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APPLICATION REF
A007047497

12 June 2026

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

Delivery via: BCC Online Lodgement Form

Dear Sir/Madam,

Change Application (Minor) to a Development Approval at 94-108 Lambert Street & 46 O'Connell Street, Kangaroo Point (Council Reference: A006915130)

In accordance with Section 78 of the *Planning Act 2016* ('Planning Act') and on behalf of *Lambert Street KP Pty Ltd* and *Main St Projects Pty Ltd* ('the Applicants'), we hereby make a request to Brisbane City Council ('Council') to change an existing development approval at 94, 98, 102, 102A, 104, 106 and 108 Lambert Street, and 46 O'Connell Street, Kangaroo Point (referred herein as 'the site').

The changes necessitate amendments to the Decision Notice issued by Council on 22 January 2026 (Council Ref: A006915130) comprising a Development Permit for Material Change of Use for Multiple Dwelling (239 units) and a Preliminary Approval for Carrying out Operational Work for Filling and Excavation.

The following documents accompany this application:

- **Attachment A** – Planning Act Form 5 – Change Application Form;
- **Attachment B** – Property Search Documents and Landowner's Consent;
- **Attachment C** – Existing Development Approval (A006915130);
- **Attachment D** – Amended Proposal Plans, prepared by *DKO*; and
- **Attachment E** – Amended Statement of Landscape Design Intent, prepared by *Urbis*.

