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RECEIVED
12/11/2026
APPLICATION REF
A007150878

12 November 2026

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

Dear Sir/Madam,

Minor Change to Development Approval at 44 O'Connell Street, Kangaroo Point (Council Ref.: A006599967)

In accordance with Section 81 of the *Planning Act 2016* ('**the Act'**) and on behalf of *44 O'Connell Street Developments Pty Ltd* ('**the Applicant'**), we wish to make a Minor Change to a Development Approval granted over land at 44 O'Connell Street, Kangaroo Point QLD 4169 (**'the site'**). The site is formally described as Lot 44 on SP34502. The Minor Change is made to the most recent approval over the site, issued by Council on 28 January 2025 (Council Ref.: A006599967).

This Minor Change Application is accompanied by, and must be read in conjunction with, the following material:

- **Attachment A** – DA Form 5;
- **Attachment B** – Title Search;
- **Attachment C** – Landowner's Consent;
- **Attachment D** – Current Development Approval (BCC Ref.: A006599967);
- **Attachment E** – Revised Development Plans, *prepared by Plus Architecture*;
- **Attachment F** – Revised Landscape Concept Report, *prepared by Lat Studios;*
- **Attachment G** – Addendum to Arborist Report, prepared by *Independent Arboricultural Services*; and
- **Attachment H** – Traffic Engineering Advice Memorandum, *prepared by L+R.*

A detailed description of the proposed Minor Change along with the relevant background information has been detailed in the following sections.

1 Site Context

Key details pertaining the site are summarised below in **Table 1**.

The site is mapped within the High Density Zone (Up to 15 Storeys) of the *Brisbane City Plan 2014* and is situated within the Shafston Precinct (NPP-004) of the Kangaro Point Peninsula Neighbourhood Plan.

Table 1: *Key site details*

Category	Description
Site Address	44 O'Connell Street, Kangaroo Point QLD 4169
Real Property Description	Lot 44 on SP345052
Site Area	1,202 m^2
Land Owner	44 O'CONNELL STREET DEVELOPMENTS PTY. LIMITED A.C.N. 663 606 791
Easements	The site does not contain any easements.
Existing Land Use	The site is currently under construction for the approved development (Council Ref.: A006599967). Please see **Figure 1**.
Tree Protection Zone (TPZ)	The site contains a TPZ associated with a large Moreton Bay Ash located within the riparian zone of the Brisbane River.

Figure 1: *Site aerial (site indicated in green)*



Source: Nearmap (imagery taken 11 August 2026)

2 Approval History

The site's approval history is summarised below in **Table 2** and relates to the Material Change of Use for the site, as well as Operational Works associated with the Prescribed Tidal Works. This Minor Change application seeks to change the approval granted on 28 January 2025 (Council Ref.: A006599967).

Table 2: *Approval History*

Approval Number	Date of Approval	Purpose	Summary
A005871704	Approved: 28 October 2021 Cancelled: 17 November 2022	Material Change of Use (Multiple Dwelling) Operational Work (in the Coastal Hazard Overlay and Waterway Corridor Overlay)	Approval for Multiple Dwellings and Bulk Earthworks. This approval was subject to declaratory proceedings in 2022 (Planning and environment Court ref: 1762/2022). The matter was discontinued and the development approval was subsequently cancelled on 17 November 2022.
A006285225	20 December 2023	Material Change of Use for Multiple Dwelling (14 units) Operational Work for Bulk Earthworks in Coastal hazard overlay and Waterway corridors overlay	Approval, via a negotiated decision notice, for the establishment of 14 residential units over 15 storeys, inclusive of communal facilities and communal open space. The rooftop level formed part of the two-level penthouse apartment and included a private rooftop terrace and pool deck. This approval also involved bulk earthworks, including for three basement levels of secured car parking, bicycle parking, building services. **This is the originating parent approval for this Minor Change.**
A006599967	28 January 2025	Other Change to A006285225	Approval for an Other Change to the 2023 development approval (Council Ref.: A006285225) to increase the building height of the tower by two storeys and 1.96m, increase the residential yield to 15 units, and partially enclose the rooftop level as an extension to the penthouse. The approval also included amendments to basement parking, storage and services layouts, communal open space and landscaping, together with updates to relevant conditions and approved plans. **This is the relevant approval subject to this Minor Change application.**

