

3 August 2026

The Assessment Manager
Brisbane City Council
GPO Box 1434
Brisbane City 4001

Dear Sir/Madam,

Request to Change Development Approval for Material Change of Use (Port Services) and Operational Works (Prescribed Tidal Work) at 92 Colmslie Road, Morningside 4170 (A006752728)

In accordance with *Section 78 of the Planning Act 2016* and on behalf of *A Raptis & Sons (Qld) Pty Ltd*, seeks a Minor Change to a Development Approval at 92 Colmslie Road, Morningside 4170, formally described as Lot 5 on RP201432, Lot 101 on SP360344 and Lot 63 on SP253841 and the Brisbane River (subject to future amended lease area). This application is supported by the following documents:

- **Appendix A:** DA Form 5;
- **Appendix B:** Landowners Consent and Property Title Searches;
- **Appendix C:** Amended Architectural Plans, prepared by Ultra Linea Architecture;
- **Appendix D:** Engineering Drawings, prepared by Projex Partners.

1 Background

In August 2025, a Development Permit for Operational Works (Prescribed Tidal Works), and a Material Change of Use (Port Services) (Reference: A006752728) was granted. The site is previously developed with the *A Raptis & Sons Pty Ltd* head office and fish processing facility, along with existing marina berths. The approval authorised the extension of the marina berth portion of the site to leverage off tourism opportunities in the area, and expand the scale of the port service activity currently undertaken on the site. The existing fish processing operations will continue without interruption. The approval does not involve passenger visitation, with use limited to vessel crews, servicing and deliveries.

Since the approval, detailed design and construction work has progressed, and it is this approval to which this change application relates. Concurrently, Brisbane City Council as the assessment manager continues to assess the same amended designs. This change application for the referral response ensures the decisions of both the assessment manager and referral agency align.

2 Rationale for Amendment

Since the approval, the applicant has made the decision that proceeding with the approved works regarding the fuel delivery system is not required, and that vessels can refuel at another location nearby. The proposed changes are intended to optimise the feasibility of the project, without compromising the viability for vessel operators that use the site.

3 Summary of the Proposed Changes

The following section outlines the proposed changes to the approval package. Specifically, text ~~struck through in red~~ indicates wording to be deleted and blue and underlined indicates proposed changes.

3.1 Changes to Approved Plans and Documents

The following amendments to the list of approved drawings and documents are requested to ensure that any resultant approval correctly acknowledges the updated drawings and documents as shown in the table below.

The following table only outlines the plan references that require amending. All other approved plans and documents not referenced in this table will be as per the current approval (Council Ref: A006752728).

Table 1 Changes to approved plans and documents

Plan/ Document Name	Reference Number	Plan Date
Overall Site Plan – Proposed	SK101 Rev E <u>F</u>	Amended in red 21-Aug-2025 <u>15 JUN 2026</u>
Site Plan – Proposed Marina	SK 104 Rev E <u>D</u>	Amended in red 21-Aug-2025 <u>15 JUN 2026</u>
Site Plan – Proposed Marina – without aerial	SK105 Rev B <u>C</u>	Amended in red 21-Aug-2025 <u>15 JUN 2026</u>
Plumbing Services	D-TJS-05057-DA-09-20 Rev 0 <u>1</u>	Approved 28-August-2025 <u>16 JUN 2026</u>

3.2 Changes to Approved Conditions

The following amendments to the list of approved conditions are requested to ensure that any resultant approval correctly acknowledges the updated conditions as shown in the table below.

Condition	Proposed Change	Rationale
-----------	-----------------	-----------

10:	Fuel Dispensing Pipework Install and maintain pipework in accordance with the following: (i) — pipework is to be made of non-corrodible materials as defined by AS4897 (ii) — All product piping is to have secondary containment consisting of doublewalled piping with an interstitial space.	Proposed change removes the fuel delivery component of the development.
a:—	Submit Certification Submit to Council certification by a suitably qualified person that the pipework has been installed in accordance with the above requirements.	Proposed change removes the fuel delivery component of the development.
11:	Pipework Leak Detection Install and maintain leak detection systems for underground pipework including: (i) — electronic line leak detection (ELLD) for pressure piping; or (ii) — safe suction for suction piping.	Proposed change removes the fuel delivery component of the development.
a:—	Submit Certification Submit to Council certification by a suitably qualified person that the system has been installed in accordance with the above requirements.	Proposed change removes the fuel delivery component of the development.
12:	Road Tanker Fuel Delivery Areas The road tanker fuel delivery area must be constructed and maintained in accordance with the following: (i) — All ground surfaces within the road tanker fuel delivery area are to be constructed of impermeable materials free of gaps and/or cracks. Suitable materials include waterproofed, reinforced concrete or an approved equivalent. (ii) — The road tanker fuel delivery area is to be clearly demarcated from all other areas to clearly delineate the higher contamination risk area from lower risk	Proposed change removes the fuel delivery component of the development.

