

MINOR CHANGE APPLICATION

Application to change Material
change of use Preliminary Approval –
Variation Request

227 Gardner Road
Rochedale, QLD 4123

March 2026

Site details	
Address	227 Gardner Road, Rochedale, QLD 4123
RPD	Lot 3 on SP343539
Local Authority	Brisbane City Council
Application details	
Application type	Change application – minor change Request to change development approval under section 78 of the <i>Planning Act 2016</i>
Current Approval	A005056710 Material Change of Use Preliminary Approval – Variation Request
Responsible Entity	Brisbane City Council In accordance with section 78A(1)(b) of the <i>Planning Act 2016</i>
Affected Entities	Nil
Applicant Details	Goodman Property Services (Aust) Pty Ltd C/- HPC Planning Level 12, 126 Margaret Street, Brisbane QLD 4000 Contact: Chris Lewis Phone: (07) 3217 5800 / 0403 193 879 Email: Christopher.L@hpcplanning.com.au Web: www.hpcplanning.com.au

1 Introduction

We act on behalf of the applicant, Goodman Property Services (Aust) Pty Ltd, in lodging this change application under section 78 of the *Planning Act 2016*. The applicant seeks minor changes to the extant Material Change of Use Preliminary Approval for various industrial and related uses in effect for the site, including:

- Optimising the Industry Use Area to achieve alignment with the approved spatial extent of industrial use area on the northern adjoining 105 Gardner Road Preliminary Approval; and
- Removing the previously approved temporary access point to Prebble Street, with access to the future industrial development to be obtained via the northern adjoining 105 Gardner Road for which the applicant is also the land owner.

The proposed changes necessitate amendments to the approved Drawings and Documents referenced in the Preliminary Approval conditions, as well as other development conditions to reflect the proposed plan changes.

As demonstrated within 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 can therefore proceed under section 81 and 81A of the Act.

The following supporting documentation is provided with this application:

- Appendix A: Development Approval A005056710
- Appendix B: Proposed Structure Plan
- Appendix C: Rochedale Motorway Estate – Wider Structure Plan
- Appendix D: Environmental Assessment Report
- Appendix E: Traffic Impact Technical Memorandum
- Appendix F: Southern Precinct Earthworks
- Appendix G: Proposed changes to approval package

2 Relevant Development Approvals

2.1 A005056710: Material Change of Use Preliminary Approval – Variation Request

The subject site is subject to a development approval granted on 19 January 2024 by Brisbane City Council for:

- Preliminary Approval for a Variation Request – to vary the effect of the planning scheme; and
- Development Permit for Reconfiguring a Lot – 1 into 3 lots

The Reconfiguring a Lot component of the approval has been completed, resulting in the creation of Lots 1-3 on SP343539 and widening of Gardner Road. Lots 1 and 2 on SP343539 are owned by Council for the purposes of open space land. Lot 3 on SP343539 (227 Gardner Road) is owned by an entity of the applicant and is the focus of this change application.

The Variation Request component of the approval has the effect of changing the development assessment framework for Lot 3 which supports uses that are envisaged by the Business park sub-precinct of the Rochedale urban community neighbourhood plan. It does this by identifying an 'Industry Use Area' on the approved Structure Plan and making certain uses within this area code assessable uses. As demonstrated in Figure 1 below, the approved Structure Plan includes the following elements for the 13.34 hectare Lot 3 on SP343539:

- 11.08 hectares of Industry Use Area;
- 30 metre wide rehabilitation zones to the Prebble Street and Gardner Road frontages;
- A temporary access location to Prebble Street, until such time as a road connection became available through the northern adjoining development at 105 Gardner Road;

