

11.0 Amendments Required to Existing Approval

This section provides a detailed review of the existing BCC Development Approval Package (Council File Reference: A005516358) as at the date of this report, and identifies each amendment required as a result of the proposed Minor Change.

11.1 Amendments to BCC Decision Notice and Conditions

The BCC Approval Package (Council File Reference: A005516358) records the following Development Approval details, which are proposed to be updated by this Minor Change Application, to reflect the updated address and RPD description post amalgamation, as illustrated below:

Item	Current (Original Approval)	Proposed (Minor Change)
Address of Site	41 TURNER RD KEDRON QLD 4031	7A Brockman St; 7 Brockman St; 16A Turner Rd; 16 Turner Rd; 20 Turner Rd; 41 Turner Rd – Kedron QLD 4031
Real Property Description	L17/25, 45/83 RP.26078 & L21/28 RP.26080 & L16 RP.26086 & L3 RP.47807 & L1 RP.70413 & L607 SL.564	Lot 80 RP26078; Lot 81 RP26078; Lot 82 RP26078; Lot 83 RP26078; Lot 607 SL564; Lot 87 SP335585
Description of Development	Preliminary Approval Variation Request to override Brisbane City Plan 2014 for: - Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre Development Permit Material Change of Use for: - Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre	Preliminary Approval Variation Request to override Brisbane City Plan 2014 for: - Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre Development Permit Material Change of Use for: - Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre
Type of Approval	Material Change of Use – Preliminary Approval Material Change of Use – Development Permit Preliminary Approval for Carrying Out Building Work (Please note that this does not include assessment against the Building Code of Australia)	Material Change of Use – Preliminary Approval Material Change of Use – Development Permit Preliminary Approval for Carrying Out Building Work (Please note that this does not include assessment against the Building Code of Australia)
Currency Period	The currency period for this development approval (inclusive of all of its parts) will end on 17 December 2028.	The currency period for this development approval (inclusive of all of its parts) will end on 17 December 2028.

Owner	Brisbane City Council	Padua & Mount Alvernia Property Management Corporation
Applicant	Mount Alvernia College Limited, Padua College Limited	Mount Alvernia College Limited, Padua College Limited

11.2 Amended Approved Plans and Documents Schedule

The following table sets out the current Drawings and Documents as listed in the BCC Approval Package (A005516358) as at the date of the Negotiated Decision Notice (17 December 2021), and identifies the plans proposed to be replaced by this Minor Change Application.

Drawing / Document	Reference / Date	Minor Change Action
Administration Building Elevations	SKI.04.10 Issue 1 – 01 Feb 2021	No change
Development Permit – Material Change of Use Education Purposes Activity Group	SK.00.71 Issue 1 (Amended In Red 15-Jul-2021) – 19 Aug 2021	Replace with – ‘Development Permit – Material Change of Use Education Purposes Activity Group’ Plan Ref: 25024/ sd A-002002/1 Dated 08 July 2026
Extent of Heritage Overlay – Sheet 1 of 3	203324#002 Rev 0 – 01 Feb 2021	No change
Extent of Heritage Overlay – Sheet 2 of 3	203324#002 Rev 0 – 01 Feb 2021	No change
Extent of Heritage Overlay – Sheet 3 of 3	203324#002 Rev 0 – 01 Feb 2021	No change
Realigned Bicycle Network	VP 10 – 01 Feb 2021	No change
Street Hierarchy	VP 11 – 01 Feb 2021	No change
Public Realm and Community Facilities	VP 12 – 01 Feb 2021	No change
Heritage Cliff Curtilage Zone	VP 08 – 01 Feb 2021	Replace with – ‘Development Permit- Heritage Curtilage’ Plan Ref: 25024/sd A-002003/1 Dated July 2026
Industrial Building Ground & First Floor Plans	SKI.01.05 Issue 1 – 01 Feb 2021	No change
Industrial Roof Plan	SKI.01.06 Issue 1 – 01 Feb 2021	No change
Industrial Building Elevations	SKI.04.15 Issue 1 – 01 Feb 2021	No change