	areas. Acceptable demarcation methods include a painted line on the ground, roll-over bunds, drainage lines or different coloured impermeable materials: (iii) — A canopy is to be installed over the road tanker fuel delivery area. The canopy is to be designed to minimise the amount of rain entering the fuel delivery area and shall overhang by a horizontal distance of at least one quarter of the roof height out from the vertical above the boundary of the demarcated fuel delivery area. (iv) — Signage indicating 'Flows to underground spill containment tank' is to be provided at all drainage inlets within the road tanker fuel delivery area. Signage is to be painted or otherwise indicated around the drain inlets. (v) — The fuel tanker delivery area is to be bunded and graded and drained to the underground spill containment vessel (blind sump). (vi) — The road tanker fuel delivery area shall be large enough so a tanker can fit wholly within the fuel delivery area during delivery and drained to the 5,000 Litre spill containment vessel (blind sump).	
6. —	Submit Certification Submit to Council certification by a suitably qualified person that the pipework has been installed in accordance with the above requirements	Proposed change removes the fuel delivery component of the development.
13.	Fuel Dispensing Areas Fuel dispensing areas must be constructed and maintained in accordance with the following: (i) All ground surfaces (inclusive of pontoon surfaces) within the fuel dispensing area are to be constructed of impermeable materials free of gaps and/or cracks. Suitable materials include waterproofed, reinforced concrete or an approved equivalent.	Proposed change removes the fuel delivery component of the development.

~~(ii) The fuel dispensing area is to be clearly demarcated from all other areas to clearly delineate the higher contamination risk area from lower risk areas. Acceptable demarcation methods include a painted line on the ground, roll-over bunds, drainage lines or different coloured impermeable materials.~~

~~(iii) An appropriate spill kit is to be provided and maintained which is easily accessible to the fuel dispensing area during refuelling of vessels.~~

~~a.—~~

~~Submit Certification~~

~~Submit to Council certification by a suitably qualified person that the system has been installed in accordance with the above requirements.~~

Proposed change removes the fuel delivery component of the development.

4 Consideration of Impacts

It is expected that any subsequent impacts of this minor change are positive, with fewer vehicle movement throughout the site, specifically less heavy vehicle movements, and will reduce traffic throughout the site. Additionally, Fuel delivery is not an integral part of the site's operation and will not hinder the site's ability for port services to operate. Due to the location of the site, and the nearby refuelling facilities available for vessels, this change will cause unduly impact to the development.

5 Assessment Benchmark Considerations

The removal of this element reduces the chances of pollution and subsequent impacts to surface water or ground water. The development will remain able to comply with **AO10 of the Industry Use Code** (below), though will do so by avoiding fuel dispensing, rather than meeting the *Storage and dispensing of petroleum products planning scheme policy*.

"AO10

Development:

- a. *does not include fuel dispensing; or*
- b. *complies with the surface water and groundwater protection standards of the Storage and dispensing of petroleum products planning scheme policy;*
- c. *includes fuel dispensing areas that are drained to a containment vessel having no connection to sewer or stormwater in compliance with the fuel dispensing area standards of the Storage and dispensing of petroleum products planning scheme policy. "*

6 Assessment of a Minor Change

Consideration has been given to the relevant matters for assessment a minor change in the *Planning Act*, having regard to the definition of a minor change in Schedule 2 and the assessment criteria in Section 81, as well as the ‘substantially different development’ test prescribed in the Development Assessment Rules.

6.1 Minor Change Criteria

Schedule 2 of the *Planning Act 2016* defines a minor change for a development approval. The relevant part of the minor change definition is stated 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 regard to, when the application was made; or*
 - (E) public notification if public notification was not required for the development application.”*

The proposed changes satisfy each of the criteria stated in this definition as the development:

- does not result in substantially different development (see assessment below);
- does not include prohibited development;
- does not trigger referral to a referral agency; and
- does not increase the level of assessment for the Development Application or trigger the requirement for Public Notification.

The following assessment further demonstrates that the proposed changes will not result in substantially different development.

