



Tuesday, 3 June 2025

Ref: A006183488

Attn: Ben Clothier
Principal Urban Planner
Planning Services North - Development Services
Brisbane City Council

Email: DSPlanningSupport@brisbane.qld.gov.au

Dear Ben,

50 Retreat Street, Bridgeman Downs QLD 4035 (Council Reference: A006183488)

This letter regards recent correspondence concerning the site at 50 Retreat Street, Bridgeman Downs under Council reference number A006183488. The contention surrounds progressing the application, particularly regarding Stage 2 of the development. The concern remains that infrastructure approved and delivered under application A006379521 (859 Beams Road, Bridgeman Downs) would not adequately coincide with the delivery of infrastructure at the subject site. It remains our position that a sequencing condition can and should be applied as a condition on the decision for the reasons provided below.

1. Council Response

1.1. Councils emailed response dated 24 April 2025

For a point of direct reference, Councils emailed response on the matter is provided below.

As Councils Further advice letter from 18 March 2025 has suggested the inclusion of the adjoining Lots 1 and 3 on RP 178844 into the application, I can confirm that doing so would not restart the development assessment process, pursuant to 26.1 of the DA Rules. However please note that pursuant to 26.2 of the DA Rules it may be necessary to re-undertake public notification after the adjoining lots are included. This will likely come down to exactly how you and your client choose to manage the inclusion of the adjoining land (i.e. whether only land included to allow a sequencing condition to be applied or whether roads, stormwater infrastructure etc approved under A006379521 are also included in this application) and I would suggest we discuss this further once you and your client have considered your options but prior to formally responding.

*Unfortunately Council's position is that we are currently unable to apply a sequencing condition stipulating that proposed Stage 2 cannot be undertaken until completion of the neighbouring development (A006379521) is complete. This matter has previously been looked into and discussed with senior planning officers a number of times and Council's position is because Section 65 of the Planning Act only permits conditions to state development must not start until other development has been substantially started or completed where on the **same premises**. This is part of the reason Council has suggested the inclusion of the adjoining lots as we would then be able to apply a sequencing condition*

as the adjoining lots would then form part of the premises being applied over.

2. Planning Act 2016

2.1. Section 65 – Permitted development conditions

The relevant listed requirements of the Section include the following:

- (1) *A development condition imposed on a development approval must –*
 - (a) *Be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*
 - (b) *be reasonably required in relation to the development or the use of premises as a consequence of the development.*
- (2) *A development condition may –*
 - (b) *State that the development must not start until –*
 - i. *Other development permits on the same premises have been given; or*
 - ii. *other development on the same premises, including development that the development application does not cover, has been substantially started or completed; or*

2.2. Section 66 – Prohibitive development conditions

The relevant listed requirements of the Section include the following:

- (1) *A development condition must not –*
 - (a) *Require a person other than the applicant to carry out works for the development; and*
- (2) *A development condition must not be inconsistent with a development condition*

Whilst a development condition must consider other development permits on the same premises and other development on the same premises, there is no explicit consideration for adjacent properties within either Section 65 or 66 of The Act nor any relevant explanatory material. Notably, as there is no reference to adjacent properties within Section 66 (Prohibitive development conditions), imposing a sequencing condition which considers an adjacent property can therefore be applied by the Responsible Authority. A sequencing condition would not *require a person other than the applicant to carry out works for the development*, rather, it would be relying on the completion of the works under A006379521 (adjacent property) applicable to that development outcome.

In conjunction with the above, the sequencing condition would comply with Section 65, through enabling a development condition that is both relevant and reasonable.

3. Summary

The letter requests a sequencing condition for 50 Retreat Street's development to align with

neighbouring works (Ref: A006379521). Based on the above justification, the condition is reasonable and should be placed on the decision, which would enable the application to be finalised. Including additional lots in the application would incur an unnecessary imposition of time and costs..

Should you have any questions or queries, please feel free to contact me on the below.

Yours sincerely



Will Miller

Service Leader - Consulting and Advisory

W.Miller@veris.com.au

M +61 487 599 340