

Ref: 24-0601P

14/07/2025

Brisbane City Council

GPO Box 1434

Brisbane Qld 4001

**Via online lodgement portal**

RE: Request to Change a Development Approval – A005744180

50 Southgate Avenue, Cannon Hill Qld 4170

Dear Sir/Madam,

**Introduction**

On behalf of the applicant, the Real Estate Institute of Queensland (**REIQ**), Therefor Group hereby lodges the above change application to Brisbane City Council (**Council**) in accordance with section 78 of the *Planning Act 2016* (**Planning Act**).

In accordance with section 79 of the Planning Act, we confirm the application:

- is made in the approved form, having been accompanied by the relevant Queensland Government form, being the DA Form 5 change application form;
- will be accompanied by the required fee, once the respective invoice has been issued by Council;
- is not subject to any pre-request response notice; and
- is accompanied by the written consent of the owner\*.

\*See **Section 6** for further detail.

On the basis of the above, we request that Council confirm their acceptance of the application in accordance with section 79(2) of the Planning Act.

To assist with Council's assessment of the change application, the following supporting material is provided which form part of the application.

**Table A – Supporting Material**

Document Title	Prepared By	Date
Signed owner's consent	REIQ	30.06.2025
DA Form 5	Therefor Group	14.07.2025
BCC Response to Request for Written Information	Brisbane City Council	14.01.2025
Historical Records	Brisbane City Council	Various

**Application Fees**

In accordance with Council's Development Assessment and Compliance Fees 2025/26, it is noted that the application fees are **\$3,432** (development assessment area charge). We request Council's fee quote such that we can arrange payment by our client.

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ABN 61 147 343 084  
ACN 147 343 084

# Minor Change Application

## 1. Introduction

The purpose of this minor change application is to amend Condition 9 - Access, Grades, Manoeuvring, Carparks, Signs and Line Marking of the development approval issued under Council ref: A005744180. It is also proposed that 54 & 68 Southgate Avenue be removed from the development approval for the purposes of streamlining any potential future change applications. Further details of the rationale of the proposed change is set out below.

To guide a reader to the report's structure, please note that:

- **Section 2** provides an overview of the development approval history of the site.
- **Section 3** provides details of the proposed changes to the latest approval.
- **Section 4** provides an assessment of the proposed changes against the minor change criteria.
- **Section 5** provides an evaluation against the relevant assessment criteria contained in section 81 of the Planning Act.
- **Section 6** includes further details on the owner's consent requirements for the application.

## 2. Development Approval History

The site at 50 Southgate Avenue, Cannon Hill Qld 4170, formally described as Lot 136 on SP186589, is currently operating as an Office in accordance with the existing approvals summarized below.

### 2.1. Business Park Approval

The site is part of the "Southgate Corporate Park" which is a business park established under an approval issued by Council on 24 November 1998 (ref: 253/31/1-5307/98) and amended on 22 July 1999 (ref: 3718/99) (**Business Park Approval**).

The Business Park Approval permits a variety of uses to occur on land within the business park, including:

- |  |   |
|--|---|
| ▪ Auction Depot                        | ▪ Utility Installation                            |
| ▪ Business Premises                    | ▪ Warehouse Premises                              |
| ▪ Emergency Services Depot             | ▪ Fast Food Store                                 |
| ▪ Indoor Recreation                    | ▪ Hotel   |
| ▪ Industry: General, Light and Service | ▪ Licensed Club                                   |
| ▪ Plant Sales and Hire Yard            | ▪ Restaurant                                      |
| ▪ Public Building                      | ▪ Shopping Centre (maximum 500m <sup>2</sup> GFA) |
| ▪ Technology Employment Centre         |   |

Of relevance to this application is "Business Premises" which was defined under the Brisbane Town Plan 1987 as follows:

**"BUSINESS PREMISES"** means any premises used or intended for use—

- (a) for the carrying on of the business of a bank, building society or the like;
- (b) for the carrying out of a business based on computer software production, electronic data processing or the like;
- (c) for a local surgery;
- (d) as an office in or in connexion with—
  - (i) the provision of professional services or the giving of professional advice by a person practising or carrying on a profession; or
  - (ii) a business or commercial purpose; or
- (e) otherwise for business or commercial purposes,

but does not include—

- (i) any premises used or intended for use for some business or commercial purpose where a use for that purpose is characterized by an activity which characterizes, or activities which characterize, the use of some shop, storage yard or warehouse;
- (ii) any other premises or place or part of any other premises or place elsewhere specifically defined in this section; or
- (iii) any premises used for a purpose elsewhere specifically defined in this section;