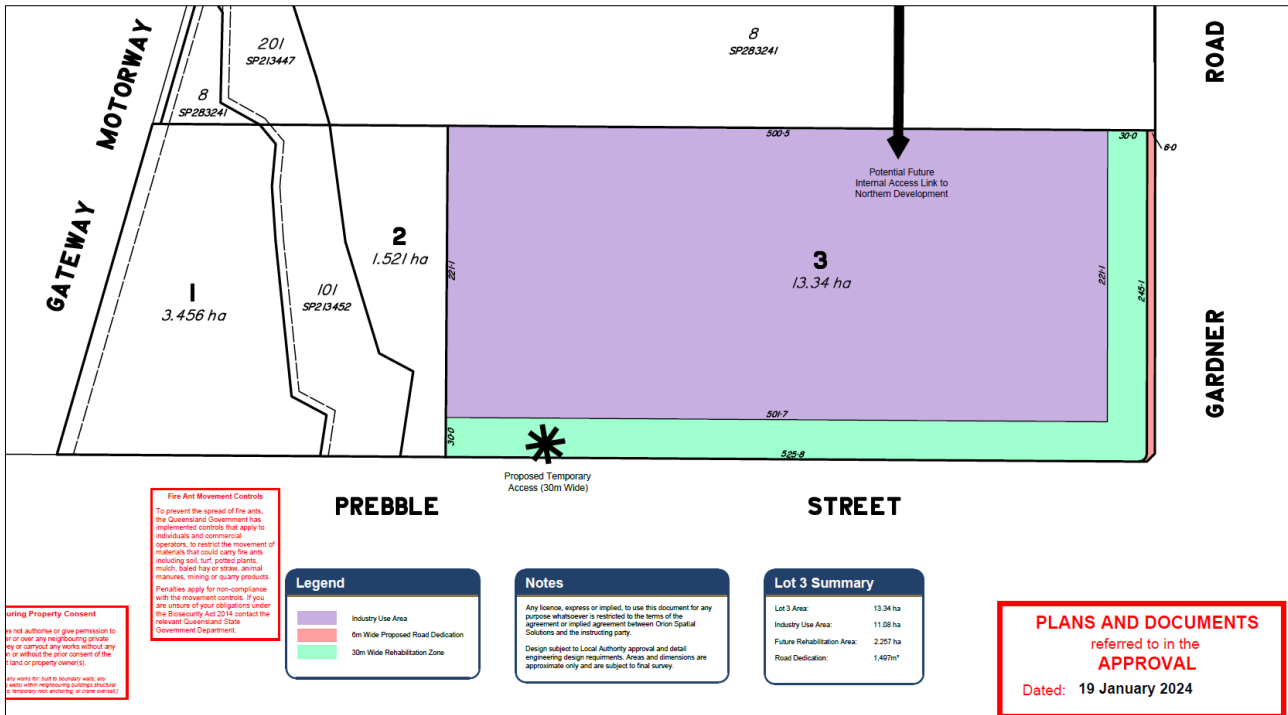


Figure 1: Approved Structure Plan

2.2 Consent Order 1419/2011: Preliminary Approval for Industry

The adjoining site to the north at 105 Gardner Road, Rochedale is subject to a Consent Order issued by the Planning and Environment Court in appeal 1419 of 2011, granted on 8 November 2012. This Consent Order is for a Preliminary Approval overriding the planning scheme for a Material Change of Use for Industry.

The purpose of this Preliminary Approval is to facilitate employment generating general and light industry land uses over the approved use area of approximately 56 hectares. To achieve this, this approval provides for a range of development types including Reconfiguring a lot and industrial uses to be subject to code assessment where consistent with the conditions of the approval.

Development of the site in accordance with the Preliminary Approval is approximately half completed, with the northern precinct of the Rochedale Motorway Estate fully developed and occupied, exhibiting a total developed area of approximately 26 hectares.

The land to the south of the completed northern precinct, defined by Lot 8 on SP283241, remains undeveloped and contains the Austral brick manufacturing plant, a disturbed waterway corridor which is a tributary of Bulimba Creek and a clay mining area to the south of the waterway corridor.

The Preliminary Approval as it relates to this undeveloped area includes approximately 30 hectares of Use Area and Open Space areas including a waterway corridor which bisects the Use Area and is subject to rehabilitation conditions. The approved Concept Plan is shown below including notation of the extent of completed development so far, with the subject site (227 Gardner Road) also identified.

The applicant for the subject change application at 227 Gardner Road is also the owner of all industrial land (developed and undeveloped) which is subject to Consent Order 1419/2011. A Minor Change application has also been recently submitted in respect of this approval, with BCC reference A006973579.

