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APPLICATION REF
A007156679

Urbicus Ref: URB24-138
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Chief Executive Officer
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Dear Sir/Madam

Application No: **A006639170**
Property Details: 379 Broadwater Road, Mansfield 4122
Assessment: Minor Change

On behalf of our clients, **RBPG Investments Pty Ltd,** we submit to Brisbane City Council (BCC) a Change Application (the Application) under Section 78 of the Planning Act 2016 (PA2016). The Change Application is for a Minor Change to a development approval (the Approval) and will be assessed and decided under Section 81 of the PA2016.

The Application relates to a Development Permit for a Material Change of Use – Childcare Centre (75 Children) and Development Permit for Building Work over 379 Broadwater Road, Mansfield, described as Lot 13 on SP341256 (the Site), which was approved by BCC on 9 July 2025 (BCC Reference: A006639170).

For the Application, BCC is the Responsible Entity.

In support of the Application the following documentation is submitted:

- Appendix A – CWD Group Flood Easement Letter (Ref: 12102, Rev A, dated 11 November 2026), including Ground Floor Slab Layout Plan (Drawing 2510-06 Issue E);
- Appendix B – BCC Approved Plans (A006639170), including the Overland Flow Easement Plan (DA.101 Issue 4);
- Signed Owner's Consent; and
- DA Form 5.

1. Proposed Change

The proposed change (the Change) relates to:

- Condition 33: Grant Easements – specifically the volumetric easement for overland flow flooding purposes within the building undercroft.

Detailed design of the building has identified a conflict between the approved slab levels and the volumetric easement required by Condition 33(i). The current and proposed wording of Condition 33(i) is set out below.

Portions of the ground floor slab are set at approximately RL 22.98m AHD, below the conditioned 24m AHD, as shown on the Ground Floor Slab Layout Plan (Drawing 2510-06 Issue E, prepared by Northside Consulting Engineers). A volumetric easement to 24m AHD would therefore extend through the slab and into the usable ground floor space above it. This would place a Council easement over floor space used in the day-to-day operation of the childcare centre, which is not required for flood conveyance or Council maintenance access in the defined flood event.

As detailed in the supporting letter prepared by CWD Group (Appendix A):

- Under Table 8.2.11.3.D of Brisbane City Plan 2014 (BCP2014), the 0.2% Annual Exceedance Probability (AEP) flood level is adopted as the Defined Flood Level (DFL) for a childcare centre. The DFL for the Site was determined to be 22.913m AHD in the Flood Impact Assessment (CWD Group, Ref: 12102 Rev B, 13 January 2025) submitted with the original application.

- The 24m AHD level within the current condition approximates the Probable Maximum Flood (PMF) peak level. This was adopted as a risk management measure for the childcare floor levels. That outcome is secured by the approved floor levels under Condition 46 and is not affected by the Change. The PMF is a theoretical upper-limit flood event. It is impractical to set an easement intended for Council maintenance and clean-up access to this level, and there is no basis within the planning scheme for doing so.

- It is proposed to lower the upper limit of the volumetric easement from 24m AHD to 22.913m AHD, consistent with the DFL and with the 0.2% AEP standard already applied to overland flow under Condition 33(i). The proposed amendment relates to the height of the easement only. The extent of the easement shown on the approved Overland Flow Easement Plan is unchanged.

- No changes are proposed to the finished floor levels (FFL) of the approved plans. The building will continue to be designed and constructed in accordance with the minimum flood planning levels shown on the approved Proposed Sections as required by Condition 46. The Change relates solely to the height of the volumetric easement required by Condition 33(i).

Current Condition 33 – Grant Easements (A006639170) –

(i) Easements, in favour of Brisbane City Council for: Open Cut and Overland Flow affected by the 1%AEP for Creek/Waterway flooding or 0.2%AEP for Overland Flow flooding as shown on the approved drawing Overland Flow Easement Plan, DA.101 Issue 4, received 22-APR-2025. Volumetric easement for overland flow flooding purposes in favour of Council from ground level to 24m AHD within the proposed building flooded undercroft (where building suspends over the overland flowpath as shown on the approved drawing Overland Flow Easement Plan, DA.101 Issue 4, received 22-APR-2025). Note: These easements include the provision for Council to obtain access.