## 2.2. Business Premises Approval (Ref: 1310967:BLDG 00033200)

According to the attached correspondence from Brisbane City Council on 17 October 2016, the site was subject to a building approval issued on 30 September 2005 for “Office Building – Stage 1. Early Works” (ref: 1310967:BLDG 00033200). A Certificate of Classification was subsequently issued on 11 August 2006 (ref: 004321).

It is therefore concluded the building currently onsite was lawfully established as “Business Premises” in accordance with the Business Park Approval. The only subsequent development applications or approvals available on Council’s online records (which date back to 2004) are described below, and none sought to demolish the existing premises.

## 2.3. Educational Establishment and Office Approval (A004579028)

On 18 May 2017, Council granted approval for the establishment of administrative and training facilities and associated ancillary uses for the REIQ within the existing commercial premises (defined as Educational establishment and Office) (A004579028) (**Educational Establishment and Office Approval**).

As identified in the Assessment Report submitted with the application, the development application was required due to Council advice that the proposed training facility (Educational establishment) was not included in the definition of “Business Premises” or another use under the Business Park Approval, and therefore was not an approved use.

To meet the increase in carparking demand generated from the inclusion of the Educational establishment use, Council imposed a condition on the development approval requiring some of the carparking spaces to be provided in the adjoining Parking station at 54 Southgate Avenue.

An extract of the relevant condition is included below (Condition 9):

*“...i. Provide parking onsite for 93 cars, including 2 PWD spaces and 1 visitor space:*

- *43 of these spaces are to be located on-site at 50 Southgate Avenue (Lot 136 on 186589) and 50 are to be provided within the adjacent car parking station at 54 Southgate Avenue (formerly part of 68 Southgate Avenue).*
- *A minimum of 51 spaces are to be allocated for the use of Office with a minimum of 25 dedicated to the REIQ offices and a minimum of 26 dedicated to the ground level office tenancies.*
- *A minimum of 18 spaces for staff (including 1 visitor space) and students and are to be allocated for the REIQ Educational establishment...”*

## 2.4. Carparking Structure Approval (A004901500)

For completeness, it is noted that on 31 May 2018, Council granted a minor change for the above development approval for the purposes of a carport over nine (9) spaces on the eastern side of the open air carpark on 50 Southgate Avenue (A004901500). This approval is not relevant to this minor change application.

## 2.5. Current Office Approval (A005744180)

On 4 August 2021, Council granted a minor change to the above development approval to remove the Educational establishment use such that the whole of the premises would be used for the purpose of Office (A005744180) (**Current Office Approval**).

The application also included changes to:

- the development permit approved drawings and documents list to include an amended First Floor Plan; and
- Condition 9 of the development permit to amend the number of carparking spaces required for the approved use.

The change amended Condition 9 to require only 58 carparks (previously 93, i.e., a reduction of 35 spaces) as follows:

*“i. Provide parking onsite for 58 cars, including 2 PWD spaces and 1 visitor space:*

- *43 of these spaces are to be located on-site at 50 Southgate Avenue (Lot 136 on 186589) and 15 are to be provided within the adjacent car parking station at 54 Southgate Avenue (formerly part of 68 Southgate Avenue)...”*

A copy of the application material is not available online, and as such the rationale for the amendment is not known.

## 2.6. Currency of development approval/s

As identified in the attached correspondence from Brisbane City Council dated 14 January 2025, the Business Park Approval is still in effect. Furthermore, noting the other development approvals outlined above have been enacted, they do not lapse, pursuant to section 85 of the Planning Act.

## 3. Proposed Changes to Current Office Approval

### 3.1. Purpose

The purpose of this minor change application is to ensure car parking provision at 50 Southgate Avenue, Cannon Hill is in accordance with use of the premises for Business Premises under the Business Park Approval, and therefore aligns with requisite parking requirements applicable throughout the Southgate Corporate Park.