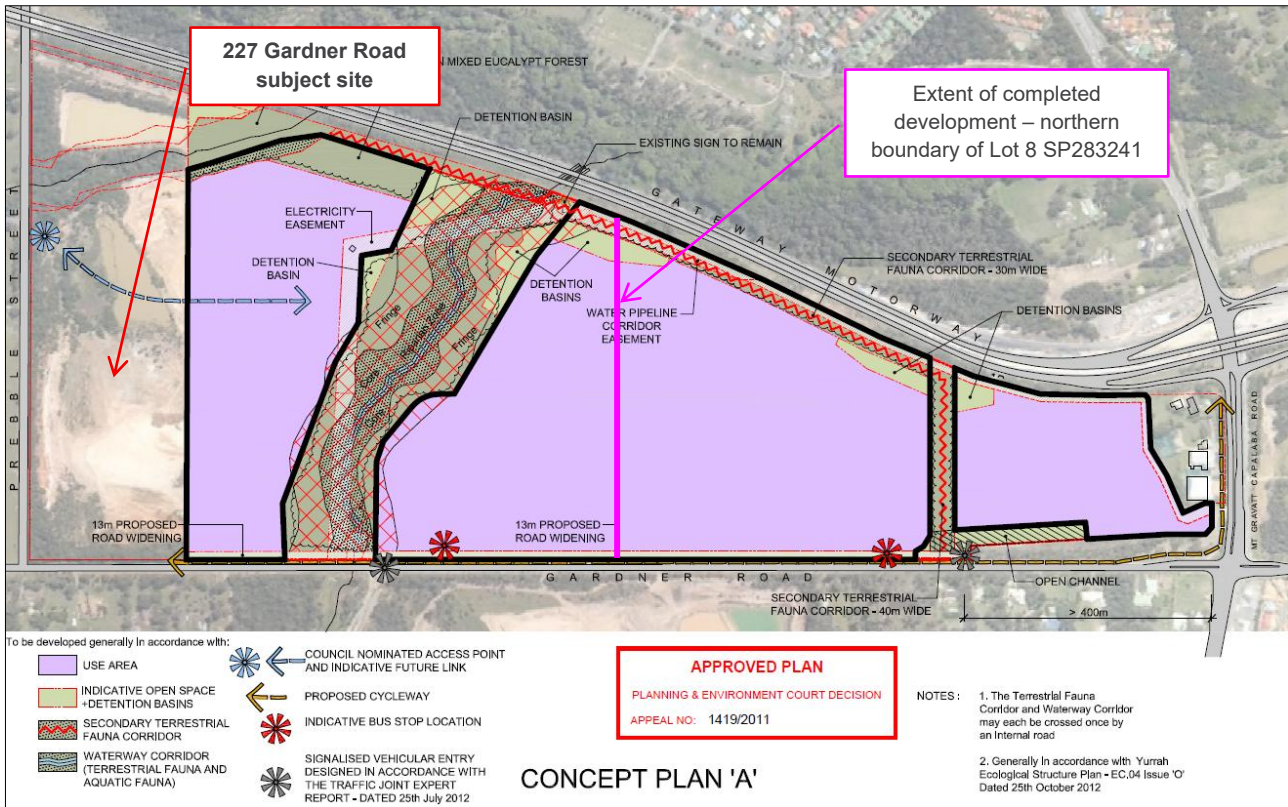


Figure 2: Preliminary Approval Concept Plan – 39-105 Gardner Road, Rochedale

3 Proposed Changes to the Approved Development

As described above, the applicant has a significant holding of industrial land which is subject to Preliminary Approvals to facilitate industrial development. The applicant seeks to commence development of the land between the waterway corridor shown in Figure 2 above and Prebble Street, which is historically been used for clay mining. A conceptual plan of the desired development outcome is included at Appendix F. As mentioned above, a separate minor change application has been submitted to Council to refine the approved Use Area for the northern adjoining property at 105 Gardner Road.

