

14 August 2026

**The Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001**

Dear Sir/Madam,

Request for Change Application under Section 78 of the Planning Act 2016 to Development Permit A005759656 for a Material Change of Use (Childcare Centre) over 15 RIDGELINE WAY KEPERRA 4054 Lot 4 SP331346 (formerly known as 1004 SAMFORD RD KEPERRA QLD 4054 - L3 SP.202641)

On behalf of the Applicant, Children First Property Pty Ltd, please find attached our submission to Brisbane City Council as the relevant entity for a Change Application for a Minor Change to Development Permit A005759656 for a Material Change of Use (Childcare Centre), as previously modified on the 14 September 2023.

Following construction and survey certification of works under Condition 11 of the Development Permit it has been identified that the shade sails as installed exceed the approved building height indicated on the approved plans.

The shade sails indicated on the approved plans were a fixed flat shade sail whilst the installed shade sails incorporate a steel hipped frame to provide increased support and structural stability. The ridgeline of the shade sails exceeds the overall height of the building.

This application seeks to make a 'minor change' to retain the shade sails as installed which are located on the interface to commercial activities to the west and north. The shade sails are not visible from the road frontage of the site, and will not detrimentally on access to sunlight for adjoining residential properties (shadow diagrams provided). It is noted that as part of the existing Variation Approval over the site that dwelling houses have a maximum height limit of 11.5m which is similar in nature to the maximum height of the childcare centre and shade sails.

The shade sails as surveyed result in a total building height of 11.52m at the highest point (northern commercial interface), reducing to 8.12m from NGL closer to the southern boundary of the site.

Arguments for:

In accordance with the requirements of Section 78 of the Planning Act 2016 please find enclosed:

- Architectural Plans prepared by Australian Project Management Services (Attachment 1A);
- Justification for consideration as a Minor Change and supporting documentation for assessment against Section 81(2) of the Planning Act 2016.

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It is proposed to amend the conditions and approved plans of the development to incorporate the shade sails to ensure that the outdoor play areas have adequate protection from the elements to allow for year round play.

This application is made to the Council in its capacity as the responsible entity as identified under Section 78(A)(1)(a) of the Planning Act 2016.

s78A Responsible entity for change applications

1. The responsible entity for a change application is—
 - a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or
 - b) otherwise—the assessment manager.

Please Note: The prior referral agency in relation to being adjacent to a state transport corridor is no longer applicable as the site now sits on separate title to the remainder of the development (being Lot 4 SP331346) and is no longer located within a referral trigger.

The nature of the change sought and the facts and circumstances relied upon in support of such change are detailed in section 2 below.

1. Background

1.1 Preliminary Approval

The site is subject to a Preliminary Approval over the historical site – 1004 Samford Road, Keperra (Council Ref: A004353123). Brisbane City Council approved the Preliminary Approval on the 31st October 2017 which included a Structure Plan (Figure 1) designed to facilitate future urban development over the former Keperra Quarry site – the portion of the site being the subject of this Change Application for a MCU Child Care Centre is located within Precinct 1 Low/Medium Density Residential (up to 3 storeys).

