



Minor Change

Minor Change to a Development Permit for a Material Change of Use for a Food and Drink Outlet, Multiple Dwelling, Office, Shop and Short-term Accommodation (A005273624)

95 Linton Street, Kangaroo Point

Submitted to Brisbane City Council
on behalf of Ciki Holdings Pty Ltd

Prepared by Colliers Urban Planning

18 March 2026 |



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Colliers Urban Planning acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past and present.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

Contact	Nelson Morse Junior Planner	Nelson.morse@colliers.com 0409 327 919
----------------	--------------------------------	---

This document has been prepared by

Nelson Morse 18 March 2026

This document has been reviewed by

Morgan Randle 18 March 2026

Version No.	Date of issue	Prepared by	Approved by
A (DRAFT)	03/09/2025	RL	MR
B (DRAFT)	17/03/2026	NM	MR
C (FINAL)	18/03/2026	NM	MR

Reproduction of this document or any part thereof is not permitted without written permission of Colliers International Urban Planning Pty Ltd. Colliers Urban Planning operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed, it is a preliminary draft.

Contents

Application Summary.....	5
1.0 Introduction.....	6
2.0 Approval History.....	7
2.1 Existing Approval History to be Changed.....	7
2.2 Complete Approval History.....	8
2.3 Economic Development Queensland Approval History.....	10
3.0 Pre-lodgement Meeting Minutes.....	11
3.1 State Assessment and Referral Agency.....	11
4.0 Site Visit.....	15
5.0 Proposed Change.....	17
5.1 Overview.....	17
5.2 Hours of Operation.....	18
5.3 Parking.....	18
5.4 Servicing and Refuse.....	18
5.5 Condition Amendments.....	18
6.0 Minor Change Assessment.....	20
6.1 Planning Act 2016.....	20
6.2 Development Assessment Rules.....	21
7.0 Planning Assessment.....	23
7.1 Planning Scheme Assessment at Approval.....	24
7.2 Planning Scheme Assessment at Change.....	25
8.0 Conclusion.....	27

Figures

Figure 1 Site Aerial.....	6
Figure 2 Approved Site Plan.....	7
Figure 3 Site Images.....	16
Figure 4 Comparison of Approved Vs Proposed Level 01 Plan.....	17

Tables

Table 1	Application Summary	5
Table 2	Approval History	8
Table 3	Summary of Council Pre-lodgement Meeting Minutes	11
Table 4	Communal Open Space Assessment.....	12
Table 5	Proposed Changes to Conditions of Approval.....	18
Table 6	Proposed Changes to Conditions of Approval - Material Change of Use	19
Table 7	Minor Change Under the Planning Act 2016	20
Table 8	Substantially Different Development Under the DA Rules	21
Table 9	Assessment Against Section 81 of the Act	23
Table 10	Version 1 & 16 of Brisbane City Council City Plan 2014.....	24
Table 11	Version 23 of Brisbane City Council City Plan 2014	24
Table 12	Communal Open Space in the Development Scheme.....	25
Table 13	Car Parking Rates in the Development Scheme.....	26

Attachments

Attachment	Author
A. DA form 5 & Owner's Consent	Colliers Urban Planning
B. Current Approval Conditions (A005273624)	Brisbane City Council
C. Proposed Plan	Linton
D. Building Management Statement	-

Application Summary

Table 1 below provides a summary of the proposal.

Table 1 Application Summary

Application Summary	
Applicant	Ciki Holdings Pty Ltd C/- Colliers Urban Planning Contact: Nelson Morse & Morgan Randle
Proposal	Minor Change to a Development Permit for a Material Change of Use for a Food and Drink Outlet, Multiple Dwelling, office, Shop and Short-term Accommodation (A005273624)
Site Address	95 Linton Street, Kangaroo Point QLD 4169 (Unit 27)
Real Property Description	Lot 27 on SP281411 Common Property on OSP281413
Site Area	2,835m ²
Easements	<ul style="list-style-type: none"> • Easement AA SP315305 (padmount transformer) • Easement AB SP315306 (pedestrian thoroughfare through the site) • Easement B SP281411 Easement C SP281411 • Easement D • Easement G • Easement I • Easement J • Easement K
LGA	Brisbane City Council
Planning Scheme	Brisbane City Plan (Version 35), Effective 05 December 2025
Neighbourhood/Local Plan	Kangaroo Point South Neighbourhood Plan Area (Vulture Street Precinct (NPP-006))
Zoning	Lot 27 - MU1 Mixed use zone (inner city precinct) Parts of common property – MU1 Mixed use zone (inner city precinct) and HDR1 High density residential (up to 8 storeys)
Local Overlays	<p>Local</p> <ul style="list-style-type: none"> • Airport environs overlay • Bicycle network overlay • Community purposes network overlay • Critical Infrastructure and movement network overlay • Dwelling house character overlay • Flood overlay • Industrial amenity • Potential and actual acid sulfate soils overlay • Road hierarchy overlay • Streetscape hierarchy overlay • Transport air quality corridor overlay • Transport noise corridor overlay
State Overlays	Energex electricity substation 100m buffer
Referral Matters	Energex
LGIP	Located within the Priority Infrastructure Area. No planned trunk works.

1.0 Introduction

On 15 October 2019, a development application (DA) for a minor change to A005125019 was approved by Brisbane City Council (Council) (Council ref: A005273624) for a Development Permit for a Material Change of Use for a Food and Drink Outlet; Multiple Dwelling; Office; Shop; Short Term Accommodation and Preliminary Approval for Building Work (the approval).

The approval was granted over land at 502 Vulture Street, Kangaroo Point (now identified as 95 Linton Street, Kangaroo Point), formerly described as Lot 1 on SP293013, now consisting of several land parcels and volumetric parcels, namely, and common property on OSP281413 (the site). The site is dual zoned with the northern half located within the HDR1 High density residential (Up to 8 storeys precinct) and the southern half within the MU1 Mixed use (inner city) zone of the *Brisbane City Plan 2014* (version 33) (the planning scheme) (refer **Error! Reference source not found.**).

In accordance with Section 78 of the *Planning Act 2016* (the Act), this application seeks a minor change to the approval to convert the approved ancillary gym in Unit 27 to an office.

As demonstrated in this DA, the change:

- is a minor change under Schedule 2 of the Act;
- is not substantially different under Schedule 1 of the Development Assessment Rules (DA Rules); and
- continues to comply with the requirements of the planning scheme and the Act.

The relevant town planning provisions have been identified and assessed, and grounds supporting the application are provided throughout the report. Given the ability for the change application to demonstrate compliance with the provisions, Council is requested to support the proposal and that the current decision notice and approval package is reissued to reflect the proposed changes.



Figure 1 Site Aerial

Source: Nearmap, 2025

2.0 Approval History

The site is subject to an extensive approval history. Following Council's pre-lodgement meeting advice (refer Error! Reference source not found.), a detailed review of these approvals was undertaken to ensure the proposal does not conflict with any conditions or obligations for ongoing compliance. A detailed breakdown of the site's approval history is provided in Error! Reference source not found. and detailed in **section** Error! Reference source not found. below.

To summarise, the building was established under Development Permit A004076935. The original approval was for a 15-storey mixed use development, including 124 residential units and centre activities (Food and Drink Outlet, Office, Shop and Short-term Accommodation). Through several change applications, the development has been modified into a 17-storey mixed use development, including a publicly accessible rooftop bar. Tenancy 27 is currently approved for a private gymnasium however the gym component of the approval was never enacted, and the tenancy has never operated as a gym.

