

01 September 2026

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

Sent Via: Online Smart Form

Dear Sir / Madam,

RE: REQUEST FOR MINOR CHANGE IN ACCORDANCE WITH S81 OF THE PLANNING ACT 2016 – MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT) FOR A MULTIPLE DWELLING (53 UNITS) AND OFFICES AND BUILDING WORK (DEVELOPMENT PERMIT) ON A HERITAGE SITE (PARTIAL DEMOLITIONS AND EXTENSIONS) UPON LAND LOCATED AT 3-9 UNION STREET, NUNDAH QLD 4012 – COUNCIL APPLICATION REFERENCE: A001864081

We write on behalf of *Body Corporate Nexus at Nundah CTS 46305* in relation to the development approval granted by Brisbane City Council over the abovementioned land on 13 February 2009 (Council reference A001864081) and further modified by minor change approvals on 3 December 2009 (A002353761) and 8 November 2013 (A003665228). The original approval, issued by way of negotiated decision notice, granted a Development Permit for Material Change of Use and Building Works for Multiple Dwelling (61 Units) and Office, as well as Building Works (Development Permit) on a Heritage Site (Partial Demolitions and Extensions).

In accordance with sections 78 and 81 of the *Planning Act 2016*, we hereby request a Minor Change to the development approval. An overview and assessment of the proposed Minor Change, with reference to the relevant provisions of the *Planning Act 2016*, is provided below.

To assist Council's assessment of this request, we enclose the following documentation:

- DA Form 5;
- Signed Owners Consent;
- Approval Package 2013 - A003665228

We trust that the information provided is to your satisfaction.

Should you wish to discuss the matter further please do not hesitate to contact our office on (07) 3361 9999.

Yours faithfully

TOWN PLANNING ALLIANCE PTY LTD

Harrison Cain
TOWN PLANNER

Enc Minor Change Application

MINOR CHANGE APPLICATION

1. Site Details

Site Address	3-9 Union Street, Nundah QLD 4012
Real property description	Lot 0 on SP259977 (Body Corporate Nexus at Nundah CTS 46305)
Area of site	1,919m ²
Zone	Medium density residential zone
Neighbourhood Plan	Toombul – Nundah neighbourhood plan - Union street precinct – NPP-003 - Union street medium density residential sub-precinct – NPP-003B
Overlays	- Airport environs overlay - Bicycle network overlay - Community purposes network overlay - Critical infrastructure and movement network overlay - Dwelling house character overlay - Heritage overlay - Potential and actual acid sulfate soils overlay - Road hierarchy overlay - Streetscape hierarchy overlay - Transport noise corridor overlay

The subject site is located at 3-9 Union Street, Nundah, more particularly described as Lot 0 on SP259977 (Body Corporate Nexus at Nundah CTS 46305). The development site is situated on a rectangular allotment with a total area of 1,919m² and dual street frontage to Union Street (approximately 60m) and Buckland Road (approximately 32m). In accordance with the Brisbane City Plan 2014, the site is located within the Medium density residential zone.



Figure 1: Recent aerial image of the subject site (Nearmap, August 2026)

2. Application History

To assist Council with this request, the development approval history over the site is as detailed below:

- **A001864081 | Material Change of Use & Building Work**
On 13 February 2009, Brisbane City Council issued a Development Approval, by way of negotiated decision notice for a Material Change of Use (Development Permit) and Building Works (Development Permit) for Multiple dwelling (61 Units) and Office. The decision notice also granted approval to carry out Building Works (Development Permit) on a Heritage Site (Partial Demolitions and Extensions). The negotiated decision notice outcomes primarily related to parking allocation, visitor parking access and operational arrangements associated with the approved development.
- **A002353761 | Change Application #1**
On 3 December 2009, Brisbane City Council approved a change to the existing development approval under Section 3.5.24 of the Integrated Planning Act 1997. This approval primarily related to revised proposal plans and conditions, amendments to communal open space and parking provisions, recalculation of infrastructure contribution charges, and updated parking requirements. Importantly, the revised parking provisions and approved plans reduced the approved development yield to 53 residential units.
- **A003665228 | Change Application #2**
On 8 November 2013, Brisbane City Council approved a further change to the existing development approval under Section 376 of the Sustainable Planning Act 2009. The approved changes related to the internal configuration of the Nundah Fire Station and an increase in the finished floor level of the unit complex building by approximately 900mm.

