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BCC DS
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APPLICATION REF
A007129685

Our Ref: BNE150993

12 September 2026

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

Dear Sir / Madam,

Development Application:	A006295245
Property Location:	40-46 Fleming Road, Herston QLD 4006
Property Description:	Lot 9 and 10 on RP52955 and Lot 1 on RP98578
Development:	Request to Change a Development Approval under Section 81 of the Planning Act 2016 – A006295245
Client:	Unison Projects No. 3 Pty Ltd

As prescribed under Section 78 of the *Planning Act 2016* ("the Act") we hereby make a formal request to change the development approval A006295245.

In accordance with Section 79 of the Act the following documentation has been lodged in support of this Minor Change application:

- DA Form 5.
- Updated Architectural Plans prepared by Cottee Parker Architects, attached under **Appendix A**;
- Updated Landscape Concept Plan prepared by LAUD ink, attached under **Appendix B**;
- Civil Engineering Advice and Drawings prepared by L+R, attached under **Appendix C**.

1 Approval and Development History

The original development approval (Council Reference: A004582836) granted on 23 March 2018 comprised of a reconfiguration of the existing 3 lots to create 4 lots to encompass the 3 Traditional Character Dwelling Houses and 22 Multiple Dwellings. The three existing traditional character dwelling houses were to be relocated and retained across approved Lot 1, 2 and 3, fronting Fleming Road with the Multiple Dwellings to be located across approved Lot 4 and at the rear of the dwelling houses. The development provided for three rows of multiple dwellings which presented an attractive built form and reflected the surrounding traditional character and adjoining residential development. The development provided for an internal road layout which provided access to each of the multiple dwellings.