Approval Number	Date of Approval	Purpose	Summary
A006603048	4 April 2025	Operational Work for Prescribed Tidal Works (removal of existing pontoon, installation of new pontoon system and wall repairs) within a Coastal Management District	Approval for the removal of an existing damaged pontoon, installation of a replacement pontoon and repairs to the existing riverfront revetment wall. The works were designed to stabilise the riverbank following flood-related damage, facilitate future public riverwalk dedication requirements and ensure the ongoing protection and retention of the significant Moreton Bay Ash tree on the foreshore.
A007111723	Currently under assessment Lodged: 16 September 2026	Minor Change to A006603048	Application for a minor change to the 2025 prescribed tidal works approval (Council Ref.: A006603048), amending the construction methodology for the approved revetment wall repairs. The revised design replaces approved large pile footings with smaller, less intrusive pile footings and rock anchors. **This application necessitates an Arborist Report addendum that is relevant to the condition compliance of this Minor Change application.**

3 Overview Proposed Changes

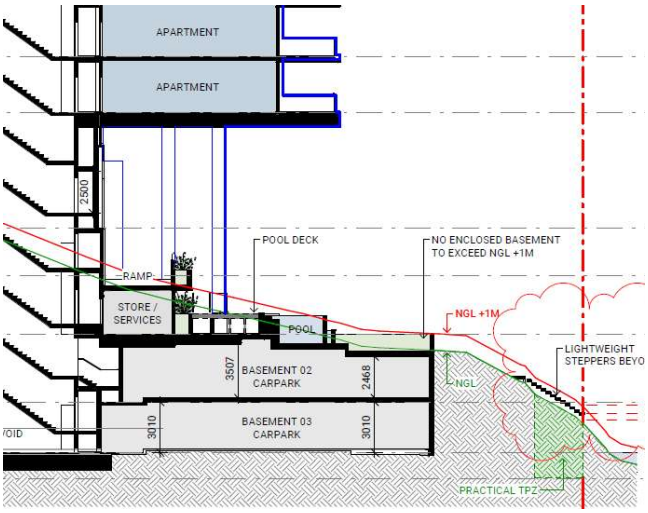
3.1 Glass Balustrade

The proposed change includes a new glass balustrade at the eastern perimeter of the communal lawn within the riverside garden (i.e. the Basement 01 level). The balustrade responds to the site's steep fall toward the riverbank, providing an appropriate safety barrier while maintaining the functionality and amenity of the communal open space.

As illustrated in **Figure 2**, the height is approximately 1.055m. Its transparent glass construction will minimise visual impacts and preserves views toward the Brisbane River. The balustrade does not alter the approved function, layout or usability of the approved communal open space. Access to the steep riverbank was never intended from the lawn, with movement instead provided via the approved steps and pathway to the pontoon.

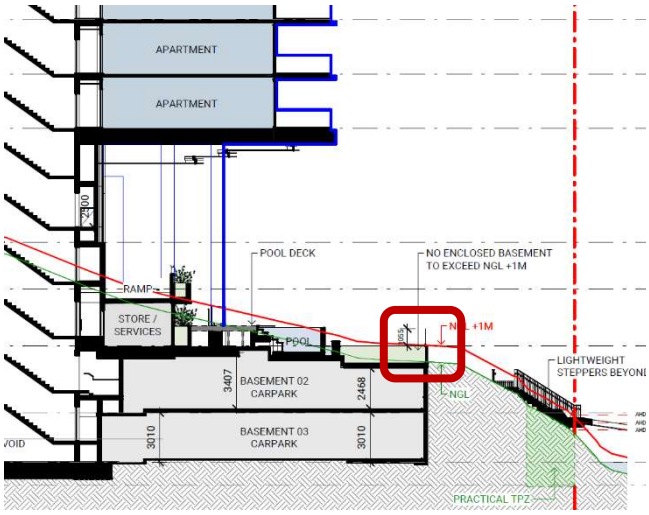
Accordingly, the balustrade represents a minor safety refinement that responds to the site's topography while maintaining the approved landscape character and design intent.