The development achieved Plan Sealing in August 2014 and has been operating ever since.

3. Background Information

The body corporate for Nexus at Nundah CTS 46305 engaged Town Planning Alliance to review the community management statement, survey plans, and constructed built form against the approved plans and documents (A003665228 - 2013).

Upon reviewing the sequence of approvals, it is clear that inconsistencies exist between the various sets of development conditions, particularly regarding the number and allocation of parking spaces. Notably, the December 2009 change application amended Conditions 14(c) and 31, updating the parking numbers and allocation as follows:

	A001864081 (FEB 2009) Material Change of Use & Building Work	A002353761 (DEC 2009) Change Application #1
	Total: 81 car spaces plus 1 SRV	Total: 47 car spaces
Parking Allocation	16 visitor parking spaces; 61 resident parking spaces; 4 standard vehicles for Office use; 1 SRV parking spaces for Office use;	14 visitor parking spaces; 33 resident parking spaces: ▪ 2x spaces for 2x three-bedroom units ▪ 7x spaces for 7x two-bedroom units ▪ 24x spaces for 24x single-bedroom units

The later 2013 Minor Change (A003665228) approval repeats the February 2009 Negotiated Decision Notice requirements, which specified:

- 16 visitor parking spaces;
- 61 resident parking spaces;
- 4 standard vehicle & 1 SRV parking spaces for Office use;

Notwithstanding, the amendments sought for Change Application #2 (A003665228) were limited to the Nundah Fire Station and overall building height. No changes to the basement layout, parking numbers or basement plan (SD 2002, REV 4) were included. Conditions 16(c) and 34 are therefore inconsistent with the constructed form and approved plans.

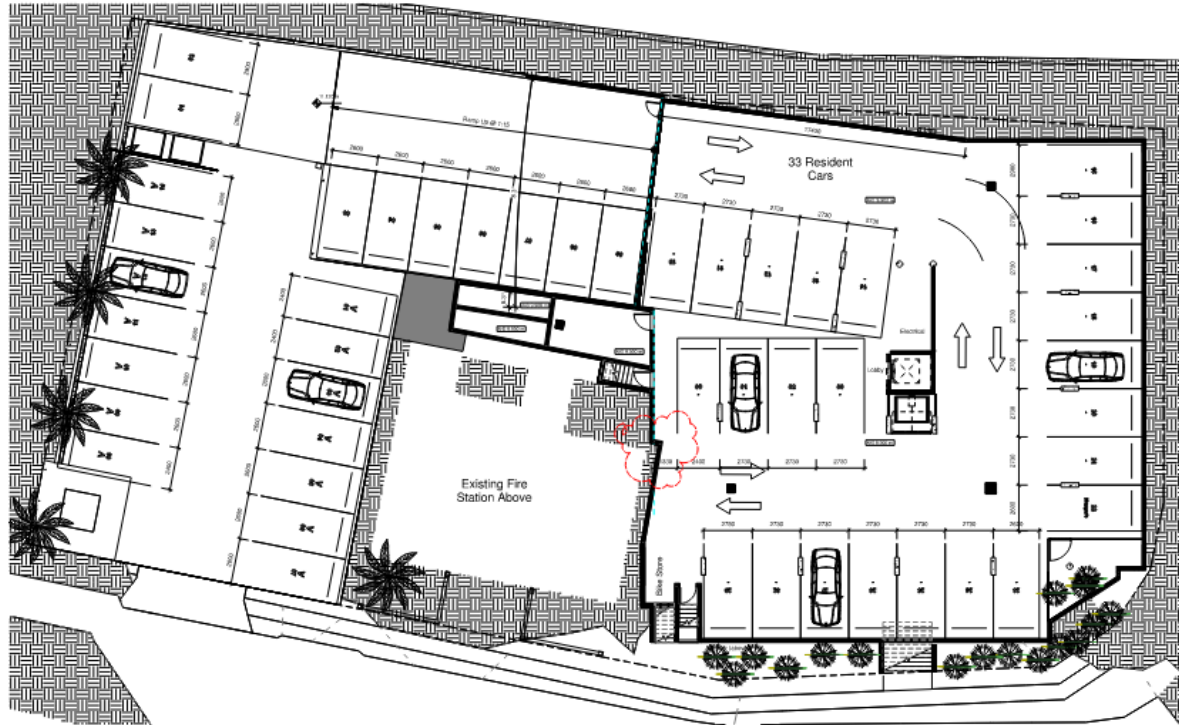


Figure 2: Basement floor plan (2013 DA ref: A003665228)