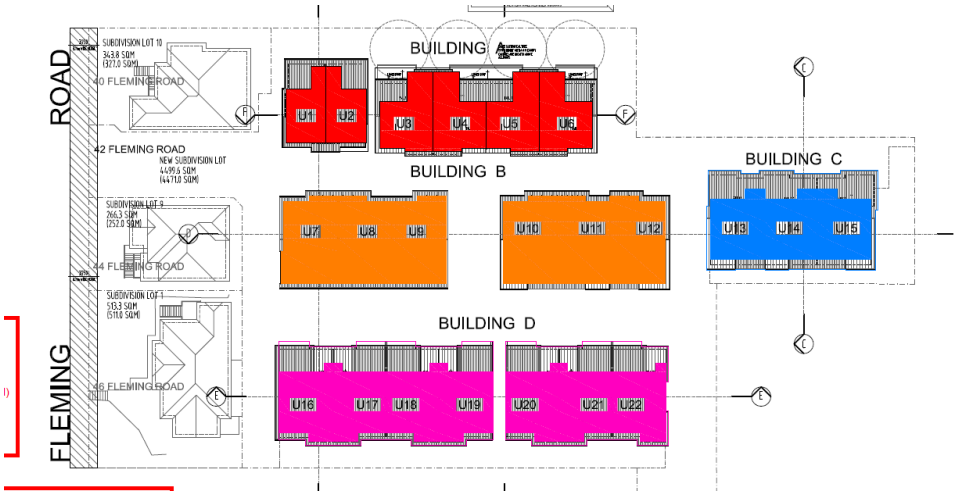


Figure 1 – Original Approved Plan A004582836

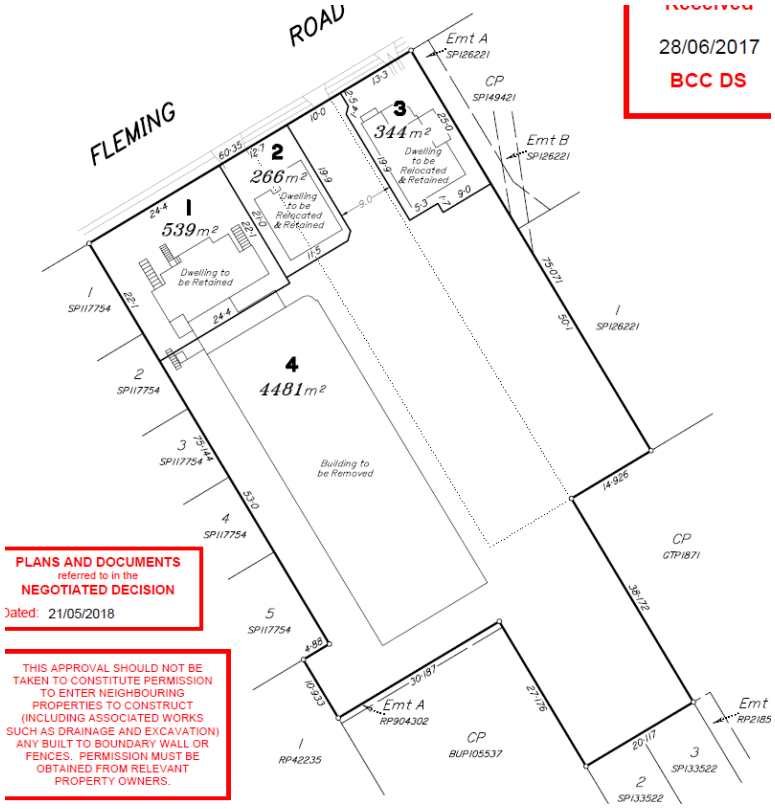


Figure 2 – Approved Reconfiguring a Lot Plan A004582836

Following the original approval, the applicant sought a minor change application, under Council Reference A005995258. The minor change application was approved on 23rd December 2022 and was designed to facilitate a number of minor amendments to the setbacks, building height, landscaping, built form and communal open space. The proposed changes were designed to not impact the existing approved layout and resulted in a better built form presenting a contemporary design highlighting the surrounding traditional character. In conjunction with the minor change application, the proposal sought an extension of time to allow the development approval a currency period until 21 May 2025.



Figure 3 – Approved Minor Change Site Plan (A005995258)

Following the previous minor change and extension of time, the applicant lodged a new change to the development approval in June 2023 (Council Reference: A006295245). The minor change application was approved on 19th October 2023 and involved the deletion of works to the approved dwelling on Lot 3 in lieu of a full demolition permit granted by Council (Council Reference: A005647219), changes to the internal subdivision boundary between the townhouses and dwelling houses, alteration to the floorplate of TH2 and TH15 (including changes to the bedroom numbers) and amendments to the setbacks, private open space, communal open space and landscaping. Again, the proposed changes represented minor alterations which did not dramatically change the approved built form and were better designed to align with the surrounding streetscape and existing traditional character. A further extension of time was granted to the currency period until 21 May 2027 (Council Reference: A006776375).

The modifications to the Dwelling House on approved Lot 1 have been approved by Council under a separate development permit (Council Reference: A006564557) and siting variation (Council Reference: A006619489) in October 2024. Similarly, the new Dwelling House on approved Lot 3 was approved by Council in August 2024 (Council Reference: A006564994).

The proposed changes, the subject of this application and as outlined under **section 2** below, are minor amendments in response to detailed and civil design. It is the opinion of DTS that the variation to the approved plans is considered to be a 'Minor Change'.

2 Description of Changes

It is proposed to modify the existing development approval issued by Council dated 19 October 2023 (Council Reference: A006295245). The minor change approval comprised of the following components:

- Preliminary Approval for Building Works for partial demolition and relocation of 1 x Pre1946 House on a small lot located in the Traditional building character overlay (44 Fleming Rd - Lot 2);
- Preliminary Approval for Building Works for extensions to 1 x Pre1946 House on a small lot located in the Traditional building character overlay (44 Fleming Rd - Lot 2);
- Material Change of Use, Development Permit for a Dwelling House on Lot 1;
- Preliminary Approval for Building Works for Multiple Dwellings;
- Material Change of Use, Development Permit for a Multiple Dwelling (22 TH's);
- Material Change of Use, Development Permit for 1 x Dwelling House on a Small lot in the Traditional building character overlay (44 Fleming Rd - Lot 2); and
- Reconfiguring a Lot, Development Permit, 3 into 4 lot subdivision.

This request is made under section 78 of the Planning Act 2016 ("the Act") and is to be administered, assessed and decided as a 'minor change' in accordance with section 81 of the Act.

This change request responds to minor amendments to the dwelling houses on Lots 1 and 2, townhouse layouts, external façades, landscaping and deep planting, retaining walls and stormwater drainage. The changes retain the approved layout while delivering a more resolved contemporary design that responds sensitively to the surrounding traditional character.

