

Our ref: 12940
Council ref: A006934978

28 August 2026

Brisbane City Council
Via email (DSPlanningSupport@brisbane.qld.gov.au)

Dear Council,

**RE: CHANGE APPLICATION (MINOR CHANGE) – S81 OF THE *PLANNING ACT* 2016
RESIDENTIAL SUBDIVISION (1 INTO 2 LOTS)
181 ASHGROVE AVENUE, ASHGROVE QLD 4060**

We act on behalf of the Applicant, in relation to this Change Application made in accordance with sections 78 & 81 of the *Planning Act 2016* (the Planning Act). We have carried out an assessment of the proposed changes and believe they constitute a 'minor change' in accordance with schedule 2 of the Planning Act.

This letter includes the following sections:

- Proposed Minor Change;
- Amendments to Approval;
- Legislative Assessment; and
- Summary.

In support of our change application, the following documentation has been provided as attachments:

Appendix A	Amended Proposal Plan
Appendix B	Amended Engineering Plans



1. Proposed Minor Change

This Change Application seeks to amend the Development Permit for Reconfiguring a Lot (1 into 2 lots) at 181 Ashgrove Avenue, Ashgrove. The proposed changes are limited to the approved earthworks and retaining wall arrangement and the width of the permanent driveway crossover serving proposed Lot 1. The approved lot configuration, lot areas, road dedication, dwelling relocation and intended residential use of the land remain unchanged.

1.1. Revised earthworks and retaining walls

The approved Preliminary Earthworks Layout Plan and Preliminary Earthworks Sections provide for filling principally within proposed Lot 2, with the fill platform generally set back from the external side boundaries and transitioned to existing ground by batters. The approved earthworks design identifies a minimum building pad level of RL 11.0 m AHD for proposed Lot 2, being the 1% AEP + 300mm.

The amended engineering plans revise this arrangement by extending the earthworks across proposed Lots 1 and 2. The majority of both lots will be filled to a finished surface level of RL 11.0 m AHD, with the finished levels transitioning down to existing ground towards the Ashgrove Avenue and Somme Street frontages. Retaining walls are proposed along the external side boundaries and the rear boundary of the site, wholly within the subject land, in place of the approved side-boundary batters.

There are a number of reasons for the amended earthworks solution, including the following:

Efficient and Orderly Development

- Filling only Lot 2 would create a depressed area and potential ponding within the south-eastern corner of Lot 1, resulting in an inefficient and undesirable interim landform.
- Undertaking earthworks across both lots simultaneously provides a coordinated and integrated development outcome.
- Completing the works while the dwelling is being relocated avoids the need for future re-establishment, mobilisation and disturbance of the site.

Flood Immunity

- The revised earthworks enable the future building pad on Lot 1 to achieve the required flood immunity consistent with AO18.1 of the Flood Overlay Code.
- The amended earthworks maintain the intended flood planning outcomes of the original approval while improving the usability of the lots.

Ultimate Residential Outcome

- The approved earthworks plan contemplated an 11.0m AHD building pad on Lot 2 with temporary batters extending towards the eastern and southern boundaries.



- Given the intended residential use of Lot 2, it is highly likely that those batters would ultimately be removed and replaced with retaining walls and additional fill during construction of a future dwelling house.
- The amended earthworks therefore deliver the likely ultimate residential landform at subdivision stage, avoiding unnecessary future earthworks and disturbance.

Improved Lot Functionality

- The amended earthworks create more regular, practical and usable residential lots.
- The proposal maximises usable private open space and provides greater certainty regarding the future siting and design of dwelling houses on each lot.
- Requiring a 1m setback from side boundaries would create narrow residual strips of land with limited practical utility and reduced development efficiency.

Retaining Walls and Boundary Impacts

- The proposed retaining walls are modest in height (with walls generally only 0.45m – 0.6m in height) and will be wholly contained within the subject site.
- The walls will be designed and constructed in accordance with the Preliminary Earthworks Layout Plan and Notes and relevant engineering requirements.
- Appropriate drainage infrastructure will be incorporated as part of the retaining wall design to prevent adverse impacts on adjoining properties. Furthermore, by filling the whole site and having retaining walls close to the side boundaries, stormwater flows from the entire site will naturally be directed to the kerb and channel of Ashgrove Ave and Somme Street (and away from the two side boundaries);
- The revised proposal addresses the intent of Council's retaining wall condition by ensuring all retaining walls, drainage and associated structures remain within the subject site.