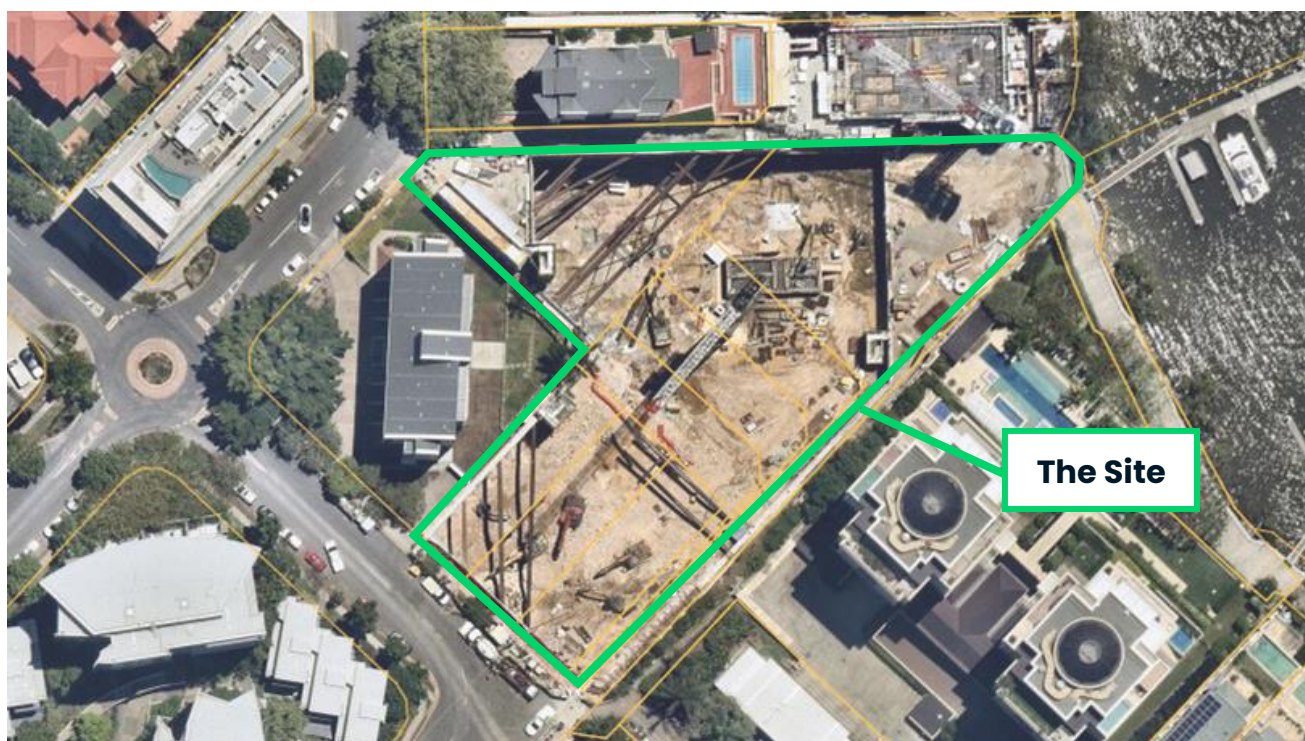
1 The Site

The site details and relevant *Brisbane City Plan 2014* ('City Plan') designations for the site are outlined in **Table 1**, with an aerial image provided at **Figure 1**.

Table 1 - Site Details

Address	<ul style="list-style-type: none"> 94, 98, 102, 102A, 104, 106 and 108 Lambert Street, Kangaroo Point 4169 46 O'Connell Street, Kangaroo Point 4169
Real Property Description	<ul style="list-style-type: none"> Lots 3-5 on RP10951 Lots 1-3 on RP900166 Lot 1 on RP10951 Lot 1 on RP79525
Site Area	5,301m ²
Zone	High Density Residential Zone – Up to 15 storeys zone precinct
Neighbourhood Plan	Kangaroo Point Peninsula Neighbourhood Plan – Shafston Precinct

Figure 1 - Site Aerial



Source: Nearmap, annotated by Urbis (2025)

2 Existing Approvals

The site has been subject to a number of approvals with a strong focus on residential development in alignment with the Kangaroo Point Peninsula Neighbourhood Plan and the present zoning for High Density Residential uses. A list of the relevant approvals has been provided in **Table 2** below.

The current approval subject to this Minor Change (s81) Application, being the Minor Change issued by Council on 22 January 2026 (Council Ref: A006915130), is outlined in greater detail below.

Table 2 - Approval History

Ref No.	Decision Date	Associated Property	Description
A001609628	15 February 2008	102A-108 Lambert Street	Multi-unit dwelling (7 units)
A003958567	13 October 2014	102A-108 Lambert Street	Extension of currency period
A004461513	14 July 2017	108 Lambert Street	Multiple Dwelling (21 units)
A004914628	25 January 2019	108 Lambert Street & 46 O'Connell Street	Multiple Dwelling (74 units) and Filling and excavation
A005260505	3 July 2020	94-108 Lambert Street & 46 O'Connell Street	Multiple Dwelling (200 units)
A005536097	11 December 2020	94 and 98 Lambert Street	Relocation of two (2) Pre-1911 houses at 94 and 98 Lambert Street.
A005542190 Appeal No. 3611/2020	11 December 2020 28 May 2021	94-108 Lambert Street & 46 O'Connell Street	Council refusal - Multiple dwellings (300 units in three 15-storey residential towers) then P&E approval - Multiple dwellings (273 units in three 15-storey residential towers).
A005541716	8 March 2021	102 Lambert Street	Relocation of a Pre-1911 house at 102 Lambert Street.
A005833578	25 February 2022	94-108 Lambert Street & 46 O'Connell Street	Minor Change to A005542190 which included a reduction to building height, reduction of units to 205 units, changes to floor plates, vehicular access, staging, facades, landscaping and communal open space.

A006369802	28 March 2024	94 Lambert Street	Other Change to A005833578 to included two residential towers, rather than three, and other subsequent design changes, including increasing unit numbers.
A006625230	19 December 2024	94-108 Lambert Street & 46 O'Connell Street	Other Change to A006369802 to increase the height of the building by three storeys for tower 1 and two storeys for tower 2, other subsequent design changes, including increasing unit numbers to 239 units.
A006915130	22 January 2026	94-108 Lambert Street & 46 O'Connell Street	Minor Change to A006625230 to accommodate a revised sewer design in response to Urban Utilities (UU) advice.