The proposal also includes minor adjustments to the internal boundaries between the dwelling house lots and the multiple dwelling lot. These adjustments do not affect the approved development outcome and are insufficient to warrant an amended subdivision layout plan.

2.1 Dwelling House (Approved Lot 1)

The siting and design of the dwelling house on approved Lot 1 has been revised generally in accordance with separate development permit A006564557 and siting variation A006619489, both granted by Council on 18 October 2024.

The updated Architectural Plans align with these approvals, except for a subsequent refinement to the carport. The carport will be relocated westward along the site frontage, enabled by replacing the padmount transformer with a pole-mounted transformer. The carport's approved width of 6.4m is unchanged and it therefore remains accepted development under Table 5.3.4.1 of City Plan 2014.

2.2 Dwelling House (Approved Lot 2)

Changes to the dwelling house on approved Lot 2 include minor cosmetic refinements (such as revised window configurations) which maintain compliance with the Traditional Building Character (Design) Overlay Code.

Minor adjustments to the floor levels are also proposed, with the building height remaining well below the prescribed 9.5m above ground level.

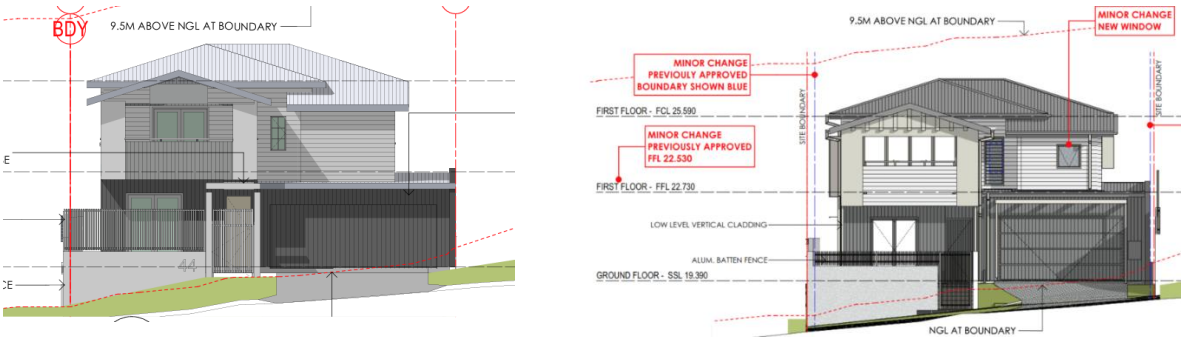


Figure 4 – Approved (left) and Proposed (right) Front Façade – Lot 1 House

The proposed setback changes are summarised in **Table 1**. They comprise minor reductions to the front and western side setbacks, offset by increases to the rear and eastern side setbacks. These limited adjustments do not adversely affect compliance with the Dwelling House (Small Lot) Code and Traditional Building Character (Design) Overlay Code.

Site coverage will increase slightly from 63.5% to 66.8%, while remaining compliant with AO8 of the Dwelling House (Small Lot) Code.

Table 1 Setback Changes – Lot 2 House

Setback	Approved	Proposed	Comments
Front	4.5m to garage 2.92m to deck 5.38m to wall	3.88m to garage 2.9m to deck 4.37m to wall	Minor reduction to front setbacks *Achieves compliance with TBC (Design) Code*
Side (East)	1m to wall	1.25m to wall	Minor increase to eastern side setback *Complies with Dwelling House (Small Lot) Code*
Side (West)	2m to wall	1.97m to wall	Minor reduction to eastern side setback *Complies with Dwelling House (Small Lot) Code*
Rear	1.05m to terrace 3.95m to wall	1.3m to terrace 4.24m to wall	Minor increase to rear setbacks *Improves compliance with the Dwelling House (Small Lot) Code*

2.3 Multiple Dwellings

The approval retains 18 four-bedroom and four three-bedroom townhouses, with no change to the approved dwelling mix. As illustrated in **Figure 5** below, the general layout of the development remains in accordance with the existing approval, as does the vehicle access, on-site car and bicycle parking and refuse collection arrangements. The allocated deep planting and landscaping areas remain generally unchanged with only some minor refinements to respond to the retaining and stormwater changes.