Overall, the revised earthworks provide a coordinated and engineered landform outcome across both residential lots, avoiding the need for future reconstruction of batters and retaining structures. The amendment delivers the likely ultimate residential outcome at subdivision stage, improves lot usability, maintains the approved flood planning intent, prevents undesirable ponding on Lot 1 and facilitates efficient site works while the existing dwelling is being relocated. Whilst retaining walls are proposed close to the eastern and southern boundaries, the walls and associated drainage will be wholly contained within the subject site and designed in accordance with relevant engineering standards. Accordingly, the revised earthworks achieve the intent of PO2 of the Subdivision Code by creating functional residential lots without resulting in adverse impacts on adjoining land or infrastructure.



1.2. Widened driveway crossover

The application also seeks to increase the width of the permanent residential driveway crossover to the Somme Street frontage of proposed Lot 1 from 4.0 m to 5.0 m. The crossover will remain in the same location (600mm from the new lot boundary).

As part of the approved Building Approval for the relocated house, the proposed dwelling will be setback ~6.5m from the Somme Street frontage which allows for a double carport (which is currently prescribed accepted development) to be constructed between the house and the Somme Street frontage.

It is acknowledged that this driveway will conflict with AO12.2 of the Dwelling House (Small Lot) Code and Lot 1 will ultimately become a small lot once the subdivision has been completed. However, Lot 1 will have approximately 40m of frontage to Somme Street and the 5m wide crossover will not visually dominate the appearance of the dwelling house when viewed from the street. The widened crossover remains limited to a single residential access point and is proportionate to the scale of the lot and frontage. The additional width will facilitate safe and convenient access to the future double carport by improving vehicle manoeuvring and reducing the need for future modification of the approved access arrangement. The dwelling house will continue to provide an appropriate number of on-site car parking spaces for a standard household, with parking accommodated wholly within the lot. On this basis, the proposed crossover width achieves the intent of PO12 by providing suitable, safe and functional vehicle access and parking without resulting in an unacceptable streetscape outcome.

The widened driveway will be slightly closer to the existing intersection. However, the additional encroachment is minimal. It is also noted that the proposed crossover will be located in a similar position (and will have a similar width) as other dwellings in the street, including the existing dwelling house at 179 Ashgrove Ave which is also located on the corner of Somme Street and Ashgrove Ave and has a 5m wide crossover.



Preliminary Earthworks Sections	SK02 rev 01 SK02 rev 03	18-MAR-2026 (Received) 20-AUG-2026
Preliminary Civil Services Layout Plan	SK05 rev 01 (Amended In Red 21- APR-2026) SK05 rev 03	18-MAR-2026 (Received) 20-AUG-2026

APPROVAL CONDITIONS

Changed Condition	Reason for Change
10) Filling and/or Excavation (Minor) Filling and/or excavation works on the site must be in accordance with the APPROVED PLANS "Preliminary Earthworks layout plan and notes" DWG NO. SK01 Revision 01 Revision 03 and "Preliminary Earthworks Sections" DWG NO. SK02 Revision 01 Revision 03 and the relevant Brisbane Planning Scheme Codes.	Change required to reflect new version of earthworks plans.
19) On Site Drainage - Minor Provide a stormwater connection to all new or existing allotments and provide drainage infrastructure to ensure stormwater run-off from all roof and developed surface areas will be collected internally and piped in accordance with the relevant Brisbane Planning Scheme Codes to "a lawful point of discharge" and as shown on "Preliminary Civil Services Layout Plan" Dwg No. SK05 Revision 01 Revision 03 and as amended in red dated 21/04/2026.	Change required to reflect new version of the Civil Services Layout Plan.
26) Permanent Driveway Crossover Provide a 4 5 metre wide residential type permanent driveway crossover to the Somme St frontage(s) of proposed lot 1 in accordance with the relevant Brisbane Planning Scheme Codes and located as shown on the approved DRAWINGS AND DOCUMENTS. Written consent must be obtained from Program, Planning and Integration Arboriculture (PPI Arb) prior to any works occurring that will either impact on or require removal of a street tree (this includes pruning, excavation or fill within the root zone/canopy of the tree)	Change required to reflect the amended driveway crossover width



At all times during construction of the crossover, safe pedestrian access along the site frontage must be maintained.

Note: No further driveway permit is required however additional footway permits or lane closure permits may be required for footpath/verge closures and/or lane closures. These permits must be obtained prior to construction of the crossover.

