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MINOR CHANGE APPLICATION

Development Permit for Reconfiguration of Lot (Subdivision of Land)

139 Armisfield Street, Doolandella QLD 4077

Lots 92 on SP264886

November 2026

Urban Planning | Urban Design
Project Management | Development Advice

Site details	
Address	139 Armisfield Street, Doolandella QLD 4077
RPD	Lot 92 on SP264886
Local Authority	Brisbane City Council
Local Authority Zoning	Rural
Application details	
Application type	**Change application – Minor Change** Request to change development approval under section 78 of the *Planning Act 2016*
Current Approval	**A004020180** Minor Change to Development permit for: - Reconfiguration of Lot (Subdivision of Land)
Referral Agencies / Affected Entities	Not Applicable
Applicant Details	**Ly Phan C/- HPC Planning** Level 4, Central Tower One, 56 Scarborough Street, Southport, QLD 4215 Contact: Todd Grubb Phone: (07) 3217 5800 Email: Todd.G@hpcplanning.com.au Web: www.hpcplanning.com.au

1 Introduction

We act on behalf of the applicant Ly Phan, in lodging this change application under section 78 of the *Planning Act 2016*. The applicant is seeking changes to the current approval with reference A004020180, being a Minor Change to Development Permit for Reconfiguration of Lot (Subdivision of Land). The purpose of this change application is to extend the existing building location envelope (BLE) over 139 Armisfield Street, allowing for a future development application involving a Secondary Dwelling over the rear of the site.

As demonstrated in section 5 of this report the applicable requirements of the *Planning Act 2016* (the Act) and *Development Assessment Rules* have been satisfied and the assessment of this change application should proceed under section 81 and 81A of the Act.

The following supporting documentation is provided with this application:

- **Appendix A:** Building Envelope Plan by *East Coast Surveys*
- **Appendix B:** Detail and Contour Survey by *East Coast Surveys*
- **Appendix C:** Bushfire Attack Level Assessment by *Bushfire Prone Planning*
- **Appendix D:** Existing Approval Documents (A004020180)
- **Appendix E:** Land Owner's Consent
- **Appendix F:** Land Title Search
- **Appendix G:** Planning Act Form 5

2 Development Approval History

The following background is relevant to the assessment of the minor change to the existing approval over land at 139 Armisfield Street, Doolandella QLD 4077:

- **Original Development Application Approval A003731541:** On 31 October 2014, Council issued a Decision Notice to approve a Development Permit for Reconfiguration of Lot (1 into 64 Lots) + New Road + Balance Lot + Dedication Area for Environmental & Drainage Purposes (STAGE 1), followed by a Development Permit for Reconfiguration of Lot (1 into 29 Lots) + New Road (STAGE 2). This approval also included a preliminary approval for Material Change of Use to vary the affect of the Planning Scheme in accordance with s242 of the Sustainable Planning Act 2009: To change the level of assessment for future development and vary the provisions of the Small Lot Code. This approval was the originating application which established the subject site and its current building envelope.
- **Permissible Change Application Approval A004020180:** On 10 April 2015, Council issued a Decision Notice to approve a Permissible Change to existing council approval A003731541. This approval was for small modifications to the original approval conditions, mainly relating to the delivery of infrastructure (e.g. pedestrian / transport assets). Changes to covenant requirements, easement rights, and variations to the small lot code were also notably carried out as part of this approval.

3 Proposed Modifications

The proposed Minor Change application seeks to extend the existing building envelope over 139 Armisfield Street, which currently includes a flat-sloped and cleared private open space area to the rear of the existing Dwelling House (Refer to Figures 1 and 2). The future purpose of this extension is to allow for a Secondary Dwelling to be constructed over the rear of the property (carried out separately to this application), used in conjunction with the existing Dwelling House.

It is recognised that the prevailing intent for a building envelope over the subject site was to protect existing native vegetation and provide a buffer from the large reserve area on the balance lot to the east. This was further reiterated through establishment of an environmental covenant which is also existing over the proposed building envelope extension area (refer to the land title search). Notwithstanding, it is recognised that the building envelope extension area is currently void of vegetation, other than a small juvenile tree planted of no major environmental value (see Figures 3-4). Impacts onto existing mature vegetation are therefore adequately mitigated through these works, as no mature vegetation is enabled to be removed through these works.

