

ASSESSMENT REPORT

Change Application – Removal of Vegetation Covenant

Subject property	15 Cassia Street, Bridgeman Downs QLD 4035
Real property description	Lot 23 on SP196622
Covenant area	Lot B on SP205062 (approximately 157 m ²)
Applicants	Ali Dorri and Parisa Hedayatnia
Existing development approval	DRS/USE/H04-910535 (Council application A001638440)
Approval	Reconfiguring a Lot – Development Permit
Negotiated decision	6 January 2006
Covenant	Dealing No. 711088978, registered 15 October 2007
Responsible entity	Brisbane City Council

Prepared by the applicants in support of a Planning Act Form 5 change application.

1. Executive summary

This report supports a request to amend the existing development approval so that the condition requiring the vegetation covenant over the subject property can be removed or amended, enabling Brisbane City Council to consent to the discharge of Covenant Dealing No. 711088978 from the title. No change is proposed to the approved lot configuration, subdivision layout, roads, built form, use, traffic arrangements or infrastructure associated with the original development approval. The covenant was created for the conservation and preservation of vegetation within the covenant area.

2. Development approval and covenant background

The original development application related to land at 200, 206 and 214 Ridley Road, Bridgeman Downs and sought a Development Permit for Reconfiguring a Lot (1 into 33) and a Structure Plan. The application was lodged on 20 December 2004. A Decision Notice was issued in December 2005 and a Negotiated Decision Notice was issued on 6 January 2006. The negotiated notice amended a number of conditions and included ecological conditions. The decision material states that Council did not refer the application to another entity for comment.

Source: Brisbane City Council Decision Notice / Negotiated Decision Notice, DRS/USE/H04-910535.

Covenant Dealing No. 711088978 was registered on 15 October 2007, with Brisbane City Council as covenantee. The covenant expressly identifies Development Approval DRS/USE/H04-910535 and refers to Vegetation Management Plan TMN02_VMP Rev D. The covenant area affecting the subject property is Lot B on SP205062.

3. Proposed change

- Amend or delete the development approval condition that requires the vegetation covenant affecting Lot 23 on SP196622 to remain registered.
- Enable discharge of Covenant Dealing No. 711088978 from the title, subject to Council's approval and any separate land-title requirements.
- Retain all other aspects of the existing development approval unchanged.

- No physical works, vegetation clearing, building work or operational work form part of this change application.

The exact numbered condition is described functionally in this report because the complete numbered condition schedule was not contained in the decision documents available to the applicants. The requested amendment is limited to the condition requiring registration/maintenance of the vegetation covenant, and Council's current approval record should be used to identify the corresponding condition number and final wording.

4. Existing covenant and environmental context

The registered covenant states that its purpose is to ensure the conservation and preservation of vegetation on the covenant area. It restricts construction, earthworks, removal of living vegetation and activities that may adversely affect vegetation, subject to specified exceptions and Council approval.

4.1 Current State vegetation mapping

A Queensland Government Vegetation Management Report dated 19 March 2026 was obtained for Lot B on SP205062. The report identifies Lot 23 on SP196622 as the associated freehold lot (692 m²) and Lot B on SP205062 as a covenant area of approximately 157 m². The current State mapping records:

- the mapped vegetation category for the covenant property as Category X (non-remnant), with no Property Map of Assessable Vegetation (PMAV) recorded;
- no vegetation management wetlands;
- no essential habitat records;
- no Area Management Plan;
- no State-mapped Agricultural Land Class A or B; and
- the property is not within the Wet Tropics of Queensland World Heritage Area.

Source: Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development, Vegetation Management Report for Lot B on SP205062, 19 March 2026.

4.2 Applicant enquiries

The applicants advise that they have contacted the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development regarding the property and were advised that the Department has no interest in the property for the purposes relevant to this request. The applicants also advise that there are no heritage-listed or otherwise identified heritage trees on the property. These statements are provided as applicant representations; Council may undertake its own checks or request further evidence if required.

5. Assessment as a minor change

The applicants request that the proposal be assessed as a minor change under section 81 of the Planning Act 2016. Schedule 2 of the Act defines a minor change to a development approval by reference to whether the change results in substantially different development and whether it would introduce prohibited development, additional referral consequences or a new public-notification requirement. Brisbane City Council's current guidance applies similar considerations when distinguishing minor and other changes.

Minor change consideration	Assessment
New use or development type	No. The approved development type remains Reconfiguring a Lot. No new use is proposed.
New parcel of land	No. The change relates only to the existing subject property and the existing covenant area.
Built form / physical layout	No. There is no change to lot configuration, roads, building layout, built form or approved plans.
Traffic / transport	No change.
Infrastructure	No change to infrastructure provision or servicing is proposed.
Specialist reports / plans	No amendment is proposed to the approved specialist reports or plans, including the historical

Minor change consideration	Assessment
	vegetation/ecological material and noise assessment.
Prohibited development	The change application itself does not propose development that is identified as prohibited development.
Referral	The original Decision Notice states that Council did not refer the application to an entity for comment. The proposed change does not introduce a new physical development component and no new referral is anticipated, subject to Council confirmation.
Public notification	The original application was publicly notified and received properly made submissions. The change does not alter the physical development and is not considered by the applicants to create a new notification trigger beyond the original approval.
Environmental impacts	The application removes a title-based vegetation covenant, but does not authorise clearing or works. Current State mapping identifies the covenant property as Category X/non-remnant, with no essential habitat records or vegetation management wetlands. Future works remain subject to applicable statutory controls.

On balance, the applicants consider the proposal does not result in substantially different development and is capable of being assessed as a minor change. This classification remains a matter for Council as the responsible entity.

6. Original submissions and specialist material

The original approval records that properly made submissions were received. The content of those submissions was not available in the material reviewed for this report. The proposal does not alter the approved subdivision layout or introduce physical development. Council can therefore consider any original submission issues as required by section 81 of the Planning Act 2016.

The original approval was informed by specialist material including ecological/arboricultural assessment, vegetation retention and building location envelope material, a Vegetation Management Plan, and an Environmental Noise Level Study. This application does not seek to amend those reports or plans. The requested change is confined to the condition and registered covenant affecting the subject property.

7. Planning justification

- The subdivision and subsequent residential development have been completed.
- The proposed change is narrow in scope and does not change the approved development outcome, lot configuration, physical works or servicing arrangements.
- The current Queensland Government vegetation report maps the covenant property as Category X/non-remnant and records no essential habitat, no vegetation management wetlands and no Area Management Plan.
- The applicants have made enquiries with the State vegetation department and advise that the Department has no interest in the property relevant to this request.
- The applicants advise that there are no heritage-listed or otherwise identified heritage trees on the property.
- Removal of the covenant would not exempt future development or vegetation works from current State or local planning, building, vegetation, protected plant, koala or other statutory requirements.

For these reasons, the applicants submit that continued registration of Covenant Dealing No. 711088978 is no longer necessary to secure the approved subdivision outcome, and that the covenant condition can be removed or amended without changing the nature, scale or operation of the approved development.

8. Requested decision

The applicants respectfully request that Brisbane City Council:

- approve the change application as a minor change to Development Approval DRS/USE/H04-910535 (A001638440);

- delete the condition requiring the vegetation covenant affecting Lot 23 on SP196622 to remain registered;
and
- provide the Council consent/approval necessary to enable discharge of Covenant Dealing No. 711088978,
subject to any separate procedural or land-title requirements.