Change Application (Minor Change) Town Planning Assessment

321 Priestdale Road, Rochedale

BCC DS
RECEIVED
18-NOV-2026
APPLICATION REF
A007152278

MEWING PLANNING CONSULTANTS

1. Introduction

This town planning assessment is prepared in respect of a Change Application made to Brisbane City Council (the **responsible entity**) pursuant to section 78 of the *Planning Act 2016* (**Planning Act**).

The Change Application comprises a Minor Change (as defined by Schedule 2 of the Planning Act), and accordingly must be assessed and decided pursuant to section 81 of the Planning Act.

The Change Application (Minor Change) relates to the existing development approval (BCC Ref.: A006095294) over the site at 321 Priestdale Road, Rochedale (**the site**) for a Development Permit for a Reconfiguring a Lot (**existing development approval**). For further detail refer to the copy of the existing development approval included in **Appendix A**.

The Change Application (Minor Change) is made in accordance with the requirements for change applications pursuant to section 79 of the Planning Act, as it is made in the approved form and the required fee will be paid upon receipt of Council's fee quote to be issued following lodgement of the Change Application.

The original development application did not require a referral to the State Assessment and Referral Agency (**SARA**). The original application was subject to Impact Assessment procedures and therefore was subject to public notification pursuant to section 53 of the Planning Act.

2. Background

2.1 Site and Relevant Planning Designations

The subject site is located at 321 Priestdale Road, Rochedale (development site) and is more properly described as Lot 1 on RP135209 (development site). The site is rectangular in shape and comprises an area of 4,047m^2.

The development application had also applied over the land at 309 Priestdale Road (at the time) for the purpose of access. When the original development application was made the land at 309 Priestdale Road included a development approval (not yet constructed) involving construction of new residential lots and new local roads that included access to the site. The site referred to as 309 Priestdale Road in the original application no longer exists as the approval has been constructed and 321 Priestdale Road has access to a public road.

Figure 1 illustrates the current site outcome including the new road connection adjacent to the southern boundary of the development site.



Figure 1: *Site context*

Having regard to the Certificate of Title (**Appendix B**) for the site, the current owner of the site is MO Property (QLD) PTY LTD A.C.N 699 622 850.

The site is subject of the Brisbane City Plan 2014 (**the City Plan**), version 37.00/2026 at the time of lodgement of the Change Application, pursuant to which the following key planning designations apply.

The following table also provides a comparison of the provisions applicable at the time of the original development approval (A006095294), and the current application being lodged.

Table 1 – Town Planning Designations		
	City Plan (v.37.00/2026) **Current City Plan**	**City Plan (v.22.00/2022)** **Original Approval**
Zone	Emerging Community Zone	Emerging Community Zone
Neighbourhood Plan	Rochedale Urban Community Neighbourhood Plan (Low Density Residential Sub-precinct in the Potential Development Area Precinct)	Rochedale Urban Community Neighbourhood Plan (Low Density Residential Sub-precinct in the Potential Development Area Precinct)

Overlays	• Airport environs overlay
	  ○ Procedures for air navigation surfaces (PANS)
	  ○ BBS zone – Distance from airport 8-13km
	• Bicycle network overlay
	  ○ Secondary cycle route
	• Biodiversity areas overlay
	  ○ Koala habitat area sub-category
	• Bushfire overlay
	  ○ Medium hazard buffer area sub-category
	  ○ High hazard area sub-category
	  ○ High hazard buffer area sub-category
	• Community purposes network overlay
		• Airport environs overlay
		  ○ Procedures for air navigation surfaces (PANS)
		  ○ BBS zone – Distance from airport 8-13km
		• Bicycle network overlay
		  ○ Secondary cycle route
		• Biodiversity areas overlay
		  ○ Koala habitat area sub-category
		  ○ Matters of state environmental significance (MSES) sub-category
		• Bushfire overlay
		  ○ Medium hazard buffer area sub-category
		  ○ High hazard area sub-category