3 Proposed Minor Changes

This change application relates to minor amendments involving internal layout adjustments and refinements to approved rooftop communal areas as explained in the following sections.

3.1 Addition of Penthouse Units on Level 13 of Tower 1

The revised Level 13 layout proposes to convert the four (4) approved dwelling units into two (2) penthouse units at within Tower 1. These amendments has been made in direct response to market demand and buyer requirements. The penthouse design incorporates generous internal layouts, including well-proportioned bedrooms, a master suite, and expansive living and dining areas, while maintaining similar balcony orientations to the approved design. The proposed inclusion of penthouse units within the broader development will increase the diversity of housing supply and largely relates to internal changes to the building design to facilitate.

As a result of this amendment, the total number of dwellings is reduced from 239 to 237. Given the proposed reduction in dwelling yield is facilitated internally and wholly contained within the existing approved building footprint, it does not alter the approved tower form, scale or external appearance, nor does it result in any increase to the overall building height, bulk or intensity.

As a result of the proposed changes, internal floor to ceiling heights have been modestly reduced across Level 12 and 13. Relevantly, Level 12 ceiling height is reduced from 4.2 m to 3.2 m, whilst level 13 ceiling height is reduced from 4.6 m to 4.1. As a consequence, the buildings overall height has been marginally reduced also. Notwithstanding, the change is considered minor in nature and maintains consistency with the intent of the approved development.

Further, the proposed reduction in dwelling yield will not materially impact the existing approved servicing and traffic arrangements.

The changes are illustrated in **Figure 2**.

Figure 2 - Comparison of Approved and Revised Tower 1 Level 13 Floor Plan (Emphasis in Green)



Picture 1 - Approved Typical Floor (L2-L13)



Picture 2 - Revised Level 13 with 2 Penthouses

Source: DKO

3.2 Revised Tower 1 Rooftop Design

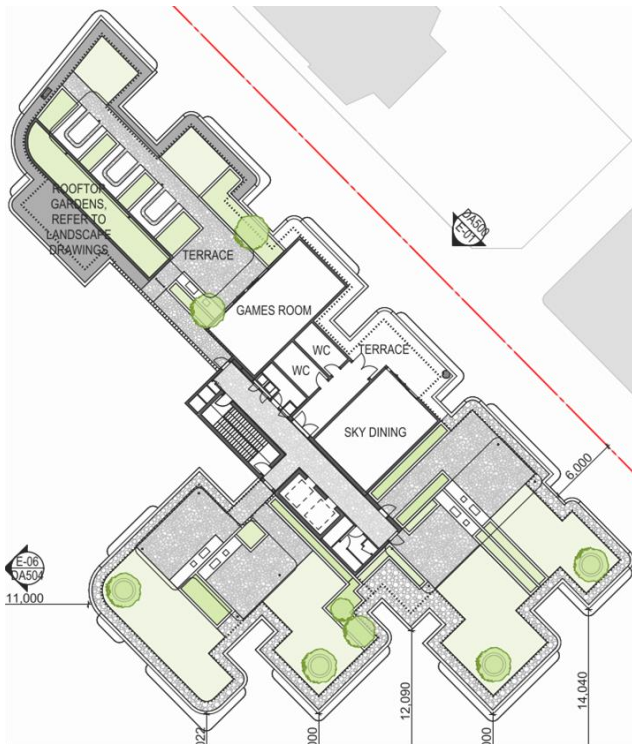
The proposed changes to the Tower 1 rooftop involve refinements to the approved rooftop layout to improve functionality and amenity for residents. Specifically, the amendments seek to introduce two (2) private open space areas at the eastern periphery, serving as an extension to the proposed penthouse units discussed at Section 3.1. The private open space area involves swimming pools, a BBQ terrace and internal areas.

The balance of the rooftop remains communal open space, comprising open turf, BBQ terrace and open pergola areas. The previous approved communal games room and sky dining area is proposed to be removed and converted to a services room, in order to comply with relevant building code requirements.

