

Date: 13 July 2026

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Attention: Leila Torrens

Economic Development Queensland
GPO Box 2202
Brisbane QLD 4001

Dear Leila,

**REQUEST TO CHANGE PEET FLAGSTONE PDA DEVELOPMENT APPROVAL
SECTION 99 OF ED ACT – FLAGSTONE CITY: CA3 SOUTH (DEV2024/1491/3)**

We act on behalf of *Peet Flagstone City Pty Ltd* regarding the development approval over New Beith Road, and Everdell Road, New Beith and is formally described as Lot 1 on SP362514, Lot 912 on SP362514, Lot 989 on SP362514, Lot 908 on SP354746 and Lot 911 on SP356636 (EDQ ref: DEV2024/1491/3).

This development approval is for the following aspects of development:

- **PDA Development Permit for Reconfiguring a Lot** (4 into 1627 residential lots, non-residential lots, open space, new roads, balance lots) and associated Plan of Development

It is proposed to make minor amendments to the latest approval package issued by EDQ on 16 June 2026, pursuant to Section 99 of the *Economic Development Act 2012* (the Act).

The proposed changes seek to amend POD Note 16 on the Plan of Development (POD) notes for Stages 10 and 12 where relating to lots which are 25m deep. POD Note 16 requires a 2.5m rear boundary setback when retaining walls along the rear boundary exceed 2m in height. It is proposed to exclude the 25m deep lot types being subject to POD Note 16.

Amending POD Note 16 in the POD Notes for Stages 10 and 12 for 25m deep lot types will ensure that dwellings remain affordable for first home buyers who will not be forced to construct a two-storey dwelling to remain compliant with the POD, POD Table and POD Notes. Stages 10 and 12 contain the most affordable detached freehold lot types within CA3 South while future residential stages 9, 11, 13 and 14 will not seek to have POD Note 16 amended as those stages contain fewer 25m deep residential lots. This change application seeks to clarify that POD Note 16 applies to lots on the low side of a rear boundary retaining wall greater than 2m in height.

The changes also seek to decrease the setback specified POD Note 16 and the same setback applicable under POD Note 17 to 2.05m to remain consistent with the POD Table which now measures setbacks to the outermost projection (OMP) instead of the wall.

The changes do not increase the yield of the development nor do they significantly impact upon the traffic flow of the development. Changes to two approved plans are proposed.

Overall, the changes are not considered to result in a substantially different development from that which is approved.

Further information regarding the proposed changes is included in the sections below.

1 Proposed Change

1.1 Exclusion of 25m deep lots on POD Note 16 in Stages 10 and 12

The Plan of Development (POD) Notes page is comprised of various design elements which expand upon the Plans of Development and Plan of Development Tables for each stage. Design elements featured in the POD Notes range from setbacks, fencing, private open space, building articulation and further design elements which the POD drawings cannot feasibly represent on a single plan.

As part of the delivery of Stages 10 and 12, the first stages for delivery in CA3 South and the subject of the most recently approved development application, builders and purchasers have struggled to site POD compliant dwellings on residential lots because of POD Note 16. POD Note 16 states:

“16. If a retaining wall which exceeds 2.0m in height is present along the rear boundary of an allotment (single face wall construction), a 2.5m rear setback must be adopted.”

Due to the extensive topographical variances in Stages 10 and 12, a coordinated retaining wall design is proposed to negate slope. The retaining wall designs have resulted in a series of rear retaining walls within Stages 10 and 12 being between 2m and 2.5m in height. As per previous guidance from EDQ, retaining walls are capped at a maximum of 2.5m in height.

The approved CA3 South layout for Stages 10 and 12 includes a series of 25m deep lots, designed to be an affordable product for first home buyers because of the reduced lot area. The majority of lots in Stages 10 and 12 are 12.5m wide or narrower (Villa and Premium Villa) lot types with the intent being for the provision of single storey detached dwellings. The construction of two storey dwellings for first home buyers is a financially prohibitive design feature.

The increased setback imposed by POD Note 16 impacts lots within Stages 10 and 12 due to the extent of retaining and earthworks required to establish flat building pads for detached single storey dwellings. The increased setback requirement under POD Note 16 disproportionately impacts the smallest lot types, being the 25m deep lots, by inhibiting standard single storey family dwelling types from being constructed. On the 25m deep lots, the side and front boundary setbacks are per the POD Tables restricting the building envelope to a depth of 19.95m which includes:

- A combined total of 900mm of eaves to the front and rear setbacks (where adopted); and
- A minimum 4.5m setback to the garage.

