

Our ref: 8100
Council ref: A004397446

11 September 2026

Brisbane City Council
GPO Box 1434
Brisbane Qld 4001

Via online portal.

Dear Council,

**RE: Change application (Minor change) – s81 of the *Planning Act 2016*
Multiple Dwelling – 23 Units
7-9 Buruda Street, Chermside QLD 4032 (Lots 9 & 10 RP64406)**

We act on behalf of Joseph K Corp Pty Ltd, the Applicant, in relation to this Change Application made in accordance with sections 78 & 81 of the *Planning Act 2016* (the Planning Act). We have carried out an assessment of the proposed changes and believe they constitute a 'minor change' in accordance with schedule 2 of the Planning Act.

The proposed changes primarily relate to amendments to the multiple dwelling layout, as road dedication is no longer required along the Buruda Street frontage. This requirement had a significant influence on the previously approved design. In addition, recent amendments progressed by Council for low-medium density residential development, which support increased residential yield and housing diversity in appropriate locations, have informed the lodgement of this minor change application.

The subject site is located in the Low Medium Density (2 or 3 storey mix) zone and within the Chermside Centre Neighbourhood Plan area.

In support of our change application, the following documentation has been provided as attachments:

Attachment A	Amended Proposal Plans, prepared by Wiltshire Stevens Architecture;
Attachment B	Amended Landscape Concept Plan, prepared by Mark Baldock Landscape Architects
Attachment C	DA Form 5
Attachment D	Owners Consent



1. Background

Material change of use - A004397446

On 8 February 2017, Council approved a Development Permit for a Material Change of Use (Multiple Dwelling) to establish 18 units over the site. The approved multiple dwelling comprised a three-storey building accommodating 18 x 2-bedroom units, with two levels of basement parking providing 28 vehicle parking spaces. The approval also required road widening and verge dedication along the Buruda Street frontage. The road widening was previously required under the local road network improvements identified in the Priority Infrastructure Plan at the time. However, widening of Buruda Street is no longer planned or required under the current Local Government Infrastructure Plan. The approved verge widening was required to ensure a minimum verge width of 2.5m.

A copy of the approved plans is provided in the **Figure 1 to Figure 3** below.

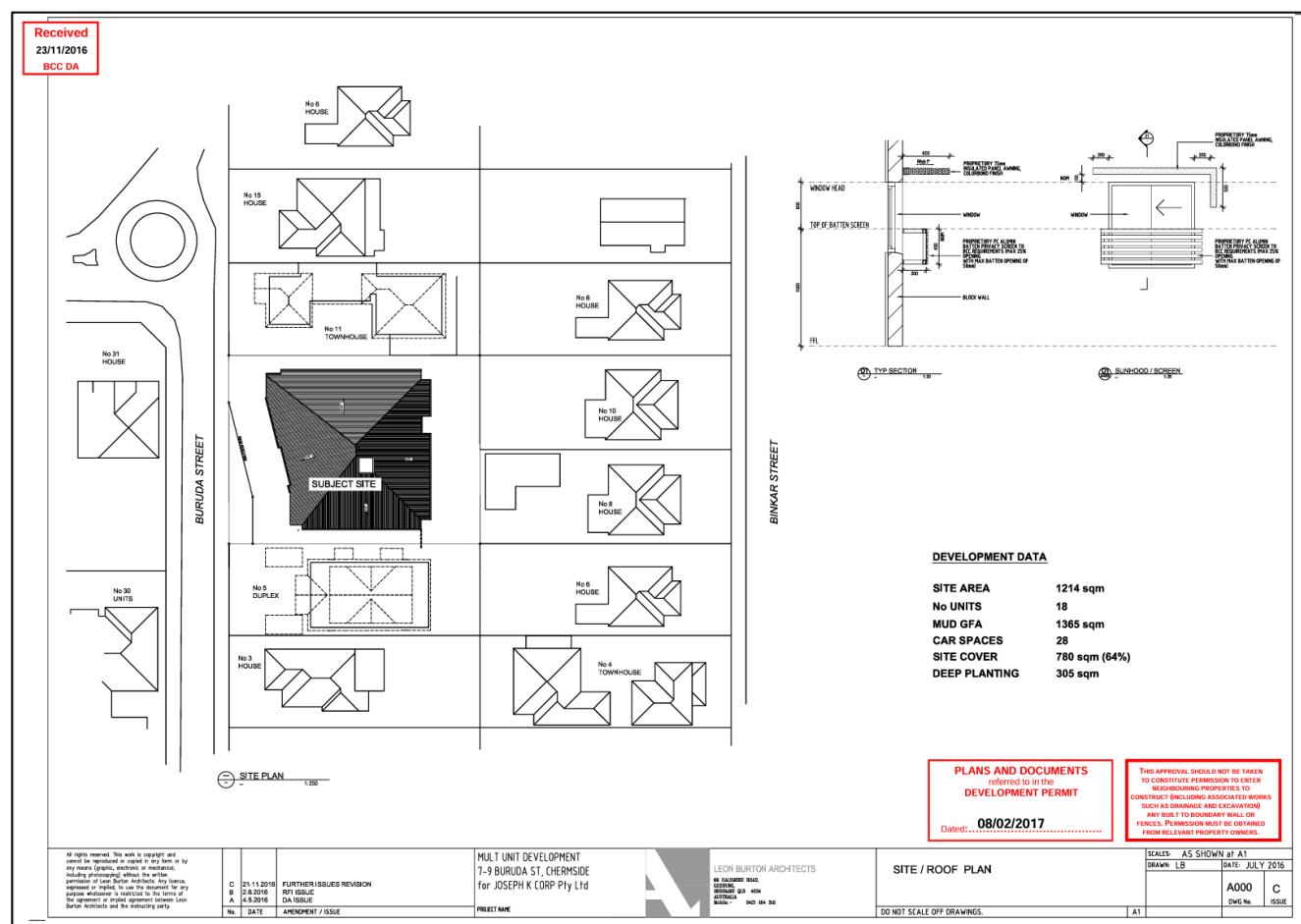


Figure 1: Approved Site / Roof Plan (Source: Leon Burton Architects)



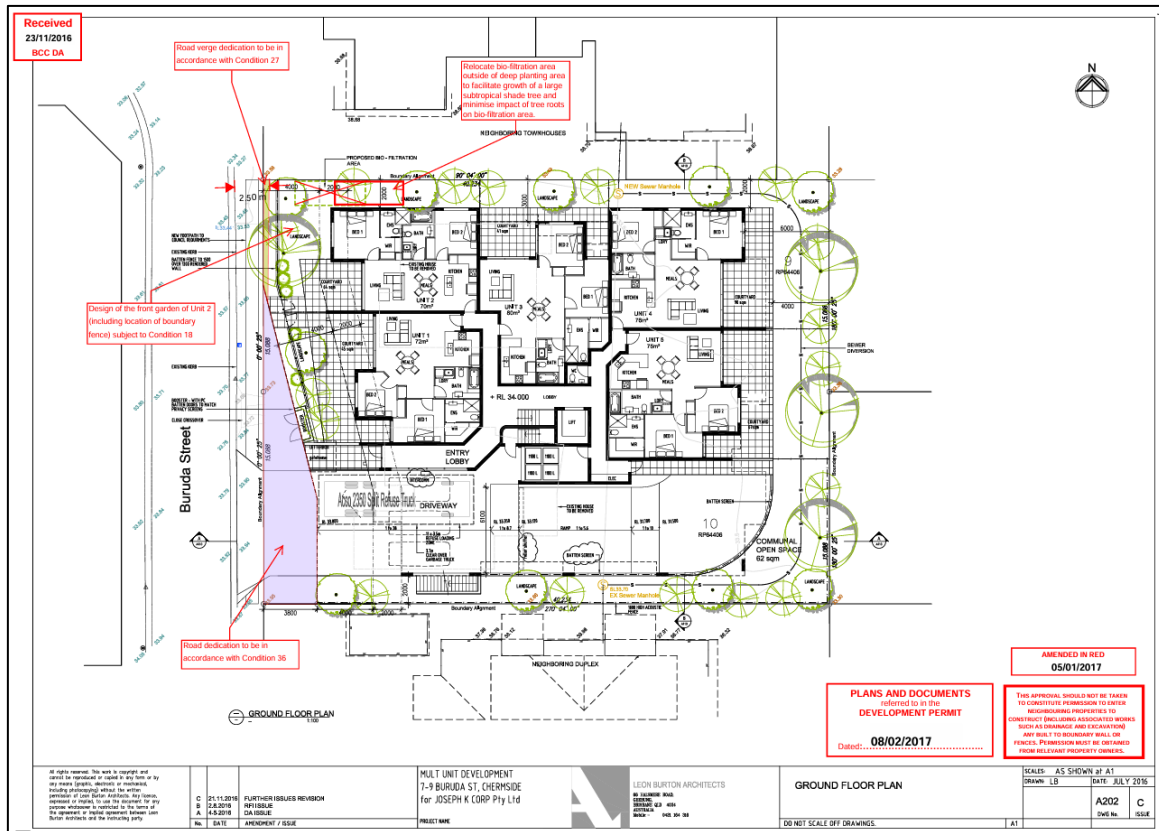


Figure 2: Ground Floor Plan (Source: Leon Burton Architects)