To facilitate this planned development outcome, the applicant seeks minor changes to the Variation Approval in effect for the subject site. The primary change sought is to align the eastern boundary of the Industry Use Area with the eastern boundary of the approved Use Area at 105 Gardner Road. The intended outcome for both sites is demonstrated in the Rochedale Motorway Estate – Wider Structure Plan included at Appendix C.

3.1 Expansion of Industry Use Area

The primary change requested to achieve this is to increase the approved use area, which will reduce the currently conditioned 30 metre wide rehabilitation area fronting Gardner Road to 7 metres in width.

This is a practically superior outcome for the future required earthworks and construction of a retaining wall to the eastern edge of the development area, as conceptually shown in the Southern Precinct Concept Bulk Earthworks Plan (refer Appendix F). As the site has been used for clay mining for decades, the ground levels across the subject site and to the north in 105 Gardner Road have been gradually lowered to the extent that the working area is now up to 20 metres lower than levels at Gardner Road and Prebble Street. There are high un-stabilised cut embankments below both roads, as well as a large void lake that is required to be filled in 105 Gardner Road. Due to this highly disturbed nature of the site, a substantial quantity of earthworks is required to deliver the outcomes envisaged for the Preliminary Approvals. As per the Concept Bulk Earthworks Plan the extent of cut and fill is nearly balanced with a high retaining wall to the eastern and southern boundary of the industrial use area being a necessary component of this.

The 105 Gardner Road Preliminary Approval includes no rehabilitation planting area to the Gardner Road frontage, with the Use Area plan and conditions of this approval requiring a 13 metre road widening which forms the eastern boundary of the approved Use Area (refer Figure 2 above). In this approval, the focus of rehabilitation efforts in the locality is on the main waterway corridor through the site and the expansive open space in the western part of 105 Gardner Road.

Consequently, the current form of the 227 Gardner Road Variation Approval will result in the conditioned 30 metre wide rehabilitation area ending at the northern boundary of the site and providing no connection beyond this. Furthermore, Gardner Road is planned to be widened to a 4-lane median divided road and the properties directly opposite on the eastern side of this road are also zoned for 'business park and gateway civic precinct' activities per the Rochedale Urban Community Neighbourhood Plan. None of these properties at 184-202 Gardner Road contain any mapped ecological areas in proximity to Gardner Road, and development applications and approvals over this land accordingly provide no vegetation retention or rehabilitation between Gardner Road and the waterway corridor draining north to south approximately 250 to the east.

The effect of these developments and planned infrastructure in the locality will be to substantially reduce the effectiveness of the conditioned 30 metre wide rehabilitation area to Gardner Road as a corridor linkage, as demonstrated in Figure 3 below.