This will be achieved through the following specific changes:

- Amendment to Condition 9 to remove the requirement for 15 car parking spaces associated with the REIQ Office premises to be provided on the adjacent Parking station at 54 Southgate Avenue;
- Removal of 54 and 68 Southgate Avenue from the approval; and
- Associated adjustments to the approved plans.

### 3.2. Supporting Facts and Circumstances

#### Carparking provision

As identified in the attached correspondence from Council, the Business Park Approval described in **Section 2.1** above continues to be in effect. Therefore, the land is able to be developed in accordance with the Business Park Approval, including for a “Business Premises” which is consistent with the use currently operating from the premises (i.e., Office) and the use under which the building was originally established.

Pursuant to the Development Standards for the Business Park Approval, the carparking requirement for a “Business Premises” is 1 space per 50m<sup>2</sup> of gross floor area (**GFA**). The Infrastructure Charges Notice provided by Council (IC20827) for the Educational Establishment and Office Approval identified a total of 1,954m<sup>2</sup> GFA for the premises, and therefore, the Development Standards would prescribe 39 carparking spaces for the Business Premises as calculated below.

$$1,954\text{m}^2 \text{ GFA} \div 50\text{m}^2 = 39.08 \text{ carparking spaces}$$

Condition 9 of the Current Office Approval requires 43 carparking spaces be provided on the site, which is more than sufficient to accommodate the rate required under the Development Standards, and the availability of that many spaces on the site is to be expected considering this was the standard by which the premises was originally constructed.

Based on the above facts and circumstances, the premises was lawfully operating as a Business Premises with compliant carparking from its establishment in 2006 until further carparking was triggered due to the inclusion of a use which was not anticipated under the Business Park Approval (i.e., Educational establishment). The subsequent removal of the Educational establishment use therefore negates the need for additional carparking to be provided within the Parking station, and therefore the condition requiring the same is redundant and appropriate for removal.

#### Removal of 54 and 68 Southgate Avenue

The adjoining land at 54 and 68 Southgate Avenue was only included in the original development application for the purposes of providing additional carparking in association with the proposed Educational establishment, which has subsequently been removed from approvals. As the required parking provision is able to be provided onsite at 50 Southgate Avenue, the inclusion of the other land parcels is redundant, and they should be removed.

It is also important to note the land currently described as 68 Southgate Avenue (Lot 1 on SP283380) never formed part of the original development application. The application only ever applied to the portion of 68 Southgate Avenue which comprised the Parking station, and in particular the part identified as approved Lot 2 of the subdivision approval which established the Parking station on its own lot (A004402208).

### 3.3. Change to Premises

As per the above, the development approval should be amended to remove 54 and 68 Southgate Avenue.

### 3.4. Changes to Conditions of Approval

It is proposed Condition 9 of the approval be amended as follows:

*“i. Provide parking onsite for ~~58~~ 43 cars, including 2 PWD spaces and 1 visitor space:*

- ~~43 of these spaces are to be located on-site at 50 Southgate Avenue (Lot 136 on 186589) and 15 are to be provided within the adjacent car parking station at 54 Southgate Avenue (formerly part of 68 Southgate Avenue)...”~~*

### 3.5. Changes to Approved Plans and Documents

For simplicity, and acknowledging the development is constructed and operational, it is recommended that Council amend the approved plans in red to remove or cross out:

- Any reference to 54 and 68 Southgate Avenue, and
- Any reference to parking provision on these premises or any parking over and above 43 spaces.

### 3.6. Changes to Infrastructure Charges Notice

No changes are required to the previously issued Infrastructure Charges Notice as the proposed changes do not involve any alterations to the existing land use, gross floor area or impervious area.

## 4. Assessment of Minor Change

### 4.1. Overview

The Planning Act establishes two types of changes to a development approval:

- A ‘minor change’ to a development approval: or
- An ‘other change’ to a development approval.

For a change application to be considered as a minor change, the change to the development approval must meet the definition of a ‘minor change’ as set out in Schedule 2 of the Planning Act. See below.

