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APPLICATION REF
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Ref: 18-0886P

07/10/2026

Brisbane City Council

GPO Box 1434,

Brisbane QLD 4001

Via Online Lodgement Portal

RE: Request to Change a Development Approval

Lot 903 SP317214 – A005218296

Dear Sir/Madam,

Introduction

On behalf of the applicant, Avid Nevada Properties Pty Ltd, Therefor Group hereby lodges the above change application in accordance with section 81 of the *Planning Act 2016* (**PA**).

In accordance with section 81 of the PA, we confirm the application:

- is made in the approved form, having been accompanied by the relevant Queensland Government form, being the DA Form 5 change application form;
- will be accompanied by the required fee, once the respective invoice has been issued by Council;
- is not subject to any pre-request response notice; and
- is accompanied by the written consent of the owner.

On the basis of the above, we request that Council confirm their acceptance of the application in accordance with section 81(2) of the PA.

Application Fees

In accordance with Council's Development Assessment and Compliance Fees 2026/27, it is noted that the application fees are in the order of **$3,600** for a Change Application related to a Reconfiguration approval. We request that Council provide their fee quote such that we can arrange payment by our client.

Conclusion

We would appreciate if Council would now proceed with its assessment of this proposed development. Should you have any further queries regarding this application, please do not hesitate to contact the undersigned on (07) 3666 5200.

Yours sincerely,

Toby Heap
Principal Planner

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Minor Change Application

1. Introduction

This minor change application seeks to obtain Council approval for modifying a condition of approval to more accurately reflect the inclusion of a trunk infrastructure item for the required dedication of the land already established for the extension of Gardner Road (described as Lot 903 on SP317214). The original/current approval contains a "not to prejudice" condition (Condition 30 – Future Road) to preserve the land for the future Gardner Road extension, but did not require dedication of the land to Council. This change seeks to modify that condition to establish the requirement for trunk dedication of the road corridor or transfer of the trunk land to Council and the relevant modifications to the Infrastructure Charge Notices for the required land dedication cost associated with the resumption/acquisition process.

1.1. Report Structure

To guide a reader to the report's structure, please note that:

- **Section 2** provides an overview of the current development approval.
- **Section 3** provides details of the proposed changes
- **Section 4** provides an assessment of the proposed changes against the minor change criteria.
- **Section 5** provides an evaluation against the relevant assessment criteria contained in section 81 of the Planning Act.
- **Section 6** provides an assessment of the proposed changes against the relevant assessment benchmarks of the planning scheme (City Plan 2014).

1.2. Supporting Material

To assist with Council's assessment of the change application, the following supporting material is provided which form part of the application.

Table A: Supporting Material

Document Title	Prepared By	Date
Signed owner's consent	-	06.10.2026
DA Form 5	Therefor Group	22.09.2026

Owner's Content

In accordance with section 79(2) of the *Planning Act 2016*, the application is accompanied by the written consent of the registered owner of the premises that is the subject of the application. The recently established Lot 903 on SP317214 ("not to prejudice" lot preserved for the future Gardner Road extension) contains the area subject to the relevant proposed changes of the application. Accordingly, consent has been provided for Lot 903 on SP317214 by the registered owner (AVJennings Properties Limited, now Avid Nevada Properties Pty Ltd) to have the change application made on their behalf.

It is acknowledged that there is additional land subject to the original application (former Lot 1 on RP87915); however, this land to the west of Lot 903 has already been subject to title registration for under Plan Sealing approval A005565014 and subsequent sale, and is therefore considered to be 'excluded premisses' as defined in Schedule 2 of the *Planning Act 2016*.

In accordance with part (b)(iii) of the definition for 'excluded premises', the proposed change to approved Lot 903 (as a part of this change application) will not materially affect the recently established premises to the west and because of the number of new owners, it is impracticable to get their consent. On this basis Lots 101-136, 500 (former), 900, 901 & 902 on SP317214 are considered to be 'excluded premisses' with owner's consent only being required for Lot 903 on SP317214.

2. Development Approval

2.1. Overview

The land relevant to the historic approval was located at 473 Miles Platting Road, Rochedale 4123, formally described as Lot 1 on RP87915, with the key Development Application subject to this change being for Reconfiguration a Lot Development permit – Subdivision of Land (Council Ref: A005218296), which was granted on 13 February 2020.

The Negotiated Decisions Notice Approval included a marked up approved plan (refer to Figure 1 below) with Lot 903 identified as a Bushfire management Zone.

2.2. Currency of development approval

As outlined in the Negotiated Decision Notice of the most recent other change approval (Council Ref.: A005218296), the currency period for this approval (inclusive of all of its parts) was to end on 22 July 2024. Nevertheless, this approval progressed to title registration under Plan Sealing approval A005565014, which was lodged to Council on 8 October 2020. Therefore, due to this application completing plan sealing and providing a plan for the reconfiguration to local government for approval within the original date of currency, the approval relevant to this minor change application did not lapse under s85(b) of the PA.