Furthermore, it is noted that the subject site adjoins a driveway and stormwater basin for the overall subdivision to the northern and eastern boundaries, while adjoining another smaller residential allotment to the south. Figure 4 also demonstrates a cleared corridor along the rear boundary, alongside a large solid boundary fence which buffers the proposed extension area from any notable areas of environmental significance. A bushfire attack level assessment has been provided in support of these works, demonstrating the BAL contours affecting future development over the property. In accordance with this report, the proposed building envelope extension area has been limited to areas affected by a rating of BAL-29 or lower only. This is reflected upon the proposed building envelope extension plan, snipped within Figure 2. This demonstrates that the proposed building envelope extension area will allow for future residential development which adequately mitigates bushfire risk without needing removal of external vegetation.

In accordance with Figure 1, it is noted that approved lot 92 (subject site) and approved lot 93 (135 Armisfield Street) are each affected by building envelopes under the current approval. Notwithstanding, the BLE over the adjoining premises involves a significantly greater overall footprint when compared to the subject site, which already extends to the rear lot boundary of this property. Accordingly, the proposed extension is considered to enable an overall development footprint and layout which is consistent with the surrounding streetscape. While this is otherwise likely to have resulted from the layout of vegetation at time of approval, it is reiterated that the proposed extension area has been void of native vegetation for a substantial period (since at least April 2017 pursuant to Figure 5 below). It is otherwise considered arbitrary for these two allotments to provide for the protection of native vegetation, noting that a substantial 101,479m^2 conservation lot has otherwise been

dedicated within 45 Peacock Street. The requirement for an environmental covenant over 139 Armisfield Street is therefore considered obsolete, as reflected within the requested amendment to Condition 14 outlined below.

