

Hi,

Please see attached our submission of objection and further clarification for the aforementioned Development Application.

Please feel free to contact me directly should you have any queries in this matter.

Warmest regards,

Submission in Objection to Development Application A006761597

To: Development Services
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Email: dalodgement@brisbane.qld.gov.au

Date: 8th July 2026

Re: Submission Against Development Application A006761597 — 198 & 202 Gardner Road, Rochedale QLD 4123

Dear Assessment Manager,

We write to lodge this submission in objection to Development Application No. A006761597 in accordance with section 45 of the *Planning Act 2016* (Qld). This submission is made during the public notification period, which commenced on 27 May 2026 and concludes on 8 July 2026.

We are the registered owners and occupiers of the property at

Description of the Application

We understand the application seeks:

- 1 A **Development Permit for Reconfiguring a Lot** — to subdivide 2 existing lots (Lot 3 on RP114765 and Lot 4 on RP114765) into 4 lots, together with a new road and drainage reserve.
- 2 A **Preliminary Approval for a Material Change of Use** — to permit Multiple Dwellings on the site.
- 3 A **Variation Request under section 61 of the Planning Act 2016** — to vary the effect of the Brisbane City Plan 2014 by overriding the current Emerging Community zoning and overlay provisions and imposing the requirements of the Low-medium density residential zone for Multiple Dwellings.

The applicant is Gardner Rd Developments Pty Ltd, with Development Directive Pty Ltd acting as consultant.

Grounds of Objection

We object to this application on the following grounds:

Ground 1: Fundamental Inconsistency with the Intent and Purpose of the Current Zoning

The application seeks a Variation Request to override the existing Emerging Community zoning provisions of the Brisbane City Plan 2014 and impose the Low-medium density residential zone requirements on the site. This is a significant and unjustified departure from the established planning framework for this locality.

Facts and circumstances relied upon:

The Brisbane City Plan 2014 establishes zones to provide certainty to landowners and the community about the type and scale of development that will occur in their area. The subject land is currently within the Emerging Community zone, which does not contemplate multiple dwellings at the density proposed.

Our property _____ is designated under the Rochedale Urban Village Neighbourhood Plan as a **Neighbourhood Centre (NPP-002)**, intended for future commercial and retail development. The introduction of low-medium density multiple

dwelling immediately adjacent to a designated Neighbourhood Centre creates an inherent land use conflict. Residential occupants of the proposed dwellings will be exposed to the acoustic, traffic, and operational impacts of the future commercial node — impacts that are entirely foreseeable under the current planning framework.

The proposed variation, if approved, would set a precedent for ad-hoc intensification along Gardner Road that is contrary to the strategic intent of the Rochedale Urban Village precinct planning. Adjoining landowners, including ourselves, purchased and invested in our properties on the reasonable expectation that the planning scheme would be upheld and that the orderly development of the precinct would proceed in accordance with the Neighbourhood Plan.

The applicant has not demonstrated sufficient planning need for the proposed Low-medium density residential zone outcome in this specific location, particularly given that there are already designated areas within the Rochedale Urban Community that are appropriately zoned for higher-density development.

Ground 2: Unjustified Intersection Scale and Impact on Adjoining Land

The proposed development involves the creation of a new road reserve (the Prebble Street Extension) along our shared boundary, connecting to a signalised intersection at the Gardner Road junction. The intersection treatment shown in the application documents indicates an excessive scale that will disproportionately impact , without adequate traffic justification.

Facts and circumstances relied upon:

The applicant's Structure Plan (dated 2 May 2025) explicitly acknowledges that the "Intersection will be constructed to ultimate standard when land at 210 Gardner is developed." Furthermore, the civil plans and the "Access Location and Sightline Plan" (prepared by Arcadis and dated 26 May 2026) illustrate a substantial intersection geometry at the Gardner Road junction that extends the road reserve and infrastructure footprint significantly.

The scale of the intersection shown in these documents suggests a design intended to accommodate high-volume or heavy-vehicle traffic (such as large corner radii and extensive channelisation). However, the applicant has not provided any traffic volume data to justify an intersection of this scale. The traffic generated by the proposed development—a subdivision into 4 lots with multiple dwellings—is residential in nature and does not warrant an oversized intersection footprint.

The engineering drawings lodged with the application are marked "NOTE: CONCEPT ONLY, SUBJECT TO DETAILED DESIGN AND AUTHORITY APPROVAL." Given this preliminary status, Council must not approve a Variation Request or Reconfiguration of a Lot

that relies on a conceptual intersection design that lacks traffic justification and threatens to unnecessarily sterilise adjoining Emerging Community / Neighbourhood Centre zoned land.