*‘A change that—*

*b. for a development approval—*

- i. would not result in substantially different development; and*
- 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*
  - 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’.*

With respect to item (b)(i), Schedule 1 of the Development Assessment Rules provides guidance on the determination of whether a proposed change does or does not constitute ‘substantially different development’. These provisions are for guidance only and must be considered in the context of the proposed change. A proposal that does not meet these guidelines may still potentially be determined as ‘not substantially different development’.

A full assessment of the proposed changes against the relevant criteria has been completed and outlined in **Table B** and **Table C** below. As shown, our assessment concludes that the proposed changes do not constitute ‘substantially different development’ and comply with the criteria specified under the definition of a ‘minor change’ within Schedule 2 of the Planning Act.

#### 4.2. Schedule 2: Minor Change Criteria

Table B: Assessment against minor change criteria (Planning Act)		
Would a new development application, including the changes cause:	Y/N	Comments
The inclusion of prohibited development?	N	The proposed changes do not involve prohibited development.
Referral to a referral agency, other than to the Chief Executive, if there were no referral agencies for the development application?	N	The original development application was not required to be referred, and the proposed changes will not trigger referral to any referral agencies.
Referral to extra referral agencies, other than the Chief Executive?	N	The proposed changes will not trigger referral to any extra referral agencies.
A referral agency to assess the application against or have regard to new matters?	N	The proposed changes will not trigger any referral agencies to assess the application against or have regard to any new matters. It is noted the original application was not subject to referral.
Public notification if public notification was not required for the development application?	N	The original development application (which included an Educational establishment use) was subject to impact assessment and as such public notification has previously been undertaken and no further notification is required. It is also noted the use of an Office on the site is code assessable.

#### 4.3. Substantially Different Development Test

Table C: Assessment against substantially different development test (DA Rules)		
Do the changes:	Y/N	Comments
Involve a new use?	N	The proposal does not involve a new use. The use remains in accordance with the approved and lawfully established use, being an Office (defined as Business Premises under the Business Park Approval).
Result in the application applying to a new parcel of land?	N	The proposed changes will not result in the application applying to a new parcel of land. The application continues to apply to Lot 136 on SP186589. The changes seek to remove a redundant carparking provision on adjoining land and the parcels described as Lot 2 on SP283380 and Lot 1 on SP283380 can be removed from the approval.
Dramatically change the built form in terms of scale, bulk and appearance?	N	The proposed changes do not involve any alterations to approved built form. The proposed changes seek to remove a redundant carparking requirement on adjoining land only.
Change the ability for the approved use to operate as intended?	N	The proposed changes will not change the ability for the use to operate as intended. No changes are proposed to the existing use, and the appropriate carparking demand can be accommodated entirely within 50 Southgate Avenue as provided for

Table C: Assessment against substantially different development test (DA Rules)

Do the changes:	Y/N	Comments
		under the Business Park Approval and demonstrated in <b>Section 3.2</b> of this letter.
Remove a component that is integral to the operation of the development?	N	The proposed changes do not remove any component that is integral to the development.  No changes are proposed to the existing use (Office/Business Premises), and the appropriate carparking demand can be accommodated entirely within 50 Southgate Avenue as provided for under the Business Park Approval and demonstrated in <b>Section 3.2</b> of this letter.
Significantly impacts on traffic flow or the transport network?	N	The proposed changes will not significantly impact on traffic flow or the transport network.  No changes are proposed to existing building or use, and therefore there will be no increased traffic generation to or from the site.  The proposed changes merely seek to remove a requirement for carparking to be provided on an adjoining site. Noting 50 Southgate Avenue has sufficient carparking to accommodate the requirements for a Business Premises (i.e., the current use), the parking on the adjoining land is redundant.
Introduce new impacts on increase the severity of known impacts?	N	The proposed changes will not introduce new impacts or increase the severity of any known impacts.  The proposed changes do not involve any alterations to the existing use, gross floor area or impervious area, and the site has sufficient carparking to meet the rate for a Business Premises (i.e., the current use).
Remove an incentive or offset component that would have balanced a negative impact of the development?	N	The approval did not include any incentives or offsets which would be impacted by the proposed changes.  The proposed changes merely seek to remove a redundant carparking requirement as above.
Impact on infrastructure provisions?	N	The proposed changes will not notably impact on infrastructure provisions. The proposed changes will not impact on access to, or provision of, any existing and planned infrastructure.  No changes are proposed to the existing use, gross floor area or impervious area, and as such the changes will not require any additional infrastructure.