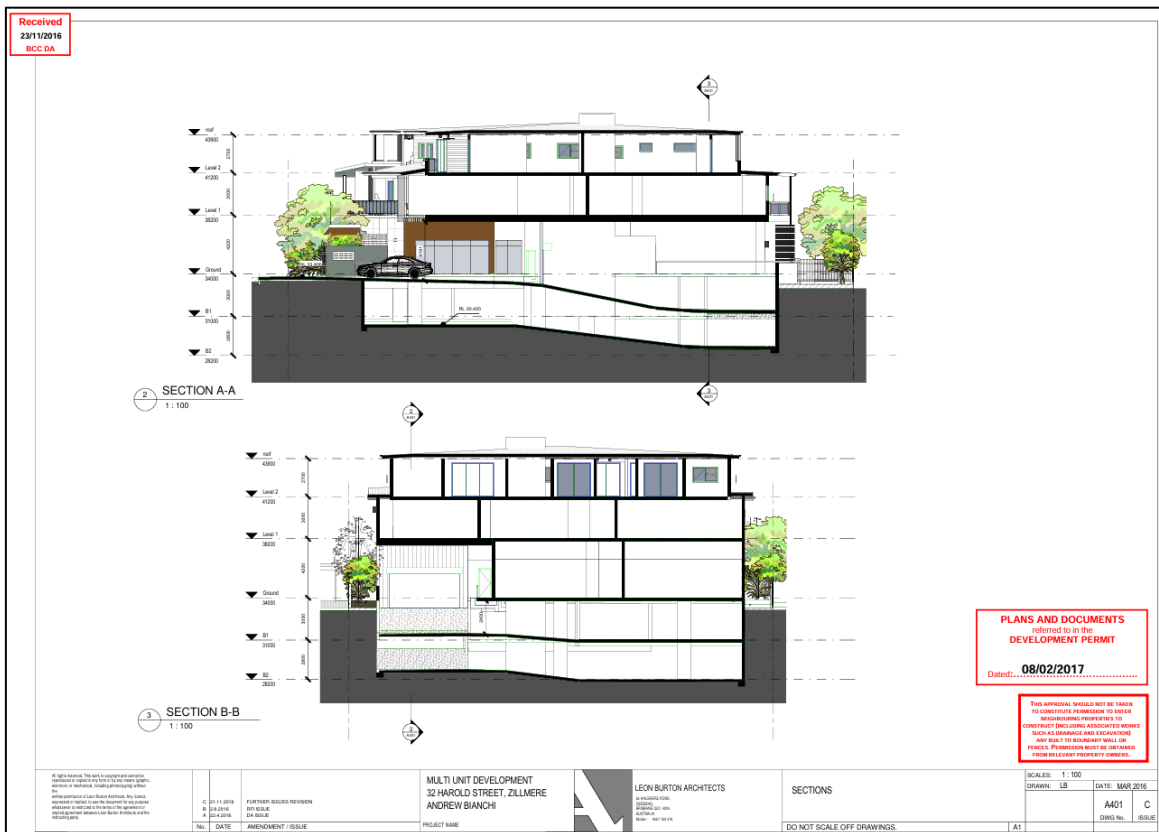


Figure 3: Approved Sections (Source: Leon Burton Architects)



Since the original approval was given, the applicant has sought 2 extensions to the currency period to ensure the development remains current. Details of the extension are provided below:

Extension Application - A006543143

On 13 December 2024, the material change of use was granted an extension to the currency period until 8th August 2026.

Extension Application - A006982092

On 30 April 2026, a further extension to the currency period was approved which extended this to 8 August 2028. Accordingly, the development permit is valid, and a change application can be lodged.

2. Proposed Minor Change

The proposed changes primarily relate to the redesign of the building, as the approved layout no longer needs to accommodate road widening in Buruda Street. That road widening requirement had a substantial influence on the original design. Changes are also proposed to the upper level in response to Council's progressed amendments to the provisions for multiple dwellings in the LMR2 Low-medium density residential zone. The changes for each level are summarised below.

Basement Levels

- Basement Level 1: Expansion and redesign of the basement car parking as the basement area is no longer constrained by road widening in Buruda Street. While no additional car parking spaces have been provided on this level, the redesign has made the car parking layout more efficient and has allowed for the creation of a larger deep planting area in the North-west corner of the site;
- Basement Level 2: Expansion of the basement car parking area to accommodate additional car parking spaces. 11 additional car parking spaces will be provided (20 in total);

Ground Floor

- The ground floor layout is similar to that previously approved, although Unit 2 is now slightly closer to the existing front boundary, as road widening is no longer required.
- Five (5) x 2 bedroom units are still proposed on the ground floor level although the internal layouts have been amended slightly and total GFA of the proposed units will be slightly less (8m²) than that previously approved;
- Overall, the development will still maintain the following minimum setbacks (generally consistent with the previous approval):
 - o Front: 5m setback (to wall) – this exceeds the previously approved setback of 4m (to wall);
 - o Side (North): 2m (this matches the previously approved setback);



- Side (South): 8.5m (this matches the previously approved setback);
- Rear: 6m to wall, 4m to balcony (this matches the previously approved setback);
- Minor changes to the private open space areas for each unit although all units exceed the minimum private open space areas specified in the Multiple Dwelling Code ;
- Minor changes to the refuse collection area to accommodate additional refuse bins;
- Minor changes to the lobby to increase the size of this;

A comparison of the proposed and approved building footprint is illustrated in **Figure 4** below.

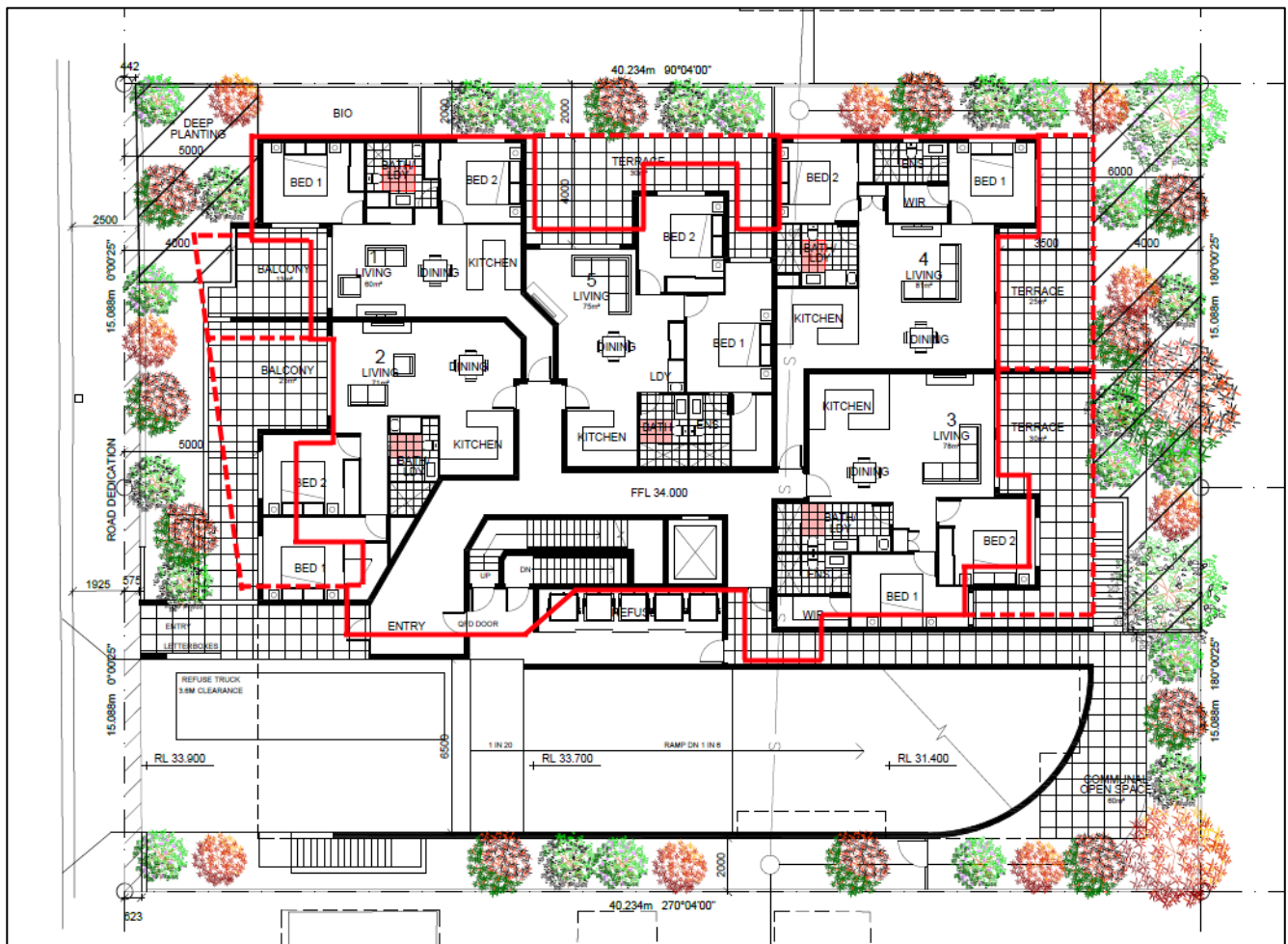


Figure 4: Proposed Ground Floor Plan (Approved Plans overlaid in red)

Level 1

- Redesign of the Level 1 floor plan to 'straighten' the front façade as the design no longer needs to account for road widening in Buruda Street;
- The floor plans have also been reconfigured which has resulted in 2 additional units being provided . The changes are as follows:
 - Approved: 7 x 2 bedroom/2 bathroom units (average unit size of 79m²);
 - Proposed: 4 x 2 bedroom/2 bathroom units, 3 x 2 bedroom/1 bathroom units, 2 x 1 bedroom/1 bathroom units (average unit size of 65.5m²).