Table 1 – Town Planning Designations		

	• Critical infrastructure and movement network overlay
	  ○ Critical infrastructure and movement planning area sub-category
	• Road hierarchy overlay
	  ○ Suburban road
	• Streetscape hierarchy overlay
	  ○ Neighbourhood street minor
		○ High hazard buffer area sub-category
		• Community purposes network overlay
		• Critical infrastructure and movement network overlay
		  ○ Critical infrastructure and movement planning area sub-category
		• Road hierarchy overlay
		  ○ Suburban road
		• Streetscape hierarchy overlay
		  ○ Neighbourhood street minor

As identified above, the designations have changed since the original application was made and approved. The Biodiversity Areas Overlays – Matters of State Environmental Significance (MSES) Sub-category has been removed. This overlay was identified over the north west portion of the site and formed part of the assessment material in the original application.

The balance of the town planning designations have not changed since the original development approval and the most recent minor change approval.

2.2 Approval Background

Original Development Application – February 2023

The development approval over the site was granted by Brisbane City Council by way of a Decision Notice dated 17 February 2023 for a Development Permit for a Reconfiguring a Lot (2 into 7 lots) over land at 321 Priestdale Road (development site) and 309 Priestdale Road (for the purpose of access). The development involves subdividing the development site (into seven (7) lots (ranging in size from 378m^2 – 536m^2) and extension to Poppy Street adjacent to the southern boundary. Refer to **Figure 2**. The Council's reference for the development approval is A006095294.

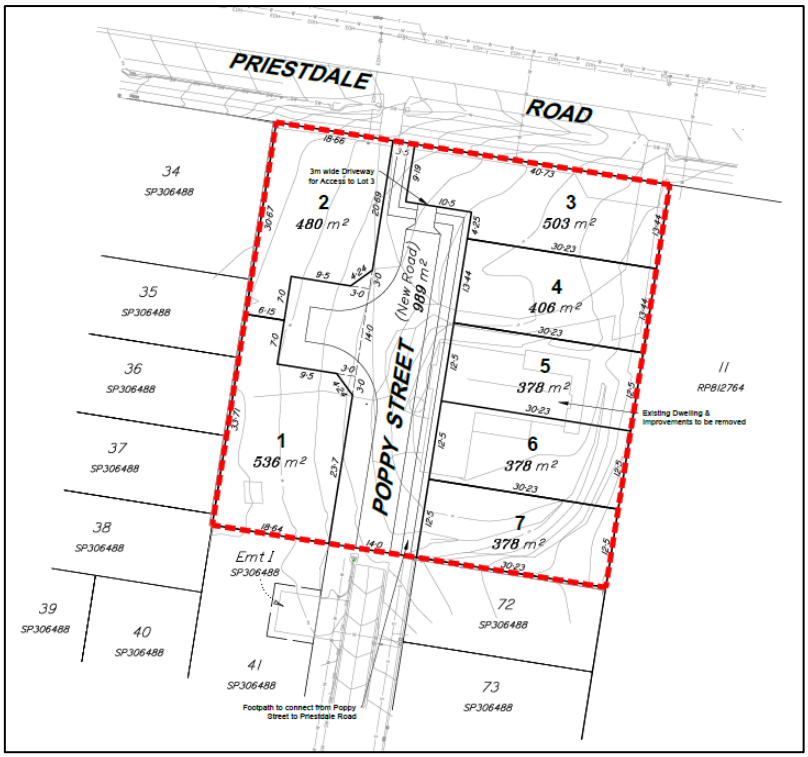


***Figure 2**: Approved subdivision plan*

3. Proposed Changes

3.1 Overview of Proposed Changes

As part of the development approval Council amended the tree retention plan to require the retention of Tree 257 in the northwest portion of the site and within the road reserve. The amendment included the following note "Tree 257 to be retained. No civil works permitted within tree protection zone of this tree". **Figure 3** illustrates the amendment to the Tree Retention Plan.

