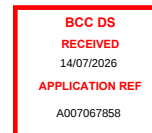


Our ref: 12657
Council ref: A006852636

14 July 2026

Attention: Dominic Hudson
Brisbane City Council
GPO Box 1434
Brisbane QLD 4000



Via email: dominic.hudson@brisbane.qld.gov.au / dsplanningsupport@brisbane.qld.gov.au

Dear Council,

**RE: CHANGE APPLICATION (MINOR CHANGE) – S81 OF THE *PLANNING ACT* 2016
DEVELOPMENT PERMIT FOR A RECONFIGURATION OF A LOT – 3 INTO 21 LOTS
112 GRAHAM ROAD, CARSELDINE QUEENSLAND 4034**

We act on behalf of SEQD20 Pty Ltd, the Applicant, in relation to this Change Application made in accordance with sections 78 & 81 of the *Planning Act 2016* (the Planning Act). We have carried out an assessment of the proposed changes and believe they constitute a 'minor change' in accordance with Schedule 2 of the Planning Act.

The changes herein pertain to endorsing a Plan of Development (POD) over the lots approved under A006852636. The purpose of the POD is to create building envelopes defining the design and siting parameters and private open space required for future dwelling houses. The plan is a necessary point of clarification for several approved lots which have atypical arrangements and orientations, where the design and siting provisions of the Dwelling House Code and Dwelling House (Small Lot) Code are not easily interpreted.

The endorsement of the POD via a minor change application is a legitimate route to override siting and design provisions and is far more efficient for all parties than preparing and assessing 21x dwelling house siting variations. In support of our change application, the following documentation has been provided as attachments:

- Attachment A** Plan of Development, prepared by Saunders Havill
- Attachment B** DA Form 5
- Attachment C** Owner's Consent



2. Proposed Minor Change

The proposed minor change seeks to introduce a Plan of Development (POD) which will provide clearer guidance for future dwelling siting across the subdivision. This is particularly important in this instance because the approved lot layout includes a number of irregular lot configurations and rear lots, which makes the standard setback provisions difficult to interpret (e.g. which boundary is the rear boundary).

To address this, the POD identifies nominated building envelopes and built-to-boundary walls for each lot, supported by a table of provisions denoting the minimum distances. **Figure 2** below provides an extract of the proposed plan.