Administration Building Ground & First Floor Plans	SKI.01.10 Issue 1 – 01 Feb 2021	No change
Administration Building Roof Plan	SKI.01.21 Issue 1 – 01 Feb 2021	No change
Locality Plan	SKI.00.05 Issue 2 – 01 Feb 2021	No change
Preliminary Approval Site Plan	SK.00.70 Issue 2 (Amended In Red 15-Jul-2021) – 01 Feb 2021	Replace with – ‘Preliminary Approval Site Plan’ Plan Ref: 25024/ sd A-002001/1 Dated 08 July 2026
SARA Pedestrian Link – Wayland Street Build-Outs (Overall)	FG PL 3-0 – MRCagney 14 May 2021, as amended by SARA 27 Aug 2021	No change (SARA condition plan)

The amendment to the approved plans is solely required as a result of the need to update the relevant plans to include the full extent of Lot 87 on SP335587 (the New Lot). The need for the inclusion of the full extent of Lot 87 on SP335587 arises directly from the State Government's requirement, imposed as a condition of the purchase of the closed road land, that the closed road reserve and all adjoining allotments be amalgamated into one allotment. This requirement was fulfilled by the creation of Lot 87 on SP335587 (the New Lot), which now encompasses both the former BCC-owned land that was the subject of the original Approval, and the former road reserve land that was excluded from the original application due to the contractual timing constraints of the BCC Contract of Sale.

11.3 Amended BCC Conditions Package

11.3.1 Preliminary Approval (Variation Request) – DAMC393225120

The Minor Change Application proposes amendments to the Preliminary Approval (Variation Request) conditions and advice that directly reference the approved plans. The full text of each condition to be amended is reproduced below, with the proposed amendment identified.

Condition 3) – COMMUNITY FACILITY - Educational Establishment, Child Care Centre, Community Care Centre, Community Use, Place of Worship

The extent to which this variation approval varies the effect of the planning scheme for Brisbane, applies to the extent of land illustrated on the approved BCC Kedron Depot – Preliminary approval Site Plan numbered SK.00.70 issue 2 (amended in red 15 July 2021), Received 01 February 2021.

Notwithstanding the categories of assessment in the Planning scheme, where compliance is demonstrated with the conditions of this approval, this variation applies the Tables of Assessment for land in the Community facilities zone (Education purposes zone precinct) under City Plan 2014 (as amended from time to time) to the site for all aspects of development, subject to the following additional aspects of the variation approval.

For a material change of use, building work and operational works for Community facilities – Educational establishment, Child care centre, Community care centre, Community use, Place of worship, in all instances pursuant to this variation approval shall be:

- a) Where for a Community facilities – Educational establishment, Community use, Place of worship, is accepted development, subject to compliance with identified requirements, if involving an existing premises with no increase in gross floor area, where complying with all acceptable outcomes in section A of the Community facilities code.
- b) Where for a Community facilities – Educational establishment, Child care centre, Community care centre, Community use, Place of worship, is Code Assessable, if involving an existing premises with no increase in gross floor area, where not complying with all acceptable outcomes in section A of the Community facilities code; or if involving a new premises or existing premises with an increase in Gross floor area.

Code Assessable applications for Community facilities - Educational establishment, Child care centre, Community care centre, Community use, Place of worship shall be subject to code assessment against the planning scheme in force at the time of application for Community Facilities zone (Education purposes zone precinct) and the following:

- i. Lutwyche Road neighbourhood plan code, as amended under the conditions of this variation approval;
- ii. Overlay codes mapped on the premise, as amended under the conditions of this variation approval;
- iii. Prescribed secondary codes relevant to the development.

The definitions and codes mentioned in this condition refer to definitions and codes contained in the Brisbane City Plan 2014. Where there is conflict between the codes and the conditions contained herein, the conditions shall prevail.

Proposed Amendment: Amend the plan reference in Condition 3 as per below:

- Delete reference to "SK.00.70 issue 2 (amended in red 15 July 2021), Received 01 February 2021" and amend with **"A-002001/1 Issue 1 (Preliminary Approval Site Plan), dated 08 May 2026"**.

The extent to which this variation approval varies the effect of the planning scheme for Brisbane, applies to the extent of land illustrated on the approved BCC Kedron Depot – Preliminary approval Site Plan numbered ~~SK.00.70 issue 2 (amended in red 15 July 2021), Received 01 February 2021~~ **"A-002001/1 Issue 1 (Preliminary Approval Site Plan), dated 08 May 2026"**.