Figure 5 – Updated Site Plan

2.3.1 Type A Units (U16 – U22)

The basement wall to Units 16–22 will be shifted west to align with the pile line, providing additional storage and car parking area. The Level 2 retaining walls will also be realigned with the piles. Although these changes increase the total area from 265m^2 to 271m^2 for these units, they are generally contained within the approved built form and do not increase its bulk or scale.

The minor internal boundary adjustments reduce the setback between Unit 16 and the common boundary with approved Lot 1 from 5m to 4.7m. This limited reduction maintains appropriate separation between the unit and the adjoining dwelling house.

2.3.2 Type B Units (U7 – U12)

The outermost projection setback to Unit 7 will reduce from 5.5m to 5.1m due to the minor boundary adjustment between Lots 2 and 4. The wall setback remains unchanged and appropriate separation is maintained.

No other changes are proposed to the siting or layout of the Type B units.

2.3.3 Type C Units (U3 – U6)

No changes are proposed to the siting or layout of the Type C units.

2.3.4 Type D.3 Unit (U2)

No changes are proposed to the siting or layout of the Type D.3 unit.

2.3.5 Type E Units (U13 – U14)

The basement wall will be shifted closer to the western boundary to provide additional storage at Ground Level 1 as illustrated in **Figure 6** below. This will increase the total unit area from 228m^2 to 244m^2 for Unit 13 and 254m^2 for Unit 14, which includes a larger storage area. As the additional area results from the shifting of underground basement wall, there will be no increase in bulk or scale.

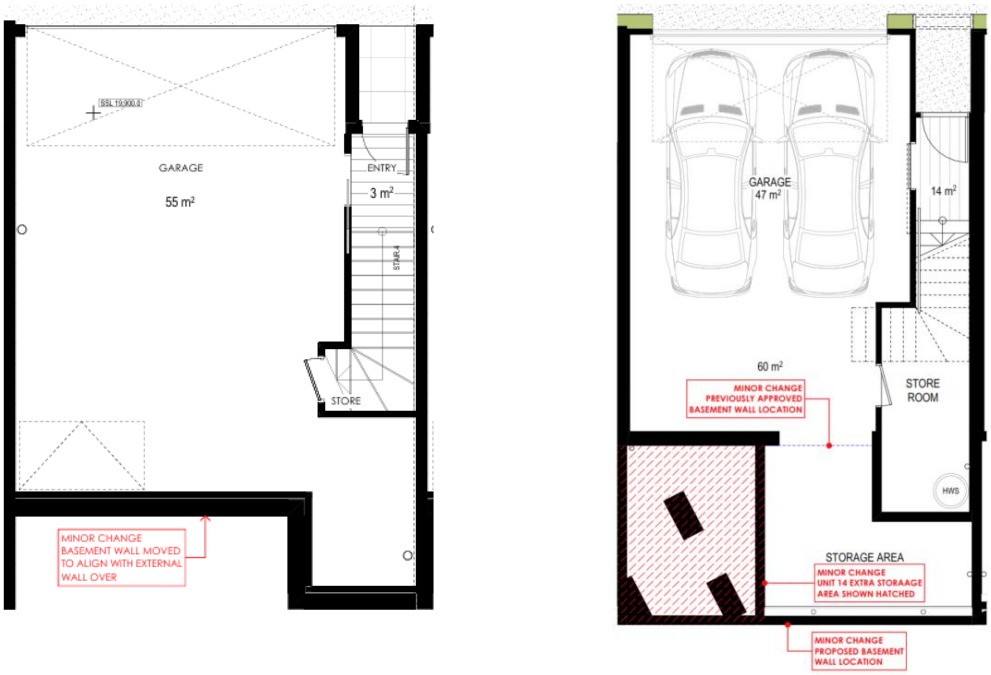


Figure 6 – Approved (left) and Proposed (right) Ground Level 1 plan

2.3.6 Type E2 Unit (U15)

The southern basement wall will be stepped in, while the western basement wall will extend closer to the boundary to provide additional storage. Adjustments to the Level 2 retaining walls will modestly reconfigure the terrace and courtyard, and a new window is proposed on the southern elevation beside the dining room. The total unit area will increase from 347m^2 to 378m^2 as a result of the basement wall changes, which will not impact on the building bulk and scale.

