

12 November 2025

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

Via Email: [dalodgement@brisbane.qld.gov.au](mailto:dalodgement@brisbane.qld.gov.au)

Council Reference: A006702114  
Attention: Kayal Chandrasekar

Dear Kayal,

**RE: Request to make a ‘Minor Change’ under Section 81 of the Planning Act 2016 to a Development Approval – Material Change of Use and Building Works for a Multiple Dwelling (15 Units) at 3-9 Byron Street, Bulimba**

We write to Council (the responsible entity) on behalf of our client 3 Byron St Pty Ltd with respect to the above-mentioned approval issued over 3-9 Byron Street, Bulimba. The original approval was granted on 9 July 2025 for a Material Change of Use and Building Works for a Multiple Dwelling (15 Units) (vide: A006702114).

Since approval, the project has progressed to detailed design. As part of this design progression, minor changes are proposed to the development. Specifically, the development requires a Padmount Transformer (PMT), which can only be accommodated on the Byron Street frontage. Consequently, several design changes are required to the ground level and basement level. Further minor architectural changes to the upper levels are proposed. The applicant now seeks to regularise the changes by requesting a ‘Minor Change’ to the approval pursuant to Section 81 of the Planning Act 2016 (“The Act”).

The changed proposal complies with the relevant assessment benchmarks having regard to the existing approval. We therefore request the approved plans and conditions are altered in accordance with Section 83 of the Act.

This request for a Minor Change to a Development Approval is accompanied by:

- Revised Architectural Plan prepared by MODE;
- Revised Landscape Concept Plan prepared by CUSP;
- Traffic Technical Note prepared by ITE Consulting;

- Air Quality Impact Assessment prepared by SEED; and
- Planning Act Form 5 – Change Application Form.

Upon receipt of Council’s fee quote, payment of the relevant application fee shall be made.

This letter now sets out the changes proposed.

### Site Details

The subject site is located at 3–9 Byron Street, Bulimba and is formally described as Lots 215 and 216 on SP180407 and, Lot 217 on SP344774.

The site has a total area of 1751m<sup>2</sup> and is included within the Low–Medium Density Residential Zone (LMR3 Up to 3 Storeys Precinct) and the Bulimba North Precinct (NPP-001) of the Bulimba District Neighbourhood Plan (Figure 1 & 2).



Figure 1: Subject Site (Source: Nearmap)



Figure 2: Site Zoning (Source: BCC Interactive Mapping)

The site is also affected by several overlays, including the Coastal Hazard, Flood, Waterways Corridors Overlay and the Traditional Building Character Overlay.

In addition, the site is mapped as containing Local Government Infrastructure Plan (LGIP) Item BUL-A8-001, identifying a future park acquisition area along the Brisbane River and rear of the site.

### Approval History

#### Preliminary Approval to Vary the Effects of the Planning Scheme – A003137160

An application was lodged on 29 July 2011 for a Preliminary Approval to vary the effects the planning scheme over 3-59 Byron Street and 1-5 McConnell Street Bulimba (ref: A003137160). The appeal was decided on 22 April 2015, and a Preliminary Approval was issued by the Planning and Environment Court (ref: 4851/12). The Preliminary Approval introduced the Byron Street Precinct Code which acts an alternative assessment benchmark for development on the site.

#### Material Change of Use and Building Works for Multiple Dwelling – A006702114

An Impact Assessable Development Application for a Material Change of Use and to Carry out Building Work for a Multiple Dwelling was approved on 9 July 2025 (Council reference: A006702114). The application was lodged on 29 January 2025 and assessed against Version 31/2024 of the Brisbane City Plan 2014 (effective 6 December 2024). The key details of the subject development approval include:

- 15 dwellings (11 x 3-bedroom units and 4 x 4-bedroom units)
- Maximum building height of 5 storeys and RL 21.1m AHD
- Single level of basement parking containing 36 residential spaces and 3 visitor spaces (including 1 PWD space).
- Maximum site cover of 57%.



Figure 3: Approved Development Perspective – View from pedestrian path on Byron Street (vide: A006702114)  
(Source: Cavill Architects)

## Proposed Changes

The key changes can be characterised as follows:

1. Ground Level alterations including:
  - Introduction of Pad Mounted Transformer (PMT) on Byron Street frontage.
  - Amendments to driveway width
  - Relocation of visitor bike racks
  - Reduction in overall deep planting
  - Minor amendments to service locations
  - Minor amendments to unit layouts and outdoor space configuration
2. Basement Level alterations including:
  - Reconfiguration of resident bicycle storage
  - Minor reduction in aisle widths
3. Upper Level and Façade changes:
  - Amendment to extent of breeze block screening
  - Minor amendments to unit layouts, landscaping planters and private open space.
  - Minor amendment to communal open space layout
  - Amendments to Level 5 Unit Layout
  - Rooftop Building Services

This section now sets out the key changes to the approved plans.

### 1. Ground Level Alterations

#### Introduction of pad mount transformer

The applicant was advised by their electrical engineer during the development application process that the proposal (by way of being a reduction in units compared with previous approvals over the site) was potentially able to avoid a Pad Mounted Transformer (PMT) subject to endorsement from Energex. The review process by Energex could not occur until a development approval was obtained. Following approval, Energex has undertaken an assessment of the approval and concluded that there was insufficient supply available in the existing network to service the development. Consequently, an on-site Pad Mount Transformer (PMT) is now required to ensure adequate electrical capacity for the site.

The PMT is proposed along the Byron Street frontage (south-western corner) and has been designed in consultation with the project’s electrical engineer to meet all service provider requirements (Figure 4). The PMT will be screened.