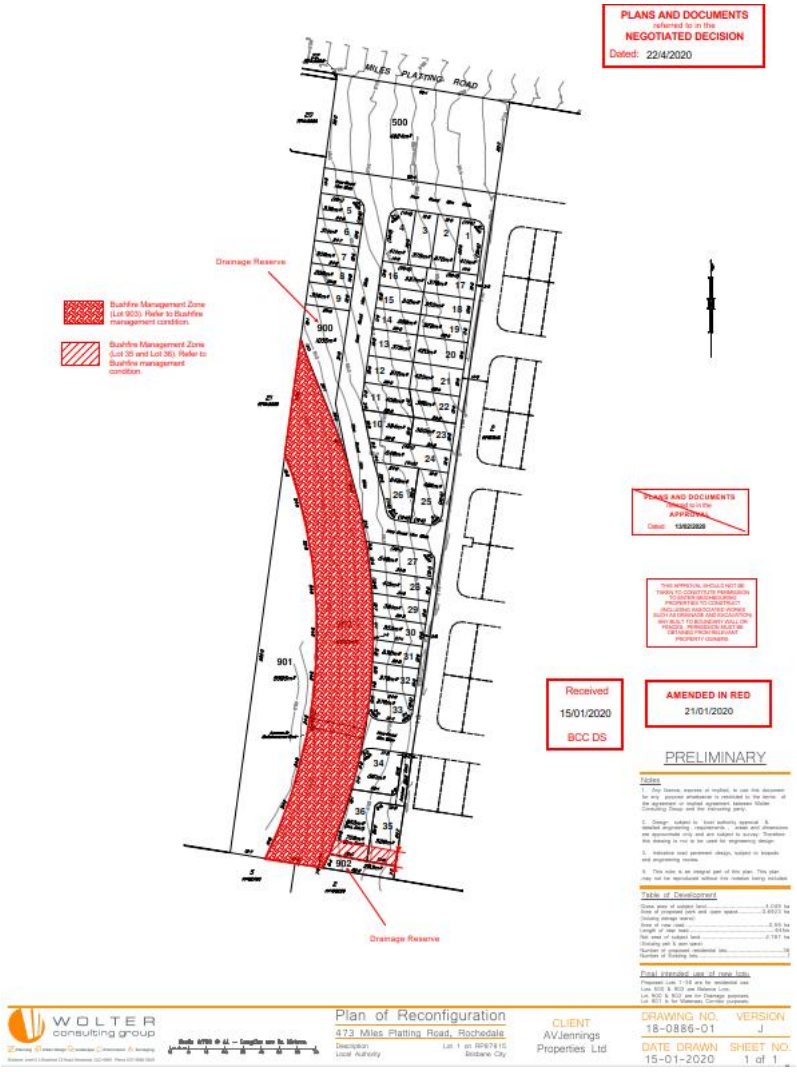


Figure 1: Approved Plan of Reconfiguration for approval A005218296

3. Proposed Changes

3.1. Introduction and Rationale

The Minor Change will allow for the conversion of conditions related to non-prejudiced land to land for trunk dedication which will service the ability to extend and connect Gardiner Road. This proposal to include a 'Land for (Trunk) Transport Network - Road' condition is in accordance with the intent for this road alignment to be established as Trunk infrastructure under the provisions of the Local Government Infrastructure Plan. Accordingly, the local government able to include this necessary infrastructure condition in accordance with sections 127 & 128 of the PA.

3.2. Changes to Conditions of Approval

To allow this required dedication of trunk road land to happen, Condition 30 of the original approval will need to be modified to include a trunk component for the dedication of land, which is already established as Lot 903 on SP317214.

Notably, the amendment identified in **Table B** below will be required to be made to the conditions of approval to reflect the proposed changes.

Table B: Changes to conditions of approval

Condition	Rationale / Comments
30 Future Road The proposed development and the future use of the site must not prejudice the future trunk road reserve within the site by keeping an area clear of permanent buildings, improvements and structures as indicatively shown on RC 16048 Issue 1, dated 28/08/2018 and 18-0886-01 Version J, received 15/01/2020 and as amended in red 21/01/2020 which forms part of the approved DRAWINGS AND DOCUMENTS.	Condition is generally maintained as it seeks to quarantine the land, but a reference to trunk infrastructure for the road reserve has been included to acknowledge the LGIP item and facilitate the inclusion of the new trunk land requirement condition below.
NEW CONDITION **30 B) Land for Transport Network - Road (Trunk)** Dedicate as new road (trunk) the land shown as Lot 903 on 18-0886-01 Version J, received 15/01/2020 and as amended in red 21/01/2020 for the Transport Network which forms part of LGIP ID ROC-RC-042 in the Local Government Infrastructure Plan including the following: i. A widening and road dedication along the full length of Lot 903 to facilitate the full width of the new 30.5m wide extension of Gardner Road as shown on the approved plans. NOTE: This condition is imposed under section 128 of the Planning Act 2016.	Condition included to facilitate the required dedication of land for the trunk road reserve associated with LGIP item ROC-RC-042.

