

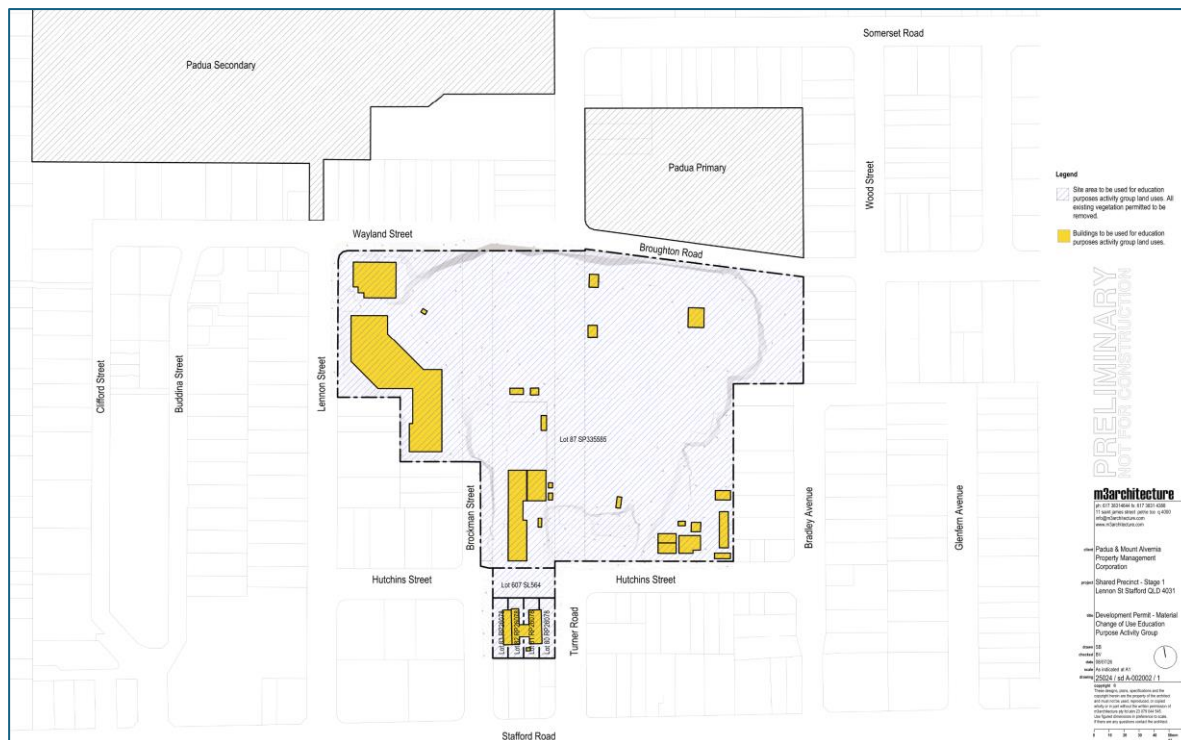
MINOR CHANGE APPLICATION TO BCC DEVELOPMENT APPROVAL REF: A005516358 TOWN PLANNING REPORT

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APPLICATION REF
A007052784

Padua College & Mt Alvernia College
Stafford Depot Shared Precinct

7A Brockman Street, Kedron QLD 4031, 7 Brockman Street, Kedron QLD 4031, 16A
Turner Road, Kedron QLD 4031, 16 Turner Road, Kedron QLD 4031, 20 Turner Road,
Kedron QLD 4031, 41 Turner Road, Kedron QLD 4031

Lot 80 on RP26078, Lot 81 on RP26078, Lot 82 on RP26078, Lot 83 on RP26078, Lot
607 on SL564, Lot 88 on SP335586 (incorporating former road reserve)



Prepared by Planning Initiatives
JUNE 2026

Current Development Approval Details:

BCC Council File Reference	A005516358
Permit Reference Numbers	DAMC393225120 (Preliminary Approval); DAMC393225220 (Development Permit)
Original Decision Date	30 August 2021 (Decision Notice); 17 December 2021 (Negotiated Decision Notice)
Currency Period Expiry	17 December 2028
Referral Agency (SARA) Ref	2009-18628 SRA (dated 27 August 2021)
Application Type	Minor Change – Section 78, Planning Act 2016
Applicant	Padua College Limited & Mount Alvernia College Limited (Joint Venture) C/- Planning Initiatives, PO Box 1774, New Farm QLD 4006
Applicant Contact	Ben Cowan - ben@planning-initiatives.com

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1.0 Introduction

This Town Planning Report has been prepared in support of a Minor Change Application to the Preliminary Approval (Variation Request) and Development Permit (Education Establishment Use of Existing Buildings) issued by Brisbane City Council (BCC) under Council File Reference A005516358 (the Approval).

The existing Development Approval (BCC Ref: A005516358) comprises two aspects:

- Preliminary Approval (Variation Request) – DAMC393225120: A Preliminary Approval that includes a Variation Request to override Brisbane City Plan 2014, approved 30 August 2021 and affirmed by Negotiated Decision Notice 17 December 2021; and
- Development Permit – DAMC393225220: A Development Permit for Material Change of Use for Community Facilities – Education Purposes Activity Group land uses (Educational Establishment, Child Care Centre, Community Care Centre, Community Use and Place of Worship) for the use of existing buildings on site.

The purpose of this Minor Change Application is to update the Approval to accurately reflect the current registered land description for the subject site, to allow for the accurate inclusion of all former Stafford Depot land, inclusive of all land formerly owned by BCC as well as the now closed parts of Turner Road and Brockman Street (former unformed road reserves), which the Queensland State Government directed amalgamation into the land that benefits from the existing Development Approval (BCC Ref: A005516358).

The need for this Minor Change 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 88 on SP335588 (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.

This Report has been structured to provide:

- Section 1 – Introduction to proposed Minor Change Application.
- Section 2 – Site Details: A comprehensive description of the subject site and its planning context, as assessed under the relevant planning instruments;
- Section 3 – Background & Project Description: A full account of the history of the Approval, the circumstances giving rise to the need for a Minor Change;
- Section 4 – Description of Proposed Minor Change: A precise description of each proposed amendment to the Approval;
- Section 5 – Summary of Planning and Environment Court precedence for the incorporation of 'new land' to result in Substantially Different Development.
- Section 6 – Statutory Framework: The applicable legislative framework governing Minor Change Applications under the Planning Act 2016 and Development Assessment Rules;
- Section 7 – Assessment Against 'Substantially Different Development' Criteria: A detailed, criterion-by-criterion assessment against DA Rules Schedule 1;
- Section 8 – Assessment Against Schedule 2 Criteria (Planning Act 2016): Assessment against criteria (i)(ii)(A) - (E) of the Minor Change definition;

- Section 9 – Assessment Benchmarks – Planning Framework: A review of key relevant planning instruments and overlays, confirming no new assessment benchmarks are engaged;
- Section 10 – Review of Existing Approval and Required Amendments: A detailed review of the existing Decision Notice, BCC Conditions, SARA Response and approved plans, with each required amendment identified;
- Section 11 – Referral Agency (SARA): Potential re-referral requirements and proposed approach; and
- Section 12 – Conclusion.

2.0 Site Details

2.1 Subject Site

The current site details are as follows:

BCC Council File Reference	A005516358
Current Site Addresses	7A Brockman Street, Kedron QLD 4031 7 Brockman Street, Kedron QLD 4031 16A Turner Road, Kedron QLD 4031 16 Turner Road, Kedron QLD 4031 20 Turner Road, Kedron QLD 4031 41 Turner Road, Kedron QLD 4031
Current Real Property Descriptions	Lot 80 on RP26078 Lot 81 on RP26078 Lot 82 on RP26078 Lot 83 on RP26078 Lot 607 on SL564 Lot 88 on SP335586 (incorporating former road reserve)
Total Site Area	5.2132 ha (total including former road reserve)
Registered Owner	Padua & Mount Alvernia Property Management Corporation
Zone	SP4 – Special Purpose (Utility Services) Zone City Plan 2014 – Section 7.2 Special Purpose Zone Code, Preliminary Approval (Variation Request)- BCC Ref: A005516358, provides for site to be treated as if in the CF5 Community facilities (Education purposes) under Brisbane City Plan 2014 for future Development Applications for Community facilities – education purposes activity group (Educational establishment, Child care centre, Community care centre, Community use, Place of worship), where compliant with conditions of the Preliminary Approval Variation Request.
Neighbourhood Plan	Lutwyche Road Corridor Neighbourhood Plan
Neighbourhood Plan Precinct	Stafford Depot Precinct – NPP-003
Local Government Area	Brisbane City Council
Ward	Marchant

2.2 Overlays Applicable to the Subject Site

The subject site is identified within the following overlay mapping under Brisbane City Plan 2014. The overlays applicable to the site have been considered in the assessment of the Minor Change Application and are addressed in detail in Section 8 of this Report.

APPLICABLE OVERLAYS – BRISBANE CITY PLAN 2014	
Airport Environs Overlay	OLS – Horizontal limitation surface boundary; PANS; BBS Zone – Distance from airport 8-13km
Bicycle Network Overlay	Bicycle network mapped through former unformed Turner Road (as amended by Condition 2(a) of Preliminary Approval (Variation Request)) -BCC Ref: A005516358.
Community Purposes Network Overlay	Community purpose network mapped over the subject site
Critical Infrastructure & Movement Network Overlay	Critical infrastructure and movement planning area sub-category
Heritage Overlay	Local heritage place sub-category (Cliff curtilage only as amended by Condition 2(a) of Preliminary Approval (Variation Request)) - BCC Ref: A005516358; Area adjoining heritage sub-category
Industrial Amenity Overlay	Industrial amenity investigation area sub-category
Road Hierarchy Overlay	Relevant road hierarchy designations including Stafford Road and Turner Road frontages
Streetscape Hierarchy Overlay	Streetscape hierarchy overlay mapping (as amended by Condition 2(c) (amended by Condition 2(a) of Preliminary Approval (Variation Request)) -BCC Ref: A005516358 to remove from unformed sections)
Transport Noise Corridor Overlay	Designated State Noise Corridor – State controlled road (Mandatory area): Category 1: 58–63 dB(A); Category 2: 63–68 dB(A)

2.3 Former Real Property Descriptions

The subject site was originally constituted by a large number of allotments under the following plans of survey. These lots have since been consolidated through amalgamation into the current land description. The former descriptions are recorded below as a title history reference.

Plan	Lots	Note
RP26078	Lot 80	<i>Former Stafford Depot lots – BCC owned</i>
RP26078	Lot 81	<i>Former Stafford Depot lot – BCC owned</i>
RP26078	Lot 82	<i>Former Stafford Depot lot – BCC owned</i>
RP26078	Lot 83	<i>Former Stafford Depot lot – BCC owned</i>
SL564	Lot 607	<i>Former Stafford Depot lot – BCC owned</i>
SP335586	Lot 88	<i>Amalgamation of:</i> <i>• Former Stafford Depot Lots – BCC Owned. (Lots 17 - 25, 45 - 79 on RP26078; Lots 21 – 28 on RP26080; Lot 16 on RP26086; Lot 3 on RP47807; Lot 1 on RP70413);</i> <i>• Part of U.S.L. being Closed Roads</i>

3.0 Background and Project Description

3.1 The Stafford Depot Site

The subject site comprises land commonly referred to as the 'Stafford Depot', which comprised land previously owned by Brisbane City Council and unformed roads reserve areas previously owned the Queensland State Government. The 'Stafford Depot' in its entirety inclusive of the unformed roads, was previously operated by Brisbane City Council up until the sale of the components owned by Brisbane City Council to the current owners (Padua College Limited & Mount Alvernia College Limited)



Brisbane City Council City Plan - Aerial 2023

Prior to its use as the Stafford Depot, the site (inclusive of both BCC owned land and unformed road reserves owned by the Queensland State Government) historically operated as the Stafford Quarry.



Brisbane City Council City Plan - Aerial 1946

The site encompasses a distinctive landform including a significant escarpment along its eastern boundary, which forms the basis for the amended heritage listing, limited to the cliff curtilage zone established under Condition 2(a) of Preliminary Approval (Variation Request)) - BCC Ref: A005516358.

The former Stafford Depot comprised 60 former standard format plan lots together with parts of both Turner Road and Brockman Street, being unformed road reserves. The former Stafford Depot and was bounded by Lennon Street to the west, Turner Road to the north and east, Brockman Street and Hutchins Street to the south, and Bradley Avenue to the east. The parts of both Turner Road and Brockman Street, being unformed road reserves, were physically internal to the Depot operations and provided no public access or utility to third-party land.

3.2 Sale of the Stafford Depot to the Joint Venture

The components of the site owned by Brisbane City Council were sold by Brisbane City Council to a Joint Venture between Padua College Limited and Mount Alvernia College Limited (the Applicant Joint Venture) for future use for Education Purposes. The Contract of Sale between BCC and the Applicant Joint Venture imposed a requirement for the Applicant to lodge and obtain a Preliminary Approval Variation Request (PAVR) within a short, mandated timeframe as a condition precedent to completion.

The contractual timeframe was insufficient to allow for the completion of the formal Queensland State Government road closure process for the unformed sections of Turner Road and Brockman

Street that were physically internal to the Depot site. Accordingly, these road reserve parcels remained as unformed road reserve at the time the original PAVR application was lodged on 13 August 2020, and could not be included in the land description for that application.

3.3 The Original Approval – BCC Ref: A005516358

The Preliminary Approval (Variation Request) and Development Permit (BCC Ref: A005516358) was granted by Brisbane City Council on 30 August 2021, and subsequently amended pursuant to a Negotiated Decision Notice dated 17 December 2021 (the Approval). The Approval covers the following aspects of development:

- DA – PA – Material Change of Use (Preliminary Approval / Variation Request): Permit Reference DAMC393225120 – Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre; and
- DA – PA – Material Change of Use (Development Permit): Permit Reference DAMC393225220 – Educational Establishment, Community Use, Place of Worship, Child Care Centre and Community Care Centre (for use of existing buildings on site).

The approved land description at the time of the Negotiated Decision Notice was:

- L 17 - 25, 45 - 83 on RP26078:
- L 21 - 28 on RP26080
- L 16 on RP26086
- L 3 on RP47807
- L 1 on RP70413
- L 80 - 83 on RP26078
- L 607 on SL564

The currency period for the Development Approval will end on 17 December 2028.

The Development Approval is subject to conditions imposed by Brisbane City Council as assessment manager and requirements imposed by the State Assessment and Referral Agency (SARA) as a concurrence agency under Referral Agency Response Ref: 2009-18628 SRA dated 27 August 2021.

It is noted that a current Minor Change application is being considered by the State Assessment and Referral Agency (SARA) SARA Ref: 2209-30764 SPD, which relates to the Referral Agency Response conditions requiring the upgrade of existing pedestrian crossings to Wombat Crossings. It is considered that both Minor Change processes will be able to run in parallel.

A copy of the Preliminary Approval (Variation Request) and Development Permit (BCC Ref: A005516358) included in Attachment C.

3.4 Road Closure and Amalgamation

Subsequent to the grant of the Approval, the former unformed road reserves constituting parts of Turner Road and Brockman Street that were physically internal to and operationally part of the former Stafford Depot site, were formally closed by the Queensland State Government pursuant to the relevant provisions of the Land Act 1994.

As a condition of the purchase of the closed road land, the Queensland State Government Department (Department of Resources) required that the closed road reserve and all adjoining allotments be formally amalgamated into a single new allotment. This amalgamation process resulted in the registration of Lot 88 on SP335586 (the New Lot), plus 5 other unaffected former Stafford Depot lots (L 80 - 83 on RP26078 & L 607 on SL564).

Lot 88 on SP335586 therefore incorporates:

- The former BCC-owned lots that were the subject of the Approval (former Lots 17–25, 45–83 on RP26078, Lots 21–28 on RP26080, Lot 16 on RP26086, Lot 3 on RP47807, Lot 1 on RP70413); and
- The former road reserve land (parts of Turner Road and Brockman Street) that were operational part of the Stafford Depot use but not owned by BCC. Therefore these unformed roads not able to be sold by BCC to the current owners and therefore not capable of inclusion in the original PAVR application due to the contractual timing constraints of the BCC Contract of Sale that necessitated the lodgement and approval of the PAVR application to facilitate future Educational Establishment uses within a very short time frame. This do not provide sufficient time for the road closure process to be undertaken before the lodgement and approval of the PAVR application.

Lot 88 on SP335586 now constitutes a single allotment that includes both land subject to the Approval and land that was not subject to the original application and approval. As such BCC Ref: A005516358 does not currently refer to Lot 88 on SP335586 in its land description, however the following former BCC lots that were included in the approval and description and were amalgamated with closed road to form part of Lot 88 on SP335586 in (former Lots 17–25, 45–83 on RP26078, Lots 21–28 on RP26080, Lot 16 on RP26086, Lot 3 on RP47807, Lot 1 on RP70413).

This Minor Change Application seeks to correct this administrative discrepancy. The proposed change is purely administrative in nature. No change is proposed to the approved use, development footprint, built form, or any substantive assessment outcome.