Figure 2: *Proposed glass balustrade at lawn edge*



Picture 1 Approved elevation

Source: Plus Architecture



Picture 2 Proposed elevation

Source: Plus Architecture

3.2 Bedroom Conversion on Level 13

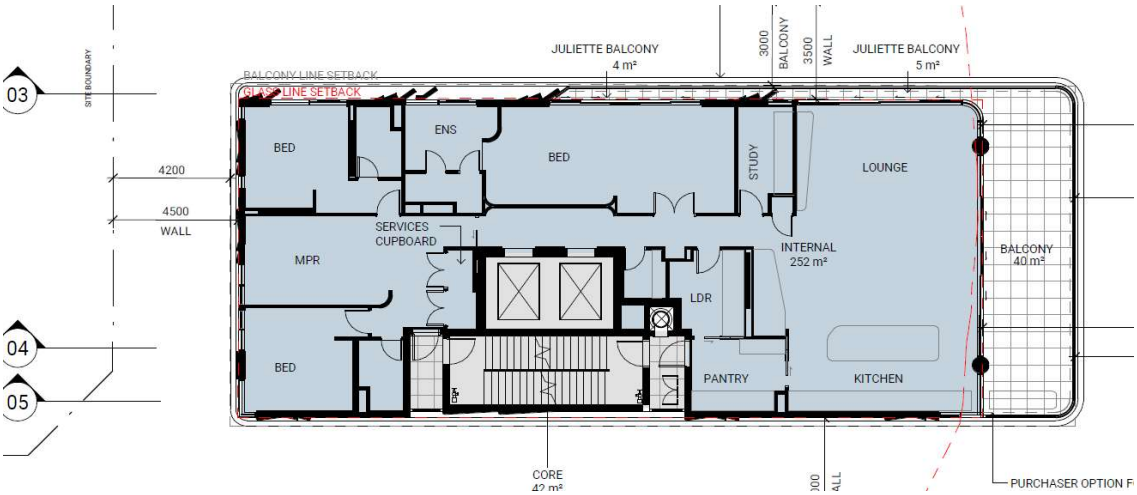
The proposed change seeks to enclose and convert a previously approved multi-purpose room on Level 13 into a new bedroom, making the unit into a 4-bedroom apartment.

Previously, Levels 2-14 were all approved with the same floor plan and internal layout, with three bedrooms and one multi-purpose room (MPR). In response to market demand, the MPR on Level 13 is now proposed to be converted into a fourth bedroom, expanding the overall dwelling mix. The proposed change is illustrated below in **Figure 3**. As a result of this change, Level 13 now has a different floor plan to Levels 2-12 and 14 (therefore requiring updates to the approved plans and drawings, see **Section 4.1** below).

This proposed change is confined to the internal layout of a single dwelling and does not alter the approved use, built form, dwelling yield or even applicable car parking requirements (given that 3-bedroom and 4-bedrrom units share the same parking rates under the TAPS PSP).

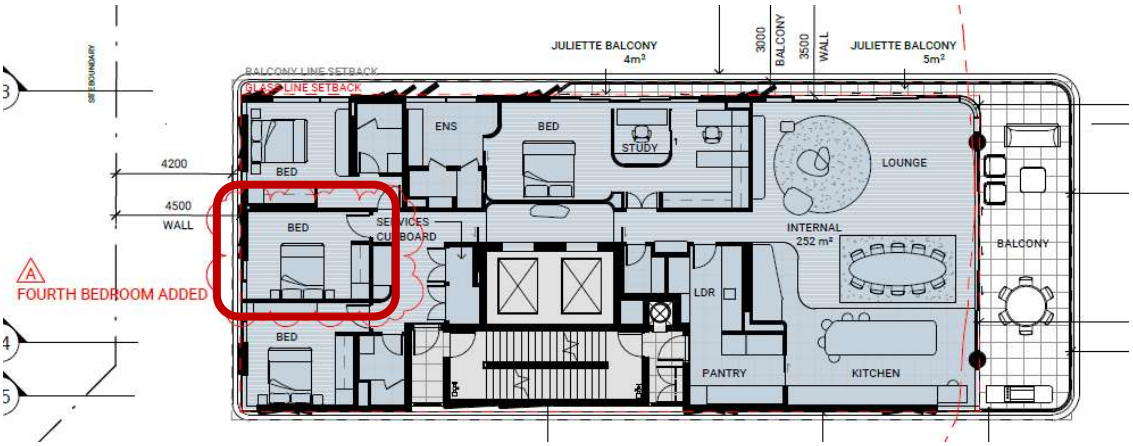
As discussed in **Section 3.3**, a fourth bedroom will also be introduced to the penthouse. Accordingly, the overall dwelling mix of the proposed development will be changed from 15x 3-bedroom units to 14x 3-bedroom units and 2x 4-bedroom units.

***Figure 3**: Proposed bedroom conversion on Level 13*



Picture 3: Approved floor plan

Source: Plus Architecture



Picture 4: Proposed floor plan (change highlighted in red)

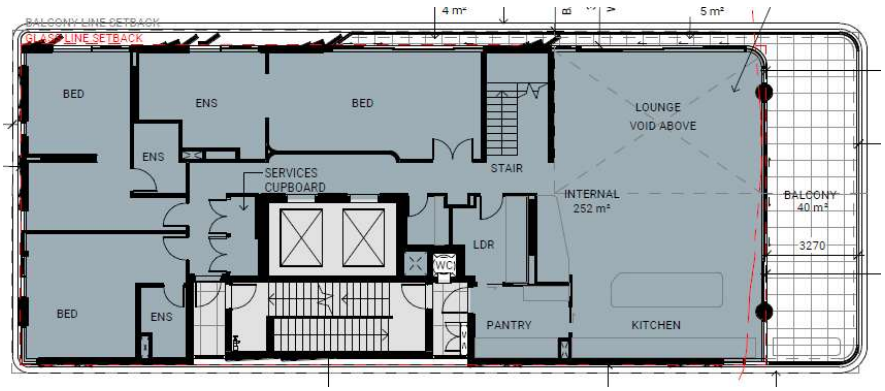
Source: Plus Architecture

3.3 Redesign of Penthouse Levels

In response to detailed design development, the approved penthouse has been refined to enhance resident amenity and optimise the use of internal and rooftop spaces. This has resulted in amendments to the lower and upper penthouse levels, its private rooftop terrace, and associated roof and pergola extents.