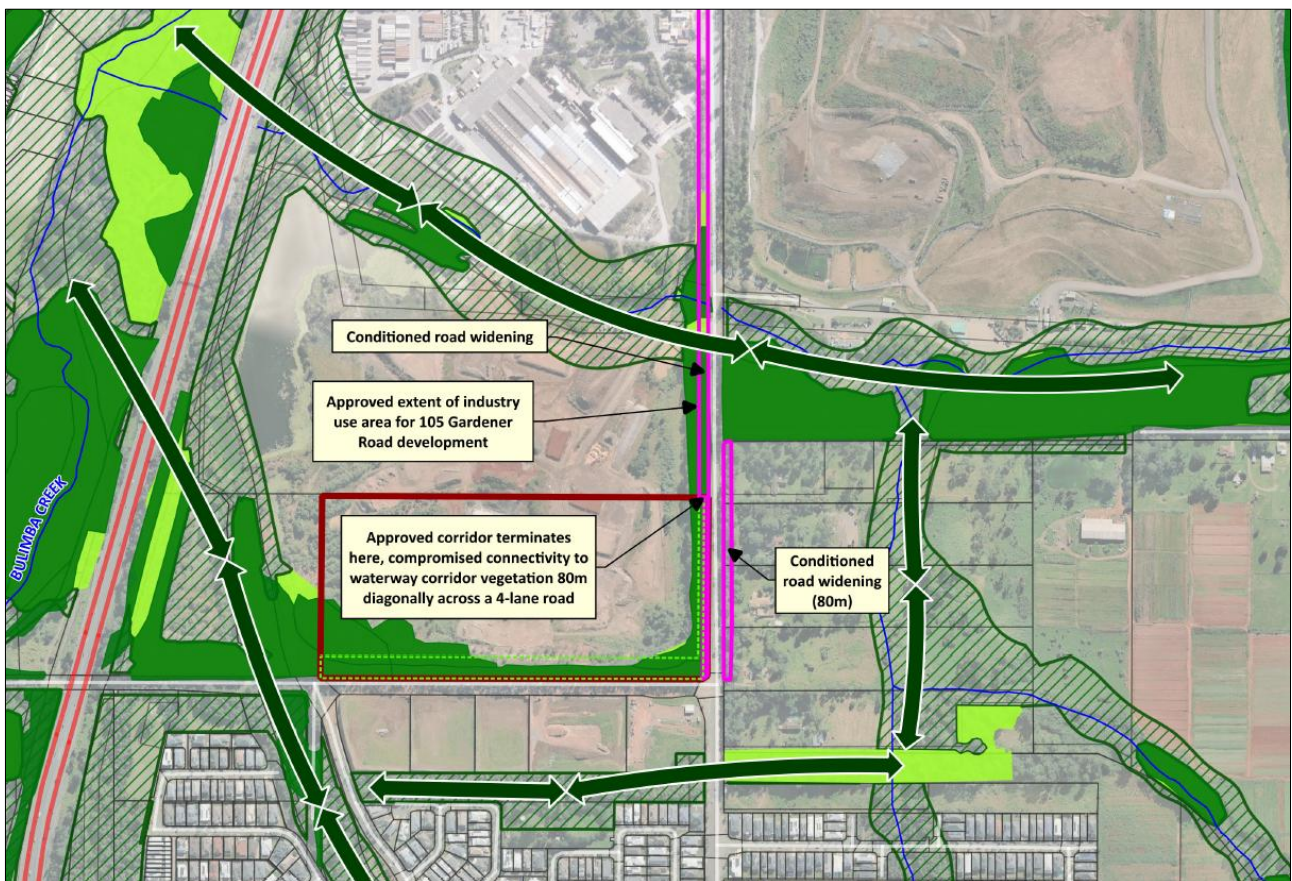


Figure 3: Local environmental connectivity

Source: 28 South, Environmental Assessment Report, Figure 4

As seen in Figure 3 above, there existing significant vegetated corridors to the west and south of the site providing local connectivity, and developments to the east and in particular to the north of the site (A006973579) are planned to deliver rehabilitated waterway corridors to enhance the ecological connectivity throughout the locality.

Whilst the proposed rehabilitation area to the eastern boundary the site is proposed to be reduced, it will not be removed entirely and a degree of connectivity together with a substantial landscape screening outcome will be maintained along Gardner Road. Per Figure 3 above this is not a critical habitat linkage in the locality

therefore the proposed reduction in width is not anticipated to substantially increase the ecological impact of the development.

With regard to ecological impacts arising from this change, the following is a summary of key commentary and findings from the Environmental Assessment Report prepared by 28 South:

- The proposed change is consistent with mapped values and on-ground conditions:

“The minor change maintains a similar development footprint and avoids additional impacts to mapped ecological areas. Impacts remain localised and consistent with the existing approval, with no encroachment into new areas of environmental significance. Retained environmental corridors remain unaffected, and approved rehabilitation strategies will continue to support improved ecological outcomes”. (p7)

“Overall, the Proposed Development is considerate of the emerging industrial setting and acknowledges both State and BCC ecological overlays and existing on-ground environmental values. The iterative design process has ensured the development is sited and configured to retain ecologically significant areas and is not expected to result in any significant change to existing fauna movement patterns. Moreover, it seeks to improve opportunities for safe fauna movement within the surrounding landscape”. (p36)

- The proposed corridors to the Prebble Street and Gardner Road frontages are not critical linkages in the locality:

“Vegetated areas elsewhere within the locality, including retained vegetation along road reserves, drainage corridors and remnant patches on adjoining lands, also contribute to localised fauna movement opportunities. In this context, the corridors within the Site are not considered to represent critical movement pathways within the local landscape but rather provide supplementary habitat and movement opportunities for common and mobile fauna species”. (p26)

