



10 July 2026

REF: WTJQ26-015

Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Via online lodgement portal

**RE: MINOR CHANGE TO DEVELOPMENT APPROVAL - A006684491
109 WELLINGTON STREET, BANYO, QLD 4014 (LOT 19 ON RP34610)**

1 INTRODUCTION

Willowtree Planning Pty Ltd (Willowtree Planning) acts on behalf of Mitchell and Carissa Watkins (the Applicant) in relation to the abovementioned Development Approval (**A006684491**) issued by Brisbane City Council (Council) on 1 April 2025 for a Development Permit for Reconfiguring a Lot (1 into 2 lots) at 109 Wellington Street, Banyo, legally described as Lot 19 on RP34610 (the Site).

This application seeks to make a minor change to the development approval, pursuant to section 78 of the *Planning Act 2016* (Planning Act).

Specifically, the proposed minor change seeks to amend the approved location of the pre-1911 dwelling house on proposed Lot 100, from 9.1m to 6m. Additionally, the side setback proposed is 1m to the wall.

This minor change application is supported by the following information:

- **Attachment A - DA Form 5 prepared by Willowtree Planning; and**
- **Attachment B - Proposed Plans prepared by Designer Planning.**

Further detail is set out below.

2 SITE LOCATION AND CHARACTERISTICS

The Site is located at 109 Wellington Street, Banyo, legally described as Lot 19 on RP34610 (the Site). The Site has a total area of 809m² with access achieved via Wellington Street.

Figure 1 below includes an aerial image of the Site.

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Figure 1. Aerial Map (NearMap, 2026)

3 BACKGROUND AND APPROVAL HISTORY

The Site is occupied by a pre-1911 dwelling house and is located within the Character ((CR1) Character) zone and is also notably subject to the Traditional building character overlay under the Brisbane City Plan 2014 (City Plan).

On 1 April 2025, Council approved a Development Permit for Reconfiguring a Lot (1 into 2 lots) (Council ref: **A006684491**), subdividing the Site into two (2) lots as follows:

- Lot 100 (427m², with a 10.62m frontage); and
- Lot 101 (382m², with a 9.498m frontage).

The approval provides for the existing pre-1911 dwelling house to be relocated westward and retained wholly within proposed Lot 100. An extract of the approved site plan is included in **Figure 2** below.

The development approval remains current, with the currency period due to expire on **2 July 2029**.