## 5. Evaluation Against Relevant Assessment Criteria

Section 81(2) of the Planning Act sets forth criteria the responsible entity (which, in this instance, is Brisbane City Council) assessing a minor change application must consider. A response to the relevant assessment criteria is provided below to assist with Council's assessment.

2. *In assessing the change application, the responsible entity must consider—*
  - a. *the information the applicant included with the application; and*

**Response to Subsection 2(a)**

This covering letter and the supporting documentation provides a brief background of the approval history of the site, along with a detailed overview of the proposed changes to the development approval. It is considered that all information required for Council to assess the application has been provided.

The submitted assessment confirms the proposal meets the definition of a minor change as set out in the Planning Act, and complies with the relevant matters of assessment, consistently with that previously approved.

- b. *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*

**Response to Subsection 2(b)**

The development application for the Educational Establishment and Office Approval (A004579028) was required to be publicly notified. The Decision Notice for that approval identified no submissions were received for the application. Subsequent applications were 'minor changes' and did not require re-advertising.

- c. *any pre-request response notice or response notice given in relation to the change application; and*

**Response to Subsection 2(c)**

A pre-request response was not provided.

- d. *if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*

**Response to Subsection 2(d)**

The responsible entity of this change request is Brisbane City Council and not the Minister.

- e. *if the responsible entity is, under section 78A(4), the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be an application for State facilitated development under section 106D; and*

**Response to Subsection 2(da)**

The responsible entity of this change request is Brisbane City Council and not the chief executive.

- f. *if paragraphs (d) and (e) do not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application;*

**Response to Subsection 2(e)**

Further to the original assessment of the development application, where potentially new matters of assessment have been identified, this letter and supporting material provide sufficient supporting information for Council to have regard to.

- g. *another matter that the responsible entity considers relevant.*

**Response to Subsection 2(e)**

As above.

3. *Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d), (e) or (f) consider —*

- a. A statutory instrument; or
  - b. Another document applied, adopted or incorporated (with or without changes) in a statutory instrument.
4. The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.
5. However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to –
- a. The statutory instrument or other document as in effect when the change application was made; or
  - b. If the statutory instrument or other document is amended or replaced after the change application is made but before it is decided – the amended or replacement instrument or document; or
  - c. Another statutory instrument –
    - i. That comes into effect after the change application is made but before it is decided; and
    - ii. That the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.

#### **Response to Subsections 3, 4 and 5**

Whilst this change is to an approval assessed and issued under Brisbane City Plan 2014, the site is subject to a Business Park Approval which continues to be in effect. This change is specifically concerned with the provision of car parking on the site and the assessment demonstrates the change complies with the provisions of this overarching approval. Notably, recent development for Business Premises has been approved (building approval) and developed in accordance with the Business Park approval. The applicant has not identified any further statutory instruments or documents which would impact on Council's assessment of the application.

## **6. Owners Consent**

As identified in **Section 3.2** above, the adjoining land at 54 and 68 Southgate Avenue was only included in the original development application for the purposes of providing additional carparking. Importantly, the land currently described as 68 Southgate Avenue (Lot 1 on SP283380) never formed part of the original development application.

The application only ever applied to the portion of 68 Southgate Avenue which comprised the Parking station, and in particular the part identified as approved Lot 2 of the subdivision approval which established the Parking station on its own lot (A004402208). The application was never made over the land currently described as 68 Southgate Avenue and therefore owner's consent is not required for that land parcel.

Regarding 54 Southgate Avenue, this land is currently owned by REIQ and the attached owner's consent includes this land.

## **7. Conclusion**

In conclusion, the applicant advises:

- The proposed change to the current development approval meets the definition of a 'minor change' as set out in Schedule 2 of the Planning Act and Schedule 1 of the DA Rules.
- The proposal has been assessed against the relevant matters in Section 81(2) of the Planning Act, and based on the outcomes of this assessment, the proposed minor change is recommended for approval.

Yours sincerely,



Andrew Crawford

EXECUTIVE DIRECTOR – PLANNING