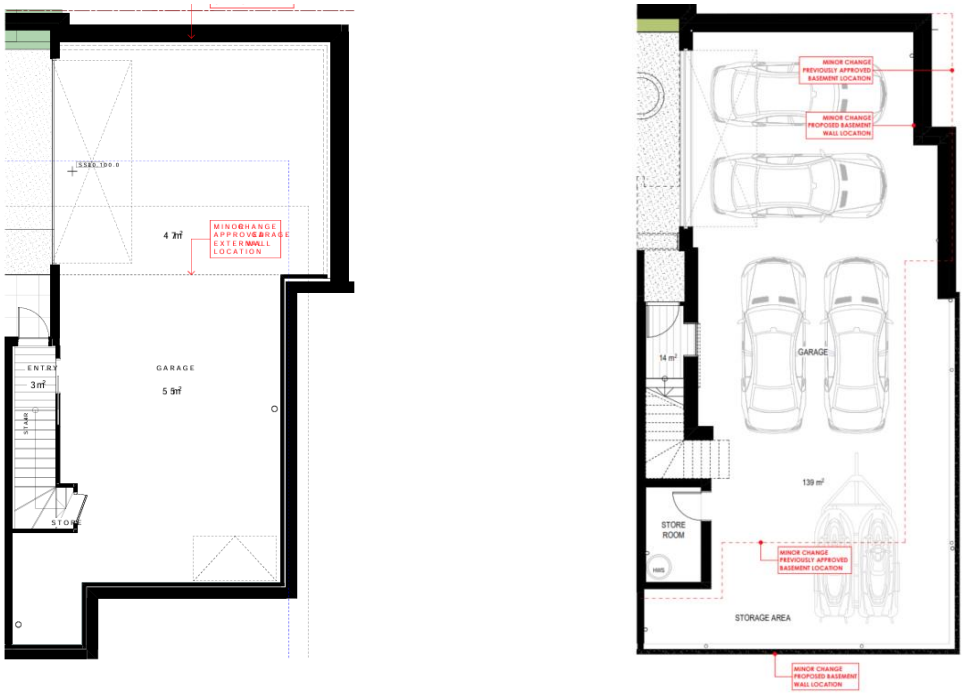


Figure 7 – Approved (left) and Proposed (right) Ground Level 1 plan

2.4 External Façade Changes

The proposed façade changes including refinements to materiality, colour schemes, window configurations and hood designs. These updates enhance the presentation of the multiple dwellings while remaining consistent with the approved architectural intent.

As demonstrated by the comparison figures below, the refinements preserve the approved façade articulation, modulation and visual variation. The development therefore retains its established design quality and overall architectural character.

Approved	Proposed
UNIT 16	
	
UNIT 22	
	
UNIT 7	
	

Approved	Proposed
UNIT 2	
	
UNIT 15	
	

Figure 8 – External Façade Comparisons

2.5 Site Coverage

The proposed changes increase site cover by only 0.5%, from 44.7% to 45.2%.

Although the resulting site cover marginally exceeds the 45% benchmark under AO14 of the Multiple Dwelling Code (version v04.00/2016 of the City Plan), the development satisfies PO14. The 16m^2 increase arises from minor adjustments to the footprints of five unit blocks, as shown on the Site Cover Diagram (drawing no. SD2801, issue 07) in **Appendix A**, and exceeds the benchmark by only 9.05m^2 or 0.2%. This limited numerical variation does not materially alter the approved balance of buildings, open space and landscaping, or the development's relationship with the local area and immediate streetscape.

The articulated and modulated townhouse form is maintained, supporting the intended residential character and avoiding any material increase in perceived bulk. The approved communal and private open space areas are retained, preserving opportunities for natural light, sunlight, breezes and private outdoor subtropical living. Compliant deep-planting and landscaping are also maintained across the site, including areas capable of supporting substantial subtropical vegetation and shade trees. Accordingly, the proposal achieves the purpose of PO14 notwithstanding the minor departure from AO14.

2.6 Deep Planting & Landscaping

The proposed development generally maintains the approved deep planting and landscaping areas. The proposed changes results in a minor decrease to the deep planting area from 13% to 12.3%, however provides an increase in landscaping from 8.9% to 9.7%. As a result, the development results in a similar landscaping and deep planting area, equating to 22% of the site. The proposed minor changes result in generally the same areas of deep planting area, with minor amendments provides to accommodate for the associated built form and civil engineering changes. The proposed minor amendments maintain appropriate landscaping areas along the internal road and to external boundaries to present an attractive built form and comply with the planning scheme requirements.



