

27 August 2026

Chief Executive Officer
Brisbane City Council
Development Services
GPO Box 1434
BRISBANE QLD 4001

Submitted via online lodgement portal

Council Reference: A006336565

Dear Sir/Madam,

RE: Request to make a 'Minor Change' under Section 81 of the Planning Act 2016 to a Development Approval (Place of Worship and Rooming Accommodation) upon land at 137 Bagnall Street, Ellen Grove

We write to Council (the responsible entity) on behalf of the applicant ***Dai Dao Tam Ky Pho Do To Thanh Tay Ninh Van Phong Huong Dao Inala Incorporation***, with respect to the above-mentioned approval issued over 137 Bagnall Street, Ellen Grove.

It is proposed to amend condition 38 of the above-mentioned approval by requesting a 'Minor Change' to the approval pursuant to *Section 81* of the *Planning Act 2016* ("The Act"). The changed proposal complies with the relevant assessment benchmarks having regard to the existing approval. We therefore request the condition is altered in accordance with *Section 83* of the *Act*.

This request for a Minor Change to a Development Approval is accompanied by:

- Planning Act Form 5 – Change Application Form; and
- Landowners consent.

Upon receipt of Council's fee quote, payment of the relevant application fee shall be made.

This letter now sets out the site, the approval and the proposed change.

Site Details

137 Bagnall Street, Ellen Grove is also described as Lot 104 on RP90235. The site has an area of 10,585sqm and a frontage to Bagnall Street of approximately 54.5m. The site generally falls in a westerly direction, to the rear, on a grade of approximately 5%.

From a Town Planning perspective, the site is contained within the Emerging Community Zone, Western Gateway Neighbourhood Plan and Carole Park/Ellen Grove NPP-005 Precinct. The site is further subject to a number of planning scheme overlays including but not limited to biodiversity areas and bushfire overlays.