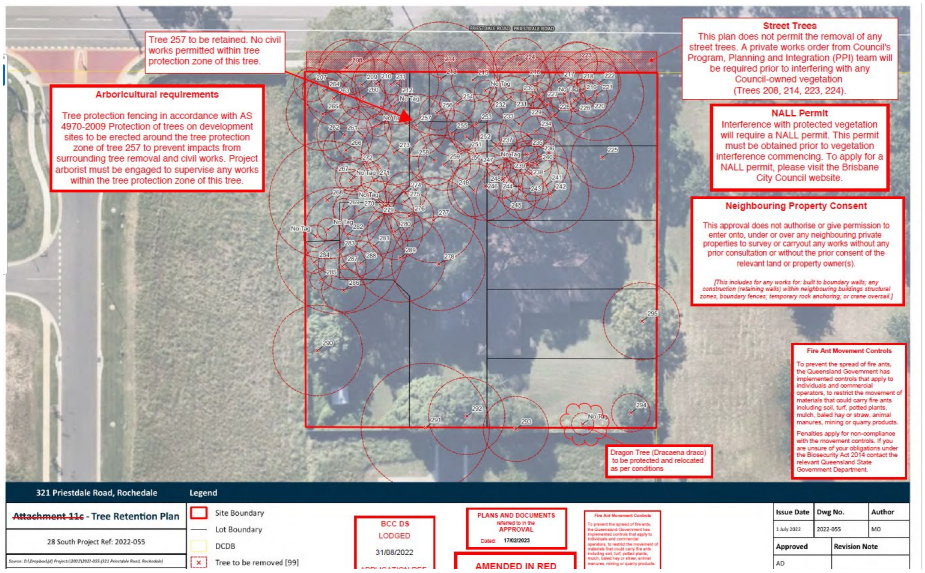


***Figure 3**: Tree retention plan*

Notwithstanding the amendment to the Tree Retention Plan other approved plans showed civil works within the TPZ of Tree 257. Refer to **Figure 4**.

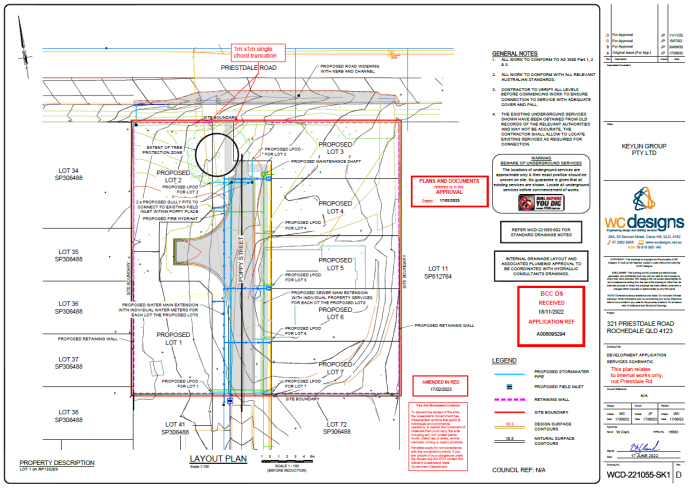


***Figure 4**: Approved civil plan*

The Applicant is progressing the detailed design and operational work permits for the approved development.

The requirement to retain Tree 257 presents a constraint to undertaking the civil works necessary to implement the approved subdivision. Civil Engineering 360 have cited the following engineer works as potentially impacting on the tree.

- Earthworks and levels – The footpath between the new road and Priestdale Road is identified within the TPZ. The existing levels within the TPZ would dictate the grades of the footpath. A compliant road verge would therefore not be achievable.
- Overland flowpath for stormwater – To try and retain the tree the intent was to grade the road to the north and back-grade the stormwater to connect to the development to the south. Civil Engineering 360 have reviewed the stormwater (piped system) and can get the major flows from the sag pits at the end of the road into the existing system to the south, however, in the event of a

blockage to these sag pits there is limited capacity to grade/shape an emergency overland flow path due to the TPZ of the tree.