- The proposed changes satisfy the requirements for a minor change:

“From an ecological perspective, the proposed change does not introduce new or additional impacts to areas of ecological value beyond those previously assessed and approved, nor does it alter the overall extent, intensity, or nature of environmental impacts; but rather reduces edge to area ratios and improves ecological functions”. (p7)

The Environmental Assessment Report confirms that the proposed changes maintain an outcome that is consistent with the outcomes sought by the Rochedale urban community neighbourhood plan and Biodiversity overlays. As demonstrated in the Concept Rehabilitation Management Plan submitted with the adjoining application A006973579, the wider development will deliver a significant ecological improvement to the locality in the form of restoring a waterway corridor through the adjoining site and rehabilitating an expansive area in the western part of both 227 and 105 Gardner Road. The reduction in width of the corridor fronting Gardner Road does not impact habitat connectivity and maintains a strong landscape screening outcome from Gardner Road to the future industrial development.

In addition, with the integration of the subject site with the adjoining 105 Gardner Road site, the need for access from Prebble Street is removed completely which will improve the functional and amenity outcome of the rehabilitation corridor fronting Prebble Street.

Overall, the changed development maintains a significant net improvement to the ecological condition of the site and on this basis the proposed change is recommended for approval as a minor change.

3.2 Traffic impacts

As the proposed change seeks to increase the Industry Use Area from 11.08 hectares to 11.59 hectares, being a 5,100m² increase, an assessment of potential traffic impacts has been undertaken. As per the Traffic Impact Technical Memorandum (refer Appendix E), the previously adopted trip generation conservatively assumed 548 peak hour trips for the range of proposed uses at the site. With the applicant having acquired the site after the original Variation Request approval was granted and now seeking to integrate it and develop concurrently with their adjoining Rochedale Motorway Estate holdings, the estimated traffic generation from the site can be much more accurately predicted based on the recorded trip generation for the fully developed northern stage of the Estate.

Per Appendix E, predicted peak trip generation inclusive of the increased use area is 110 trips in the morning and 99 in the afternoon. This is 438-450 less than estimations in the Traffic Impact Assessment which supported the original Variation Request approval.

In addition, the applicant now seeks to remove access from Prebble Street entirely with the site to be accessed only via a new road through the adjoining site. This new road will join Gardner Road at a proposed signalised intersection which has been designed to accommodate traffic movements from the entire development across both 105 and 227 Gardner Road, as detailed in the enclosed Traffic Impact Technical Memorandum.

As the proposed change and planned development outcome seeks to significantly reduce traffic generation in comparison to what was approved and remove a new road access to Prebble Street, no negative traffic impacts are anticipated to result from the change.

3.3 Amenity impacts

The proposed expansion of use area will facilitate additional industrial gross floor area and extend the boundary of use area approximately 15 metres further east. Whilst there are existing single dwelling uses on the eastern side of Gardner Road, as per the Concept Earthworks Drawings at Appendix F a high retaining wall in cut is required at this interface which will create an effective noise barrier. The Variation Approval supports low impact and high amenity uses which is consistent with Rochedale urban community neighbourhood plan and are not anticipated to materially impact these remaining sensitive uses. It is noted that these properties are included in the same neighbourhood plan precinct as the subject site therefore long-term amenity impacts do not require consideration at this stage of the development approval process.

3.4 Engineering

As the application is for a change to a Variation Request approval and includes no subdivision or material change of use component, assessment of engineering matters and in particular stormwater management is not considered necessary and can be deferred to future applications. In any case, as part of the submitted minor change application for 105 Gardner Road (A006973579) a Stormwater Management Plan was prepared for the entire precinct including both 105 and 227 Gardner Road, demonstrating conceptually how stormwater management outcomes will be achieved for the holistic development of the site.

3.5 Summary

For the reasons outlined above, the proposed changes to the approved development will not bring about any new impacts or increase the severity of known impacts relevant to ecology, traffic, amenity and stormwater.

The changes are therefore considered to comfortably meet the relevant tests for “substantially different development” and are suitable for assessment and approval under Section 81 and 81A of the *Planning Act 2016*. Section 4 below details the changes proposed to the development approval to reflect the changed development.