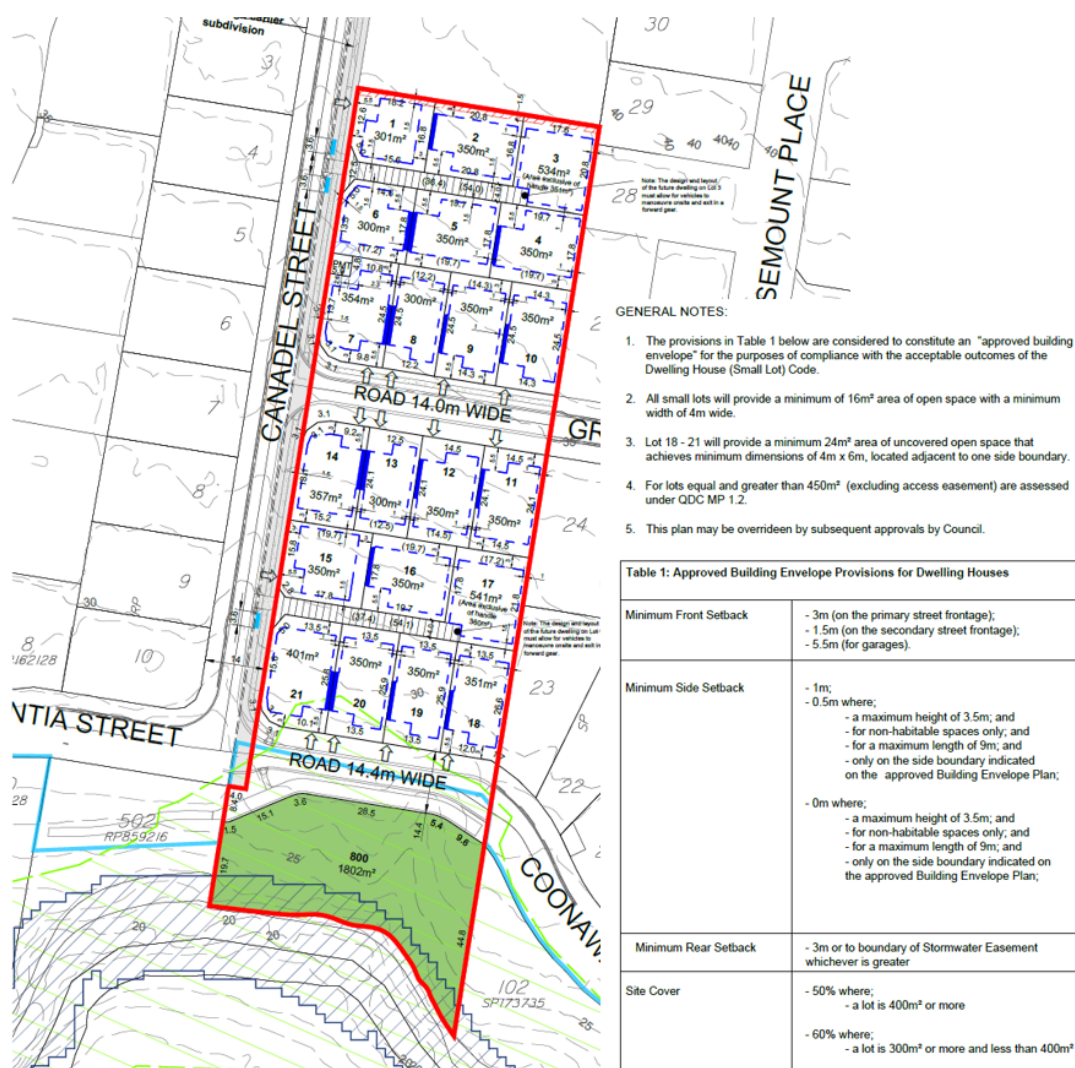


Figure 2: Proposed BLE plan and Setback provisions table



2.1. Plan of Development Provisions

The proposed setback provisions largely align with the acceptable outcomes of the Dwelling House (Small Lot) Code, however have been adjusted with respect to the intended orientation of the future dwelling. This will ensure that future dwellings address the street or access handle where required as their primary frontage whilst otherwise maintaining setbacks that are generally consistent with the intent of the planning scheme codes.

A variation to AO7 of the code is proposed for Lots 18 - 21, which have a depth of 25.9m. For these lots, a rear setback of 3m is proposed, where the code typically seeks 6m. In this instance a reduced setback is warranted as those lots back onto a 3.5m wide access handle, effectively increasing the setback to 6.5m. However acknowledging the handle is not usable private open space, the POD seeks to impose an additional requirement to provide a minimum 4m x 6m (24m²) area of functional private open space. This approach is consistent with the intent of the proposed *Major Amendment Package – L*, to introduce greater flexibility into AO7 by allowing reduced setbacks functional private open space is provided. The proposed POD provisions effectively anticipate and respond to this emerging policy direction.

Despite the alignment with the planning scheme amendment, the proposed setback represents an alternative solution and so an assessment of the corresponding Performance Outcome for rear lot setbacks is undertaken below:

Performance Outcome	Response
PO7 Development provides a rear boundary setback that: a) provides for open space and landscaping; b) does not impact on the amenity and privacy of residents in adjoining dwelling houses; c) provides for natural light, sunlight and breezes.	Complies PO7 The proposed Building Envelopes for Lots 18-21, despite having a rear setback of 3m, can comply with PO7 for the following reasons. Nominal dimensions are listed within the PoD for private open space areas of 24m² to ensure the minimum area is achieved. Refer to General Notes listed in the POD (Attachment A). Each newly created lot will have a consistent rear boundary dimension. This establishes a clear and predictable framework for rear setbacks, reinforcing a cohesive built form outcome across the development. It is noted that these setbacks are internal to the development and largely discernible from external view. In this context, a 3m rear



setback aligns with the established pattern and maintains built form expectations between adjoining properties.

A setback of 3m is considered to achieve an adequate level of privacy and amenity between the adjoining dwelling houses. In addition to the above, 3m ensures access between buildings for light and breeze to pass through.

In light of the above, the proposed changes are considered supportable on the basis:

- it achieves compliance with the broader intent of the Dwelling House (Small Lot) Code;
- delivers improved certainty for built form outcomes at the subdivision stage; and
- the application pathway reduces assessment complexity and administrative burden for both Council and future applicants.

Overall, the proposed approach provides a coordinated and efficient framework for development that balances planning scheme intent, emerging policy directions, and practical delivery considerations. And as noted above, the endorsement of the POD via a minor change application is a legitimate route to override siting and design provisions and is far more efficient and cost effective for all parties than preparing and assessing 21x dwelling house siting variations.

3. Amendments to Approval

Amend Table of Approved Plans to include **12657 P02 Rev N – POD 01 (Dated 27/05/2026)**.