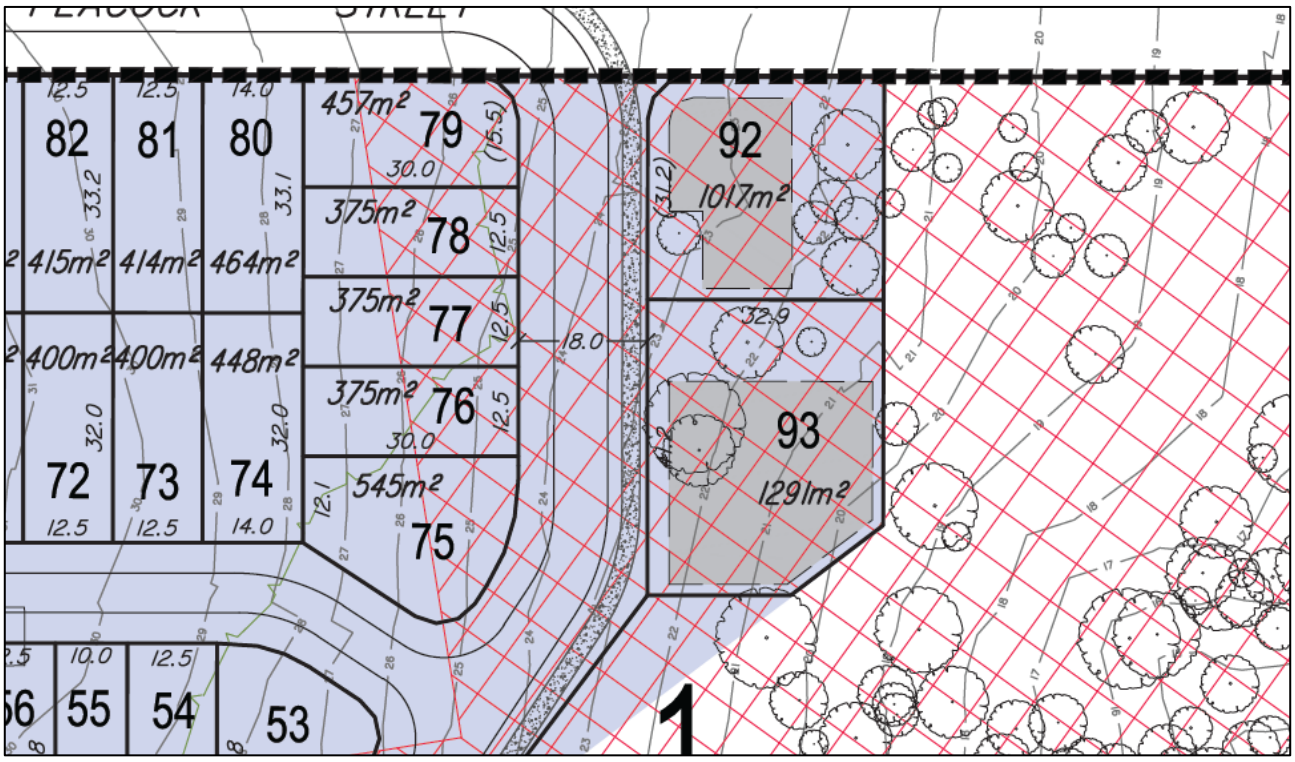


Figure 1: Existing Building Envelope Layout (A004020180)

