

Our Ref: 21-207
Council Ref: A005855462

6 February 2026

The Manager
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Dear Sir / Madam,

REQUEST FOR A MINOR CHANGE TO A DEVELOPMENT APPROVAL IN ACCORDANCE WITH SECTION 81 OF THE PLANNING ACT 2016 – A005855462

MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR A DUAL OCCUPANCY USE AND RECONFIGURING A LOT – DEVELOPMENT PERMIT FOR A 1 INTO 2 LOT SUBDIVISION AT 53 BRADSHAW STREET, LUTWYCHE DESCRIBED AS LOT 25 ON RP19344

We act on behalf of the Applicant, Tracy Au-Yeung, with respect to the above land.

In accordance with Section 81 of the Planning Act 2016, we request the Assessment Manager responsible for the application make a change to the approval in accordance with the details provided below.

The approval was issued on 8 April 2022 for Material Change of Use – Development Permit for the purpose of a Dual Occupancy Use and Reconfiguring A Lot – Development Permit for the purposes of a 1 into 2 lot subdivision.

This Minor Change seeks to amend the approved plans (Council Ref: A005855462) to facilitate changes to the subdivision plan and siting of the Dwelling located over approved Lot 2.

General Design Changes

- Alteration of the approved subdivision plan to move the common area away from the boundary by 200mm to satisfy Energex requirements.
- Reduction of the front setback to the Dwelling located on approved Lot 2 by 200mm.

Repositioning of Common Property

The Minor Change seeks to alter the location of the common property on site as to be offset from the boundary by 200mm (0.2m). Within the plan sealing process, it was outlined that Energex requires areas of common property to be located 0.2m from the boundary. As such, the minor change seeks to amend the location of the 1m² common area situated along the Marita Street frontage as to satisfy this requirement from Energex.

Amended Front Setback to Dwelling on Approved Lot 2

As part of the approval granted on site, the Dwelling situated over Lot 2 utilised a 2m setback to the ground floor along Marita Street. This provides a setback further from Marita Street than the



existing pre-1911 Dwelling House located on approved Lot 1. The Minor Change seeks to amend the approved setback to facilitate a new minimum setback of 1.8m to Marita Street.

The proposed development is of a bulk and scale that is consistent with the local streetscape character and is consistent with nearby approvals. It is noted that the proposed setback continues to be of a lesser extent than the existing setback to the pre-1911 Dwelling House on site and will continue to maintain the existing character of the streetscape and approved siting of the Dwelling. The retention of the pre-1911 building on site ensures that the proposal is significantly less dense than that of the surrounding high-rise developments and is reflective of buildings in the streetscape. Additionally, the amended setback will not adversely affect neighbouring dwellings and is not considered to compromise the amenity or privacy of Dwellings within the streetscape.

Furthermore, it is noted that Dwellings located within the streetscape, at 52 Bradshaw Street, 13, 14 and 31 Martia Street, are built to boundary up to the Martia Street frontage. Appropriately, the amended 1.8m setback is anticipated to be reflective of the traditional character of the streetscape.

Minor Change Confirmation

We consider the proposed change consists of a “Minor Change” to the original Development Permit and we make this request to change a development approval under Section 81 as the modification constitutes a minor change under the provisions of the Act.

A minor change means a change that for a development approval

- 1) *would not result in substantially different development; and*
- 2) *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.*

Our assessment of the above is as follows:

In relation to item (1), the proposal would not constitute substantially different development. Substantially different development is outlined in Schedule 1 of the Development Assessment Rules under the Planning Act 2016 as follows:

- 1) *A change may be considered to result in a substantially different development if the proposed change:*
 - a. *involves a new use; or*
 - b. *results in the application applying to a new parcel of land; or*
 - c. *dramatically changes the built form in terms of scale, bulk and appearance; or*
 - d. *changes the ability of the proposed development to operate as intended; or*

- e. *removes a component that is integral to the operation of the development; or*
- f. *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- g. *introduces new impacts or increase the severity of known impacts; or*
- h. *removes an incentive or offset component that would have balanced a negative impact of the development; or*
- i. *impacts on infrastructure provisions.*

The proposal is not substantially different as outlined above on the basis that:

- The proposal does not involve a new use, and the site will remain as originally approved for the purposes of a 1 into 2 Lot Subdivision and a Dual Occupancy use.
- The proposal does not apply to a new parcel of land and continues to apply to Lot 25 on RP19344.
- The proposed change does not dramatically change scale, bulk and appearance of the existing, approved built form.
- The proposal does not change the ability of the development to operate as intended. The premises will continue to operate as a Dual Occupancy Dwelling.
- The change does not include removal of any component which would be integral to the operation of the development.
- The proposed changes will not alter traffic flow and the transport network.
- The change will not introduce new impacts or increase the severity of known impacts.
- The changes do not remove an incentive or offset component.
- The changes do not impact on infrastructure provisions.

On the basis of the above, the proposal does not constitute substantially different development.

In relation to item (2a), the proposal does not include prohibited development.

In relation to point (2b), (2c) and (2d), the original application was not subject to referral and the proposed change would not trigger any additional referral requirement or referral agency assessment.

In relation to point (2e), the original development application was subject to Impact Assessment and public notification was required. The proposed change remains Impact Assessable.

In accordance with the above, we confirm that the change proposed is a *minor change* as outlined in Section 81 of the *Planning Act 2016* and requires amendment to the approved plans only.

Administrative Matters

It is requested that Council issue an invoice addressed to our Client such that we can arrange payment of the applicable fee.

Please find attached the completed Planning Act Form for your records.

We trust that the supplied information is sufficient for Council to address this matter.

In the event that you do require clarification, or any further information please do not hesitate to contact the undersigned on (07) 3846 0807.

**Yours faithfully,
Plan A Town Planning Pty Ltd**



**Oscar Delaney
Town Planner**