Notwithstanding the categories of assessment in the Planning scheme, where compliance is demonstrated with the conditions of this approval, this variation applies the Tables of Assessment for land in the Community facilities zone (Education purposes zone precinct) under City Plan 2014 (as amended from time to time) to the site for all aspects of development, subject to the following additional aspects of the variation approval.

For a material change of use, building work and operational works for Community facilities – Educational establishment, Child care centre, Community care centre, Community use, Place of worship, in all instances pursuant to this variation approval shall be:

- a) Where for a Community facilities – Educational establishment, Community use, Place of worship, is accepted development, subject to compliance with identified requirements, if involving an existing premises with no increase in gross floor area, where complying with all acceptable outcomes in section A of the Community facilities code.
- b) Where for a Community facilities – Educational establishment, Child care centre, Community care centre, Community use, Place of worship, is Code Assessable, if involving an existing premises with no increase in gross floor area, where not complying with all acceptable outcomes in section A of the Community facilities code; or if involving a new premises or existing premises with an increase in Gross floor area.

Code Assessable applications for Community facilities - Educational establishment, Child care centre Community care centre, Community use, Place of worship shall be subject to code assessment against the planning scheme in force at the time of application for Community Facilities zone (Education purposes zone precinct) and the following:

- i. Lutwyche Road neighbourhood plan code, as amended under the conditions of this variation approval;
- ii. Overlay codes mapped on the premise, as amended under the conditions of this variation approval;
- iii. Prescribed secondary codes relevant to the development.

The definitions and codes mentioned in this condition refer to definitions and codes contained in the Brisbane City Plan 2014. Where there is conflict between the codes and the conditions contained herein, the conditions shall prevail.

Standard Advice 7) – REFERRAL AGENCY REQUIREMENTS

State Assessment and Referral Agency (SARA) as CONCURRENCE agency has imposed the requirements contained in the letter dated 27th August 2021, Ref. 2009- 18628 SRA.

Proposed Amendment: Amend the plan reference in Standard Advice 7 as per below:

- Delete reference to "27th August 2021, Ref. 2009- 18628 SRA" and amend with **"Updated SARA Advice to be provided as part of the Minor Change SARA response"**.

State Assessment and Referral Agency (SARA) as CONCURRENCE agency has imposed the requirements contained in the letter dated ~~27th August 2021, Ref. 2009- 18628 SRA~~ **TBC**.

11.3.2 Development Permit (Material Change of Use) – DAMC393225220

The Minor Change Application proposes amendments to the following development permit standard advice that directly reference the approved plans. The full text of each condition to be amended is reproduced below, with the proposed amendment identified.

Standard Advice 32) – REFERRAL AGENCY REQUIREMENTS

State Assessment and Referral Agency (SARA) as CONCURRENCE agency has imposed the requirements contained in the letter dated 27th August 2021, Ref. 2009- 18628 SRA.

Proposed Amendment: Amend the plan reference in Standard Advice 32 as per below:

- Delete reference to "27th August 2021, Ref. 2009- 18628 SRA" and amend with **"Updated SARA Advice to be provided as part of the Minor Change SARA response"**.

State Assessment and Referral Agency (SARA) as CONCURRENCE agency has imposed the requirements contained in the letter dated ~~27th August 2021, Ref. 2009-18628 SRA~~ TBC.

12.0 Referral Agency – SARA / DTMR

The SARA Referral Agency Response (Ref: 2009-18628 SRA) was issued by the State Assessment and Referral Agency on 27 August 2021. This amended response replaced the earlier response dated 9 June 2021, following representations made by the applicant under section 30 of the Development Assessment Rules. The response identifies SARA's role as Referral Agency under the following triggers:

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 & Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)

Development application for a material change of use:

- *impacting on State transport infrastructure and thresholds; and*
- *within 25m of a state-controlled transport corridor*

12.1 Basis for Re-referral

The proposed Minor Change Application will trigger re-referral to SARA (State Assessment and Referral Agency) / DTMR (Department of Transport and Main Roads) in respect of the existing Referral Agency Response Ref: 2009-18628 SRA, pursuant to section 28.2(a) of the Development Assessment Rules.