The better engineering outcome is to grade the road to the south to the stormwater detention and treatment areas. The attached sketch plans prepared by Civil Engineering 360 show the extent of filling around Tree 257 to achieve compliant road verge and suitable overland flow paths, including emergency (blocked case) overland flow.

Having regard to the above, Civil360 Engineering concludes that the removal of Tree 257 will facilitate a superior engineering outcome, allowing the approved subdivision infrastructure to be delivered in accordance with the relevant engineering design requirements.

An Arboricultural Letter, prepared by Arbor Australis (**Attachment D**), has also been provided in support of the proposed removal. The letter addresses the quality and health of Tree 257 and confirms that its removal is acceptable having regard to the characteristics and circumstances of the tree. A tree assessment was carried out on 15 September 2026 (which follows from a previous assessment completed in 2022). The assessment confirmed that the health of Tree 257 has deteriorated between the two assessments. Specifically, the anticipated life expectancy has decreased from 50 years to 10 – 19 years, and the health has deteriorated from fair to declining. Arbor Australis have concluded that Tree 257 cannot be retained with the proposed operational works.

Accordingly, the proposed change seeks to resolve the conflict between the existing tree-retention requirement and the infrastructure necessary to deliver the approved subdivision. The removal of Tree 257 will enable the approved earthworks and civil works to proceed, without necessitating changes to the approved subdivision layout, lot configuration or intended residential outcome. The existing development approval otherwise remains unchanged.

As part of the minor change application the applicant would also like to remove the land referred to as 309 Priestdale Road on the basis that the land no longer exists and the road connection has been constructed.

3.2 Changes to Approval Documentation

As part of this Change Application, we endeavour to assist Council with relevant process matters to the greatest extent possible. In this regard, we have identified where the Change Application will result in amendments to the current Brisbane City Council approval package, including the approved drawings and documents, conditions of approval, and infrastructure charges notices.

3.2.1 Changes to Approved Drawings and Documents

To reflect the proposed change we request that council remove the approved mark up to the Tree Retention Plan as illustrated in the table below.

Table 2 – Changes to Approved Drawings and Documents

Drawing or Document	Number	Plan Date
Plan of Proposed Subdivision of Lots 1-7	220442_01_PRO Issue E (Amended In Red 17-FEB-2023)	18-NOV-2022 (Received)
Development Application Services Schematic	WCD-221055-SK1 Rev D (Amended In Red 17-FEB-2023)	18-NOV-2022 (Received)
Development Application Schematic Earthworks Plan	WCD-221055-SK2 Rev C	18-NOV-2022 (Received)
Development Application Schematic Earthworks Plan	WCD-224055-SK3 Rev C	18-NOV-2022 (Received)

Table 2 – Changes to Approved Drawings and Documents		
Drawing or Document	**Number**	**Plan Date**
Arboricultural Impact Assessment	2022-108 SP1 Issue A	18-NOV-2022 (Received)
General Tree Protection Guidelines and Notes	2022-108 SP2 Issue A	18-NOV-2022 (Received)
Tree Schedule 267-295	DA-03	31-AUG-2022 (Received)
Tree Schedule 237-266	DA-02	31-AUG-2022 (Received)
Tree Schedule 207-236	DA-01	31-AUG-2022 (Received)
Plan of Proposed Subdivision of Lots 1-7	220442_01_PRO Issue E (Amended In Red 17-FEB-2023)	18-NOV-2022 (Received)
Development Application Services Schematic	WCD-221055-SK1 Rev D (Amended In Red 17-FEB-2023)	18-NOV-2022 (Received)
Development Application Schematic Earthworks Plan	WCD-221055-SK2 Rev C	18-NOV-2022 (Received)
Development Application Schematic Earthworks Plan	WCD-224055-SK3 Rev C	18-NOV-2022 (Received)
Tree Retention Plan	28 South Project Ref: 2022-055 ~~(Amended In Red 06 DEC 2022)~~	~~31 AUG 2022 (Received)~~

3.2.2 Changes to Conditions of Approval

As a consequence of the proposed changes identified above, the application proposes the following changes to conditions (elements to be removed in strikethrough, and replacements in **green**). The condition updates are of an administrative nature only so the latest approved plans are referenced in the condition.