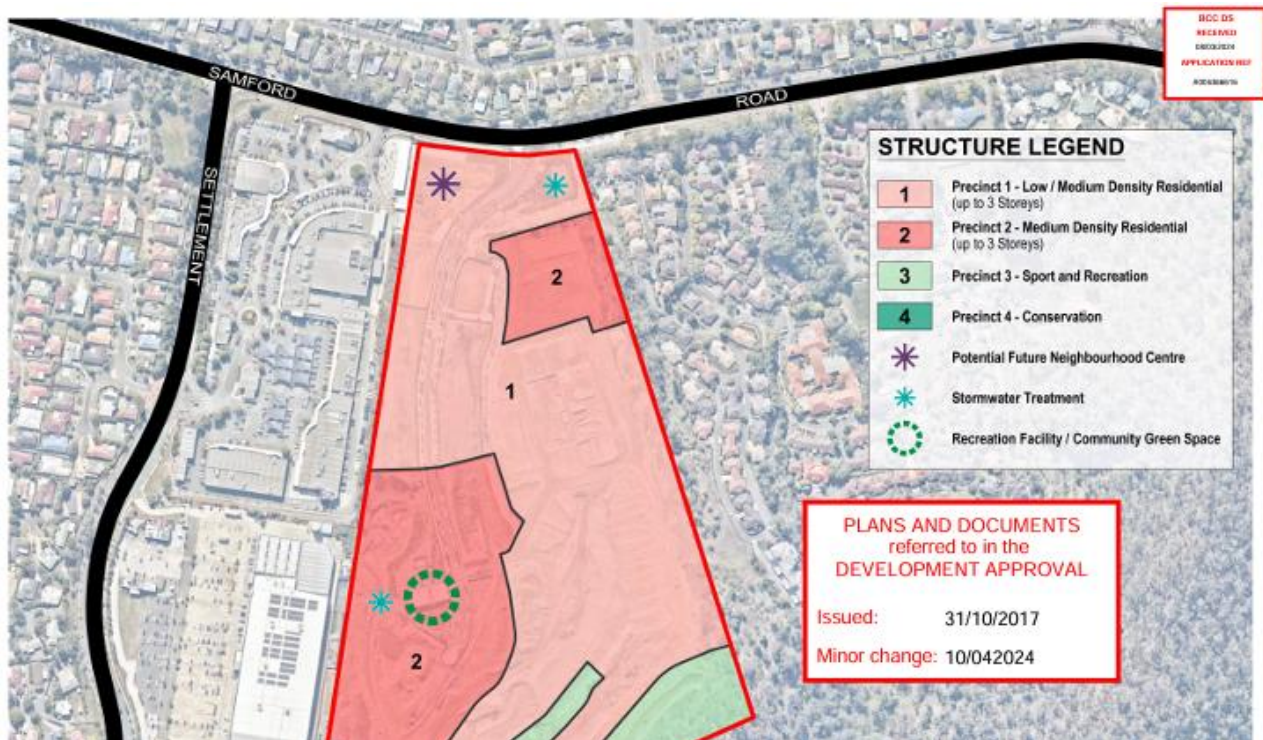


Figure 1: Keperra Quarry Redevelopment - Structure Plan as approved under A006366616 (Source: Brisbane City Council)

The Preliminary Approval has been subject to the following:

- Change Application (Minor Change Ref: A005105162) – approved 14 February 2019 to amend Condition 38 requiring subsequent subdivision applications to provide an internal road network in accordance with a Structure Plan
- Change Application (Minor Change Ref: A005488020) – approved 21 August 2020 to amend Condition 38 requiring subsequent subdivision applications to provide an internal road network in accordance with a Structure Plan and facilitate the infrastructure connections to future community titled and freehold allotments
- Change Application (Minor Change Ref: A005588215) – approved 9 November 2020 to amend the precinct boundaries for the two residential precincts.
- Change Application (Minor Change Ref: A006111992) – approved 15 June 2023 to allow Changes to approved precinct boundaries, specifically Townhouse A development over Precinct 2, (no changes to density and height); and - Change to Condition 21 to specify that any recreational facilities part of (ancillary to) the approved uses are allowed as code assessable and will be limited to the residents of Keperra Quarry only
- Change Application (Minor Change Ref: A006366616) – approved 10 April 2024 to amend the precinct boundaries for Precincts 1-3 of the Approved Keperra Quarry – Structure Plan.

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- Change Application (Minor Change Ref: A006769125) – approved 6 August 2025 Changes to conditions 24 and 51 regarding changes to the minimum side and rear setbacks allowable for dwelling houses on a small lot shown in Precincts 1 and 2 on Approved Keperra Quarry – Structure Plan under the preliminary approval.

1.2 Reconfiguring a Lot

The original Reconfiguring a Lot Permit facilitated under the Preliminary Approval (Council Ref: A005564723) created Precinct A being larger management lots from 1A through to 3B and the construction of the spine road and associated intersection. This permit was originally approved by Council on 30 July 2021.

The approved road formation included median strip within the spine road to reduce vehicular movements accessing the identified commercial and Child Care lots within Stage 1A. The original approved plan can be viewed in Figure 2.