2.1 Existing Approval History to be Changed

The approval sought to be changed through this DA (A005273624) was granted by Council on 16 October 2019 for a minor change to A005125019 for a Development Permit for a Material Change of Use for a Food and Drink Outlet; Multiple Dwelling; Office; Shop; Short Term Accommodation and Preliminary Approval for Building Work (the approval). The site is located within Energex's electricity substation 100m buffer area. As such, all past DAs have been referred to Energex who have supported the development. This DA will also be referred to Energex in accordance with the *Planning Act 2016*.

The existing approval is illustrated in **Figure 2** and provided under **Attachment B**.

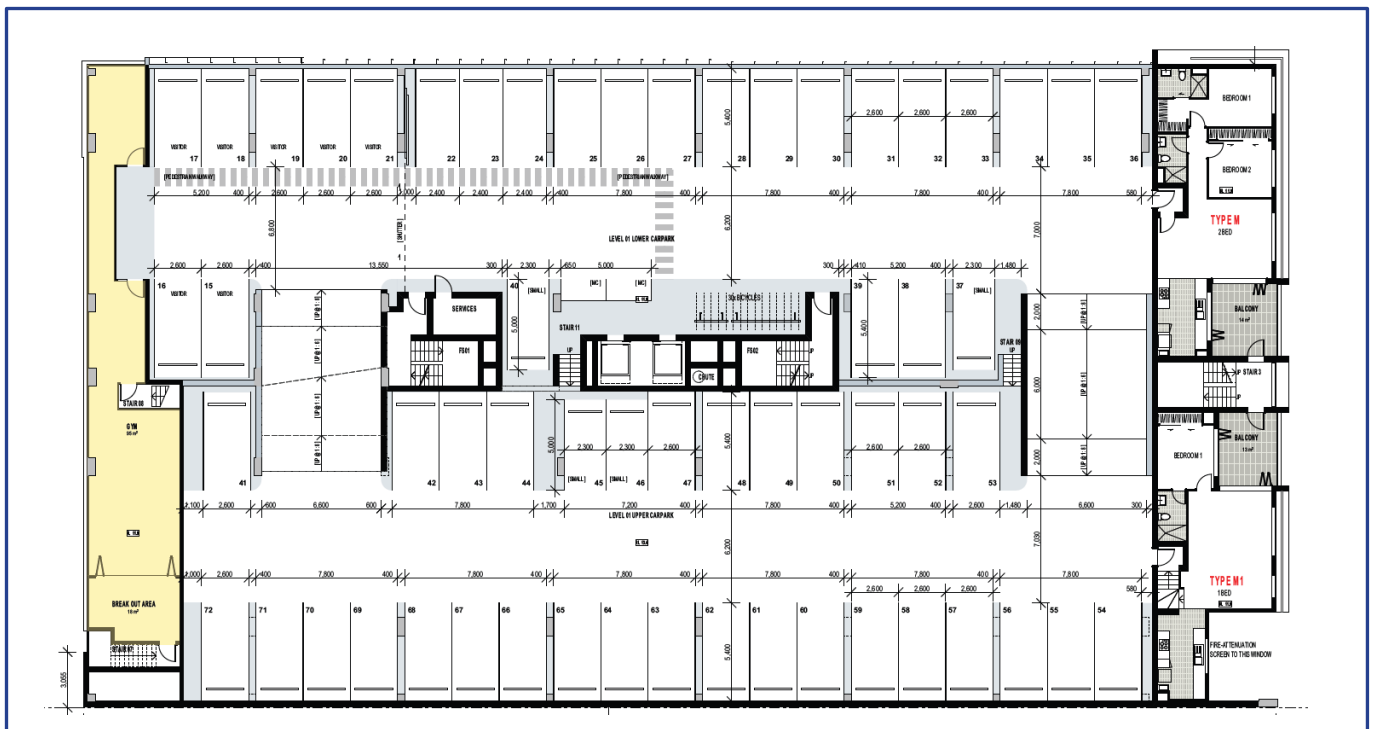


Figure 2 Approved Site Plan

Source: Tonic, 2019

2.2 Complete Approval History

A summary of the site's approval history is provided below:

- The original approval (A004076935) was for a 15 storey building (max height RL 60.5m) comprising 124 residential units, 20 short-term accommodation units and 507m² of non-residential gross floor area (GFA).
- A permissible change was approved by Council on 24 November 2016 (A004407121) which increased the non-residential GFA to 750m² and reduce the maximum building height to RL 57.5m.
- A new development permit (A004643890) was issued on 2 March 2018 for multiple dwelling, short-term accommodation, food and drink outlet, office and shop. This approval increased the height by 2 storeys to 17 storeys overall, included a revised rooftop design and amended the car parking arrangement.
- A minor change (A005125019) was approved on 15 May 2019 for modifications to car parking arrangements, specifically the car stackers provided on Parking Level 2.
- A development permit for reconfiguring a lot for a volumetric subdivision (A005231935) was issued on 15 August 2019. The volumetric subdivision separates the different use components of the building to allow for efficient management and separate titling.
- A minor change (A005273624) was approved on 16 October 2019 to facilitate several minor design changes.
- A development permit for a material change of use for short-term accommodation & multiple dwelling (A005898630) was approved 29 August 2022 to allow dual key arrangements to be used interchangeably for either short term accommodation and / or multiple dwelling as required.
- A development permit for a material change of use (A005899652) was approved on 17 October 2022 and introduced a hotel component to the rooftop. The rooftop was approved with a bar and restaurant terrace for the use of both residents and visitors and the public.

Table 2 Approval History

Application No.	Status	Description	Relevant Conditions / Information
A006083674	Lodged: 16/08/2022 Withdrawn: 27/2/2023	Minor Change to A005273624 for the conversion of gym to shop	<ul style="list-style-type: none"> • Based on the planning report, the intent of the private gym was to ensure the podium car park was not visible from Vulture Street. The gym is sleeved around the car park to screen it from view from Vulture Street. The proposal maintains this. • The planning report notes the tenancy was located partially within the high density residential zone and partially within the mixed use zone. Based on current zoning mapping, the tenancy is wholly within the MU1 Mixed use zone (inner city precinct).
A005899652	Approved 17/10/2022	Development Permit for a Material Change of Use for Food and Drink Outlet & Hotel (impact assessable) – rooftop bar application	<ul style="list-style-type: none"> • Hotel use was sought to allow public access to the existing bar and restaurant. • The rooftop was approved with a bar and restaurant terrace for the use of both residents and visitors. • Two volumetric lots that were established in A005231935 are being utilised to provide public access to the rooftop (Section 3.3): <ul style="list-style-type: none"> - Lot 2 on SP281411 at ground level (for access) - Common property on SP281412 (for lobby and lift access) • Servicing is via the existing on-site refuse and loading area at ground level accessed from Linton Street.
A005898630	Approved (via Negotiated Decision Notice) 29/8/2022	Development Permit for a Material Change of Use for Short-term Accommodation & Multiple Dwelling- (30 units for flexible use as either multiple dwelling or short-term accommodation) (impact assessable)	<ul style="list-style-type: none"> • This approval resulted in studios and 1- bedroom dwellings part of the Linton Platinum CTS dual key arrangement being able to be used interchangeably for either short term accommodation and / or multiple dwelling as required. • The primary purpose of this application is to allow short-term visitors the option of either a studio or one bedroom apartment (or both). • The multiple dwelling use enables stays longer than 3 months.
A005273624	Approved 16/10/2019	Minor Change to A005125019:	<p>Proposed changes include:</p> <ul style="list-style-type: none"> • Change of materials for the balustrade for level 15 unit balconies from solid blockwork balustrading to part glass / part solid blockwork balustrading;

