

OUR REF: Q000004
COUNCIL REF: A006909026

24 September 2026

THE CHIEF EXECUTIVE OFFICER
BRISBANE CITY COUNCIL
GPO BOX 1434
BRISBANE QLD 4001

Attn: Jack Woolston

VIA: Online Lodgement

Dear Jack,

REQUEST FOR MINOR CHANGE S.81 TO DEVELOPMENT APPROVAL A006909206 LOCATED AT 162 OCEANA TERRACE, LOTA

Mecone is acting on behalf of the Applicant, The Village Retirement Group Pty Ltd, seeking a Minor Change to existing development approval A006909026, dated 12 March 2026, over land at 162 Oceana Terrace, Manly, formally described as Lot 62 on RP839534. The change is a Minor Change sought in accordance with section 81 of the *Planning Act 2016* ('the Act').

In support of this Minor Change request, please find attached the following –

- DA Form 5 and Owners consent letter
- Appendix A – Proposal Plans

1. BACKGROUND

The site contains Anglicare Southern Queensland's Edwin Marsden Residential Aged Care Home Manly, including the Queensland Heritage Place – Lota House (former).

Several development approvals have been granted over the site, in particular for a Retirement Facility. Construction works for Stages 1 and 2 of the Retirement Facility are nearing completion in accordance with the Request for Compliance Assessment approvals (refer to Development.i) associated with the Retirement Facility. The following development application history, detailed in **Table 6**, is relevant to the site as currently available on Council's online system. We note that historical approvals issued before January 2004, establishing the existing Residential Care Facility, also exist.

This development application for reconfiguring a lot is of most relevance to A006739497 and 2508-47738 SPD associated within the approved Retirement Facility that is currently under construction.

Table 1: Development Application History

REF	DESCRIPTION	APPROVED	COMMENT
A001944673	s3.1.6 (IPA) Preliminary Approval to override the Planning Scheme (Retirement Facility); Development Permit - Material Change of Use Retirement Facility (Stage 1, 16 independent living units); & s3.1.5 (IPA) Preliminary Approval (Demolition & Extension to a Heritage Place)	5 March 2009	Retirement Facility apartment and demolition of an existing building, 'Birch House'. The preliminary approval lowered the level of assessment for Multiple Dwelling, where for Retirement Facility (including Independent Living Units) and Aged Care Accommodation, as identified in the Master Plan, from Impact to Code Assessment.

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A0002905759	Permissible Change to Development Approval A001944673	14 September 2012	Modifications to the approved buildings and amendments to water and sewer infrastructure contributions.
A004336688	Development Permit - Material Change of Use (Extension to an Existing Residential Care Facility)	NDN 13 December 2016	Refurbishment and extension of existing blocks to include 37 new rooms
A004942635	Development Permit for Material Change of Use for Retirement Facility (100 Units); and Development Permit for Building Works.	13 December 2019 Planning and Environment Court (1201 of 2019)	Stage 3 (formerly Stage 2): Material change of use (46 units), Building work on a Heritage Place (QHP) Stage 4 (formerly Stage 1): Material change of use (54 units), Building work on a Heritage Place (QHP)
A005727272	Request for Compliance Assessment – Vegetation Management Plan	10 September 2021	Vegetation Management Plan for Stages 3 and 4.
A005773360	Request for Compliance Assessment – Landscaping	2 August 2021	Landscaping for Stage 3.
A006114319	Request for Compliance Assessment – Site Based Stormwater Quality Management Plan	Refused on 8 March 2023	
A006165073	Minor change to development approval (A004942635)	31 May 2023	Minor change to resolve functional design issues with the buildings.
A006311610	Other Change to development approval (A006165073)	20 February 2024	Approval granted 20 February 2024 for an Other Change to approval A006165073. The proposed change includes Development permits for Building work and Material change of use for two (2) additional buildings on the site, amended staging, a total 187 independent living units (increase from 100) independent living units) and 2 additional stages (now four (4) stages) • Development permit for a material change of use for retirement facility, Stage 1 comprising Building 6: 38 Units, Building 5: Basement (only) and Community Facilities Building • Development permit for a material change of use for retirement facility, Stage 2, comprising Building 5: 39 Units • Development permit for a material change of use for retirement facility, Stage 3 (formerly Stage 2), comprising Building 3: 32 Units and Building 4: 32 Units • Development permit for a material change of use for retirement facility, Stage 4 (formerly Stage 1), comprising Building 1: 23 Units and Building 2: 23 Units