Table 3 – Changes to Conditions	
Condition	**Reason for Change**
10) Vegetation Management (Approved Plan) *Manage vegetation on the site in accordance with the approved Tree Retention Plan (received 31/08/2022 ~~and amended in red 06/12/2022).~~*	Condition 10 requires an administrative update to refer to a revised Tree Retention Plan.

3.2.3 Changes to Infrastructure Charges Notices

The Infrastructure Charges Notice is not required to be updated.

4. Statutory Town Planning Framework

This section of our Town Planning Assessment identifies the applicable components of the statutory town planning framework relating to a Change Application, specifically for a Minor Change to an existing development approval, and their relevance to the changes proposed by the Applicant.

Chapter 3, Part 5, Subdivision 2 of the Planning Act sets out the procedure for making a change application. In particular, section 78 states:

> *(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.*

Section 78A identifies who the responsible entity for a change application:

> *(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.…"*

We understand that Brisbane City Council, as the assessment manager for the original application to which the approval relates, is the responsible entity in this instance for the purposes of section 78(3) of the Planning Act.

A change application under section 78 of the Planning Act may be for a 'minor change', which is defined in schedule 2 of the Planning Act as follows:

> ***minor change** means a change that—*
>
> *(a) for a development application—*
>
> *(i) does not result in substantially different development; and*
>
> *(ii) if the application, including the change, were made when the change is made—would not cause—*
>
> *(A) the inclusion of prohibited development in the application; or*
>
> *(B) referral to a referral agency if there were no referral agencies for the development application; or*
>
> *(C) referral to extra referral agencies; or*
>
> *(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
>
> *(E) public notification if public notification was not required for the development application; or*
>
> *(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 to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

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

Schedule 1 of the Development Assessment Rules sets out the circumstances in which a minor change would not result in substantially different development.

Section 81 of the Planning Act prescribes the matters which the responsible entity must have regard to in assessing the request as follows:

(1) This section applies to a change application for a minor change to a development approval.

(2) When 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 and submissions were properly made about the development application—the submissions; 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) another matter that the responsible entity considers relevant.

(3) For subsection (2)(d), the responsible entity—

(a) must assess against, or have regard to, the matters that applied when the development application was made; and

(b) may assess against, or have regard to, the matters that applied when the change application was made."

An assessment of the proposed changes against the 'minor change' definition, Schedule 1 of the Development Assessment Rules (substantially different development criteria) and Section 81 of the Planning Act is included below as part of this town planning assessment.

5. Minor Change Statutory Assessment

5.1 Assessment against Minor Change Criteria

The following table provides an assessment against the minor change criteria as identified in the definition for minor change stated in Schedule 2 of the Planning Act.

Table 4 – Assessment of Minor Change Criteria	
Minor Change Criteria	**Assessment**
Does not result in substantially different development	Refer to **Table 5**
Would not cause the inclusion of prohibited development	The proposed changes would not introduce or involve any prohibited development.
Would not cause referral to a referral agency if there were no referral	

agencies for the development application	The original development application did not trigger a referral to the State Assessment Referral Agency. The proposed changes would not cause referral to a new referral agency.
Would not cause referral to extra referral agencies	
Would not cause a referral agency to assess the application against matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against when the application was made	
Would not cause public notification if public notification was not required for the development application	The original application triggered impact assessment and required public notification.

The following table provides an assessment against the guidelines for substantially different development as identified in Schedule 1 of the. Development Assessment Rules.