Application No.	Status	Description	Relevant Conditions / Information
		Development Permit for Building Work (Preliminary Approval) Development Permit for a Material Change of Use for a Food and Drink Outlet; Multiple Dwelling; Office; Shop; Short Term Accommodation;	<ul style="list-style-type: none"> • Change of material for the solid wall on the roof top terrace to change most of this to glass; and • Change to the Level 2 carparking plan to allow for a different model of car stackers. The total number of carparking number for this development remains unchanged as 196 spaces. • Include the changes previously considered as GIA. • Condition 8 - The private gymnasium, bar and terrace were conditioned so it is not to be available for use by the general public. • Condition 13 - Provide and maintain unimpeded and safe 24-hour public access through the subject site including the covered arcade area that provides access to Tenancies 1, 2, 3 and 4; the residential lobby; and Short term accommodation reception. Ensure that access ways are designed to cater for people with disabilities in accordance with Australian Standard - AS1428.1 Design for Access and Mobility - Part 1: General requirements for access - New building work. • Condition 14 - requires that car parking must not be made available to the general public. • Condition 27 - requires that the car park be suitably screened and amended drawings prepared for certification. Maximum opening of 30% for the perforations of screening to car parking levels. • Condition 34 - hours of operation for the shop, office and food and drink outlet are limited to 6am to 10pm daily. • Condition 36 - no amplified music from shop, office or food and drink outlet or in the communal areas of the development.
A005231935	Approved - 15/8/2019	Development Permit for Reconfiguring a Lot - Volumetric Subdivision (Staged 4 lots in Stage 1 and 8 x lots Stage 2)	<ul style="list-style-type: none"> • The purpose of this application was to subdivide the approved building to separate the different use components of the building to allow for its efficient management and separate titling. • Stage 1: <ul style="list-style-type: none"> - Lot 2: Volumetric Lot - contains the non-residential components of the approved development. At Ground Level, contains Tenancies 1-4, outdoor areas fronting the tenancies, a storage area under the driveway ramp and void area above at Parking Level 1. - Lot 27: Volumetric Lot - contains the stairs fronting Vulture Street at Ground Level and at Parking Level 1. At Parking Level 2, Proposed Lot 27 contains the contains the gym, breakout area and stairs. - Lot 30: Volumetric Lot - contains the roof terrace, kitchen/dry storage, bar, cool room, toilets and lobby area at Roof Level up to RL 60.5. - Lot 1: Standard Format (Remainder) Lot - contains the remainder of the subject site including the Sub Ground Level, remaining areas of Ground Level and Parking Level 1, remaining areas of Parking Level 2, Parking Level 3, Parking Level 4, Levels 5-16 and remaining areas of Roof Level. • Stage 2 (comprises the further breakup of Proposed Volumetric Lot 2, to further separate these uses of the approved tower development): <ul style="list-style-type: none"> - Lots 21 and 22: Volumetric Lots - each contain part of Tenancy 1 and outdoor areas fronting the tenancies at Ground Level and their related void areas above at Parking Level 1. - Lots 23 and 24: Volumetric Lots - each contain part of Tenancy 2 and outdoor areas fronting the tenancies at Ground Level and their related void area above at Parking Level 1. - Lot 25: Volumetric Lot - contains Tenancy 3 and outdoor areas fronting the tenancy at Ground Level and the void area above at Parking Level 1. - Lot 26: Volumetric Lot - contains Tenancy 4 and outdoor areas fronting the tenancy at Ground Level and the void area above at Parking Level 1. - Lot 28: Volumetric Lot - contains the Storage Room located at Ground level and void above at Parking Level 1.

Application No.	Status	Description	Relevant Conditions / Information
			<ul style="list-style-type: none"> - Lot 29: Volumetric Lot - contains the storage area under the driveway ramp located at Ground Level.
A005125019	Approved – 15/5/2019	Minor Change to A004643890: Development permit for Material Change of Use - Food and Drink Outlet; Multiple Dwelling; Office; Shop; Short Term Accommodation	<p>Minor change for:</p> <ul style="list-style-type: none"> • Rearrangement of the unit layout of Level 15, an additional two-bedroom unit located in the eastern corner of Parking Level 3, fronting Linton Street, and the provision of five (5) additional car stacker parking spaces located on Parking Level 2. • Implementation of 15 dual key apartments forming the Linton Platinum CTS. Each dual key arrangement comprises one studio (approved as short-term accommodation) and one x one bedroom dwelling (approved as multiple dwellings).
A004643890	Approved - 2/3/2018	Development Permit for Material Change of Use for Food and Drink Outlet; Multiple Dwelling; Office; Shop; Short Term Accommodation	<p>Changes application includes:</p> <ul style="list-style-type: none"> • Number of storeys proposed: <ul style="list-style-type: none"> - 17 storey mixed use development - ground floor retail, 4 storey podium comprising of short-term accommodation, residential uses and car parking, a 13 storey tower comprising of short-term accommodation and multiple dwellings and a rooftop terrace and bar. - Transition building height of 17 storeys at Vulture Street stepping to 11 storeys and then to 8 storeys fronting Linton Street. • Revised rooftop design: <ul style="list-style-type: none"> • The revised rooftop area involves 72m² for resident's roof terrace which includes an outdoor kitchen/BBQ area, and 361m² for roof terrace which includes a rooftop bar, community facilities and communal seating areas which is intended to be extensively used by residents. • Amendments to car parking arrangements: <ul style="list-style-type: none"> - residents' car spaces increased from 151 to 189 spaces.
A004407121	Approved - 24/11/2016	Permissible Change to Development Approval for Material Change of Use for Multiple Dwelling, Short-term Accommodation, Food and Drink Outlet, Office and Shop and Preliminary Approval (A004076935)	<p>Changes included:</p> <ul style="list-style-type: none"> • Sub-Ground Level - Revised entry to sleeve apartments from Linton • Ground Level - Revised entry to serviced apartment reception • Increase in car parking to 163 parking spaces (151 residential spaces 12 visitor) in total and 7 motorcycle bays representing an increase in 4 car parking spaces from the approved 159 spaces and an increase of 3 motorcycle bays from the approved 4 bays. • Reduced building height to maximum building height RL of 57.5m.
A004076935	Approved - 25/09/2015	Development Permit for a Material Change of Use for Multiple Dwelling and Centre Activities (Food and Drink Outlet, Office, Shop and Short-term Accommodation) Preliminary Approval for Carrying Out Building Work Preliminary Approval for Carrying Out Operational Work	<ul style="list-style-type: none"> • The approved development comprised 124 residential units, 20 short term accommodation units, 507m² of non-residential GFA, 159 car parking spaces, 4 motorcycle bays and 160 bicycle parking spaces. 15 storeys with a maximum building height RL of 60.5m was approved. The development is commonly known as <i>Linton Kangaroo Point</i>. • The mixed use development comprised of a transitioned building height toward the Linton Street frontage, stepping from 15 storeys to 11 storeys and then to 8 storeys at Linton Street. • A gym/meeting and function rooms for short term accommodation is included on Parking Level 01.

2.3 Economic Development Queensland Approval History

A review of Economic Development Queensland's (EDQ) online portal confirmed no development applications have been lodged to EDQ over the site.