- Changes to balcony sizes for each unit (min 9m² and maximum 30m²). It is noted that Unit 3, 4 and 5 are only provided with a 9m² balcony (which is less than the minimum 12m² specified in AO31 of the Multiple Dwelling Code). However, it is important to note that these units are only 50 – 62m² in size internally so the slightly smaller balcony is proportional to the size of the actual units and the number of residents that are likely to utilise this space. As such, the balconies for these units are considered to be appropriately sized and located (adjoining the living spaces within the units) to enhance amenity and liveability for residents, while also being functional considering the number of residents that are likely to use this space;
- Overall, the development will still maintain the following minimum setbacks (generally consistent with the previous approval):
 - o Front: 4m (to balcony), 5m (to wall) – this matches the previously approved setback;
 - o Side (North): 2m (this matches the previously approved setback);
 - o Side (South): 2m (this matches the previously approved setback);
 - o Rear: 6m to wall, 4.5m to balcony (this matches the previously approved setback);
- The changes to the building footprint is illustrated in **Figure 5** below.

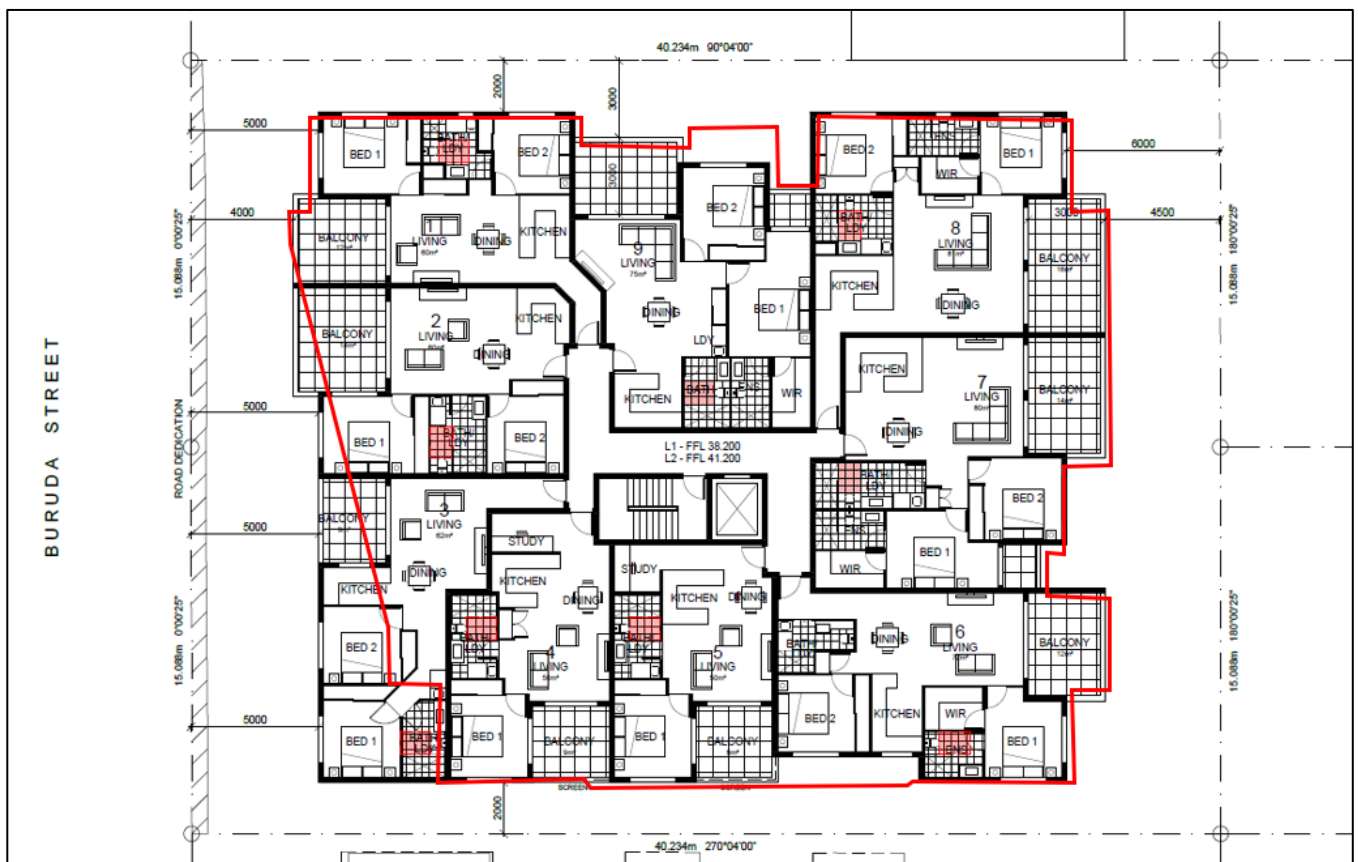


Figure 5: Proposed Level 1 plan (Approved Plans overlaid in red)



Level 2

- Similar to Level 1, the Level 2 floor plan has been redesigned and reconfigured to 'straighten' the front façade as the design no longer needs to account for road widening in Buruda Street and also extend the building footprint closer to the rear boundary;
- The floor plans have also been reconfigured which has resulted in 2 additional units being provided. The changes are as follows:
 - o Approved: 6 x 2 bedroom/2 bathroom units (average unit size of 73m²);
 - o Proposed: 4 x 2 bedroom/2 bathroom units, 3 x 2 bedroom/1 bathroom units, 2 x 1 bedroom/1 bathroom units (average unit size of 65.5m²).
- Changes to balcony sizes for each unit (min 9m² and maximum 30m²). As identified above, the proposed balcony sizes for each unit are considered appropriate;
- Overall, the development has the following minimum setbacks):
 - o Front: 4m (to balcony), 5m (to wall) – this is less than the previously approved setback of 6m (to balcony), 7m (to wall);
 - o Side (North): 2m to wall - this is less than the previously approved setback of 3m);
 - o Side (South): 2m to wall - this is less than the previously approved setback of 3m);
 - o Rear: 6m to wall, 4.5m to balcony – this is less than the previously approved setback of 8m (to balcony), 10m (to wall).

Front Setback

The approved plans allowed for a greater setback on the upper level (6m to balcony and 7m to wall), compared to the first two storeys, which were setback 4m to balcony and 5m to wall.

It is noted that Table 9.3.14.3.C of the Multiple Dwelling Code maintains a consistent minimum front boundary setback for all levels of a multiple dwelling building, including buildings up to 5 storeys in height. On this basis, the planning scheme does not establish an expectation that upper levels must be recessed further from the front boundary than the levels below. In this instance, providing a consistent front building line is considered to be an appropriate built form response as it rationalises the building envelope, presents a more orderly and legible façade to Buruda Street, and allows the building to respond to the existing front boundary now that the former road widening requirement is no longer relevant.

From a practical construction perspective, a consistent building line also assists in achieving a more efficient and economical built form by reducing unnecessary stepping in the structural frame, façade treatment and balcony alignment. This is a reasonable design response where the resulting setback continues to satisfy the minimum planning scheme requirement and does not give rise to unacceptable visual bulk or streetscape impacts.

The surrounding planning context also supports this outcome. Land on the opposite side of Buruda Street is included in the Medium Density Residential zone, which anticipates a more



intensive built form outcome, including buildings up to 5 storeys in height. Accordingly, the streetscape is not characterised solely by a low density residential built form where a greater upper level setback would be necessary to preserve an inherently low-scale streetscape character. The proposed Level 2 setback therefore remains appropriate in the context of both the applicable planning scheme provisions and the existing and intended character of the surrounding area.

Rear Setback

Whilst the proposal does not comply with the acceptable outcome rear setback outlined in Table 9.3.14.3.C, it is considered to satisfy PO3 of the Multiple Dwelling Code. It is noted that Table 9.3.14.3.C of the Multiple dwelling code specifies a minimum setback of 6m (to both the wall and balconies). The proposed development will be setback 6m (to the wall). However, the balconies of the rear units will be setback 4.5m from the rear boundary.

The variation is fairly minor and is not expected to result in unacceptable impacts on adjoining residential amenity. A review of aerial imagery indicates that rear setbacks within the surrounding locality commonly range between approximately 4m and 6m, demonstrating a varied setback pattern rather than a uniform built form outcome.

It is also important to acknowledge the changes that will be adopted shortly for development within the LMR2 Low-medium density residential (2 or 3 storey mix) zone as part of Council's Citywide amendment 'More Homes, Sooner – Low-medium density residential design', which we understand has been adopted and will be incorporated into City Plan 2014 shortly. This is discussed in further detail in Section 2.2 below. As part of the proposed amendment, the site is considered a 'Key Location' (being within 400m walking distance of a high frequency public transport stop as well as the Mixed Use Zone). As such, the amendment will allow for a Multiple Dwelling to be established on the site with a maximum building height of 4 storeys and 14m above ground level and a rear boundary setback of 6m. The proposed development footprint is significantly less than this (refer to **Figure 6** below) and the extent of encroachment within the minimum rear boundary setback area is minimal and limited to balconies only which are lightweight structures that do not contribute significantly to building bulk.

In this context, the proposal remains consistent with the established and anticipated character of the area. The development maintains appropriate separation to adjoining properties, provides landscaping and deep planting along the rear boundary, and ensures impacts associated with overlooking, visual dominance and overshadowing are minimised. Accordingly, the proposal achieves the intent of PO3 despite the minor setback variation.