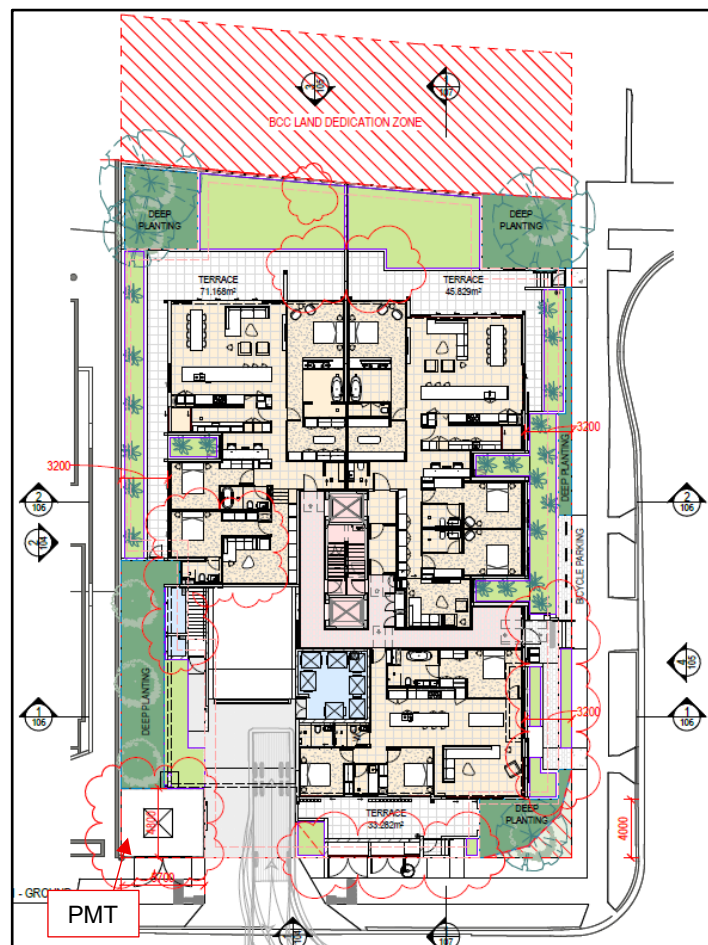


Figure 4: Proposed Ground Floor Plan (Source: MODE)

Subsequent amendments to the ground level are required to accommodate the PMT. These changes are detailed below.

**Reduction to Driveway Width and Reconfiguring of Crossover**

The PMT’s size and location will require a slight reduction in the driveway width from 6.5m to 6.2m and a minor reconfiguration of the vehicle crossover. As demonstrated within the Traffic Technical Note prepared by ITE Consulting, the development will maintain sufficient vehicle clearances and splays to accommodate servicing vehicles. Refer to Figure 5 below for updated swept paths.

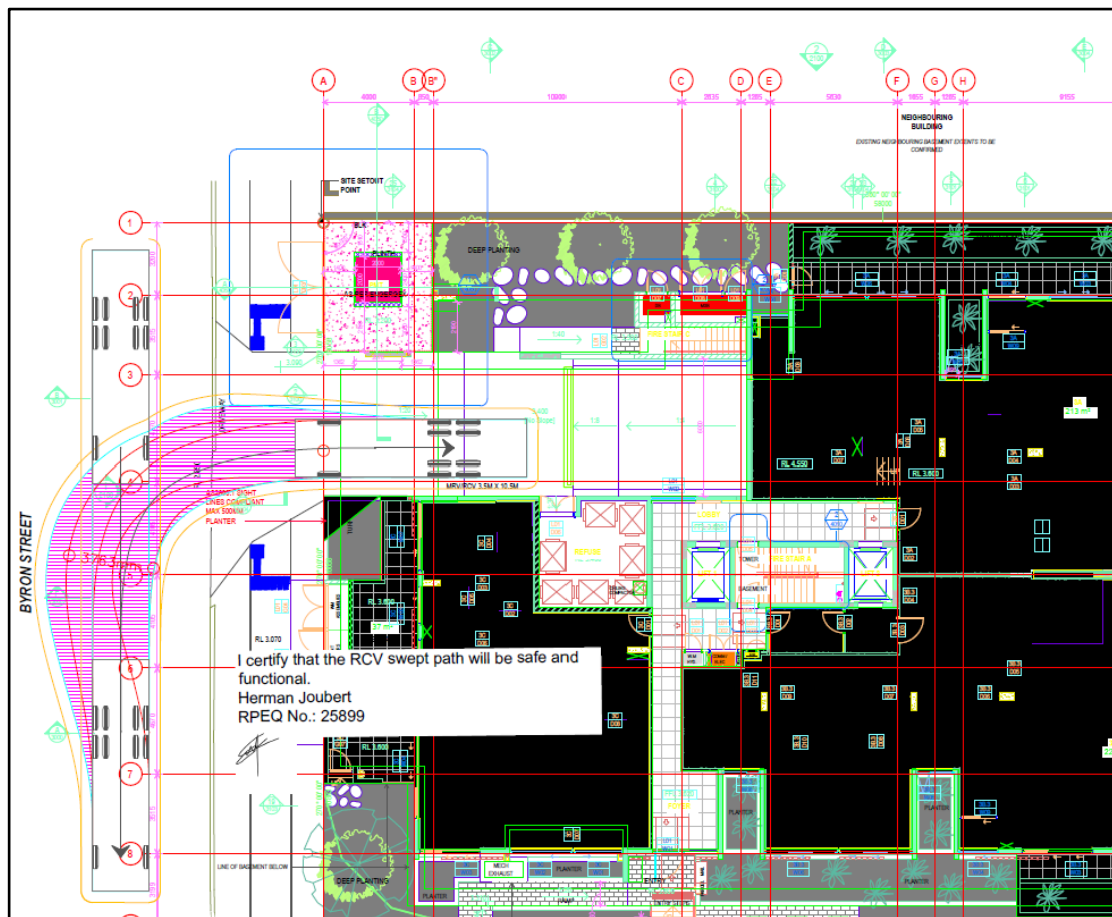


Figure 5: Updated Swept Paths (Source: ITE Consulting)

Further, the visitor bicycle parking will be located further north along the Apollo Road frontage.