4. Legislative Assessment

Schedule 2 of the *Planning Act 2016* establishes the criteria of a minor change to a development approval by way of its definition. To support this application, we have undertaken an assessment against each criteria below:

Minor Change	Response
<i>(b) for a development approval –</i>	
<i>(i) Would not result in substantially different development; and</i>	Development maintains the same approved development layout and intent of development.

Guidance as to what constitutes substantially different development is provided within Schedule 1 of the *Development Assessment Rules* (DA Rules). A response to each of these elements is in the criteria below:



Substantially different development:	Response
<i>(a) Involves a new use; or</i>	Does not involve a new use.
<i>(b) Results in the application applying to a new parcel of land; or</i>	The development does not apply to a new parcel of land.
<i>(c) Dramatically changes the built form in terms of scale, bulk and appearance; or</i>	There are no changes proposed to the scale, bulk or appearance of the development.
<i>(d) Changes the ability of the proposed development to operate as intended; or</i>	The development maintains the operation as intended and approved.
<i>(e) Removes a component that is integral to the operation of the development; or</i>	Proposed changes do not remove an integral component of the development.
<i>(f) Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	No changes to the traffic flow and transport network are proposed that have not already been assessed and approved under subsequent development applications.
<i>(g) Introduces new impacts or increases the severity of known impacts; or</i>	No changes are proposed to the footprint or response to constraints; therefore the change will not create new impacts or increase the severity of known impacts.
<i>(h) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act –</i> ▪ <i>Introduces new social impacts or increase the severity of known social impacts; or</i>	Not applicable.
<i>(i) Removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	Does not remove incentives or offsets.
<i>(j) Impacts on infrastructure provisions.</i>	Proposed changes will not have impacts on the approved infrastructure provisions apply to the site.

If a development application for the development, including the change, were made when the change application is made would not cause--

<i>(A) the inclusion of prohibited development in the application; or</i>	No prohibited development would be triggered by the new changes.
<i>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	No new referral agencies are required as a result of this change.



(C) referral to extra referral agencies, other than to the chief executive; or	No extra referral agencies are required as a result of this change.
(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	There are no changes that have since been made to the development site that would result in additional matters to be addressed.
(E) public notification if public notification was not required for the development application.	Public notification was required by the original approval for a period of 15 business days.

4.1. Decision Matters Assessment

In addition, we have also carried out an assessment against section 81 of the *Planning Act 2016* which outlines the matters an assessment manager must assess against when deciding a minor change application as set out below:

- (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

This letter provides an overview of the proposed minor change including an assessment against the minor change definition under schedule 2 of the *Planning Act* and the substantially different development test under Schedule 1 of the DA Rules. It has been determined that the proposed changes meet the definition of a minor change and do not result in a substantially different development to what has been approved.

(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

The original development application was subject to Impact Assessment and therefore underwent public notification. Thirteen (13) properly made submissions were received and a response to matters previously provided to Council under A006852636. Notwithstanding the proposed plan of subdivision has considered the matters raised and provides a summarised response below:

- that there is no change to the approved lot sizes or density;
- the setbacks largely reflect the acceptable outcomes;
- and the proposed variations to setbacks relate to internal boundaries that will be largely indiscernible externally; and
- this change relates only to establishing an envelope for future residential dwellings.



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

Not applicable. No pre-request response has been issued.

(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

The Minister of the Planning Act is not an affected entity for the proposed minor change.

(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

The original development application was assessed against the relevant assessment benchmarks of the *Brisbane City Plan* and Planning Act for the purposes of a Reconfiguration of a Lot.

(e) another matter that the responsible entity considers relevant.

Nil.

(3) For subsection (2)(d) and (da), 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.

As stated above, the development with the changes complies with the relevant benchmarks, where the changes do not seek to alter imposed conditions aside from the necessary amendments outlined in this letter. Since the approval, there has been no planning scheme amendments and therefore the assessment benchmarks remain as per the approved development.

It is recognised that during the assessment process, a draft major amendment (Major amendment package L) was proposed by Council. Accordingly, this amendment package could have been given weight to the assessment process, however Council chose not to give weight at the time of their decision making.

In summary, we believe that the proposed changes have adequately considered the matters within section 81 of the *Planning Act 2016*.

5. Summary

In summary we are of the view that the proposed amendment satisfies the minor change criteria and we therefore request Council amend the condition as per the representation set out



within this letter; and include reference to the attached proposed plans within the approval document.

Upon receipt of Council's assessment fee, we will coordinate payment at earliest opportunity.

Should you wish to discuss the above matters further, please do not hesitate to contact me on 07 3251 941 or email at lewisbold@saundershavill.com.

Yours sincerely

Saunders Havill



Lewis Bold

Senior Town Planner / Associate Partner