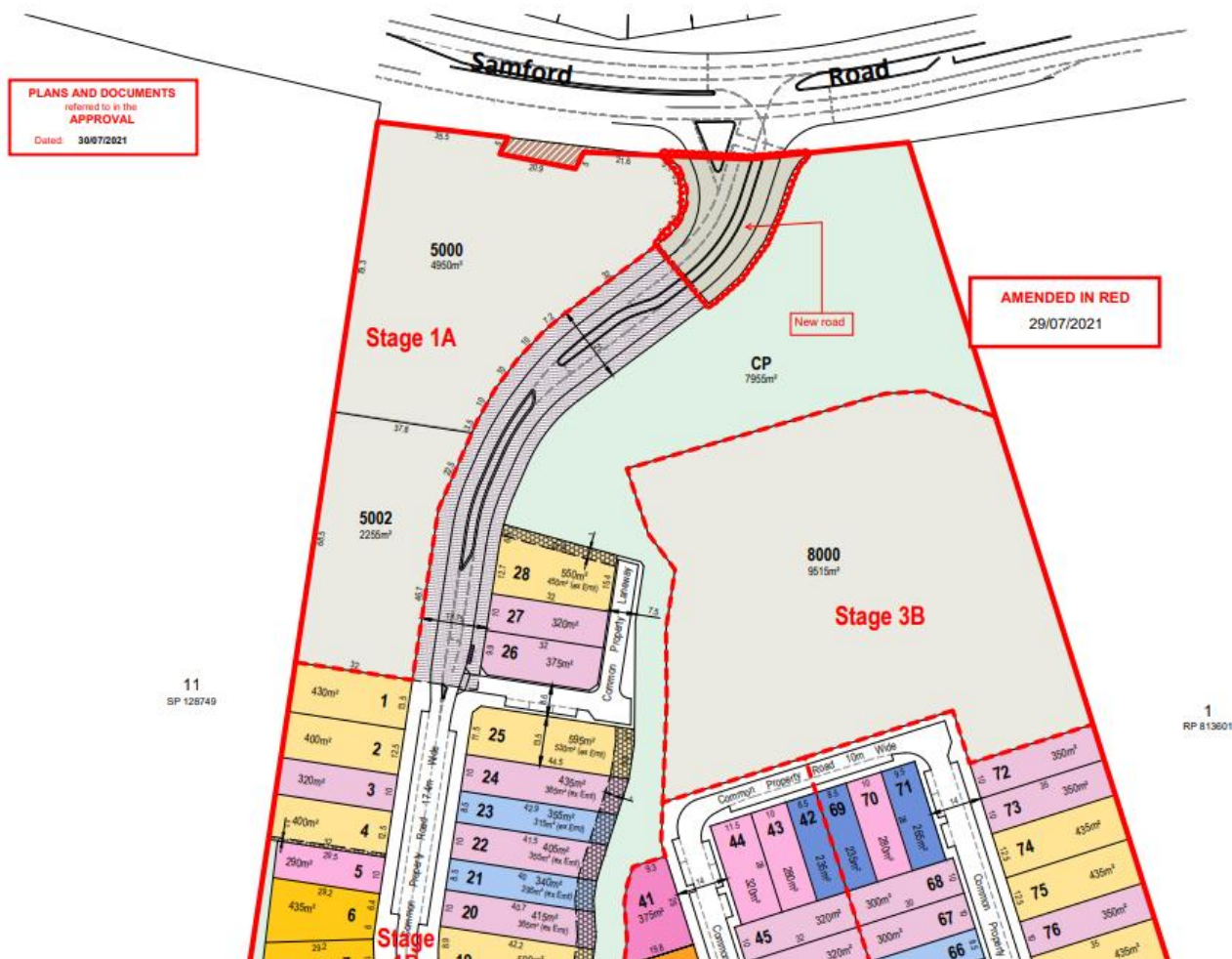


Figure 2: ROL lot layout (A005564723)

- Change Application (Minor Change Ref: A006801786) – approved 28 August 2025 to allow the following changes:
 - Include Lot 331 on SP3451179 to lot description as to reflect the lot description updated from the former parent lot (former Lot 6001 on SP336155 now retired) for the subject land of the original approval.

- Removal of acoustic fencing for Lots 505-512 based on updated acoustic modelling;
- Inclusion of a Plan of Development setback table consistent with the preliminary approval.

1.3 Material Change of Use – Child Care Centre history and change

On 22 December 2020, Brisbane City Council issued a Decision Notice approving a Development Permit for a Material Change of Use for a Child Care Centre over the subject site (Council Ref: A005154845).