3. Legislative Assessment

Schedule 2 of the *Planning Act 2016* establishes the criteria of a minor change to a development approval by way of its definition. To support this application, we have undertaken an assessment against each element of this criteria below:

Minor Change	Response
<i>(b) for a development approval –</i>	
<i>(i) Would not result in substantially different development; and</i>	Please refer to the table below.
<i>(ii) 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 changes do not introduce 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>	The changes do not necessitate any additional referrals.
<i>(C) referral to extra referral agencies, other than to the chief executive; or</i>	The changes do not necessitate any additional referrals.
<i>(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</i>	The changes do not necessitate any additional referrals.
<i>(E) public notification if public notification was not required for the development application.</i>	Not applicable. Public notification was required for the original application.



Guidance as to what constitutes substantially different development is provided within Schedule 1 of the *Development Assessment Rules* (DA Rules). A response to each of these elements is in the criteria below:

Substantially different development:	Response
<i>(a) Involves a new use; or</i>	No new uses are proposed.
<i>(b) Results in the application applying to a new parcel of land; or</i>	The changes do not apply to a new parcel of land.
<i>(c) Dramatically changes the built form in terms of scale, bulk and appearance; or</i>	The changes do not result in a dramatically different built form compared to what was previously approved.
<i>(d) Changes the ability of the proposed development to operate as intended; or</i>	The changes do not alter the ability of the proposed development to operate as intended.
<i>(e) Removes a component that is integral to the operation of the development; or</i>	No components have been removed that were integral to the operation of the development.
<i>(f) Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	The changes do not result in an additional traffic flow or increased traffic to the site. The wider driveway will be slightly closer to the existing intersection. However, the additional encroachment is minimal and will not materially affect the safety or operation of the surrounding transport network.
<i>(g) Introduces new impacts or increases the severity of known impacts; or</i>	The proposed changes do not introduce any new impacts or increase the severity of any known impacts.
<i>(h) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act –</i> <i>Introduces new social impacts or increase the severity of known social impacts; or</i>	Not Applicable. Social impact assessment is not required.
<i>(i) Removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	No incentives or offset components are being removed as a consequence of the proposed changes.
<i>(j) Impacts on infrastructure provisions.</i>	The changes do not impact on any infrastructure provisions.

3.1. Decision Matters Assessment

In addition, we have also carried out an assessment against section 81 of the *Planning Act 2016* which outlines the matters an assessment manager must assess against when deciding a minor change application as set out below:



Decision Matters Assessment	Response
(1) <i>This section applies to a change application for a minor change to a development approval.</i>	
(2) <i>When assessing the change application, the responsible entity must consider—</i> (a) <i>the information the applicant included with the application; and</i>	Noted.
(b) <i>if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and</i>	The original development application was subject to Impact Assessment and there were no properly made submissions received for the application.
(c) <i>any pre-request response notice or response notice given in relation to the change application; and</i>	Not Applicable. There was no pre-request response notice or response notice given in relation to the change application.
(d) <i>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</i>	Not Applicable. The responsible entity is not the Minister.
(e) <i>if the responsible entity is, under section 78A(4)(a), 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</i>	Not Applicable. The responsible entity is not the Chief Executive.
(f) <i>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; and</i>	Noted. However, the changes do not result in any additional non-compliance with the acceptable outcomes and/or overall outcomes of the relevant assessment benchmarks of the planning scheme.
(g) <i>Another matter that the responsible entity considers relevant.</i>	There are not considered to be any other relevant matters that require consideration.
(3) <i>Subsections (4) and (5) apply if the responsible entity must, in assessing the</i>	Noted. The responsible entity must consider the proposed changes with regard to a statutory instrument being City Plan 2014.



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.

Noted.

(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. (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.*

Noted. However, there have not been any changes made to any of the relevant assessment benchmarks of City Plan 2014 since the original was first assessed (v35).

In summary, we believe that the proposed changes have adequately considered the matters within section 81 of the *Planning Act 2016*.

4. Summary

In summary we are of the view that the proposed amendment satisfies the minor change criteria and we therefore request Council amend the condition as per the representation set out within this letter; and include reference to the attached proposed plans within the approval document.



Upon receipt of Council's assessment fee, we will coordinate payment at earliest opportunity.

Should you wish to discuss the above matters further, please do not hesitate to contact me on (07) 3251 9456 or email at liamwiley@saundershavill.com.

Yours sincerely

Saunders Havill

A handwritten signature in black ink, appearing to read 'Liam Wiley', with a stylized flourish at the end.

Liam Wiley

Principal Town Planner

