BCC DS
RECEIVED
20/11/2026
APPLICATION REF
A007156214

dts urban planning, surveying & development

Brisbane
PO Box 3128
West End Qld 4101
Ph: 07 3118 0600
Fax: 07 3118 0699
brisbane@dtsqld.com.au
ABN 27 010 000 843
dtsqld.com.au

Our Ref: BNE260439

20 November 2026

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

Attention: Development Assessment

Application Reference:	A002135202
Property Location:	490 Boundary Street, Spring Hill QLD 4000
Property Description:	Lots 1-7 on Survey Plan 242888
Development:	**Request for s81 Minor Change -** (A002135202)
Applicant:	Body Corporate for "490 Consulting Suites @ St Andrew's" CTS50990

As prescribed under Section 78 of the Planning Act 2016 ("PA") we hereby make a formal request to change development approval A002135202 / Appeal 3750 of 2013, on behalf of the applicant, who is in receipt of an Enforcement Notice issued by Council.

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

- Duly executed DA Form 5.
- Council Enforcement Notice (refer to **Attachment A**);
- Amended Plan (refer **Attachment B**);
- Copy of the Development Approval (refer **Attachment C**);
- Proposed Changes to Conditions (refer **Attachment D**);
- Low Clerance Signage Image (refer **Attachment E**); and
- Car Parking Management Plan (refer **Attachment F**).

1. Approval Summary

On 10 February 2011, an approval was issued by the Planning and Environment Court (Appeal 148/2009). This application was impact assessable, but did not receive any submissions (Affidavit of A Mitchell dated 26/03/2009) (A002135202).

On 25 October 2013, a change approval was issued by the Planning and Environment Court (Appeal 3750 of 2013) (A002135202).

The development approval includes:

- A development permit for a material change of use and preliminary approval for building works for Office and Shop;
- Preliminary approval for building work on land adjoining a heritage place;
- A retained building at the front of the site of two storeys;
- Two (2) basements with a total of 13 car parking spaces;
- A 6 level building at the rear of the retained building;

It is noted that this minor change is in response to Council's Enforcement Notice dated 16 October 2026 and issued to the applicant. The Enforcement notice alleges non-compliance with the following conditions:

- Condition 8 – Bicycle Parking
- Condition 9 – Lighting to Public Areas
- Condition 19 – Landscape the Site
- Condition 26 – Access, Grades, Manoeuvring, Carparks, Signs
- Condition 37 – On-site Car Parking Management Plan

2. Summary of *Description* of Changes

This s81 Change Request seeks minor amendments to the current development approval (Council Reference: (A002135202). The applicant proposes minor amendments to the conditions of approval and approved plans relating to amendments to the approved development as summarised as follows:

- Removal of requirement to provide landscaping to the street frontage;
- Change to minimum clearance heights within the basements;
- Removal of bicycle parking provision;

a. Assessment Manager

S78A of the Planning Act identifies the responsible entity for a change application. Section s78A(2) identifies that the P&E Court is the responsible entity for the change application instead of the person under subsection 1 (the assessment manager) if:

- (a) The change is a minor change to a development approval; and
- (b)The development approval was given or change by the P&E Court; and
- (c) A properly made submission was made

Whilst the original approval and previous change approval were issued by the Court, neither attracted a properly made submission.

Therefore the assessment manager is Brisbane City Council.

b. Bicycle Parking

Condition 8 of the approval required the provision of Bicycle parking consistent with the approved drawings.

It is noted that the approved plans do not identify any bicycle parking. Therefore, the condition is proposed to be removed to avoid a conflict between the approved plans and this condition.

Whilst is it noted that the approved plans are difficult to read, our understanding is that there are no bicycle spaces shown on the approved plans, with the ground level bicycle parking removed as part of the change approval. Notwithstanding, limited space exists on the ground level for any bicycle spaces due to requirements for parking, access, fire egress and clearances required within the ground floor circulation areas. Bicycle parking, if required, can be provided within the tenancy areas.

c. Landscaping

Within the Approved Conditions for the development, Condition 19 requires landscaping be provided on the site, and in particular, 2m wide planting areas to the street.