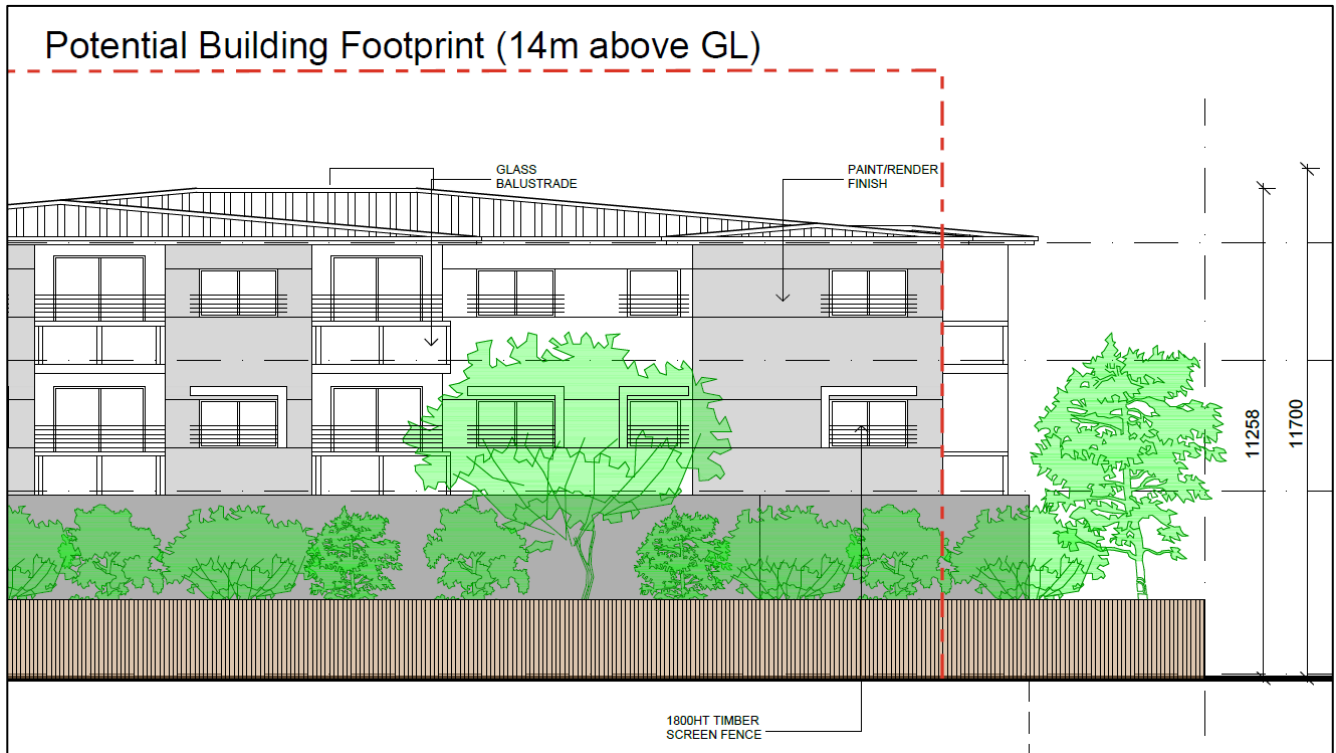


Figure 6: Proposed Building Footprint compared to a compliant footprint (red dashed line)

Side Setbacks

The proposed Level 2 side boundary setbacks are considered appropriate having regard to PO7 of the Multiple Dwelling Code. It is acknowledged that the Level 2 side setbacks are reduced when compared with the approved upper level setbacks. However, the amended setbacks primarily reflect the proposed design approach of aligning the Level 2 footprint with the level below, which was previously approved with a 2m side boundary setback. This allows the Level 1 and Level 2 floor plans to be repeated, resulting in a more efficient and economical building form without materially changing the overall scale, height or residential use of the approved development.

The proposed 2m side boundary setbacks remain capable of supporting the functional outcomes sought by PO7. The setbacks maintain appropriate building separation to adjoining properties and do not rely on screening as the sole means of managing privacy or amenity impacts. The amended design continues to provide opportunities for light, ventilation and outlook between buildings, while the siting of windows, balconies and internal living spaces can be appropriately managed through the proposed architectural design and existing approval conditions relating to screening and privacy.

The setback outcome is also consistent with the established and intended pattern of development in the locality. The site is within a low-medium density residential context where multiple dwelling development is anticipated, and the emerging planning framework further supports three storey development as an expected built form outcome. In this context, a



consistent 2m side setback over Levels 1 and 2 does not result in an inappropriate building form or an unacceptable departure from the intended neighbourhood character. The proposal also retains opportunities for landscaping and deep planting around the building, including along the side boundaries where practicable, thereby continuing to support subtropical landscape outcomes and softening the built form when viewed from adjoining properties.

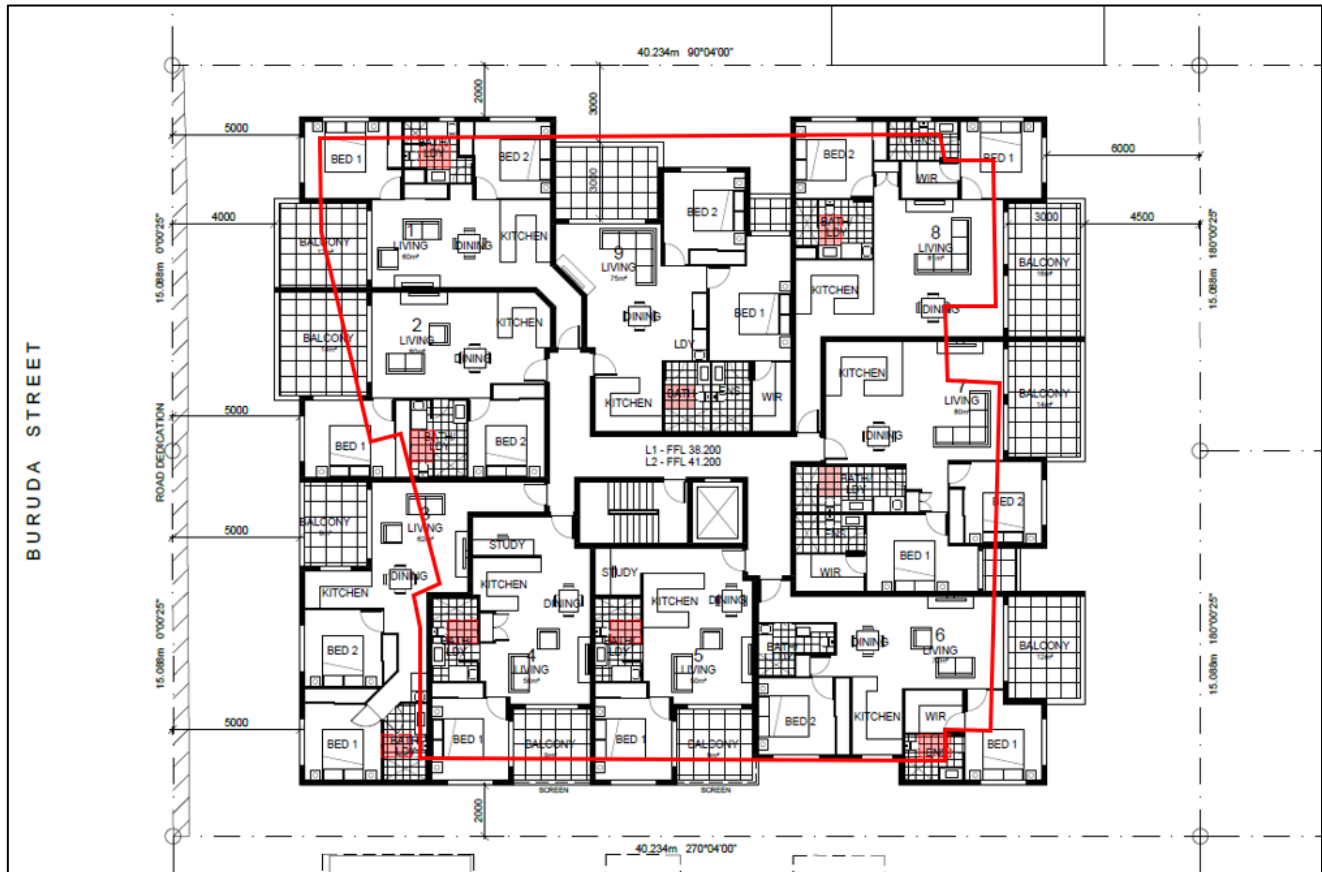


Figure 7: Proposed Level 2 plan (Approved Plans overlaid in red)

Roof Plan

- The proposed roof form has been amended to provide a more interesting and varied roof form;

Elevations

- The overall building height appears to be consistent with the previous approval. The development will have the same FFL for the Ground Floor Level (34m AHD), Level 1 (38.2m AHD) and Level 2 (41.2m AHD). The floor to ceiling height of Level 2 is also the same (2.7m);
- The maximum overall height is approx. 11.3m (to the roof apex) and 11.7m (to the lift over run). While the maximum height of the approved plans wasn't labelled, the maximum overall height of the proposed plans appears to be similar to that which was previously approved.



- There have been a number of changes to the facades of the proposed building in terms of location of balconies and windows and building materials, although the overall appearance of the building remains similar to that previously approved (refer to **Figure 8** to **Figure 11** below).