3.5 Principal Considerations for the Brisbane City Council

The proposed minor change is intended to resolve an unusual technicality that has arisen from the BCC land sale process of the former Stafford Depot site to Padua College Limited and Mount Alvernia College Limited. It is considered that BCC should be supportive of the proposed Minor Change approach to include the closed road reserve areas as part of the land to which the existing Approval relates in recognition of the following:

- The need for the Minor Change arises from the State Government's mandatory amalgamation requirement imposed as a condition of the purchase of the closed road;
- The road reserve areas were always physically internal to and integral to the operation of the Stafford Depot and were never functional public thoroughfares;
- The exclusion of the road reserves from the original application was a direct consequence of procedural timing under the BCC Contract of Sale, not a planning decision to exclude that land from the approved development precinct; and
- The proposed changes do not alter the approved development outcomes under BCC Ref: A005516358, in any substantive way.

- Planning and Environment case law provides the precedence for the inclusion on new land, which is integral to approved development, as not constituting Substantially Different Development and therefore able to be incorporated into the existing Development Approval through the Minor Change process under the Planning Act 2016.
- The proposed Minor Change ensures that all former Stafford Depot land, as previously operated by Brisbane City Council, is included in the Preliminary Approval (Variation Request)) - BCC Ref: A005516358, which is consistent with the intent of the BCC Sale of the land to Padua College Limited and Mount Alvernia College Limited, which was done for the sole purpose of being used for future Educational Establishment land uses, as mandated in the contract of sale. Failure to include the areas of closed roads into the Preliminary Approval (Variation Request)) - BCC Ref: A005516358, could facilitate non- Education Establishment land uses, which would be inconsistent with the BCC intent to dispose of the land directly to Padua College Limited and Mount Alvernia College Limited as well as the purpose of the Development Approval.

4.0 Description of Proposed Minor Change

The proposed Minor Change seeks to update the Approval to accurately reflect the current registered real property description for the subject site, following the State Government requirement to amalgamate the areas of the closed road reserves with the former BCC owned land which formed the description of land the subject of the included in the Preliminary Approval (Variation Request)) - BCC Ref: A005516358.

The proposed changes are purely administrative in nature and are limited to the following five elements:

No.	Element	Description of Change
1	Updated Address Site	Include all current street addresses now associated with the amalgamated site: 7A Brockman St; 7 Brockman St; 16A Turner Rd; 16 Turner Rd; 20 Turner Rd; 41 Turner Rd – Kedron QLD 4031
2	Updated Property Description Real	Include Lot 88 on SP335586 in the land description, replacing the former lot descriptions (former Lots 17–25, 45–83 on RP26078, Lots 21–28 on RP26080, Lot 16 on RP26086, Lot 3 on RP47807, Lot 1 on RP70413), which are now subsumed into Lot 88 on SP335586. The full updated description is: Lot 80 on RP26078; Lot 81 on RP26078; Lot 82 on RP26078; Lot 83 on RP26078; Lot 607 on SL564; Lot 88 on SP335586.
3	Updated Approval Plans	Replace the following two approved plans with updated versions showing the full extent of the closed road areas as part of the approval boundary: - Preliminary Approval Site Plan, Dwg No: Sk.00.70 Issue 2 (Amended in Red 15-Jul-2021), replaced by Preliminary Approval Site Plan, Dwg No: 25024 / sd A-002001 / 1 - Development Permit – MCU Education Purpose Activity Group – Dwg No: A-002002/1 Issue 1, replaced by Development Permit – Material Change of Use Education Purpose Activity Group, Dwg No: 25024 / sd A-002002 / 1 - Heritage Cliff Curtilage Zone, Dwg No: VP 08, replaced by Development Permit – Heritage Curtilage, Dwg No: 25024 / sd A-002003 / 1 The updated plans all showing Lot 88 SP335588 as part of the site benefiting from the Development Approval.
4	Amendment to BCC Conditions	Amend those BCC conditions that directly reference the approved plans identified in Item 3 above, to update the drawing number/issue references. In particular the following Conditions which reference specific plan drawing numbers and associated documents require updating: <u>Stage: Variation Request:</u> - Condition 2 (Amended City Plan Provisions) – Update approved plan reference to include Heritage Curtilage, Dwg No: 25024 / sd A-002003 / 1 - Condition 3 (COMMUNITY FACILITY - Educational Establishment, Child Care Centre, Community Care Centre, Community Use, Place

		of Worship) – Update approved plan reference to include Site Plan, Dwg No: 25024 / sd A-002001 / 1 - Standard Advice 7 (Referral Agency Requirements) to update reference to amended Referral Agency Response incorporating all revised plans submitted as part of this Minor Change. <u>Stage: Development Permit:</u> - Standard Advice 32 (Referral Agency Requirements) to update reference to amended Referral Agency Response incorporating all revised plans submitted as part of this Minor Change.
5	Amendment to SARA Referral Response	Amend the SARA Referral Agency Response Ref: 2009-18628 SRA (dated 27 August 2021) to update: the site address; the real property description; and references to the updated approval plans. No change to the substance of the SARA conditions or assessment outcomes is proposed.

5.0 Planning and Environment Court Precedence

5.1 Relevant Case Law – Interpretation of 'Minor Change'

The Queensland Planning and Environment Court have considered the question of what constitutes a 'minor change' and the scope of interpretation that should be allowed when determining whether a change results in 'substantially different development', including in a circumstance where adding new land to the description of land that benefits from a Development Approval. A broad summary of the matters considered in some relevant Planning and Environment Court judgements is provided below:

5.1.1 Kenfrost (1987) Pty Ltd v Cairns Regional Council & Ors [2022]

The background to this Appeal, is that Kenfrost applied for a development permit for reconfiguration of three lots into 65 residential lots, new road and balance, together with a preliminary approval for material change of use (including a variation approval to override the Cairns planning scheme to establish Low-Density Residential use rights). The Council refused the application and Kenfrost appealed. During the appeal, having considered joint expert reports and advice from soils and agriculture experts, Kenfrost proposed to change its application to add an agricultural buffer, to be located on part of a neighbouring lot, to address concerns about the interface between the proposed residential development and adjoining agricultural uses to the south. The proposed buffer was to be a 10-metre wide vegetated strip on land immediately north of an existing access road. The landowner of the new land consented and a draft vegetation covenant was prepared. Council did not oppose the change application, however the First Co-Respondent by Election (a neighbour) opposed it on the basis that including new land produced substantially different development.

In this matter the Court allowed a change application that added new land to be processed as a Minor Change. The Court established the following key principles:

1. The Court confirmed the established interpretive standard for assessing substantially different development, stating:
 - *"Whether a proposed change would result in substantially different development is to be considered broadly and fairly, rather than pedantically. The individual circumstances of the development in the context of the change proposed, must be considered."*

It is considered that this decision provides direction for Assessment Managers that rather than an absolute approach that would treat the addition of any land as automatically producing substantially different development, the question of the inclusion of new land must be approached considering to the totality of the circumstances (i.e. not by treating the triggering of any single DA Rules Schedule 1 criterion as determinative).

2. The Court confirmed the test for being considered 'Substantially Different Development' applies to the result of the change, not the nature of the change itself, stating:
 - *"The definition of minor change in the Planning Act 2016 (Qld) does not preclude the Court from considering a change to a development application that is characterised as essential, material, or important... The test applies to the result of the change, not the change itself."*

It is considered that whilst an assessment Manager may instinctively treat the act of inclusion of additional of new land like a significant or material change, the Court confirms that act of including new land is not the most relevant, but rather what must be considered in determining what constitutes 'substantially different development' is whether the result of including that land is a substantially different development compared to that approved.

3. The Court confirmed that the Development Assessment Rules, Schedule 1 criterion (b) 'new parcel of land' is not a mandatory exclusion from not being considered 'substantially different development', by stating in respect to the DA Rules Schedule 1:
 - *"Paragraph 4 does not purport to be a comprehensive list of changes that may result in substantially different development. Nor does it provide that something which falls within the numbered paragraphs must necessarily be adjudged to result in substantially different development, although it may be. The focus of the list in the Schedule is, in some respects, on changes that would involve new, additional, or increased impacts rather than on changes which tend to ameliorate impacts."*

Further in solidifying this viewpoint the Court cited Abacus Funds Management Pty Ltd v Sunshine Coast Regional Council [2010] QPEC 141 as pre-existing authority confirming this matter was a settled principle even before the current Planning Act 2016 framework, determining that the addition of land to a development application therefore cannot, as a matter of law, be treated as an automatic disqualifier from minor change status. In referencing Abacus Funds Management Pty Ltd v Sunshine Coast Regional Council [2010] QPEC 141, the Court specifically stated:

- *"the mere fact that the change involves new land does not preclude a finding that the change is 'minor'."*

Clearly this determination directs the assessment manager to look broader than the mere inclusion of new land to the impact of the inclusion of that new land in determining whether such a change constitutes 'substantially different development'.

4. The Court decision reinforces the above, through determining that the analysis as to why the specific change was determined minor in that instance should be solely determined on a comparison of the development before and after the proposed change against these determinative factors, in which the Court found:
 - *"While the buffer will apply to new land, the development will remain at all times one which ultimately seeks to facilitate a residential subdivision. Significantly, it will contain the same number of lots and lot layout. There is no suggestion that it changes the built form or that it involves a new use. There is no suggestion that it removes a component integral to the operation of the development. There is no suggestion of any different impacts on traffic flow or the transport network. There is no removal of an incentive or an offset component. There is no impact on infrastructure provisions. There is no suggestion of increase in severity of known impacts."*

This determination gives the assessment manager clear direction that a more holistic review of proposed change to include new land, on the merits of the changes actual impacts to the approved development against all aspects of the test for substantially different development should be undertaken in determining whether a Minor Change is resultant.

5. The Court's concluding finding, deals directly with the question of whether the inclusion of new land would automatically result in substantially different development by stating:

- *"Considered broadly and fairly, the proposed change will not result in a substantially different development, notwithstanding that it will lead to the application applying to a new parcel of land."*

Clearly in this Kenfrost Appeal, the Court explicitly acknowledges the inclusion of a new parcel of land within the Development Application, and then expressly finds, notwithstanding the inclusion of the new land that the development is not 'substantially different'. This Court decision specifically rejects the proposition that inclusion of new land into the Development Application would automatically constitute 'substantially different development' under DA Rules Schedule 1 and hence demonstrates that the inclusion of new land into the Development Application may occur through an application for a Minor Change, subject to a more holistic review of proposed change to include new land, on the merits of the changes actual impacts to the approved development against all aspects of the test for substantially different development

See Attachment E for a copy of the Judgement

5.1.2 Cleanaway Solid Waste Pty Ltd v Ipswich City Council & Ors [2021]

The Court held in Paragraph 43 of Cleanaway Solid Waste Pty Ltd v Ipswich City Council & Ors [2021] the following:

- *"The definition of minor change in the PA does not, in combination with s 46(3) of PECA, preclude the court from considering a change to a development application that is characterised as essential, material or important. Rather, the provisions, taken in combination, permit the court to consider a change where it is satisfied that, inter alia, it would not result in substantially different development. **Central to this test is the result of the change to a development application, rather than the significance of the change itself.**"*

Whilst the Cleanaway case does not specifically involve the addition of 'new land' to a development application, the case does establish the legal test and interpretive framework for assessing whether changes represent substantially different development (discussed below), which naturally also applies to a change scenario that includes new land into the Development Application (i.e. the subject of this minor change).

The test focuses on 'Result over Significance' summarised as follows:

- The definition of 'minor change' in the Planning Act 2016 does not preclude the Court (or an assessment manager) from treating as minor a change that is characterised as essential, material or important.

In applying the 'Test' to the new land scenario the subject of this minor change, the following is relevant:

- Whilst adding land to an approval description may be read under the Development Assessment Rules like a significant or important change, but under the Cleanaway test that characterisation alone cannot preclude a minor change application.
- The question to be asked is simply:
 - Does the addition of the land in isolation produce substantially different development when compared to the existing approved development?

Further the Case identifies that:

- Substantially different development is a question of fact and degree assessed by reference to the individual circumstances of each case.
- The DA Rules Schedule 1 identifies considerations that *may* (not *must*) give rise to substantially different development, confirming that they are not mandatory exclusions.

This means that even where criterion (b) of DA Rules Schedule 1 'Substantially Different Development; (which relates to new parcels of land) is engaged on its face, the assessment manager must still look at all the surrounding circumstances before concluding that the result on the inclusion of 'new land' is substantially different development as a whole.

In determining whether substantially different development as a whole is resultant from the Minor Change, the relevant factors (nature, scale, intensity and operation) are to be considered. The factors that the Cleanaway case identifies as determinative in the substantially different development inquiry are:

- whether the nature, scale and intensity of the use changes;
- whether a new use is introduced;
- whether the manner of operation is altered; and
- whether a material feature is removed.

When applied to the proposed inclusion of new land as a Minor Change, the addition of the areas of closed road reserve land does not materially change any of the abovementioned factors in that:

- the same use continues,
- at the same scale and intensity,
- in the same operational manner,
- with no feature removed

This analysis, consistent with the Cleanaway case analysis, supports a finding of no substantially different development results in respect of the development approval as a whole by virtue of the inclusion of the new land in this instance.

See Attachment E for a copy of the Judgement

5.1.3 Conclusion Relevant Case Law – Interpretation of 'Minor Change'

Whilst the Cleanaway case cited is not specifically an authority 'that new land can be added as a minor change', it does give authority for the correct legal test under, which that question of accepting new land as part of a Minor Change application, must be assessed.

In this instance the reason for the inclusion of new land in an approval description is important (in that it merely it corrects an omission from the original approval and affects the legal title description) but that this importance does not, of itself, establish that the development is substantially different as a result.

Therefore the Cleanaway case analysis supports a determination that no substantially different development automatically results in respect of the development approval as a whole by virtue of the inclusion of the new land in this instance.

Further the proposed Minor Change to include the new land (areas of closed road) in the land to which the development application relates, is consistent with the principles established in Kenfrost case, (i.e. no substantially different development results where the physical and

operational character of the development is unchanged), in that the circumstances of this application strongly support a Minor Change determination by virtue of:

- The exclusion of the former road reserves from the original application was a direct consequence of contractual timing imposed by BCC as vendor, not a planning decision to exclude that land from the approved precinct.
- The road reserves were physically internal to the Depot site, were integral to the former depot operations, were never functional public thoroughfares, and their inclusion does not alter the nature, scale, intensity, or impact of the approved development in any way.
- The inclusion of the unformed road reserves into the land that benefits from the PAVR results on material change to the either the community expectations or external impacts of the Development Approval but rather solidifies the future use of the entire former Stafford Depot land for Community Facilities – Education Purposes land uses.

6.0 Statutory Framework

6.1 The Planning Act 2016 – Change Application

Section 78 of the Planning Act 2016 (the Act) provides a mechanism for an applicant to apply to change a development approval. The relevant provisions are as follows:

78 Changing an approval

- (1) A person may apply to change a development approval.*
- (2) An application to change a development approval is a change application.*
- (3) If the applicant is not the registered owner of the premises to which the development approval relates, the applicant must obtain the written consent of the registered owner before making the change application.*
- (4) A change application must state whether the applicant considers the change to be a minor change or other change.*

(Source: Planning Act 2016, Section 78)

The following sections provide justification as to why the proposed amendments to the description of land which benefits from Development Approval - BCC Ref: A005516358 constitutes a 'minor change'.

A Minor Change application is assessed by the assessment manager (Brisbane City Council) and does not require referral to additional referral agencies or public notification, subject to the criteria in Section 5.2 below being satisfied.

6.2 Definition of 'Minor Change' – Planning Act 2016, Schedule 2

'Minor change' is defined in Schedule 2 of the Planning Act 2016. The full definition is reproduced below:

minor change, of a development approval, means a change that—

- (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.*

(Source: Planning Act 2016, Schedule 2 – Dictionary)

6.3 Development Assessment Rules – Schedule 1 'Substantially Different Development'

The Development Assessment Rules (DA Rules) Schedule 1 provides additional guidance on the meaning of 'substantially different development'. The relevant provisions are reproduced in full below:

Schedule 1 – Substantially different development

An assessment manager ... may determine that the change is a 'minor change' to a ... development approval, ... where – amongst other criteria – a minor change is a change that would not result in 'substantially different' development.

In determining whether the proposed change would result in substantially different development, the assessment manager ... must consider the individual circumstances of the development, in the context of the change proposed.

A change may be considered to result in a substantially different development if any of the following apply to the proposed change—

- (a) Involves a new use; or*
- (b) Results in the application applying to a new parcel of land; or*
- (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
- (d) changes the ability of the proposed development to operate as intended; or*
- (e) removes a component that is integral to the operation of the development; or*
- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) Introduces new impacts or increase the severity of known impacts; or*
- (h) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act –
Introduces new social impacts or increase the severity of known social impacts; or*
- (i) Removes an incentive or offset component that would have balanced a negative impact of the development; or*
- (j) Impacts on infrastructure provisions.*

(Source: Development Assessment Rules, Schedule 1)

7.0 Assessment Against 'Substantially Different Development' Criteria

The following section provides a detailed, criterion-by-criterion assessment of the proposed Minor Change compliance against each of the criteria in DA Rules Schedule 1.

7.1 Criterion (a) – Involves a new use

The proposed Minor Change does not involve a new use.

The approved use under both aspects of the Approval – Community Facilities – Education Purposes (Activity Group) land uses comprising Educational Establishment, Child Care Centre, Community Care Centre, Community Use and Place of Worship – remains entirely unchanged. No new use is proposed or could arise from the administrative correction to the land description. In fact the outcome of the proposed Minor Change would ensure all former Stafford Depot land would now fall within the same Preliminary Approval Variation Require which facilitates future Community Facility – Education Purposes land uses consistent with the BCC intention for this land when sold to Padua College Limited and Mount Alvernia College Limited, as reflected in the Contract of Sale.