Figure 9 – Proposed Landscaping Plan

2.7 Infrastructure and Engineering

As outlined in the Civil Engineering Advice prepared by L+R attached under **Appendix C**, there have been changes to the stormwater, drainage and retaining walls across the project as a result of site investigations, detailed design and geotechnical and constructability constraints.

The proposed changes have been outlined in detailed in the advice letter and are supported by a suite of updated engineering drawings.

The proposed civil changes have resulted in minor impacts to the townhouses including the courtyard and basement retaining which has adjusted areas as discussed in earlier sections of this report.

The proposed changes to the civil design are considered to be minor in nature and do not result in adverse impacts. It should be noted that many of the amendments were previously discussed with Council's engineering team prior to lodgement of this application, with relevant email correspondence included under **Appendix C**.

3 Approved Plans and Conditions

3.1 Approved Drawings or Document Table

The revised plans and documents will require the approved 'Drawings and Documents' table to be updated, based on the following amended plans.

- Updated Architectural Plans prepared by Cottee Parker Architects attached under **Appendix A**;
- Updated Landscape Concept Plan prepared by LAUD ink attached under **Appendix B**;
- Updated Civil Engineering Drawings prepared by L+R attached under **Appendix C**.

It is noted that an addendum to the Stormwater Management Plan is currently being prepared and will be provided to Council under a separate cover.

Table 2 Updated Approved Drawings & Documents Table

Drawing or Document	Number	Plan Date
UPDATED DRAWINGS / DOCUMENTS		

Drawing or Document	Number	Plan Date
Site Plan	SD1002 Issue 08	02/12/2025
Site Plan – Lower Ground Level	SD1003 Issue 11	29/07/2026
Site Plan – Mid Ground Level	SD1004 Issue 11	29/07/2026
Site Plan – Upper Ground Level	SD1005 Issue 11	29/07/2026
Site Plan – Top Level	SD1006 Issue 11	29/07/2026
Site Plan – Roof Level	SD1007 Issue 09	29/07/2026
Existing & Demolition Plan – Lot 9 (House 44)	SD1210 Issue 07	02/12/2025
Proposed - Lot 9 - House 44 - Relocation & Renovation	SD2010 Issue 07	02/12/2025
Unit Type A	SD2001 Issue 09	29/07/2026
Unit Type B	SD2002 Issue 10	29/07/2026
Unit Type C	SD2003 Issue 08	02/12/2025
Unit Type D.3	SD2004 Issue 09	02/12/2025
Unit Type E	SD2005 Issue 08	02/12/2025
Unit Type E2	SD2006 Issue 04	02/12/2025
Site Cover Diagram	SD2801 Issue 07	02/12/2025
GFA Diagrams	SD2802 Issue 07	02/12/2025
Deep Bed Planting	SD2803 Issue 07	02/12/2025
Private Open Space	SD2806 Issue 07	02/12/2025
RFI Response – Materiality Breakup	SD2810 Issue 07	02/12/2025
RFI Response – Materiality Breakup	SD2811 Issue 06	02/12/2025
Elevations – North West Streetscape	SD3001 Issue 09	29/07/2026
Elevations – Type A Units	SD3002 Issue 08	29/07/2026
Elevations – Type A Units	SD3003 Issue 08	02/12/2025
Elevations – Type B Units	SD3004 Issue 08	02/12/2025
Elevations – Type B Units	SD3005 Issue 09	02/12/2025