We submit that the intersection must be designed as a standard urban signalised intersection with minimum necessary corner radii and no unwarranted slip lanes, thereby reducing the infrastructure footprint to what is strictly necessary to service the proposed residential development.

Ground 3: Asymmetric and Inequitable Infrastructure Burden on Adjoining Land

The proposed intersection sits on the boundary between the applicant's land and . However, the intersection geometry shown in the application's civil plans is highly asymmetric, pushing a disproportionate share of the intersection footprint onto rather than absorbing it within the applicant's own land or the existing Gardner Road reserve.

Facts and circumstances relied upon:

The applicant's concept design illustrates an intersection alignment that requires a substantial land dedication from our property on the north-east corner of the intersection, while the applicant's own land on the south-west and north-west corners appears to bear a proportionally smaller share of the intersection footprint. This is fundamentally inequitable.

It is a well-established planning principle that the infrastructure required to service a development should be provided by the developer, not imposed upon . The applicant is seeking to externalise the cost and land burden of their own project's infrastructure onto our

We submit that Council should not approve a Reconfiguration of a Lot that forces an to bear a disproportionate share of the land dedication required to service the applicant's development. The road alignment and intersection design must be revised to ensure the developer provides the land necessary for their own project access from within their own site.

Ground 4: Failure to Provide or Guarantee Lawful Access to Adjoining Land

The proposed new road layout creates a road frontage along _____ boundary but fails to formalise or guarantee safe, legal, and unrestricted vehicle access from the new Prebble Street Extension into our property at 210 Gardner Road.

Facts and circumstances relied upon:

Our property is designated as a Neighbourhood Centre (NPP-002) under the Rochedale Urban Village Neighbourhood Plan. When developed in accordance with this designation, our property will require commercial vehicle access — including for delivery trucks, waste collection, and customer vehicles. The new Prebble Street Extension will become the logical and preferred access point for our future development.

However, the current application does not include any provision for a formal driveway crossover or access point into our property from the new road. Furthermore, the proximity of the proposed traffic signals to our property boundary may permanently restrict our ability to obtain a future access permit from Gardner Road due to minimum signal-to-driveway separation requirements.

If Council approves this application without conditioning a formal, unrestricted commercial-standard access point from the new Prebble Street Extension into 210 Gardner Road, our property may be effectively access-constrained, significantly diminishing its development potential and value.

We submit that any approval must include a condition requiring the applicant to construct a formal, unrestricted commercial driveway crossover from the new Prebble Street Extension into _____, built to Council's commercial access standard, at the applicant's cost.

Ground 5: Absence of a Traffic Impact Assessment and Unassessed Traffic Impacts

The proposed development will generate a significant increase in traffic movements on Gardner Road. The reconfiguration into 4 lots with subsequent multiple dwelling development will produce substantially more vehicle trips than the current use of the land. More critically, the application proposes a new district-level road (Prebble Street Extension) and a major new signalised intersection on a District Road (Gardner Road).

Facts and circumstances relied upon:

Despite proposing a new road and a major new intersection, the applicant has failed to lodge a dedicated Traffic Impact Assessment (TIA) with their application. Under the Queensland

Department of Transport and Main Roads "Guide to Traffic Impact Assessment" and Brisbane City Council's own planning guidelines, a TIA is a fundamental requirement for any development proposing a new road or intersection on a higher-order road network.

The absence of a TIA means there is no independent, peer-reviewed traffic engineering evidence before Council to demonstrate that:

- 4 The proposed intersection design and geometry (including the scale of the intersection footprint shown in the civil plans) is actually warranted by traffic volumes.
- 5 The surrounding road network can safely accommodate the additional traffic generated by the multiple dwellings.
- 6 The sight distances are adequate (the applicant has only provided a basic "Access Location and Sightline Plan" rather than a comprehensive traffic study).

Council cannot properly assess the traffic and transport impacts of this development, nor the necessity of the proposed intersection footprint, without a formal Traffic Impact Assessment. We submit that the application is deficient and cannot be approved until a full TIA is provided and subjected to public scrutiny.

Gardner Road is currently the subject of a major Council infrastructure project to extend and upgrade the road from Priestdale Road to Underwood Road, including widening to four lanes and installing new traffic signals. The timing and staging of the proposed development in relation to this road upgrade has not been adequately addressed.