3.3. Changes to Infrastructure Charges Notice

Changes made to the application are in line with LGIP mapping and seek to include a required trunk land dedication condition. As such, it is **anticipated that the Infrastructure Charges Notice <u>will</u> be changed** to reflect the offsetable land dedication/transfer of approximately 8,200m^2 in Lot 903 for the extension of Gardner Road where it previously hadn't.

4. Assessment Of Minor Change

4.1. Overview

The Planning Act establishes two types of changes to a development approval:

- A 'minor change' to a development approval: or
- An 'other change' to a development approval.

For a change application to be considered as a minor change, the change to the development approval must meet the definition of a 'minor change' as set out in Schedule 2 of the Planning Act. See below.

'A change that—

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'.

With respect to item (b)(i), Schedule 1 of the Development Assessment Rules provides guidance on the determination of whether a proposed change does or does not constitute 'substantially different development'. These provisions are for guidance only and must be considered in the context of the proposed change. A proposal that does not meet these guidelines may still potentially be determined as 'not substantially different development'.

A full assessment of the proposed changes against the relevant criteria has been completed and outlined in **Table C** and **Table D** below. As shown, our assessment concludes that the proposed changes do not constitute 'substantially different development' and comply with the criteria specified under the definition of a 'minor change' within Schedule 2 of the Planning Act.

4.2. Schedule 2: Minor Change Criteria

Table C: Assessment against minor change criteria (Planning Act)		
Would a new development application, including the changes cause:	Y/N	Comments
The inclusion of prohibited development?	N	The proposal does not involve prohibited development. The site is in the Urban footprint and the proposal involves a reconfiguration of lots which constitutes Urban development.
Referral to a referral agency, other than to the Chief Executive, if there were no referral agencies for the development application?	N	The original development application was not required to be referred, and the proposed changes will not trigger referral to any referral agencies.
Referral to extra referral agencies, other than the Chief Executive?	N	The proposed change will not trigger referral to any extra referral agencies.
A referral agency to assess the application against or have regard to new matters?	N	The proposed change will not trigger any referral agencies to assess the application against or have

		regard to any new matters. It is noted the original application was not subject to referral.
Public notification if public notification was not required for the development application?	N	The original application was subject to impact assessment and as such public notification has previously been undertaken and no further notification is required.

4.3. Substantially Different Development Test

Table D: Assessment against substantially different development test (DA Rules)

Do the changes:	Y/N	Comments
Involve a new use?	N	The proposal does not involve a new use. The application/approval remains as reconfiguration development in accordance with the approved use.
Result in the application applying to a new parcel of land?	N	The proposed change relates to the same extent of original land, within which Lot 903 on SP317214 now sits. No new land parcels are proposed to be included.
Dramatically change the built form in terms of scale, bulk and appearance?	N	The proposed change relates to conditioning of a required land dedication for trunk road and will not change the built form in any way.
Change the ability for the approved use to operate as intended?	N	The proposed change will not change the ability for the use to operate as intended. The proposed configuration of lots and road network has not changed and the proposed change only introduces the conditioning of trunk land dedication that was previously required to be 'not prejudiced' for future road.
Remove a component that is integral to the operation of the development?	N	The proposed change does not remove any component that is integral to the development.
Significantly impacts on traffic flow or the transport network?	N	The proposed changes will not significantly impact on traffic flow or the transport network. The proposed change only introduces the conditioning of required trunk land dedication for the intended extension of Gardner Road which will not have an immediate impact on traffic flow. The future road construction (not a part of this change application) may have some impact on traffic flow in the vicinity of the site; however, this is an intended LGIP item with wider transport network considerations.
Introduce new impacts on increase the severity of known impacts?	N	The proposed change will not introduce new impacts or increase the severity of any known impacts. The proposed changes will be integrated with the existing site and lot configuration and will be consistent with the approved use.
Remove an incentive or offset component that would have balanced a negative impact of the development?	N	The original approval did not include any incentives or offsets which would be impacted by the proposed changes.
Impact on infrastructure provisions?	N	The proposed change will not notably impact on infrastructure provisions. The proposed change will only facilitate the trunk land dedication of a future road corridor which is an intended infrastructure item.