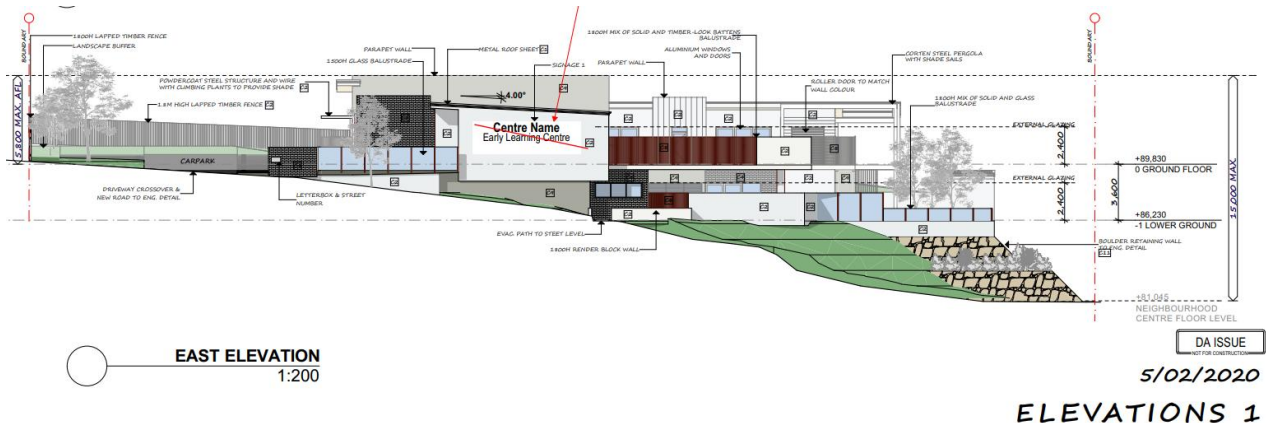


Figure 3: Original Chid Care Centre approval (A005154845)

The Applicant sought to make a Change Application (Minor Change Ref: A005759656) for an additional 11 children within the Child Care Centre, amongst amendments to the earthworks and retaining arrangements under the original development application (Council Ref: A005154845). Whilst the Minor Change did result in some minor amendments to the approved building layout and retaining wall arrangement, it did not constitute substantially different development at the time of lodgement. As a result of an Action Notice issued to the land developers responsible for the delivery of the Keperra Quarry development (Frasers Property Group) – this introduced a 10m exclusion zone between the childcare centre and the adjoining commercial lot (western boundary). As a result a greater redesign of the child care centre was necessitated.

Council agreed to the following changes under A005759656:

- Increases the number of children places from approved 109 to 120;
- Changes to the design of the childcare centre due to the changed site conditions;
- A 10m exclusion zone to the west;
- Car parking located under the building and screened from the street;
- Introduced additional architectural treatments along the key street interface;
- Driveway access now repositioned from the southern to the northern end of the site;
- Reduced benching within the site to address the site constraints of the previous quarry site
- Changes to hours of operation and refuse collection arrangements

