

Our ref: 250104  
Council ref: A004429889

09 June 2026

The Chief Executive Officer  
Brisbane City Council  
GPO Box 1434  
Brisbane QLD 4001

**Attention: Development Assessment**  
**Via: Online Portal**

To the assessment manager,

**RE: Request for Minor Change to Development Permit**  
**Development Permit for Material Change of Use of premises to establish a Multiple Dwelling**  
**23 & 25 Sammells Drive, Chermiside**  
**Lot 2 on RP123568 and Lot 2 RP66560**  
**Council Ref: A004429889**

In accordance with **Section 78** of the *Planning Act 2016*, please find enclosed a request for a Minor Change to a Development Permit for Material Change of Use of Premises to establish a Multiple Dwelling (Council ref: A004429889).

This request is made on behalf of the applicant, Ausdev Builders Pty Ltd. The landowner of the site is KG17 Pty Ltd, KG18 Pty Ltd, KG19 Pty Ltd and KG20 Pty Ltd. In accordance with **Section 79** of the *Planning Act 2016*, written landowner's consent has been included with this request.

In support of the application, please find enclosed updated Architectural Plans (**Attachment 1**), a List of Proposed Changes (**Attachment 2**), and a Coloured Render Image of the proposal (**Attachment 3**), prepared by Wiltshire Stevens Architecture.

Payment of Council's \$4,576.00 application fee will be made upon Council issuing an invoice for payment.

### Site Summary

The subject site comprises both 23 and 25 Sammells Road, which combined, achieve a total site area of 1,093m<sup>2</sup>. The site is generally regular in shape, though exhibits an angular road frontage due to the alignment of Sammells Drive. The site is subject to a moderate slope, trending in a south-east direction. Sammells Drive is a no-through-road, terminating at the Sammells Drive open space reserve, offering public open space immediately adjoining the site.

The surrounding area is transitional in nature, with infill Multiple Dwelling development replacing detached dwellings. The pattern of infill development is reflective of the area's strategic location within the Chermiside area, identified as a principal regional activity centre servicing north Brisbane. The site is well located to established centre activities and community and open space areas including St Vincent's Private Hospital

Northside, Chermside Westfield Shopping Centre and Bradbury Park. The site is well connected by existing transport networks, including regular bus services along Hilltop Avenue, and direct vehicle connection to the higher order road network along Gympie Road.

The site has access to all essential infrastructure connections consistent with that anticipated in an urban setting. A reticulated sewer main traverses the site in a north-south direction, water connections are provided to a water main located in the Sammells Drive open space reserve, and overhead power is available at the frontage of the site.

Under the *Brisbane City Plan 2014*, the site is identified in the Medium Density Residential Zone and at a local level is included in the Chermside Centre Neighbourhood Plan (Residential South Precinct – NPP03). The planning intent for the site and surrounds is to accommodate multiple dwellings in a medium rise format.

### Background and Summary of Approval

On 15 May 2018, Council approved a Development Permit for a Material Change of Use of premises to establish a Multiple Dwelling (33 units), which took effect on 1 November 2018, following the issue of a Negotiated Decision Notice (Council ref: A004429889).

On 31 July 2020, Council granted an Extension to the currency period of the approved development by one year such that the currency period was valid until 1 November 2023 (Council ref: A005473400).

The Planning Minister declared a series of ‘applicable events’ in response to the Covid-19 pandemic, which applied automatic extensions to the currency period of all approvals in effect at the time. The following automatic extensions were applicable to the currency of the subject development approval:

- 8 July 2020 (6 months)
- 1 September 2021 (6 months)
- 29 April 2022 (12 months)

The first COVID-19 extension did not apply to this approval, because an extension application decision was given on 31 July 2020, i.e. after 8 July 2020. The second and third COVID-19 extensions did apply and the currency period for the existing approval was extended to 1 May 2025.

On 11 February 2025, Council granted an extension to the currency period of the approval by a further four years until 1 May 2029 (Council ref: A006697550).

Construction of the development has recently commenced and some minor changes driven by detailed design are now required to the existing approval.

### The Proposed Minor Change

Our client, Ausdev Pty Ltd, purchased the site in 2025, and following a review of the existing approval, has proposed several changes primarily required to address Building Regulation requirements. Further refinements are proposed to enhance cost efficiency, including adjustments to screening elements and a more considered approach to the number and sizing of windows. All proposed changes are identified by red notation on the updated Architectural Plans in **Attachment 1** which correspond to the List of Proposed Change in **Attachment 2**.