			• Increase in car parking to 254 bays, including thirty-six (36) visitor bays • Increase in gross floor area (GFA) to 27,707m² • Identification of significant landscape trees (SLTs) proposed for removal are to be replaced with 400L stock in the locations identified on the Vegetation Management Plan (VMP) and Landscape Concept Plan (LCP) • Removal of temporary refuse storage for Stage 1 (final refuse storage accommodated within basement of Stage 1) • Provision of temporary pedestrian pathways for Stages 1-3 until the ultimate pedestrian pathways can be established and provided as part of Stage 4 • Development permit to carry out building work on a Queensland Heritage Place - SARA referral agency response 2308-36378 SRA dated 31 October 2023.
A006547853	Exemption Certificate under section 46 of the Act for a Temporary Sales Office.	5 August 2024	The Temporary Sales Office is located in the general location of Building 1 (Stage 4) of A006311610. The Temporary Sales Office intends to provide an on-site information building for a maximum period of 2 years. The Temporary Sales Office will be removed at the end of the 2 years, and upon the completion of Building 6 (Stage 1).
202405-20783 EC	Heritage Exemption Certificate under section 74 of the Queensland Heritage Act 1992 for a Temporary Sales Office.	6 June 2024	As above.
A006623803	Request for Compliance Assessment – Construction Management Plan	25 October 2024	Construction Management Plan for Stages 1 and 2.
A006643407	Request for Compliance Assessment – Acid sulphate soils management plan	25 November 2024	Acid sulphate soils management plan for Stages 1 and 2.
A006574069	Request for Compliance Assessment - Stormwater Drainage	9 December 2024	Stormwater Drainage for Stages 1 and 2.
A006588131	Request for Compliance Assessment - Stormwater Drainage	9 December 2024	Stormwater Drainage for Stages 1 and 2.



A006614513	Request for Compliance Assessment – Landscaping	12 December 2024	Landscaping for Stages 1 and 2.
202503-22135 EC	Heritage Exemption Certificate under section 74 of the <i>Queensland Heritage Act 1992</i> for a Temporary Sales Office.	7 March 2025	Minor changes to the carparking layout approved via 202405-20783 EC
A006729223	Exemption Certificate for a Temporary Sales Office.	15 April 2025	Exemption Certificate for a Temporary Sales Office.
A006739497	Minor Change to A006311610	16 July 2025	Minor changes to Stages 1 and 2, Bld 5, 6 and Community Facilities Building: • Community Facilities Building roof 'pop-up' • Roof plant screening • Repositioning of driveway and associated bus stop relocation • Reallocation of carparking spaces • Change to irrigation system • Changes to the carpark ventilation system
2508-47738 SPD	Minor Change to 2308-36378 SRA	29 September 2025	As above.
A006739497	Affected Entity Response associated with Minor Change to 2308-36378 SRA	19 September 2025	As above.
A006667343	Request for Compliance Assessment for External Materials and Finishes	24 November 2025	External Materials and Finishes for Stages 1 and 2.
A006909026	Development Permit – Reconfiguring a Lot Volumetric Subdivision.	12 March 2026	Reconfiguring a lot (1 volumetric lot and 1 standard format lot.)
A006935170	Request for Compliance Assessment for Signs and Line Marking for Minor Roads and Bus Stop	15 April 2026	Signs and Line Marking for Minor Roads and Bus Stop for Stages 1 and 2.
A006935170	Request for Compliance Assessment for Road Works and/or Stormwater Drainage and Bus Stop	15 April 2026	Road Works and/or Stormwater Drainage and Bus Stop for Stages 1 and 2.

Table 2 below provides a comparison of aerial photographs from 2020 after approval of A004942635 in December 2019 and the recent situation (22 June 2026) illustrating progress on Stage 1 and 2 that are nearing completion in late October 2026.