3.0 Pre-lodgement Meeting Minutes

3.1 State Assessment and Referral Agency

A pre-lodgement meeting was held with the Council on 12 June 2025. A response to each of the key items raised is provided in **Table 3** below.

Table 3 Summary of Council Pre-lodgement Meeting Minutes

Key Feedback Item	Response
Approval pathway	
<p>The site is subject to a number of development approvals which have been enacted. It is recommended that a stocktake of these approvals is undertaken to ensure the proposal will not result in any conflicts in terms of conditions or obligations for ongoing compliance.</p>	<p>A detailed review of the site's approval history has been undertaken and is explained in section Error! Reference source not found. This review confirms the proposal does not result in any conflicts that cannot be suitably conditioned and does not result in ongoing compliance issues.</p>
<p>The proposal may be suitable for assessment via a minor change where it is demonstrated the changes do not alter the category of assessment, nor result in substantially different development, as outlined in the Development Rules including but not limited to:</p> <ul style="list-style-type: none"> • dramatically changes the built form in terms of scale, bulk and appearance. • significantly impacts on traffic flow and the transport network, such as increasing traffic to the site. • introduces new impacts or increase the severity of known impacts. • removes an incentive or offset component that would have balanced a negative impact of the development. 	<p>The proposal meets the criteria outlined in the DA Rules to be considered a minor change as demonstrated in section Error! Reference source not found. To summarise:</p> <ul style="list-style-type: none"> • the proposal does not dramatically alter the built form as the gym was never erected at the site, and the change is limited to a conversion of land use; • the proposal does not significantly alter traffic flow and will not significantly increase traffic to the site; • the proposal does not introduce new impacts or increase the severity of known impacts; and • the proposal does not remove an incentive or offset component that would have balanced a negative impact of the development.
<p>As part of a future s81 change application the following material would be required to be submitted to assess the change:</p> <ul style="list-style-type: none"> • Confirmation that the proposal achieves a minor change as defined by the Act (e.g.: no additional referral agencies, level of assessment). • Demonstrating how the proposal does not result in 'substantially different development' as per the DA Rules. • Systematically identify all proposed changes to the approval, including conditions, plans, reports and other approved documents. • Provide a side-by-side comparison of the approved development and areas of all proposed changes on the same page for assessment; • Provide all necessary information required for Council to assess the proposed changes compliance including requirements of CP2014; • Ensure all required plans (site, elevations, and sections) and reports are amended to reflect the proposed changes and submitted for assessment. • Owner's consent under the requirements of the Planning Act 2016 (under s86(2A)) and confirmation of terms of any shared easements. 	<p>This DA addresses all the relevant information as requested. Specifically:</p> <ul style="list-style-type: none"> • This report has demonstrated the proposal meets the requirements to be considered a minor change in accordance with section 81 of the Act as detailed in the assessment provided in section Error! Reference source not found. There are no additional referral agencies, and the level of assessment remains unchanged. • The proposal does not result in substantially different development as outlined in section Error! Reference source not found. • A side by side comparison of the approved development with the areas of proposed changes is provided in Error! Reference source not found. • All necessary information required for Council to assess the proposed changes has been included within this DA. • All required plans have been amended to reflect the proposed changes and are provided under Attachment Error! Reference source not found. • Owner's consent has been obtained and is provided under Attachment A.
Multiple land uses	

Key Feedback Item	Response
It is acknowledged that the Material change of use approval (A004643890 as modified A005273624) permitted a multiple of land uses including Multiple dwelling, Short-term accommodation, Food and Drink outlet, Office and Shop. As such, the proposed change of either an Office or Shop would not result in an additional land use being sought with this approval for the purposes of the substantially different development criteria as outlined by the DA Rules.	Noted.

Removal of communal open space

<p>Further consideration of removal of this element that was offered as exclusive use for residents of the MUDs and STA. A review of the existing communal open space offering will need to be undertaken to ensure the development still provides useable high-quality communal open space for residents that is accessible and attractive.</p> <p>Further supporting information will be required demonstrating if the removal of this gym area from the communal open space offering results in an additional performance outcome against the CP 2014 (i.e. new impacts).</p> <p>Further with consideration of the standalone approval for a Hotel and Food and drink outlet that has been enacted on part of the rooftop - does the exclusion of this gym from the communal space offering remove an incentive or offset component (i.e. further deteriorate the recreation opportunities for residents).</p>	<p>The <i>Brisbane City Plan 2014</i> (City Plan), specifically AO30.1 identifies specific requirements for the area of communal open space in development consisting of 10 or more dwellings including:</p> <ul style="list-style-type: none"> is a minimum of 5% or 40m² of the site area, whichever is greater; is one consolidated useable space, or where exceeding 100m², two separate useable areas within the site; is a minimum 50% open to the sky; is a minimum of 25% landscaping; is a minimum of 25% shaded by trees within 5 years; is a maximum 25% as internal dedicated created space; is designed to provide a range of recreational facilities (seating, barbeque, swimming pool and vegetable gardens); incorporates a flat paved or grassed area with a minimum dimension of 5m in any direction. <p>The approved gymnasium does not meet the above requirements and is therefore not considered communal open space. The above City Plan requirement was in effect at the time of the 2022 approval (A005899652) which sought to introduce the hotel component. This application resulted in a shortfall of communal open space and did not provide justification for this or reference the gym as communal open space. A review of the approval history confirmed the gym was never considered communal private open space.</p> <p>Under the former planning scheme, the development was required to provide 141.75m² of communal open space (5% of the site area of 40m², whichever is greater). The original approval exceeded this requirement by 374.25m². The hotel approval did not alter the Level 8 communal open space but reduced the Level 15 communal open space by 179m². From our review of the approval history, there appears to be an excess of 37.25m² (141.75m² - (72m² + 265m²)) in communal open space as demonstrated below in Table 4.</p> <p>Table 4 Communal Open Space Assessment</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #1a3d54; color: white;"> <th>Communal Open Space</th> <th>City Plan Requirement</th> <th>Development</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>2015 Approval (A004076935)</td> <td>Development provides a minimum of 5% or 40m² of the site area for communal open space, whichever is greater.</td> <td>Total: 516m² (18% of the site area) through 2 x rooftop recreation spaces: Level 8: 265m² Level 15: 251m²</td> <td>Complies - exceeds communal open space by 374.25m².</td> </tr> <tr> <td>2022 Hotel Approval (A005899652)</td> <td>Development consisting of 10 or more dwellings provides communal open space, that is clearly distinguished from deep planting areas and private open space, and:</td> <td>Total: 337m² Level 15: Residents rooftop terrace: 72m² Level 8: 265m²</td> <td>Complies - exceeds communal open space by 37.25m².</td> </tr> </tbody> </table>	Communal Open Space	City Plan Requirement	Development	Compliance	2015 Approval (A004076935)	Development provides a minimum of 5% or 40m ² of the site area for communal open space, whichever is greater.	Total: 516m ² (18% of the site area) through 2 x rooftop recreation spaces: Level 8: 265m ² Level 15: 251m ²	Complies - exceeds communal open space by 374.25m ² .	2022 Hotel Approval (A005899652)	Development consisting of 10 or more dwellings provides communal open space, that is clearly distinguished from deep planting areas and private open space, and:	Total: 337m ² Level 15: Residents rooftop terrace: 72m ² Level 8: 265m ²	Complies - exceeds communal open space by 37.25m ² .
Communal Open Space	City Plan Requirement	Development	Compliance										
2015 Approval (A004076935)	Development provides a minimum of 5% or 40m ² of the site area for communal open space, whichever is greater.	Total: 516m ² (18% of the site area) through 2 x rooftop recreation spaces: Level 8: 265m ² Level 15: 251m ²	Complies - exceeds communal open space by 374.25m ² .										
2022 Hotel Approval (A005899652)	Development consisting of 10 or more dwellings provides communal open space, that is clearly distinguished from deep planting areas and private open space, and:	Total: 337m ² Level 15: Residents rooftop terrace: 72m ² Level 8: 265m ²	Complies - exceeds communal open space by 37.25m ² .										

