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APPLICATION REF

A007006265

PLANNING REPORT

**Minor Change & Extension To Currency Period
A006235438**

Reconfiguring a Lot
(2 into 4 lots)

**24 & 26 DEBORAH ST
GEEBUNG QLD 4034
Lots 6 & 7 RP79539**

**Applicant: Jereme Baker & Marlene Baker
c/- Tam Dang Planning Pty Ltd
April 2026**

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APPENDICES

Appendix A – Revised Staging Plans

Appendix B – A006235438 Approved Plan

1. Introduction

This planning assessment accompanies a change application pursuant to Section 78 (Making change application) and Section 79 (Requirements for change applications) of the *Planning Act 2016*, in relation to subject site at 24 & 26 Deborah Street, Geebung and described as Lots 6 & 7 on RP79539.

This existing approval (**A006235438**) was issued on 21st July 2023. It involved **Development Permit for Reconfiguring a Lot** (2 into 4 lots). It is proposed to modify the current approval to enable the staging in 2 stages, reflecting the attached revised drawings, corresponding amendments to relevant conditions, and infrastructure charges in accordance with Section 81 (Assessing change applications for minor changes) of the *Planning Act 2016*.

The approval is in effect until 20th October 2027. Pursuant to Section 86 of the *Planning Act 2016*, the applicant seeks a further 3 year extension, up to and including the **20th October 2030**, to enable the completion of the development in two stages within the currency period.

It is confirmed that no change is proposed to the type of permits or parcel of land subject to this application.

This report has been prepared as supporting material to demonstrate it complies with the minor change criteria of the *Planning Act 2016* and assessment benchmarks of the *Brisbane City Plan 2014 (v26/2023)* applicable at the time.

2. Statutory Planning Framework

This section sets out the statutory planning provisions applicable to this application, with the Planning Act 2016 providing the overall statutory planning framework for Queensland.

With reference to Chapter 3, Subdivision 2 of the Planning Act 2016, the Act states:

78 Making change application

- (1) *A person may make an application (a change application) to change a development approval.*
- (2) *A change application must be made to the responsible entity for the application.*

78A Responsible entity for change applications

- (1) *The responsible entity for a change application is—*
 - (a) *if the change application is for a minor change to a development condition of a development approval stated in a referral agency’s response for the development application or another change application for the approval—the referral agency; or*
 - (b) *otherwise—the assessment manager.*

The applicant is seeking to modify the current development approval pursuant to Section 78 of the *Planning Act 2016*. With Ipswich City Council acting as the assessment manager and issuing the previous approval, it is acknowledged as the responsible entity for this change application.

As outlined in Section 81 and Section 82 of the *Planning Act 2016*, change applications can be lodged as either a ‘minor change’ and ‘other change’. This application is lodged as an ‘minor change’ with Section 81 outlining the process to assess and decide these applications:

81 Assessing change applications for minor changes

- (1) *This section applies to a change application for a minor change to a development approval.*
- (2) *In assessing the change application, the responsible entity must consider—*
 - (a) *the information the applicant included with the application; and*
 - (b) *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
 - (c) *any pre-request response notice or response notice given in relation to the change application; and*

- (d) if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
- (da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
- (e) another matter that the responsible entity considers relevant.*
- (3) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—*
 - (a) a statutory instrument; or*
 - (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
- (4) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.*
- (5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—*
 - (a) the statutory instrument or other document as in effect when the change application was made; or*
 - (b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or*
 - (c) another statutory instrument—*
 - (i) that comes into effect after the change application is made but before it is decided; and*
 - (ii) that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.*

81A Deciding change applications for minor changes

- (1) This section applies in relation to a change application for a minor change to a development approval.*
- (2) After assessing the change application under section 81, the responsible entity must decide to—*

- (a) make the change, with or without imposing or amending development conditions in relation to the change; or
- (b) refuse to make the change.
- (3) If there is no affected entity for the change application, the responsible entity must decide the application within 20 business days after receiving the application.
- (4) If there is an affected entity for the change application, the responsible entity—
- (a) must not decide the application until—
- (i) the responsible entity receives a pre-request response notice, or response notice, from the affected entity; or
- (ii) the end of 20 business days after receiving the application; but
- (b) must decide the application within 25 business days after receiving the application.
- (5) However, the applicant and the responsible entity may, within the period stated in subsection (3) or (4)(b), agree to extend the period for deciding the change application.

With reference to Section 81(2) of the *Planning Act 2016*, it is therefore noted:

- Discussion on the history of the site, existing approvals and proposed changes is provided in **Section 3 below**.
- With Council as the responsible entity, it is acknowledged that properly made submissions will be considered. Discussion against these is provided in **Section 5** below.
- A pre-request response notice or response notice is neither required nor given.

As outlined above, Council as the responsible entity “**must** consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made” and only “**may** give weight” to other statutory instruments. As such, this minor change includes primary assessment against the *Brisbane City Plan 2014 (v26/2023)* in place at the time the development approval was given.