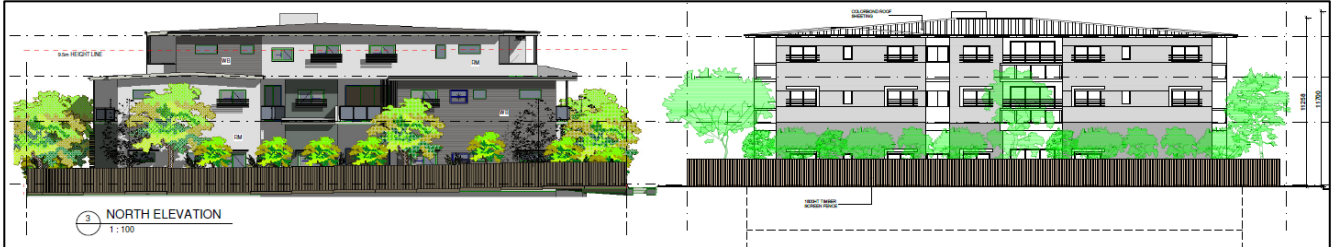


Figure 8: Approved (left) and Proposed (right) Northern Elevation

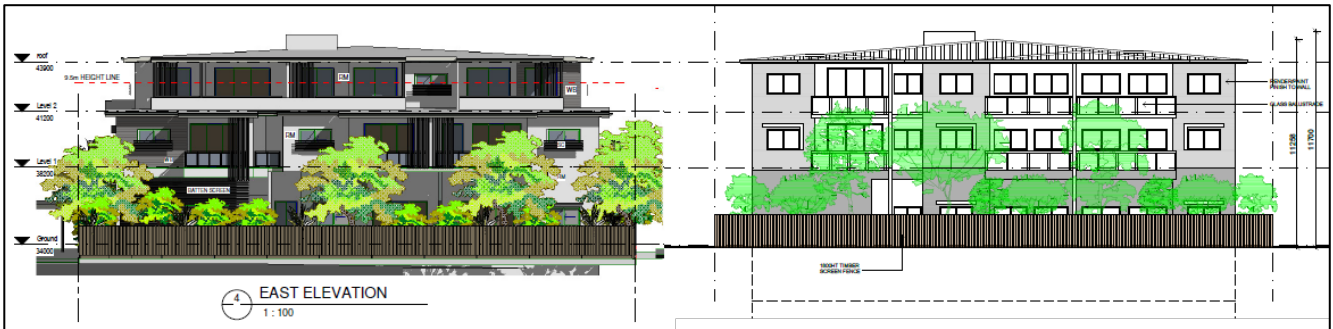


Figure 9: Approved (left) and Proposed (right) Eastern Elevation

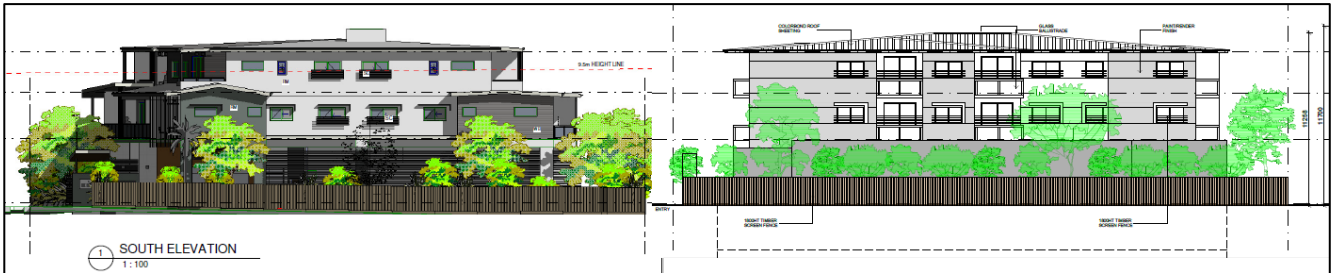


Figure 10: Approved (left) and Proposed (right) Southern Elevation



Figure 11: Approved (left) and Proposed (right) Western Elevation

Unit Mix

The following provides a summary of the key changes to the proposed unit mix:

Unit Type	Approved	Proposed



1 bed, 1 bath	0	6
2 bed, 1 bath	0	8
2 bed, 2 bath	18	9
Total	18	23
Total GFA	1,365m ²	1,545m ²
Average Unit Size	75.8m ²	67.2m ²

While the proposed number of units has increased, this is primarily due to the following factors:

- A larger building footprint is now possible due to the previous road widening no longer being required (refer to Section 2.1 below for further details);
- It is no longer considered necessary to recess the upper level of the proposed building, in light of the changes that are soon to be adopted for development in the LMR2 Low-medium density residential (2 or 3 storey mix) zone (refer to Section 2.2 below for further details);
- The proposed product mix has been refined to respond to contemporary housing demand and changing household demographics since the original approval was issued in 2017. While the proposal increases the total number of units, this is achieved through a broader and more diverse mix of dwelling types, including smaller 1-bedroom units and 2-bedroom/1-bathroom units. This provides greater housing choice and a more varied housing product within the locality, while increasing overall housing stock without a proportionate increase in building scale. The average unit size has also reduced from 75.8m² to 67.2m², demonstrating that the additional yield is primarily a result of a more efficient and varied internal layout rather than a significant intensification of the approved built form.

A copy of the proposed plans can be found below and in **Attachment A**.

2.1. Road Widening Requirements

The widening of Buruda Street was previously identified in the previous Priority Infrastructure Plan (PIP). However, this was removed when this transitioned to the Local Government Infrastructure Plan (LGIP).

As such, we understand that the widening of Buruda Street is no longer sought by Council, which is an outcome that is also reflected in a number of surrounding approvals within the street.

Since the original approval was given, Council have approved a number of other development application in the street including the following:



- A006141259 – 3 BURUDA ST CHERMSIDE, Approved: 24/3/2023
- A005426557 – 18 BURUDA ST CHERMSIDE, Approved: 14/5/2020

For both of the above applications, which each have frontage to Buruda Street, no road widening requirement was imposed for Buruda Street. This indicates that Council no longer requires widening along this frontage and supports removal of the road widening requirement from the proposed plans.

The previous approval required approximately 57m² of land to be dedicated to Council for the future widening of Buruda Street, which extended 3.8m into the site. As road widening along Buruda Street is no longer required, the approved design can be amended so the building presents parallel to the existing frontage, rather than adopting the angled alignment previously required to accommodate the future road boundary.

2.2. Planning Scheme Amendments

2.2.1 Citywide amendment – More Homes, Sooner – Low-medium density residential design

Brisbane City Council is in the process of adopting the current zoning for low-medium density residential zones to achieve more homes in the right places. As part of the proposed Citywide amendment – *'More Homes, Sooner – Low-medium density residential design'*, it is proposed to change the zoning of the subject site from 'LMR2 Low-medium density residential (2 or 3 storey mix) zone' to the 'LMR2 Low-medium density residential (3 or 4 storey mix) zone'.

While the Citywide amendment is not yet in force, it has been adopted by Council and is expected to commence shortly. Accordingly, it is considered appropriate to have regard to the amendment as a clear indication of Council's imminent policy position for the site and the anticipated built form outcomes within the LMR2 Low-medium density residential zone.

The current and proposed zones are shown below in **Figure 13** and **Figure 12** respectively.

Currently, the zoning allows for a maximum building height of 2 storeys (and 3 storeys in certain circumstances). Under the proposed amendment, the new zoning will allow for a maximum building height of 3 storeys (and 4 storeys in 'Key Locations'), noting that the site is considered a 'Key Location'.

The original approval was issued under a planning framework where two storeys were generally anticipated in the LMR2 zone, with a third storey only supported in certain circumstances. In that context, the approved design recessed the third storey further than the lower two levels to reduce the perceived visual bulk and scale of the building when viewed from adjoining properties and the street.



The proposed Citywide amendment represents a clear shift in Council's anticipated built form outcome for the site. Under the proposed LMR2 Low-medium density residential (3 or 4 storey mix) zoning, three storey development is no longer an exception or upper-limit outcome requiring the same degree of mitigation. Instead, it forms part of the expected built form outcome for the locality. Further, as the site is understood to be within a 'Key Location', a fourth storey may also be supported where that additional level is recessed to manage perceived building bulk and scale.

In this context, it is no longer considered necessary for the third storey to be recessed in the same manner as the approved design. The amended proposal therefore rationalises the building form by aligning the third storey with the lower levels, while still remaining a three-storey development and not relying on the additional fourth-storey opportunity contemplated for Key Locations. This allows the building envelope to be used more efficiently/cost effectively, supports the delivery of additional housing, and remains consistent with Council's emerging policy position for low-medium density residential development in well-served locations.