Key Feedback Item	Response
-------------------	----------

	<ul style="list-style-type: none"> a. is a minimum of 5% or 40m² of the site area, whichever is greater; b. is one consolidated useable space, or where exceeding 100m², two separate useable areas within the site; c. is a minimum 50% open to the sky; d. is a minimum of 25% landscaping; e. is a minimum of 25% shaded by trees within 5 years; f. is a maximum 25% as internal dedicated created space; g. is designed to provide a range of recreational facilities such as seating, barbeque, swimming pool and vegetable gardens; h. incorporates a flat paved or grassed area with a minimum dimension of 5m in any direction. 		
Proposal	As above	As above	As above

Crime prevention through environmental design (CTED), wayfinding and non-discriminatory access.
--

It is acknowledged that the re-use of this space for the purpose of an office or shop provides for activation and causal surveillance over Vulture street.

However, wayfinding and convenient access is unclear with the delineation between public and private space. Further the safety and security of patrons and existing residents to publicly accessible spaces such as car park, pathways, stairs has not been demonstrated.

As such further information will be required to demonstrate wayfinding and CPTED will be addressed including:

- facilitating casual surveillance opportunities and including good sightlines to publicly accessible areas such as car parks, pathways, public toilets etc;
- promoting safety and minimising opportunities for graffiti and vandalism through exterior building design and orientation of buildings;
- ensuring publicly accessible areas such as car parks, pathways, public toilets and communal areas are well lit;
- minimising predictable routes and entrapment locations near car parks, public toilets and communal areas.

Note—For guidance in achieving the key elements of crime prevention through environmental design, refer to the Crime prevention through environmental design planning scheme policy.

Existing Scenario:

- Public access to the lobby is provided Wednesday to Sunday. Outside of these hours, security cards/fobs are required.
- The Building Management Statement (BMS) (refer Attachment **Error! Reference source not found.**) outlines the access and easement arrangements. Unit 27 currently has 3 existing accesses:
 - 1 x off vulture street via stairs that have a security gate requiring a swipe card/fob to gain access (Common Property - Lot 27 on SP281411)
 - 1 x through the internal car park (private access) requiring a swipe card/fob to gain access
 - 1 x through the public lobby and up the lift also requiring a swipe card/fob to gain access
- Pedestrian easements exist on the ground floor, southern lift shaft, and rooftop to allow for public access to the rooftop bar (approved hotel component). The site visit confirmed that wheelchair access is provided adjacent to the stairs either side of the pedestrian walkthrough via a wheelchair lift.
- The gymnasium has no dedicated car parking spaces, all parking spaces are for residents, short-term accommodation and visitors of residents only.

Proposed Scenario/Requirements:

- To facilitate access to the tenancy for office workers (Monday to Friday), the following would be required:
 - Swipe card/fob access provided to:
 - enter the lobby (on Monday and Tuesday)
 - exit the southern lift shaft on Level 1 to the tenancy
 - enter via the staircase off Vulture Street and through the security gate

Key Feedback Item	Response
	<ul style="list-style-type: none"> • If necessary, an intercom system can be established to grant access to office visitors who do not have swipe card/fob access. • The proposal would utilise the southeastern stairwell to access the premises, and this component would remain unchanged. Easement A (ground level pedestrian access) and Easement D (public lift) will also be utilised to ensure equitable access is provided.
<p>As the proposed area is occupied in the podium of the building and not having a ground level street facing present, an office use may be simpler to justify insofar as it has reduced patrons/customers generation that would need to traverse the stairs and upper level car parking to gain access.</p>	<p>The proposal is for an office use.</p>
<p>Hours of operation</p>	
<p>Further information would be required if hours outside the existing condition 34 of the approval.</p>	<p>Condition 34 of the approval states: “The hours of operation for the approved Shop, Office and Food and drink outlet uses are limited to 6am to 10pm daily.” These approved hours of operation are not proposed to change.</p>
<p>Servicing & refuse</p>	
<p>Further information will be required to demonstrate how servicing will be provided and that the site has existing capacity to facilitate additional commercial waste generate from this area.</p>	<p>The site comprises two (2) existing refuse storage areas:</p> <ul style="list-style-type: none"> • 1 x adjacent to the loading dock • 1 x located on the rooftop and for the exclusive use of the sunsets bar <p>Refuse is collected by Council contractors who enter the site’s loading dock via Linton Street. The loading dock is covered by an easement as detailed in the BMS (refer Attachment Error! Reference source not found.).</p> <p>The existing refuse arrangements are not required to be altered to facilitate the proposed change of use. Servicing is undertaken at ground level from Linton Street and facilitated through existing access easements. A site visit was undertaken to confirm the above arrangements and images of the existing refuse storage area and loading dock are provided in Figure 3.</p>

4.0 Site Visit

As discussed in **section** Error! Reference source not found., a site visit was undertaken on 10 July 2025. Relevant images from the site visit are provided in the figures below.



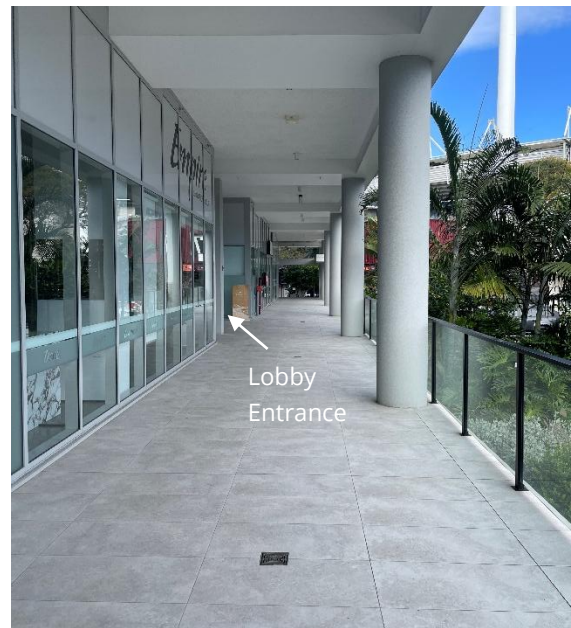
Vulture Street East Frontage



Linton Street Frontage



Lobby Entrance from Pedestrian Walkthrough



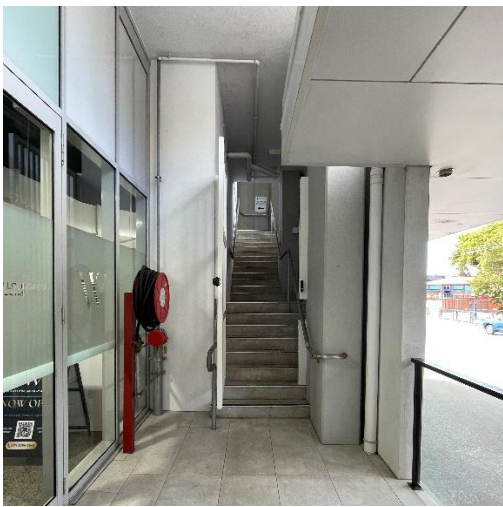
Public Pedestrian Walkthrough (public)