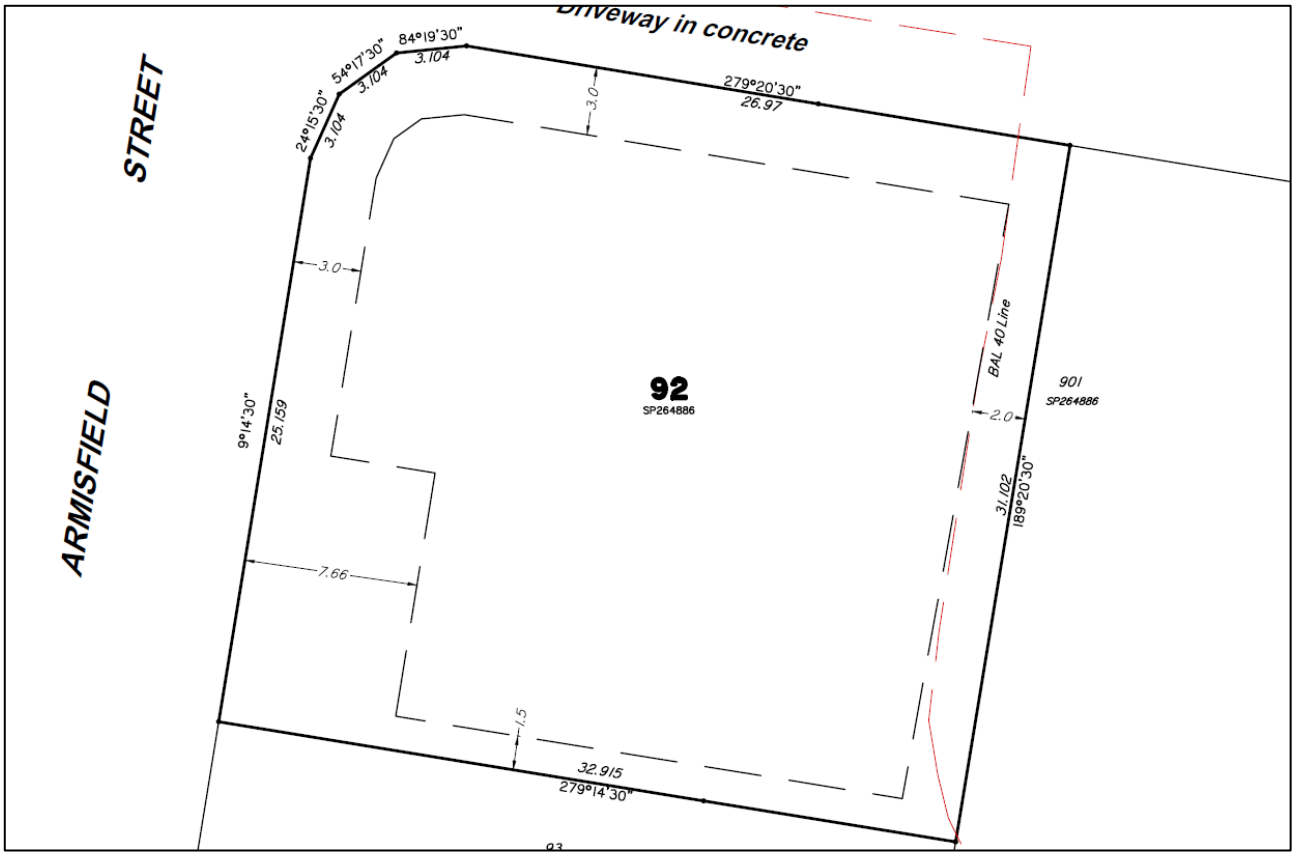


Figure 2: Proposed Building Envelope Layout



Figure 3: Proposed Building Envelope Extension Area

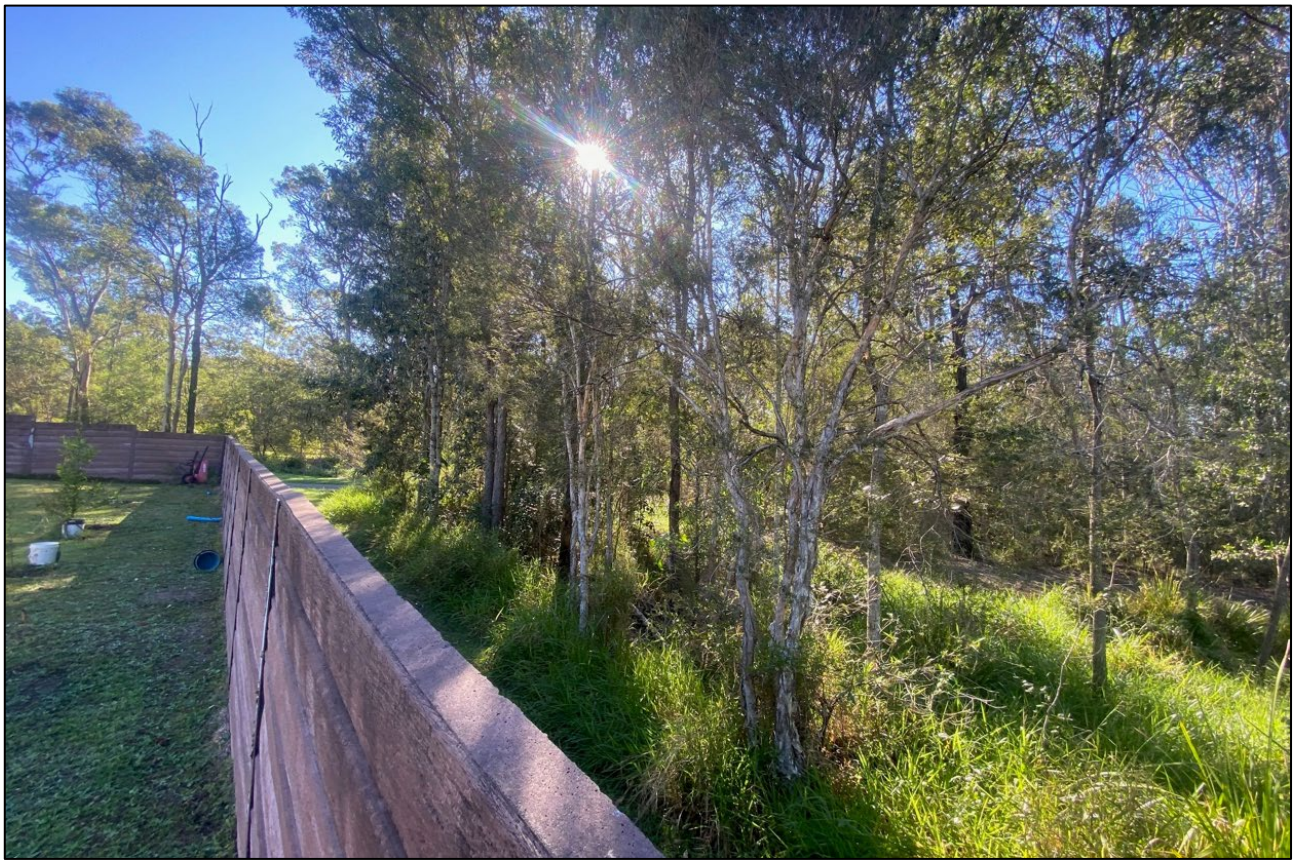


Figure 4: Rear Boundary Vegetation Separation Area



Figure 5: April 2017 NearMap Aerial Imagery

4 Changes to Approval Package

4.1 Approved Plans

In response to the proposed changes, we formally request that the approved plans be amended as follows:

Drawing or Document	Number	Plan Date
Plan 01 – Trunk Infrastructure	TNK 01 (Amended in Red 08-APR-2015)	19-FEB-2015
Vegetation Management Plan/Cover Sheet	VM01 Issue D (Amended in Red 17-OCT-2014	10-SEP-2014
Vegetation Management Plan	VM02 Issue D	10-SEP-2014
Vegetation Management Plan	VM03 Issue D	10-SEP-2014
Vegetation Management Plan	VM04 Issue D	10-SEP-2014
Vegetation Management Plan	VM05 Issue D	10-SEP-2014
Vegetation Management Plan	VM06 Issue D	10-SEP-2014
Vegetation Management Plan	VM07 Issue D	10-SEP-2014
Vegetation Management Plan	VM09 Issue D	10-SEP-2014
Vegetation Management Plan	VM08 Issue D	10-SEP-2014
Reconfiguration Plan	B3388 00 03 J (Amended in Red 17-OCT-2014	08-SEP-2014
Bushfire Management Plan	006.09.13	06-SEP-2013
Environmental Noise Impact Report	1309142 ver 4.0	07-FEB-2014
Site Based Stormwater Management Plan	B3388 Revision B	03-OCT-2014
Proposed BLE Plan (139 Armisfield Street)	A-1-B	22-SEP-2026

4.2 Conditions of Development

In response to the proposed changes, we formally request that Condition 14 be amended as follows:

14) Environmental Covenant

Enter into an environmental covenant for Lot~~s 92 and~~ 93 with Brisbane City Council pursuant to *Section 97A* of the *Land Title Act 1994* to ensure the appropriate management of the identified vegetation and ecological values of the land.

Timing: Prior to the commencement of use (MCU) or prior to Council's notation on the plan of subdivision (ROL)

14(a) Submit Covenant