4 Changes Required to Approval Package

4.1 Approved Drawings and Documents

The proposed changes to the approved drawings and documents are detailed below.

Drawing or Document	Number	Plan Date
Survey Plan	Sheet 1 of 3	04-DEC-2023 (RECEIVED)
Structure Plan 227 Gardner Rd Rochedale	S-1004-018-C S-1004-018-D	02-DEC-2023 02-FEB-2026
Road Widening Plan 227 Gardner Road RC16142	Sheet 1 of 1 Issue 1	27-OCT-2022

4.2 Conditions of Development

It is requested that the Consent Order conditions be amended as summarised in Table 2. A detailed copy of the proposed condition amendments is included at Appendix G.

Condition	Action
Stage: Variation Approval	
1) – 3)	No change
4)	Category of Development and Assessment Industrial uses Update plan reference to reflect proposed Structure Plan.
5)	Category of Development and Assessment - Non- Industrial Uses Update plan reference to reflect proposed Structure Plan.
6)	Remove Improvements & Obstructions from Truncation and Dedication Update plan reference to reflect proposed Structure Plan.
7)	Limitation of site access Delete the note which contemplates access to the site from Prebble Street, which is no longer required as a result of the applicant being the owner of the adjoining site to the north from which road network access will be obtained.
8) – 10)	No change
11)	Rehabilitation Plan Amend condition to reflect proposed 30 metre rehabilitation corridor width to Prebble Street and 7 metre rehabilitation corridor width to Gardner Road.
12) – 13)	Access, Grades, Manoeuvring, Carparks, Signs and Line Marking Update plan reference to reflect proposed Structure Plan
Stage: Management Subdivision - 1 into 3 lots	
21) – 25)	No change
26)	Remove Improvements & Obstructions from Truncation and Dedication Update plan reference to reflect proposed Structure Plan.
27)	No change

Table 2: Summary of proposed changes to conditions

5 Minor Change Requirements

5.1 Planning Act 2016

Schedule 2 of the Act 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, as demonstrated in section 5.2 below.
- (ii) If the application were remade using the proposed Structure Plan and supporting documentation, the application would not involve prohibited development, additional matters for referral agency assessment or additional public notification requirements, as demonstrated in section 5.3 below.

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 3 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
(a) Involves a new use	No change is proposed to any of the uses contemplated by the Variation Request.
(b) Results in the application applying to a new parcel of land	The proposed changes do not result in the application applying to new land.
(c) Dramatically changes the built form in terms of scale, bulk and appearance	The development does not include any built form elements.
(d) Changes the ability of the proposal to operate as intended	The changes do not affect the ability of the proposal to operate as a low impact employment generating precinct.
(e) Removes a component that is integral to the operation of the development	No integral components are removed. Modifications have been made to rehabilitation planting width to the Gardner Road frontage. As discussed in section 3 of this report, these proposed changes have been assessed and found to be consistent with both the intent of the current approval and applicable planning scheme outcomes.
(f) Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	The proposed changes will have no adverse transport network impacts. Refer to section 3.2 of this report and the Traffic Impact Technical Memorandum for further details. The proposal seeks to remove an approved road

A change may result in a substantially different development if the proposed change	Assessment of proposed changes
	access point and traffic generation is anticipated to be significantly less than previous estimates.
(g) Introduces new impacts or increases the severity of known impacts	The proposed changes to the approved development will not bring about any new impacts or increase the severity of known impacts with regard to the matters that are relevant to the changes, namely ecology and traffic impacts. Potential impacts of the changes have been assessed in depth by the supporting reporting and as summarised in section 3 of this report.
(h) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – Introduces new social impacts or increase the severity of known social impacts	Not applicable. The development does not require social impact assessment.
(i) Removes an incentive or offset component that would have balanced a negative impact of the development	No such components are removed. As described in the Environmental Assessment Report, “ <i>the proposed change does not introduce new or additional impacts to areas of ecological value beyond those previously assessed and approved, nor does it alter the overall extent, intensity, or nature of environmental impacts</i> ”. (p7)
(j) Impacts on infrastructure provision	The relevant approval is a Variation Request and includes no infrastructure provision at this stage of the planning approval process.