It is understood that the purpose of the POD Note 16 is to ensure that solar access and airflow is provided along the rear boundary of lots on the low side of retaining walls greater than 2m in height.

Accordingly, it is proposed to amend POD Note 16 such that the note excludes 25m deep lots within Stages 10 and 12 only. Lots greater than 25m deep in Stages 10 and 12 and all lots within future stages will retain POD Note 16 as these stages are not comprised of as many smaller lot types and the lots are yet to be sold to purchasers.

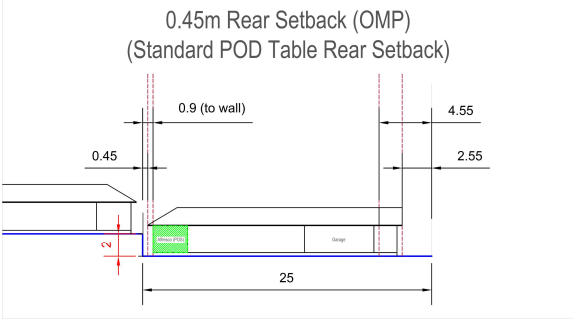
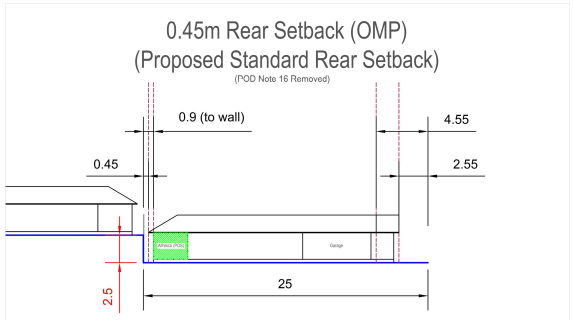
In the instance of Stages 10 and 12, it is proposed to amend POD Note 16 for the following reasons:

- POD Note 16 does not reflect any EDQ Design Guidelines or EDQ Practice Notes.
- It is understood that this POD note was recommended by EDQ for CA3 South when retaining wall heights were proposed up to 3m along the rear boundary. Rear boundary retaining walls are capped at 2.5m in height within CA3 South.
- The intent of POD Note 16 is to ensure lots on the low side of rear boundary retaining walls greater than 2m in height are afforded solar access and airflow. The solar access and airflow of lots on the

high side of rear boundary retaining walls are not impacted by the height of a retaining wall. POD Note 16 does not currently discriminate between lots on the high or low side of retaining walls.

- The 25m deep lots that are located on the low side of retaining walls which are forecast to be greater than 2m in height are limited in number in Stages 10 and 12 based upon approved earthworks drawings, as follows:
 - 20 lots in Stage 10; and
 - 29 lots in Stage 12.
- In a scenario where POD Note 16 is no longer applicable to 25m deep lots, there is little difference between solar access for 25m deep lots when rear retaining walls are 2m versus 2.5m in height. Refer to **Table 1** below and **Attachment D – Cross Section Comparison – 25m Deep Lot** for further detail.
- Other POD controls such as the site cover maximums and maximum built to boundary wall length ensure that the lots will not be overdeveloped.
- Retaining wall construction in Stage 10 and 12 does not involve boulder walls or more sizeable construction methods meaning that efficient, modern sleeper methods with a slimmer footprint are proposed. This is relevant as retaining walls are designed in the lower lots in Stages 10 and 12.
- Other development approvals within the Flagstone PDA do not have the same provision imposed on POD's despite having retaining walls of greater than 2m in height along the rear boundary. Examples include DEV2026-FLA-4438 and DEV2024/1549.
- The purpose of the *Economic Development Act 2012* is to provide diverse housing including affordable housing. As lots within Stages 10 and 12 have been sold, retaining POD Note 16 on 25m deep lots could force dwellings to be 2 storeys in height, resulting in unaffordable built form outcomes for first home buyers on the smallest and most affordable lot types.

Table 1 – 10.5m wide 25m deep Villa Lot retaining wall comparison

2m rear retaining wall	2.5m rear retaining wall
	

It is also proposed to identify that POD Note 16, where it remains applicable in Stages 10 and 12, relates to lots on the low side of the retaining wall. This change is proposed to ensure that lots on the high side of the rear retaining wall are not unnecessarily included in the application of POD Note 16 when designing dwellings.