3. Proposed Change

As requested, and previously discussed above, this minor change application is made with regards to the original development approval (A006235438), in effect until midnight of the 20th October 2027.

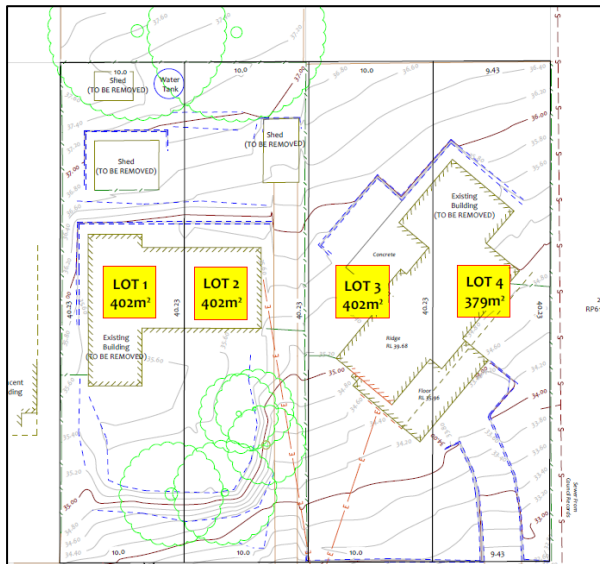


Figure 1 - Approved Subdivision Plan

With reference to the **comparison** of the revised plans attached in **Appendix A** and existing approved plans attached in **Appendix B**. As can be seen in figures 1-3, the change is in relation to the staging of the subdivision into 2 stages. Stage 1 consists of two lots (and balance lot), and stage 2 consists of two lots.

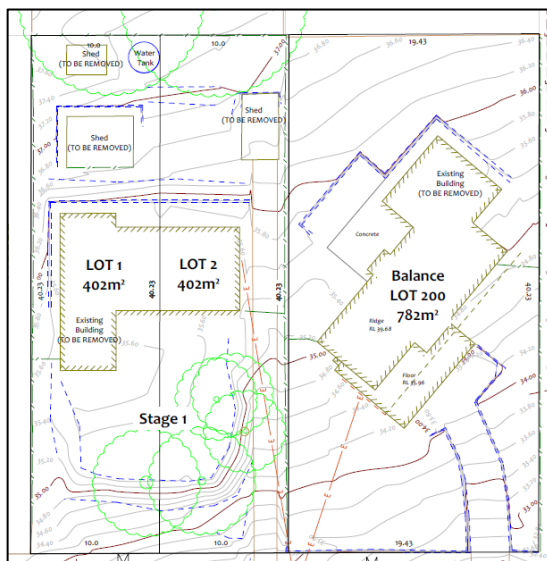


Figure 2 – Revised Stage 1

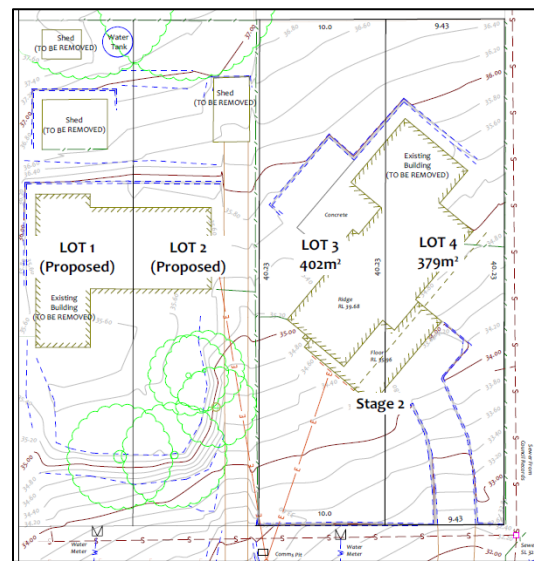


Figure 3 – Revised Stage 2

Other than the proposed staging, no other changes are proposed to the ultimate layout, lot sizes and configuration. In this circumstance, we believe the proposed amendments do not result in a ‘substantially different’ development in accordance with Section 81 of the Planning Act 2016. Further discussion has been provided within the response to the relevant provisions of the Planning Act 2016 in Section 4 below.

4. Minor Change Assessment

With this minor change application made with regards to Section 81/81A of the *Planning Act 2016*, as previously discussed in **Section 2** above, Schedule 2 defines a ‘minor change’ for a development approval as follows:

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.

We are of the opinion that the proposed changes constitute a **minor change** application and **not** a ‘change other than minor’ application for the following reasons:

1) *The proposal does not result in a substantially different development.*

RESPONSE: Discussion against the ‘substantially different development’ criteria is provided in **Section 4.2** below.

2) *The proposal does not result in the inclusion of prohibited development.*

RESPONSE: As outlined above, the proposed development is a reconfiguration only and does not involve any prohibited development.