Despite this requirement, the currently existing streetscape does not provide for landscaping on either side of Boundary Street in proximity to the site.



Figure 1 490 Boundary Street Street View



Figure 2 499 Boundary Street Street View



Figure 3 500 Boundary Street Street View

Beyond the Council street trees and planting, it is apparent the relevant streetscape consists of Heritage overlay shopfronts built to the footpath which include essentially no landscaping. Directly across from the subject site, modern shopfronts and office spaces also include essentially no landscaping at the site frontages.

As is evident in **Figure 4**, adjacent to the staircase at the site's frontage are the sprinkler booster and hydrant booster, limiting the possibility of providing landscaping within this area of the site frontage.



Figure 4 Site Frontage (Hydrant Booster & Sprinkler Booster)

Similarly, the constructed garden beds within the concrete retaining walls at the site's western side boundary are limited in capacity do not include any existing landscaping.



Figure 5 Western Boundary Retaining Wall Garden Beds

Within the Architectural Plans previously submitted to Council, it is noted that multiple garden beds were included:

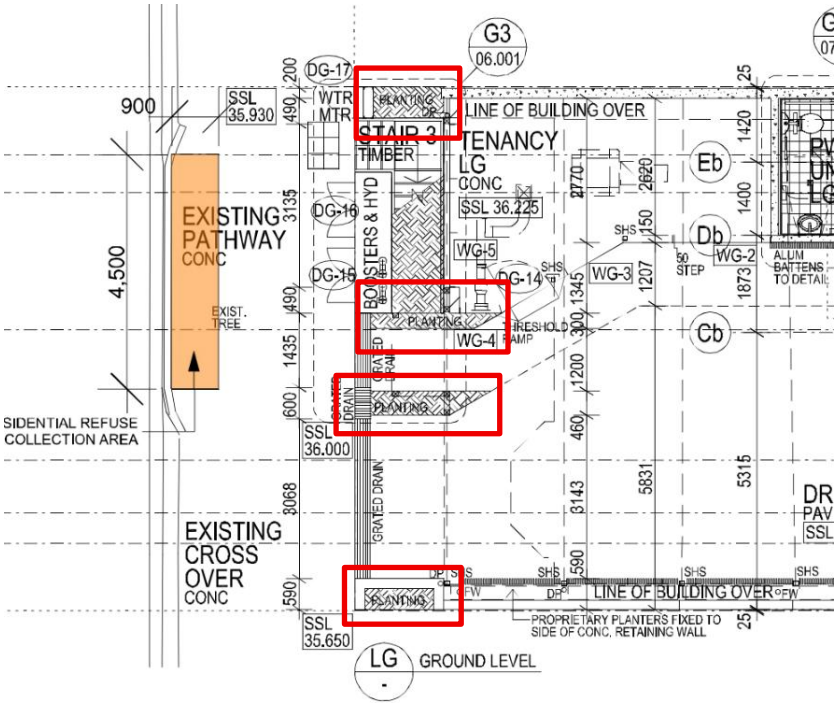


Figure 6 Planting Beds at the Front of the Lot

The two garden beds located furthest to the east of the site and below were unable to be provided due to the actual layout of the staircase to the retained building, requiring the staircase to extend further than shown in the plans. The planting area adjacent to the hydrant booster and sprinkler booster cages was unable to be delivered due to the necessary fire equipment being retained within the area behind the aforementioned cages and therefore requiring the space to remain unimpeded, as well as the existing stormwater grate and underground infrastructure within that section of the subject site required to remain accessible. The fourth garden bed at the site's western boundary has been mentioned previously in this application as being unable to provide any significant planting given the provided width of the retaining wall garden bed.