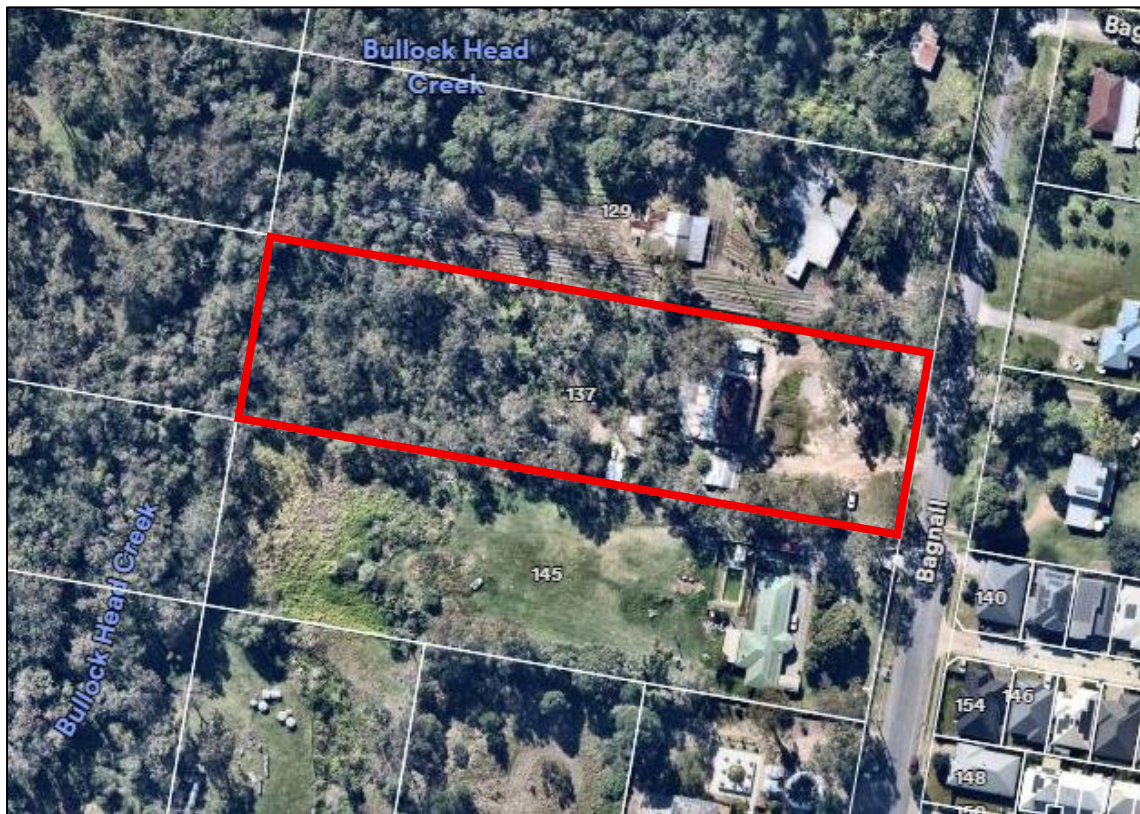


Figure 1: Subject Site (Source: Nearmap)

Application History

On 03 December 2024, Brisbane City Council approved a Development Application (Ref: A006336565) over land at 137 Bagnall Street, Ellen Grove for a Material Change of Use (Development Permit) for a Place of Worship and Rooming Accommodation.

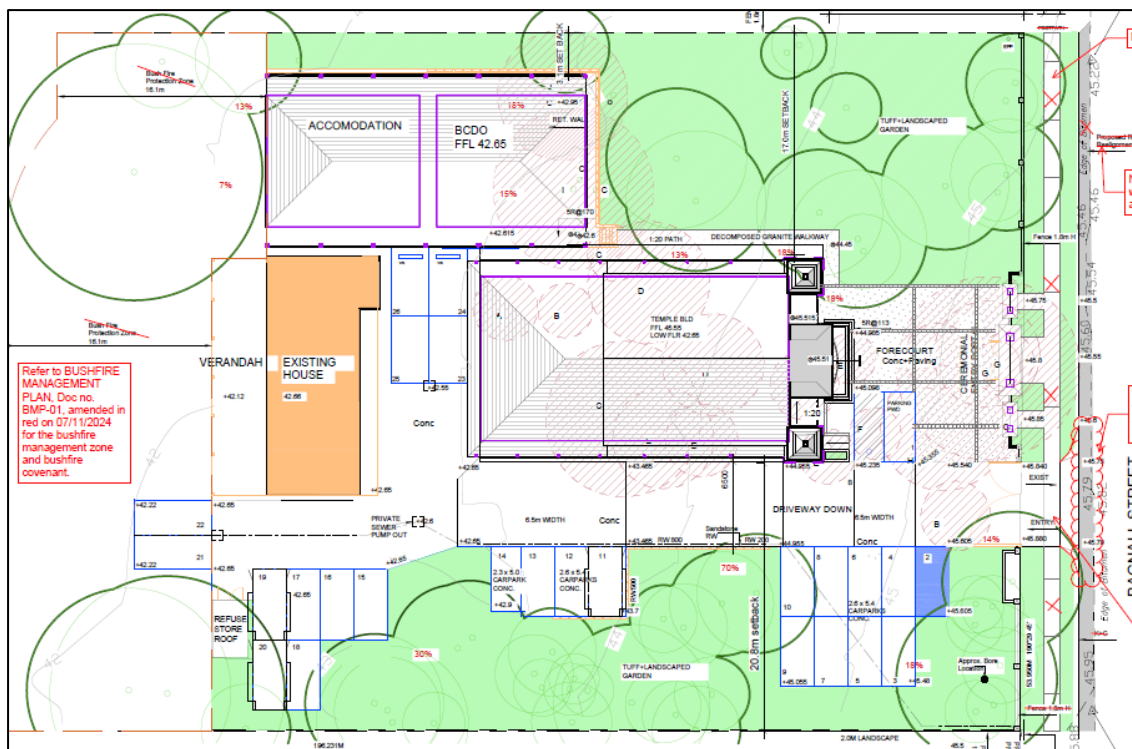


Figure 2: Approved Site Plan (Source: Elia Architecture)