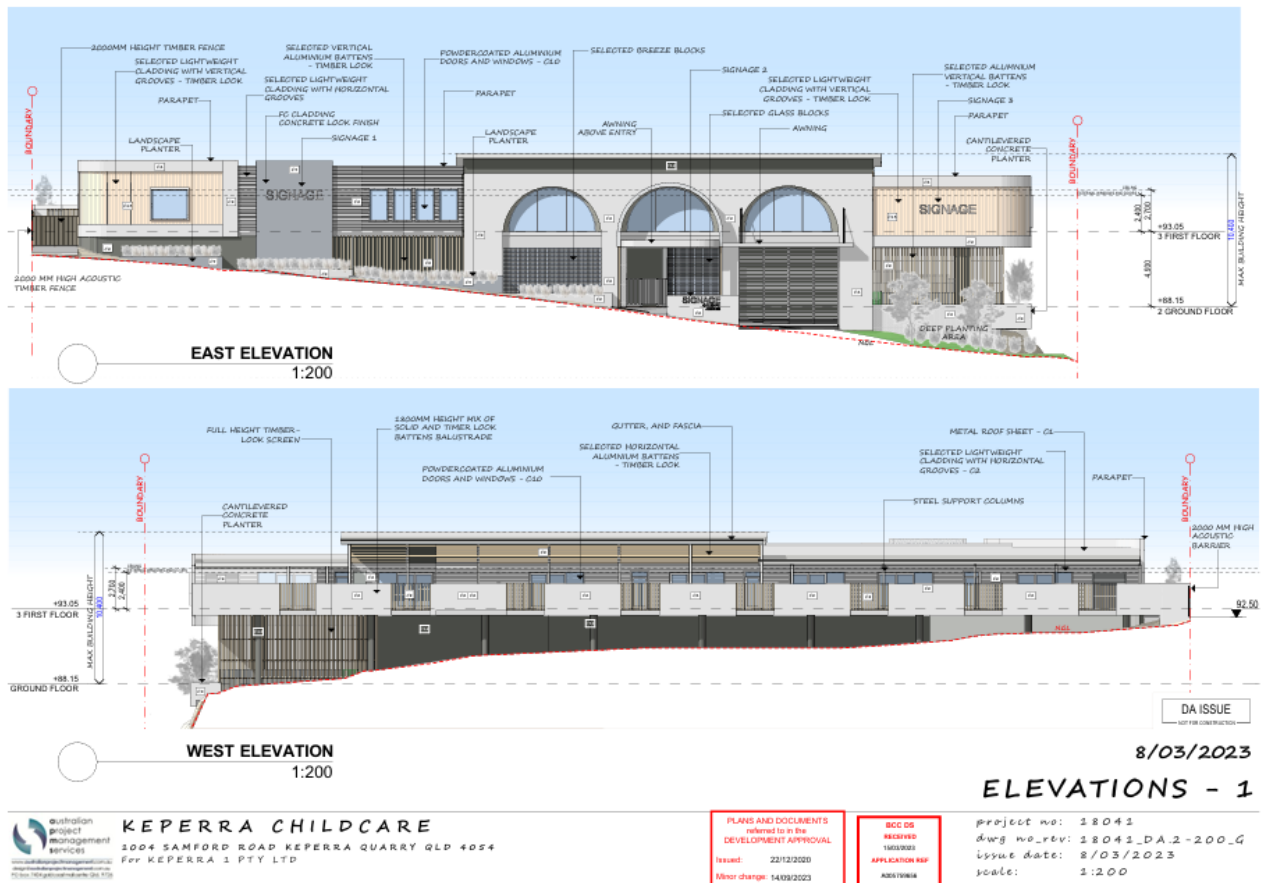


Figure 4: Current Child Care Centre Approval (A005759656)

2. Planning Provisions

The subject development was originally approved under the Brisbane City Plan 2014 with the planning scheme provisions applicable to this application being summarised below:

Designation Involvement

STATUTORY REQUIREMENT	RELEVANT / COMMENT
Shaping SEQ Regional Plan	Urban Footprint
Referral Agency	Nil
Local Government Authority	Brisbane City Council
Zone	- Emerging Community (EC) - Extractive Industry (EI) - Low-Medium Density Residential Zone (Precinct under Preliminary Approval A004353123)
Approved Land Use	Child Care Centre
Level of Assessment	Impact Assessment (under Condition 20 of the Preliminary Approval A004353123)
Building Height	2-storeys (11.5m for residential land uses under Preliminary Approval A004353123)
Zone / Use & Development Codes	Emerging Community Zone Code

	• Extractive Industry Zone Code • Low-Medium Density Residential Zone Code • Childcare Centre Code • Community Facilities Code • > Enoggera District Neighbourhood Plan Code
Overlay Mapping / Codes	• Airport Environs • Bicycle Network • Biodiversity Areas • Bushfire • Community Purposes • Critical Infrastructure & Movement Network • Flood • Industrial Amenity • Landslide • Road Hierarchy • Streetscape Hierarchy • - Transport Noise Corridor



Figure 5: City Plan Zones - Emerging Community (subject to Preliminary Approval A004353123 – Refer to Figure 1)

3. *Scope of the Proposed Change – Representations*

During construction shade sails have been constructed over the play areas to protect children from the elements and provide year-round play spaces. The shade sails have a hipped roof design which extend above the roofline (allowing better breeze and air movement under the shade sails), this has resulted in the overall built form of the child care centre exceeding the approved building height as shown on the approved plans. The approved height of the child care centre was 98.55m AHD with the surveyed height of the shade sails having a maximum height of 99.67m AHD resulting in an overall increase in height to 11.52m overall at the highest point (north), falling back to 8.12m closer to the southern boundary of the site. The overall height is considered to be compatible with the residential heights allowed under the Variation Approval, being 11.5m.

