

SHANNON CLARK TUHTAN

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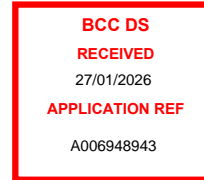
21 January 2026

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UNIT 2602 - 21 MARY STREET, BRISBANE CITY

As you are aware, iContract Management Consultants Pty Ltd, is the registered owner of Unit 2602 at 21 Mary Street, Brisbane (Volumetric Lot 4 on SP 173249) (**Lot 4**).

Lot 4, Volumetric Lot 1 on SP 173248, Volumetric Lot 2 on SP 173248, Volumetric Lot 3 on SP 173248 Volumetric Lot 6 on SP 173249 and the scheme land for the Metro 21 Community Titles Scheme are all subject to Building Management Statement 708533859 (**BMS**). Among other things, the BMS permits the other lot owners to access various parts of the building that comprise part of the common property for the Metro 21 Community Titles Scheme including lifts, foyers and car parks.

Change Application

We confirm you intend to lodge on behalf of our client a change application seeking an amendment of the existing development approval for the building (the subject of the BMS) to enable Lot 4 to be used for both an office and a multiple dwelling.

Consent of the Owner of the Premises

As you are aware, the change application must be accompanied by the written consent of the owners of Volumetric Lot 1 on SP 173248, Volumetric Lot 2 on SP 173248, Volumetric Lot 3 on SP 173248 Volumetric Lot 6 on SP 173249 and the owners of all of the lots in the Metro 21 Community Titles Scheme unless the premises are excluded premises.

Are the premises excluded premises?

Schedule 2 of the *Planning Act 2016* contains the following definition of excluded premises.

excluded premises means—

- (a) generally—
 - (i) premises that are a servient tenement for an easement, if the development is consistent with the easement's terms; or
 - (ii) premises that are acquisition land, if the application or development approval relates to the purpose for which the land is to be taken or acquired; or
- (b) for a change application or extension application—premises in relation to which 1 or more of the following apply for the application—
 - (i) the development approval to which the approval relates is for building work for supplying infrastructure on designated premises; or
 - (ii) the responsible entity or assessment manager considers the application does not materially affect the premises and that, given the nature of the change, the owner of the premises has unreasonably withheld consent; or
 - (iii) the responsible entity or assessment manager considers the application does not materially affect the premises and that because of the number of owners, it is impracticable to get their consent.

Example of when owners' consent may be impracticable—

Since the development approval was given, the premises have been subdivided and now has many owners.

For the current change application, subsection (b)(iii) is of relevance.

These subsections are applicable if the responsibility entity "considers the application does not materially affect the premises".

Does the application materially affect the premises?

We are of the view that Council should consider the application does not materially affect the premises for the following reasons.

The physical works associated with the change only relate to Lot 4 (converting the existing office tenancy on Level 26 (comprising Lot 4) of the building into a 2 bedroom residential unit, with no works in any other part of the building). We understand lot 4 appears to have been originally designed and constructed as a 2 bedroom unit, which means no new plumbing or electrical changes are required and the internal partitions will not be changed and there will be no new floor penetrations.

The proposed change does not require:

1. any physical changes to or any access to any of the other volumetric lots; or
2. any physical changes to or any increase in the levels of access to the common property for the Metro 21 Community Titles Scheme (the common property will continue to be used for access to Lot 4 for occupiers and visitors (pursuant to the terms of the BMS), and the car park and the services will continue to be used in the same way it always has (also pursuant to the terms of the BMS)).

It is important to note:

1. the common property for the Metro 21 Community Titles Scheme will just be used for its normal access purposes and is not an important part of the proposed use or the change; and
2. there is no material increase in the intensity or scale of the use of the common property for the Metro 21 Community Titles Scheme.

Because of the number of owners, it is impracticable to get their consent

The current circumstances is the exact situation noted in the example set out below this subsection, as since the development approval was given, the premises have been subdivided and there are now numerous separate owners.

Conclusion

We consider Council, as responsible entity, should accept the premises as excluded premises on the basis:

1. the change application does not materially affect the premises; and
2. because of the number of owners, it is impracticable to get their consent.

Any questions, please do not hesitate to give me a call.

Yours faithfully

SHANNON CLARK TUHTAN



Matthew Shannon
Director