### **Reduction in Deep Planting**

The Byron Street frontage has been refined to accommodate the PMT and relocated services cupboards, resulting in removal of in ground planting in this location.

The development now provides 133.4m<sup>2</sup> of deep planting, equating to 9.4% of the post land dedication site area. While this represents a minor reduction from the approval, the proposed provision of landscaping is still considered to achieve performance outcome PO29 of the Multiple Dwelling Code as follows:

- Deep planting continues to be provided in natural ground and is consolidated within key landscape zones on the truncated corner and site frontages, to maintain subtropical character, natural shading, and visual softening of the built form.
- Detailed design coordination and adjustments to the basement alignment have yielded additional soil volume and planting opportunities in other parts of the site, supporting a coordinated and functional landscape outcome.
- As demonstrated in the updated Landscape Concept Plans, the deep planting areas are maintained exclusively for landscaping and are of sufficient size to accommodate subtropical trees.

While certain deep planting areas are appropriate for shrubs (i.e. along the Apollo Road frontage), this was the case for the current approval and the overall landscape strategy continues to satisfy the performance intent of the Multiple Dwelling Code, particularly regarding shade provision, tree growth, and contribution to streetscape amenity. Containerised planting at ground level and on upper levels of the building will continue to contribute to the landscape character response to PO29.

### **Minor Amendments to Service Locations**

The introduction of the PMT and consultation with service providers has resulted in the relocation of certain building services to the Byron Street frontage and adjacent to the western boundary deep planting area (Figure 6 and 7). Further, the fire egress has been relocated further north, adjacent to the service cupboards.

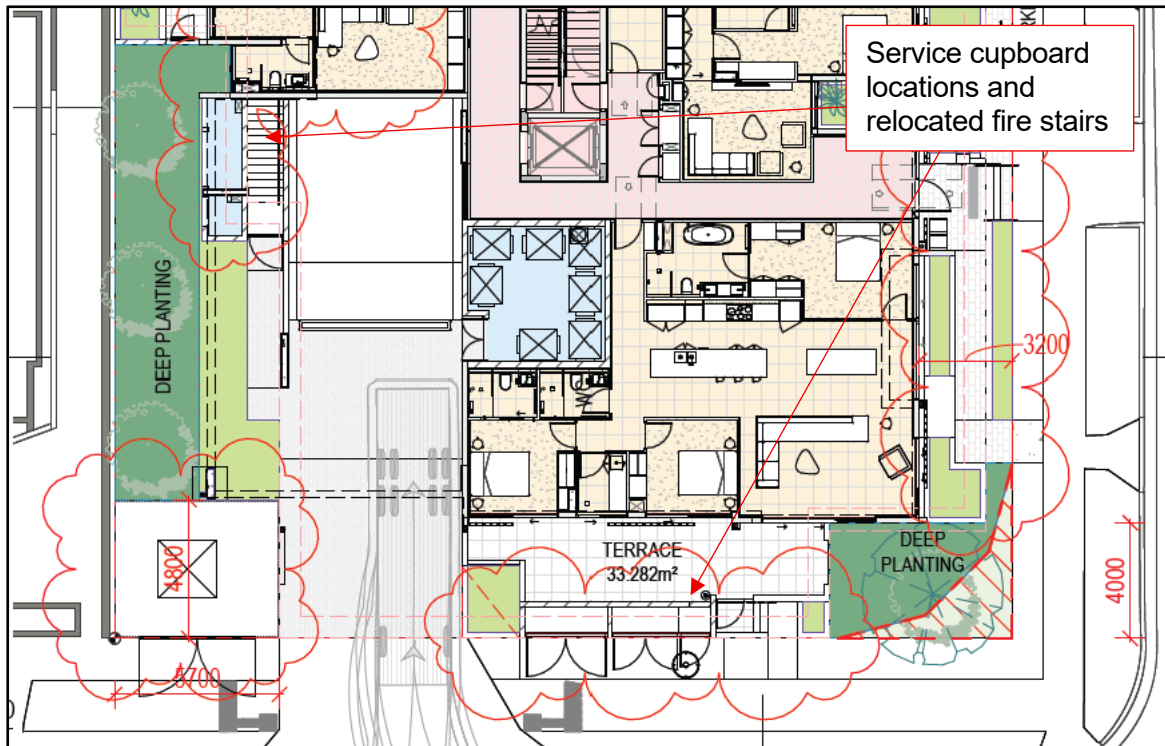


Figure 6: Proposed Service Locations (Source: MODE)

### Minor Amendments to Unit Layouts and Site Cover

Minor amendments are proposed to the ground level units. These include:

- minor increase in GFA for the western unit where the unit extends further over the driveway ramp towards Byron Street (where continuing to maintain adequate vehicle height clearance)
- reconfiguring parts of the riverfront private outdoor space, where the outdoor terrace area will be increased in size and the approved stairway adjoining the waterway boundary removed due to security concerns.