TABLE 2 – COMPARISON OF HISTORICAL AND CURRENT AERIAL PHOTOGRAPHS

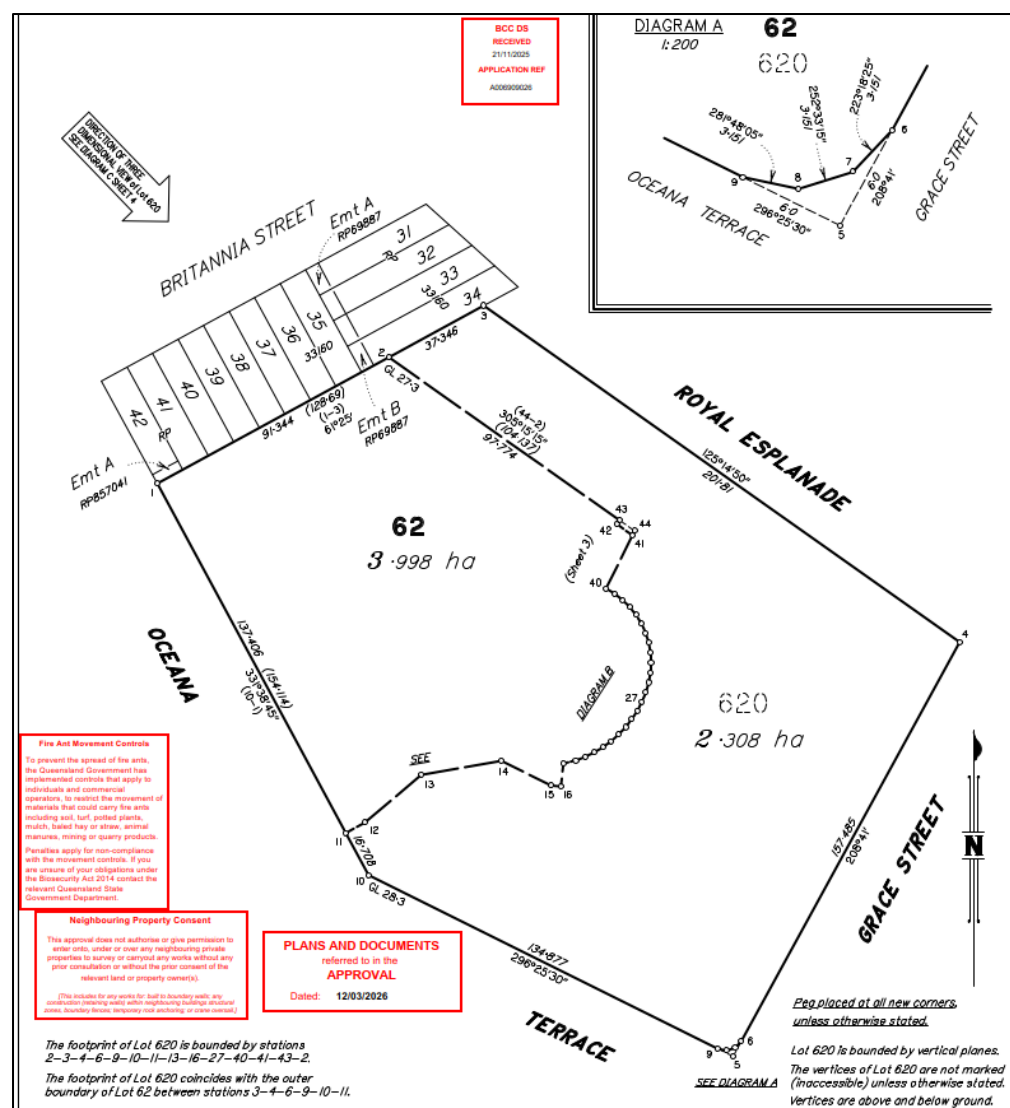


2. DEVELOPMENT APPROVAL A006909206

The approved subdivision reconfigured the existing single lot into 2 lots, comprising 1 standard format lot (Lot 62) and 1 volumetric lot (Lot 620). Proposed standard Lot 62 encompasses the Edwin Marsden Tooth Residential Aged Care Home that also includes Lota House operated by Anglicare Southern Queensland, and the proposed volumetric Lot 620 encompasses the approved (A006739497, 2508-47738 SPD) Retirement Facility (The Village Manly) that is under construction to be operated by The Village Retirement Group. **Figure 2** below depicts the approved subdivision layout.

This subdivision was sought for property management purposes only and will have no effect on the function of the existing activities, implementation of development approvals or the provision of services. The existing Residential Care Facility will be retained on the standard freehold Lot 62 spanning the entire site to 'heaven and hell' except for the bounds of volumetric Lot 620. The approved Retirement Facility will be contained within new volumetric Lot 620 extending from the basement located below ground (RL 15) to the roof top of the approved buildings (RL 55) that are currently being constructed.