The most pertinent consequential change of the updated Building Regulation requirements is that each level is required to deliver roof mounted sprinklers. This results in a 100mm – 450mm increase in the height of each of the approved levels, however, the overall maximum height has been kept 0.2m lower (20.5m) than that originally approved (20.7m). Additionally, the deep planting area in the north-western corner of the site is now proposed to accommodate a water tank for fire fighting purposes that cannot be accommodated elsewhere onsite. This loss of landscaping at the rear of the site has been offset by additional frontage landscaping in the south-western corner of the site. The overall building footprint, size, bulk and scale of the proposal is consistent with that previously approved.

### Proposed Changes to the Decision Notice

#### Condition 25:

The condition requires all engineering works to be placed on a formal on maintenance and off maintenance regime, including defect rectification prior to Council acceptance as off maintenance. However, none of the conditions of approval require the construction or dedication of infrastructure to be transferred to Council as a public asset. The approved works are limited to on-site and development serving infrastructure, with no asset handover contemplated. Accordingly, Condition 25 has no practical application to the development. Its deletion is therefore appropriate, as it is not relevant to the nature or extent of works required by the approval. It is requested that Condition 25 is deleted.

#### Condition 34:

The condition requires our client to construct access, parking and manoeuvring for vehicles on site in accordance with the relevant Brisbane Planning Scheme Codes and as indicated on the approved Drawings and Documents. Wiltshire Stevens Architecture has advised that the carparking on the approved drawings doesn't comply in full with the Acceptable Outcomes of the Transport, Access, Parking and Servicing Code (being a relevant Brisbane Planning Scheme Code). Whilst the condition also refers to providing parking in accordance with the approved plans, to remove an ambiguity, it is requested that the start of the Conditions be amended as follows – “*construct access, parking and manoeuvring for vehicles on site in accordance with the ~~relevant Brisbane Planning Scheme Codes and as indicated on the approved Drawings and Documents...~~*”

#### Approved Plans:

The approved plans included in the Decision Notice will need to be updated to reflect the latest amended plans in **Attachment 1**. The proposed plan changes do not require any other conditions of the Decision Notice to be changed. The proposed changes do not require amendment to be made to the approved Preliminary Civil Services Layout Plan or Arborist Report.

### Minor Change Assessment - Planning Act 2016

The proposed changes to the Development Permit are considered a ‘Minor Change’ under **Section 78** of the *Planning Act 2016*, because, if the original development application, including the changes, were to be re-made, the changes would not cause:

- The inclusion of prohibited development in the application; or,
- Referral to any referral agencies; or,
- The development to have to be publicly notified; or,
- Substantially different development to that which was approved, as further detailed below.

To demonstrate that the proposal does not constitute substantially different development, an assessment against **Schedule 1** of the DA Rules has been carried out. Overall, it is determined that the proposed changes to

the approval will not result in a substantially different development to that which was approved, given the following:

- The changes do not seek to include a new land use within the approval.
- The changes would not result in the application applying to a new parcel of land.
- The change will not result in a dramatic change to built form in terms of scale, bulk and appearance.
  - The proposed changed development does not seek to increase unit numbers and results in a building form that is aligned with the approved design. The changed design will present with a building bulk, scale and appearance nearly identical to that of the previous approved plans, with a small reduction in maximum building height.
  - Design treatment and materiality remain largely consistent with that approved.
- The changes will ensure the development can still operate as intended. Infrastructure connections, servicing and civil works remain largely unchanged.
- The changes do not remove any components that are integral to the operation of the development.
- The changes will not have a material increase to traffic movements into the site when compared with the existing approval.
- The changes do not introduce new impacts or increase the severity of known impacts. The proposed development retains a building bulk and presentation consistent with the existing approval and therefore retains the approved presentation and scale interfacing with adjoining properties.
- The changes do not remove any incentive or offset components of the approval.
- The changes facilitate necessary infrastructure provision for the development.

For the reasons outlined above, it is considered that the proposed changes constitute a Minor Change to the approved development. On this basis, it is considered that this request should be dealt with pursuant to the provisions outlined within **Section 81** of the *Planning Act 2016*.

#### Affected Entities

In accordance with **Section 80** of the *Planning Act 2016*, there are no Affected Entities for this change application.

#### Proceeding

We trust that this correspondence provides you with sufficient information in relation to the proposal and we look forward to receiving a positive decision from Council at your earliest convenience.

Should you have any further questions in relation to this matter, please feel free to contact us direct.

Yours faithfully,

**ADAMS + SPARKES**  
**TOWN PLANNING**



**Adam Seaton**  
**SENIOR TOWN PLANNER**



**Doug Payne**  
**TOWN PLANNER**

Encl: Updated Architectural Plans (**Attachment 1**).  
List of Proposed Changes (**Attachment 2**)  
Coloured Render of Proposal (**Attachment 3**)