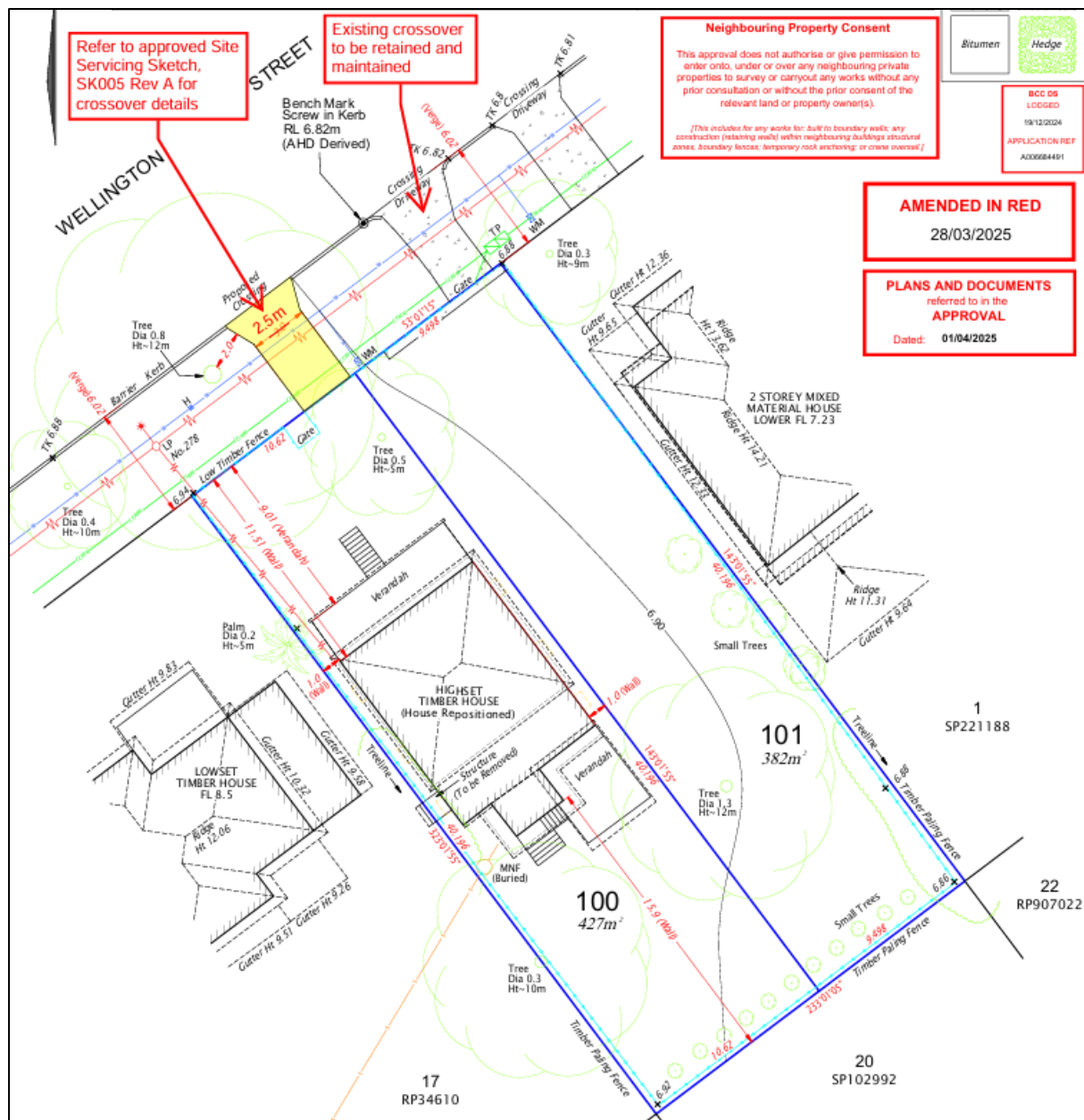


Figure 2. Approved Site Plan (A006684491)

Condition 4 of A006684491 (extracted below) ascertains that further approval is required where works are made assessable under the City Plan.

4) Demolish or Relocate Buildings/Structures

Relocate the existing pre-1911 Dwelling house on the site to be wholly within Lot 100, with setbacks from each boundary as shown on the approved DRAWINGS AND DOCUMENTS and where applicable, the approved Construction Management Plan. Where the relocation of the existing pre-1911 Dwelling house involves works made assessable by City Plan 2014, further approval will be required.

Other than the pre-1911 Dwelling house to be retained, demolish or remove all other buildings and structures onsite. The removal of buildings/structures includes the removal of all existing concrete slabs, foundations and footings.

Consequently, this application is prepared to Council.

4 PROPOSED CHANGES

4.1 Overview of Changes

This change application seeks to make a minor change to the Development Approval (**A006684491**) pursuant to Section 78 of the Planning Act. The proposed changes are depicted on the attached Proposal Plans (refer to **Attachment B**) however is generally seeking to amend the approved front setback to the pre-1911 dwelling house on proposed Lot 100, from 9m to 6m. Additionally, the side setback is proposed to be 1m.

An extract of the Proposed Site Plan is included in **Figure 3** below.

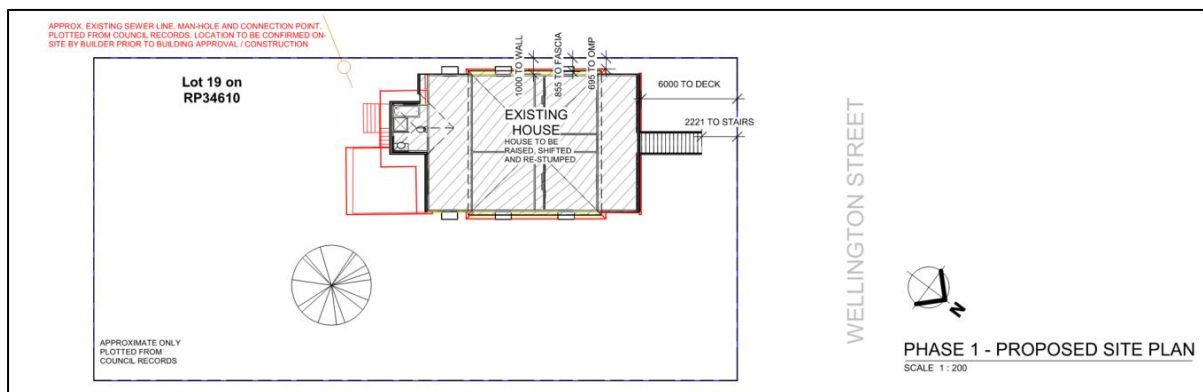


Figure 3. Proposed Site Plan (Site Surveys)

4.2 Changes to Approved Drawings and Documents

The proposed amendments would include additional plans within the 'Approved Drawings and Drawings' referred to in the Conditions of Approval under **A006684491**. A summary of the proposed changes is included in **TABLE 1** below, with proposed insertions denoted in **green text**.