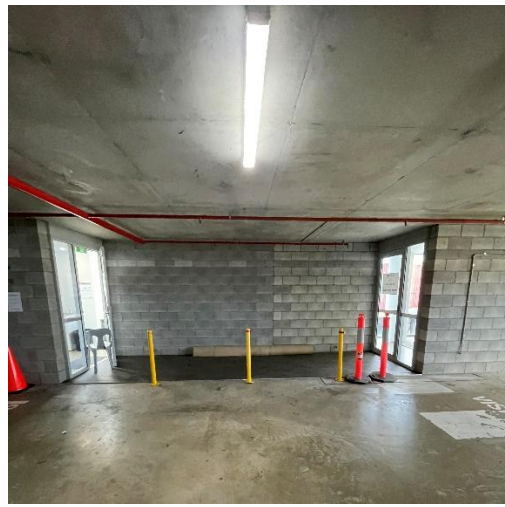
Lifts In Lobby



Intercom on Pedestrian Walkthrough



Gated Stair access via Vulture Street East



Internal Access from Car Park



Bin Store & Loading Dock



Additional Bin Store Room

Figure 3 Site Images

5.0 Proposed Change

5.1 Overview

The tenancy at Unit 27, 95 Linton Road, Kangaroo Point was approved by Council as an ancillary gym and encompasses an area of 95m² plus an additional 18m² break out space (113m² total area) (Council ref: A005273624). The tenancy is identified in yellow in Error! Reference source not found. below and is located on Parking Level 01, on the fourth storey of the development, above the mezzanine level. Since its approval, the tenancy has largely remained vacant and has never taken the form of the gym.

This minor change application seeks to change the approved ancillary gym land use to an office (the proposal). The proposal does not result in any physical changes to the building. Importantly, no changes are proposed to car parking or the approved refuse management system.

This request is made under section 78 of the Act and is to be administered, assessed, and decided as a 'minor change' in accordance with section 81 of the Act. A copy of the revised Architectural Plans are provided under **Attachment C**.



Figure 4 Comparison of Approved Vs Proposed Level 01 Plan

Source: Tonic

5.2 Hours of Operation

The approved hours of operation stated in Condition 34 of the approval are not proposed to be changed.

5.3 Parking

The proposal does not seek to alter the approved car parking arrangements. Under the City Plan, specifically the Transport, access, parking and servicing code (TAPS code), the site is located within the City Core. For the proposed office use, the City Core prescribes a parking standard of Maximum 1 space per 200m² GFA. Further, the Development Scheme prescribes a maximum of 1 spare per 300m² of GFA. As the premise comprises 113m², it is and a maximum of one (1) parking space is prescribed additional car parking spaces are not required.

5.4 Servicing and Refuse

The site comprises two (2) existing refuse storage areas:

- 1 x adjacent to the loading dock; and
- 1 x located on the rooftop and for the exclusive use of the sunsets bar.

The existing refuse arrangements are not proposed to be altered to facilitate the proposed change of use. Servicing is undertaken at ground level from Linton Street and facilitated through existing access easements.

5.5 Condition Amendments

5.5.1 Approved Drawings and Documents

The approved drawings and documents conditioned as part of the change application are illustrated in **Table 5** below. As a result of this change application, the table of approved documents will be required to be updated to reflect the amended plans and documents. Plans proposed to be removed have been identified in ~~strike through~~ text while new plans are identified in **bold** text.

Table 5 Proposed Changes to Conditions of Approval

Drawing or Document	Number	Plan Date
Flood Study Part 1	J13081 (Amended In Red 21-FEB2018)	08-MAY-2015
Flood Study Part 2	J13081 (Amended In Red 21-FEB2018)	08-MAY-2015
Flood Assessment of Revised Construction Drawings	WE17078/Lt01: NES (Amended In Red 21-FEB-2018)	21-APR-2017
Report on Geotechnical and Acid Sulfate Soil Investigation	87337.01	09-MAY-2017 (Received)
Proposed Stormwater Diversion Layout Plan Option 3	790372-001-C1-SK005 Revision 1	09-MAY-2017 (Received)
Road Widening Plan	RPN1085/43/ 1 of 1 Issue H	17-SEP-2010
Landscape Concept Plan Linton Apartments	Project Number P292 (Amended In Red 20-FEB-2018)	09-MAY-2017 (Received)
Site plan	WD_102 Rev 16 (Amended In Red 10-OCT-2019)	01-OCT-2019 (Received)
Sub-floor plan	WD_199 Rev 10	01-OCT-2019 (Received)
Ground Level	WD_200 Rev 15	01-OCT-2019 (Received)
Level Eight	WD_207 Rev 9	06-FEB-2019 (Received)
Level 12-13	WD_210 Rev 9	06-FEB-2019 (Received)
Level 15	WD_212 Rev 9	06-FEB-2019 (Received)
Elevations	WD_300 Rev 17 (Amended In Red 10-OCT-2019)	01-OCT-2019 (Received)

Drawing or Document	Number	Plan Date
Elevations	WD_301 Rev 16 (Amended In Red 10-OCT-2019)	01-OCT-2019 (Received)
Sections	WD_400 Rev 12	01-OCT-2019 (Received)
Details	WD_500 Rev 8	06-FEB-2019 (Received)
Roof Deck	WD_213 Rev 12	06-FEB-2019 (Received)
Level 14	WD_211 Rev 7	06-FEB-2019 (Received)
Level 11	WD_209 Rev 10	06-FEB-2019 (Received)
Level 09-10	WD_208 Rev 9	06-FEB-2019 (Received)
Level 05-07	WD_206 Rev 12	06-FEB-2019 (Received)
Level 04	WD_205 Rev 12	06-FEB-2019 (Received)
Parking Level 03	WD_204 Rev 12	06-FEB-2019 (Received)
Parking Level 02	WD_203 Rev 17	01-OCT-2019 (Received)
Parking Level 01	WD_201 Rev 12 WD_201 Rev 13 Office Mark Up	06-FEB-2019 (Received) TBC by Council
Mezzanine Level	WD_201 Rev 1	06-FEB-2019 (Received)
Western Elevation - Solar Screening	WD_302 Rev 6 (Amended In Red 10-OCT-2019)	01-OCT-2019 (Received)

5.5.2 Council Conditions

A copy of the existing approval, including conditions, is included in **Attachment** Error! Reference source not found.. It is acknowledged the numbering of the conditions is required to be amended to reflect the additional conditions.

Conditions proposed to be amended are identified in Error! Reference source not found.. Wording proposed to be removed have been identified in ~~strike through~~ text while new plans are identified in bold text.

Table 6 Proposed Changes to Conditions of Approval - Material Change of Use

Existing Condition	Proposed Condition
Condition 8 – Maintain the Approved Development	
<p>Maintain the approved development generally in accordance with the approved DRAWINGS AND DOCUMENTS, and any relevant Council engineering or other approval required by the conditions.</p> <ul style="list-style-type: none"> The Shop, Office and Food and drink outlet are limited to the areas shown on the approved drawings. The Gym on Parking Level 01 is to remain available to the occupants of both the Short term accommodation suites and the Multiple dwellings. It is not to be available for use by the general public. The swimming pool on Level 8 and the Resident's Terrace on the roof top is to remain available to all occupants of the Multiple dwelling. The Bar and Terrace on the roof top is to not to be made available for use by the general public. 	<p>Maintain the approved development generally in accordance with the approved DRAWINGS AND DOCUMENTS, and any relevant Council engineering or other approval required by the conditions.</p> <ul style="list-style-type: none"> The Shop, Office and Food and drink outlet are limited to the areas shown on the approved drawings. The Gym on Parking Level 01 is to remain available to the occupants of both the Short term accommodation suites and the Multiple dwellings. It is not to be available for use by the general public. The swimming pool on Level 8 and the Resident's Terrace on the roof top is to remain available to all occupants of the Multiple dwelling. The Bar and Terrace on the roof top is to not to be made available for use by the general public.