Proposed Change

It is proposed to amend the wording of Condition 38 (Access, Grades, Manoeuvring, Carparks) shown as mark-up below, to confirm that where the approved plans vary from the relevant Brisbane Planning Scheme Codes being, Transport, Access, Parking and Servicing Code and the associated design standards under Planning Scheme Policy SC6.31 – Transport, Access, Parking and Servicing, the approved plans prevail.

This change addresses an inconsistency identified during the post-approval certification process. Condition 38 currently requires access, car parking and manoeuvring areas to be constructed and maintained in accordance with the relevant Brisbane Planning Scheme Codes, as indicated on the approved drawings and documents. However, minor variations exist between the driveway grades shown on the approved plans and the maximum grades set out in Planning Scheme Policy SC6.31 – Transport, Access, Parking and Servicing, which informs the design standards of the Transport, Access, Parking and Servicing Code, specifically:

- the driveway grade between car parks 10 and 11 is 12.5%, where the Code permits a maximum grade of 10%; and
- the driveway grade fronting car parks 11 to 14 is 6%, where the Code permits a maximum manoeuvring area grade of 4%.

These grades were considered and approved by Council as part of the original application (A006336565), having regard to site-specific constraints including tree protection and the overall grade of the site. As Condition 38 is currently worded, the project's traffic engineer is unable to certify compliance against the Transport, Access, Parking and Servicing Code and Planning Scheme Policy SC6.31, notwithstanding that the approved plans reflect the design outcome already assessed and approved by Council.

The proposed amendment, shown in mark-up below, resolves this inconsistency by confirming that the approved plans prevail over the Transport, Access, Parking and Servicing Code and Planning Scheme Policy SC6.31 – Transport, Access, Parking and Servicing where a variance exists. This will allow the required certification to be provided against the approved plans, consistent with the development as approved by Council.

38) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking

Construct and maintain access, parking and manoeuvring for vehicles on site in accordance with the relevant Brisbane Planning Scheme Codes, as indicated on the approved DRAWINGS AND DOCUMENTS, including the following:

- i A pavement of minimum Local road standard or equivalent surface material (including associated drainage) to the area on which motor vehicles will be driven and/or parked.*
- ii Manoeuvring on site for a MRV and for the loading and unloading of vehicle(s);*
- iii Parking on the site for 26 cars, including 1 parking spaces for people with disabilities and for the loading and unloading of vehicle(s) within the site.*
- iv An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site.*
- v Prepare and implement signs and line markings drawings that show the internal paved areas signed and delineated in accordance with the approved drawings and documents. The drawings must be prepared and certified by a Registered Professional Engineer Queensland in accordance with the relevant Brisbane Planning Scheme Codes and the Manual of Uniform Traffic Control Devices.*

Note: Where the relevant Brisbane Planning Scheme Codes are varied by the approved plans, the approved plans prevail.

PROOF OF FULFILMENT

Certification from a Registered Professional Engineer Queensland, that the above requirements have been implemented in accordance with this condition. Timing: Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use, whichever comes first.

Statutory Requirements

Minor Change

In accordance with Section 81(2) of the Planning Act 2016, Council must decide upon a request for a Minor Change to a development approval having regard to:

- (a) *the information the applicant included with the application; and*
- (b) *if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and*
- (c) *any pre-request response notice or response notice given in relation to the change application; and*
- (d) *if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
- (da) *if paragraph (d) does not apply— all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
- (e) *another matter that the responsible entity considers relevant.*

Further in accordance with Section 81(3) of the Planning Act, 2016, Council must in assessing the change application consider:

- (a) *a statutory instrument; or*
- (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*

In accordance with the definitions in Schedule 2 of the Planning Act 2016, a Minor Change to a Development Approval is a change that:

- “(b)
 - 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 matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
 - (E) *Public notification if public notification was not required for the development application.”*

The proposal meets each aspect of the Minor Change definition as described below.