The resultant proposed site cover remains consistent with the intended form and character of the area, supports outdoor sub-tropical living and maintains the approved articulation and modulation in the building form, as per PO8 of the Multiple Dwelling Code.

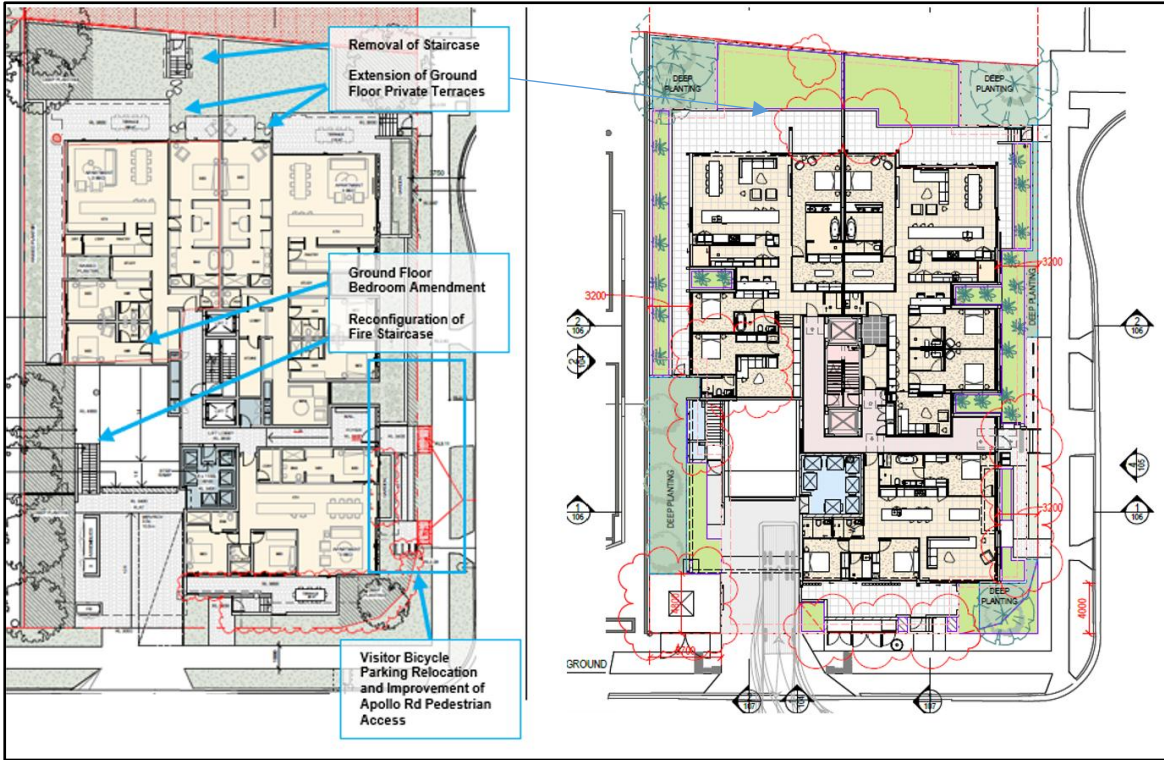


Figure 7: Approved Ground Floor Plan (Left) vs Proposed Ground Floor Plan (Right) (Source: MODE)

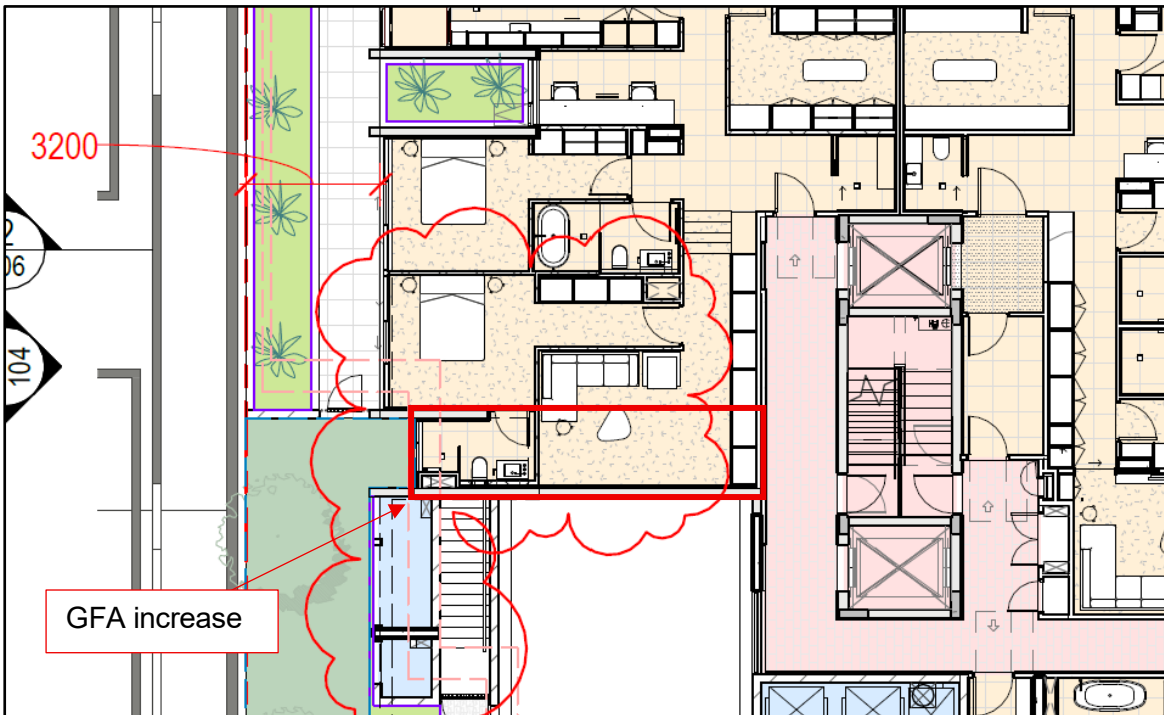


Figure 8: Proposed GFA Increase for Ground Level Unit (Source: MODE)