Comment:

The approved ancillary gym on Parking Level 01 has never been enacted. As such, no gym has ever existed on the premises. It is requested Condition 8 be amended to remove reference to the gym.

6.0 Minor Change Assessment

An assessment of the proposal against the relevant planning legislation below demonstrates that the proposal constitutes a minor change.

6.1 Planning Act 2016

Schedule 2 of the Act provides criteria for determining whether a change is a minor change. The criteria and comments are included in **Table 7** below.

Table 7 Minor Change Under the Planning Act 2016

Criteria	Comment
Minor change means a change that - <i>for a development approval -</i>	
i. <i>would not result in substantially different development; and</i>	Complies The proposal does not result in substantially different development. See further discussion in section 5.2. below.
ii. <i>if a development application for the development, including the change, were made when the change application is made would not cause—</i>	
A. <i>the inclusion of prohibited development in the application; or</i>	Complies The proposal is not for a use considered prohibited development.
B. <i>referral to a referral agency if there were no referral agencies for the development application.</i>	Complies The site is located within Energex’s electricity substation 100m buffer area. The original DA required referral to Energex as a result of this. This DA will also be referred to Energex in accordance with the Act. No new referrals apply.
C. <i>referral to extra referral agencies, other than the chief executive.</i>	
D. <i>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>	
E. <i>public notification if public notification was not required for the development application</i>	The original DA was publicly notified.

Source: Planning Act 2016

6.2 Development Assessment Rules

Table 8 below identifies the criteria for ‘substantially different development’ as defined in Schedule 1 of the Development Assessment Rules (DA Rules) (version 3.0), pursuant to section 68 of the Act.

Table 8 *Substantially Different Development Under the DA Rules*

Criteria	Comment
A change may be considered to result in a substantially different development if any of the following apply to the proposed change:	
a) <i>involves a new use; or</i>	<p>Complies</p> <p>The change does not result in an additional use.</p>
b) <i>results in the application applying to a new parcel of land; or</i>	<p>Complies</p> <p>A new parcel of land is not included in the proposal. It is noted that the real property descriptions have changed since the original development application. All land included within this application was part of the original approval.</p>
c) <i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	<p>Complies</p> <p>The proposal does not dramatically alter the approved built form in terms of scale, bulk and appearance. The change is limited to the conversion of the ancillary gym to an office. The proposed office use continues to screen the car park from Vulture Street and provide for activation and causal surveillance over Vulture Street.</p>
d) <i>changes the ability of the proposed development to operate as intended; or</i>	<p>Complies</p> <p>The proposal will continue to operate as approved. The gym component of the approval was never enacted. The change simply enables the conversion of the approved ancillary gym to an office. Furthermore, the gym was never considered as communal open space in the assessment of previous development applications.</p> <p>The proposed office use maintains interaction with the streetscape of Vulture Street East, as intended by the existing approval. There are no proposed changes to the site’s servicing arrangements. Access will be suitably managed through swipe cards, if necessary.</p>
e) <i>removes a component that is integral to the operation of the development; or</i>	<p>Complies</p> <p>The proposal does not remove a component of the approval that was integral to its operation. The gym has never existed at the site and it did not contribute to communal open space in the assessment of previous development applications.</p>
f) <i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	<p>Complies</p> <p>The proposed change will not result in additional demand on the transport network. The approved capacity of the proposal will remain unchanged.</p> <p>Dedicated car parking spaces will not be provided to support the proposed change, therefore there is no ability for increased vehicle traffic to the site.</p>
g) <i>introduces new impacts or increases the severity of known impacts; or</i>	<p>Complies</p> <p>The proposal does not introduce new impacts or increase the severity of known impacts as discussed below:</p> <p>The tenancy occupies a relatively small area of 113m² and is not capable of generating significant adverse impacts.</p> <p><u>Traffic</u></p> <p>The proposed office use will operate during standard business hours, contributing to predictable peak-hour traffic and the site is well-served by public and active transport modes contributing to low vehicle trips. Additional car parking spaces will not be provided, preventing additional vehicle trips to the site.</p>

Criteria	Comment
	<p><u>Waste</u> The proposal will generate mostly paper and packaging waste, which is low-volume and easily recyclable. There is minimal organic waste associated with the use.</p> <p><u>Noise and amenity</u> The proposed use is internal to the site and does not result in high noise levels given there is no amplified music or group activities associated with the use.</p> <p><u>Communal open space</u> The tenancy has never been included in communal open space calculations when assessing previous development applications. Furthermore, the tenancy has never been used for a gym. Therefore, there is no theoretical or practical impact to formally changing the tenancy to an office.</p>
<p><i>h) removes an incentive or offset component that would have balanced a negative impact of the development; or</i></p>	<p>Complies The proposal does not relate to incentives or offsets.</p>
<p><i>i) impacts on infrastructure provisions.</i></p>	<p>Complies The proposal will not have any impacts on infrastructure provisions given the existing capacity of the centre will remain unchanged.</p>

Source: DA Rules

7.0 Planning Assessment

Table 9 below provided an assessment against section 81 of the Act.

Table 9 Assessment Against Section 81 of the Act

Matters	Comment
Matters that must be considered by the responsible entity	
<i>(2)(a) the information the applicant included within the application.</i>	Please see all information that was submitted with this change application.
<i>(2)(b) any properly made submissions about the development application that was approved.</i>	The originally approved development (Council reference: A004643890) was impact assessable and public notification was undertaken in accordance with section 17 and Schedule 3 of the Development Assessment Rules. Council's 'development.i' website does not indicate that any properly made submissions were received.
<i>(2)(c) any pre-request response notice or response notice given in relation to the change application.</i>	No pre-request response notice or response notice has been received.
<i>(2)(d) if the responsible entity is, under section 78A(3), the Minister – all matters the Minister would or may assess against of have regard to, if the change application were a development application called in by the Minister.</i>	The responsible entity is not the Minister
<i>(2)(da) if paragraph (d) does not apply— all matters the responsible entity would or may assess against or have regard to, if the change application were development application.</i>	See the planning scheme assessment provided in section 7.1 below.
<i>(e) another matter the responsible entity considered relevant.</i>	
<i>(4) The statutory instrument, or other document, as in effect when the development application for the development approval was properly made.</i>	
Matters that may be given weight to	
<i>(5)(a) the statutory instrument or other document as in effect when the change application was made.</i>	See the planning scheme assessment provided in section 7.1 below.
<i>(5)(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.</i>	See the planning scheme assessment provided in section Error! Reference source not found. below.
<i>(5)(c) another statutory instrument that comes into effect after the change application is made but before it is decided and that the responsible entity would have been required to consider if</i>	

Matters	Comment
the instrument had been in effect when the development application for the development approval was properly made.	

Source: Planning Act 2016

7.1 Planning Scheme Assessment at Approval

Under section 81(4) of the Act the responsible entity must consider the planning scheme, as in effect when the DA for the approval was properly made.