As noted in the original application the subject site has a number of infrastructure services running through it servicing both the existing and new buildings under construction, and it would be untenable to identify individual reciprocal easements over each piece of infrastructure, shared access, etc. as part of a standard freehold subdivision. Accordingly, as conditioned a Building Management Statement (BMS) will be prepared, which will address the day-to-day operation and responsibility of shared facilities between both lots and their respective residential aged care facility and retirement facility activities.



Source: Saunders Havill Group, 2025

3. PROPOSED CHANGES

The proposed changes to the volumetric subdivision approval A006909206 are minor in nature, relating to electricity servicing and access.

The detailed design phase for the Retirement facility highlighted the need for an Energex transformer to service the development. This transformer is proposed to be located within an accessible easement fronting Oceana Terrace. Accordingly, the volumetric subdivision has been updated to reflect these changes. Proposed Easement A will contain the pad mount for the future transformer and provide access from Oceana Terrace in favour of Energex, and is located within Lot 620 and is to be bounded by the same vertical planes.

The original approval split the driveway within proposed Lot 650 (Retirement Facility) and Lot 62 (Aged care facility), resulting in a kink in the dividing boundary half way along the driveway. The proposal seeks to relocate this boundary to follow the northernmost extent of the driveway, to be full contained within Lot 620. **Figure 3** shows the proposed amended layout and **Table 3** below provides a comparison of approved and proposed subdivision layout.

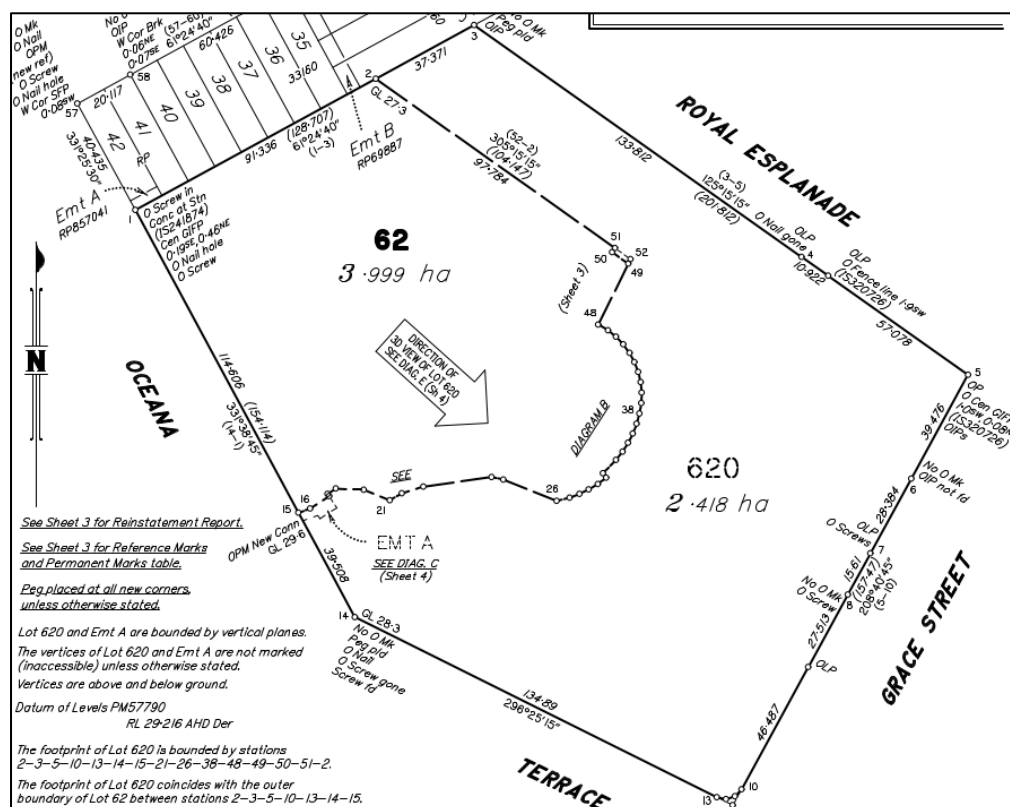


FIGURE 3: PROPOSED SUBDIVISION LAYOUT

Source: Saunders Havill Group, 2026

TABLE 3 – COMPARISON OF APPROVED AND PROPOSED SUBDIVISION LAYOUT

Approved A006909206 Layout	Proposed Layout
Lot 62 E.M. Tooth Residential Aged Care Home and Lota House managed by Anglicare Southern Queensland Lot 620 A006739497 The Village Manly Retirement Facility managed by The Village Retirement Group	Lot 62 Lot 620 PROPOSED LOT 620