Submit for the approval of Development Assessment, the environmental covenant in terms acceptable to the Manager, Brisbane City Legal Practice. The covenant must detail the responsibilities, liabilities, measure, remedies and intents as necessary to ensure the appropriate management of the identified vegetation and ecological values on the land and shall address the following issues:

1. Appropriate maintenance of vegetation and ecological values including:

- retention of vegetation and tree hollow;

- maintenance of squirrel glider nesting boxes;

- ongoing weed control;

- rehabilitation in accordance with an approved

Rehabilitation and Maintenance Plan for the site.

2. Maintenance of fauna movement fences at the sides and rear of the covenant area allotments, and a pet exclusion fence on the perimeter of the covenant area rear and sides of the Building Location Envelope. The requirement for pet exclusion fencing takes precedence over fauna friendly fencing. Pet Exclusion side fences to be abutted to the residence once constructed to restrict all pets within the Building Location Envelope;

3. The exclusion from the covenant areas of all earthworks, infrastructure, buildings and structures in accordance with the agreed Building Location Envelope/s located on the allotments.

Timing: Prior to commencement of use (MCU) or prior to Council's notation on the plan of subdivision (ROL)

14(b) Lodge Covenant

Lodge the approved Covenant Form 31 with the Registrar of Titles for the relevant Queensland State Government Authority.

Timing: Within 6 months of the Council's notation on the plan of subdivision or prior to commencement of use (MCU) or prior to any commencement of use on a lot created by the plan of subdivision (ROL), whichever comes first

14(c) Submit Copy of Registered Covenant

Submit to Development Assessment, a copy of the registered Covenant Form 31.

