpose of the PA. This is to ensure that a matter relied upon, or to which regard is to be given, has a bearing upon or connection with the assessment and decision making process in a way that is within the contemplation of the PA, being the statute that confers the discretion to be exercised.

[82] The specific identification of 'relevant matters' in any given case will be informed by two features of the PA, namely the examples that follow s.45(5)(b), and the subject matter, scope and purpose of the PA. The examples that follow s.45(5)(b) assist, in part, in identifying what is a relevant matter for the purpose of the PA. The examples include the existence of a planning need, and issues going to the relevance of particular planning controls, or their underlying soundness in planning terms. Historically, these are matters that were considered to be 'grounds' that may justify an approval despite conflict with an adopted statutory planning control. They are examples only. The list is not exhaustive. They do not limit, but may extend, the meaning of 'relevant matters'

(emphasis added)

There are relevant matters to the assessment of this application, and to which the assessment of the proposed development should be carried out against. These relevant matters include:

- Separate development applications and approvals history as outlined in this assessment report.

8 DECIDING THIS APPLICATION

Section 60(3) of the Planning Act sets out the decision rules for an assessment manager undertaking an impact assessment and provides:

To the extent the application involves development that requires impact assessment, and subject to section 62, the assessment manager, after carrying out the assessment, must decide—

to approve all or part of the application; or

to approve all or part of the application, but impose development conditions on the approval; or

to refuse the application.

Subject to s.62 of the Planning Act (which does not apply here), the above provision confers a power on an assessment manager to exercise a broad planning discretion. The discretion must be exercised in one of three ways, which are identified in subsections (3)(a), (b) and (c).⁷

This statutory regime represents a movement away from the old "two-part test" under the SPA 2009, which involved identifying conflict and then sufficient grounds to overcome that conflict. Instead, the planning discretion requires the assessment manager to, after carrying out its (impact) assessment, reach a balanced decision in the public interest, where two competing considerations are at play: (1) the need for the rigid application of the planning documents (assessment benchmarks) on the one hand;

⁷ *Ashvan Investments Unit Trust v Brisbane City Council & Ors* [2019] QPEC 16, [43].



as against (2) the adoption of a flexible approach to the application of the planning documents (assessment benchmark) to, inter alia, exercise the discretion that advances the purposes of the Act.⁸

Accordingly, the existence of a non-compliance with such a document will be a relevant ‘fact and circumstance’ in the exercise of the planning discretion under s.60(3) of the Planning Act. Whether that fact and circumstance warrants refusal of an application, or is determinative one way or another, is a separate and distinct question. It will be a matter for the assessment manager in the circumstances informs the exercise of the planning discretion under s60(3). It should not be assumed that non-compliance with an assessment benchmark automatically warrants refusal. This must be established, just as the non-compliance must itself be established.⁹

9 CONCLUSION

This Town Planning Assessment Report has been undertaken to describe the proposed development and examine its compliance with the relevant assessment benchmarks.

The proposed development seeks a development approval (development permit) for a Reconfiguration of a Lot and a Preliminary Approval to vary the use of the land. The application is consistent with the applicable assessment benchmarks and with development in the locale. In particular, this report has demonstrated that the proposed development complies with all relevant assessment benchmarks or can be conditioned to comply with all relevant assessment benchmarks. On this basis, the Council must approve the development application, subject to relevant and not unreasonable conditions.

⁸ Ibid, [54], confirmed in *Abelada v Brisbane City Council* [2020] QCA 257, [54].

⁹ *Ashvan Investments Unit Trust v Brisbane City Council & Ors*, [53], confirmed in *Abelada v Brisbane City Council* [2020] QCA 257, [54].