4. PLANNING ASSESSMENT

Sections 78A, 80 and 81 identify the responsible entity, affected entity and matters the responsible entity must consider the following as part of the assessment of the Minor Change application:

78A

(1) The responsible entity for a change application is—

(a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or

(b) otherwise—the assessment manager.

Brisbane City Council as the original assessment manager is the responsible entity.

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(1) A person who proposes to make a change application for a minor change to a development approval must give notice of the proposal, and the details of the change, to the following entities (each an affected entity)—

(a) if the assessment manager would be the responsible entity for the change application if it were made—a referral agency for the development approval other than the chief executive;

(b) if a referral agency would be the responsible entity for the change application if it were made—

(i) the assessment manager; and

(ii) another referral agency for the development approval other than the chief executive;

Not Applicable. Brisbane City Council is the responsible entity. The original development application included referral to the Chief Executive and received the State Assessment and Referral Agency's referral agency response, 2512-49787 SRA dated 11 February 2026, with "no requirements". There were no other referral agencies. There are no affected entities for this application, and no other separate Minor Change application is required to be made to SARA.

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(2) In assessing the change application, the responsible entity must consider—

(a) the information the applicant included with the application; and

Noted.

(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

Reconfiguring a Lot approval A006909026 was subject to impact assessment. The application had a 15 business days public notification period, in which a 1 properly made submission was received.

The submission supported the subdivision on the condition that it does not serve as a precursor to the rezoning of the land. Neither the original approval nor this Minor Change seek to change the zoning of the land.

(c) any pre-request response notice or response notice given in relation to the change application; and

Not Applicable. No pre-request response notice or response notice have been obtained.

(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



Not Applicable. The responsible entity is not the Minister.

(e) if the responsible entity is, under section 78A(4), the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be an application for State facilitated development under section 106D; and

Not Applicable. The change is not associated with a State facilitated development.

(f) if paragraphs (d) and (e) do 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

(g) another matter that the responsible entity considers relevant.

(3) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d), (e) or (f), consider—

(a) a statutory instrument; or

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

(4) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.

(5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—

(a) the statutory instrument or other document as in effect when the change application was made; or

(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; or

(c) another statutory instrument—

(i) that comes into effect after the change application is made but before it is decided; and

(ii) that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.

Items 2(f) and (g), 3, 4 and 5 above are commonly understood to mean that the responsible entity:

- must consider statutory instruments, documents and matters considered relevant that were in force at the time of lodgement of the original development application subject of this change application; and
- may consider statutory instruments and documents in force at the time of lodgement, or that are amended, replaced or come into effect after the change application is made but before it is decided.

Matters the responsible entity would or may assess against or have regard to if the change application were a development application and another matters that the responsible entity considers relevant, are generally considered to be consistent with section 45 of the Act and part 4, division 4 of the *Planning Regulation 2017*, e.g. any development approval for, and any lawful use of, the premises or adjacent premises, and the common material.

Although this Minor Change application only seeks to amend the approved boundaries A006909026, the above provisions ensure that the changes are considered in the context other approved aspects of development and development approvals on-site.



5. ASSESSMENT BENCHMARKS

The relevant statutory instruments are:

- *Brisbane City Plan 2014* ('City Plan') v34 effective 19 September 2025, in force at the time of lodgement of the development application A006909026 properly made on 5 December 2025.
- City Plan v37 effective 18 September 2026 in force at the time of lodgement of this Minor Change application.

Although City Plan has been amended several times since lodgement of A006909026 occurred on 5 December 2025, it is considered that there are no amendments to City Plan between v34 and v37 that materially change the assessment of the proposal if it was lodged today as a new development application. This includes the key performance outcomes which were identified during the assessment of the original development application. Given there hasn't been a significant change in the assessment benchmarks themselves, or the extent of compliance of the development incorporating the proposed changes, it is not considered necessary to re-assess the proposal against the specific assessment benchmarks of v34 and v37 of *City Plan*.