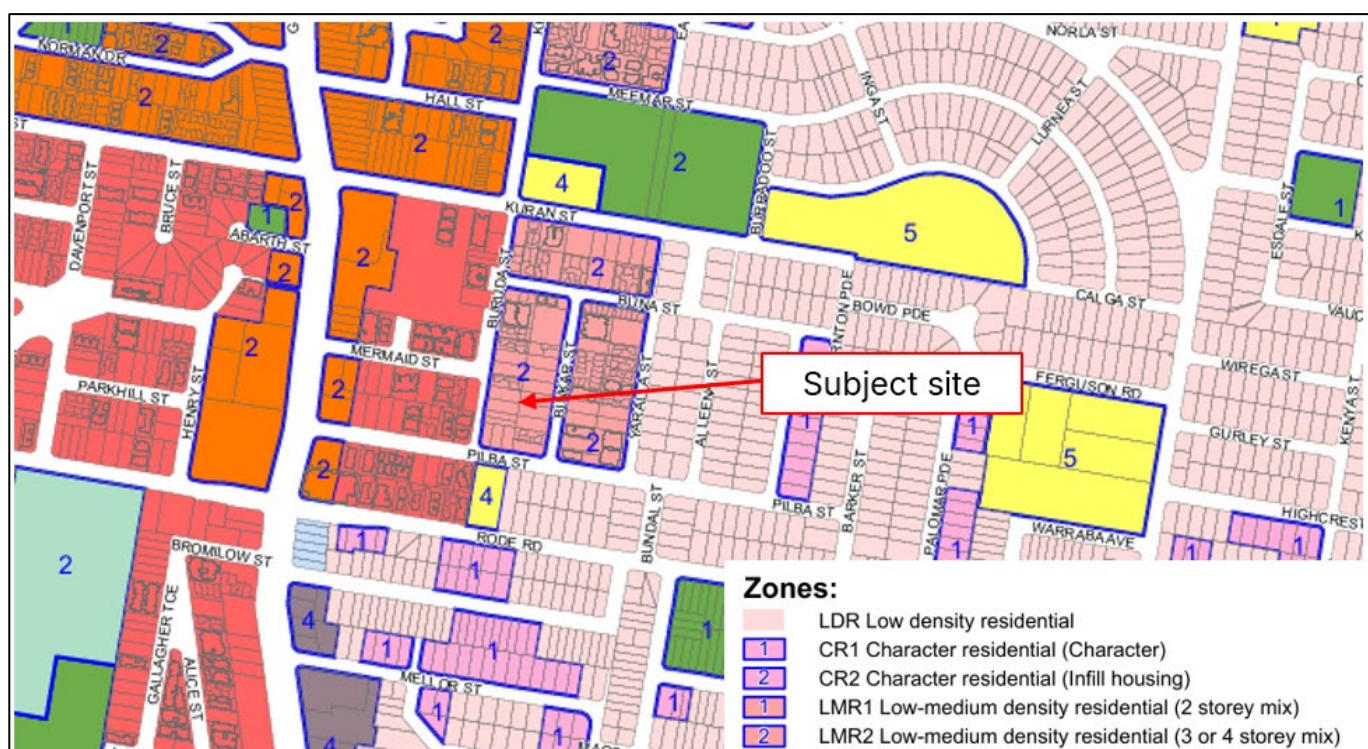


Figure 12: Proposed Zoning: Citywide amendment – More Homes, Sooner – Low-medium density residential design
(Source: BCC)



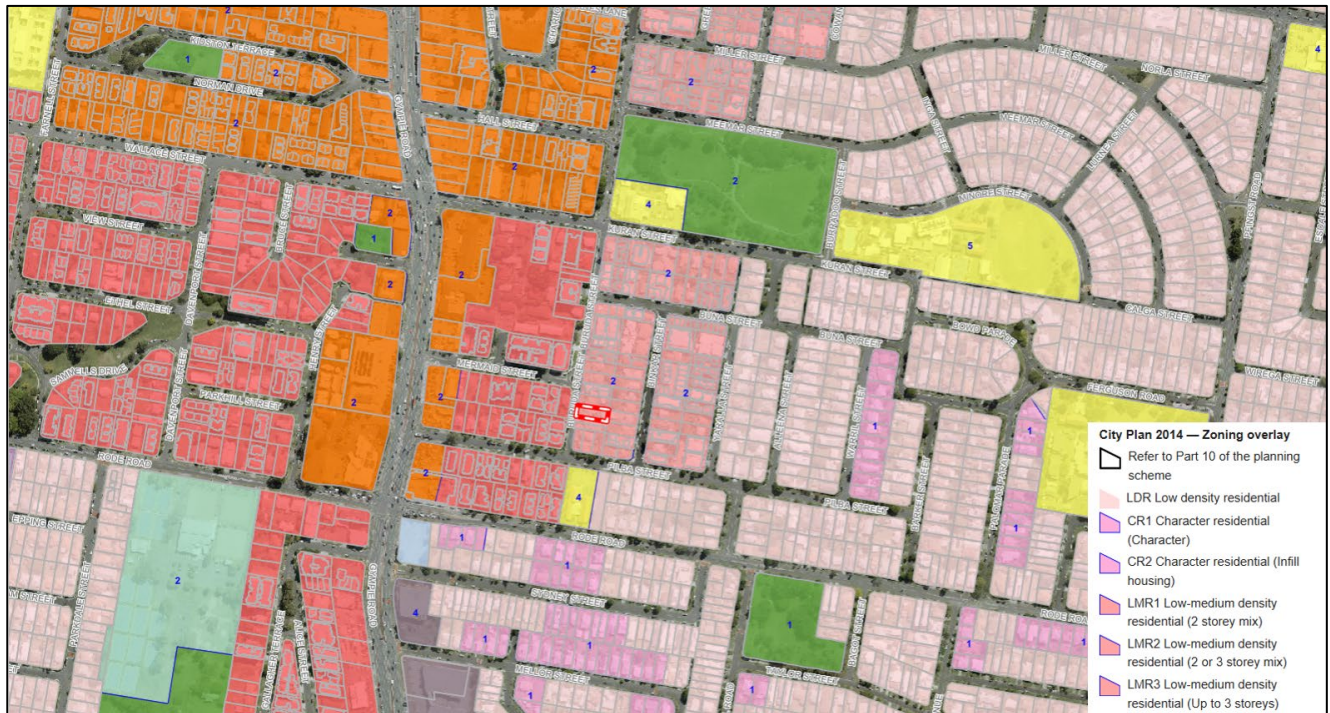


Figure 13: Current Zoning - LMR2 (2 or 3 storey mix precinct) (Source: BCC)

2.2.2 Chermside Centre Suburban Renewal Precinct

Council has identified the Chermside Centre area as a priority growth location and is undertaking a suburban renewal planning process to guide future development outcomes. The stated objective of the process includes increasing housing choice, maximising local transport connections, enhancing the area's subtropical character and expanding opportunities for the local economy. Council has also identified Chermside as a Major Centre that provides significant retail, commercial, health, employment and residential functions, supported by high-frequency public transport infrastructure.

The site is situated within the area currently being considered by Council for additional housing and urban renewal opportunities. While the outcomes of the precinct planning process are not yet known, the purpose of the project demonstrates a clear strategic intent to facilitate additional residential growth and housing diversity in accessible locations that are well served by infrastructure, employment opportunities and public transport.

Whilst further information is expected, it is acknowledged that the proposed changes are consistent with this broader strategic direction. The proposal facilitates an increase in dwelling yield on an established urban infill site without fundamentally altering the approved land use or development form. The proposal represents a logical and orderly response to that emerging policy position by facilitating additional housing supply in a location specifically identified as suitable for future growth and renewal.



3. Amendments to Approval

The following changes are requested to the development conditions and approved plans.

3.1.1 Revised Approved Plans

In order to facilitate the proposed changes, we request that the approved plans identified below be superseded and replaced with the amended proposal plans prepared by Wiltshire Stevens Architecture, as set out in **Attachment A**.

Title	Approved Plan	Plan Date
Landscape Concept Plan	1604-LP1 Issue: B (Amended In Red 10 JAN 2017) TBA	23 NOV 2016 (Received) TBA
Site / Roof Plan	A000 Issue: C SK-01 – Rev B	23 NOV 2016 (Received) 26.08.2026
Lower Basement Plan Basement Level 2 Floor Plan	A200 Issue: B SK-02 – Rev B	23 NOV 2016 (Received) 26.08.2026
Upper Basement Plan Basement Level 1 Floor Plan	A201 Issue: C SK-03 – Rev B	23 NOV 2016 (Received) 26.08.2026
Ground Level Floor Plan	A202 Issue: C (Amended In Red 05 JAN 2017) SK-04 – Rev B	23 NOV 2016 (Received) 26.08.2026
Level 1 Plan	A203 Issue: C	23 NOV 2016 (Received)
Level 2 Plan	A204 Issue: C	23 NOV 2016 (Received)
Level 1 & 2 Floor Plan	SK-05 – Rev B	26.08.2026
Elevations	A400 Issue: C SK-06 – Rev A	23 NOV 2016 (Received) 26.08.2026
Elevations	SK-07 – Rev A	23 NOV 2016 (Received) 26.08.2026
Sections	A401 Issue: C	23 NOV 2016 (Received)

3.1.2 Amended Conditions

The following changes are required to the approved conditions:

Approved Condition	Proposed Changes
<i>12) Balconies and Terraces to Remain Unenclosed</i> <i>Other than at Unit 6 as shown on the approved plans, all balconies and terraces shown on the approved drawings and documents, are to remain</i>	2) Balconies and Terraces to Remain Unenclosed Other than at Unit 6 Unit 4, 5 and 9 on Level 1 and Level 2 as shown on the approved plans, all balconies and terraces shown on the approved



Approved Condition	Proposed Changes
unenclosed with no shutters, glazing, louvres or similar permanent fixtures other than those consistent with the relevant Brisbane Planning Scheme Codes/Policies and clearly depicted on the approved drawings. Any Community Management Statement is to contain a by-law which reflects the requirements of this condition.	drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent fixtures other than those consistent with the relevant Brisbane Planning Scheme Codes/Policies and clearly depicted on the approved drawings. Any Community Management Statement is to contain a by-law which reflects the requirements of this condition.
14) Solar Screening Provide solar screening to all western facing windows, including unit 1 (bedroom 2), unit 2 (bedroom 1) and unit 17 (bedrooms 1 and 2). Screening is to include a vertical screening element and be positioned in conjunction with a window hood.	14) Solar Screening Provide solar screening to all western facing windows. including unit 1 (bedroom 2), unit 2 (bedroom 1) and unit 17 (bedrooms 1 and 2). Screening is to include a vertical screening element and be positioned in conjunction with a window hood.
16) Screening Multiple Dwelling / Dual Occupancy Note: Screening for Unit 6 is required.	16) Screening Multiple Dwelling / Dual Occupancy Note: Screening for Unit 6 Unit 4, 5 and 9 on Level 1 and Level 2 is required.
18) Landscape the Site Landscape the site in general accordance with an approved Landscape Concept Plan, ref. no. 1604-LP1 Issue: B, received on 23 November 2016, amended in red on 10 January 2017, and in accordance with the requirements of this condition as follows:	Update this condition to reflect the amended Landscape Concept Plan.
27) Dedicate As Road - Non Trunk Dedicate as road, for the purposes of verge widening, in accordance with the following requirements: ; i. The area shown as "road verge dedication in accordance with Condition 27" on the approved drawing ref. no. A202 Issue: C, received on 23 November 2016, amended in red on 05 January 2017, titled "Ground Floor Plan" to achieve 2.5m wide road verge.	27) Dedicate As Road - Non Trunk Dedicate as road, for the purposes of verge widening, in accordance with the following requirements: i. The area shown as "road verge dedication in accordance with Condition 27" on the approved drawing ref. no. SK-04 Rev B, dated 26/08/2026, titled 'Ground Floor Level Plan' A202 Issue: C, received on 23 November 2016, amended in red on 05 January 2017, titled "Ground Floor Plan" to achieve 2.5m wide road verge.
33) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking	33) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking



Approved Condition	Proposed Changes
<i>Provide access, parking and manoeuvring for vehicles on site in accordance with the relevant Brisbane Planning Scheme Codes, as indicated on the approved DRAWINGS AND DOCUMENTS, including the following:</i> <i>i. A pavement of minimum Local road standard or equivalent surface material (including associated drainage) to the area on which motor vehicles will be driven and/or parked.</i> <i>ii. Manoeuvring on site for a Refuse Collection Vehicle (RCV) and for the loading and unloading of vehicle(s).</i> <i>iii. Parking on the site for twenty five (25) resident cars, three (3) visitor cars, including one (1) of the visitor parking spaces for people with disabilities, and for the loading and unloading of vehicles within the site</i> <i>iv. Provide 23 number of secure bicycle parking spaces 5 of which are to be provided for visitors</i> <i>v. A minimum of 2.3 metres height clearance to all undercover parking areas and a minimum of 2.5 metres above parking spaces for people with disabilities. The minimum clear height must be measured to the lowest protrusion from the ceiling (e.g. fire sprinklers, services, lighting fixtures, signs, etc).</i> <i>vi. A height clearance sign located at the entrance(s) to undercover car parking areas and a directional visitor parking sign clearly visible from the vehicle entrance to the site.</i> <i>vii. An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site.</i> <i>viii. The internal paved areas must be signed and delineated in accordance with the approved drawings and Manual of Uniform Traffic Control Devices - Queensland Department of Transport and Main Roads - Transport Operations (Road Use Management) Act 1995.</i>	Provide access, parking and manoeuvring for vehicles on site in accordance with the relevant Brisbane Planning Scheme Codes, as indicated on the approved DRAWINGS AND DOCUMENTS, including the following: i. A pavement of minimum Local road standard or equivalent surface material (including associated drainage) to the area on which motor vehicles will be driven and/or parked. ii. Manoeuvring on site for a Refuse Collection Vehicle (RCV) and for the loading and unloading of vehicle(s). iii. Parking on the site for twenty five (25) thirty-two (32) resident cars, three (3) seven (7) visitor cars, including one (1) of the visitor parking spaces for people with disabilities, and for the loading and unloading of vehicles within the site iv. Provide 23 number of secure bicycle parking spaces, 5 of which are to be provided for visitors v. A minimum of 2.3 metres height clearance to all undercover parking areas and a minimum of 2.5 metres above parking spaces for people with disabilities. The minimum clear height must be measured to the lowest protrusion from the ceiling (e.g. fire sprinklers, services, lighting fixtures, signs, etc). vi. A height clearance sign located at the entrance(s) to undercover car parking areas and a directional visitor parking sign clearly visible from the vehicle entrance to the site. vii. An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site. viii. The internal paved areas must be signed and delineated in accordance with the approved drawings and Manual of Uniform Traffic Control Devices - Queensland Department of Transport and Main Roads - Transport Operations (Road Use Management) Act 1995.
36) Land for Transport Network - Road (Trunk)	Delete condition 36.
41) Permanent Vehicle Crossover Provide a 7.5 metre wide Type B2 permanent vehicle crossover to the Buruda Street frontage of	41) Permanent Vehicle Crossover Provide a 7.5 minimum 6.7 metre wide Type B2 permanent vehicle crossover to the Buruda Street



Approved Condition	Proposed Changes
<i>the site in accordance with the relevant Brisbane Planning Scheme Codes and located as shown on the approved DRAWINGS AND DOCUMENTS.</i> <i>Note: No further permits are required to carry out these works and street trees must not be removed without prior approval from Asset Services</i>	frontage of the site in accordance with the relevant Brisbane Planning Scheme Codes and located as shown on the approved DRAWINGS AND DOCUMENTS. Note: No further permits are required to carry out these works and street trees must not be removed without prior approval from Asset Services

4. Legislative Assessment

Schedule 2 of the *Planning Act 2016* establishes the criteria of a minor change to a development approval by way of its definition. To support this application, we have undertaken an assessment against each element of this criteria below:

Minor Change	Response
<i>(b) for a development approval –</i>	
<i>(i) Would not result in substantially different development; and</i>	We have undertaken an assessment against item 4 of <i>Schedule 1: Substantially Different Development</i> within the Development Assessment Rules, which outlines what constitutes 'substantially different development' – refer to the Table below.
<i>If a development application for the development, including the change, were made when the change application is made would not cause--</i>	
<i>(A) the inclusion of prohibited development in the application; or</i>	None of the proposed changes involve the inclusion of prohibited development.
<i>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	The original development did not require referral to a referral agency and the proposed changes will not result in the application being referred to any referral agencies.
<i>(C) referral to extra referral agencies, other than to the chief executive; or</i>	The proposed changes do not necessitate the application being referred to any additional referral agencies.
<i>(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</i>	Not applicable.



Minor Change	Response
<i>(E) public notification if public notification was not required for the development application.</i>	Not applicable. The original development application was subject to Impact Assessment and public notification was undertaken.

Guidance as to what constitutes substantially different development is provided within Schedule 1 of the *Development Assessment Rules* (DA Rules). A response to each of these elements is in the criteria below:

Substantially different development:	Response
<i>(a) Involves a new use; or</i>	The proposed changes do not result in a new use.
<i>(b) Results in the application applying to a new parcel of land; or</i>	The proposed changes do not result in the approval applying to any new parcels of land.
<i>(c) Dramatically changes the built form in terms of scale, bulk and appearance; or</i>	While a number of changes are proposed to the building façade, the approved built form will remain broadly comparable in terms of scale, bulk and appearance and will not be dramatically different from the approved development. The overall building height will remain unchanged. The overall site cover (in m²) will be slightly higher than previously approved (~776m² compared to ~740m²) – which is largely due to the building being reconfigured as the alignment of the front boundary is no longer required to be changed (refer to Figure 14 below). However, it is noted that the site area will also be slightly larger now as the land dedication for road widening is no longer required. The approved site cover (~740m²) represented 64% of the site area (1157m², which is the site area post road widening). As road widening is no longer required, the amended site cover still only represents 64% of the site area (1,214m²). It is acknowledged that the proposed change increases the approved yield from 18 units to 23 units. However, this increase in dwelling numbers does not, of itself, result in a dramatically different built form in terms of scale, bulk or appearance. The additional units are primarily achieved through a more efficient internal layout and a revised dwelling mix, including the introduction of smaller 1-bedroom and 2-bedroom/1-bathroom units, rather than through the introduction of an additional storey or a fundamentally different building typology. The proposal remains a multiple



Substantially different development:	Response
	dwelling development, consistent with the approved use, and continues to present as a three-storey residential building. Importantly, the proposed development maintains the same floor levels as the approved development, with the Ground Floor Level at RL 34.000, Level 1 at RL 38.200 and Level 2 at RL 41.200. The roof form and elevation treatment have been amended, however the overall building height and three-storey presentation remain broadly comparable to the approved development. In this respect, the proposed changes do not result in a materially different vertical scale or introduce a built form outcome that would be unexpected in the context of the existing approval or the emerging planning framework for the locality. The amended building footprint is also largely a consequence of the redundant road widening requirement no longer applying to Buruda Street. The approved design was previously influenced by the need to accommodate a future road/verge dedication, whereas the amended plans allow the building to respond to the existing front boundary alignment. While this results in a more regular and efficient building footprint, the change is a rationalisation of the approved building envelope rather than a wholesale redesign of the built form. In terms of appearance, the proposed elevations retain a comparable contemporary residential presentation, with articulated façades, balconies, glazing, screening, varied external materials and landscaping used to break up the building mass. While balcony positions, window arrangements and façade treatments have been refined, these changes are typical design refinements associated with a revised architectural layout and do not result in a building that would be perceived as dramatically different from that already approved. Overall, the proposal represents an optimisation of an existing approval rather than a substantially different development. The increased yield is acknowledged, but the fundamental development form remains unchanged: the use remains a multiple dwelling, the building remains three storeys, the approved floor levels are retained, and the



Substantially different development:	Response
(d) <i>Changes the ability of the proposed development to operate as intended; or</i>	external presentation remains broadly comparable. On this basis, the proposed changes do not dramatically change the built form in terms of scale, bulk or appearance. The proposed changes do not change the ability of the development to operate as intended. The development will continue to operate as a multiple dwelling, consistent with the approved use, with the principal changes relating to the internal unit mix, minor amendments to the building layout, revised basement parking arrangements and updated architectural plans. The increase in yield from 18 to 23 units is supported by corresponding changes to the basement car parking layout, including an increase in resident and visitor parking, and does not alter the fundamental way in which the development is accessed, serviced or occupied. The vehicle access remains from Buruda Street and the internal circulation, manoeuvring, refuse servicing and basement parking areas have been redesigned to accommodate the amended layout. The proposed changes to the conditions and approved plans will ensure the operational requirements of the development, including access, car parking, bicycle parking, refuse collection, screening, landscaping and unenclosed balconies, continue to be appropriately secured. Accordingly, the proposed changes do not compromise the functional operation of the development or prevent it from operating in the manner originally intended.
(e) <i>Removes a component that is integral to the operation of the development; or</i>	The proposed changes do not remove any component that is integral to the operation of the development. The development will continue to provide the necessary functional elements required for a multiple dwelling development, including vehicle access from Buruda Street, basement car parking, internal manoeuvring areas, refuse storage and collection areas, bicycle parking, pedestrian access, communal and private open space, landscaping, screening and services infrastructure. While some components have been amended to reflect the revised layout, including the basement car parking arrangement, refuse area, landscaping plan, screening requirements and vehicle crossover width, these components are being updated rather than removed. The proposed deletion or amendment of conditions associated