	AHD Level
Max building height (approved)	98.55m AHD
Surveyed building height (with shade sails)	99.67m AHD
Difference	1.12m
Overall building height	11.52m

This application seeks to make a 'minor change' to retain the shade sails as installed which are located on the interface to commercial activities to the west and north of the outdoor play areas for the child care centre. The shade sails are not visible from the road frontage of the site within 'The Quarry' development and will not detrimentally on access to sunlight for adjoining residential properties (shadow diagrams provided). It is noted that as part of the existing Variation Approval over the site that dwelling houses have a maximum height limit of 11.5m which is similar in nature to the maximum height of the childcare centre and shade sails.

The shade sails as surveyed result in a total building height of 11.52m at the highest point (northern commercial interface), reducing to 8.12m from NGL closer to the southern boundary of the site – being the interface to residential dwellings.

Further the shade sails are not a solid structure that would otherwise increase the perceived bulk and scale of the development, with the materials being predominantly lightweight and generally opaque allowing light to penetrate through. The shade sails are only visible from the adjoining shopping centre to the west, and the approved Neighbourhood Centre to the north of the site (developed as part of 'The Quarry' development.



Figure 6: Aerial photo of site looking west.



Figure 7: Aerial photo - looking south showing adjoining shopping centre interface.



Figure 8: Aerial photo looking north across outdoor play areas.

The shade sails as shown above have been assessed against the Child Care Centre Code and Community Facilities Code – with the below addressing the relevant planning scheme clause(s). It is considered that the shade sails given the overall height of 11.52m at the highest point from survey comply with the outcomes of the Community Facilities Code as addressed below:

The AO14 of the Community Facilities Code identifies:

AO14

Development is of a scale, height and bulk that is not greater than that of surrounding development.

The development is considered to be generally consistent with the Acceptable Outcome in terms of building height as the centre is has a maximum height of 11.52m – which is 20mm above the allowable height of the surrounding residential land uses under the Variation Approval for ‘The Quarry’ which bounds the site to the north, east and south.

As such the

Further, PO of the Community Facilities Code identifies:

PO14

Development design must be consistent with the reasonable expectations for built form, site layout and landscape design of development on surrounding land.

The development including shade sails is entirely consistent with the reasonable expectations for built form of development on surrounding land which in this case is within ‘The Quarry Structure Plan’ area which allowed variations to the building heights within Precincts 1 & 2 under Condition 25 which allowed

25) Building Height for Precinct 1 and 2

The maximum building height in Precinct 1 or 2 on Approved Keperra Quarry - Structure Plan shall comply with the table below:

Precinct 1	
<i>Dwelling House (on a small lot)</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Dwelling House</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Dual Occupancy</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Retirement Facility</i>	<i>3 storeys and 11.5m above ground level</i>

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Precinct 2	
<i>Dwelling House (on a small lot)</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Dwelling House</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Dual Occupancy</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Multiple Dwelling</i>	<i>3 storeys and 11.5m above ground level</i>
<i>Retirement Facility</i>	<i>3 storeys and 11.5m above ground level</i>

The Variation Approval has set the reasonable expectation for the built form of development on the land surrounding the subject site, and therefore the shade sails comply with the Performance Outcomes of the Community Facilities Code – which are the only relevant planning scheme outcome relating to building height for the child care centre.

In addition, the site directly adjoins the *Great Western Super Centre* (Lot 11 on SP128749) on the western boundary of the child care site, this shopping centre is contained in the District Centre Zone – with an allowable height limit under the Centre or Mixed Use Code, *Table 9.3.3.3.B Building Heights* of up to 4 storeys and is not governed by a defined metre height limit.