Section 28.2(a) of the Development Assessment Rules provides that a concurrence agency may change its referral agency response if the change is in response to a change which the assessment manager is satisfied is a change under section 26.1 (i.e. a minor change). The process for the concurrence agency changing its response is set out in section 28.4 of the DA Rules, which provides:

28.4 - *If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must:*

- give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and*
- the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.*

12.2 Scope of Re-referral

The re-referral to SARA is required solely for the administrative amendments to the SARA response. The re-referral is not required for any substantive assessment matter. No new State interest is engaged by the proposed Minor Change.

The SARA trigger (Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 and Subdivision 2, Table 4 – development impacting on State transport infrastructure and within 25m of a State-controlled transport corridor) was assessed at the time of the original application.

The proposed Minor Change does not result in additional staff or students, does not generate any additional traffic, does not alter any approved access arrangement, and does not change the site's relationship to the State-controlled transport corridor. Accordingly, SARA's assessment of the amended application against its trigger matters will be limited and is expected to confirm that no change to the substantive conditions is required.

It is noted that the State Address recorded in the original SARA response was '59-43 Lennon Street, Stafford' (Applicant Reference). The amended SARA response should update the address and real property description to reflect the current registered title etc, as detailed in the following sections.

12.3 SARA Referral Agency Responses Amendments

12.3.1 SARA Response – Development Details

The SARA Referral Agency Response (Ref: 2009-18628 SRA) records the following Development details, which are proposed to be updated by this Minor Change Application, to reflect the updated address and RPD description post amalgamation, as illustrated below:

Item	Current (Original Approval)	Proposed (Minor Change)
Address of Site	59 - 43 Lennon Street, 36 - 44 Brockman Street, 17 Wayland Street, and 46 - 62 Brockman Street, Stafford; 62 - 30 Turner Road, 11 – 23, Turner Road, 15 and 15A Brockman Street, 28A and 28 Turner Road, 16 and 16A Turner Road, 7A and 7 Brockman Street, 51 Turner Road, Kedron; 41 Lennon Street, Stafford; 25 and 41 Turner Road, 32 Bradley Avenue, and 20 Turner Road, Kedron QLD 4031	7A Brockman St; 7 Brockman St; 16A Turner Rd; 16 Turner Rd; 20 Turner Rd; 41 Turner Rd – Kedron QLD 4031
Real Property Description	Lots 17-25 on RP26078; Lots 45-49 on RP26078; Lot 9 on RP26078; Lots 50- 58 on RP26078; Lots 59-75 on RP26078; Lots 21-26 on RP26080; Lots 76 and 77 on RP26078; Lots 78 and 79 on RP26078; Lots 80 and 81 on RP26078; Lots 82 and 83 on RP26078; Lot 16 on RP26086; Lot 1 on RP70413; Lot 27 and 28 on RP26080; Lot 3 on RP47807 and Lot 607 on SL564	Lot 80 RP26078; Lot 81 RP26078; Lot 82 RP26078; Lot 83 RP26078; Lot 607 SL564; Lot 87 SP335585
Description	Development permit: Material change of use for Educational Establishment, Child Care Centre, Community Care Centre, Community Use and Place of Worship	Preliminary Approval Variation Request to override Brisbane City Plan 2014 for: Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre

	Preliminary approval that includes a variation request: • Material change of use for Educational Establishment, Child Care Centre, Community Care Centre, Community Use and Place of Worship (Variation Request to override Brisbane City Plan 2014)	Development Permit Material Change of Use for: • Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre
SARA Role	Referral Agency.	Referral Agency.
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 & Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Development application for a material change of use: • impacting on State transport infrastructure and thresholds; and • within 25m of a state-controlled transport corridor	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 & Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Development application for a material change of use: • impacting on State transport infrastructure and thresholds; and • within 25m of a state-controlled transport corridor
Applicant	Mount Alvernia College Limited, Padua College Limited	Mount Alvernia College Limited, Padua College Limited

12.4.2 SARA Referral Agency Response Conditions

The Minor Change Application proposed does not require any amendments to the SARA Referral Agency conditions and advice as they do not specifically reference any of the approved plans proposed to be amended.