The original DA (A004076935) was lodged on 05 March 2015 and assessed against the relevant provisions of version V1 of *Brisbane City Council City Plan 2014* (effective from 30 June 2014).

The DA to be amended (A005273624) was lodged on 13 September 2019 and assessed against the relevant provisions of version V16 of *Brisbane City Council City Plan 2014* (effective from 26 July 2019).

The communal open space provisions within the Multiple Dwelling Code were the same in both versions and are included in **Table 10** below.

Table 10 Version 1 & 16 of Brisbane City Council City Plan 2014

Performance Outcomes	Acceptable Outcomes
<p>PO27</p> <p>Development provides communal space that must be designed to provide:</p> <ul style="list-style-type: none"> a) residents with passive and active recreation opportunities; b) a pleasant outlook for residents and maximise opportunities for shared views or access to viewing points; c) opportunity for a range of uses and flexible use. 	<p>AO27.1</p> <p>Development provides a minimum of 5% or 40m² of the site area for communal open space, whichever is greater.</p>

At the time, the gym did not contribute to the communal open space requirements in Council's assessment. Therefore, it is not possible for the proposed change to affect compliance with the communal open space requirements.

7.1.1 Assessment of A005899652

The DA which approved the Hotel on the 15th floor (A005899652) was lodged on 03 February 2022 and assessed against the relevant provisions of version V23 of *Brisbane City Council City Plan 2014* (effective from 10 December 2021). The communal open space provisions at the time are outlined in **Table 11** below.

Table 11 Version 23 of Brisbane City Council City Plan 2014

Performance Outcomes	Acceptable Outcomes
<p>PO30</p> <p>Development provides communal space that must be designed to provide:</p> <ul style="list-style-type: none"> a) residents with passive and active recreation opportunities; b) a pleasant outlook for residents and maximise opportunities for shared views or access to viewing points; c) opportunity for a range of uses and flexible use. 	<p>A030.1</p> <p>Development consisting of 10 or more dwellings provides communal open space, that is clearly distinguished from deep planting areas and private open space, and:</p> <ul style="list-style-type: none"> a. is a minimum of 5% or 40m² of the site area, whichever is greater; b. is one consolidated useable space, or where exceeding 100m², two separate useable areas within the site; c. is a minimum 50% open to the sky; d. is a minimum of 25% landscaping; e. is a minimum of 25% shaded by trees within 5 years; f. is a maximum 25% as internal dedicated created space;

Performance Outcomes	Acceptable Outcomes
	<p>g. is designed to provide a range of recreational facilities such as seating, barbeque, swimming pool and vegetable gardens;</p> <p>h. incorporates a flat paved or grassed area with a minimum dimension of 5m in any direction.</p> <p>Note—Deep planting areas can be located within communal open space. However, the minimum site percentage requirements for communal open space and deep planting must be calculated separately.</p> <p>Note—In regards to (b) above, one space may be provided on ground as a swimming pool and barbeque area with substantial landscaping, and another on the roof to take advantage of views.</p> <p>Note—Internal spaces may include a gymnasium, movie room or entertainment room.</p> <p>Note—Guidance about retention of existing trees is provided by the Vegetation planning scheme policy.</p>

The gym does not meet the requirements for communal open space within AO30.1. Therefore, the gym would not have been relied on for providing communal open space for residents when the Hotel was assessed and approved by Council.

7.2 Planning Scheme Assessment at Change

Under section 81(5) of the Act the responsible entity may consider the planning scheme in effect when the change application is made. At the time this change application is made version 35 of the planning scheme is in effect. The communal open space provisions are the same as version 23. Therefore, the gym does not contribute to communal open space.

7.2.1 Woolloongabba Priority Development Area (PDA) Development Scheme

The site is within the Woolloongabba Priority Development Area (PDA), specifically, Precinct 4 (Woolloongabba North). The PDA was declared in 2023 while the Woolloongabba Plan Development Scheme (the Development Scheme) came into effect on 20 September 2024. The Woolloongabba Priority Development Area (PDA) Development Scheme was amended on the 10 October 2025 and is now in effect.

Communal Open Space

*Table 3: Design parameter guideline for built form and landscaping – PDA-wide within the development scheme is outlined in **Error! Reference source not found.** below.*

Table 12 Communal Open Space in the Development Scheme

Item	Design parameter
Minimum communal open space.	Residential development: <ul style="list-style-type: none"> 80% of the site area or 15% of the GFA, whichever is greater, and designed to ensure all communal space areas have at least an area of 40m², and a minimum dimension of 4m.

The gym tenancy is not capable of meeting the design parameters relating to communal open space and therefore cannot be considered communal open space. The proposed change does not result in non-compliance with the communal open space provisions of the development scheme.

Car Parking

The development scheme prescribes a maximum parking rate for various uses as outlined in **Table 13** Below.

Table 13 Car Parking Rates in the Development Scheme

Uses	Parking Rate
Uses other than: <ul style="list-style-type: none"> • Dwelling house • Hospital • Major sport, recreation and entertainment facility • Multiple dwelling • Rooming accommodation • Short-term accommodation 	Maximum 1 space per 300m2 GFA.
<ul style="list-style-type: none"> • Multiple dwelling • Dwelling house 	<ul style="list-style-type: none"> • Maximum 0.5 space per 1 bedroom dwelling • Maximum 1 space per 2 bedroom dwelling • Maximum 1.5 spaces per 3 bedroom dwelling • Maximum 2 spaces per 4 and above bedroom dwelling • Minimum 0.15 visitor space per dwelling units • Parking may be provided in tandem spaces where 2 spaces are provided for 1 dwelling, and • Visitor parking: <ul style="list-style-type: none"> - is not provided in tandem configurations, and - achieves minimum of 50% allocation within communal areas. <p><i>Note: Where car share spaces are provided they will not be included in the maximum car parking calculation for the use.</i></p>
<ul style="list-style-type: none"> • Short-term accommodation • Rooming accommodation 	Maximum 0.25 spaces per room or unit.
<ul style="list-style-type: none"> • Hospital • Major sport, recreation and entertainment facility 	Car parking rates to be determined by a car parking management plan submitted at the time of a development application.

Change of use of the gym tenancy to an Office does not result in non-compliance with the maximum parking rates prescribed by the development scheme.

8.0 Conclusion

This planning report has assessed the proposed change to approval A005273624 to allow for the formal change of Unit 27 to an Office. The tenancy was approved via A005273624 as a private gym for residents, however it has never been used for this purpose. This report has demonstrated that the proposal can be assessed pursuant to Schedule 2 of the Act and complies with the relevant assessment criteria prescribed under section 81 of the Act.

This DA demonstrates Unit 27 has never contributed to the communal open space for residents and that formally changing Unit 27 to an Office allows the development to comply with all relevant assessment benchmarks.

These works are considered minor in scope and align with the expectations of the previously approved scope of works. The change does not introduce new impacts or increase the severity of known impacts.

It is requested that Council approves the Change Application and issues an amended approval, with the drawings and documents updated as per the recommendations in this report, within the appropriate timeframes.



At Colliers, we are enterprising.

We maximize the potential of property and real assets to accelerate the success of our clients, our investors and our people.

Our expert advice to property occupiers, owners and investors leads the industry into the future. We invest in relationships to create enduring value. What sets us apart is not what we do, but how we do it. Our people are passionate, take personal responsibility and always do what's right for our clients, people and communities. We attract and develop industry leaders, empowering them to think and act differently to drive exceptional results. What's more, our global reach maximizes the potential of property, wherever our clients do business.

colliers.com

Colliers Urban Planning

Accelerating success.