## 2. Basement Level Alterations

To account for services changes at ground level, the basement footprint has been marginally reduced, which has resulted in a minor reduction in the aisle widths and reconfiguration of the pump room and bicycle storage, to maintain sufficient car parking numbers (Figure 9). As demonstrate within the Traffic Technical Note prepared by ITE Consulting and Figure 10 below, the aisle widths are of a sufficient size to allow vehicle manoeuvring.

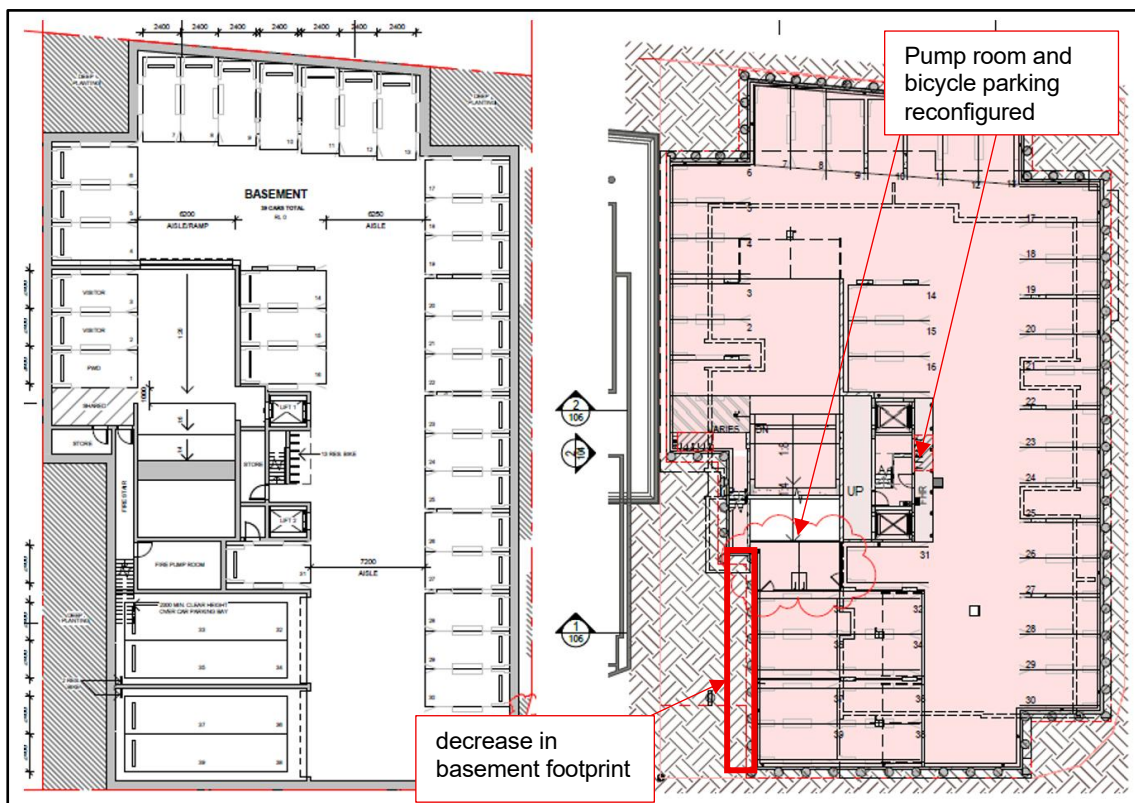


Figure 9: Approved Basement (Left) vs Proposed Basement (Right) (Source: MODE)



