

Ref: 24-0440P

25 June 2026

Brisbane City Council
GPO Box 1434
Brisbane QLD 4000

Via Council's online lodgement portal

RE: Request to Change a Development Approval
32 Farley Road, Rochedale QLD 4123 – A006697872

Dear Sir/Madam,

Introduction

On behalf of the applicant, CFMG Capital, Therefor Group hereby lodges the above change application in accordance with section 78 of the *Planning Act 2016 (PA)*.

In accordance with section 79 of the PA, we confirm the application:

- is made in the approved form, having been accompanied by the relevant Queensland Government form, being the Planning Act 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 79(2) of the PA.

Application Fees

In accordance with Council's Development Assessment and Compliance Fees 2025/26, it is noted that the application fees are **\$3,432**. 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 feel welcome to contact the undersigned on (07) 3666 5200.

Yours sincerely,



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Minor Change Application

1. Introduction

This minor change application seeks Council's approval to amend Condition 27 of the Conditions of Approval, to reduce the width of the concrete footpath constructed along the verge of the internal private road from 1.5m to 1.2m. The proposed change has arisen through detailed design and infrastructure services coordination, which identified the need to widen the verge area to accommodate electrical green pillars in front of all lots within the development.

Further details of the proposed changes are set out below.

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 (i.e., 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
Engineering Cover Letter and Drawings	ADG Engineers	25.06.2026
Planning Act Form 5	-	17.06.2026
Owners Consent	-	24.06.2026
'In Principle' Support from Brisbane City Council – Email Correspondence	-	17.06.2026

2. Development Approval

2.1. Overview

The site at 32 Farley Road, Rochedale Qld, formally described as Lot 2 on RP59061, is the subject of an existing development approval for a Development Permit for Reconfiguring a Lot (1 into 27 residential lots, balance lot (future park), new road and common property) (Council Ref.: A006697872), which was approved by Council on 22 October 2025.

The development application was not subject to referral agency assessment.

2.2. Currency of development approval

As outlined in the decision notice for the development approval, the currency period for this approval will end on **21 January 2030**. No extension of the currency period is required at this time.

3. Proposed Changes

3.1. Change to Internal Footpath Width

Condition 27 of the development approval requires the construction of a 1.5m wide concrete path along the verge on one side of the internal private road, in accordance with Approved Drawing No. 24-0440P-01 Version H.

This application seeks approval to reduce the width of this footpath from 1.5m to 1.2m. The reduction has arisen during the detailed design process, which identified the need to widen the verge area between the footpath and the property boundary to accommodate electrical green pillars, required to service all lots within the development.

A footpath width of 1.2m remains consistent with accepted pedestrian footpath standards and will continue to provide safe, functional, and accessible pedestrian connectivity along the internal private road. The reduction does not affect the design, function, or intent of the approved internal road works, nor does it impact the provision for refuse vehicle turnaround under Condition 27. The change is considered minor in nature and will not result in any adverse impact on pedestrian safety or amenity.

The proposed change is shown on the Updated Engineering Drawings provided with this minor change application.

3.2. Changes to Infrastructure Charges Notice

No changes are proposed to the number of lots. As such, it is not anticipated there would be any changes required to the previous Infrastructure Charges Notice.

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 B** and **Table C** 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 B: 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 mapped within the Urban Footprint and the proposal involves reconfiguring a lot 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 changes 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 changes 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 C: 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.
Result in the application applying to a new parcel of land?	N	The proposal relates to the same parcel of land, being Lot 2 on RP59061. 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 solely to a reduction in the width of the concrete footpath along the verge of the internal private driveway, from 1.5m to 1.2m, to accommodate electrical green pillars in front of each of the lots. This change does not involve any building works and has no bearing on the scale, bulk, height, or appearance of any built form. There is no change to the approved lot layout, building envelopes, or any other element that would affect the built form of the development. Accordingly, the proposed change will not result in a dramatic change to the built form in terms of scale, bulk or appearance.
Change the ability for the approved use to operate as intended?	N	The proposed change relates only to a reduction in footpath width along the internal driveway verge and will not affect the ability of the approved reconfiguration to operate as intended.