Timing: Prior to commencement of use (MCU) or prior to any commencement of use on a lot created by the plan of subdivision (ROL)

In response to the proposed changes, we formally request that Condition 22 be amended as follows:

22) Bushfire Management Plan

i) Submit for assessment, a revised Bushfire Management Plan demonstrating an acceptable level of fire protection can be achieved for Lots 92 and 93 which are now located to the east of the proposed access road.

ii) Implement and carry out the works in accordance with the approved Bushfire Management Plan, 006.09.13, dated as received on 10 February 2014 as prepared by Bushfire Risk Reducers and any revision of this report approved as part of dot point one (i) of this condition.

Except for 139 Armisfield Street, Doolandella QLD 4077 (Lot 92 on SP264886), which is to be carried in accordance with the Bushfire Attack Level (BAL) Assessment Report by Bushfire Prone Planning (Version 1.1, dated: 16 September 2026).

iii) Submit certification to Development Assessment certifying that the approved Bushfire Management Plan has been implemented.

5 Minor Change Requirements

5.1 Planning Act 2016

The *Planning Act 2016* schedule 2 defines what constitutes a *Minor Change* to a development approval:

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

The proposed changes constitute a ***Minor Change*** because:

(i) The proposed changes do not result in a substantially different development (refer to Table 1 below).
(ii) If the application were remade:
  (A) The application does not involve prohibited development;
  (B) No additional referral agencies would be triggered;
  (C) The application does not trigger referral to a referral agency;
  (D) The development approval did not trigger referral to a referral agency;
  (E) The category of assessment for the application remains Code Assessable and does not trigger public notification.

5.2 Development Assessment Rules – Substantially Different Development

Reference is made to Schedule 1 of the *Development Assessment Rules* (DA Rules) to assist in determining whether a change constitutes substantially different development. Table 2 below outlines changes that may be considered to result in substantially different development, per Schedule 1, clause 4 (a)-(i) of the DA Rules.

A change may result in a substantially different development if the proposed change	Assessment of proposed changes
Involves a new use	The proposed works do not introduce a new land use across the property.
Results in the application applying to a new parcel of land	The proposal does not result in the application applying to a new parcel of land.
Dramatically changes the built form in terms of scale, bulk and appearance	The proposed additions are for the minor extension of a building envelope over a singular existing allotment. Impacts onto the bulk of development are not dramatically changed.
Changes the ability of the proposal to operate as intended	The proposal does not impede the existing development from operating as intended.
Removes a component that is integral to the operation of the development	The proposed works do not remove a development component which is integral to the operation of the existing facility.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	The proposed works will involve no significant change upon traffic flow or the traffic network.
Introduces new impacts or increases the severity of known impacts	The proposed works do not cause any perceptible change to known surrounding impacts of the development.
Removes an incentive or offset component that would have balanced a negative impact of the development	The proposed changes will not result in the removal of any incentive or offset component of the development.
Impacts on infrastructure provision	The proposed changes do not impact on the infrastructure provision or location of assets provided across site.

Table 1: Guideline for substantially different development when changing applications and approvals

As demonstrated above, the proposed changes do not result in substantially different development and therefore can be assessed as a Minor Change under section 81 of the *Planning Act 2016*.

6 Affected Entities

The *Planning Act 2016* section 80 requires that affected entities are notified of a change application for a minor change. The original application did not trigger referral to any external agencies. Therefore, the proposed change application does not have any affected entities.

7 Conclusion

This change application proposes minor modifications to the approved development at 139 Armisfield Street, Doolandella QLD 4077. The changes include an extension of the existing building envelope over the premises.

This report has assessed the proposed changes with respect to the requirements of *Planning Act 2016* and *Development Assessment Rules 2017* and concludes that the changes are of a low-risk nature and satisfactorily address all relevant planning, traffic and amenity concerns. It is therefore requested that the assessment manager issue a new Decision Notice inclusive of the amended plans and conditions as detailed in this report.

If you have any questions, please do not hesitate to contact this office on 07 3217 5800.

Yours sincerely,
HPC Planning
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Prepared by:



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