6. MINOR CHANGE CRITERIA

Under Schedule 2 of the Act, a Minor change for a Development approval is defined as a change that –

- 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.*

An assessment of the proposed change against each item is provided below.

The proposed change to the development application will not result in a substantially different development

Please refer to the following section of this letter outlining an assessment of the proposed changes against the 'substantially different development' test.

If the application, including the change, were made when the change is made would not cause:

(A) the inclusion of prohibited development in the application

The development including the proposed change does not involve prohibited development.

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application

(C) referral to extra referral agencies, other than to the chief executive.

(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.



Development Approval A006909026 involved referral to the Chief Executive / SARA, with the referral agency response with “no requirements” 2512-49787 SRA being received on 11 February 2026. If the application for the approval were remade including the change, the change would not require the application to be referred to additional concurrence agencies or the consideration of new matters.

(E) public notification if public notification was not required for the development application.

Public notification was undertaken for the original approval, being an impact assessable development application.

6.1. SUBSTANTIALLY DIFFERENT DEVELOPMENT TEST

Schedule 1 of the Development Assessment Rules states:

3. In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency, or chief executive (for an application for State facilitated development) must consider the individual circumstances of the development, in the context of the change proposed.

4. A change may be considered to result in a substantially different development if any of the following apply to the proposed change

Accordingly, the assessment of whether a proposed change constitutes substantially different development is determined on an individual basis according to the circumstances of the development. Further, a change may be considered to be substantially different development if involving items a) to i) below, and therefore the list should be used for guidance only, is not exhaustive, and is not necessarily determinative. Failure to meet 1 or more of the items below does not necessarily mean the change constitutes substantially different development, depending on the individual circumstances of the development, in the context of the change proposed.

TABLE 4 – SUBSTANTIALLY DIFFERENT DEVELOPMENT

Criteria	Response
a) <i>involves a new use; or</i>	The proposed change does not introduce any new uses to the site.
b) <i>results in the application applying to a new parcel of land; or</i>	The proposed change does not result in the application applying to a new parcel of land.
c) <i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	The proposed change does not result in a change to built form.
d) <i>changes the ability of the proposed development to operate as intended; or</i>	The proposed change will not impact the ability of the development to operate as intended.
e) <i>removes a component that is integral to the operation of the development; or</i>	The proposed change does not remove any component of the development that is integral to its operation.
f) <i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	The proposed change does not result in an increase in traffic demand to or from the site, or reduces the overall number of vehicles spaces provided on-site. The reconfirming of the internal boundary along the driveway simplifies the situation.
g) <i>introduces new impacts or increase the severity of known impacts; or</i>	Underlying approval A006909026 was sought for management purposes only. Subsequently, no new impacts or increased impacts will arise as a part of this proposed change.



<i>h) removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	The proposed change will not remove an incentive or offset component.
<i>i) impacts on infrastructure provisions.</i>	The proposed change improves the provision of infrastructure; providing area within Easement A to establish an electrical transformer that Energex can access.

7. CHANGES TO APPROVAL

7.1. DRAWINGS AND DOCUMENTS

We are seeking the following change to the Drawings and Documents table in the approval package –

Drawing or Document	Number	Plan Date
<i>Plan of Lots 62 & 620 and EMT A in Lot 620</i>	<i>1</i>	5-DEC-2025 (Received) <i>14-SEP-2026</i>
<i>Benefit easement allocations</i>	<i>2</i>	5-DEC-2025 (Received) <i>14-SEP-2026</i>
<i>Diagram B</i>	<i>3</i>	5-DEC-2025 (Received) <i>14-SEP-2026</i>
<i>Diagram C , D & E</i>	<i>4</i>	5-DEC-2025 (Received) <i>14-SEP-2026</i>
<i>Diagram F</i>	<i>5</i>	<i>14-SEP-2026</i>

7.2. CONDITIONS

No amendments to conditions are proposed.



8. SUMMARY

This application has been prepared on behalf of The Village Retirement Group Pty Ltd, seeking a Minor Change to development approval A006909026 over land at 162 Oceana Terrace, Manly, formally described as Lot 62 on RP839534. In accordance with Schedule 2 of the Act, the proposed changes constitute a Minor Change and will not result in substantially different development.

Should you require any further information, please contact the undersigned via phone on 0423741892 or via email at aeverton@mecone.com.au, brisbane@mecone.com.au.

Yours faithfully,

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Ashley Everton
Director