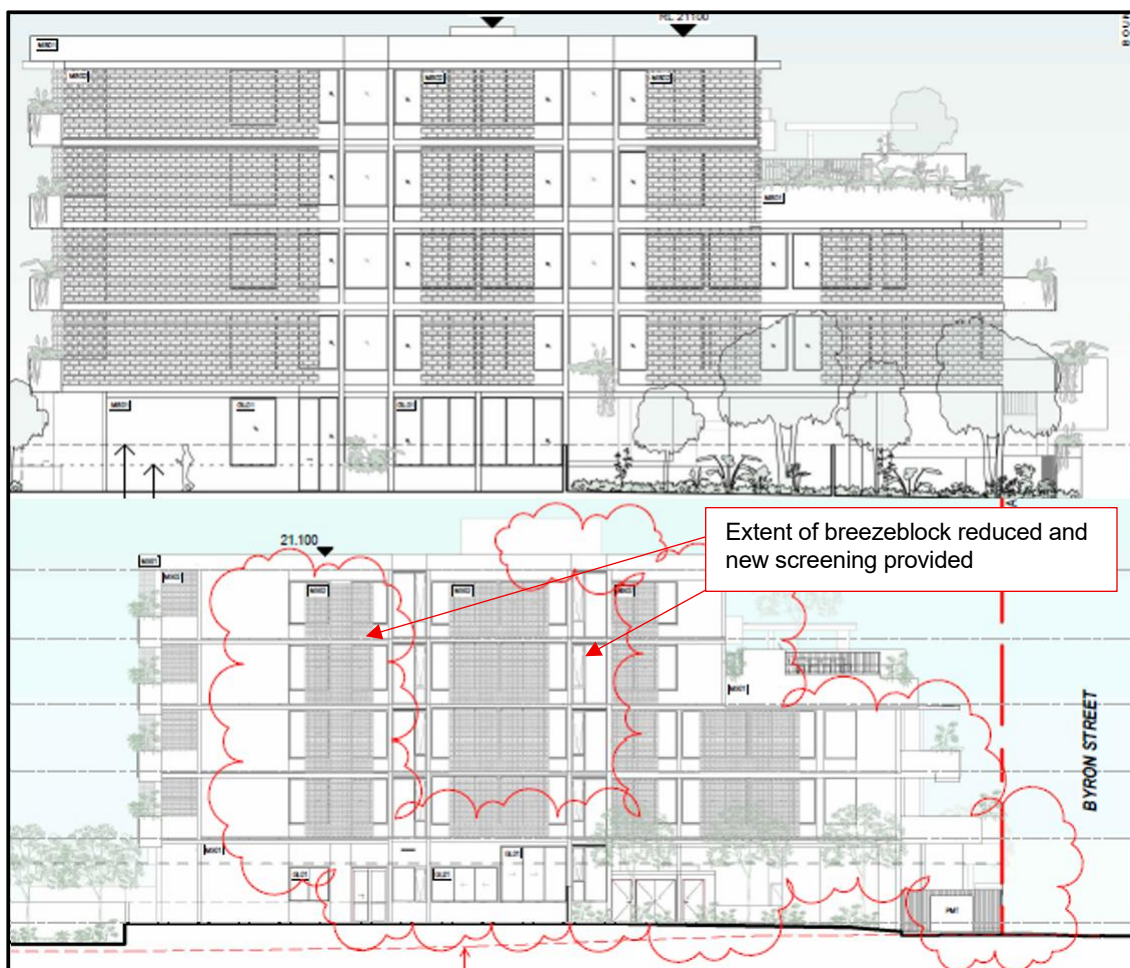


Figure 11: Approved West Elevation (Top) vs Proposed West Elevation (Bottom) (Source: MODE)

### Amendments to Levels 2-4 Unit Layouts, Landscaping and Communal Open Space

Minor reductions in the width of southern facing balcony areas are proposed for the units on Levels 2 and 3. Planning Scheme benchmarks related to balcony size and dimension are still achieved.

On Level 4, improvements have been made to the pool and communal open space. The approved BBQ/kitchen area has been relocated to accommodate the proposed communal powder room. The landscaping has also been slightly reduced to create room for a dining area near the BBQ/kitchen and increase the pool size —delivering a more functional dining and gathering space for residents.

As shown on the proposed plans and Landscape Concept Plans, some planters have been removed or reconfigured on the upper levels. In particular:

- Removal of planter in building break at western boundary for level 2 and 3

- Refinement to level 2 and 3 balcony planters facing Byron Street to better align with balconies
- Refinement to rooftop communal space planting to increase useability

The elevated planting will continue to provide landscape accents to the built form and green edges, and the changes will not dramatically change the appearance of the approved building.

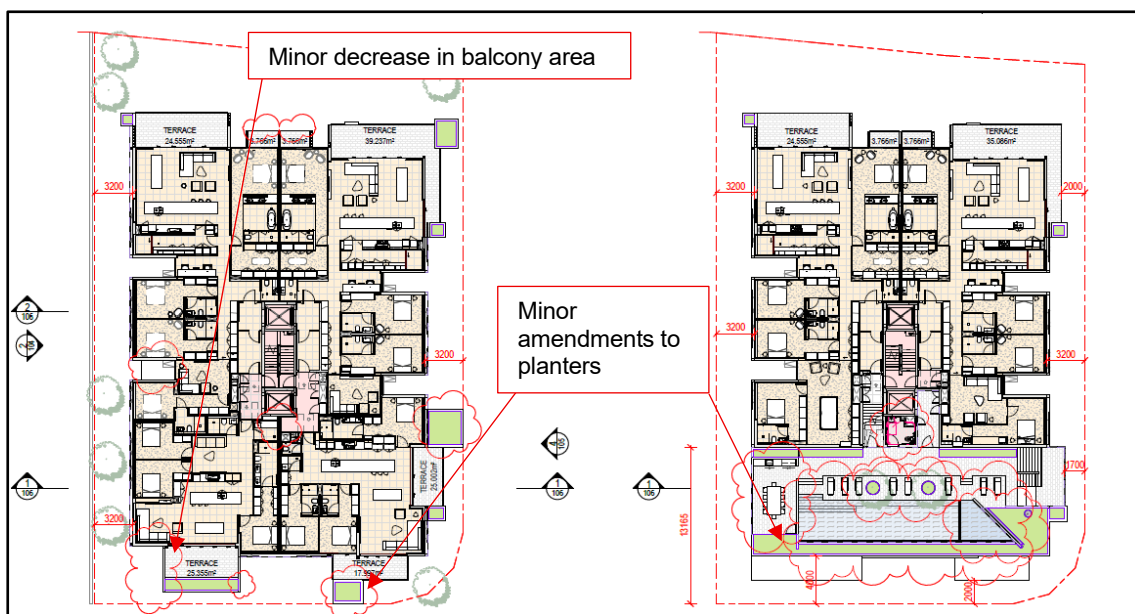


Figure 12: Proposed Floor Plans for Levels 2, 3 and 4 (Source: MODE)

### Amendments to Level 5 Unit Layout

A minor layout change is proposed to the eastern unit at Level 5, with the ensuite now running parallel with Byron Street. This results in a minor reduction in the secondary balcony space fronting Byron Street (Figure 13). This proposed change does not result in an altered minimum setback to the balcony or wall. Further, the units are still afforded compliant private open space at the riverfront balcony.