Substantially Different Development

The following is an assessment of the proposed change against the relevant components of Schedule 1 – Substantially Different Development of the Development Assessment Rules.

Element from the Guideline	Changed Proposal
Does not involve a new use.	The proposed change does not involve a new use. The approved use, a Place of Worship and Rooming Accommodation, remains entirely unchanged.
Does not result in the approval applying to a new parcel of land.	The proposal does not apply to a new parcel of land and is limited to Lot 104 on RP90235.
Does not dramatically change the built form in terms of scale, bulk and appearance.	The proposal does not involve any changes to the approved built form, scale, bulk or appearance of the development.
Does not change the ability of the proposal to operate as intended.	The proposed change does not affect the ability of the development to operate as intended. Access, car parking and manoeuvring will continue to be provided in accordance with the approved plans.
Does not remove a component that is integral to the operation of the development.	The proposed change does not remove any component integral to the operation of the development. All approved access, car parking, manoeuvring and refuse collection arrangements are retained in full.
Does not significantly impact traffic flow and the transport network.	The proposed change does not alter the physical layout, grades or configuration of the approved access, car parking or manoeuvring areas, and therefore does not significantly impact traffic flow or the transport network.
Does not introduce new impacts or increase the severity of known impacts.	As the proposed change is limited to clarifying the certification pathway under Condition 38 and does not alter any physical aspect of the approved development, it does not introduce new impacts or increase the severity of any known impacts.
Does not remove an incentive or offset component that would have balanced a negative impact of the development.	The proposed change does not remove or alter any incentive or offset component associated with the approval.
Does not impact on the infrastructure provisions.	The proposed change does not affect infrastructure charges, contributions or any other infrastructure-related condition of the approval.

Prohibited Development

The proposed development is not identified as being prohibited development.

Referral Agencies

No referral agencies are triggered as part of this Minor Change application.

Level of Assessment

When initially approved, the development was subject to Impact Assessment due to the site's location in the Emerging Community Zone, in accordance with Table 5.5.20 of the City Plan 2014. The level of assessment remains unchanged.

Public Notification

The original development application was subject to Impact Assessment and would continue to be subject to Impact Assessment.

Submissions

Section 81(2)(b) of the Act states that the responsible entity must consider '... any properly made submissions about the development application... that was approved'.

The original application (A006336565) received no properly made submissions.

Changes to Planning Instruments

Pursuant to Section 81(4) of the *Planning Act 2016*, the Council 'must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.'

The original application was approved under Version 27.00/2023 of the Brisbane City Plan 2014 (effective 02 June 2023), and since the approval there have been revisions of the Brisbane City Plan. In our view, the proposal remains suitable considering changes to planning instruments.

Owners Consent

Written consent from the registered owners of the land to make this minor change application accompanies this letter.

Conclusion

Urban Strategies Pty Ltd, on behalf of our client ***Dai Dao Tam Ky Pho Do To Thanh Tay Ninh Van Phong Huong Dao Inala Incorporation***, hereby submit the enclosed Minor Change Application to Brisbane City Council (the responsible entity) with respect to the abovementioned development approval issued over 137 Bagnall Street, Ellen Grove.

As demonstrated herein, the proposed change approval condition 38 meets the criteria for a Minor Change under *Schedule 2* of the *Planning Act 2016*. It is therefore requested that the change is assessed and decided pursuant to *Section 83* of the Act.

Thank you for your consideration of this request. Should you require any further clarification or information, please do not hesitate to contact our office or the undersigned on (07) 3360 4200.

Yours faithfully

URBAN STRATEGIES PTY LTD



Dom Sikavica
TOWN PLANNER