TABLE 1: APPROVED DRAWINGS AND DOCUMENTS		
Name	Revision / Reference	Prepared By
Proposed Subdivision Plan	REF: 5665 SHEET 2 OF 2 REV: A (18/11/2024)	Site Surveys
Site Servicing Sketch	DRAWING NO. SK005 REV: A OJ 06/12/2024	Landform Engineering
House Raise, Shift and Re-Stump	SHEET: A01 REV: 2 DATE: 15/05/2026	Designer Planning
House Raise, Shift and Re-Stump	SHEET: A02 REV: 2 DATE: 15/05/2026	Designer Planning

The proposed dwelling relocation plans do not alter the approved reconfiguration of the Site. As such, the existent subdivision plan and site servicing sketch can remain to be relied upon for the purposes of the lot boundaries only, with the dwelling relocation subject to the newly provided plans provided above.

Council is welcomed to annotate the subdivision plan and servicing sketch of **A006684491** to reflect this.

4.3 Changes to Approval Conditions

Whilst the proposed changes are relevant to Condition 4, it is considered this condition does not require amendment as it refers to the drawings and documents, which are proposed to be updated as per Section 4.2 above. Accordingly, no conditions require amendments as a result of the proposed changes.

4.4 Changes to Infrastructure Charges Notice

The proposed changes do not involve any changes which would require an amended infrastructure charges notice to be issued.

5 PLANNING ACT 2016 ASSESSMENT

5.1 Minor Change Definition

This application is lodged under Section 78 of the Planning Act, being a change application to a current development approval. The key consideration as to whether the proposed changes can be assessed as a ‘minor change’ is to test if the changed proposal is ‘substantially the same’.

Schedule 2 of the Planning Act defines a “minor change” as follows:

Minor change means a change that

...

- (b) for a development approval –
 - (i) would not result in substantially different development; and
 - (ii) if a development application for the development, including the change, were made when the change application is made would not cause—
 - (A) the inclusion of prohibited development in the application; or
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
 - (C) referral to extra referral agencies, other than to the chief executive; or
 - (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or
 - (E) public notification if public notification was not required for the development application.

A response to point (b)(i) is included in **Section 5.2** below.

In relation to point (b)(ii), a response to each point is provided below:

- Point (A) – the proposed changes would not incorporate any prohibited development.
- Point (B) – the proposed changes would not introduce a referral to a referral agency that was not a referral agency for the original development application. No referral agencies were identified for the original development application (Council reference **A006684491**).
- Point (C) – the proposed changes would not introduce any additional referral agencies, noting no referral agencies applied to the original development application.
- Point (D) – the proposed changes would not require a referral agency to assess the application against, or have regard to, matters it would not otherwise have assessed or had regard to, noting no referral agencies applied to the original development application.
- Point (E) – the proposed changes would not have caused public notification to be required for the development application, noting the original application was already subject to impact assessment and public notification under the *Planning Act 2016*.

5.2 Substantially Different Development

The following assessment has been undertaken in accordance with Schedule 1(4) of the Development Assessment Rules (DA Rules) and confirms the proposed change constitutes a minor change in that it does not result in “substantially different development” as required by (b)(i) of the Planning Act.