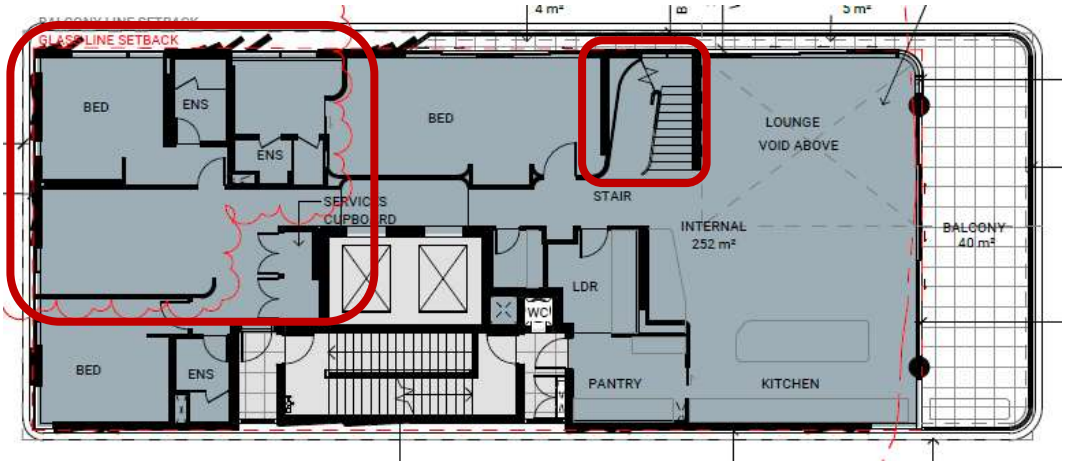
At the lower penthouse level (Level 15), the changes are entirely internal. The north-western bedroom and ensuites are proposed to be reconfigured to enable the creation of a new MPR, effectively matching the layouts on Level 2-12 & 14. The proposed staircase arrangement is also proposed to be changed, now ascending in an anticlockwise manner. These changes are illustrated below in **Figure 4**.

***Figure 4**: Proposed internal floor plan changes to Level 15 (lower penthouse)*



Picture 5: Approved floor plan

Source: Plus Architecture



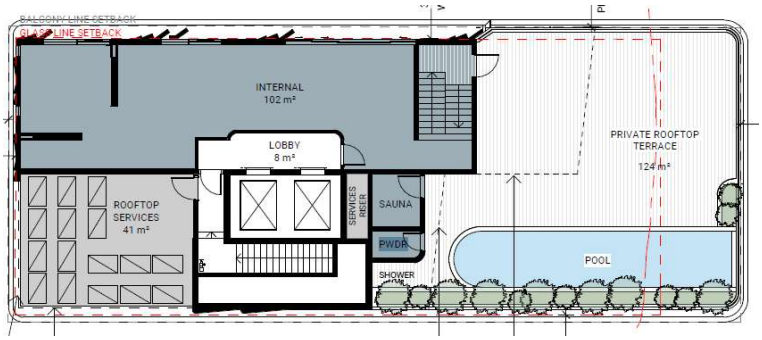
Picture 6: Proposed floor plan (change highlighted in red)

Source: Plus Architecture

At the upper penthouse level (Level 16 – see **Figure 5** below), the internal areas have been reconfigured to better support circulation and accommodate a new bedroom with ensuite bathroom, storage space, and cellar. The proposed staircase arrangement is also updated, per the changes to the lower penthouse level. The extent of the staircase roofing has also been adjusted in turn (see **Figure 7** below). The only other internal change at this level is the reduction of the lift lobby area, which has been reconfigured to provide access to rooftop services only, removing the secondary penthouse access approved previously.