Substantially different development:	Response
(f) <i>Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	with the former road/verge dedication does not remove an operational component of the development, as that dedication is no longer required and does not form part of the functional operation of the multiple dwelling. Accordingly, the proposed changes retain all necessary components required for the development to operate effectively.
	It is acknowledged that the proposed yield increase from 18 to 23 units will result in some additional vehicle movements to and from the site. However, the additional traffic generated by five additional dwellings is expected to be modest in the context of an approved multiple dwelling development and the surrounding urban road network. The proposal does not introduce a new use, commercial traffic, heavy vehicle movements or a materially different traffic profile; rather, it remains a residential use generating typical residential trips.
	The amended basement design also provides additional on-site car parking, increasing the approved provision from 28 spaces to 39 spaces, comprising 32 resident spaces and 7 visitor spaces. This ensures the increased dwelling yield is accompanied by a corresponding increase in parking supply and does not create an unreasonable reliance on on-street parking. Vehicle access remains from Buruda Street, and the internal access, manoeuvring, refuse collection and parking areas have been redesigned to support the amended layout. Accordingly, while the proposed change will increase traffic to the site to a limited extent, the increase is not considered to be significant and will not adversely impact traffic flow or the operation of the surrounding transport network. The proposal remains consistent with the traffic and access function anticipated for an approved multiple dwelling development on the site.
(g) <i>Introduces new impacts or increases the severity of known impacts; or</i>	The proposed changes do not introduce new impacts or increase the severity of known impacts to a degree that would result in substantially different development. It is acknowledged that the proposal increases the approved yield from 18 to 23 units and includes changes to the building footprint, unit mix, basement layout, setbacks, balconies, façade treatment and landscaping. However, these impacts remain the same types of impacts ordinarily associated with the approved multiple dwelling use,



Substantially different development:	Response
	including built form, overlooking, privacy, traffic, parking, servicing, refuse collection and landscaping outcomes. The amended plans continue to manage these impacts through appropriate building separation, setbacks, screening, balcony design, landscaping, on-site car parking and refuse servicing arrangements. While the design has been rationalised to respond to the removal of the former road widening requirement and the updated planning context, the development remains a three-storey multiple dwelling on the same site and does not introduce a new use, additional storey, commercial activity or materially different operational characteristics. Accordingly, although the proposed changes will alter some aspects of the approved development, the nature and extent of the resulting impacts remain consistent with those already contemplated by the existing approval. The proposed changes are therefore not considered to introduce new impacts, or increase the severity of known impacts, in a way that would prevent the change from being properly characterised as a minor change.
(h) <i>For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – Introduces new social impacts or increase the severity of known social impacts; or</i>	Not applicable. The development does not require social impact assessment.
(i) <i>Removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	The proposed changes do not remove any incentive or offset component that was required to balance a negative impact of the approved development. The amendments principally relate to the building layout, unit mix, car parking arrangement, landscaping, screening and removal of the redundant road widening requirement. These changes do not remove any approved offset, compensatory work, infrastructure contribution, environmental offset or other incentive relied upon to address an adverse impact of the original approval.
(j) <i>Impacts on infrastructure provisions.</i>	The proposed changes are not considered to materially impact infrastructure provisions. It is acknowledged that the increase in yield from 18 to 23 units may result in a corresponding change to infrastructure demand. However,



Substantially different development:	Response
	the development remains the same approved use, being a multiple dwelling, and continues to be located within an established urban area serviced by existing infrastructure networks. Any change to infrastructure charges can be appropriately addressed through Council's infrastructure charges framework and does not indicate that the proposal represents substantially different development.



Figure 14: Approved Site (left) compared to proposed site cover (right)

4.1. Decision Matters Assessment

In addition, we have also carried out an assessment against section 81 of the *Planning Act 2016* which outlines the matters an assessment manager must assess against when deciding a minor change application as set out below:

Decision Matters Assessment	Response
(1) <i>This section applies to a change application for a minor change to a development approval.</i>	
(2) <i>When assessing the change application, the responsible entity must consider—</i>	
(a) <i>the information the applicant included with the application; and</i>	The information supporting this application is included within this letter.
(b) <i>if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and</i>	Public notification was carried out for the original development application and two properly made submissions were received, both of which were objections. The issues raised related to local traffic and on-street parking congestion, impacts on views and property values, potential impacts associated with basement excavation, and



potential overlooking from east-facing balconies. These matters were considered by Council as part of its assessment of the original development application.

The proposed minor change does not introduce a new use or fundamentally alter the nature of the approved development. The development remains a multiple dwelling, and the amended plans continue to provide on-site car parking, vehicle access, refuse servicing, screening, landscaping and building separation measures. While the increase from 18 to 23 units is acknowledged, the amended basement layout provides additional car parking and the traffic impacts remain residential in nature and modest in scale. The matters raised in the submissions therefore remain appropriately addressed through the approved development, the amended plans and the proposed amended conditions.

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

Not applicable, the proposed change does not trigger referral to any additional referral agencies and the proposed changes did not seek a pre-request response. As such, there is no applicable pre-request response or response notice.

(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

Not applicable, the responsible entity for the application is not the Minister.

(e) if the responsible entity is, under section 78A(4)(a), 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

Not applicable, the responsible entity for the application is 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

As paragraphs (d) and (e) do not apply, the responsible entity may have regard to the matters that would be assessed if the change application were made as a development application. The



change application were a development application; and

relevant assessment matters include the applicable provisions of City Plan 2014, including the Low-medium density residential zone code, Chermside Centre neighbourhood plan code, Multiple dwelling code, Transport, access, parking and servicing code, Infrastructure design planning scheme policy and any other applicable planning scheme provisions relevant to the amended design.

Those matters have been addressed within this change application. The proposed development remains a multiple dwelling on the same site and does not introduce a new use, additional storey or fundamentally different built form. While the proposal increases the approved yield from 18 to 23 units, the additional dwellings are largely achieved through a revised unit mix and more efficient internal layout, supported by additional on-site car parking, updated refuse servicing, revised landscaping and amended screening and balcony controls. The proposed changes therefore remain capable of satisfying the relevant planning scheme outcomes relating to built form, amenity, housing diversity, traffic, access, parking, servicing, landscaping and infrastructure. The properly made submissions received in relation to the original development application have also been considered, with the matters raised continuing to be appropriately addressed through the amended plans and conditions. Regard has also been given to Council's emerging planning framework for low-medium density residential development, which supports additional housing supply, housing diversity and more efficient use of well-located urban land. On balance, the matters the assessment manager would or may assess against, or have regard to, support approval of the proposed minor change.

(g) another matter that the responsible entity considers relevant.

The proposed minor change gives rise to a number of positive planning outcomes that the assessment manager may consider relevant. The revised development provides a broader mix of dwelling types, including 1-bedroom and 2-bedroom dwellings, which improves housing choice and diversity when compared with the approved



development comprising only 2-bedroom units. The introduction of smaller dwelling formats also provides a more varied and potentially more attainable housing product within the locality.

The proposal also facilitates the efficient delivery of additional housing supply on a site that is already approved for multiple dwelling development and is located within an established urban area with access to infrastructure, services, public transport and the Chermside Major Centre. This outcome is consistent with the broader strategic planning direction for the locality, including Council's emerging planning framework for low-medium density residential development and the identification of Chermside as a location suitable for further housing growth and renewal.

These matters weigh in favour of approval of the proposed minor change, particularly where the proposal does not introduce a new use, does not add an additional storey, maintains broadly comparable built form outcomes, and continues to manage traffic, parking, servicing, landscaping and residential amenity impacts through the amended plans and conditions.

(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.*

Since the original approval was granted, Council has progressed amendments to the applicable planning framework, including the *More Homes, Sooner – Low-medium density residential design* amendment. While this amendment was not in force at the time of the original approval, it is relevant to the assessment of the change application insofar as it provides a clear indication of Council's current and emerging policy position for low-medium density residential development in well-served locations.

The proposed changes are consistent with that policy direction by facilitating additional housing supply and a broader mix of dwelling types within an established urban area, while retaining the approved multiple dwelling use, three-storey built form and broadly comparable building scale. The



proposal does not seek to rely on a fundamentally different planning basis, nor does it introduce impacts of a kind or scale that would be inconsistent with the matters the assessment manager would have regard to under the amended or emerging planning framework.

In summary, we believe that the proposed changes have adequately considered the matters within section 81 of the *Planning Act 2016*. Prior to lodgement, the applicant will confirm the final amended landscape plan reference, plan dates and any associated condition wording to ensure consistency between the attachments, amended conditions and approved plans table.

5. Summary

In summary we are of the view that the proposed amendment satisfies the minor change criteria and we therefore request Council amend the condition as per the representation set out within this letter; and include reference to the attached proposed plans within the approval document.

Upon receipt of Council's assessment fee, we will coordinate payment at earliest opportunity.

Should you wish to discuss the above matters further, please do not hesitate to contact me on (07) 3251 9456 or email at liamwiley@saundershavill.com.

Yours sincerely
Saunders Havill



Liam Wiley
Principal Town Planner