The rooftop continues to provide generous greenery and cascading planting to support the existing approved subtropical outdoor living outcomes to enhance residential amenity and recreational opportunities on the site. Whilst a portion of the rooftop will be dedicated as private open space for the penthouses, generous communal open space areas are offered throughout the balance of the broader development and as such, residential amenity is maintained.

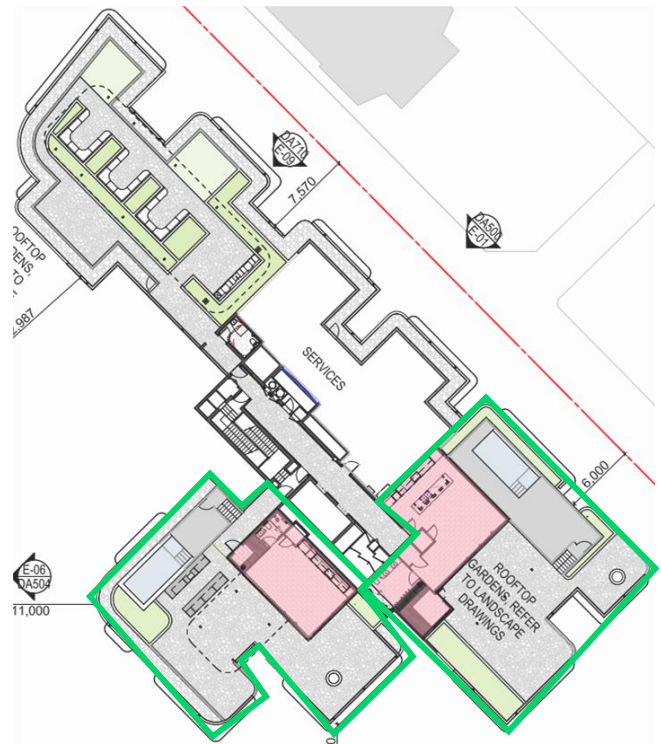
Overall, the revised rooftop layout provides a more considered approach that maximises opportunities for resident recreation and amenity, with a greater proportion of the rooftop utilised as functional communal and private open space. The changes do not alter the approved building envelope or increase development intensity and are considered minor in nature.

Figure 3 - Comparison of Approved and Revised Tower 1 Rooftop Plan (Penthouse Private Open Spaces Emphasised in Green)



Picture 3 - Approved Level 14

Source: DKO



Picture 4 - Proposed Changes to Level 14 (Rooftop)

Source: DKO

3.3 Rooftop Changes on Tower 2

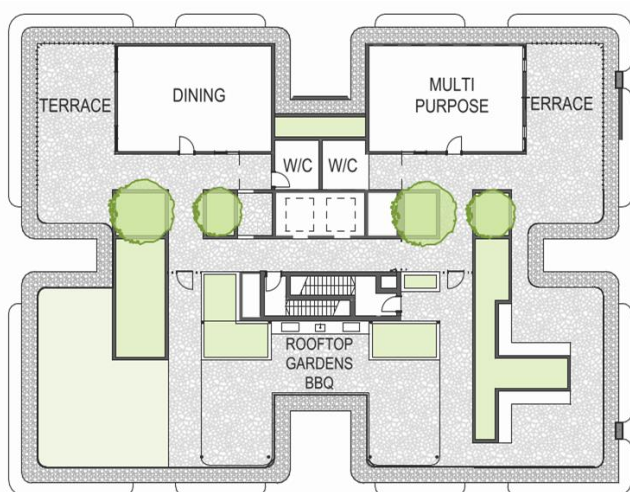
The proposed changes to the Tower 2 rooftop involve minor refinements to the approved layout, including the conversion of the previously approved dining and multi-purpose areas to a services area, as illustrated in **Figure 4**. Despite this change, the Tower 2 rooftop continues to provide recreational opportunities through the provision of a BBQ terrace, open turn areas, feature planting and an open pergola.