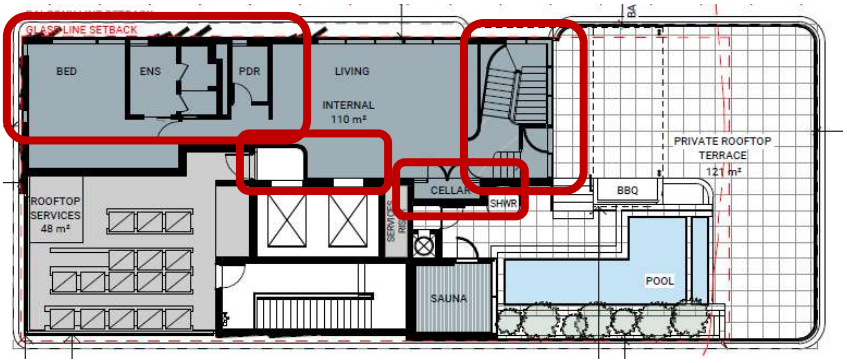
The remaining changes to the penthouse relate to its refined private rooftop terrace. The terrace area remains has reduced to 121m^2, and the pool, rooftop planting, pergola, shower, and sauna have all been rearranged. The changed terrace also introduces a barbeque and no longer includes a powder room. In response to the changed layout, the lightweight pergola has reduced in extent to 18m^2, now confined entirely to a northeast portion of the deck between the terrace entry and barbeque / pool (see **Figure 7** below). These changes are illustrated below in **Figure 6**.

***Figure 5**: Proposed internal floor plan changes to Level 16 (upper penthouse)*



Picture 7: Approved floor plan

Source: Plus Architecture



Picture 8: Proposed floor plan (change highlighted in red)

Source: Plus Architecture

***Figure 6:** Proposed changes to penthouse rooftop terrace*



Picture 9 Approved layout

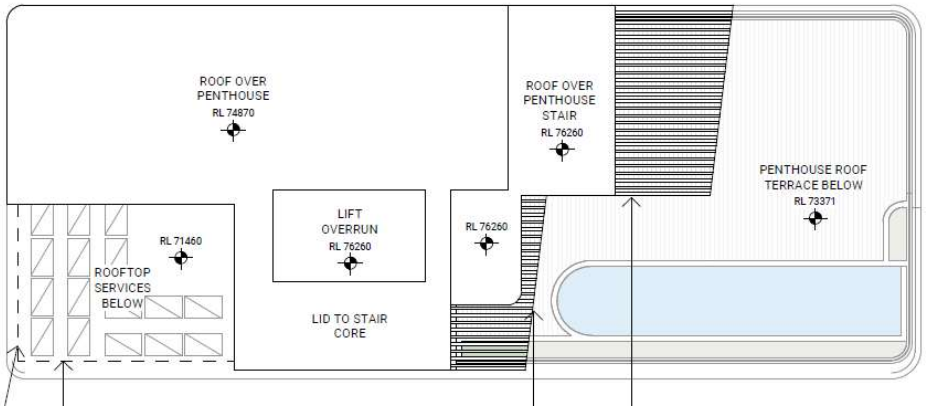
Source: Plus Architecture



Picture 10 Proposed layout

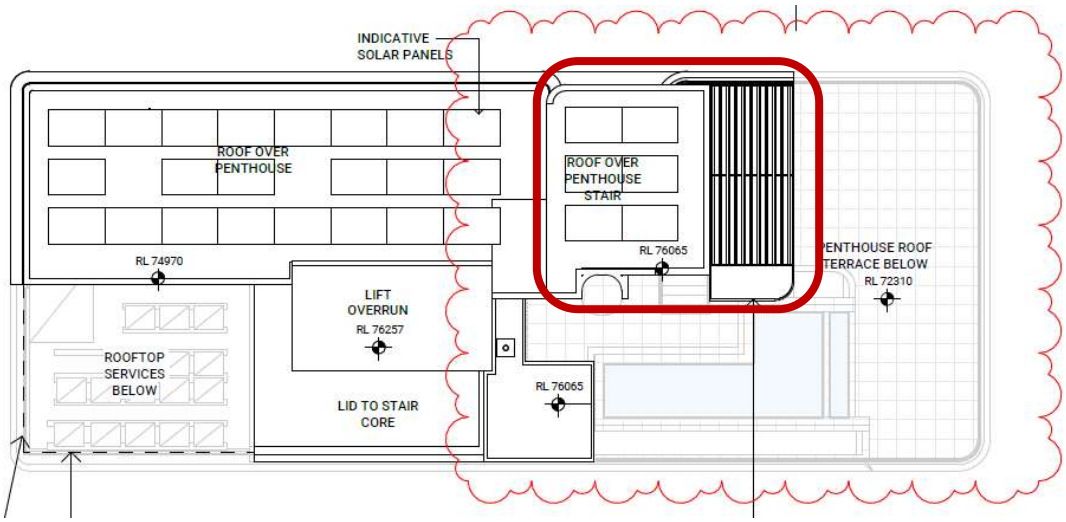
Source: Plus Architecture

***Figure 7**: Proposed roof plan changes*



Picture 11: Approved roof plan

Source: Plus Architecture



Picture 12: Proposed roof plan (change highlighted in red)

Source: Plus Architecture

While representing an improvement to the functionality and quality of the penthouse offering, these proposed changes do not alter the approved residential use, overall dwelling yield, building height, nor architectural intent of the existing approval. Accordingly, the refined penthouse levels comprise minor amendments which are expected during the progression of detailed design.