3) *The proposal does not trigger referral to any new referral agencies.*

RESPONSE: The development application does not trigger referral to any new concurrence or advice agencies.

4) *The proposal does not trigger additional public notification.*

RESPONSE: Although the original development application triggered impact assessment and required public notification, we note that in accordance with Section 82 of the Planning Act 2016 as this application is a minor change it does not trigger additional public notification.

5 Assessment of ‘Substantially Different Development’

With reference to Schedule 1 of the DA Rules, it is noted an assessment manager may determine a change to a development approval where “*amongst other criteria – a minor change is a change that would not result in a ‘substantially different’ development*”.

Section 4 outlines what may be considered to result in a substantially different development. Discussion against each point is provided as follows:

(a) *Involves a new use; or*

RESPONSE: The development does not involve a new use.

(b) *Results in the application applying to a new parcel of land; or*

RESPONSE: No additional parcels of land are proposed to be included.

(c) *Dramatically changes the built form in terms of scale, bulk and appearance; or*

RESPONSE: Other than the proposed staging, the subdivision layout remains unchanged.

(d) *Changes the ability of the proposed development to operate as intended; or*

RESPONSE: As previously discussed, the amendments relate to the proposed staging, and the number of total proposed lots remains unchanged.

(e) *Removes a component that is integral to the operation of the development; or*

RESPONSE: The proposed staging does not “remove” any components of the development that are integral to the operation.

(f) *Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*

RESPONSE: The amendments relate to the proposed staging and the number of proposed lots remains unchanged. As such, the proposal does not result in additional impact to surrounding transport network or traffic flow.

(g) *Introduces new impacts or increase the severity of known impacts; or*

(h) Removes an incentive or offset component that would have balanced a negative impact of the development; or

RESPONSE: The proposed staging is not considered to have a “negative impact” or introduce a new impact, increase the severity of a known impact, or remove an incentive / offset component as follows:

- The approved number of lots remains unchanged; and
- The approved lot sizes, dimensions and ultimate configuration remains unchanged.

(i) Impacts on infrastructure provisions.

RESPONSE: The subject site remains able to access all relevant infrastructure services (i.e. water, sewer, electricity, telecommunications) and no change is proposed to the development density. The proposed staging is able to be reflected through amended infrastructure charges notices from Council. As such, pursuant to Section 119(6) of the Planning Act 2016, it is requested that Council issue updated infrastructure charges notices reflecting the two stages.

6 Grounds for Request

It is noted that pursuant to Section 81(2) of the Planning Act 2016, Council must consider this request having regard to:

(a) the information the applicant included with the application; and

(b) if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and

(c) any pre-request response notice or response notice given in relation to the change application; and

(d) all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and

(e) matter that the responsible entity considers relevant.

Importantly, Section 81(4) states that the responsible entity “must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made”.

In this regard, it is submitted that: -

- The ultimate layout remains unchanged;
- the proposed development’s compliance with the relevant provisions of the Planning Scheme applicable at the time the original application was made will not be affected by the proposed staging;
- the proposed staging does not result in a substantially different development which would prejudice compliance against the performance criteria of the Subdivision Code;
- it does not alter the level of assessment;
- it does not generate any additional issues or impacts from a planning point of view;
- it does not require additional public notification; and
- it does not require referral to any new concurrence or advice agencies.

7 Changes to Drawings/Documents and Approval Conditions

With reference to the Drawings and Documents schedule of the existing approval, we ask that the revised subdivision plans attached in Appendix A replace those previously approved. A complete list of plan numbers to be amended is listed below.

	Existing Approved Drawing No.	Proposed Plans
Plan of subdivision	40382_P1	15876-P1
Plan of subdivision	-	15916-P1

With reference to the **Conditions of Approval**, these are required to be updated and split into two stages.

8 Request for Extension to Currency Period

With the approval granted under the Planning Act 2016, the currency period is up to and including the 20th October 2027. Pursuant to Section 86 of the Planning Act 2016, the applicant seeks to extend the currency period by 36 months up to and including the 20th October 2030 to accommodate for the timing of this minor change request and to ensure that both stages can be completed before the end of the currency period.

9. Conclusion

This application is made in respect of a ‘minor change’ in accordance with Section 81 of *and “Extension to currency Period” in accordance with Section 86 of the Planning Act 2016*. As required, this report has demonstrated that the proposed changes are consistent with the intent and requirements of the *Ipswich City Plan* applicable at the time. For the grounds previously discussed, we are of the opinion that the proposed changes:

- Does not result in a substantially different development;
- Remain compliant with the performance criteria of *City Plan 2014* relevant to the site circumstances;
- Does not result in increased density or infrastructure demands;
- Does not change the level of assessment;
- Does not result in additional referral to a new concurrence or advice agency;
- Does not generate any adverse planning issues; and
- In all circumstances, complies with the relevant change criteria.

As such, it is considered to deserve Council’s favourable consideration, subject to reasonable and relevant conditions with respect to the existing approval.