Table 5 – Assessment of Substantially Different Development Criteria	
Minor Change Criteria	**Assessment**
Does not involve a new use	The proposed minor change does not involve a new use.
Does not result in the application applying to a new parcel of land	The proposal continues to apply over the land to which the original application and approval applies, namely 321 Priestdale Road (the development site). The Applicant has requested that 309 Priestdale Road (originally included for the purpose of access) is removed from the approval documents on the basis that the land no longer exists and the public road connection has been constructed,
Does not dramatically change the built form in terms of bulk, scale and appearance	The proposed development will not in any way change the configuration or density of the approved subdivision. The proposed development relates only to the removal of Tree 257, which is required to enable the civil earthworks associated with the subdivision to proceed.
Does not change the ability of the approved development to operate as intended	The proposed change does not alter the ability of the approved development to operate as intended. Rather, the removal of Tree 257 is necessary to facilitate the approved civil works associated with delivering the 1 into 7 residential subdivision.
Does not remove a component that is integral to the operation of the development	The proposed minor change does not remove a component that is integral to the operation of the approved development. While Tree 257 was originally designated for retention as part of the development approval, the tree does not form an integral component of the approved residential subdivision. Equally, the approved civil infrastructure is essential to the delivery and operation of the subdivision. The removal of Tree 257 is therefore necessary to facilitate the construction of the approved infrastructure (pursuant to the City Plan) and enable the subdivision to proceed as intended. Arborist Advice (**Attachment D**) and an Engineering Letter (**Attachment C**) has been provided in support of the proposed change. The ecological advice confirms that the health and condition of Tree 257 has deteriorated since the original assessment and that the tree cannot be retained having regard to the proposed operational works. Further, the engineering advice identifies that retaining the tree and its associated tree protection zone would constrain the delivery of essential civil infrastructure, including the pedestrian pathway, appropriate road verge levels and stormwater management arrangements. Accordingly, the

Table 5 – Assessment of Substantially Different Development Criteria	
Minor Change Criteria	**Assessment**
	removal of Tree 257 will facilitate the delivery of the approved subdivision without removing any component that is integral to its intended operation.
Does not significantly impact on traffic flow and the transport network, such as increasing traffic to the site.	The proposed change does not impact on traffic flow and the transport network.
Does not introduce new impacts or increase the severity of known impacts	The proposed change will not introduce new impacts or increase the severity of known impacts. The proposal involves the removal of Tree 257 which was originally designated for retention by Council in the original application. The removal of Tree 257 is necessary to enable the civil works associated with the delivery of the subdivision development including the Lot 2 and Lot 3 Boundary works including the road verge and the pedestrian pathway.
Does not remove an incentive or offset component that would have balanced a negative impact of the development	We are not aware of any "incentive" or "offset component" having been considered by Brisbane City Council in their assessment of the original development application. According to our assessment, the approved development achieved compliance with the relevant assessment benchmarks of the applicable planning framework
Does not impact on infrastructure provisions	The proposal does not impact upon infrastructure provisions.

As identified in the above table, the proposed development satisfies the criteria for a minor change in Schedule 2 of the Planning Act, including the guidelines for substantially different development.

5.2 Assessment against Applicable Planning Framework

Section 81(2)(d) and (3) of the Planning Act provides the matters to which Brisbane City Council must have regard to in assessing the Change Application (Minor Change). This includes the information included with the application, any properly made submissions about the application, all matters that responsible entity would or may assess against or have regard to if the change application were a development application, and any matter that the responsible entity considers relevant.

The responsible entity must assess against, or have regard to, the matters that applied when the development application was made. The responsible entity may assess against, or have regard to, the matters that applied when the change application was made.

The original application was assessed and decided under the legislative framework of the *Planning Act 2016* (**Planning Act**), with the City Plan providing the relevant planning scheme provisions. The legislative framework remains consistent for this change application.