Further, the proposal retains the generous communal open space areas offered throughout the balance of the broader development. This will continue to support subtropical outdoor living opportunities and recreational offering for future residents.

As a result of the proposed changes, the ceiling height has been modestly reduced from 4.6 m to 3.2 m, which in turn reduces the overall height of the building by approximately 1.4 metres.

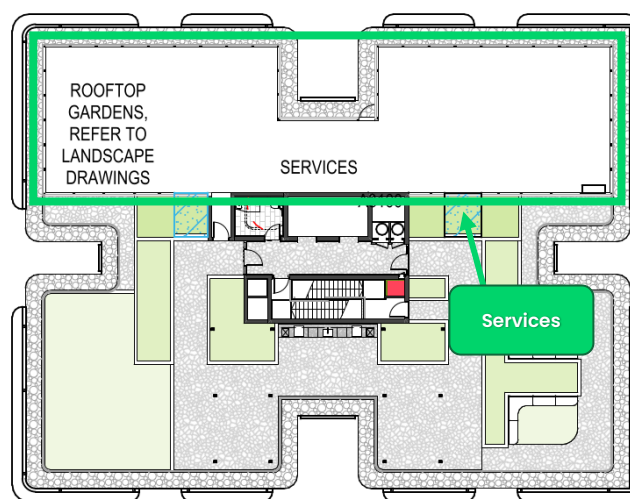
Overall, the rooftop design remains largely unchanged, with minor alterations to the building envelope and scale and no change to the overall intensity of the development.

Figure 4 - Comparison of Approved and Revised Tower 2 Rooftop Plan (Emphasis in Green)



Picture 5 - Approved Tower 2 Rooftop

Source: DKO



Picture 6 - Proposed Changes to Tower 2 Rooftop

Source: DKO

4 Proposed Changes to Development Approval

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.

4.1 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: A006625230).

Table 3 - Changes to approved plans and documents

Plan/ Document Name	Reference Number	Revision	Plan Date
Proposed Site Plan	DA102	Revision B	01-10-2024
		Revision A	11-06-2026
GAP Typical Floor L2- 13 -12	DA410	Revision E	19-11-2024
		Revision A	11-06-2026
GAP Level 13 (Penthouse)	DA411	Revision A	11-06-2026
GAP Level 14	DA411	Revision E	19-11-2024
	DA412	Revision C	11-06-2026
GAP Tower 2 Rooftop Amenity	DA412	Revision D	01-10-2024
	DA413	Revision C	11-06-2026
GAP Tower 2 Roof	DA413	Revision D	01-10-2024
	DA414	Revision C	11-06-2026
Tower 1 - North Elevation	DA500	Revision E	01-10-2024
		Revision C	11-06-2026
Tower 1 - East & West Elevations	DA501	Revision E	01-10-2024
		Revision D	11-06-2026
Tower 1 - South Elevation	DA502	Revision E	01-10-2024
		Revision D	11-06-2026
Tower 2 - North & South Elevations	DA503	Revision D	01-10-2024
		Revision C	11-06-2026
Tower 2 - East & West Elevations	DA504	Revision D	01-10-2024
		Revision C	11-06-2026
Section A - A	DA505	Revision E	01-10-2024
		Revision D	11-06-2026
Section B - B	DA506	Revision E	01-10-2024
		Revision A	11-06-2026

Plan/ Document Name	Reference Number	Revision	Plan Date
Section C - C	DA507	Revision F	01-10-2024
		Revision D	11-06-2026
Section D - D	DA508	Revision E	01-10-2024
		Revision 01	11-06-2026
Section E - E	DA509	Revision E	01-10-2024
		Revision 01	11-06-2026
Detail Sections 1,2	DA510	Revision D	01-10-2024
		Revision 01	11-06-2026
Detail Sections 3	DA511	Revision D	01-10-2024
		Revision 01	11-06-2026
Detail Sections 4,5	DA512	Revision D	01-10-2024
		Revision 01	11-06-2026
Detail Sections 6	DA513	Revision D	01-10-2024
		Revision 01	11-06-2026
Detail Sections 7	DA514	Revision D	01-10-2024
		Revision 01	11-06-2026
Statement of Landscape Design Intent	-	-	22-08-2024
			01-05-2026

4.2 Changes to Conditions

Consequential changes to some conditions of approval are also requested as a result of the proposed Minor Change. This is outlined in **Table 4** below.