1.2 Changes to setback distances in POD Note 16 and 17

The POD Tables that were approved for CA3 South under the recent change approval varied the setback dimensions to reflect recent changes to the definition of setback under the *Economic Development Act 2012*. The definition of setback was changed in February 2025 to be measured to the OMP instead of the wall and this change is captured as POD Note 13. While the change approval captured the amendments to the setback dimensions in the POD Table, which ensured that the same building envelope could be maintained as prior to the changes to the setback definition, changes to POD Notes 16 and 17 were not amended.

Under the current approved POD, this means that lots with a rear boundary retaining wall of greater than 2m in height are required to have a 2.5m setback to the OMP, plus a minimum 0.45m eave. This results in a rear setback of 2.95m to the wall. Prior to the change to the setback definition, the applicable rear setback would have been 2.5m.

To ensure consistency with the changes to setback dimensions in the POD setbacks table, it is proposed to change both POD Note 16 and 17, which are the only POD Notes that establish a setback dimension, to reflect a 2.05m setback to the OMP. This would ensure that a minimum 2.5m setback to the wall is able to be achieved for the sites with a rear boundary retaining wall of greater than 2m in height.

Where incorporating the changes proposed as part of Sections 1.1 and 1.2 it is proposed to change POD Notes 16 and 17 as follows:

16. If a retaining wall which exceeds 2.0m in height is present along the rear boundary of an allotment (single face wall construction), a ~~2.5m~~ 2.05m rear setback must be adopted (on the low side) on lots greater than 25m in depth within Stages 10 and 12 only.

17. If a terraced retaining wall is adopted at the rear boundary of a property, the lower face is to be a maximum of 1.0m from the property boundary, and a ~~2.5m~~ 2.05m rear setback must be adopted (on the low side).

2 Amendments to Decision Notice

2.1 Approved Plans and Documents

The proposed change seeks to supersede Revision H of the approved RAL Plan Set, as detailed below (~~deletions~~ / **additions**):

Table 2: Changes to approved plans and documents

Approved plans and documents		Number	Prepared by	Date
41	Flagstone CA3 South Stage 12 Overall Plan of Development Notes	1E0056-602 Rev H	RPS	16/04/2026
		110056-602 Rev H-1		06/07/2026
64.	Flagstone CA3 South Stage 10 Overall Plan of Development Notes	110056-579 Rev H (amended in red)	RPS	16/04/2026
		110056-579 Rev H-1		06/07/2026

2.2 Approved Conditions

No changes are proposed to the approved conditions.

3 Substantially Different Development Test

It is considered that the proposed changes to the development application would not result in “*substantially different development*” when considering the individual circumstances of the development in the context of the changes proposed.

It is noted that the application is subject to Section 99 of the *Economic Development Act 2012*, which states that a change to an approval may be made only if the change would not result in the development being ‘substantially different’, which is the same term used for the definition of a ‘minor change’ under the *Planning Act 2016*. In the absence of any PDA specific guidance, Schedule 1 of the Development Assessment (DA) Rules is used in assessing the amendment application in this instance.

An assessment of the proposed changes against the “substantially different development” criteria is provided in **Table 3**.

Table 3: Substantially Different Development Criteria

DA Rules, Schedule 1 Test	RPS Comments
<i>involves a new use</i>	The change application does not introduce any new uses.
<i>results in the application applying to a new parcel of land</i>	The change application does not include additional land.
<i>dramatically changes the built form in terms of scale, bulk and appearance</i>	The change to the application proposes a setback variation of approximately 1.5-2m on 49 lots within the approval. No change to building height or appearance from the street is proposed. Site cover limits remain unchanged which means that the change simply relates to the position of the dwelling on the lot. The additional changes to 2.05m seek to reflect previously agreed changes to setbacks and to clarify elements of the setbacks that provide some ambiguity.
<i>changes the ability of the proposed development to operate as intended</i>	The proposed changes do not change the ability for the development to operate as a residential subdivision.
<i>removes a component that is integral to the operation of the development</i>	The change application does not remove any component of the development that is integral to its operation.