Overall, these changes are intended to improve the functionality and amenity of the penthouse offering while maintaining the approved residential use, overall dwelling yield, building height and architectural intent of the development. The amendments are largely confined to the internal arrangement and detailing of the penthouse levels, together with refinements to associated private recreation facilities.

3.4 Mechanical Screening

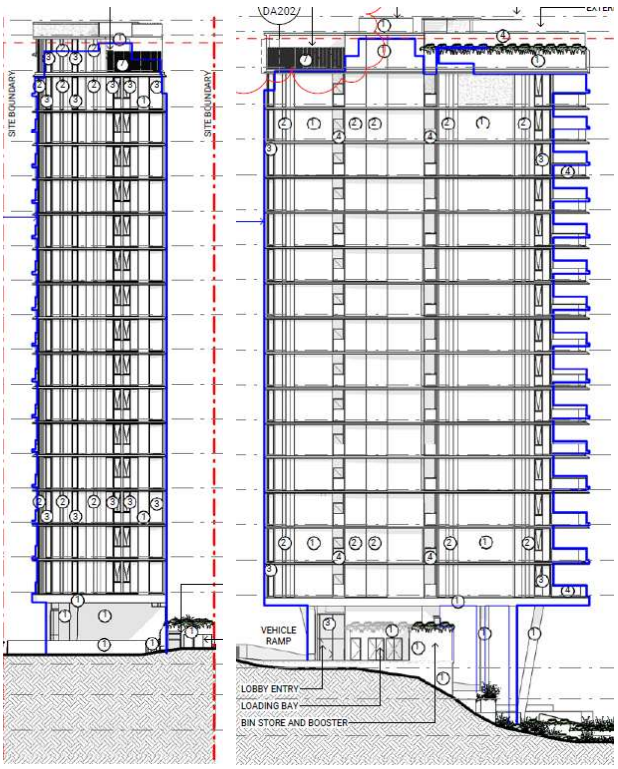
The proposed change also includes a minor increase in the height of the approved rooftop mechanical screening by approximately 1.0m. The added height is required to ensure that the rooftop plant and equipment remain appropriately screened from surrounding viewpoints.

The proposed aluminium batten screen will be 2.95m tall, ensuring a minimum 1m clearance above the height of adjacent mechanical equipment. It will be located along both edges of the mechanical plant area in the south-western corner of the building rooftop. Plans providing added technical detail have been incorporated within the architectural package (please refer to the proposed updates to approved plans and drawings in **Section 4.1** below).

The additional height is limited to the screening structure only and does not exceed the existing building height. It serves a purely functional purpose by improving the visual screening of rooftop services and maintaining the high-quality architectural presentation of the building. The resulting changes to the building elevations are minor, as captured below in **Figure 8**.

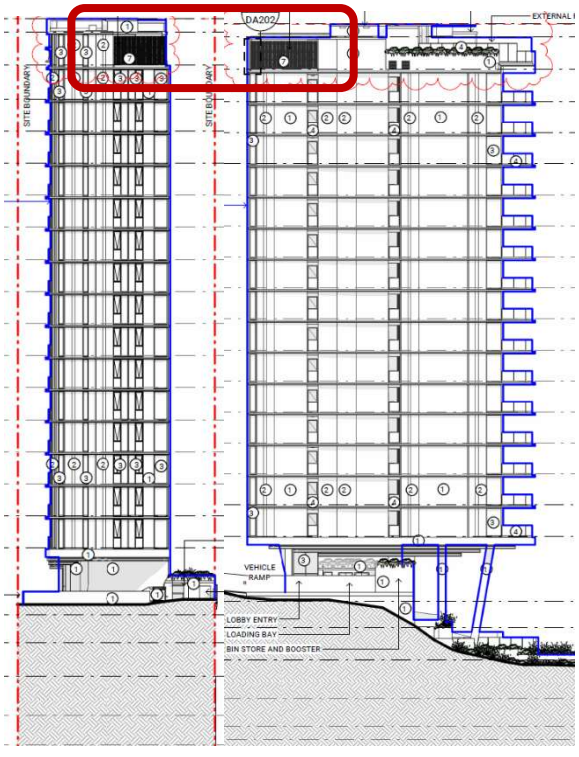
As such, the proposed taller mechanical screening represents a minor operational refinement that improves the concealment of rooftop infrastructure without materially affecting the approved appearance of the building.