This inconsistency has created confusion within the body corporate about the correct parking rates and allocations for the development. As part of our engagement to review the approval and advise the body corporate, we undertook a site inspection of the development to review the existing on-site parking arrangement and compare the constructed outcome against the approved basement plans.

The inspection confirmed that the on-site parking arrangement is in accordance with the basement layout approved in 2013 (A003665228). The site inspection further confirmed 14 visitor bays and 33 resident bays existing on site, consistent with the approved plans and conditions of Change Application #1- DEC 2009 A002353761. Therefore, a conflict exists between the number of car parking spaces in the approved plans and the requirements of the approved conditions.

To ensure the development approval accurately reflects the as-constructed outcome and provides ongoing certainty for all stakeholders, we propose clarifying and updating the relevant car parking conditions.

4. Proposed Changes

With the above in mind, this change application seeks a minor modification to the approved documents to address the administrative and technical inconsistencies identified above. The proposed change is limited to rectifying the inconsistency between the development conditions and the constructed basement form.

Importantly, the constructed outcome of 53 units and the onsite parking arrangement, including 14 visitor spaces, is consistent with the visitor parking rates contemplated under the current City Plan 2014 (version 36). We acknowledge that the resident parking supply is reduced when compared to the current scheme requirements; however, the site remains in accordance with the historic development approval.

Specifically, the proposed changes are limited to the following items only:

- Condition 16c is to read as per the December 2009 Minor Change approval, or similar, as per the typical wording from Brisbane City Council for conditions of this nature:

16) Community Management Statement

Any and all Community Management Statement (s) for the site are to contain the following information:

16(c) Vehicular Spaces

The 16 parking spaces for visitors to the residential units, driveway, and car/ vehicle turning areas indicated on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit and be available for use by all residential tenants and bona fide visitors. The 61 residential (including eight tandem carparks) parking spaces for the residential units (61 Multi-unit dwellings) are to be used only for parking by the owners/ occupiers of the residential units; and may be designated for the exclusive use of a residential unit. Access driveway to any visitor car bay is not to be fitted with any roller door, gate or similar device preventing access to any visitor car bay. The remaining 5 car spaces inclusive of 1 SRV car space are designated for commercial parking spaces for the office units are to be used only for parking by the owners/ occupiers/customers of the office units; and may be designated for the exclusive use of an office unit. Access driveway to any visitor car bay is not to be fitted with any roller door, gate or similar device preventing access to any visitor car bay.

The 14 parking spaces for visitors to the residential units, driveway, and car/ vehicle turning areas indicated on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit and be available for use by all residential tenants and bona fide visitors. The remaining residential parking spaces for the residential units (52 Multi-unit dwellings) are to be used only for parking by the owners/ occupiers of the residential units; and may be designated for the exclusive use of a residential unit. Access driveway to any visitor car bay is not to be fitted with any roller door, gate or similar device preventing access to any visitor car bay.

- Condition 34 (iii) is to read as per the December 2009 Minor Change approval, or similar, as per the typical wording from Brisbane City Council for conditions of this nature:

34) Access, Grades, Manoeuvring, Carparks, Signs

Construct and delineate or sign (as required) the following requirements as indicated on the approved plan(s) of layout:

iii. Parking on the site for a minimum of 81 cars plus 1 SRV and for the loading and unloading of vehicles within the site with the following distribution:

- 4 car spaces plus 1 SRV are to be provided for office use
- 61 car spaces are to be provided for residents
- 16 car spaces are to be provided for residents visitors

One of the above parking spaces for office use is to be provided for people with disabilities.

iii. Parking on the site for 33 spaces for resident/tenant cars, 14 visitor cars and for the loading and unloading of vehicle(s) within the site. There must a minimum number of 47 total number of spaces provided on site.