Table 4 – Proposed amendments to permit descriptions

Conditions and Requested Amendments	Comments
Stage: Multiple dwelling (2 towers for a total of 239 237 units)	Changes are requested to the Material Change of Use permit description to reflect the amended number of units

5 Assessment of a Minor Change

This section demonstrates how the proposed minor change addresses the relevant statutory requirements associated with a change application.

5.1 Responsible Entity

Chapter 3, Part 5, Subdivision 2 of the *Planning Act 2016* ('Planning Act') sets out the procedure for making a change application. In particular, Section 78 states (emphasis added in **bold**):

78 Making change application

- (1) *A person may make an application (a change application) to change a development approval.*
- (2) *A change application must be made to the responsible entity.*
- (3) *The responsible entity is—*
 - (a) *for a change application for a minor change to a development condition that a referral agency imposes—the referral agency; or*
 - (b) *the P&E Court, if—*
 - (i) *the change application is for a minor change; and*
 - (ii) *the development approval was given because of an order of the court; and*
 - (iii) *there were any properly made submissions for the development application; or*
 - (c) ***otherwise—the assessment manager.***

This minor change application relates to a development approval issued by Council as the assessment manager. In accordance with Section 78(3)(c) of the Planning Act, Brisbane City Council is therefore the responsible entity in this instance.

5.2 Minor Change Criteria

Consideration has been given to the definition of a minor change in Schedule 2 and the assessment criteria set out in Section 81 of the Planning Act, as well as the 'substantially different development' test prescribed in the *Development Assessment Rules* ('DA Rules').

A minor change is defined under Schedule 2 of the Planning Act 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) *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.”

The proposed changes meet each of the criteria stated on this definition. This is demonstrated in following sections below.

5.3 Substantially Different Development

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 DA Rules which sets out the substantially different development criteria. An assessment of the proposed changes against the substantially different development criteria is included in the table below.

Table 5 – Substantially Different Development

Guideline Criteria	Response
Involves a new use.	The proposed changes do not involve a new use on the premises.
Results in the application applying to a new parcel of land.	The proposed change does not involve the application applying to a new parcel of land.
Dramatically changes the built form in terms of scale, bulk and appearance.	<p>The proposed change will not result in any dramatic changes to the existing approved built form of the development.</p> <p>The changes are limited to internal reconfiguration and refinements to Level 13 of Tower 1 and rooftop communal areas of Towers 1 and 2, all of which occur entirely within the approved building envelope. As part of these changes, the internal ceiling height is modestly reduced across both towers, resulting in a reduction of the overall building height by approximately 1.4 m and 1.5 m of Towers 1 and 2. Importantly, this change does not increase building height, site cover or floor plate dimensions, nor does it alter the approved tower massing or external façade treatment.</p> <p>There is no resultant increase in building height, site cover or floor plate dimensions, and no alteration to the tower massing or external façade treatment.</p> <p>The development will continue to present in a</p>