It is important to note that the shade sails:

- are not a solid structure,
- are broken up along the building plane to minimise any perceived bulk and increase in density;
- referenced at their highest point where the site significantly slopes away. Are located on the western boundary and do not front the street,
- are generally not visible when viewed from street level;
- the interface of the western boundary does not impact on any surrounding residential zones – it is noted that both adjoining boundaries adjacent to the shade sails and outdoor play spaces are commercial zones
- Shadow diagrams – demonstrate no impact or loss of sunlight to adjoining residential properties.

It is therefore considered that the shade sails and the overall height of the Child Care Centre is *consistent with the reasonable expectations for built form, site layout and landscape design of development on surrounding land* as identified in PO14.

4. *Proposed Changes*

It is proposed to **amend Drawings and Documents**, as per the below to reflect the proposed change to the overall building height, considering the additional height created by the shade sails over the western play areas.

Drawing or Document	Number	Plan Date
Site Plan	18041_DA.2-100_K	15-MAR-2023 (Received)
Site Plan	18041_DA.2-200_H	09-JUN-2026 (Drawn)
Ground Floor Plan	18041_DA.2-130_H	15-MAR-2023 (Received)
First Floor Plan	18041_DA.2-131_J	15-MAR-2023 (Received)
Elevations 1	18041_DA.2-200_G	15-MAR-2023 (Received)
Elevations 1	18041_DA.2-200_H	09-JUN-2026 (Drawn)
Elevations 2	18041_DA.2-210_H	15-MAR-2023 (Received)
Sections	18041_DA.2-300_G	15-MAR-2023 (Received)
Site Sections	18041_DA.2-301_C	15-MAR-2023 (Received)
Perspectives	18041_DA.2-400_G (Amended In Red 13 JUN-2023)	15-MAR-2023 (Received)
Perspectives	18041_DA.2-401_G (Amended In Red 13 JUN-2023)	15-MAR-2023 (Received)
Materials & Signage	18041_DA.2-900_C (Amended In Red 13 JUN-2023)	15-MAR-2023 (Received)
Landscape Intent Plan	SK01 (Amended In Red 13-JUN-2023)	15-MAR-2023 (Received)
Douglas Partners Geotechnical Assessment	Project 217587.01 R.001.Rev0	23-FEB-2023
Keperra Waste Management Letter		07-AUG-2023 (Received)
Stormwater Management Plan	F001-10037557-AAR Revision 2 (Amended In Red 25-NOV-2020)	16-OCT-2020
Metes and Bounds	125127-20 Revision A (Amended In Red 25-NOV-2020)	20-MAR-2019 (Received)
Hydraulic Impact Assessment	F003-10037557-AAR Revision 2	02-OCT-2020
Functional Layout Plan	6460-GZ Revision A (Amended In Red 14 JUN-2023)	11-NOV-2019
Geotechnical Investigation Report	018-159A	30-NOV-2018

There are no conditions that require amendment from a review of the approved conditions package given the proposed changes relate to plans and documents only. Condition 11 Overall Height only refers back to the approved drawings and documents as does not identify a defined building height within the condition itself.

11) Overall Height The overall height of the building(s) must be in accordance with the floor and roof levels and overall height shown on the APPROVED DRAWINGS AND DOCUMENTS. 11(a) Submit Certification Submit to Development Services certification from a registered surveyor confirming that the 'as constructed' floor and roof levels and overall height are in accordance with the requirements of this condition. Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first.	While site/operational/building work is occurring and then to be maintained As indicated
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5. ASSESSMENT OF REQUEST TO CHANGE APPROVAL

5.1 Minor Change

Section 78 of the Planning Act 2016 (the Planning Act) allows a person to request a 'minor change' to a development approval.

78 Making change application

- 1) A person may make an application (a change application) to change a development approval.
- 2) A change application must be made to the responsible entity for the application.

A 'minor change' is defined under Schedule 2 of the Act as follows:

minor change means 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.

If the proposed change does not meet the 'minor change' test, then it is considered to be an 'other change'.

In this instance, and as demonstrated in this report, the proposed changes to the **approved plans and documents**, seek a minor change to the overall height of the child care centre to accord with the surveyed overall height of the development and include the shade sails as installed on the approved drawings. The shade sails and overall height of the child care centre have been shown to be consistent with the reasonable expectations for built form of development on surrounding land as per the Community Facilities Code (Section 3).