DA Rules, Schedule 1 Test	RPS Comments
<i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site</i>	The change application does not introduce new uses or additional lots. The changes will not impact on the transport network and will not increase traffic to the site.
<i>introduces new impacts or increase the severity of known impacts</i>	The change application does not introduce any new impacts or exacerbate the effect of any known impacts on the development. Lots subject to the change form approximately 3% of the overall yield of CA3 South. The impacts associated with the changes to POD Notes 16 and 17 will be limited in size and scale. The impacts on solar access and airflow are not proposed to drastically worsen, nor are they considered severe.
<i>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 to the proposed development.
<i>removes an incentive or offset component that would have balanced a negative impact of the development</i>	The change application does not remove an incentive or offset component that would have balanced a negative impact of the development.
<i>impacts on infrastructure provisions.</i>	The change application will not impact on infrastructure provision. The change relates to retaining wall and dwelling design.

4 Owners Consent

The applicant requests that MEDQ accept the application without receiving all the owner's consent as provided for in Section 82(3)(b) of the *Economic Development Act 2012*.

The land subject to this application was formerly described as Lot 1 on RP35155, Lot 989 on SP348566, Lot 908 on SP348566 and Lot 911 on SP346330.

The land, excluding titled residential lots, is now described as:

- Lot 1 on SP362514 (Peet) - Lot 1 on RP35155 has been superseded by a management subdivision.
- Lot 989 on SP362514 (Peet) – Lot 989 on SP348566 has been superseded by a management subdivision.
- Lot 912 on SP362514 (Peet) – formerly formed part of Lot 989 on SP348566. New lot created by management subdivision.
- Lot 908 on SP354746 (Peet) – Lot 908 on SP348566 relates to the balance land surrounding the Stage 1 approval. This land has been subdivided since the original CA3 South approval, however the change application does not relate to stages located on this allotment or lots registered since the original application. The balance land remains in ownership of the Applicant.
- Lot 911 on SP356636 (Peet) – Lot 911 on SP346330 relates to the balance land surrounding the Stages 2-5 approval and balance land within CA3 South as changed by subsequent management subdivision. This land has been subdivided since the original CA3 South approval, however the change application proposes to impact future lots in Stages 10 and 12 (management lot area) and is not related to the land which has since been registered in Stages 2-5. The balance land remains in ownership of the Applicant.

While the application is for Stages 10 and 12 of CA3 South, for which no lots have been sealed or registered, balance lots which comprised the original application area are shared with balance land forming part of the Stages 1 and Stages 2-5 approvals. Excluding some balance land approved for future open space areas,

the remainder of the residential areas of Stage 1 and Stages 2-5 are described as the 'subdivided land'. Since the CA3 South approval was granted, these balance lots have been subdivided and sold to many different owners in Stages 1 and Stages 2-5 and it would be impracticable to obtain their consent. The proposed changes do not relate to the existing dwellings on subdivided land as the application relates to Stages 10 and 12 of CA3 South which is yet to be developed.

Peet Flagstone City Pty Ltd was the original applicant and is making this change request. A copy of the owner's consent letter is enclosed as **Attachment C**.

5 Application Fee

The application fee for change applications (s.99 of ED Act 2012) is 10% of the current applicable fee under the 2026-2027 Development Assessment Fees and Charges Schedule. As the change application seeks to change the POD for 25m deep lots in Stages 10 and 12 only with no allotments proposed to be added or removed from the layout, the relevant application fee is \$20,925.00 (\$135 POD rate / lot for 155 lots). No lots are impacted by the changes to POD Note 17.

When calculating the change application fee, 10% of the current applicable fee is \$2,092.50. As this fee is lower than the prescribed minimum fee, the minimum fee is applicable in this instance being **\$2,800.00**. This application is contained in nature and will not increase in scale to capture additional changes whilst the assessment is ongoing.

The fee is to be confirmed by EDQ and Peet will subsequently provide written consent for the fee to be taken from the masterfund. RPS will coordinate this process.

6 Summary

As detailed within this letter, the proposed amendment application seeks amendments to the approved development, in particular in the POD Notes page for Stages 10 and 12. The application seeks to ensure that the allotments can affordably construct dwellings without additional setback requirements in Stages 10 and 12 only. The change will not result in 'substantially different development'.

It is requested that EDQ now proceed with the assessment of the request to amend the development approval and accordingly enclose the following documentation.

- **Attachment A** – MEDQ Development Application Form
- **Attachment B** – Landowner's Consent
- **Attachment C** – Stages 10 and 12 POD Notes Pages (Rev H-1)
- **Attachment D** – Cross Section Comparison – 25m Deep Lot

We trust this information is sufficient for your purposes. Should you require any further details, please do not hesitate to contact the undersigned or Emma Gurney by telephone on 07 3539 9692.

Yours sincerely,
for RPS AAP Consulting Pty Ltd



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