The former road reserve areas, following amalgamation into Lot 88 on SP335586, form part of the site of the already-approved Education Establishment precinct. No separate or different use of the former road reserve areas is proposed.

Assessment Outcome: **Complies**

The proposed change does not involve a new use. The approved uses remain identical to those assessed under the original Approval.

7.2 Criterion (b) – Results in the application applying to a new parcel of land

The inclusion of the former road reserve areas within the approval boundary does involve the addition of land not previously covered by the Approval. However, the specific circumstances of this case support a finding that this does not constitute a 'substantially different development', for the following reasons:

First, as established in Kenfrost [2022] and Cleanaway Solid Waste Pty Ltd [2021], the mere fact that the application will now relate to a new parcel of land is not, of itself, sufficient to render the development substantially different. These Planning and Environment Court Decision identify that the key consideration is one of fact and degree, requiring consideration of the individual circumstances as to whether the inclusion of the 'new' land itself constitutes a substantially different outcomes from that envisaged in the underlining Development Approval (in this case Development Approval - BCC Ref: A005516358).

The circumstances of this case are compelling. The 'new land' being the former road reserve areas now closed and amalgamated with land that benefits from Development Approval - BCC Ref: A005516358, was:

- Physically internal to the Stafford Depot site and were operationally integrated with the Depot for the entirety of the Depot's operational life;

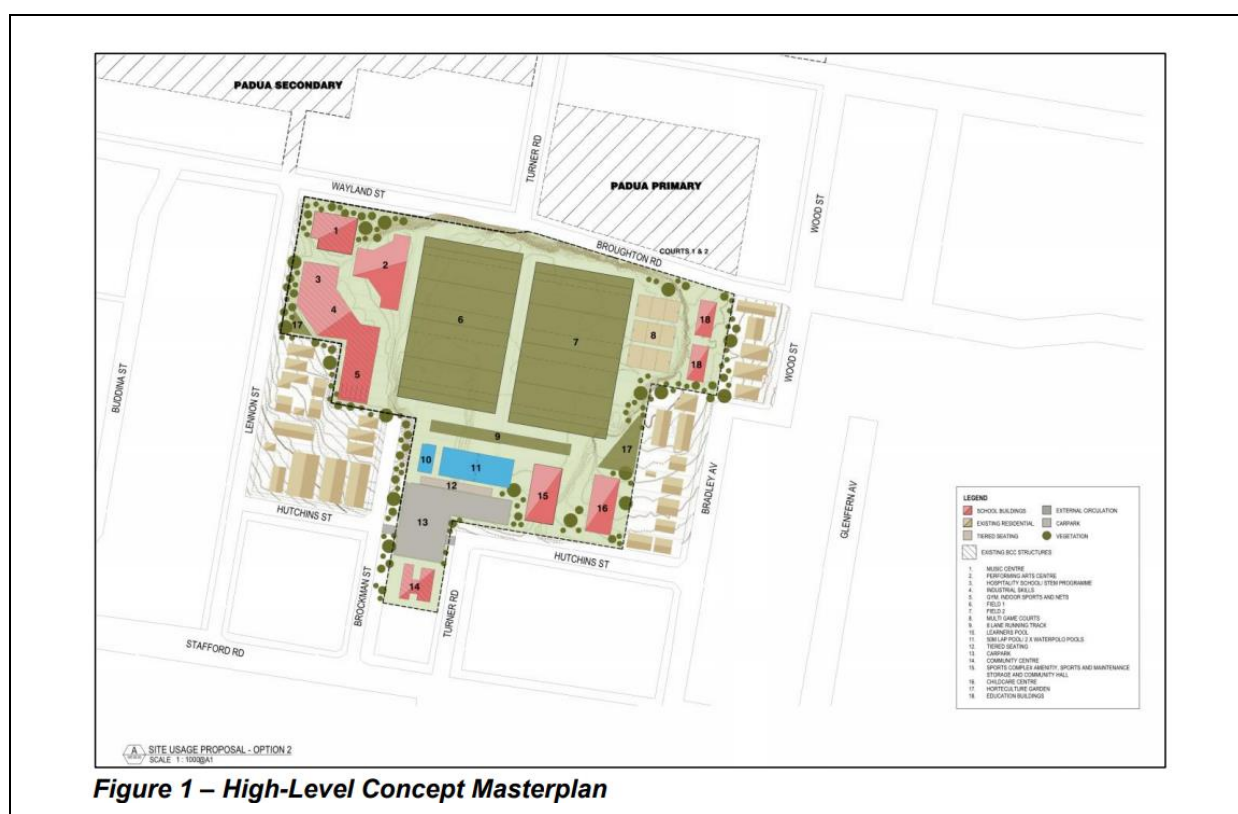
- Never open to public use or providing public access to any land other than the Depot itself;
- Always contemplated as part of the approved educational precinct in the original Concept Masterplan prepared for the PAVR application;
- Excluded from the original application solely because of the contractual timing constraints imposed by BCC as vendor under the Contract of Sale – not because of any planning intent to separate the road reserve land from the development precinct; and
- Were required to be amalgamated with the adjoining approved land by the Queensland State Government as a mandatory condition of the purchase of the closed road.

The amalgamation into Lot 88 on SP335588 was not a voluntary design choice by the Applicant, but rather it was a legal requirement imposed by the Queensland State Government (Department of Resources) as a condition of road closure and purchase by Padua College Limited and Mount Alvernia College. It is inconsistent for BCC, having as vendor imposed contractual conditions that prevented the inclusion of the road reserve in the original application (by virtue of not providing sufficient time for the road closure process to be undertaken before the mandated Development Application lodgement deadline), to now treat the administrative correction of that omission as a 'substantially different development'.

The nature, scale, intensity, and impact of the approved development is entirely unchanged by the proposed change to include the 'new land' being the former road reserve areas now closed and amalgamated with land that benefits from Development Approval - BCC Ref: A005516358.

The approved development remains for an Education Establishment precinct on the Stafford Depot site. The former road reserve areas do not add any new developable land capable of supporting additional floor area or additional development intensity that was not already considered and assessed under the original Approval.

This is reflected original Town Planning Report for Development Application (BCC Ref: A005516358), which included an indicative future masterplan (for information purposes only) that did not distinguish the BCC owned land from the unformed road reserves as can be seen below:



Assessment Outcome: **Complies**

While the change technically involves land (unformed road reserves) not previously covered by the Approval, the individual circumstances of the case – including the administrative nature of the amalgamation, the physical integration of the road reserves with the Depot, the contractual constraints imposed by BCC, and the State Government's mandatory amalgamation requirement – support a finding that this does not result in substantially different development, consistent with Kenfrost [2022] and Cleanaway Solid Waste Pty Ltd [2021].

7.3 Criterion (c) – Dramatically changes the built form in terms of scale, bulk and appearance

The proposed Minor Change does not alter the approved built form in any way. No new structures, buildings, additional floor area, or changes to the scale, bulk, or external appearance of the development are proposed. The updated approval plans (Preliminary Approval Site Plan, Dwg No: 25024 / sd A-002001 / 1; Development Permit – Material Change of Use Education Purpose Activity Group, Dwg No: 25024 / sd A-002002 / 1 and Development Permit – Heritage Curtilage, Dwg No: 25024 / sd A-002003 / 1) show the same buildings and development footprint as the original approved plans.

The only change visible in the updated plans is the inclusion of the former (now closed) road reserve areas as amalgamated with the original allotments that formed part of the approval site.

The approved development remains for an Education Establishment precinct on the Stafford Depot site. The former road reserve areas do not add any new developable land capable of

supporting additional floor area or additional development intensity that was not already considered and assessed under the original Approval.

Assessment Outcome: **Complies**

No change to approved built form. Scale, bulk and appearance are unaltered.

7.4 Criterion (d) – Changes the ability of the proposed development to operate as intended

The proposed Minor Change does not in any way affect the ability of the approved Education Establishment precinct to operate as intended. The approved development's access arrangements, functional layout, operational characteristics, and all other features relevant to its operation remain entirely unchanged. The inclusion of the former road reserve areas, which are already physically integrated with the site, provides additional site area that improves the operational capacity of the precinct rather than diminishing it. The inclusion of the former road reserve areas actually enhances the integrity of the existing approval to be able to achieve the objectives of the former Stafford Depot site to be used for Community Facilities – Education Purposes land uses as originally intended in BCC's contract of sale to Padua College Limited and Mount Alvernia College Limited.

Assessment Outcome: **Complies**

No change to the ability of the approved development to operate as intended.

7.5 Criterion (e) – Removes a component that is integral to the operation of the development

No component integral to the development is removed by the proposed Minor Change. The Minor Change is technical in nature to include the full amalgamated landholding (Lot 88 on SP335586) in the description of land the included in the Development Approval - BCC Ref: A005516358 to accurately reflect the current registered land description.

Assessment Outcome: **Complies**

No integral component is removed. The change is additive only.

7.6 Criterion (f) – Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site

The proposed Minor Change does not alter the approved development's traffic generation or its impacts on the surrounding road network. The SARA referral conditions (Ref: 2009-18628 SRA) addressed the transport and traffic impacts of the development comprehensively, including the active transport requirements (Condition 1), the shared zone arrangement on Wayland Street (Condition 2), the pedestrian crossing arrangement (Condition 3), the School Transport Management Plan (Condition 4), and the pedestrian crossing upgrades on Turner Road and Somerset Road (Condition 5). None of these conditions are proposed to be altered as part of this Minor Change.

The former road reserve areas (parts of Turner Road and Brockman Street) were unformed roads that have been formally closed. Their inclusion within the approval boundary does not create new vehicle access points, does not remove any existing road connections, and does not alter the approved traffic management arrangements. The road closure and amalgamation were previously assessed and consented to by the relevant authorities.

Assessment Outcome: Complies

No change to approved traffic arrangements or transport network impacts. SARA conditions addressing transport are only altered as necessary to reference the updated land description and approval plans that include the full extent of Lot 88 on SP335586

7.7 Criterion (g) – Introduces new impacts or increase the severity of known impacts

The proposed Minor Change does not alter the approved built form in any way. No new structures, buildings, additional floor area, or changes to the scale, bulk, or external appearance of the development are proposed. The updated approval plans (Preliminary Approval Site Plan, Dwg No: 25024 / sd A-002001 / 1; Development Permit – Material Change of Use Education Purpose Activity Group, Dwg No: 25024 / sd A-002002 / 1 and Development Permit – Heritage Curtilage, Dwg No: 25024 / sd A-002003 / 1) show the same buildings and development footprint as the original approved plans.

The proposed Minor Change does not introduce any new environmental, amenity, heritage, contamination, noise, or infrastructure impacts, nor does it increase the severity of any previously identified and assessed impacts. The purpose of the Minor Change is solely administrative – to align the approval documents with the current registered land description resulting from the State Government-directed amalgamation of closed road with adjoining allotments sold by BCC to Padua College Limited and Mount Alvernia College Limited. The former road reserve areas were already included within the physical and operational boundary of the former Stafford Depot use, and their formal inclusion in the approval boundary does not generate any new or increased planning impacts, but rather strengthens the Planning Schemes ability to manage key site constraints such as:

- **Heritage:** The Heritage overlay mapping and cliff curtilage zone established by the original Approval (Drawing VP08) are updated to shown the extension of the amended Heritage Overlay to land created through the closure of the road reserve areas, which provides further protection to these areas, previously not included in the Heritage Overlay, which did not apply to road reserves.
- **Contamination:** The Environmental Management Register (EMR) and Contaminated Land Register (CLR) conditions (Conditions 5 and 13 of the Approval) apply to the use of the site for sensitive land uses. The former road reserve areas, having been unformed roads, are expected to involve the same contamination history as the former Depot operational areas, and the existing conditions, now applying to the areas of closed roads, adequately address this matter.

Assessment Outcome: Complies

No new impacts. No increase in severity of known impacts.

7.8 Criterion (h) – Social Impact Assessment

The proposed development is not prescribed under the Planning Regulation 2017 as requiring a social impact assessment under section 106T of the Planning Act 2016. This criterion is not applicable to the proposed change. In any event, the proposed Minor Change does not introduce any new social impacts or increase the severity of any known social impacts.

Assessment Outcome: Not Applicable

No social impact assessment is required for the approved development. No new social impacts arise from the proposed change.

7.9 Criterion (i) – Removes an incentive or offset component that would have balanced a negative impact of the development

No incentive, offset, or compensatory mechanism forming part of the Approval is removed by the proposed Minor Change. The proposal does not seek to remove, reduce, or modify any condition or requirement that was imposed to address or balance a negative impact of the approved development, other than to accurately reference the new land description subject to the Development Approval - BCC Ref: A005516358.

Assessment Outcome: Complies

No incentive or offset component is removed.

7.10 Criterion (j) – Impacts on infrastructure provisions

The proposed Minor Change does not alter the approved development's demands on infrastructure. The inclusion of the former road reserve areas does not increase the total floor area, student capacity, or operational intensity of the approved Development Permit for Education Establishment, nor achievable through future Development Application benefiting from the Preliminary Approval Variation Request. Therefore the proposed Minor Change does not generate any additional infrastructure demands. All infrastructure obligations assessed and imposed under the original Approval continue to apply in full and are not proposed to be altered.

The engineering conditions imposed by BCC address infrastructure matters comprehensively, including stormwater drainage, road works, service conduits, and the Wayland Street pedestrian crossing infrastructure. None of these conditions are proposed to be altered by this Minor Change Application other than to accurately reference the new land description subject to the Development Approval - BCC Ref: A005516358.

Assessment Outcome: Complies

No impact on infrastructure provisions. All infrastructure conditions remain unchanged.

8.0 Assessment Against Schedule 2 Criteria – Planning Act 2016

In addition to the 'substantially different development' assessment in Section 6, the proposed change must also satisfy criteria (i)(ii)(A)–(E) of the Minor Change definition under Schedule 2 of the Planning Act 2016. These criteria require that, if a development application for the development (including the change) were made at the time of the change application, the change would not cause the following:

7.1 Criterion (A) – Inclusion of Prohibited Development

minor change, of a development approval, means a change that—

(i); 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

The proposed change does not introduce any prohibited development. The approved uses – Community Facilities – Education Purposes (Activity Group) land uses – are not prohibited development under the Planning Act 2016, the Planning Regulation 2017, or Brisbane City Plan 2014, including as varied by the Preliminary Approval (Variation Request) - BCC Ref: A005516358 which has already confirmed the appropriate planning framework for the site.

Assessment Outcome: **Complies**

No prohibited development is introduced by the proposed change.

7.2 Criterion (B) – Referral to a New Referral Agency

minor change, of a development approval, means a change that—

(i); and

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

(A)

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

SARA / DTMR was already a concurrence referral agency for the original application (under Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 and Subdivision 2, Table 4 of the Planning Regulation 2017 – development impacting on State transport infrastructure and within 25m of a State-controlled transport corridor). Re-referral to SARA is required in connection with the Minor Change, however this does not constitute referral to a 'new' referral agency.

No other referral agency triggers are engaged by the Minor Change. The inclusion of the former road reserve areas does not engage any new State interests or referral triggers that were not already assessed under the original application.

Assessment Outcome: Complies

No new referral agency is triggered. SARA was already a concurrence agency for the original application. Re-referral to SARA for administrative updates only.

7.3 Criterion (C) – Referral to Extra Referral Agencies

minor change, of a development approval, means a change that—

- (i); and
- (ii) *if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A)
 - (B)
 - (C) referral to extra referral agencies, other than to the chief executive; or**

No additional referral agencies beyond SARA are triggered by the proposed Minor Change. The inclusion of the former road reserve areas does not engage any State interests or assessment triggers that would require referral to additional agencies.

Assessment Outcome: Complies

No extra referral agencies are triggered.

7.4 Criterion (D) – New Assessment Matters for Referral Agency

minor change, of a development approval, means a change that—

- (i); and
- (ii) *if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A)
 - (B)
 - (C)
 - (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**

The amendment required to the State Assessment and Referral Agency (SARA) Response (Ref: 2009-18628 SRA) is purely administrative: updating the site address, the land description, and the references to the revised approved plans that reflect the new land description. SARA is not required to assess the application against any new matter. The substantive transport and active transport matters assessed by SARA – including the Active Transport Plan (Condition 1), the Shared Zone arrangement (Condition 2), the pedestrian crossing (Condition 3), the School Transport Management Plan (Condition 4), and the pedestrian crossing upgrades (Condition 5) – are entirely unaffected by the proposed Minor Change other than to accurately reference the new land description subject to the Development Approval - BCC Ref: A005516358.

Assessment Outcome: Complies

SARA is not required to assess any new matter. Amendments to the SARA response are administrative only.

7.5 Criterion (E) – Public Notification

minor change, of a development approval, means a change that—

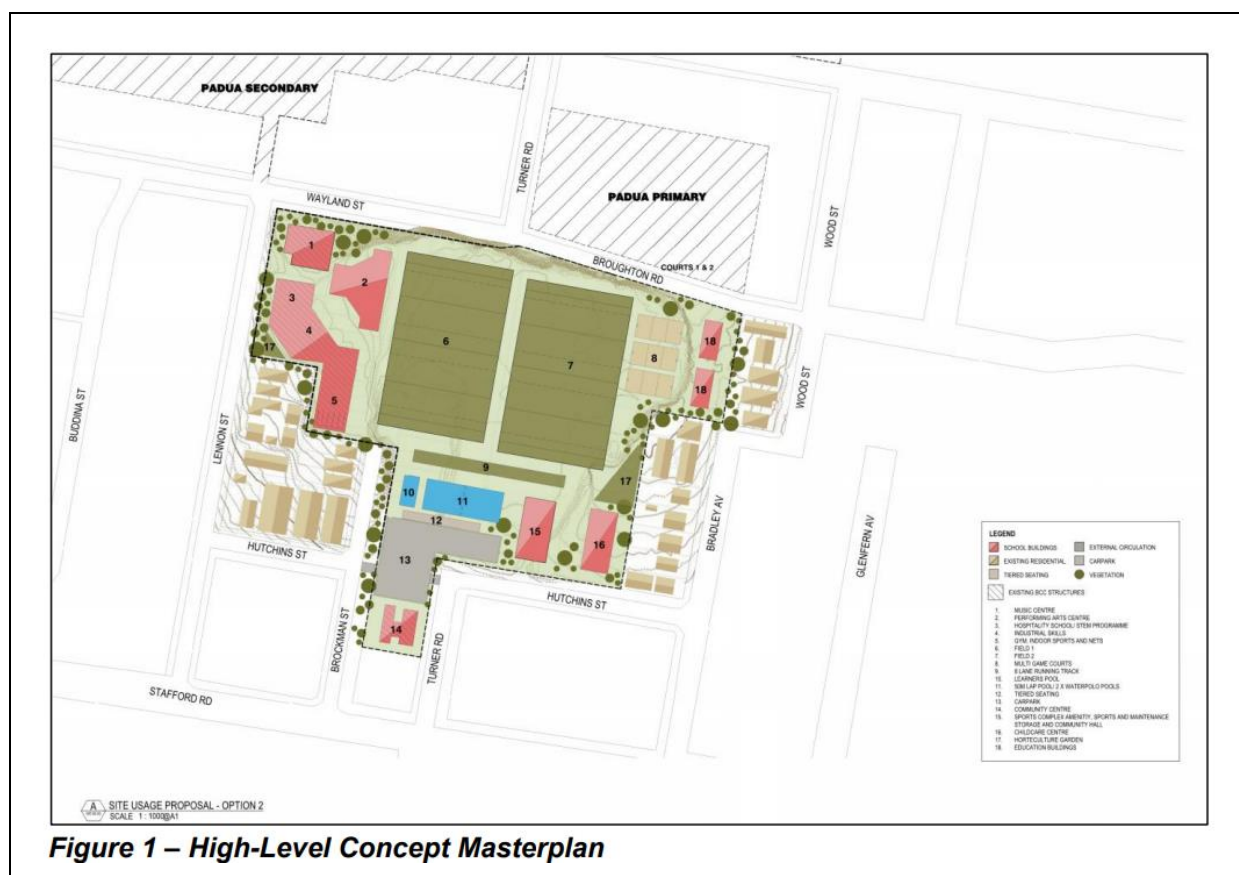
- (i); and*
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A)*
 - (B)*
 - (C)*
 - (D)*
 - (E) public notification if public notification was not required for the development application.***

Public notification was required for the original development application (the application was subject to Impact Assessment), this criterion requires consideration of whether the proposed change would independently trigger a new public notification requirement if the application were made today.

The proposed changes are purely administrative seeking to update the land description, addresses, and plan references to reflect the State Government-directed amalgamation of areas of closed roads into allotments already benefiting from Development Approval - BCC Ref: A005516358. The nature, scale, intensity, and impact of the approved development is entirely unchanged by the proposed change to include the 'new land' being the former road reserve areas now closed and amalgamated with land that benefits from Development Approval. No change to the approved use, built form, or any substantive assessment outcome is proposed.

The approved development remains for an Education Establishment precinct on the Stafford Depot site. The former road reserve areas do not add any new developable land capable of supporting additional floor area or additional development intensity that was not already considered and assessed under the original Approval.

This is reflected original Town Planning Report for Development Application (BCC Ref: A005516358), which included an indicative future masterplan (for information purposes only) that did not distinguish the BCC owned land from the unformed road reserves as can be seen below:



Assessment Outcome: **Complies**

The proposed change would not independently trigger public notification. The change is administrative and does not alter the character, scale, impact or nature of the approved development.

9.0 Assessment Benchmarks – Planning Framework

The Preliminary Approval (Variation Request) and Development Permit (BCC Ref: A005516358) was granted by Brisbane City Council on 30 August 2021, and subsequently amended pursuant to a Negotiated Decision Notice dated 17 December 2021 (the Approval). The Approval covers the following aspects of development:

- DA – PA – Material Change of Use (Preliminary Approval / Variation Request): Permit Reference DAMC393225120 – Community Care Centre, Educational Establishment, Community Use, Place of Worship and Child Care Centre; and
- DA – PA – Material Change of Use (Development Permit): Permit Reference DAMC393225220 – Educational Establishment, Community Use, Place of Worship, Child Care Centre and Community Care Centre (for use of existing buildings on site).

This section provides a review of the applicable planning instruments and confirms that the proposed Minor Change does not engage any new assessment benchmarks beyond those already considered under the original Approval. The planning framework applicable to the site is as follows:

9.1 Brisbane City Plan 2014 – Type and Category of Development

9.1.1 Development Type

As confirmed in the original Town Planning Report prepared by Planning Initiatives (dated August 2020), the relevant development types under the Planning Act 2016 are as follows:

Development means for the purpose of the Act means —

- (a) carrying out —
 - (i) building work; or
 - (ii) plumbing or drainage work; or
 - (iii) operational work; or
- (b) reconfiguring a lot; or
- (c) making a material change of use of premises.

(Source: Planning Act 2016, Schedule 2 – Dictionary)

Material change of use, of premises, means any of the following that a regulation made under section 284(2)(a) does not prescribe to be minor change of use —

- (a) the start of a new use of the premises;
- (b) the re-establishment on the premises of a use that has been abandoned;
- (c) a material increase in the intensity or scale of the use of the premises.

(Source: Planning Act 2016, Schedule 2 – Dictionary)

49 What is a development approval, preliminary approval or development permit

(1) A development approval is—

- (a) a preliminary approval; or
- (b) a development permit; or
- (c) a combination of a preliminary approval and development permit.

(2) A preliminary approval is the part of a decision notice for a development application that—

- (a) approves the development to the extent stated in the decision notice; but
- (b) does not authorise the carrying out of assessable development.

(3) A development permit is the part of a decision notice for a development application that authorises the carrying out of the assessable development to the extent stated in the decision notice.

(4) Subject to section 66(2), a preliminary approval that is still in effect applies instead of a later development permit for the development, to the extent of any inconsistency, unless—

- (a) the development application for the development permit states the way the development permit is to be inconsistent with the preliminary approval; or
- (b) after the application for the development permit is made, the applicant and, if the applicant is not the owner of the premises, the owner agree in writing to the inconsistency.

(5) In this Act, a reference to a development approval—

- (a) means the development approval as changed from time to time; and
- (b) includes the development conditions imposed on the approval.

The proposed Minor Change does not itself constitute a new development type. It does not involve carrying out additional building work, plumbing or drainage work, or operational work, and does not reconfigure a lot or constitute a new material change of use in addition to that considered as part of the assessment of the original Preliminary Approval (Variation Request) and Development Permit (BCC Ref: A005516358) was granted by Brisbane City Council on 30 August 2021. The Minor Change is an administrative amendment to an existing approval.

9.1.2 Land Use Definition – Community Facilities – Education Purposes Activity Group

The approved land use under both aspects of the Approval is Community Facilities – Education Purposes Activity Group, which includes the Educational Establishment use as the primary use. The City Plan 2014 definition of the land uses within the Community Facilities – Education Purposes Activity Group at the time of original lodgement was:

1. Community facilities education purposes	Childcare centre means the use of premises for the care, education and minding, but not residence, of children. <i>Examples of a childcare centre— before or after school care, crèche, early childhood centre, kindergarten, vacation care</i>
	Community care centre— <i>(a) means the use of premises for—</i> <i>(i) providing social support to members of the public; or</i>

	(ii) <i>providing medical care to members of the public, if the use is ancillary to the use in subparagraph (i); but</i> (b) <i>does not include the use of premises for providing accommodation to members of the public.</i> <i>Examples of a community care centre— disability support service, drop-in centre, respite centre, indigenous support centre</i>
	Community use means the use of premises for— (a) <i>providing artistic, social or cultural facilities or community services to the public; or</i> (b) <i>preparing and selling food and drink, if the use is ancillary to the use in paragraph (a).</i> <i>Examples of a community use— art gallery, community centre, community hall, library, museum</i>
	Educational establishment means the use of premises for— (a) <i>training and instruction to impart knowledge and develop skills; or</i> (b) <i>student accommodation, before or after school care, or vacation care, if the use is ancillary to the use in paragraph (a).</i> <i>Examples of an educational establishment— college, outdoor education centre, primary school, secondary school, special education facility, technical institute, university</i>
	Place of worship means the use of premises for— (a) <i>organised worship and other religious activities; or</i> (b) <i>(b) social, education or charitable activities, if the use is ancillary to the use in paragraph (a).</i>

The current City Plan 2014 definition of the land uses within the Community Facilities – Education Purposes Activity Group remain consistent with the definitions at the time of the original Development Application lodgement as detailed below:

2. Community facilities – education purposes	Childcare centre means the use of premises for the care, education and minding, but not residence, of children. <i>Examples of a childcare centre— before or after school care, crèche, early childhood centre, kindergarten, vacation care</i>
	Community care centre— (a) <i>means the use of premises for—</i> i. <i>providing social support to members of the public; or</i> ii. <i>providing medical care to members of the public, if the use is ancillary to the use in subparagraph (i); but</i> (b) <i>does not include the use of premises for providing accommodation to members of the public.</i> <i>Examples of a community care centre— disability support service, drop-in centre, respite centre, indigenous support centre</i>
	Community use means the use of premises for— (a) <i>providing artistic, social or cultural facilities or community services to the public; or</i> <i>or</i> (b) <i>preparing and selling food and drink, if the use is ancillary to the use in paragraph (a).</i> <i>Examples of a community use— art gallery, community centre, community hall, library, museum</i>
	Educational establishment means the use of premises for— (a) <i>training and instruction to impart knowledge and develop skills; or</i> (b) <i>student accommodation, before or after school care, or vacation care, if the use is ancillary to the use in paragraph (a).</i>

	<i>Examples of an educational establishment— college, outdoor education centre, primary school, secondary school, special education facility, technical institute, university</i>
	Place of worship means the use of premises for— (a) organised worship and other religious activities; or (b) social, education or charitable activities, if the use is ancillary to the use in paragraph (a).

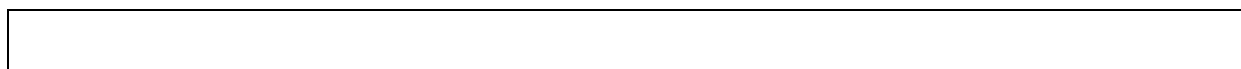
This approved land uses remains unchanged by the proposed Minor Change. The inclusion of the former road reserve areas within the approval boundary does not alter the definition, nature, or characterisation of the approved use.

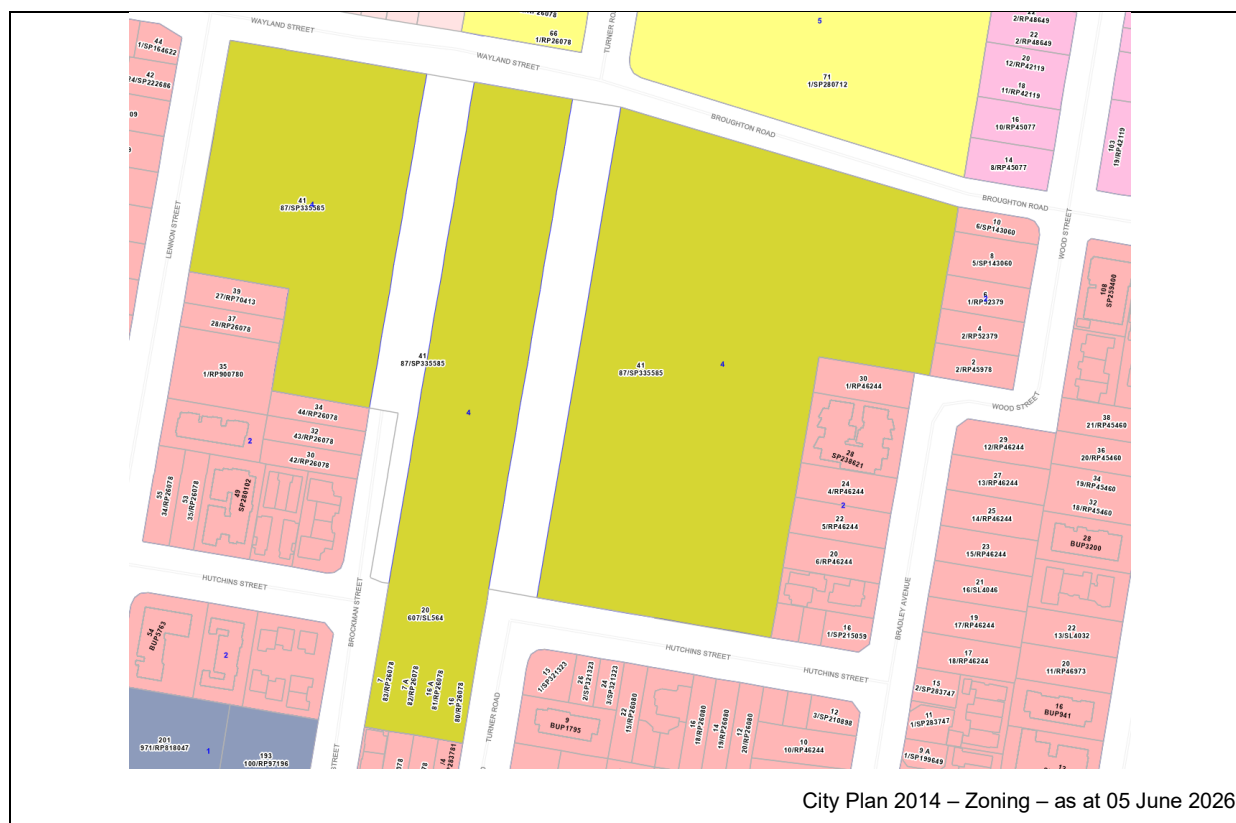
9.2 Zone Codes

9.2.1 City Plan Zone Code – SP4 Special Purpose (Utility Services) Zone

The subject site is located within the SP4 Special Purpose (Utility Services) Zone under Brisbane City Plan 2014. This zone previously applied to the operational Stafford Depot land. The Preliminary Approval (Variation Request) approved under BCC Ref: A005516358 has already varied the effect of the planning scheme for the subject land, such that the Table of Assessment for land in the Community Facilities zone (Education purposes zone precinct) overrides the SP4 Zone provisions for all aspects of future development.

The former road reserve areas are not identified as having a specific zone classification under City Plan 2014 as they were previously road reserve, as can be seen from the extract of the BCC zoning maps below:





City Plan 2014 – Zoning – as at 05 June 2026

Following amalgamation into Lot 88 on SP335588, the areas of closed roads that remain unzoned, however under Section 1.3.4 of the Brisbane City Plan 2014 (extract below) take on the the SP4 Special Purpose (Utility Services) zone classification applicable to the adjoining land.

1.3.4 - Zones for roads, closed roads, waterways and reclaimed land

The following applies to a road, closed road, waterway or reclaimed land in the planning scheme area:

- if adjoined on both sides by land in the same zone—the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land;*
- if adjoined on one side by land in a zone and adjoined on the other side by land in another zone—the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land when measured from a point equidistant from the adjoining boundaries;*
- if the road, closed road, waterway or reclaimed land is adjoined on one side only by land in a zone—the entire waterway or reclaimed land is in the same zone as the adjoining land;*
- if the road, closed road, waterway or reclaimed land is covered by a zone then that zone applies.*

Editor's note—The boundaries of the local government area are described by the maps referred to in the City of Brisbane Regulation 2012.

The Preliminary Approval (Variation Request) approved under BCC Ref: A005516358 already in place overrides the Special Purpose (Utility Services) Zone provisions for the benefit of the entire approval site, including the vast majority of the new Lot 88 on SP335588, except for the areas of closed roads that were amalgamated into the adjoining former Council owned lands.

The effect of the Minor Change would include the currently unzoned land (former unformed road reserves, now closed) to be included in the land description for the Preliminary Approval (Variation Request) approved under BCC Ref: A005516358 such that the effect of the planning scheme for the subject land was also varied to the same extent as off its directly adjoining land, such that the Table of Assessment for land in the Community Facilities zone (Education purposes zone precinct) overrides the SP4 Zone provisions for all aspects of future development.

9.2.1 Preliminary Approval Variation Request Zone Code – Community Facilities Zone

Whilst the subject site is not currently located within the Community Facilities Zone, the effect of the Preliminary Approval Variation Request, future development applications consistent with the conditions of the PAVR will be assessed as if the land was included in the Community Facilities Zone under City Plan 2014.