6.2 Substantially Different Development Criteria

In respect to part (b)(i) of the definition of Minor Change and what constitutes a substantially different development, it is appropriate to have regard to Schedule 1 of the Development Assessment Rules which sets out the substantially different development ‘tests’. An assessment of the proposed changes against the substantially different development criteria in the Development Assessment Rules is included in the table below.

Guideline Criteria	Response
Involves a new use.	There is no new use proposed within this change application.
Results in the application applying to a new parcel of land.	The proposed minor change does not involve a new parcel of land.
Dramatically changes the built form in terms of scale, bulk and appearance.	The proposed change does not dramatically change the built form, as the removal of the awning/canopy structure does not drastically change the built form and scale of the overall development, merely removing the aspects of development associated with fuel delivery.
Changes the ability of the proposed development to operate as intended.	The proposed change removes the fuel delivery component of the development, however this does not impact the developments port services operations and the development will continue to work as designed.
Removes a component that is integral to the operation of the development.	The proposed change does not removal an integral component of development, and continue to operate as intended. Th ability to dispense fuel at the site is not integarl to its operation, as refuelling is available at nearby riverside outlets.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed change does not impact traffic flow or the transport network.
Introduces new impacts or increases the severity of known impacts.	No new impacts are introduced with the change, and no existing impacts increase in severity.
Removes an incentive or offset component that would have balanced a negative impact of the development.	The proposed change does not remove any incentives or offsets that balance a negative impact of the development.
Impacts on infrastructure provision.	There are no impacts on the provision of infrastructure associated with this change application.

6.3 Prohibited Development

The proposed changes do not involve the introduction of any prohibited development into the development. Accordingly, the changes comply with criterion (b)(ii)(A) of the minor change definition.

6.4 Referral Agencies

In respect to Parts (b)(ii)(B), (C) and (D) of the definition of Minor Change we note that the original application required referral to the State Assessment and Referral Agency (SARA) as the premises is situated within a coastal management district.

The issues/concerns raised are not relevant to the proposed minor change as it does not increase any potential hazards to the coastal management district.

As such, no additional referral is required as a result of the change. If the application were to be made now, the development application would require the same referral. No additional referral is required as a result of the change. The changes would also not trigger the need for any referral agency to have regard to any additional referral matters.

The above demonstrates that the proposed changes comply with the criteria stated in parts (b)(ii)(B), (C) and (D) of the minor change definition.

6.5 Public Notification

Public notification was required for the original application. According to the assessment of the original application, the approved development achieved compliance with the applicable performance outcomes of the relevant codes of *Brisbane City Plan 2014* and did not result in conflict with the Planning Scheme, which required the demonstration of relevant matters to justify a decision to approve the development.

The application, if remade with the proposed changes, would also be impact assessable. Given the minor scale of the proposed changes and consistency with the development approval, it is not considered that new submissions would be made. Therefore, the change application does not require public notification.

7 Landowners Consent

A Raptis & Sons (Qld) Pty Ltd is the owner of the land subject to this application. This is confirmed in the landowner's consent form provided in **Appendix A**.

8 Notifying Affected Entities.

The original application was required to be referred to Queensland Fire and Emergency Service and the Port of Brisbane Corporation as Referral Agencies. In accordance with Section 80 of the Planning Act, the Applicant is required to notify these affected entities of the minor change application.

The original application was also required to be referred to the Department of State Development, Manufacturing, Infrastructure and Planning (State Assessment and Referral Agency, SARA) as a Concurrence Agency. As these changes do not affect ability to comply with the SARA referral agency response, no separate Minor Change request is required to be made to the Chief Executive.

9 Application Fee

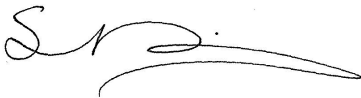
In accordance with the Brisbane City Councils Fees and Charges 2026-27, a request to change a development approval via a Minor Change requires a fee of \$3,600. This will be paid upon notification of the receipt from council.

10 Conclusion

In summary, we consider that the above assessment demonstrates that the proposed changes can be considered a minor change to the Development Approval under the Planning Act. The changes do not result in a substantially different development, do not significantly alter the external built form, and do not increase potential adverse impacts from the development.

We trust that the supplied documentation is sufficient for Council to undertake an assessment of this request. If you have any questions, please do not hesitate to contact Andrew Kennedy (Senior Consultant), or the undersigned on (07) 3007 3800.

Yours sincerely,

A handwritten signature in black ink, appearing to read "S. Davies", with a long, sweeping horizontal line underneath.

Sarah Davies
Associate Director
+61 7 3007 3858
sjdavies@urbis.com.au