Remove a component that is integral to the operation of the development?	N	The footpath remains in place, only at a reduced width, and continues to provide pedestrian connectivity along the internal private road. No component integral to the operation of the development is removed.
Significantly impacts on traffic flow or the transport network?	N	The proposed change does not affect the carriageway width, driveway locations, or refuse vehicle turnaround provisions under Condition 27. No changes are proposed to the number of lots, road geometry, or vehicle access arrangements, and there will be no impact on traffic flow or the transport network.
Introduce new impacts on increase the severity of known impacts?	N	The proposed change is minor in nature and will not introduce any new impacts or increase the severity of any impacts already considered as part of the original approval.
Remove an incentive or offset component that would have balanced a negative impact of the development?	N	The original approval did not include any incentive or offset component that would be affected by the proposed change.
Impact on infrastructure provisions?	N	The proposed change does not affect the number of lots or the provision of infrastructure under the approval. The reduced footpath width facilitates the provision of electrical infrastructure (green pillars) required to service all lots.

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 provide a brief background of the approval history along with a detailed overview of the proposed change to the development approval.

The proposed change is supported by Updated Engineering Drawings 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 development approval (Council Ref.: A006697872) was impact assessable and was subject to public notification. Accordingly, there was one properly made submission made about the development application. The submission was in relation to trunk sewer infrastructure. This minor change does not make any changes to the trunk infrastructure, and accordingly the submission is not relevant to this minor change application.

- 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 plans 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)

No other matters are considered relevant to Council's assessment of this change application.

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 an 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 (v31.00/2024), as well as the current version (v36.00/2026).

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 development application was properly made was version 31.00, effective (06 December 2024). This has since been superseded and the current version is version 36.00, effective (12 June 2026).

Assessment benchmarks are largely unchanged between the two versions. Notably, there have been no changes to the Emerging Community Zone code, Bushfire Overlay code, Road Hierarchy Overlay code, or Streetscape Hierarchy Overlay code, being the codes previously assessed and responded to as part of the original development approval, nor have there been any changes to the overlays mapped over the site. These codes therefore remain unaffected by the proposed change and the proposal continues to be compliant. However, the proposed change does result in non-compliance with Acceptable Outcome AO36.1 of the Subdivision Code, relating to footpath width, which is assessed against the relevant performance outcome in the following section.

6.2. Subdivision Code

PO36 of the Subdivision code requires that development provides internal access ways and driveways that are designed to clearly indicate the function of the access way, and provide acceptable levels of access, functionality, safety, amenity and convenience for users.

AO36.1 nominates that internal access ways be designed in accordance with Table 9.4.10.3.C, which specifies a 1.5m wide footpath is required where for a Community Title Subdivision. The proposed 1.2m footpath remains compliant with PO36 however for the following reasons:

- Energex has advised it does not support the approved electrical reticulation strategy and now requires green pillars on both sides of the internal private road. A green pillar requires a minimum 500mm clearance between the footpath and property boundary, which cannot be achieved within the approved 750mm eastern verge (1.5m footpath + 250mm) without reducing the footpath width or reducing lot depth by roughly 250mm (approx. 3m² per lot).
- The approved footpath along the north-south new road (which the footpath in question will connect into) is 1.2m wide, meaning the footpath will be a consistent width all the way up to Farley Road.
- The approved development is for a 27-lot community title subdivision within a closed catchment, resulting in low internal pedestrian traffic.
- The reduced footpath width allows for additional turfed verge area and less hardstand.
- Council has approved comparable 1.2m internal footpaths in other community title subdivisions, including 128-132 Kenmore Road, Kenmore (Council Ref.: A006802569).
- Council's own standard verge drawings nominate a 1.2m footpath width where providing public road, which is consistent with the proposed change.

- This approach has been discussed and agreed to as per email correspondence from Kathryn Kelly of the Development Assessment (South) team in an email dated 17 June 2026 (attached to this application).

On this basis, the proposed 1.2m footpath continues to provide acceptable levels of access, functionality, safety, amenity and convenience, satisfying PO36 of the Subdivision Code.

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 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.