Table 3: 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*.

5.3 If the Application was Remade

Detailed assessment against part (b)(ii)(A) to (ii)(E) of the minor change definition has been undertaken in Table 4 below. It is important to note that that in assessing part (ii), the comparison is made between lodging the application today without the proposed changes and lodging the application today with the changes, not between lodging the application in 2009 (when it was lodged) and 2026. This is clarified in the below extract from the Planning Bill Explanatory Note:

In ascertaining if a change, if the application were re-made to include the change, would be a minor change, the planning instruments or law in effect at the time the change application is made apply. In other words the current planning instruments and law, not the planning instruments and law in effect at the time the development application was made, should be considered to ascertain if the change results in substantially different development, prohibited development, additional referral or public notification. The clause does not prevent a change being made simply because a change to a planning instrument or law would now require the development application as it was originally made to include prohibited development, additional referral or public notification.

Accordingly, the current *Planning Act 2016* and *Planning Regulation 2017* are the relevant planning legislation considered in assessment below.

Minor change definition element	Assessment of proposed changes
<i>If a development application for the development, including the change, were made when the change application is made would not cause—</i>	
<i>(A) the inclusion of prohibited development in the application; or</i>	The proposed changes to the Structure Plan do not introduce prohibited development. Whilst the site is included in a Koala Priority Area and contains Koala Habitat Area, the entire site is also in an identified koala broad-hectare area and in accordance with the <i>Planning Regulation 2017</i> Schedule 10, Part 16A, section (2)(c)(i) interfering with koala habitat in the KPA and KHA is not prohibited development.
<i>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	Not applicable. The State Assessment and Referral Agency was a referral agency for the development application.
<i>(C) referral to extra referral agencies, other than to the chief executive; or</i>	The proposed changes to the Structure Plan have no impact on what referral agencies are applicable to the assessment of the application. In both scenarios, and under current planning legislation, the applicable referral agency is the Chief Executive for impacts to State transport infrastructure and development adjoining a State transport corridor (the western boundary of the parent lot adjoins the Gateway Motorway).
<i>(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</i>	The proposed changes to the Structure Plan do not introduce new matters to which a referral agency would assess against. For both the current approval and the proposed change (if it were being remade), State code 1 and 6 would apply.
<i>(E) public notification if public notification was not required for the development application.</i>	The development application was impact assessment and subject to public notification.

Table 4: Assessment against part (b)(ii) of the minor change definition

As demonstrated above, the proposed changes would not change how the application would have been assessed with regard to prohibited development, referrals and public notification. The proposal is therefore considered to satisfy the definition of a Minor Change per the *Planning Act 2016*.

6 Responsible Entity

The assessment manager (Brisbane City Council) for the original Development Application is the responsible entity for this Minor Change application in accordance with section 78(1)(a) of the Act.

7 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 was made to Brisbane City Council and referred only to the State Assessment and Referral Agency (SARA), for State transport corridor and network impact triggers. SARA (representing the Chief Executive administering the Act) is not an affected entity for a minor change application made to the assessment manager in accordance with section 80(1)(a) of the Act.

8 Conclusion

A minor change is proposed to the Material Change of Use Preliminary Approval for low impact industry activities at 227 Gardner Road, Rochedale. The proposed changes include:

- Expanding the approved Industry Use area to align with the eastern boundary of the approved Use Area for the adjoining development at 105 Gardner Road; and
- Removal of an approved road access to Prebble Street.

These changes have been described and assessed in detail within this report and the supporting Environmental Assessment Report and Traffic Assessment. The findings of these reports are that the proposed changes will result in an outcome which is consistent with both the current Variation Request approval documentation and current planning scheme environmental planning outcomes.

The application 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 minor and satisfactorily addresses applicable planning, ecological, traffic, stormwater management and flooding matters. It is therefore requested that the assessment manager issue an amended Preliminary Approval which reflects the proposed changes per Appendix G.

For any enquiries, please do not hesitate to contact the undersigned on 07 3217 5800 or 0403 193 879.

Yours sincerely,

HPC Planning

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