Test		Comment
i. <i>would not result in substantially different development</i>		The application does not result in substantially different development as identified in this report. Changes proposed to the overall height of the child care centre are minimal (1.12m) and are demonstrated to be consistent with surrounding development expectations. This is addressed in Section 3.2 below
<i>if a development application for the development, including the change, were made when the change application is made would not cause:</i>		

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a) <i>the inclusion of prohibited development in the application; or</i>	✗	The development seeks to does not propose a change to the land use (child care centre) and will not include prohibited development
b) <i>referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	✗	There are no additional referral agencies applicable to this application.
c) <i>referral to extra referral agencies, other than to the chief executive; or</i>	✗	There are no additional referral agencies applicable to this application.
d) <i>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>	✗	Not Applicable
e) <i>public notification if public notification was not required for the development application.</i>	✗	The proposed change will not trigger public notification

In this instance, and as demonstrated below, the proposed changes to the plans and documents as identified in the Development Approval constitutes a 'minor change'. The proposed change will not result in substantially different development.

5.2 Substantially Different Development

The Development Assessment Rules, version 1.1 (the DA Rules)¹³, includes Schedule 1: Substantially different development. Item 4 of Schedule 1 outlines nine (9) criteria for consideration as to whether a change is substantially different development.

An assessment of these criteria is as follows:

A change may be considered to result in a substantially different development if any of the following

a) <i>involves</i> a new use; or	✗	The proposed change does not involve a new land use.
b) <i>results in the application applying to a new parcel of land; or</i>	✗	The proposed change relates to the same parcel of land and does not introduce any new land.
c) <i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	✗	The proposed change will have minimal change to the approved built form in terms of bulk, scale and appearance. The shade sails are a lightweight structures, broken up built form across a portion of the site not readily seen from the street frontage.

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		The overall height of the shade sails are consistent with the expectations of built form surrounding the site and will not impact surrounding properties in terms of overshadowing of overbearing bulk or scale.
d) changes the ability of the proposed development to operate as intended; or	✗	The shade sails will have no bearing on the ability of the site to operate as a child care centre. The shade sails enhance the outdoor play spaces for children and allow protection from the elements for children playing outside.
e) removes a component that is integral to the operation of the development; or	✗	There are no components proposed to be removed that would otherwise be integral to the functioning or operation of the child care centre as a result of the introduction of the hipped shaped shade sails to the development.
f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	✗	There will be no change to the traffic generation of the site due to the proposed change.
g) introduces new impacts or increase the severity of known impacts; or	✗	The proposed change will not introduce any new or increase the severity of any known impacts.
h) removes an incentive or offset component that would have balanced a negative impact of the development; or	✗	There were no incentives or offset components relevant to the development.
i) impacts on infrastructure provisions.	✗	There will be no impacts on infrastructure provision to the site. The change will result in a compliant awning – in achieving safe clearance distances to power lines.

The change to the shade sails over the outdoor play areas will enhance the overall experience of children at the centre, will provide much needed protection from the sun and other elements when outdoors, and will not does not introduce any additional impacts on neighbouring sites a result of the proposed change to the overall height of the development.

5.3 Prohibited Development

The proposed change does not introduce any prohibited development.

5.4 Referral Agencies

The original development application was referred to SARA under Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017).

5.5 Owners Consent

In accordance with Section 79 of the Planning Act 2016, owner's consent has been obtained from the current land owner of each property the subject of this application with the landowners consent having been attached to the relevant DA Form 5.

6. Conclusion – Minor Change

The proposed Change Application (Minor Change) warrants approval by Brisbane City Council as the proposed changes are considered to be 'minor changes' as defined under the Planning Act 2016 and the proposed changes do not result in substantially different development and will maintain the overall appearance of the development when viewed from the site frontage. The shade sails with an overall height of 99.67m achieves the Performance Outcomes (PO14) contained within the Community Facilities Code given the shade sails are consistent with the reasonable expectations for built form for development surrounding the site.

Please find attached the following plans/documents which relate to this request:

- DA Form 5
- Landowners Consent
- A copy of the Council Decision Notice (A005759656), dated 14 September 2023;
- Amended Proposal Plans; and
- Surveyors Height certification

We look forward to working constructively with Council on this change application and should you require any further information, please do not hesitate to contact me on the number below.

Regards,



Luke Munro
Town Planner
Place Creation
0428 432 030

PLACE CREATION