Drawing or Document	Number	Plan Date
Elevations – Type C and D Units	SD3006 Issue 10	02/12/2025
Elevations – Type E Units	SD3007 Issue 09	29/07/2026
Sections	SD3101 Issue 08	02/12/2025
Sections	SD3102 Issue 08	02/12/2025
Sections	SD3103 Issue 08	02/12/2025
Sections	SD3104 Issue 07	02/12/2025
Sections	SD3105 Issue 06	02/12/2025
TECHNICAL REPORTS AND PLANS		
Landscape Concept Plan Cover Sheet & Drawing Index	SK001 – Rev G	15/09/2026
Landscape Concept Plan Site Wide Plan	SK002 – Rev. G	15/09/2026
Landscape Concept Plan Site Wide Fencing Plan	SK003 – Rev. G	15/09/2026
Landscape Concept Plan Planting Species Schedule and Images	SK010 – Rev. G	15/09/2026
Concept Site Levels & Drainage Layout Plan	B21575-CSK02 F	29/09/2023
Stormwater Detention Concept Plan	B21575-CSK03 E	31/08/2026
Concept Sewer & Water Connection Plan	B21575-CSK04 F	29/09/2023
Concept Bulk Earthworks Layout Plan	B21575-CSK05 F	31/08/2026
Concept Site Sections Sheet 1 of 2	B21575-CSK06 E	31/08/2026
Concept Site Sections Sheet 2 of 2	B21575-CSK07 D	31/08/2026
Concept Site Levels And Drainage Layout Plan - Unit 15	B21575-CSK08 B	31/08/2026
UNCHANGED DRAWINGS / DOCUMENTS		
SUBDIVISION PLAN		
Proposed Subdivision Plan	A3 5205 Rev G	2/06/2023
TECHNICAL REPORTS AND PLANS		

Drawing or Document	Number	Plan Date
Retaining Wall (RW9) Section K	D6 REV P (Amended In Red 04-OCT-2023)	07/09/2023
Unit 14 Garage Access Swept Path Assessment	B22128-SK-004 A	13/09/2023
Unit 15 Garage Access Swept Path Assessment	B22128-SK-005 A	13/09/2023
Stormwater Management Plan	B21575CR002.DOCX Rev. D (Amended In Red 04-OCT-2023)	13/09/2023

3.2 Changes to Conditions

The proposed minor changes generally retain the existing condition wording. However, Conditions 40 and 104, titled "Grant Easements", require amendment to align with the Civil Engineering Advice and Drawings in **Appendix C**, which identify the easements required for the proposed stormwater infrastructure.

4 Planning Act 2016

4.1 Section 78

Section 78 of the Act allows for the change of an existing development approval. The proposed amendments to the development approval satisfy the definition of a Minor Change as prescribed within Schedule 2 of the Act, as follows:

(i) would not result in substantially different development; and

Substantially different development is defined within Schedule 1 of the Development Assessment Rules (DAR). The schedule outlines what constitutes a substantially different development, and an assessment of the proposed changes against the criteria has been provided below.

(a) involves a new use;

The proposed change does not involve a new use.

(b) results in the application applying to a new parcel of land; or

The proposed change will not result in the inclusion of a new parcel of land.

(c) dramatically changes the built form in terms of scale, bulk and appearance; or

The proposed amendments do not dramatically alter the approved development's scale, bulk or appearance. Rather, they comprise limited design and civil engineering refinements that address constructability and strengthen the development's relationship with the surrounding streetscape and traditional character, including through the removal of the padmount transformer.

As detailed in **section 2**, the development continues to provide 22 multiple dwellings in the approved configuration. The changes refine the design to deliver a contemporary interpretation of the traditional character evident in the surrounding streetscape, without altering the approved development outcome.

The two existing dwelling houses continue to address Fleming Road, with 22 multiple dwellings retained behind, while the overall built form, layout and development intensity remain unchanged.

The limited façade, internal layout and civil engineering refinements therefore do not result in dramatic built form changes

(d) changes the ability of the proposed development to operate as intended; or

The proposed changes do not alter the ability of the development to operate as intended.

(e) removes a component that is integral to the operation of the development; or

No integral aspects of the approved development are removed as part of the proposed changes.

(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or

The changes do not impact traffic flow and the transport network. The proposed development maintains 22 dwelling units, with an appropriate number of resident and visitor car parking spaces delivered in accordance with the existing approval.

(g) introduces new impacts or increase the severity of known impacts; or

The proposed changes do not introduce new impacts or increase the severity of known impacts.

(h) removes an incentive or offset component that would have balanced a negative impact of the development; or

The proposed changes will not remove an incentive or offset component that would have balanced a negative impact of the development.

(i) impacts on infrastructure provisions.

The minor changes will not adversely impact upon infrastructure provision, location or demand within the surrounding area.