The proposed access arrangements must be assessed against the future road configuration, not merely the existing road conditions. There are legitimate concerns that the proposed access locations and sightlines will be inadequate or unsafe given the increased traffic volumes associated with the road upgrade and the cumulative effect of other approved developments in the corridor.

The development will increase traffic movements past our property and the proposed intersection treatment will permanently alter the traffic dynamics at the Gardner Road / Prebble Street junction in ways that directly affect our property's future access and development potential.

Ground 6: Inadequate Landfill Gas Risk Assessment for Sensitive Land Use

The subject site is located in close proximity to the operational Brisbane City Council Rochedale Landfill. The application seeks a Variation Request to permit Multiple Dwellings — a sensitive residential land use. The application fails to adequately demonstrate that future residents will not be exposed to unacceptable risks from landfill gas migration.

Facts and circumstances relied upon:

The applicant has lodged a document titled "Landfill Gas Advice Letter" (prepared by ADG Consulting, dated 21 April 2026). This document is explicitly described on its first page as a "**LANDFILL GAS MIGRATION ADVICE LETTER – DESKTOP ONLY**".

The letter itself acknowledges that "no intrusive works for the purpose of investigating hazardous ground gases have been carried out on the subject site to date by ADG (or others)." Despite this, the letter concludes that the site has a "very low (i.e. negligible) potential" of being impacted and states that further ground-truthing is "likely unnecessary."

This directly contradicts Council's Information Request (dated 2 March 2026), which explicitly required the applicant to engage a Contaminated Land Suitably Qualified Person (SQP) with "experience and expertise in contaminated land and closed landfill assessment, landfill gas risk assessment, contaminated land risk mitigation, and design of infrastructure interacting with contaminated soil, leachate, waste, and landfill gas" to:

- Assess the contaminated land conditions (contamination, waste, leachate level, landfill gas) relating to proposed ground disturbance areas;
- Provide recommendations for construction methods integrating remediation and risk mitigation measures;
- Prepare a Contaminated Land Management Sub-plan for the Construction Environmental Management Plan (CEMP); and
- Prepare a Validation Report confirming works were in accordance with recommendations.

Council required a **Preliminary Site Investigation Report** to be submitted. The applicant has not provided one. A desktop advice letter that explicitly acknowledges no intrusive testing has been done, yet concludes no further investigation is necessary, is insufficient to satisfy the requirements of the *Planning Regulation 2017* and the *National Environment Protection (Assessment of Site Contamination) Measure 1999* for a sensitive residential land use located approximately 120 metres from an operational landfill. Council cannot approve a Variation Request for Multiple Dwellings without completed intrusive testing and a finalised Landfill Gas Risk Assessment demonstrating the site is safe for residential habitation.

Ground 7: Absence of an Acoustic/Noise Assessment

The application proposes Multiple Dwellings (a sensitive residential use) on land that adjoins a designated Neighbourhood Centre (NPP-002) and is in close proximity to Gardner Road (a District Road with heavy vehicle traffic) and the operational Rochedale Landfill.

Facts and circumstances relied upon:

Under the Brisbane City Plan 2014, the Environmental Factors and Constraints Code requires an assessment of acoustic impacts for sensitive land uses located near significant noise sources. The applicant has not lodged an Acoustic Assessment or Noise Impact Report.

Without this assessment, the applicant has failed to demonstrate that future residents will achieve acceptable internal and external noise levels. Furthermore, the introduction of residential dwellings without proper acoustic mitigation threatens to constrain the future lawful commercial operations of our adjoining Neighbourhood Centre property, creating an unacceptable land use conflict.

Ground 8: Flooding, Stormwater Drainage, and Waterway Corridor Impacts

The subject land is affected by flood and waterway corridor overlays under the Brisbane City Plan 2014. The application proposes significant earthworks, a waterway corridor realignment, and the creation of new impervious surfaces through roads and multiple dwelling construction.

Facts and circumstances relied upon:

The application includes a Flood Impact Assessment exceeding 23,000 KB in size, indicating the complexity and significance of flood-related issues on the site. The proposed earthworks and waterway realignment have the potential to alter overland flow paths, increase peak stormwater flows, and redirect flood waters onto adjacent properties, including our property

The proposed development must not result in any worsening of flood levels or stormwater impacts on downstream or adjacent properties. We are concerned that the conversion of currently pervious land to impervious surfaces (roads, driveways, building footprints) will increase stormwater runoff volumes and peak flows beyond the capacity of the proposed drainage infrastructure.