Therefor is considered relevant that the proposed Minor Change be assessment against the overall outcomes sought for development in the Community Facilities Zone. The proposal is generally compliant with the overall outcomes sought for development in the Community Facilities Zone which is considered to further reinforce the suitability of the site to be developed for education purposes.

The purpose of this Minor Change Application is to

- update the Approval to accurately reflect the current registered land description for the subject site, to allow for the accurate inclusion of all former Stafford Depot land, inclusive of all land formerly owned by BCC as well as the now closed parts of Turner Road and Brockman Street (former unformed road reserves), which the Queensland State Government directed amalgamation into the land that benefits from the existing Development Approval (BCC Ref: A005516358).

The need for this Minor Change 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 SP335585 (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.

As such it is considered prudent to review the proposed Minor Change against the Community Facilities Zone, to demonstrate consistency with the intention of the Preliminary Approval Variation Request

The proposal is generally compliant with the overall outcomes sought for development in the Community Facilities Zone which is considered to further reinforce the suitability of the site to be developed for education purposes.

(4) Development location and uses overall outcomes are:	
(a) Development provides for the continued use of the land for community facilities identified as appropriate for the particular Community facilities zone precinct.	Complies Whilst the subject site (inclusive of the closed road to be included in the application land under this Minor Change) has not historically been used for the purposes of providing private education facilities, this Minor Change maintains the intent of the proposal to redevelop the site for education facilities which will improve and increase accessibility to such uses within the locale.
(b) Development enables community facilities to play a key role in developing and maintaining community networks, services and community health and wellbeing and contributes to the city being well served with community buildings, facilities, spaces and activities meeting the diversity of community needs.	Complies The proposal to redevelop the site (inclusive of the closed road to be included in the application land under this Minor Change) for the purposes of education facilities will ensure the key role in maintaining local community networks and services to meet the diversity of community needs. The Minor

	Change maintains the intent of the proposal is in response to the local need for increased and improved private education facilities.
(c) Development provides for both privately owned community facilities and community facilities that are owned or operated by federal, state or local government.	Complies The proposed future redevelopment of the site (inclusive of the closed road to be included in the application land under this Minor Change) for the purposes of private education facilities potentially including ancillary indoor and outdoor sporting facilities, halls and childcare centre with the possibility of providing opportunities for managed public use of private educational facilities where appropriate.
(d) Development ensures that where a use within a Community facilities zone precinct ceases and is no longer fulfilling the intended purpose of the relevant zone precinct, that it is replaced with another community facility.	Not Applicable Whilst the subject site (inclusive of the closed road to be included in the application land under this Minor Change) has not historically been used for the purposes of providing community facilities, this proposal seeks to redevelop the site for education facilities which will improve and increase accessibility to such uses within the locale.
(e) Development that limits the ongoing operation and expansion of an existing community facility or prejudices the establishment of a new community facility appropriate to the relevant zone precinct is not accommodated.	Complies The proposal does not limit the ongoing operation and expansion of an existing community facility onsite (inclusive of the closed road to be included in the application land under this Minor Change). The Minor Change maintains the intent of the proposal establishes a new community facility on land currently used for a Council Depot.
(f) Development in a particular zone precinct is predominantly for community facilities that are envisaged in that zone precinct, unless an appropriate adaptation of the premises for another community facility use can be demonstrated.	Not Applicable The subject site (inclusive of the closed road to be included in the application land under this Minor Change) is not currently located within a zone precinct of the Community Facilities Zone. The subject site is in close proximity, being directly south of existing community facilities (education purposes zone precinct) which is consistent with the development intent onsite.
(g) Development improves the use of existing community facilities infrastructure to ensure accessibility and multiple uses.	Complies The proposed redevelopment of the site (inclusive of the closed road to be included in the application land under this Minor Change) for education facilities is considered complementary to the nature of the area due to the proximity of the site to the existing campuses to the north. The Minor Change maintains the intent of the proposal will assist in improving the use and accessibility of the existing private community facilities (education) infrastructure with ancillary indoor and outdoor sporting facilities, halls and childcare centre having an opportunity for managed public use of private facilities where appropriate.
(h) Development for a use not anticipated in the relevant zone precinct may be accommodated where it is demonstrated that the proposal is safe, well designed, integrated with the surrounding area and offers compensatory community benefits.	Complies The subject site (inclusive of the closed road to be included in the application land under this Minor Change) is not currently located within a zone precinct of the Community Facilities Zone. The subject site is in close proximity, being directly south of existing community facilities part of the education purposes zone precinct. The proposal to develop the

	site for education purposes is considered safe, well designed, integrated with the locale and provides significant community benefits.
(i) Development: (i) is appropriately located according to the type of proposed use; (ii) is highly accessible and preferably integrated and co-located with complementary uses where possible; (iii) is of a scale, height and bulk that provides a high level of amenity; (iv) is generally consistent with the character of the area; (v) transitions sensitively to surrounding uses.	Complies The Minor Change maintains the intent of the proposal is considered suitably located, highly accessible, integrated and co-located with complementary uses, being the existing school campuses located directly north of the subject site (inclusive of the closed road to be included in the application land under this Minor Change). The Minor Change maintains the intent of the proposal is considered to create an amenity consistent with the scale, height and bulk of the existing school campuses, previous depot use as well as the surrounding residential uses, as the existing quarry faces will shield local views to the site. The Minor Change maintains the intent of the proposal to redevelop the former Stafford depot site for the purposes of education facilities within a partially residential neighbourhood is not considered to result in any increased adverse amenity impacts on nearby and sensitive uses. This is supported on the basis that the former and historical use of this site, being the BCC Stafford depot and Stafford Quarry were non-residential, non-sensitive land uses situated amongst substantial residential uses, which may have had potential to adversely impact the surrounding residential neighbourhoods The proposed redevelopment of the site for education facilities primarily consists of non-residential sensitive uses, which is considered to appropriately transition sensitively to surrounding uses.
(j) Development is supported by complementary uses of an appropriate scale and purpose which directly serve the employees and activities of the relevant zone precinct and do not compromise the commercial, retail or community service role and function of nearby centre activities.	Complies The proposal is considered to be supported by complementary community facilities, being the existing school campuses located directly north of the subject site. The proposal to redevelop the site and provide improved education facilities is not considered to compromise the commercial, retail or community service role and function of nearby centre activities.
(5) Development form overall outcomes are:	
(a) Development for a major government facility or service is of a form tailored to the particular operational, functional and locational requirements of the use.	Not Applicable The proposal is not for development of a major government facility or service.
(b) Development creates a variety of building forms, materials and facade treatments.	Complies Once fully developed, the proposal will provide for a variety of building forms, materials and façade treatments as well as increased pervious areas by way of outdoor sporting and recreation facilities.
(c) Development manages amenity impacts (including glare, odour, light, noise, traffic,	Complies

parking, servicing and hours of operation) and provides a sensitive transition between a use in the Community facilities zone and adjoining sensitive uses.	The Minor Change maintains the intent of the proposal is considered to be consistent to support the local character and amenity of the neighbourhood and is complementary to the surrounding uses. Furthermore, any potential amenity impacts will be appropriately managed or mitigated to ensure a sensitive transition can be achieved.
(d) Development supplies infrastructure, service and utilities at a level that is commensurate with the level of service demands generated by the use.	Complies The site (inclusive of the closed road to be included in the application land under this Minor Change) has access to all necessary infrastructure, service and utilities commensurate with the anticipated demands generated by the use.
(e) Development maximises road, rail, public transport and active transport connections and accessibility between community facilities and key destinations to ensure efficient and safe movement of people and goods and a high level of accessibility for visitors, patrons and employees of the community facility use.	Complies The Minor Change maintains the intent of the proposal will be co-located with existing Community Facilities which includes the existing Padua College, Mount Alvernia and St Anthony's campuses located directly north of the site. Furthermore, the site (inclusive of the closed road to be included in the application land under this Minor Change) is located northwards of the Stafford District Centre and within close proximity to the selected transport corridor, being Gympie Road and Northern Busway as well as serviced by frequent public transport routes.
(f) Development is designed, constructed and operated to maintain the safety and security of people and property.	Complies Once fully developed, the Minor Change maintains the intent of the proposal will be designed, constructed and operated to maintain the safety and security of people and property.
(g) Development achieves a satisfactory standard of environmental performance by adopting principles of innovative, sustainable and efficient design, construction and operation to encourage water conservation and responsiveness to climate.	Complies Once fully developed, the Minor Change maintains the intent of the proposal will provide a satisfactory standard of environmental performance.
(h) Development for a community facility that is a major economic driver, such as a hospital, consolidates its role in facilitating growth in allied fields such as medical research and product development drawing visiting research academics and clinical professionals to the region and functioning as a major employment generator.	Not Applicable The Minor Change maintains the intent of the proposal does not involve development of a hospital.
(i) Development responds to land constraints, mitigates any adverse impacts on environmental values and natural features, and addresses other specific characteristics as identified by overlays affecting the sites or in a code applicable to the development.	Complies The Minor Change maintains the intent of the proposal suitably responds to land constraints to mitigate any potential adverse impacts which is supported by the assessment against the applicable overlay codes as part of this report.
(j) Development for a use other than a community facility that is provided in conjunction with a community facility use incorporates a design that allows for reasonable	Not Applicable The Minor Change maintains the intent of the proposal seeks to provide for community facilities – education purposes (Activity Group) land purposes uses.

adaptability and expansion, where necessary, of the community facility.	
(8) Education purposes zone precinct overall outcomes are:	
(a) Development provides premises for training and instruction designed to impart knowledge and develop skills.	Complies The Minor Change maintains the intent of the proposal seeks to provide improved and increased private education facilities specifically to impart knowledge and develop skills.
(b) Development may provide for recreation opportunities and ancillary administrative and catering functions to serve students and staff.	Complies The Minor Change maintains the intent of the proposal may incorporate recreation opportunities and ancillary administrative functions to assist in operations of the private education premises.

9.3 Neighbourhood Plan – Lutwyche Road Corridor Neighbourhood Plan (Stafford Depot Precinct – NPP-003)

The subject site is located within the Stafford Depot Precinct (NPP-003) of the Lutwyche Road Corridor Neighbourhood Plan. The Preliminary Approval (Variation Request) has already amended the relevant provisions of the Neighbourhood Plan code as they apply to the subject site, including the amendment of the Overall Outcomes for the Stafford Depot Precinct to reflect the approved Education Establishment use.

Condition 2(d) of the PAVR approval conditions (BCC Approval Package – A005516358) amended the Lutwyche Road Corridor Neighbourhood Plan code purpose as follows:

7.2.12.4.2 Purpose

(6) Stafford depot precinct (Lutwyche Road corridor neighbourhood plan/NPP-003) overall outcomes are:

- a) Should the depot facilities at the Brisbane City Council Stafford depot between Lennon Street and Bradley Street relocate, education services, outdoor sport and recreation and/or higher density residential development is considered appropriate, with strong pedestrian links provided to nearby retail and commercial activities and public transport.*
- b) Redevelopment in this precinct includes a portion of public open space where developed for residential purposes, or otherwise provides opportunities for managed public use of private facilities where appropriate and has regard for views from surrounding properties to the City Centre achieves a high level of urban and pedestrian amenity and provides for a new vehicle connection to Broughton Road or Wayland Street from the precinct and incorporates a high level of community input.*

Further the PAVR approval conditions (BCC Approval Package – A005516358) amended 'Figure c – Public realm and community facility of the Lutwyche Road Corridor Neighbourhood Plan, as follows:

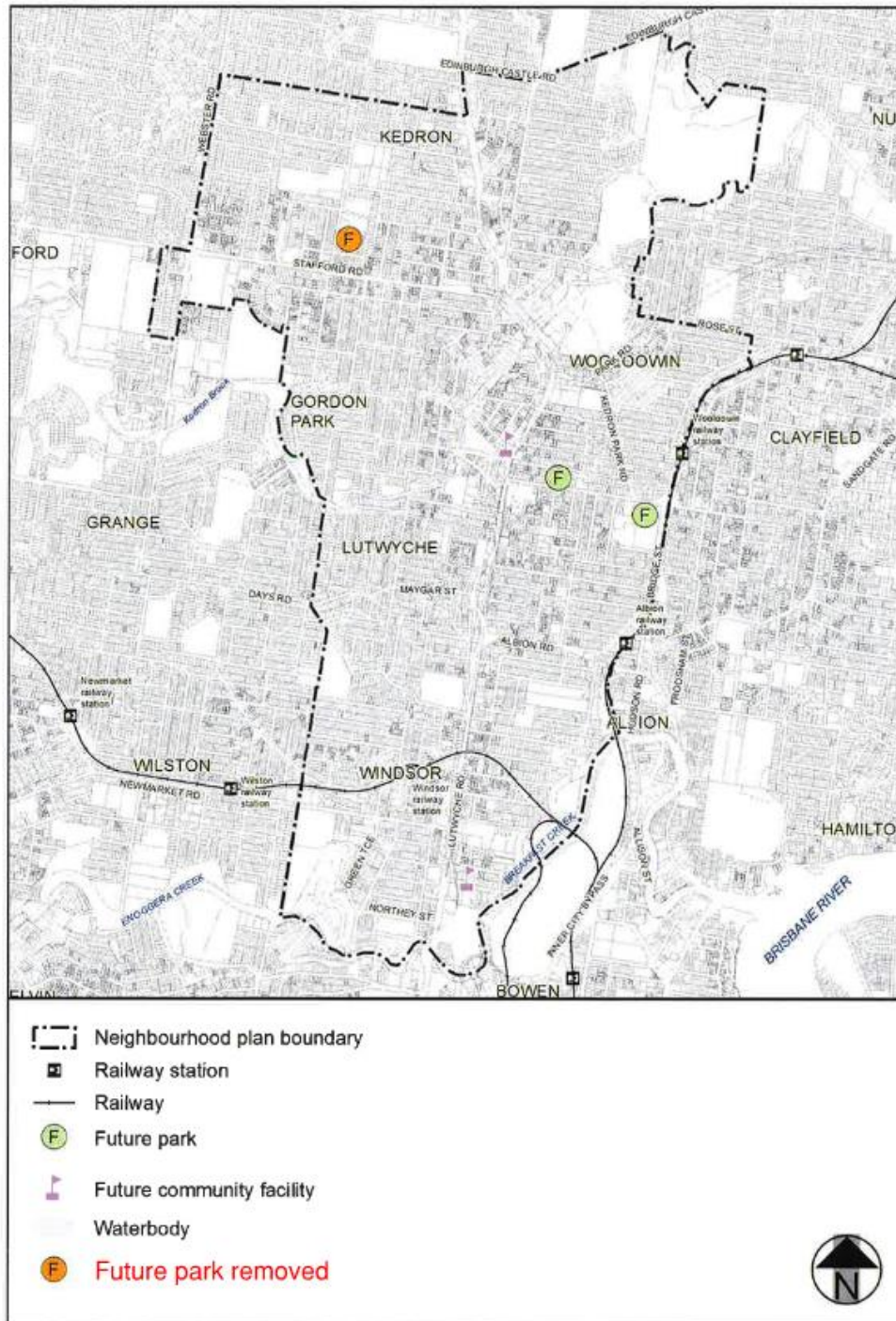


Figure c—Public realm and community facilities

PUBLIC REALM AND COMMUNITY FACILITIES

PLANS AND DOCUMENTS
referred to in the
NEGOTIATED DECISION
Dated: 17/12/2021

PLANS AND DOCUMENTS
referred to in the
APPROVAL
Dated: 30/08/2021

Received
01/02/2021
BCC DS

VP 12

The 'new' land, resultant from amalgamation of the areas of closed roads into Lot 88 on SP335588, falls within the Lutwyche Road Corridor Neighbourhood Plan (Stafford Depot Precinct – NPP-003), which are identical to the Neighbourhood Plan provisions that applied to the full extent of the land subject to the original Development Application. The proposed Minor Change does not engage any new Neighbourhood Plan provisions than those previously assessed by Brisbane City Council in approving the PAVR.

Further the proposed Minor Change does not alter any of the Neighbourhood Plan provisions established by the PAVR. The variation to the Neighbourhood Plan code remains fully operative and applicable to the full extent of the site, including the areas of former road reserve now incorporated in Lot 88 on SP335586.

Additional detailed assessment against the Lutwyche Road Corridor Neighbourhood Plan is not considered necessary in this instance, given that the minor change does not directly facilitate the construction of new buildings and the subject site is not included in any specific Acceptable Solutions and/or Performance Outcomes relevant to the 'Stafford depot precinct (Lutwyche Road corridor neighbourhood plan/NPP-003)' or the subject site, contained in the Neighbourhood Plan Code.

9.4 Overlay Assessment

The following overlays are applicable to the subject site. Each overlay was assessed under the original PAVR application. The proposed Minor Change does not engage any new overlay assessment requirements and does not alter any overlay-related conditions imposed by the Approval.

9.4.1 Airport Environs Overlay

The subject site is identified within the Airport Environs overlay (OLS – Horizontal limitation surface boundary; PANS; BBS Zone – Distance from airport 8–13km). The approved development was assessed against the Airport Environs Overlay code under the original PAVR application. The proposed Minor Change, to incorporate the areas of closed roads into the land which benefits from the Development Approval, does not alter any approved development element that would affect compliance with the Airport Environs Overlay. No new Airport Environs Overlay trigger is engaged as a result of the proposed Minor Change.