In relation to the above, the proposed minor change does not constitute a substantially different development in accordance with Schedule 1 of the DA Rules.

(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

The proposed change will not result in prohibited development.

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

The original development application did not involve any referral agencies and the change application does not introduce any new referral agencies.

(C) referral to extra referral agencies, other than to the chief executive; or

The proposed changes do not result in referral to any additional referral agencies.

(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

The changes do not trigger the requirement for assessment against matters under section 55(2) other than those already regarded in the application.

(E) public notification if public notification was not required for the development application.

The existing approval was subject to public notification for the development application.

4.2 Section 81

Section 81 of the PA outlines aspects to which the responsibly entity, Brisbane City Council, must have regard when assessing the minor change, this includes:

Properly made submissions about the development application or another change application that was approved.

The original development application (A004582836) was subject to impact assessment and did receive properly made submissions. The development underwent the most recent minor change application and did not go through an additional public notification process. **Table 3** below is a summary of submissions received, dated 23 March 2018, and a response to the submissions based on the changed plans:

Table 3 – Response to Submissions to Public Notification (A004582836)

Issue	Council Response	Proposed Change Response
Lack of detail on safe removal of asbestos during demolition works.	The removal of the existing Rooming Accommodation located behind the pre-1946 dwelling house on 46 Fleming Rd is not an assessable component of this development application under City Plan 2014. In addition, asbestos removal is also not a consideration under City Plan 2014. This aspect of development is managed at the Building Application (BA) stage.	The removal of the Rooming Accommodation will be conducted in accordance with the approval and Council requirements.
Utilisation of existing retaining structure on western (high) side	The development has been appropriately conditioned to ensure that any works to establish or repair existing retaining walls are carried out in accordance with Brisbane Planning Scheme Codes. This condition also requires the submission of certification from a Registered Professional Engineer Queensland for all retaining walls exceeding 1m in height.	The proposed retaining wall is to be appropriately conditioned to ensure the works are carried out in accordance with the approval and Council's requirements.

Any pre-request response notice or response notice given in relation to the change application.

The original development did not involve any referral agencies and the change application does not introduce any new referral agencies. In accordance with section 80 item 2(a) of the Planning Act 2016, there are no affected entities.

All matters the responsible entity would or may assess against or have regard to if the change application were a development application.

The matters made assessable by the original development application have been considered as part of this minor change request. The changes are considered appropriate on the basis that the proposal is able to continue to comply with the relevant acceptable / performance outcomes in the applicable codes within City Plan 2014. It is noted that the changes result in the site coverage exceeding the prescribed 45% requirement under AO14 of the Multiple Dwelling Code by 0.2% by virtue of some subtle adjustments to the building footprint. A performance assessment has been undertaken against PO14 under **section 2.5** of this report.

5 Conclusion

This application seeks a minor change to the development approval for a Material Change of Use, Reconfiguring a Lot and Building Works at 40–46 Fleming Road, Herston (Council Reference: A006295245).

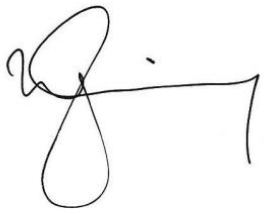
The request is made under section 78 of the *Planning Act 2016* and is to be assessed and decided as a minor change under section 81. As demonstrated in this report, the proposed amendments satisfy the statutory definition of a minor change and do not result in substantially different development under Schedule 1 of the Development Assessment Rules.

The assessment supports the following conclusions:

- The request is properly made under section 78 of the *Planning Act 2016* and is capable of being assessed and decided as a minor change under section 81.
- The amendments comprise limited design and civil engineering refinements to the dwelling houses, townhouse layouts, façades, landscaping, retaining walls and stormwater infrastructure, without altering the approved use, dwelling yield or overall development layout.
- The approved built form, scale and development intensity are retained, while the refinements address constructability and reinforce the development's relationship with the surrounding streetscape and traditional character.
- The revised architectural, landscape and civil engineering documents can be incorporated through an updated approved drawings and documents table, together with limited amendments to conditions;
- The modifications achieve a high level of compliance with the assessment benchmarks including key performance indicators.

This Assessment Report supports the development application and is recommended to Council as the Assessment Manager for approval subject to reasonable and relevant conditions.

Kind Regards,



Nicholas Bailey – Director of Planning
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