Guideline Criteria	Response
	<p>manner consistent with the approved design and urban context.</p> <p>No changes are proposed to the overall approved building height, scale and appearance of the broader development. The architectural theme, language and built form remains consistent with the current approval.</p> <p>Refer to Attachment D – Amended Proposal Plans for further detail.</p>
<p>Changes the ability of the proposed development to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.</p>	<p>The proposed changes will not affect the ability of the development to operate as intended. The development will continue to be utilised as a Multiple Dwelling development.</p>
<p>Removes a component that is integral to the operation of the development.</p>	<p>The proposed changes do not involve the removal of any components of the development.</p>
<p>Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.</p>	<p>The proposed change is unlikely to result in new or additional impacts on traffic flow or the surrounding transport network.</p>
<p>Introduces new impacts or increases the severity of known impacts.</p>	<p>The proposal does not introduce new impacts or increases the severity of known impacts.</p>
<p>Removes an incentive or offset component that would have balanced a negative impact of the development.</p>	<p>The proposed changes do not impact upon any incentives or offsets associated with the development.</p>
<p>Impacts on infrastructure provision.</p>	<p>It is anticipated that the infrastructure charges will be revised to reflect the reduction in unit numbers in accordance with Council’s adopted infrastructure charges policy in effect at the time the original approval was granted.</p>

The above assessment demonstrates that, the proposed changes are minor in nature and do not result in substantially different development.

5.4 Prohibited Development

In respect to part (b)(ii)(A) of the definition of Minor Change, the proposed Minor Change will not introduce or involve any prohibited development as identified in Schedule 10 of the *Planning Regulation 2017*.

5.5 Referral Agencies

In respect to parts (b)(ii)(B) of the definition of Minor Change, the original application was referred to the State Assessment and Referral Agency ('SARA') for Transport Infrastructure Threshold matters.

If the development application, including the changes, were to be made now, the development application would not require referral to any additional referral agencies. Therefore, the proposed change will not trigger the need for the development to be referred to any additional referral agencies or 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.

5.6 Category of Assessment and Public Notification

In respect to parts (b)(ii)(E) of the Minor Change definition, we note that the original development application was subject to Code Assessment (Council Ref: A005542190 / P&E Court Ref: 3611/2020). However, the Other Change Application approved on 19 December 2024 elevated the category of assessment to Impact Assessment and required public notification.

If remade with the proposed changes, the application would remain impact assessable and the category of assessment would be unchanged. Therefore, no new public notification requirements apply to the changed application.

6 Application Fee

Council's 'Development assessment and compliance fees 2025-26' identifies the applicable fee as **\$4,576** as follows:

"Making a change application (sections 78 and 79 of the Planning Act 2016) to make a minor change (section 81 of the Planning Act 2016) to a development approval, or each existing stage of a staged development approval (includes changing/cancelling conditions) – Multiple dwelling"

The relevant fee will be paid upon receipt of a fee quote from Council.

7 Pre-Request Response Notices

There are no formal pre-request response notices associated with this change application.

8 Affected Entities

There are no affected entities associated with the proposed Minor Change, given the original application and proposed changes do not require referral to any advice agencies.

9 Landowner's Consent

Lambert Street KP Pty Ltd and *Main St projects Pty Ltd* are the owners of the land parcels this Minor Change Application is made over, and their consent is included within **Attachment C**.

10 Conclusion

In summary, the proposed changes fulfil the criteria of a Minor Change as defined in Schedule 2 of the Planning Act, and would not result in a substantially different development, as outlined in Schedule 1 of the DA Rules.

The development, including the proposed changes, complies with the outcomes sought by the relevant planning instruments and associated assessment benchmarks. Therefore, the proposed amendments do not impact on the overall function of the use or result in dramatic changes to the approved built form.

We trust the supplied documentation is sufficient in order for Council to undertake an assessment of this request. If you have any questions, please do not hesitate to contact the undersigned, **Sirena Kwok** (Senior Consultant) or **Anmol Chhina** (Consultant) on (07) 3007 3800.

Kind regards,

A handwritten signature in black ink, appearing to read "Liam Martin". The signature is fluid and cursive.

Liam Martin

Associate Director

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Attachment A – Planning Act Form 5 – Change Application Form

Attachment B – Property Search Documents and Landowner’s Consent

Attachment C – Existing Development Approval (A006625230)

Attachment D – Amended Proposal Plans

Attachment E – Amended Statement of Landscape Design Intent