Assessment Outcome: **Complies**

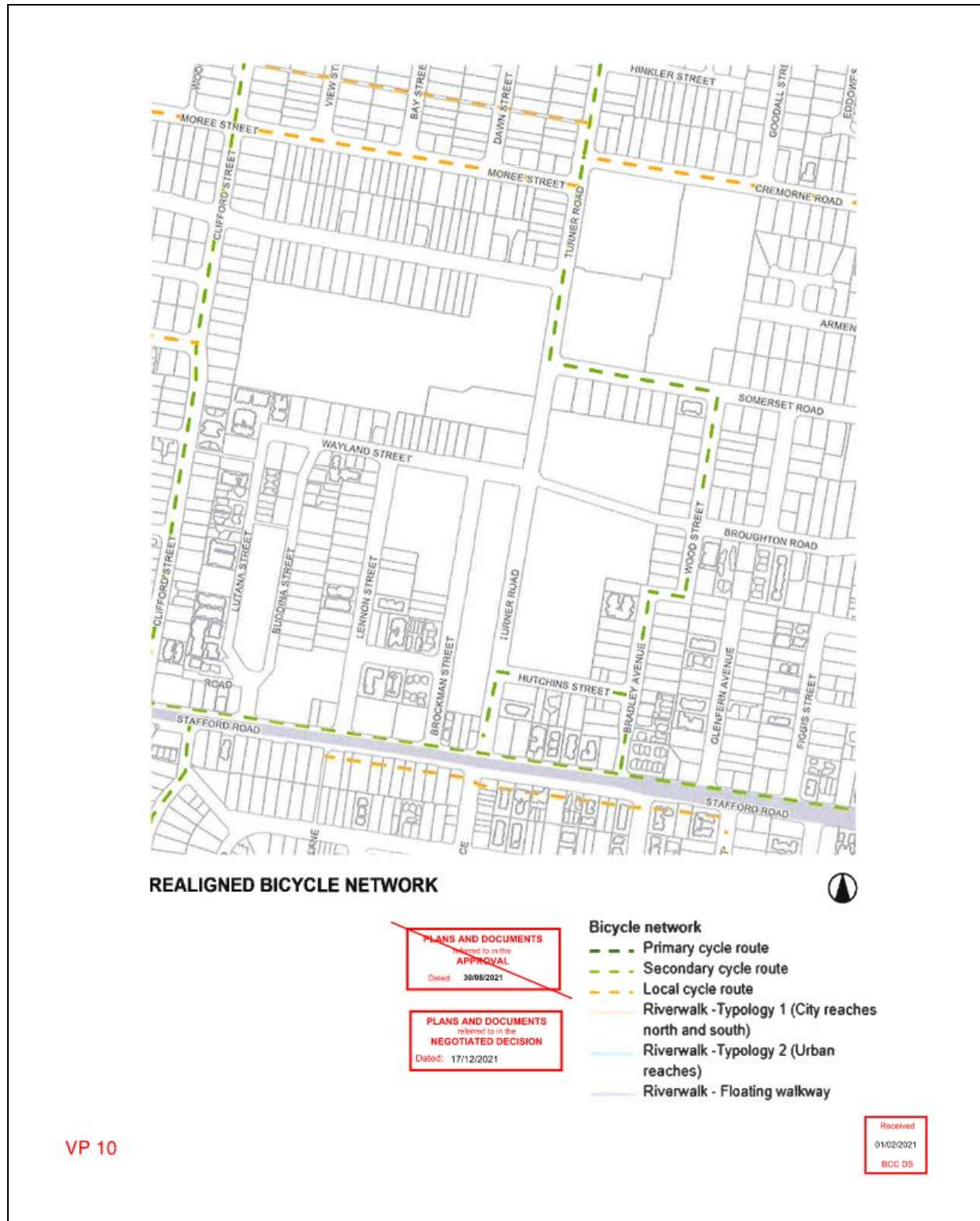
No new or additional airport environs overlay assessment is required. The change is administrative only.

9.4.2 Bicycle Network Overlay

The subject site is identified within the Bicycle Network Overlay. The Bicycle Network Overlay was specifically addressed and amended by the original PAVR (BCC Approval Package – A005516358). Condition 2(a) of the Variation Request approval amended the Bicycle Network Overlay mapping as follows:

- a) *Bicycle network overlay mapping as amended to remove the requirement for the secondary cycle route along the unformed Turner Road through the site, which is not required nor relevant to the future redevelopment of the site.*

The approved plans contain the following depiction of the amended Bicycle Network Overlay mapping that apply to the site under the PAVR.



The approved amended Bicycle Network mapping (VP10 – Realigned Bicycle Network) remains applicable. The proposed Minor Change does not alter the amended bicycle network mapping established by the Approval. The former road reserve areas are not impacted by the amended Bicycle Network Overlay mapping.

Assessment Outcome: **Complies**

Overlay mapping amended by original Approval remains applicable. No new bicycle network overlay assessment required.

9.4.3 Community Purposes Network Overlay

The subject site is identified within the Community Purposes Network Overlay. This overlay was assessed under the original PAVR application and does not give rise to any additional requirements for the proposed Minor Change. The inclusion of the former road reserve areas (which were unformed and not part of the active road network) does not engage any new community purposes network overlay requirements.

Assessment Outcome: **Complies**

No new assessment required.

9.4.4 Critical Infrastructure and Movement Network Overlay

The subject site is identified within the Critical Infrastructure and Movement Network Overlay (Critical Infrastructure and Movement Planning Area sub-category). This overlay was assessed under the original PAVR application. The proposed Minor Change does not alter any critical infrastructure or movement network provisions. The inclusion of the former road reserve areas (which were unformed and not part of the active road network) does not engage any new critical infrastructure overlay requirements.

Assessment Outcome: **Complies**

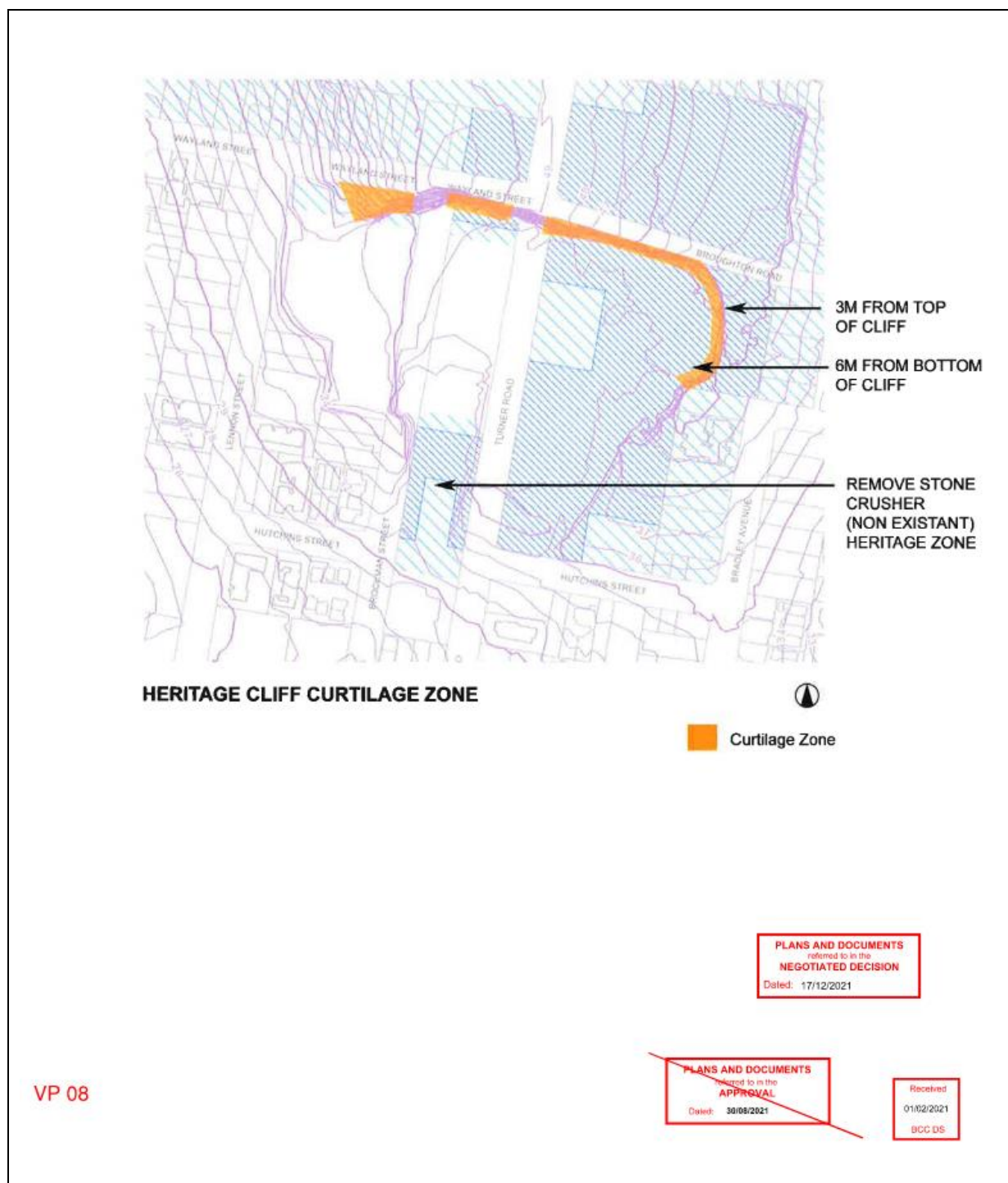
No new assessment required.

9.4.5 Heritage Overlay

The subject site is identified within the Heritage Overlay (Local Heritage Place sub-category and Area Adjoining Heritage sub-category). The Heritage Overlay (Local Heritage Place sub-category and Area Adjoining Heritage sub-category) was specifically addressed and amended by the original PAVR (BCC Approval Package – A005516358). Condition 2(b) of the Variation Request approval amended the Heritage Overlay mapping as follows:

- a) Heritage overlay mapping as amended by approved plan reference, Extent of Heritage Overlay Dwg: 203324#002 Rev 0 Sheet 1 of 3, 2 of 3 and 3 of 3.*

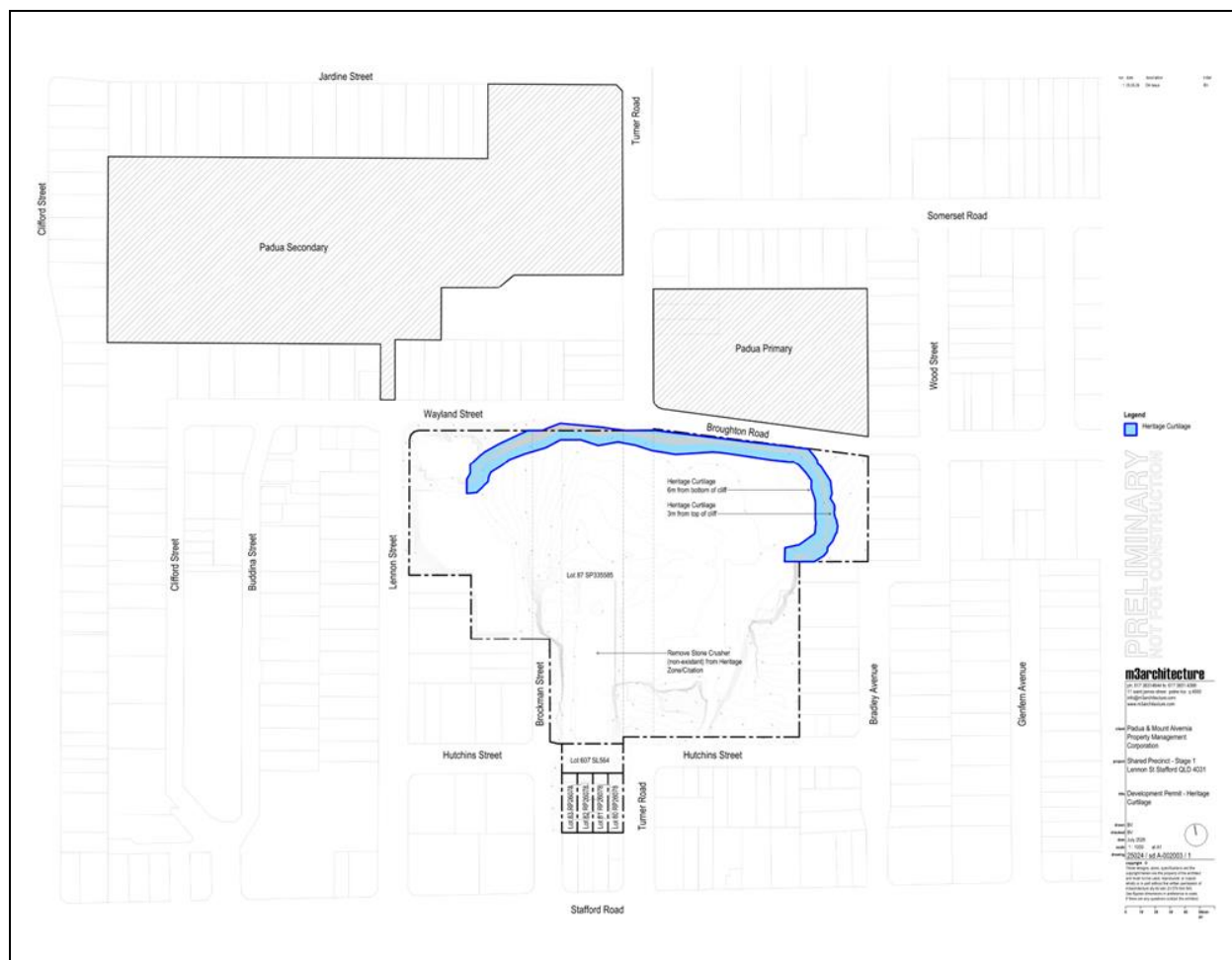
The approved plans contain the following depiction of the amended Heritage Overlay mapping that apply to the site under the PAVR.



The heritage significance relates primarily to the cliff escarpment along the eastern boundary of the site, which is the subject of the Cliff Curtilage Zone established by the Approval (approved plan VP08 – Heritage Cliff Curtilage Zone).

The purpose of the Minor Change is solely administrative – to align the approval documents with the current registered land description resulting from the State Government-directed amalgamation of closed road with adjoining allotments sold by BCC to Padua College Limited and Mount Alvernia College Limited. The former road reserve areas were already included within the physical and operational boundary of the former Stafford Depot use, and their formal inclusion in the approval boundary does not generate any new or increased planning impacts, but rather strengthens the Planning Schemes ability to manage the Local Heritage Place as follows:

- The Heritage overlay mapping and cliff curtilage zone established by the original Approval (Drawing VP08) are updated to shown the extension of the amended Heritage Overlay to land created through the closure of the road reserve areas, which provides further protection to these areas, previously not included in the Heritage Overlay, which did not apply to road reserves.



Assessment Outcome: **Complies**

Former road reserve areas are not within any Heritage overlay under either the Planning Scheme or the approved amended Heritage Overlay mapping contained within the PAVR. The amalgamation of the closed former road reserves into Lot 88 on SP35588, leaves areas of physical cliff outside the nominated heritage cliff curtilage zone under the PAVR. As such the Minor Change proposes to update the amended Heritage overlay mapping to include the areas of physical cliff that are currently outside the nominated heritage cliff curtilage zone.

9.4.6 Industrial Amenity Overlay

A small component of the south-western corner of the subject site is identified within the Industrial Amenity Overlay (Industrial Amenity Investigation Area sub-category). This overlay was assessed under the original PAVR application in the context of the site's former industrial Depot use. The proposed Minor Change does not engage any new industrial amenity overlay requirements.

Assessment Outcome: **Complies**

No new assessment required.

9.4.7 Road Hierarchy Overlay

The subject site is identified within the Road Hierarchy Overlay. Turner Road and Stafford Road are the relevant road hierarchy designations applicable to the site frontages. The Road Hierarchy overlay does not apply to the areas of closed roads. The proposed Minor Change does not alter any road hierarchy overlay provisions and does not propose any new access arrangements. The engineering conditions imposed by the Approval addressing road works (Conditions 19 and 20) remain unchanged as part of the proposed Minor Change.