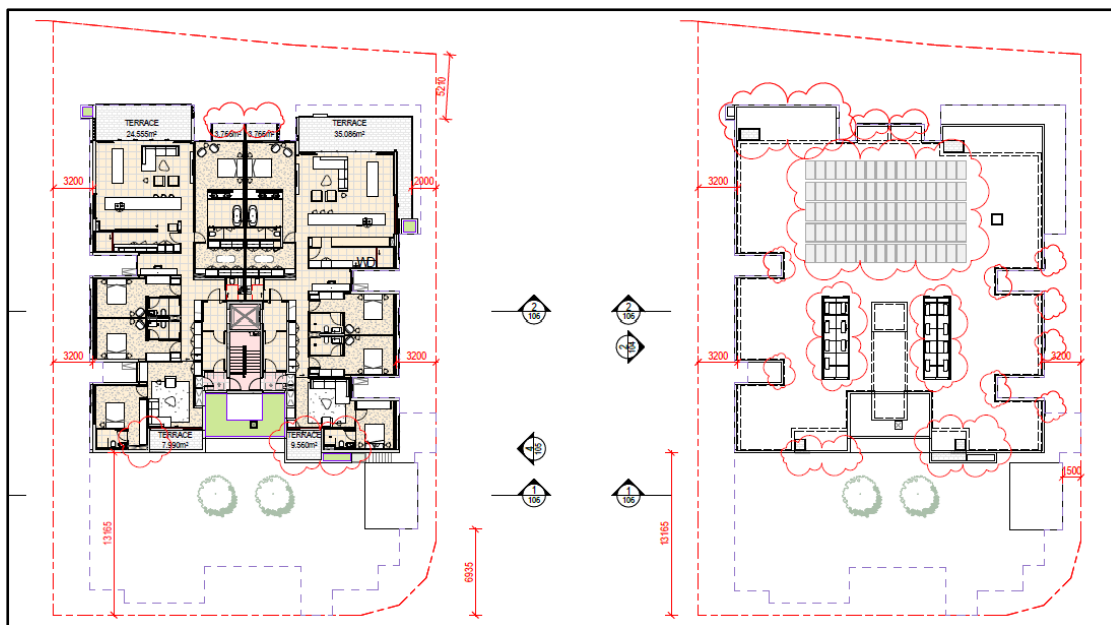


Figure 13: Proposed Level 5 and Roof Level Floor Plans (Source: MODE)

### Rooftop Building Services

Minor amendments have been made to the roof to accommodate screened air-conditioning units and solar panels. These rooftop services are ordinary components of multi storey buildings, and by way of their central, screened location, will not read as part of the main building envelope or contribute to any dramatic change to the approved building.

### Changes to Approved Drawings and Documents List

It is requested that the Drawings and Documents table and relevant conditions be updated as follows. For ease of reference the original relevant portion of conditions and Drawings and Documents table to be altered are 'struck through' with the replacement table provided beneath it.

Approved drawings:

Drawing	Author	Date	Drawing/Plan-No.	Version
B1 & GF GA Plan	Cavill Architects	04/07/2025	A-1001	6
L2-3 & L4 GA Plan	Cavill Architects	04/07/2025	A-1002	6
L5 & Roof GA Plan	Cavill Architects	04/07/2025	A-1003	5
Elevations—Byron St & Apollo Rd	Cavill Architects	04/07/2025	A-2001	5
Elevations—West & River	Cavill Architects	04/07/2025	A-2002	4
Sections	Cavill Architects	04/07/2025	A-3001	7
Sections	Cavill Architects	04/07/2025	A-3002	4

As amended by:

Drawing	Author	Date	Drawing/Plan No.	Revision
Site Plan	Mode Design	13/11/2025	A-100	1
Floor Plans – Basement & L01	Mode Design	13/11/2025	A-101	1
Floor Plans – L02 & L03 & L04	Mode Design	13/11/2025	A-102	1
Floor Plans – L05 & Roof	Mode Design	13/11/2025	A-103	1
Elevations	Mode Design	13/11/2025	A-104	1
Elevations	Mode Design	13/11/2025	A-105	1
Sections	Mode Design	13/11/2025	A-106	1
Sections	Mode Design	13/11/2025	A-107	1
Detailed Sections	Mode Design	13/11/2025	A-108	1

### Conditions to be Altered

It is requested that any conditions referencing the approved plans are updated to reflect the plans submitted with this Minor Change Request. The following change is also sought to the conditions package:

#### Condition 35 – Exhaust vents (sensitive uses)

*Dwellings and outdoor air intakes for dwellings, are separated from:*

- (a) exhaust vent outlets from car parks by a minimum of 15m.*

The Air Quality Impact Assessment & Solution report prepared by SEED Engineers assessed the air quality impacts associated with the approved carpark exhaust discharge arrangement. The assessment modelled pollutant concentrations at the nearest sensitive receptors, including residential balconies and openings. The results (refer Table 4 of the SEED report) confirm that predicted levels of CO, CO<sub>2</sub>, NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> are below the applicable assessment criteria, demonstrating full compliance with relevant air quality and amenity standards. The report concludes that, with the adopted exhaust design measures, the maximum predicted concentrations satisfy the air quality criteria at the nearest sensitive receptors, and the exhaust discharge will not result in adverse environmental nuisance or amenity impacts.

Given the demonstrated compliance and absence of adverse impacts, the removal of Condition 35 is requested, as it is no longer required to achieve an acceptable environmental outcome and can be removed without altering the nature, scale or intensity of the approved development.