In summary, the proposed amendments are limited in scope and are intended to ensure the approved plans and conditions accurately reflect the constructed outcome. The changes do not alter the approved development yield, built form or operational characteristics of the development. Accordingly, this Minor Change request corrects an administrative and technical inconsistency within the development approval and associated documentation.

5. Changes to Approved Drawings

We wish to formally change the development approval to update Condition 16 and 34. The proposal does not differ from the approved plan set as outlined in Section 4 above. The requested change relates solely to parking numbers referenced in Condition 16 and 34.

It is requested that Council re-approve the plans without any further amendments in red.

6. Responsible Entity

Section 78A of the Planning Act 2016 outlines the responsible entity for a change application, as follows:

- (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.*
- (2) *However, the P&E Court is the responsible entity for the change application instead of the person under subsection (1) if—*
 - (a) *the change application is for a minor change to a development approval; and*
 - (b) *the development approval was given or changed by the P&E Court; and*
 - (c) *a properly made submission was made about—*
 - (i) *the development application for the development approval; or*
 - (ii) *another change application for the development approval.*
- (3) *Also, the Minister is the responsible entity for the change application instead of the person under subsection (1) if—*
 - (a) *the change application is for a change to—*
 - (i) *a condition of a development approval that the Minister directed be imposed or amended under section 95; or*
 - (ii) *a condition of a development approval that the Minister directed be imposed under the old Act, section 419 or the repealed Integrated Planning Act 1997, section 3.6.1; or*
 - (iii) *a development approval given or changed by the Minister for an application that was called in under a call in provision; and*
 - (b) *the P&E Court is not the responsible entity for the change application.*

With reference to the above, we note that the responsible entity for this change request is **Brisbane City Council**.

7. Planning Act 2016 Provisions

The changes to the Development Approval outlined in the above sections are identified as meeting the benchmark for a Minor Change in accordance with Schedule 2 of the *Planning Act 2016*, given that the change:

- (i) **Would not result in a substantially different development** – The proposal as described above does not result in a substantially different development having regard to the matters in Schedule 1 of the Development Assessment rules. In particular, the changes do not result in the following:
 - a) **Involve a new use** – The proposed change does not involve a new use. The change is limited to the changes as noted within the above and attached correspondence. No new land uses are proposed over the site.
 - b) **Results in the application applying to a new parcel of land** – The proposed change does not result in the application applying to a new parcel of land. The development remains only on the allotment included in the original approval.

- c) *Dramatically changes the built form in terms of scale, bulk and appearance* – The proposed change does not dramatically change the built form in terms of scale, bulk and appearance in accordance with the approved plans.
 - d) *Changes the ability of the proposed development to operate as intended* – The proposed change does not alter the ability of the development to operate as intended.
 - e) *Removes a component that is integral to the operation of the development* – The proposed change does not result in the removal of a component that is integral to the operation of the development.
 - f) *Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site* – The proposed minor change will not result in any impacts on traffic flow or the transport network.
 - g) *Introduces new impacts or increase the severity of known impacts* – The proposed changes does not introduce new impacts or increase the severity of known impacts.
 - h) *Removes an incentive or offset component that would have balanced a negative impact of the development* – The proposed change does not remove any incentive or offset component.
 - i) *Impacts on infrastructure provisions* – The proposed change does not impact on infrastructure provision.
- (i) *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* – The proposed change would not cause the inclusion of Prohibited development in the application if a development application for the development including the change was made.
 - (B) *Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application* – If a development application for the development including the change was made, the proposed changes would not cause the referral to a referral agency, other than to the chief executive.
 - (C) *Referral to extra referral agencies, other than to the chief executive* – The change would not cause referral to extra referral agencies if a development application for the development including the change was made.
 - (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* – The change would not cause a referral agency to assess the application against additional matters if a development application for the development including the change was made.
 - (E) *Public notification if public notification was not required for the development application* – If a development application including the change was made, it would not require public notification.

8. Conclusion

In view of the above, the proposed changes meet the benchmark for a Minor Change to a development approval as detailed in the *Planning Act 2016*.

We request that Council update the approval package, inclusive of the amended condition as detailed above. The proposed amendments are sought to correct the error in the conditions.