Assessment Outcome: **Complies**

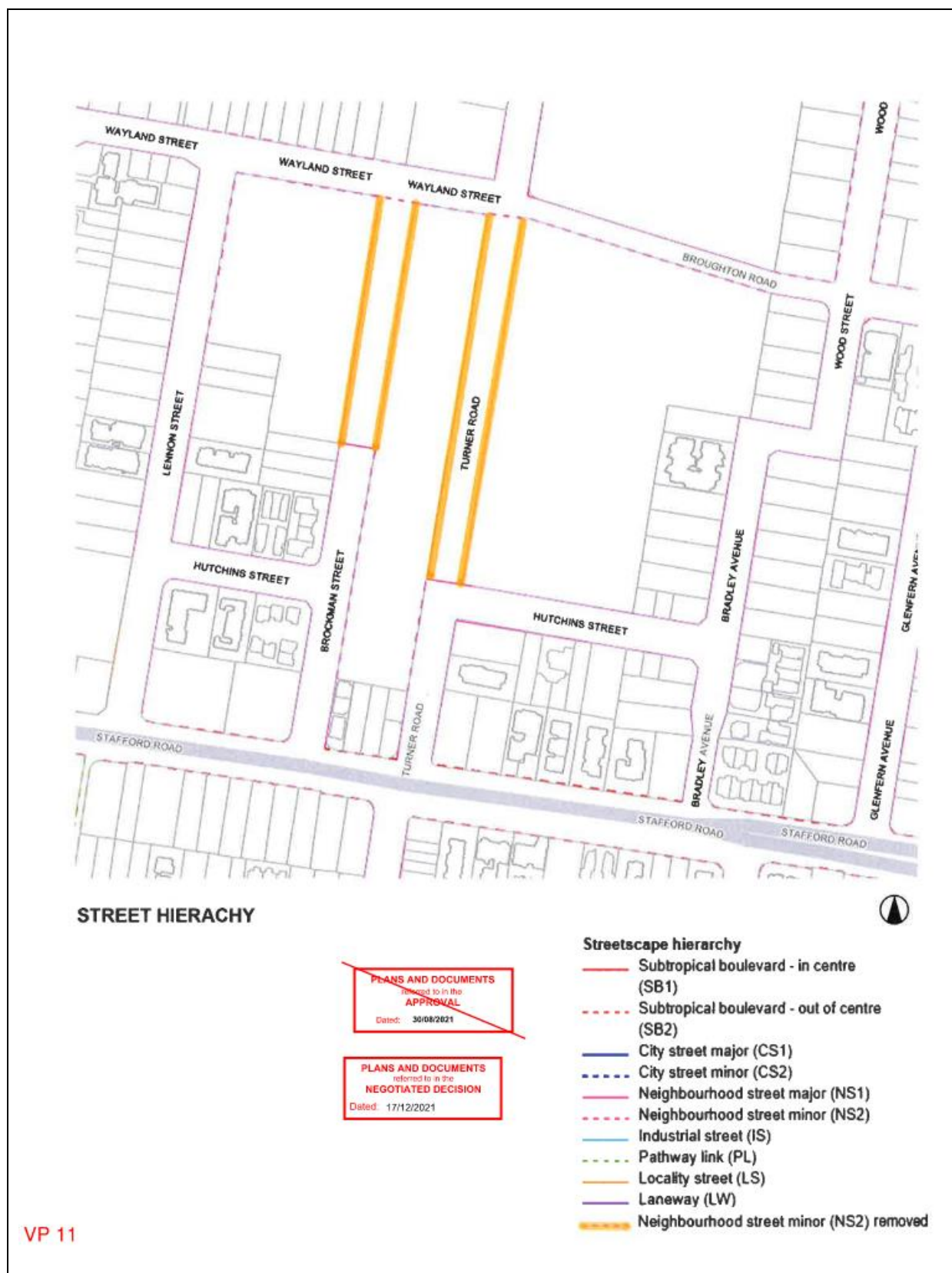
No new assessment required.

9.4.8 Streetscape Hierarchy Overlay

The subject site is identified within the Streetscape Hierarchy Overlay. The Streetscape Hierarchy Overlay was specifically addressed and amended by the original PAVR (BCC Approval Package – A005516358). Condition 2(c) of the Variation Request approval amended the Streetscape Hierarchy Overlay mapping as follows:

- c) *Streetscape Hierarchy Overlay Mapping as amended to remove the Streetscape Hierarchy overlay mapping from the unformed sections of Turner Road and Brockman Street.*

The approved plans contain the following depiction of the amended Streetscape Hierarchy Overlay mapping that apply to the site under the PAVR.



The approved amended Streetscape Hierarchy Overlay mapping (VP11) remains applicable. The proposed Minor Change does not alter the amended Streetscape Hierarchy Overlay mapping established by the Approval.

Assessment Outcome: Complies

Overlay mapping was already amended by the original Approval to remove the unformed Turner Road and Brockman Street sections. The Minor Change is consistent with this established position.

9.4.9 Transport Noise Corridor Overlay

The subject site is identified within the Transport Noise Corridor Overlay (Designated State Noise Corridor – State Controlled Road (Mandatory area): Category 1: 58–63 dB(A); Category 2: 63–68 dB(A)). This overlay was assessed under the original PAVR application. The proposed Minor Change does not alter any transport noise corridor overlay provisions or requirements. The former road reserve areas are not within the core noise-affected areas.

Assessment Outcome: Complies

No new assessment required.

10.0 Consistency with Community Facilities Use Code

The Minor Change maintains the intent of the proposal seeks approval for Community Facilities – Education Purposes, assessment against the Community Facilities Code is considered prudent. The proposal (inclusive of the closed road to be included in the application land under this Minor Change) is largely compliant with the provisions of the Community Facilities Code which is considered to further reinforce the suitability of the site to be developed for education purposes.

Performance outcomes	Acceptable outcomes	Performance Solution
Section A—If for accepted development subject to compliance with identified requirements (acceptable outcomes only) or assessable development		
PO1 Development ensures that the hours of operation are: (a) consistent with reasonable community expectations for the use and are consistent with the purpose of the zone or zone precinct; (b) controlled so that the community facility does not impact on the amenity of: (i) a residence within the building where the use is located; (ii) nearby sensitive uses.	AO1.1 Development for a non-residential use has hours of operation, including the use of indoor activity areas and private open space, which are limited to 7am to 6pm.	AO1.1 Performance Solution As part of this Preliminary Approval (Variation Request) it is proposed to alter the Acceptable Outcomes for Accepted Development within the Community Purposes Zone in order to more appropriately facilitate Community facilities – education purposes (activity group) land uses that utilise the existing buildings establishing on the subject site, without unnecessarily generating Code Assessable Development Applications. It is therefore proposed that the hours of operation, including the use of indoor activity areas and private open space, are limited to 7am to 6pm, other than Community Facilities - Education Purposes (activity group) land uses which are limited to 6am – 10pm. The proposed hours of operation are considered consistent with the reasonable expectations of the local community given that the site is co-located with existing Community Facilities which includes the existing Padua College, Mount Alvernia and St Anthony's campuses located directly north of the site. The proposal is not considered to unduly affect nearby sensitive uses, as these hours are within the reasonable expectations of the community.
	AO1.2	AO1.2 Performance Solution

	Development has hours of operation for delivery vehicles which are limited to 7am to 6pm Monday to Saturday, excluding public holidays.	As part of this Preliminary Approval (Variation Request) it is proposed to alter the Acceptable Outcomes for Accepted Development within the Community Purposes Zone in order to more appropriately facilitate Community facilities – education purposes (activity group) land uses that utilise the existing buildings establishing on the subject site, without unnecessarily generating Code Assessable Development Applications. It is therefore proposed that the hours of operation for delivery vehicles are limited to 7am to 6pm Monday to Saturday, excluding public holidays, other than Community facilities - Education Purposes (activity group) land uses which are limited to 6am – 8pm. The proposed hours of operation are considered consistent with the reasonable expectations of the local community given that the site is co-located with existing Community Facilities which includes the existing Padua College, Mount Alvernia and St Anthony's campuses located directly north of the site. The proposal is not considered to unduly affect nearby sensitive uses, as these hours are within the reasonable expectations of the community.
PO2 Development ensures that noise generated does not exceed the noise (planning) criteria in Table 9.3.5.3.B and night-time noise criteria in Table 9.3.5.3.C at a sensitive zone or sensitive use. Note—A noise impact assessment report prepared in accordance with the Noise impact assessment planning scheme policy can assist in demonstrating achievement of this performance outcome. Note—Where the development involves an activity regulated by the Entertainment Venues and Events Local Law, the operating	AO2.1 Development: (a) does not involve amplified music entertainment; (b) is conducted wholly within an enclosed building and does not involve external activity, dining or entertainment areas; (c) provides a 2m high acoustic fence along any boundary with land in a residential zone; (d) ensures mechanical plant or equipment is acoustically screened from adjoining sensitive uses. Note—Mechanical plant includes generators, motors, compressors	PO2 Performance Solution The proposal for Community Facilities – Education Purposes is not considered to generate levels and frequency of activity will create noise or other impacts that will affect the nearby residential areas. It is understood that the proposed development will comply with the relevant noise (planning) criteria however any subsequent development application will be subject to assessment against this this code at the time of lodgement and if a noise impact assessment

noise levels and requirements may be specified on a permit or approval issued under that law.	and pumps such as air-conditioning, refrigeration or coldroom motors.	is required this will be provided at the appropriate stage.
	AO2.2 Development does not generate noise that is clearly audible and creates a disturbance within a dwelling or its associated balcony or patio.	Notwithstanding this, as part of this Preliminary Approval (Variation Request) it is proposed to alter the Acceptable Outcomes for Accepted Development within the Community Purposes Zone in order to more appropriately facilitate Community facilities – education purposes (activity group) land uses that utilise the existing buildings establishing on the subject site, without unnecessarily generating Code Assessable Development Applications. It is therefore proposed that the AO2.1 is amended to exclude development for Community Facilities – Education Purposes (Activity Group) land uses from (a) and (b). It is also proposed that AO2.2 is amended to exclude development for Community Facilities – Education Purposes (Activity Group) land uses.
PO3 Development: (a) avoids or minimises air emissions; (b) complies with the following criteria at a sensitive zone or sensitive use: (i) air quality planning criteria in Table 9.3.5.3.D; (ii) odour criteria in Table 9.3.5.3.E. Note—An air quality impact report prepared in accordance with the Air quality planning scheme policy can assist in demonstrating achievement of this performance outcome.	AO3.1 Development: (a) does not involve activities that generate air emission, including odour, dust, fumes or smoke beyond the site; (b) where cooking or food odour is released, exhaust is discharged vertically and directed away from a sensitive use, and vents are separated by the following distances: (i) a minimum of 6m horizontally from a sensitive use; (ii) a minimum of 2m above a thoroughfare or roof with regular foot traffic.	AO3.1 Complies The proposal for Community Facilities – Education Purposes is not considered to involve activities that generate air emission, including odour, dust, fumes or smoke beyond the site that will affect the nearby residential areas. It is understood that the proposed development will comply with the relevant air quality (planning) criteria however any subsequent development application will be subject to assessment against this code at the time of lodgement. It is not anticipated that an air quality impact assessment is required.
	AO3.2 Development ensures that all vents for a below-ground car park are separated from a sensitive use in accordance with AS 1668.2-2012 The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings.	AO3.2 Not applicable The proposal does not involve a below-ground carpark at this stage. Should a below-ground carpark be proposed as part of any subsequent development application, this will be subject to assessment against this code at the time of lodgement.
PO4	AO4	AO4 Complies

Development for a sensitive use is located to achieve the air quality (planning criteria in Table 9.3.5.3.D and odour criteria in Table 9.3.5.3.E. Note—An air quality impact report prepared in accordance with the Air quality planning scheme policy can assist in demonstrating achievement of this performance outcome.	Development for a sensitive use is located at least 150m from a spray painting workshop. Note—This distance is to be measured between the building constraining the spray painting workshop and the property boundary of the sensitive use.	The subject site is not located within 150m of a spray painting workshop.
PO5 Development for air conditioning, refrigeration and other mechanical plant, vents, exhausts and refuse and recycling storage areas are compatible in appearance and arrangement with nearby premises to ensure adverse amenity impacts associated with the development are ameliorated.	AO5 Development ensures that air conditioning, refrigeration and other mechanical plant, vents, exhausts and refuse and recycling storage areas are: (a) located so that they are not visually obtrusive when viewed from the street; (b) screened from an adjacent sensitive use.	AO5 Complies It is understood that the proposal will ensure all air conditioning, refrigeration and other mechanical plant, vents, exhausts and refuse and recycling storage areas are located so that they are not visually obtrusive and screened from any adjacent sensitive use.
PO6 Development for outdoor lighting must not have an adverse impact on any person, activity or fauna because of light emissions, either directly or by reflection.	AO6.1 Development provides for outdoor lighting with technical parameters, design, installation, operation and maintenance of outdoor lighting that comply with the requirements of AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Note—The effects of outdoor lighting should be mitigated where windows of habitable rooms of nearby dwellings will be illuminated beyond maximum permissible values outlined in AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	AO6.1 Not Applicable The proposal does not involve outdoor lighting at this stage. Should outdoor lighting be proposed as part of any subsequent development application, this will be compliant with Council requirements and subject to assessment against this code at the time of lodgement.
	AO6.2 Development ensures that floodlighting is restricted to the type that gives no upward component of light where mounted horizontally, that is a full cut off luminaire.	AO6.2 Not Applicable The proposal does not involve flood lighting at this stage. Should flood lighting be proposed as part of any subsequent development application, this will be compliant with Council requirements and subject to assessment against this code at the time of lodgement.
PO7 Development within the City core and City frame as identified in Figure a of the Transport, access, parking and servicing code provides for car parking spaces at rates to discourage private car use and encourage walking, cycling and the use of public transport.	AO7 Development within the City core and City frame as identified in Figure a of the Transport, access, parking and servicing code provides for on-site parking spaces at maximum parking rates in compliance with the standards in the Transport, access, parking	AO7 Not Applicable The subject site is not identified within the City Core or City Frame.

	and servicing planning scheme policy.	
PO8 Development outside the City core and City frame area as identified in Figure a of the Transport, access, parking and servicing code provides for a number of on-site car parking spaces that accommodate design peak car parking demands without overflow parking onto adjacent properties or adjacent streets.	AO8 Development: (a) outside the City core and City frame as identified in Figure a of the Transport, access, parking and service code provides for on-site car parking in compliance with the standards in the Transport, access, parking and servicing planning scheme policy; or (b) for which no parking standard is identified in the Transport, access, parking and servicing planning scheme policy, does not result in on-street parking.	AO8 Not Applicable At this stage of the proposal, there is no additional carparking proposed as the proposed school expansion is not to accommodate increased students but rather provide improved facilities primarily for extracurricular and elective studies. Furthermore, the Material Change of Use component of this application does not seek to increase the scale or intensity of the existing buildings onsite but rather facilitate a change of use of the existing premises. Notwithstanding this, some previous depot carparking areas as marked, may be used for school parking. Future development onsite which results in additional students will need to address the provision of additional carparking where necessary as part of any subsequent development application, this will be subject to assessment against this code at the time of lodgement.
PO9 Development provides adequate facilities for bicycles.	AO9 Development provides for cyclist facilities in accordance with the standards in the Transport, access, parking and servicing planning scheme policy.	AO9 Not Applicable At this stage of the proposal, there is no additional cyclist facilities proposed as the proposed school expansion is not to accommodate increased students but rather provide improved facilities primarily for extracurricular and elective studies. Furthermore, the Material Change of Use component of this application does not seek to increase the scale or intensity of the existing buildings onsite but rather facilitate a change of use of the existing premises. Future development onsite will need to address the provision of additional cyclist facilities where necessary as part of any subsequent development application, this will be subject to

		assessment against this code at the time of lodgement.
PO10 Development must be serviced adequately with regard to water supply and waste disposal, and water supply must meet the stated standard of service for the intended use and fire fighting purposes.	AO10 Development ensures that all lots are: (a) provided with reticulated water supply and sewerage; or (b) provided with appropriate on-site sewerage, where the development does not provide access to reticulated sewer for all lots.	AO10 Complies All development will be connected to suitable mains water connections and will provide on-site wastewater treatment system.
If for a childcare centre		
PO11 Development does not expose children to levels of soil contamination in excess of the health-based investigation levels outlined in the National environmental protection measure for assessment of site contamination (incorporating Schedule B (7a)). Note—This can be demonstrated by the preparation of a Stage 1 Preliminary investigation report that complies with the Draft guidelines for the assessment and management of contaminated land in Queensland, any succeeding guidelines, or other relevant state or federal guidelines, statutory measures or standards.	AO11 Development is on a site that has not previously been used for industrial purposes or a notifiable activity (as defined in Schedule 3 of the <i>Environmental Protection Act 1994</i>) as demonstrated by a site history investigation report conducted by a suitably qualified person (as defined under Section 381 of the <i>Environmental Protection Act 1994</i>).	AO11 Complies At this stage of the proposal, a Development Permit for a Childcare Centre is not immediately sought. However, the Preliminary Approval will provide for a future childcare centre to be Code Assessable development. It is understood that part of the site is included on the Environmental Management Register however any future development onsite for a Childcare Centre will ensure children are not exposed to levels soil contamination in excess of the health-based investigation levels outlined in the National environmental protection measure for assessment of site contamination. This will be addressed as part of any subsequent development application, and subject to assessment against this code at the time of lodgement.
Section B—If for assessable development		
PO12 Development on a site within a Community facility zone precinct must be protected for public use, and where a community facility use ceases, its replacement must be another community facility or a community facility integrated with another development. Editor's note—For example, premises formerly used as a school may be adapted to accommodate an arts or cultural services hub.	AO12 Development of an existing community facility within a Community facility zone precinct may be transitioned to another type of use within the community facility activity group, where a demonstrable need of the community will be fulfilled.	AO12 Not Applicable The site is not in a Community facility zone precinct.