Figure 8 *Proposed mechanical screening changes*



Picture 13 Approved mechanical screening

Source: Plus Architecture



Picture 14 Proposed mechanical screening

Source: Plus Architecture

3.5 Other Updates

In addition to the key amendments outlined above, the proposed change incorporates several general updates arising from the progression of the detailed design. These updates include:

- Installation of rooftop solar panels to improve the environmental sustainability of the development, without materially altering built form (see **Figure 7** in **Section 3.3** above).
- Minor instances of reduced basement clearance heights of 2.0-2.1m where accommodating mechanical ductwork and building services. These reduced heights have been confirmed as allowable from a traffic engineering perspective. Please see **Attachment H** for more information.
- Inclusion of a new car stacker over parking space R15 on Basement 02. Please see **Attachment H** for more information.
- Submission of an Addendum Arborist Report (**Attachment G**) to reflect amendments associated with the concurrent Minor Change application to the revetment wall (Council Ref.: A007111723; see **Section 2** above for more information). Compared to the subject approval, it also introduces requirements for low-pressure water excavation, additional pause points and monitoring, and refined the location for tree protection fencing. The TPZ will remain at 10.8m. None of these changes necessitate a change to the conditions, provided that **Attachment G** is incorporated within the approved documentation.

Collectively, these amendments are minor in nature and represent detailed design refinements that do not materially alter the approved development or its planning merit.

4 Proposed Changes to Existing Approval

The following section outlines the proposed changes to the approved plans, drawings, and conditions. Proposed changes are shown in blue and underlined, with removed text ~~struck through in red~~.

4.1 Changes to Approved Plans and Drawings

Table 3 sets out the amendments required to the list of approved plans and documents to reflect the proposed changes and to ensure the resultant approval issued acknowledges the correct plans.

It is noted that balance plans not included in this table are to remain as per the current approval.

Table 3: *Proposed amendments to approved plans and drawings*

Drawing or Document	Number and Revision	Plan Date
Arborist Comments Report	Revision 4	30 July 2026
Landscape DA Report	~~LS00232 Issue D (Amended In Red)~~ LS00823 Issue E	~~05 NOV 2024) 18 OCT 2024 (Received)~~ 2 October 2026

Site Plan - Proposed	DA020 Issue ~~14~~ B	~~18-OCT-2024 (Received)~~ 4 November 2026
Floor Plan - Basement 03	DA096 Issue ~~46~~ B	~~18-OCT-2024 (Received)~~ 4 November 2026
Floor Plan - Basement 02	DA097 Issue ~~47~~ C	~~18-OCT-2024 (Received)~~ 9 November 2026
Floor Plan - Basement 01	DA098 Issue ~~53~~ B	~~18-OCT-2024 (Received)~~ 4 November 2026
Floor Plan - Basement 00	DA099 Issue ~~51~~ B	~~18-OCT-2024 (Received)~~ 4 November 2026
Floor Plan - Ground Level	DA100 Issue ~~59~~ B	~~18-OCT-2024 (Received)~~ 4 October 2026
Floor Plan - Level 01	DA101 Issue ~~43 (Amended in Red 18-Dec-2024)~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Floor Plan - Levels ~~02-14~~12 & 14 (Typical)	DA104 Issue ~~2~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Floor Plan – Level 13	DA113 Issue A	14 October 2026
Floor Plan - Level 15 (Lower Penthouse)	DA115 Issue ~~37~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Floor Plan - Level 16 (Upper Penthouse)	DA116 Issue ~~43~~ B	~~18-OCT-2024 (Received)~~ 4 November 2026
Roof Plan	DA117 Issue ~~33~~ B	~~18-OCT-2024 (Received)~~ 4 November 2026
Elevation - North	DA200 Issue ~~11 (Amended in Red 18-Dec-2024)~~ B	~~18-OCT-2024 (Received)~~ 9 November 2026
Elevation - East & West	DA201 Issue ~~12~~ C	~~18-OCT-2024 (Received)~~ 9 November 2026

Elevation - South	DA202 Issue ~~12~~ B	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 01 & 02	DA300 Issue ~~37~~ C	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 03	DA301 Issue ~~32~~ C	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 04	DA302 Issue ~~36~~ C	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 05	DA303 Issue ~~37~~ B	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 06	DA304 Issue ~~36~~ B	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 7	DA305 Issue ~~32~~ B	~~18-OCT-2024 (Received)~~ 9 November 2026
Section 08, 15 & 16	DA306 Issue ~~25~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Section 20	DA310 Issue ~~16~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Section 21	DA311 Issue ~~13~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Section 22	DA312 Issue ~~12~~ A	~~18-OCT-2024 (Received)~~ 14 October 2026
Purchaser Option for Operable Blinds to External Balcony Edge	DA355 Issue B	9 November 2026
Floor Plan – Typical - Extent of Blinds	BA355.1 Issue A	9 November 2026
Service Deck Screening	DA356 Issue A	14 October 2026
Roof Pergola Detail	DA357 Issue A	14 October 2026

Tree Protection Zone and Retaining Walls	DA191 Issue ~~4~~ B	~~18 OCT 2024 (Received)~~ 4 November 2026
Traffic Engineering Advice Memo	B22524TL004_RevA	6 November 2026

4.2 Changes to Approval Conditions

Changes are also requested to the conditions of approval as a result of the proposed changes, which are outlined in **Table 4** below.