Proposed amendment to Condition 33(i) (deleted text shown struck through, new text shown bold and underlined) –

*(i) Easements, in favour of Brisbane City Council for: Open Cut and Overland Flow affected by the 1%AEP for Creek/Waterway flooding or 0.2%AEP for Overland Flow flooding as shown on the approved drawing Overland Flow Easement Plan, DA.101 Issue 4, received 22-APR-2025. Volumetric easement for overland flow flooding purposes in favour of Council from ground level to ~~24m AHD~~ **22.913m AHD (being the 0.2% AEP Defined Flood Level)** within the proposed building flooded undercroft (where building suspends over the overland flowpath as shown on the approved drawing Overland Flow Easement Plan, DA.101 Issue 4, received 22-APR-2025). Note: These easements include the provision for Council to obtain access.*

2. Minor Change

Under Schedule 2 – Planning Act 2016 Definitions, ***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.

We are of the opinion the Proposed Change is a Minor Change in accordance with the definition of Minor Change within Schedule 2 – Dictionary of the PA2016 for the following reasons:

1. The Proposed Change does not result in *substantially different development* having regard to Schedule 1 Item 4 of the Development Assessment Rules, because the Proposed Change does NOT:

    - Involve a new use.
    - Involve a new parcel of land – the Site is **379 Broadwater Road, Mansfield**.
    - Dramatically change the built form in terms of scale, bulk, and appearance. No changes are proposed to the approved building or finished floor levels.
    - Change the ability of the proposed development to operate as intended (i.e., childcare centre).
    - Remove a component that is integral to the operation of the development.
    - Significantly impact on traffic flow and the transport network.
    - Introduce new impacts or increase the severity of known impacts. The easement will continue to protect the overland flow path to the 0.2% AEP Defined Flood Level, and no change is proposed to the approved flood planning levels.
    - Remove an incentive or offset component that would have balanced a negative impact of the development.
    - Impact upon infrastructure provision, location, or demand within the surrounding area.

2. The Proposed Change does not cause the inclusion of prohibited development in the application.

3. The Proposed Change would not cause referral to any referral agency (criteria (B) to (D)). There were no referral agencies for the original development application.

4. The original Application was **Impact Assessable**. The level of assessment will not be altered because of the Change, and as the original application was publicly notified, criterion (E) is not engaged.

Having regard to the circumstances expressed above, we are of the opinion that the proposed change is a "minor change" for the purposes of compliance with section 81 of the PA2016 and Schedule 1 item 4 of the Development Assessment Rules.

With regard to Section 81(3) of the PA2016 we are not aware of any changes to BCP2014, since the original development application was made, that would apply to the change application for the Change.

3. Conditions

The table below summarises the elements of the Approval and whether a change is required as part of this Application:

Element of the Approval	Change Required	Comment
Condition 33(i) – Grant Easements (volumetric easement)	**Yes**	Lower the upper limit of the volumetric easement from 24m AHD to 22.913m AHD (0.2% AEP Defined Flood Level).
Overland Flow Easement Plan (DA.101 Issue 4)	No	No change to the easement extent. The amendment relates to the height of the easement only.
Condition 33(i) – Open Cut and Overland Flow easement	No	No change.
Finished floor levels (FFL)	No	No change.
Condition 46 – Minimum Flood Planning Levels (DA.204 Issue 4)	No	No change.
Approved architectural plans	No	No change.
Use / number of children	No	No change.
All other conditions	No	No change.

There are no other conditions or approved drawings and documents affected by this Minor Change application.

We request that Council approve the Change and issue an amended decision notice reflecting the revised Condition 33(i).

Should you have any queries please contact our office.

Yours sincerely



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