TABLE 2: SUBSTANTIALLY DIFFERENT DEVELOPMENT ASSESSMENT	
Guideline Criteria	Comments
Involves a new use	The proposed changes do not involve a new use on the Site. The development remains an ROL and the existing development at the Site remains a dwelling.
Results in the application applying to a new parcel of land	The proposed changes do not involve the inclusion of any new land parcels.
Dramatically changes the built form in terms of scale, bulk and appearance	The proposed changes include a revised relocation of the pre-1911 dwelling at the Site, preserving the built form scale, bulk and general appearance of the dwelling.
Changes the ability of the proposed development to operate as intended	The proposed changes do not alter the ability of the existing development at the Site to operate as a dwelling and makes no relevant alterations to the function of the ROL.
Removes a component that is integral to the operation of the development	The proposal does not remove any components of the approved development integral to the operations. The approved development will continue to operate as an ROL.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed setback reduction for the pre-1911 dwelling at the Site is considered minor and maintains the existing and approved capacity for carparking, and access and manoeuvring arrangements.
Introduces new impacts or increased the severity of known impacts	The proposed changes would not introduce any new impacts or worsen the severity of any known impacts. The proposal remains for an ROL and the minor repositioning of the pre-1911 dwelling at the Site remains to comply with the Planning Scheme provisions.
Removes an incentive or offset component that would have balanced impact of the development	The proposed changes will not impact on any incentives or offsets, noting none were required under the development approval.
Impacts on infrastructure provision	The proposed changes will not impact on the provision of any infrastructure.

In light of the above assessment, the proposed minor change application complies with the 'substantially different' development test contained in Schedule 1(4) of the DA Rules.

6 BRISBANE CITY PLAN 2014 ASSESSMENT

Section 81 of the Planning Act identifies a responsible entity may assess against or have regard to matters which would be relevant if the change application were a development application. Some commentary in relation to the assessment benchmarks of the relevant local planning instrument, being the Brisbane City Plan 2014, has been provided below to assist Council in its assessment.

6.1 TRADITIONAL BUILDING CHARACTER (DEMOLITION) OVERLAY CODE

A02 of the Traditional building character (demolition) overlay code requires the part of the building constructed prior to 1911 to be retained. The relocation of the dwelling does not involve demolition of pre-1911 elements.

A09 of the Traditional building character (demolition) overlay code requires development involving the repositioning of a residential building or structure constructed in 1946 or earlier (which includes the pre-1911 subject dwelling) on a small lot results in setbacks that comply with the building envelope requirements of the Dwelling house (small lot) code, other than where AO10.2 varies.



A010.2 applies where the development adjoins a dwelling house constructed in 1946 or earlier. As this circumstance does not apply to the proposal, the relevant setback requirements are those contained within the Dwelling house (small lot) code, as summated below.

6.2 DWELLING HOUSE (SMALL LOT) CODE

A05 of the Dwelling house (small lot) code requires a minimum primary street frontage setback that is:

- i. 6m where all adjoining dwelling houses have a setback of 6m or more; or
- ii. the same as the least setback, but not less than 3m, of an adjoining dwelling house where that dwelling house has a setback less than 6m; or
- iii. 3m where there is no adjoining dwelling house;

The adjoining dwelling to the east has a front setback of 4.5m, while the adjoining dwelling to the west has a front setback of 6m. The new proposed front setback of 6m sits between the setbacks of the adjoining dwellings and exceeds the minimum 3m requirement, achieving the criteria of A05.

A06 of the Dwelling house (small lot) code requires a minimum side boundary setback of 1m for habitable spaces, which includes the dwelling house wall. As such, this acceptable outcome is complied with. Additionally, such a setback was proposed as per **A006684491**.

Accordingly, the proposed amendments to the approved front and side setback of the pre-1911 dwelling at the Site complies with the relevant Acceptable Outcomes of both the Traditional building character (demolition) overlay code and the Dwelling house (small lot) code.

It is to be noted, as stated with the original approval, Building work involving the repositioning and partial demolition of the existing pre-1911 dwelling house will be required and conducted under a separate application. As intended, this future application can be considered in accordance with Section 5.3.4 – Prescribed accepted development of the City Plan.

7 CONCLUSION

The proposed change would reduce the setbacks to the pre-1911 dwelling house, while retaining the bounds of the approved Lot 100 pursuant to **A006684491**. The dwelling house would remain wholly contained within proposed Lot 100 and would continue to be protected under the Traditional building character overlay. The proposed change is considered minor in nature, would not result in a substantially different development, and remains consistent with the Brisbane City Plan 2014.

On that basis, for the reasons contained within this statement, it is requested that Council approve the request for a minor change to the development approval accordingly.

We trust that this information is suitable for your purposes, however, should you have any questions pertaining to this application please do not hesitate to contact Theo Klok via phone on 0458 458 608 or by email at tklok@willowtp.com.au.

Yours sincerely,



Theo Klok
Senior Planner
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