Table 4: *Proposed amendments to approval conditions*

Condition	Requested Amendments	Justification
32) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking	… iv. Parking on the site for minimum 23 resident/tenant cars, 3 visitor cars including 1 parking spaces for people with disabilities and for the loading and unloading of vehicle(s) within the site. It is noted the approved plans indicate a total of ~~48~~ 49 car parking spaces. …	Amended wording to reflect the new car stacker (see **Section 3.5** above for more information).

5 Assessment of Minor Change

5.1 Definition of a Minor Change

Schedule 2 of the *Planning Act 2016* outlines the definition of a minor change for a development approval as follows:

> ***minor change*** *means 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 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 as outlined above have been assessed against the criteria contained within the definition, as set out in the following sections.

5.2 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 the *Development Assessment Rules*, Schedule 1, which sets out the substantially different development 'test'.

An assessment of the proposed changes against the substantially different development criteria in the *Development Assessment Rules* is included in **Table 5** below. As demonstrated, the proposed changes do not comprise substantially different development.

Table 5: *Substantially different development criteria*

Criteria	Response
Involves a new use.	The proposal does not involve a new use. The use will remain as solely a multiple dwelling.
Results in the application applying to a new parcel of land.	The proposed changes do not result in the development applying to any additional land. The development will remain confined to the approved site at 44 O'Connell Street (Lot 44 on SP34502).
Dramatically changes the built form in terms of scale, bulk and appearance.	The proposed changes do not dramatically alter the scale, bulk or appearance of the approved development. The amendments are largely internal in nature with approved height and external bulk remaining unchanged. Where works are external (e.g. the proposed glass balustrade, penthouse terrace, mechanical screening), these are minor so as to maintain the overall architectural intent.

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.	The proposed changes do not affect the development's ability to operate as an approved Multiple Dwelling. Rather, the amendments ensure the multiple dwelling is more functional and responsive to resident expectations.
Removes a component that is integral to the operation of the development.	The proposed changes do not remove any component integral to the operation of the development. Communal areas and residents' amenities are retained, with amendments made only to improve their configuration, safety and functionality.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed changes will not significantly impact traffic flow or the surrounding transport network. No change to parking is proposed and overall development yield remains unchanged
Introduces new impacts or increases the severity of known impacts.	The proposed changes do not introduce new impacts or materially increase the severity of known impacts. The approved land use, development scale and overall character are retained.
Removes an incentive or offset component that would have balanced a negative impact of the development.	The proposed changes do not remove any incentive or offset component associated with the approved development.
Impacts on infrastructure provision.	The proposed changes do not result in any material impact on infrastructure provision.

5.3 Prohibited Development

In respect to part (b)(ii)(A) of the definition of a Minor Change, the proposal will not introduce or involve any prohibited development.

5.4 Referral Matters

Pursuant to part (b)(ii)(B) of the definition of a Minor Change, the proposal does not trigger any referral.

The approval being amended by this proposal (Council Ref.: A006599967) did not involve any referral agencies either. As such, part (b)(ii)(C) and part (b)(ii)(D) of the definition of a Minor Change are not applicable to this proposal.

5.5 Public Notification

The approval being amended by this proposal (Council Ref.: A006599967) was subject to Impact Assessment, which required public notification. A such, part (b)(ii)(E) of the definition of a Minor Change is not applicable to this proposal.

5.6 Affected Entities

There are no affected entities associated with this proposed Minor Change.

6 Application Fee

In accordance with Brisbane City Council's Schedule of Fees and Charges for 2026/2027, this proposed Minor Change attracts a fee of **$4,800** (given the development relates solely to multiple dwellings). The fee will be paid following issue and receipt of Council's fee quote.

7 Conclusion

As outlined in this letter, the proposed changes are Minor Changes and do not reflect 'substantially different development' as described by the *Planning Act 2016* and *Development Assessment Rules*.

We trust the supplied documentation is sufficient for Council to undertake an assessment of this proposal. If you have any questions, please don't hesitate to contact the undersigned or Rory Little (**Consultant**) on (07) 3007 3800.

Kind regards,



Jessica Carmichael
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jcarmichael@urbis.com.au