PO13 Development for a community facility which is purpose-built on public land delivers buildings or structures that are designed as multipurpose community hubs where possible, rather than stand-alone or single-use facilities to: (a) create a sense of place, belonging and community, and to provide a focal point for community activity; (b) increase efficiencies in built form; (c) provide a better return on infrastructure costs where enabling service providers to share facilities over an increased span of operating hours; (d) facilitate adaptation of the building or infrastructure to respond to changing community needs.	AO13 No acceptable outcome is prescribed.	PO13 Performance Solution The proposed future development of the site for education purposes includes potential for private education facilities including indoor and outdoor sporting facilities, halls and childcare centre to facilitate managed public use of private facilities where appropriate. The proposal will provide a substantial benefit to the community through improved accessibility to existing education facilities as well as improvements to the calibre of education facilities provided within the locality
PO14 Development design must be consistent with the reasonable expectations for built form, site layout and landscape design of development on surrounding land.	AO14 Development is of a scale, height and bulk that is not greater than that of surrounding development.	AO14 Complies The proposal for Community Facilities – Education Purposes is considered to create a scale, height or bulk that is consistent with the surrounding area. The proposed redevelopment of the site for education purposes is considered complementary to the nature of the area due to the proximity of the site to the existing campuses to the north. Future development onsite for education Facilities is considered to prevent potentially incompatible and inconsistent land uses from establishing or relocating to this site. Whilst it is not considered that future development would be inconsistent with the reasonable expectations in the area, this will be addressed as part of any subsequent development application, and subject to assessment against this this code at the time of lodgement.
PO15 Development has a building form that is varied and building bulk that is reduced by design	AO15 No acceptable outcome is prescribed.	AO15 Complies The proposal for Community Facilities – Education Purposes is considered to provide a building

elements such as awnings, recesses and projections, and a range of materials, colours and textures.		form that is varied with minimal building bulk, complementary to the surrounding area. The proposed redevelopment of the site for education purposes is considered to be compatible with the nature of the area due to the proximity of the site to the existing campuses to the north. Future development onsite for education facilities is considered to prevent potentially incompatible and inconsistent land uses from establishing or relocating to this site. Whilst it is not considered that future development would be inconsistent with the reasonable expectations in the area, this will be addressed as part of any subsequent development application, and subject to assessment against this this code at the time of lodgement.
PO16 Development does not impose adverse visual amenity impacts on surrounding sensitive uses.	AO16.1 Development has a 2m wide landscaped buffer provided between boundaries with residential uses and vehicle movement and parking areas.	AO16.1 Complies The proposal will ensure all future development onsite provides an appropriate buffer between boundaries with residential uses and vehicle movement and parking areas where required. It is not considered that the proposed development onsite for education facilities will impose adverse visual amenity impacts on surrounding sensitive uses but rather improve the attractiveness and visual appeal of the site.
	AO16.2 Development has a building setback from a site boundary with a residential premises of a minimum of 3m, or half the height of the building at that point, whichever is greater.	AO16.2 Complies The proposed Material Change of Use of the existing buildings and their surrounds does not seek to alter the existing setbacks. The proposal will ensure all future development onsite provides an appropriate setback from boundaries adjoining a residential use where required. It is not considered that the proposed development onsite for education facilities will impose adverse visual amenity impacts on surrounding sensitive uses but

		rather improve the attractiveness and visual appeal of the site.
	AO16.3 Development has a 2m high acoustic fence and screen landscaping provided along a site boundary adjoining a sensitive use.	AO16.3 Complies The proposal will ensure all future development onsite provides appropriate fencing from boundaries adjoining a sensitive use where required. It is not considered that the proposed development onsite for education facilities will impose adverse visual amenity impacts on surrounding sensitive uses but rather improve the attractiveness and visual appeal of the site.
PO17 Development ensures that building siting and design achieves a pleasant and manageable environment by allowing passage of cooling breezes and employing sun control devices to reduce glare, shade buildings and maintain comfortable indoor temperatures.	AO17.1 Development is orientated to allow good access to sunlight and breezes.	AO17.1 Complies The proposed Material Change of Use is to utilise the existing buildings and surrounds. Access to sunlight and breezes will be provided where possible.
	AO17.2 Development has window placement and an internal layout which allows for cross ventilation. Note—North- or north-east facing windows, balconies or decks may provide lesser levels of privacy than would otherwise be allowed by this code, where passive solar design is improved.	AO17.2 Complies The proposed Material Change of Use is to utilise the existing buildings and surrounds. Cross ventilation will be provided where possible
PO18 Development provides for vehicular accessways that are designed and located to: (a) minimise on-site and off-site safety conflicts between pedestrians and vehicles; (b) ensure efficient pedestrian or vehicular ingress to or egress from the premises; (c) reduce the visual impact on the streetscape.	AO18.1 Development has buildings and activity areas located to prevent potentially hazardous vehicular or pedestrian movements.	AO18.1 – AO18.3 Complies The location and design of access ways for the proposed education facilities will be designed to minimise on-site and off-site safety conflicts between pedestrians and vehicles, ensure efficient pedestrian or vehicular ingress to or egress from the premises and reduce the visual impact on the streetscape.
	AO18.2 Development ensures that the location of access ways maintain the integrity, quality and primacy of footpaths.	
	AO18.3 Development provides convenient, safe and clearly visible pedestrian access to the site.	
PO19 Development ensures that on-site car parking is located so as to ensure that employee, patron and visitor car parking associated with the use: (a) does not dominate the frontage of the premises; (b) maintains the amenity of the street and adjacent properties.	AO19 Development ensures that car parking: (a) is provided below or at the rear of a primary building for the use and is not within the front setback of the site; (b) where forward of the building line, car parking is integrated with high quality landscaping.	AO19 Complies The location of car parking areas will not dominate the frontage and will continue to maintain the amenity of the street and adjacent properties.

Note—On-site parking areas are provided for staff, patrons and visitors in accordance with the Transport, access, parking and servicing planning scheme policy.		
PO20 Development ensures servicing, storage and refuse and recycling collection areas are: (a) unobtrusive; (b) located and managed so that adverse impacts on nearby sensitive uses, neighbouring properties and public domain are minimised.	AO20 Development reduces the visual impacts of loading bays, site storage and access points for refuse and recycling collection by: (a) buffering with appropriate landscaping; (b) locating service areas away from public spaces, primary street frontages and sensitive uses. Note—Refer to the Refuse planning scheme policy for further guidance.	AO20 Complies All service areas will be screened as required.
PO21 Development ensures that outdoor lighting contributes to pedestrian safety and amenity while minimising light nuisance and light spill.	AO21 Development provides a lighting system in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, while still being a minimum of 20lux at footpath level.	AO21 Not Applicable The proposal does not involve outdoor lighting at this stage. Should outdoor lighting be proposed as part of any subsequent development application, this will be compliant with Council requirements and subject to assessment against this code at the time of lodgement.
PO22 Development ensures that direct overlooking to adjoining residential dwellings is minimised by building layout, location and design of windows, balconies and screening devices.	AO22 Development ensures that windows, balconies, verandahs, terraces or decks that have a direct view into windows of habitable rooms in an adjoining residential dwelling, are screened by: (a) fixed opaque glazing; or (b) fixed external screens; or (c) fencing, but only if the overlooking is from the ground storey.	AO22 Complies The proposed Material Change of Use is to utilise the existing buildings and surrounds which does not have any windows, balconies, verandahs, terraces or decks with direct view into windows of habitable rooms in an adjoining residential dwelling. Should windows, balconies, verandahs, terraces or decks with direct view into windows of habitable rooms in an adjoining residential dwelling be proposed as part of any subsequent development application, this will be compliant with Council requirements and subject to assessment against this code at the time of lodgement.
PO23 Development must create a safe environment by incorporating the key elements of crime prevention through environmental design.	AO23.1 Development incorporates the key elements of crime prevention through environmental design in its layout, building or structure design and landscaping by:	AO23.1 Complies The proposed Material Change of Use is to utilise the existing buildings and surrounds includes key elements of crime prevention through environmental design as much as is possible however as

	(a) facilitating casual surveillance opportunities and including good sightlines to publicly accessible areas such as car parks, pathways, public toilets and communal areas; (b) defining different uses and private and public ownership through design and restricting access from non-residential uses into private residential dwellings; (c) promoting safety and minimising opportunities for graffiti and vandalism through exterior building design, orientation of buildings and the use of active frontages; (d) ensuring publicly accessible areas such as car parks, pathways, public toilets and communal areas are well lit; (e) including way-finding cues; (f) minimising predictable routes and entrapment locations near public spaces such as car parks, public toilets, ATMs and communal areas. Note—For guidance in achieving the key elements of crime prevention through environmental design refer to the Crime prevention through environmental design planning scheme policy.	part of any subsequent development application the key elements of crime prevention through environmental design will be addressed in its layout, building or structure design and landscaping.
	AO23.2 Development ensures that fencing adjoining waterway corridors, parkland and cycling and walking routes is low and visually permeable, with: (a) a maximum height of 1.2m, and at least 50% transparent; or (b) a maximum height of 0.9m if less than 50% transparent.	AO23.2 Complies Where required the proposal will include suitable fencing adjacent to footpaths, parkland and cycling and walking routes where necessary. At this time no fences are proposed. Should fencing be required as part of any subsequent development application, this will be compliant with Council requirements and subject to assessment against this this code at the time of lodgement.
PO24 Development minimises the potential for graffiti and vandalism through access control, canvas reduction and easy maintenance selection.	AO24 Development incorporates graffiti and vandalism prevention techniques in its layout, building or structure design and landscaping by: (a) denying access to potential canvas through access control techniques;	AO24 Complies The proposal will increase activity to the site and therefore offer fewer opportunities for graffiti and vandalism. As part of any subsequent development application graffiti and vandalism prevention techniques will be addressed in its layout, building or structure design and landscaping.

	(b) reducing potential canvases through canvas reduction techniques; (c) ensuring graffiti can be readily and quickly removed through easy maintenance selection techniques. Note—For guidance on graffiti and vandalism prevention techniques refer to the Graffiti prevention planning scheme policy.	
If for community facilities in zones other than the Community facilities zone Note—The performance outcomes and acceptable outcomes described below provide further assessment benchmarks for community facilities in specific zones to which this code is applicable. To the extent of any contrary direction or inconsistency with the general code provisions listed above, these more specific performance outcomes and acceptable outcomes prevail.		
PO25 Development must be located to minimise the introduction of non-local traffic into residential streets which are minor roads.	AO25 Development is not located on a minor road.	AO25 Performance Solution The subject site is bounded by neighbourhood roads which is identified as a minor road. Notwithstanding this, it is not considered that the proposed development will introduce additional non-local traffic into residential streets, when compared to the previous Council Depot land use. Further, the existing school campuses are located directly north of the subject site and the proposed expansion will be utilised by existing students at Padua, Mount Alvernia and St Anthony's and therefore there is minimal introduction of new non-local traffic.
If for community facilities in the Emerging community zone or where impact assessable in any other zone		
PO26 Development ensures that the community facility is co-located with or in close proximity to other community facilities, centre uses or focal points such as public transport interchanges or public open space.	AO26.1 Development located in newly developing areas or outer suburban areas ensures that the community facility is located: (a) on a site identified for that purpose on an approved structure plan, master plan or park management plan; or (b) adjacent to community focal points such as shopping centres, major public transport interchanges, parkland, schools or sporting grounds.	AO26.1 Complies The proposal is situated adjacent to the existing Padua, Mount Alvernia and St Anthony's school campuses. IT is considered that the subject site successfully co-locates the proposed education facilities with other education facilities. Furthermore, the site is located northwards of the Stafford District Centre and within close proximity to the selected transport corridor, being Gympie Road as well as serviced by frequent public transport routes.
	AO26.2 Development located in a built-up inner or middle-suburban area	AO26.2 Complies The proposal is co-located with existing community facilities including the existing college

	ensures that the community facility is: (a) co-located with another community facility; or (b) located within 500m of a centre or other community facility.	campuses for Padua, Mount Alvernia and St Anthony's, within 500m of the site.
PO27 Development must be on a site with high accessibility.	AO27.1 Development: (a) provides convenient and safe walking and cycling access from nearby public transport infrastructure and other public areas; or (b) is located in a high-use area such as a commercial building, shopping centre and other centre localities.	AO27.1 Complies The proposed Material Change of Use is to utilise the existing buildings and surrounds which integrate with the existing pedestrian footpath network to provides convenient and safe walking and cycling access from nearby public transport infrastructure where possible. As part of any subsequent development application convenient and safe walking and cycling access from nearby public transport infrastructure will be addressed in its layout, building or structure design and landscaping.
	AO27.2 Development ensures that the community facility is easily identifiable to facilitate ease of access by patrons.	AO27.2 Complies The proposed Material Change of Use for education purposes will be easily identifiable to facilitate ease of access by patrons.
If for community facilities in the Emerging community zone		
PO28 Development that is a club, community centre, community use, educational establishment, emergency services or place of worship is encouraged to establish and contribute to a vital and contained community.	AO28 Development including a club, community centre, community use, educational establishment, emergency services or place of worship is located in accordance with a subdivision plan developed through a coordinated and integrated structure planning process.	AO28 Not Applicable The site is not located within the Emerging Community Zone.
If for a community use in the Open space zone or Sport and recreation zone		
PO29 Development with community use activities requiring permanent facilities or infrastructure is located only in district or metropolitan parks or recreation facilities where it is compatible with and complements the sporting, leisure and recreation experiences of community users.	AO29 Development with facilities or infrastructure for community use activities: (a) is located within district or metropolitan parks or recreation facilities; (b) demonstrates a nexus with any existing sporting, leisure and recreation activities on a site.	AO29-30 Not Applicable The site is not located within the Open Space or Sport and Recreation Zones.
PO30 Development with permanent structures and buildings for the community use and	AO30 Development with buildings or structures associated with the community use is designed	

associated outdoor recreation infrastructure is of a scale, bulk and location compatible with the surrounding area.	and located in accordance with a park master plan or park management plan adopted in the Park management plan planning scheme policy, or where no plan exists: (a) is a minimum distance of 15m from any boundary to a residential premises; (b) does not exceed a height of 9.5m.	
If for emergency services in the Environmental management zone or Rural zone		
PO31 Development with an emergency services use is located to facilitate efficient access and emergency responses.	AO31 Development ensures that an emergency services use is located: (a) on a suburban or arterial road; (b) to support existing concentrations of centre activity uses or residential uses.	AO31 Not Applicable The site is not located within the Environmental Management or Rural zones.

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 88 SP335586
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 88 on SP335588 (the New Lot). The need for the inclusion of the full extent of Lot 88 on SP335588 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 88 on SP335588 (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:*

- a) *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*
- b) *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 88 SP335586
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.

13.0 Conclusion

This Town Planning Report has been prepared in support of a Minor Change Application to the Preliminary Approval (Variation Request) and Development Permit (Education Establishment Use of Existing Buildings) BCC Ref: A005516358, issued to Padua College Limited and Mount Alvernia College Limited by Brisbane City Council.

The proposed Minor Change seeks to update the Approval to accurately reflect the current registered real property description for the subject site, following the formal closure and Queensland State Government-directed amalgamation of parts of Turner Road and Brockman Street (former unformed road reserves) with approval allotments into Lot 88 on SP335586.

The Report has demonstrated, through detailed analysis of the applicable legislative framework, case law, and individual circumstances of the development, that the proposed changes constitute a 'Minor Change' within the meaning of Schedule 2 of the Planning Act 2016 and DA Rules Schedule 1, for the following reasons:

- The proposed changes are administrative only, arising directly from the State Government's mandatory requirement to amalgamate the closed road reserves with the adjoining approved land;
- The exclusion of the former road reserves from the original application was a procedural consequence of the contractual timing constraints imposed by BCC as vendor of their component of the former Stafford Depot site, not a planning intent to exclude that land from the approved development precinct;
- The former road reserve areas were always physically internal to and integral to the operation of the former Stafford Depot and preceding Quarry use. The former road reserve areas were never functional public thoroughfares;
- The proposed changes do not involve a new use, do not change the built form, do not alter the operational capacity of the approved development, do not remove any integral component, and do not introduce any new impacts or increase the severity of known impacts;
- No prohibited development is introduced; no new referral agency is triggered; no extra referral agencies are engaged; SARA is not required to assess against any new matter; and the change would not independently trigger public notification;
- BCC has confirmed in principle support for the Minor Change approach following pre-lodgement consultation;
- Consolidate the intent of the original Preliminary Approval Variation Request that seeks to ensure that all former Stafford Depot land, which practically included the unformed roads (now closed) to be treated as if it was included in the Community Facilities Zone under City Plan 2014 for future development applications for Community Facilities – Education Purposes consistent with the conditions of the PAVR; and
- Consistent with the legal principles established in *Kenfrost (1987) Pty Ltd v Cairns Regional Council & Ors* [2022] QPEC 48 as well in *Cleanaway Solid Waste Pty Ltd v Ipswich City Council & Ors* [2021] QPELR 809 at 811 [43], the addition of land arising from an administrative amalgamation requirement does not of itself constitute a 'substantially different development', where the nature, scale, and intensity of the development remain unchanged;

On this basis, it is respectfully submitted that Brisbane City Council approve the Minor Change Application to update the land description, addresses, approval plans, conditions, and SARA referral response to accurately reflect the inclusion of Lot 88 on SP335588 (incorporating the former road reserve areas) within the land to which the Approval relates.

14.0 Attachments

Ref	Document / Plan
A	Amended Plans
B	Lot 88 on SP P335586
C	BCC Approval Package – Council File Reference A005516358
D	SARA Referral Agency Response – Ref: 2009-18628 SRA
E	Kenfrost (1987) Pty Ltd v Cairns Regional Council & Ors [2022]; Cleanaway Solid Waste Pty Ltd v Ipswich City Council & Ors [2021]
F	SARA DA Mapping