5. Evaluation Against Relevant Assessment Criteria

Section 81(2) of the Planning Act sets forth criteria the responsible entity (which, in this instance, is Brisbane City Council) assessing a minor change application must consider. A response to the relevant assessment criteria is provided below to assist with Council's assessment.

2. *In assessing the change application, the responsible entity must consider—*

   a. *the information the applicant included with the application; and*

Response to Subsection 2(a)

This covering letter and the supporting documentation provides a brief background of the approval history along with a detailed overview of the proposed changes to the development approval.

The proposed changes are supported by detailed information to assist Council in its assessment. It is considered that all information required for Council to assess the application has been provided.

The submitted assessment confirms the proposal meets the definition of a minor change as set out in the Planning Act, and complies with the relevant matters of assessment, consistently with that previously approved.

   b. *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*

Response to Subsection 2(b)

The previous development and change applications were impact assessable and subject to public notification. As outlined in the Notice About Decision Assessment Report associated with the latest approval (Council Ref.: A005218296), there were no properly made submissions received for this application.

On this basis, it is not anticipated the proposed changes (which are described in more detail in Section 3 of this letter) introduce matters which require reconsideration of previously made submissions.

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

Response to Subsection 2(c)

A pre-request response was not provided.

   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*

Response to Subsection 2(d)

The responsible entity of this change request is Brisbane City Council and not the Minister.

   e. *if the responsible entity is, under section 78A(4), the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be an application for State facilitated development under section 106D; and*

Response to Subsection 2(e)

The responsible entity of this change request is Brisbane City Council and not the chief executive.

   f. *if paragraphs (d) and (e) do not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application;*

Response to Subsection 2(f)

Further to the original assessment of the development application, where potentially new matters of assessment have been identified, this letter and supporting material provide sufficient supporting information for Council to have regard to. In particular, an assessment against the Brisbane City Plan 2014 has been included in **Section 6** of this letter to assist.

g. another matter that the responsible entity considers relevant.

Response to Subsection 2(g)

As above.

3. *Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d), (e) or (f) consider —*
    a. *A statutory instrument; or*
    b. *Another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
4. *The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.*
5. *However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to –*
    a. *The statutory instrument or other document as in effect when the change application was made; or*
    b. *If the statutory instrument or other document is amended or replaced after the change application is made but before it is decided – the amended or replacement instrument or document; or*
    c. *Another statutory instrument –*
        i. *That comes into effect after the change application is made but before it is decided; and*
        ii. *That the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.*

Response to Subsections 3, 4 and 5

Section 6 below includes a brief assessment against the Brisbane City Plan 2014, including commentary on the version that was in effect when the development application for the development approval was properly made (version 18) as well as the current version (version 37).

The applicant has not identified any further statutory instruments or documents which would impact on Council's assessment of the application. The applicant welcomes Council's feedback in this regard and will provide any further information reasonably required and requested by Council to undertake its assessment.

6. Planning Scheme Assessment

6.1. Introduction

As outlined in section 81(2)(f) of the Planning Act, Council may consider the City Plan 2014 (**planning scheme**), when assessing the proposed changes.

In respect to section 81(4), the planning scheme version in effect at the time the subject approval (Negotiated Decision A005218296) was properly made was version 15 effective May 2019. This has since been superseded and the current version is version 37 effective 18 Sep 2026.

Assessment benchmarks in relation to the proposed subdivision and changes to the trunk land dedication component are largely unchanged between the two versions and have therefore not been provided in full detail; however, one key difference, relevant to this change application, when comparing the planning scheme at the time of the original lodgement and this change request is the inclusion of the Gardner Road (Miles Platting Road to Priestdale Road) ROC-RC-042 LGIP item. The inclusion of the ROC-RC-042 LGIP item was incorporated in the version 23 scheme amendment (effective December 2021) as part of the Interim LGIP amendment 1a (adopted 23 November 2021) and again maintained in the version 33 scheme amendment (effective June 2025) as part of the Local government infrastructure plan (LGIP) amendment 1B (adopted 20 May 2025).

In accordance with section 81(5)(a) of the Planning Act, Council may give the weight statutory instrument or other document as in effect when this change application is made. In this circumstance this is LGIP item ROC-RC-042 being identified and maintained in the LGIP since December 2021.

7. Conclusion

In conclusion, the applicant advises:

- The proposed change to the current development approval meets the definition of a ‘minor change’ as set out in Schedule 2 of the Planning Act and Schedule 1 of the DA Rules.
- The proposed changes relate to the inclusion of conditions to require the dedication of land for the trunk road corridor associated with LGIP item ROC-RC-042 in already established Lot 903.
- The proposal has been assessed against the relevant matters in Section 81(2) of the Planning Act, and based on the outcomes of this assessment, the proposed minor change is recommended for approval.