Given the existing state of the development, which cannot reasonably alter the built form without creating further issues regarding access and health & safety, portions of Condition 19 cannot be reasonably complied with and are to be altered accordingly, specifically the Planting section within Condition 19(c).

d. Access, Grades, Manoeuvring, Carparks, Signs

Condition 26 requires:

- Construct pavement to a minimum Type A standard
- Manoeuvring and parking on site for a van for loading and unloading
- Parking for thirteen (13) cars including 1 PWD
- A minimum 2.3m height clearance to undercover car parks and 2.5m above PWD spaces
- A height clearance site located at the entrance
- Appropriate area for storage and collection of refuse, including recyclables
- Internal paved areas to be signed and delineated

The proposed development provides the minimum number of car parking spaces, with the carparking and loading spaces being delineated. Specialist traffic advice has been sought from Pekol Traffic and Transport, with a report forthcoming under separate cover. The report identifies:

- On-site observations confirm the driveway is approximately 5m wide and complies with the BCC standard drawings;
- A loading bay for a VAN has been provided;

- 13 car parking spaces have been provided on the site, including a PWD space;
- A minimum height of 2.5m has been provided for the PWD space;
- Within the basements, a minimum height clearance of no less than 2.1m is provided. This height complies with the Australian Standard. The report recommends relocation of signs, with a sign now provided to the front of the site (refer **Attachment E**);
- The report also suggest that refuse bin storage be provided adjacent the PWD shared space to ensure on-going manoeuvring is provided within the ground level.

The condition is proposed to be amended to reflect the reduced ceiling heights. An amended plan is attached to show the refuse bin storage location. It is noted that this mark up to the plans also shows the ultimate width of the void for the car stacker and the location of the PWD and shared space, as constructed on the site.

The PTT traffic report will be provided under separate cover.

3. Condition 9 and 37

No changes are proposed to Condition 9 – Lighting to Public Areas and 37 – On-site car parking management plan. The applicant has commissioned a contractor to undertake installation of security lighting to the front of the site as required by the condition. A copy of a car parking management plan as required by condition 37 is attached, refer **Attachment F**.

Changes to Approved Plans and Conditions

Changes to Approved Plans Table

The table below provides a list of the current approved plans and identifies where plans are to be amended with a ~~strikeout~~ and replaced with red text colouring.

Table 1 Drawings and Documents

Drawing or Document	Reference Number	Plan Date
Floor Plans Levles – Ground, 1 & 2	W02.001 Issue ~~N~~ O	~~25-OCT-2012~~ 20-NOV-2026

Changes to Approved Conditions

Refer to the attached Changes to Approved Conditions document.

Planning Act 2016 ("PA")

Section 78

Section 78 of the PA 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 PA, 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). This application has been made in response to an Enforcement Notice provided by Brisbane City Council.

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

The proposed changes do not include a new parcel of land.

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

The proposed amendments do not affect measurable aspects of the built form, with the minor change seeking to amend the existing Approved Conditions considering the existing built form as constructed on the subject site and what can be reasonably be delivered within these constraints. The changes to landscaping are minor, and reflect the existing streetscape in the immediate area which does not include any landscaping, with heritage buildings orientated to the footpath.

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

The changes do not result in any impact to the proposed development's ability to operate as intended.

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

The changes do not remove any components that are considered integral to the ongoing operation of the approved development.

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

The proposal will not result in any significant impacts on traffic flow and the transport network. The proposed car parking remains compliant with the Australian Standards.

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

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

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

The approved development did not include an incentive or offset.

(h) impacts on infrastructure provisions.

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

In relation to the above, the proposed minor change to amend the approval does not constitute a substantially different development in accordance with Schedule 1 of the DAR 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

No referrals were made.

(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 original development application was Impact Assessable and did involve public notification.

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 was Impact Assessable, however it did not receive any properly made submissions

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

No pre-request response notice or response notice has been given.

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 as part of the original development application have been considered as part of this minor change request. The changes are considered appropriate on the basis that:

- The site has been maintained in the current zone;
- The proposed development remains generally compliant with the relevant codes;
- The proposed changes ratify compliance with the existing development approval conditions and approved plans; and
- The request maintains the approved uses and characteristics of the development.

To summarise, the proposed amendments to the plans constitute a minor change in accordance with the *Planning Act 2016*.

We trust that this application will be given the utmost attention and consideration. Should you require any further information, we would be pleased to assist.

Yours sincerely,



Liam Donald – Principal Planner
DTS Group QLD Pty Ltd
Email: planning@dtsqld.com.au
Phone: 07 3118 060