#### Condition 30 – Land for Community Purpose Network – Park (Trunk)

*Transfer to Council in fee simple on trust for the community purpose of park and other ancillary public purposes (including essential services) as determined by Council including*

*but not limited to drainage and sewer, the land shown as Land dedication on the approved B1 & GF GA Plan, Drawing Number A-1001 Rev 6, received on 26/06/2025 and amended on 04/07/2025 Floor Plans – Basement and L01, dated 10/11/2025 for the Community Purposes Network (Park) which forms part of LGIP ID: BUL-A8-001 in the Local Government Infrastructure Plan 2016.*

No other amendments to the conditions of approval are proposed.

## Statutory Requirements

### Minor Change

In accordance with Section 81(2) of the Planning Act 2016, Council must decide upon a request for a Minor Change to a development approval having regard to:

- (a) the information the applicant included with the application; and*
- (b) if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and*
- (c) any pre-request response notice or response notice given in relation to the change application; and*
- (d) if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
  - (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 a development application; and*
- (e) another matter that the responsible entity considers relevant.*

Further in accordance with Section 81(3) of the Planning Act, 2016, Council must in assessing the change application consider:

- (a) a statutory instrument; or*
- (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*

In accordance with the definitions in Schedule 2 of the Planning Act 2016, a Minor Change to a Development Approval is a change that:

- “(b)*
  - 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, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, 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.”*

The proposal meets each aspect of the Minor Change definition as described below.

### Substantially Different Development

The following is an assessment of the proposed change against the relevant components of Schedule 1 – Substantially Different Development of the Development Assessment Rules.

Element from the Guideline	Changed Proposal
Does not involve a new use.	The proposal retains the approved Multiple Dwelling use. No new or additional uses are introduced.
Does not result in the approval applying to a new parcel of land.	The approval continues to apply to Lots 215–217 only. No change to the site or lot configuration is proposed.
Does not dramatically change the built form in terms of scale, bulk and appearance.	The proposed changes do not result in any dramatic change to the built form as discussed in the body of this letter. The 3 dimensional envelope of the building is consistent with the approval, therefore the proposal will retain the same perceived scale and massing when viewed from the public realm.  The façade and built form refinements are minor architectural details achieved within a building of the same design rationale as approved.
Does not change the ability of the proposal to operate as intended.	The proposed changes to the development do not change or alter the ability for the development to operate as intended.
Does not remove a component that is integral to the operation of the development.	The proposed changes to the development do not remove a component that is integral to the operation of the development.
Does not significantly impact traffic flow and the transport network.	No change to dwelling numbers or car parking supply. The works are internal/architectural and landscape refinements; traffic generation

Element from the Guideline	Changed Proposal
	and network performance remain consistent with the approved outcome.
Does not introduce new impacts or increase the severity of known impacts.	<p>The potential impact of the changes is discussed in the body of this letter. Regarding typical impacts, the following points are noted:</p> <ul style="list-style-type: none"> <li>• In relation to visual amenity and overbearing, the changes remain largely within the approved three-dimensional envelope and will not increase the severity of approved impacts. The changes to landscaping and building service design at ground level will alter the ground level interface with Byron Street but will not amount to any new impact when viewed in the context of the entire project.</li> <li>• In relation to privacy, the proposed changes to screening serve to manage overlooking in a similar or improved arrangement to that approved.</li> <li>• In relation to overshadowing, there will be no new or worsened impact for reasons outlined above.</li> <li>• In relation to air quality, the carpark exhaust arrangement has been assessed in the attached Air Quality Impact Assessment and complies with relevant criteria, confirming no new or worsened amenity impacts.</li> </ul>
Does not remove an incentive or offset component that would have balanced a negative impact of the development.	The proposed changes to the development do not remove an incentive or offset component that would have balanced a negative impact of the development.
Does not impact on the infrastructure provisions.	The proposed changes to the development do not impact on infrastructure provisions.

### Prohibited Development

The proposed development is not identified as being prohibited development.

### Referral Agencies

The original approval did not trigger referral to any state agencies and the change proposed would not trigger any referral agencies.

### **Level of Assessment**

When initially approved, the development was subject to Impact Assessment. The proposed changes would not alter the formal level of assessment for this application.

### **Public Notification**

The original development application was subject to Impact Assessment and would continue to be subject to Impact Assessment.

### **Submissions**

Section 81(2)(b) of the Planning Act states that the responsible entity must consider '... any properly made submissions about the development application... that was approved'.

Council's Response Decision Notice confirms no submissions were received during the statutory notification period.

### **Changes to Planning Instruments**

Pursuant to Section 81(4) of the Planning Act 2016, the Council 'must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.'

The development was approved under Version 31 of the Brisbane City Plan 2014 (effective 6 December 2024) and as demonstrated remains consistent with the relevant planning instruments.

### **Conclusion**

We write in relation to proposed alterations to the approved Material Change of Use and Building Works for a Multiple Dwelling (15 Units) at 3-9 Byron Street, Bulimba. We are of the opinion that the proposed alterations meet the criteria to constitute a Minor Change within the meaning of Schedule 2 of the Planning Act 2016. We therefore request that the change is assessed and decided pursuant to Section 83 of the Act.



Thank you for your consideration of this request. Should you require any further clarification or information, please don't hesitate to contact our office on (07) 3360 4200.

Yours faithfully

**URBAN STRATEGIES PTY LTD**

A handwritten signature in brown ink, appearing to read "Joshua Daley".

**Joshua Daley**

**SENIOR TOWN PLANNER**