The proposed changes to the development will not alter the approved development's compliance with the town planning framework applicable at the time current application or the matters that apply at the time this change application is made. The original application was assessed against the applicable provisions of the Emerging Community Zone, the Rochedale Urban Community Neighbourhood Plan, Subdivision Code, relevant Overlay Codes and other Development Codes.

As set out in **Table 1** above there has been a single change to the designations between the planning framework applicable to the most recent approval and the planning framework applicable to this planning application. The Matters of State Environmental Significance (MSES) sub-category of the Biodiversity Areas Overlay has been removed from the site, noting it previously applied over the north west portion. The balance of the designations remains the same as the original approval.

- The removal of the Matters of State Environmental Significance (MSES) overlay sub-category highlights evolution of the site and the surrounding area to an urban residential area.
- The proposed removal of Tree 257 does not compromise the achievement of the relevant assessment benchmarks of the Biodiversity Areas Overlay Code. The tree is an isolated specimen located within the footprint of the approved subdivision infrastructure, rather than forming part of a broader area of vegetation to be retained as part of the development. Its retention would prevent the delivery of civil infrastructure associated with the approved subdivision, without achieving a meaningful vegetation retention or ecological connectivity outcome. Accordingly, the removal of Tree 257 does not compromise the broader outcomes sought by the Biodiversity Areas Overlay Code.
- A letter from a suitably qualified arborist has been provided (**Attachment D**) in support of the proposed removal of Tree 257. The assessment confirms that the removal of the tree is acceptable and does not give rise to any unacceptable ecological or environmental impacts. The assessment confirmed that the health of Tree 257 has deteriorated between the two assessments. Specifically, the Useful Life Expectancy has decreased from 50 years to 10 – 19 years, and the health has deteriorated from fair to declining. It was concluded that Tree 257 cannot be retained with the proposed operational works. The advice supports the removal of Tree 257 having regard to its location within the approved infrastructure footprint and the need to facilitate the delivery of the approved subdivision.
- A Civil Engineering Letter, prepared by Civil360 Engineering (**Attachment C**), identifies a number of engineering constraints associated with retaining Tree 257 and its 6.0m tree protection zone (TPZ). In particular, the retention of the tree restricts the delivery of the approved pedestrian pathway and associated vehicle crossover, the establishment of appropriate road verge levels and the provision of suitable stormwater overland flow paths, including emergency overland flow in the event of a blockage within the piped stormwater system. The proposed removal of Tree 257 will enable the approved earthworks and civil infrastructure to be delivered in accordance with the relevant engineering design requirements, providing a superior engineering outcome for the subdivision. Accordingly, the removal of the tree is necessary to facilitate the implementation of the approved development without requiring changes to the approved subdivision layout or intended residential development outcome.
- No changes to the approved subdivision layout, civil infrastructure design or earthworks plans are proposed as part of the Change Application. Accordingly, the development continues to represent the same 1 into 7 residential subdivision in accordance with the original approval, and therefore the development continues to comply with the applicable assessment benchmarks, including the Emerging Community Zone Code, Subdivision Code, Rochedale Urban Community Neighbourhood Plan and the relevant overlay codes. The assessment benchmarks are unchanged from the original application.
- No Submissions were received during the public notification period of the original development application. As the proposal is limited to the removal of a single tree (noting all other trees are approved to be removed and were not a concern during public notification) the change is not anticipated to result in new submissions, should a new application have been made.

6. Summary

This Town Planning Assessment in respect of the proposed Change (Minor Change) Application for the development approval at 321 Priestdale Road, Rochedale and has assessed the proposed changes having regard to the relevant statutory town planning framework for a Change Application.

This Town Planning Assessment concludes that the proposed Change Application satisfies the relevant statutory town planning framework pursuant to the *Planning Act 2016*.

We recommend that the Change Application be approved, with the amended drawings and documents, conditions as per the recommendations identified within this Town Planning Assessment.