The proposed waterway corridor realignment must be rigorously assessed against the Waterway corridors overlay code to ensure that the ecological and hydraulic functions of the waterway are maintained or enhanced, not degraded. We are not satisfied that the proposed realignment adequately protects the natural drainage function that currently serves the broader catchment,

Ground 9: Inadequacy of the Variation Request Justification

A Variation Request to override the planning scheme is an extraordinary measure that requires compelling justification. The applicant bears the onus of demonstrating that there are sufficient grounds to warrant departing from the established planning framework.

Facts and circumstances relied upon:

The Brisbane City Plan 2014 was prepared through an extensive public consultation process and represents the community's agreed vision for the future development of the city.

Overriding the scheme through a Variation Request undermines this democratic process and the certainty it provides to landowners.

The applicant's Housing Need Assessment must be critically examined to determine whether a genuine planning need exists for the proposed density in this specific location, or whether the need can be adequately met in areas already zoned for higher-density development within the Rochedale Urban Community. We submit that the applicant has not discharged this onus, and that the Variation Request is motivated by commercial gain rather than genuine planning need.

Ground 10: Reliance on Concurrent Unapproved Applications and Premature Variation

The proposed development is critically dependent upon the approval and construction of infrastructure under separate, concurrent development applications that have not yet received final approval.

Facts and circumstances relied upon:

The applicant's own Assessment Report and Information Request Response confirm that this application is reliant upon:

- Development Application A005747839 (the "Central Leg" of the District Road and residential development at 198 Gardner Road);
- Development Application A006738631 (the "Southern Leg" of the District Road and the signalised Gardner Road / Prebble Street intersection); and
- Development Application A006484551 (the Farley Road connection).

The applicant's Structure Plan explicitly states that the "Intersection will be constructed to ultimate standard when land at 210 Gardner is developed." This confirms that the proposed development cannot function as a self-contained, properly serviced subdivision without infrastructure that is either not yet approved or is dependent upon the cooperation of adjoining landowners who have not consented.

Furthermore, the applicant's Information Request Response dismisses Council's requirement for climate change flood modelling (AR&R SSP2-4.5 at 2100) as "irrelevant" and having "no planning purpose," despite Council specifically requesting this analysis. This dismissive approach to a legitimate planning requirement raises concerns about the robustness of the applicant's environmental assessments generally.

We submit that a Variation Request to permanently alter the planning scheme should not be approved on the basis of infrastructure that has not yet been approved, and that the applicant's dismissal of Council's own assessment requirements demonstrates an inadequate regard for the planning framework.

Summary and Relief Sought

For the reasons set out above, we respectfully request that the Brisbane City Council **refuse Development Application A006761597** in its current form, or alternatively, that any approval be subject to conditions that adequately address the concerns raised in this submission, including but not limited to:

- Redesign of the intersection to a standard signalised configuration, reducing the infrastructure footprint and land take from our property to the absolute minimum necessary to service the residential development.
- Equitable redistribution of the intersection footprint so that the applicant bears a proportionate share of the land dedication.
- A condition requiring the applicant to construct a formal, unrestricted commercial-standard driveway crossover from the new Prebble Street Extension at the applicant's cost.
- Provision of adequate stormwater management infrastructure to ensure no worsening of flood or drainage impacts on adjacent properties.
- Coordination of access arrangements with the Gardner Road upgrade project to ensure road safety.
- Requirement for the applicant to provide a full Traffic Impact Assessment to justify the intersection design and traffic impacts.
- Requirement for a completed, intrusive Landfill Gas Risk Assessment demonstrating the site is safe for residential use before any approval is granted.
- Requirement for a full Acoustic Assessment to ensure the proposed dwellings do not constrain the future commercial operation of our adjoining Neighbourhood Centre.
- Reduction in the scale of the Variation Request to a density compatible with the orderly development of the Rochedale Urban Village precinct.
- A condition that no plan sealing or operational works approval be granted until all concurrent applications (A005747839, A006738631, A006484551) upon which this development relies have received final, unconditional approval.

- A condition requiring the applicant to comply with Council's climate change flood modelling requirements (AR&R SSP2-4.5 at 2100) as a binding assessment benchmark, not merely "for information purposes."
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Declaration

This submission is a properly made submission pursuant to section 45 of the *Planning Act 2016* (Qld) and the Development Assessment Rules. We confirm that:

- 7 This submission is made during the public notification period for the application.
- 8 We have stated our names and residential address above.
- 9 We have stated the grounds of our submission and the facts and circumstances relied upon in support of those grounds.
- 10 We have provided a postal address for service.

We reserve our rights to appeal any decision made in respect of this application to the Planning and Environment Court of Queensland.

Signed: