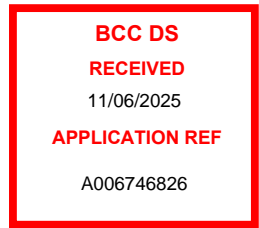


OUR REF: Q000233  
COUNCIL REF: A005893356



11 June 2025

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

VIA: [DSPlanningSupport@brisbane.qld.gov.au](mailto:DSPlanningSupport@brisbane.qld.gov.au)  
CC:

To whom it may concern,

### REQUEST FOR S81 MINOR CHANGE TO DEVELOPMENT APPROVAL (A005893356) LOCATED AT 46-50 LATHAM STREET, CHERMSIDE

Mecone is acting on behalf of our client, Lambertine Investments Pty Ltd, seeking a change to the development approval (A005893356) over land at 46-50 Latham Street, Chermside, formally described as Lots 140 and 141 on RP26297 and Lot 139 on RP54239. The change is a Minor Change sought in accordance with section 81 of the *Planning Act 2016*.

In support of this request, please find attached the following:

- DA Form 5
- Owners Consent Letter
- Attachment 1 – Updated Proposal Plans
- Attachment 2 – Updated Landscape Concept Plan
- Attachment 3 – Updated Traffic Letter

### BACKGROUND

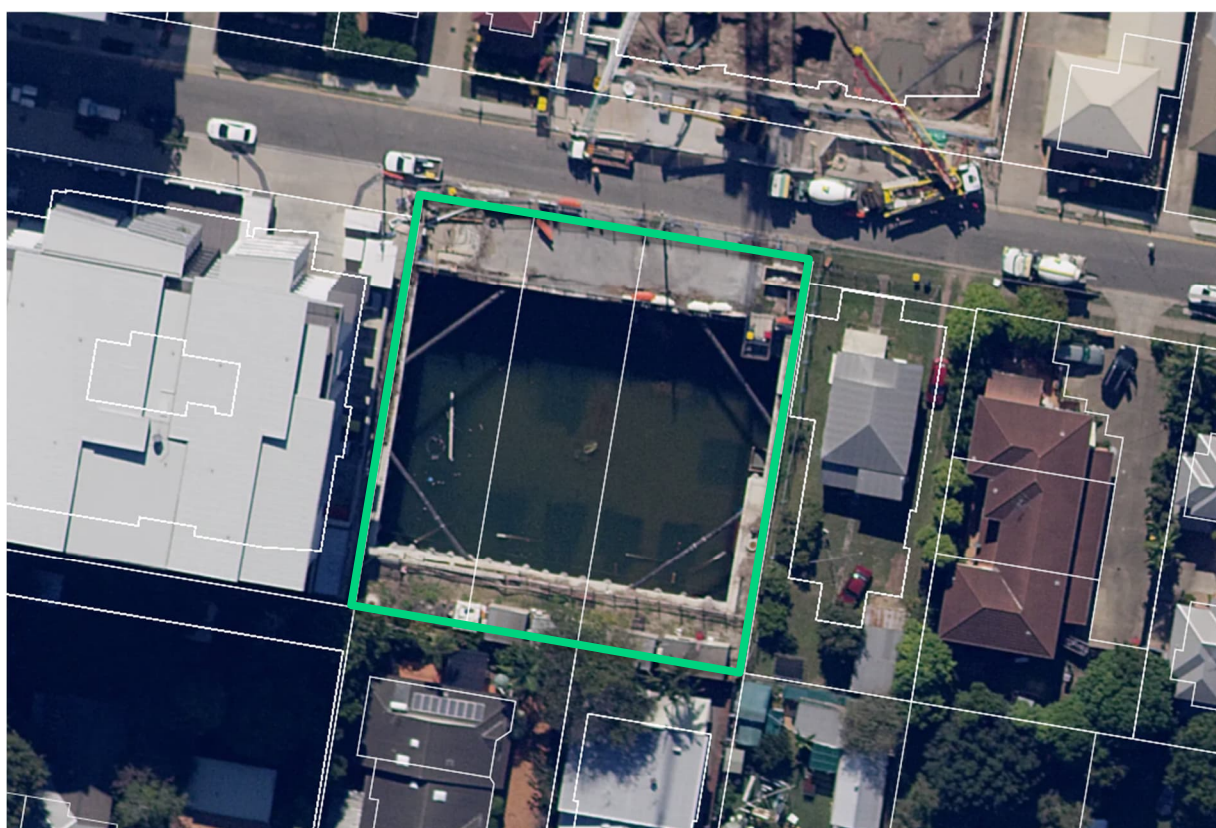
Several approvals have been issued over the subject site, the most recent being a Development permit for a Material change of use for Rooming accommodation, Office, and Food and drink outlet (A005893356). The approval history over the site is relevant in understanding the context of the current proposal.

**Table 1** provides a summary of the approval history. Note, historical approvals issued prior to January 2004 have not been included (if they exist).

Table 1: Approval history

REF	DESCRIPTION	DATE	COMMENT
A003933569	Development permit for a Material change of use - Multiple dwelling (50 Units)	28 January 2015	The development approval comprised of 8 storeys and 3 levels of basement, providing for 50 units and 59 parking spaces.
A004601028	Request to change existing approval under section 369 of the Sustainable Planning Act 2009	19 October 2017	Modifications sought to: <ul style="list-style-type: none"><li>• Reduce basement footprint</li><li>• Include of pad-mount transformer</li><li>• Remove swimming pool and deck at the rear of the site</li><li>• Remove 1 visitor car parking space</li></ul>

			The proponent commenced site works to construct the approved Multiple dwelling. However, the project was abandoned after the bulk excavation works associated with basement were undertaken (refer to <b>Figure 1</b> ).
A005649193	Extension of currency period of a development approval under section 86 of the Planning Act 2016	9 April 2021	Extension sought to the currency period of development approval (A003933569) under section 86 of the <i>Planning Act 2016</i> until midnight on 23 December 2021.
A005893356	Development permit for a Material change of use – Rooming accommodation, Office and Food and drink outlet	28 June 2022	The development approval was for an 11 storey mixed use building, with 138 Rooming accommodation units with a co-working (Office) space and café (Food and drink outlet) on ground floor. The development has 2 basement levels, providing 64 car parks across the basement and lower ground floor. The currency period of the approved development lapses on 27 September 2028.



**Figure 1: Site aerial in 2018**

Source: MetroMap, 2025

## PROPOSED CHANGES

The key changes being sought to the approval package are summarised as follows:

- Removal of 2 share car parking spaces
- Removal of 7 motorbike spaces



- Increase in 7 bike spaces
- Redesigned entry driveway
- Revised circulation roadway widths and service bay widths.
- Change to setbacks on the west (side), south (rear), and north (front) boundaries
- Reduced deep planting on the front of the site
- Reconfiguration of rooftop amenity
- Change to landscape outcome throughout site
- Internal layout changes throughout, including:
  - reconfiguration of Office and Food and drink outlet uses
  - reconfiguration of communal uses throughout the building
  - addition of third lift shaft and change to fire stair dimensions
  - increase to unit/room sizes
- Cosmetic elevation changes.

**Table 2** provides a detailed summary of the proposed built form changes in comparison to the development approvals over the site -

**Table 2: Built form detail**

Key detail	A005893356	Proposed development
Land use	<ul style="list-style-type: none"> <li>• Rooming accommodation</li> <li>• Office</li> <li>• Food and drink outlet</li> </ul>	<ul style="list-style-type: none"> <li>• Rooming accommodation</li> <li>• Office</li> <li>• Food and drink outlet</li> </ul>
Building height	11 storeys and 65.75m AHD	11 storeys and 64m AHD
Total units	138	138
Total bedrooms	146	146
Access and servicing	Via a 7m wide Type B2 crossover to Latham Street	Via a 7m wide Type B2 crossover to Latham Street
Car parking	Residential: 52 spaces Visitor: 7 spaces (including 2 PWD spaces) Share: 2 spaces Total: 59 car spaces	Residential: 52 spaces Visitor: 6 spaces (including 2 PWD spaces) Share: 0 spaces Total: 58 car spaces
Deep planting	203m <sup>2</sup> (14.32%)	149.68m <sup>2</sup> (11.12%)
Site cover	55.3%	56%
Gross floor area	Non-residential: <ul style="list-style-type: none"> <li>• Office: 50m<sup>2</sup></li> <li>• Food and drink outlet: 38m<sup>2</sup></li> <li>• Residential: 5,316m<sup>2</sup></li> </ul>	Non-residential: <ul style="list-style-type: none"> <li>• Office: 52m<sup>2</sup></li> <li>• Food and drink outlet: 21m<sup>2</sup></li> <li>• Residential: 5,564m<sup>2</sup></li> </ul>
Setbacks	<b>Ground floor</b>	
	Front (north): 6.3m Side (east): 1.985m Side (west): 4m Rear (south): 5.73m	Front (north): 6.3m Side (east): 2m Side (west): 4.351m Rear (south): 5.73m
	<b>Levels 1-7/8 and rooftop</b>	
	Front (north): 4m Side (east): 3.97m Side (west): 4m Rear (south): 5.815m	Front (north): 4.145m Side (east): 3.87m Side (west): 4.043m Rear (south): 5.73m

### Basement and car park layout changes

The basement layout has been reconfigured to accommodate an additional lift. The 2 share car parking spaces on the lower ground floor have been removed. However, the number of residential and visitor spaces remains unchanged. There are inconsequential changes to the location of bicycle spaces, and the inclusion of additional storage are also proposed across the approved basement and lower ground floor levels.

The extent of the changes are detailed below:

- Reduced floor to ceiling heights;
- Inclusion of a plenum and a landscape planter above;
- New fire stairs in the front setback;
- Additional fire stairs and lift shaft;
- Removal of café ancillary plant and waste;
- Servicing area increased from 11.0m x 3.5m to 11.5m x 4m;
- Dedicated van parking area removed;
- Removal of shared car parking spaces;
- Decrease in motorcycle parking spaces to 5; and
- Increase in bicycle parking spaces from to 87.

Figure 2 shows the extent of changes between the approved and proposed basement.

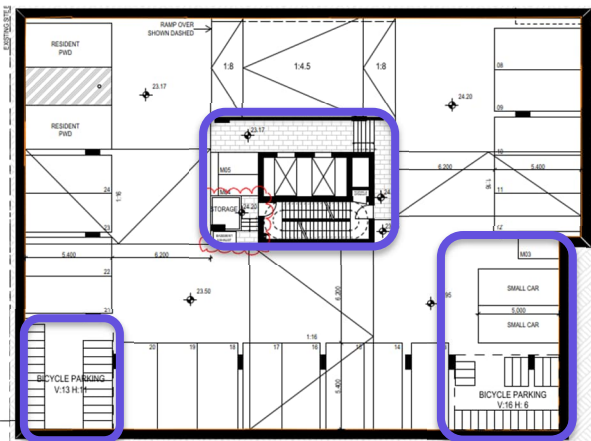


Image 1. Approved Basement Level 1

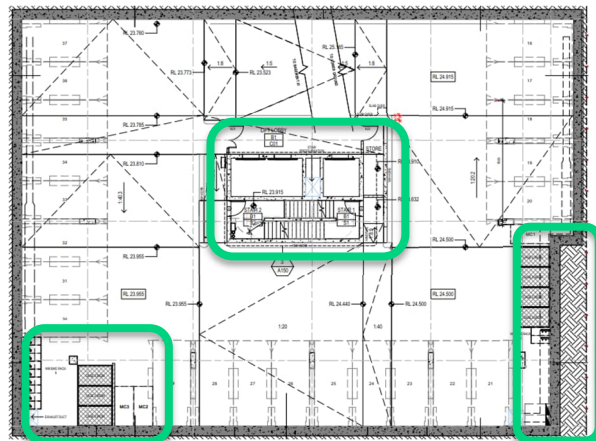


Image 2. Proposed Basement Level 1

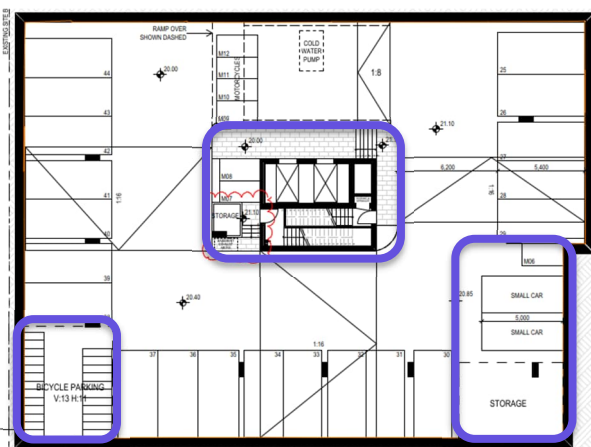


Image 3. Approved Basement Level 2

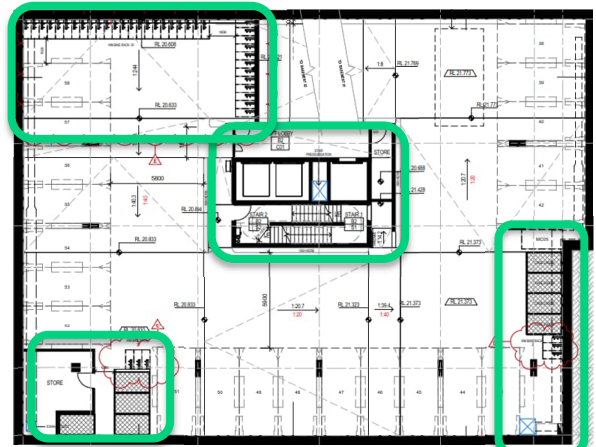
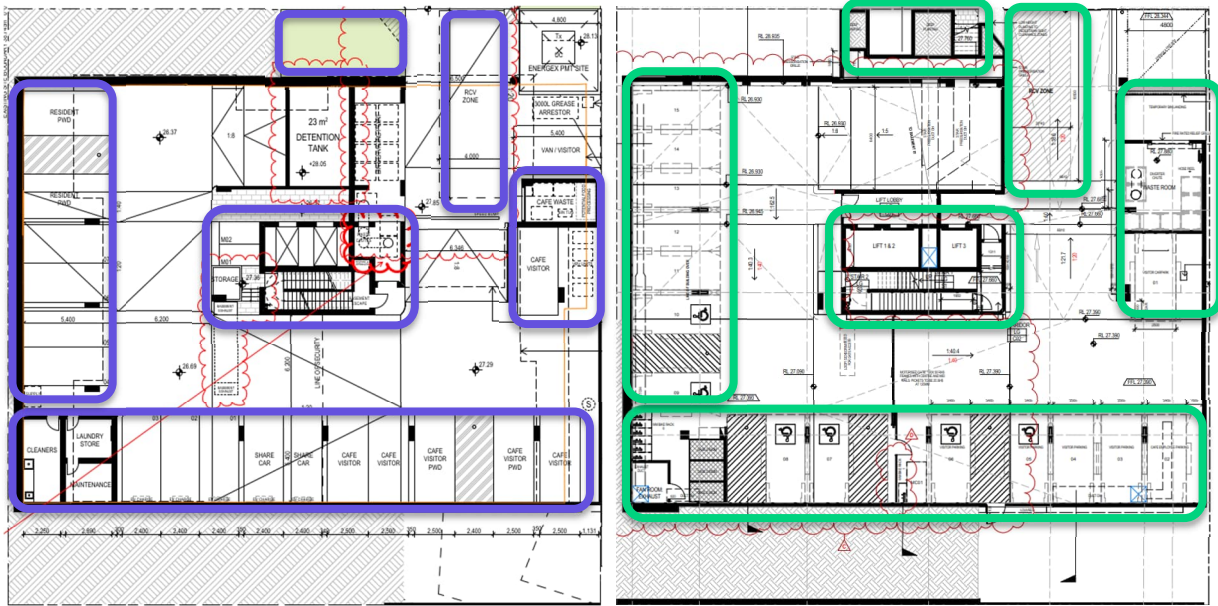


Image 4. Proposed Basement Level 2

Figure 2: Proposed and approved basement levels

Source: DKO (approved) and HSPC (proposed)

**Figure 3** shows the extent of changes between the approved and proposed lower ground floor.



**Image 5.** Approved lower ground floor

**Image 6.** Proposed lower ground floor

**Figure 2: Proposed and approved lower ground floor level**

Source: DKO (approved) and HSPC (proposed)

### Ground floor

The proposed changes to the ground floor area include a new set of fire stairs and relocation of booster and pump, reconfiguration of deep planting on the site frontage, changes to hard and soft landscaping, and internal reconfiguration to consolidate tenant and non-tenant spaces.

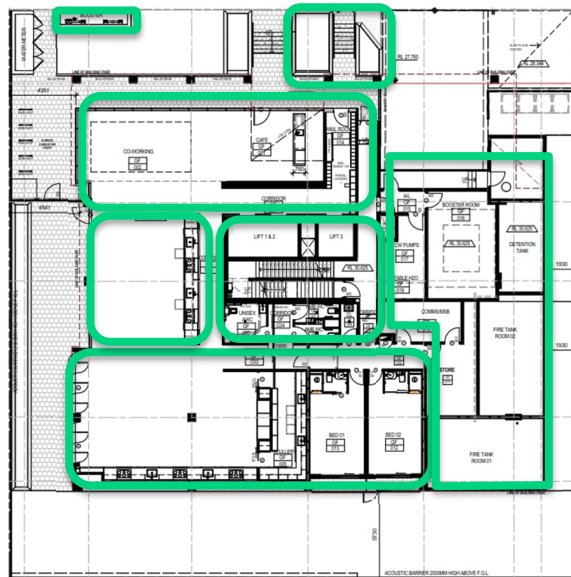
The extent of the changes to the ground floor are detailed below:

- Additional lift shaft;
- Relocated booster room and water metre;
- Reconfigured office and food and drink outlet areas;
- Shifting the two units to the west to accommodate the larger communal area;
- Change to plant room layout;
- New fire stairs on site frontage;
- Reduction of deep planting in the front setback from 66m<sup>2</sup> to 23.22m<sup>2</sup>, including the incorporation of raised planter beds in lieu of deep planting;
- Reduction of deep planting in the rear setback from 137m<sup>2</sup> to 126m<sup>2</sup>; and
- Removal of awning towards the western boundary.

**Figure 4** shows the extent of changes between the approved and proposed ground floor.



**Image 7. Approved ground floor level**



**Image 8. Proposed ground floor level**



**Image 9. Approved deep planting**



**Image 10. Proposed deep planting**

**Figure 3: Proposed and approved ground floor changes**

Source: DKO (approved) and Studio 151 landscape architecture (proposed)

**Levels 1-8**

Levels 1-8 are generally in-keeping with the approved plans, with the number of units maintained at 138, with 146 bedrooms.

The key changes to Levels 1-8 include the additional lift, reconfigured lift core and additional communal open spaces. These amendments have resulted in changes to setbacks to all properties boundaries.

The extent of changes are detailed below:

- Additional lift shaft;
- Reconfigured lift core;
- Amended setbacks as follows:

- Increased front setback from 4m to 4.145m;
- Amended side (east) setback from 3.97m to 3.87m;
- Increased side (west) setback from 4m to 4.043m;
- Amended rear setback from 5.815m to 5.73m;
- Increased internal communal open space on each level;
- The 2 x Studios Type 1 units in the northwestern section of the building replaced by 2 x Studio;
- Removal of the east facing window in the southeastern unit;
- New fire door to the eastern maintenance area.

Figures 5 shows the extent of changes between the approved and proposed floor plans for levels 1-8.



Image 11. Approved levels 1, 3, 5 and 7

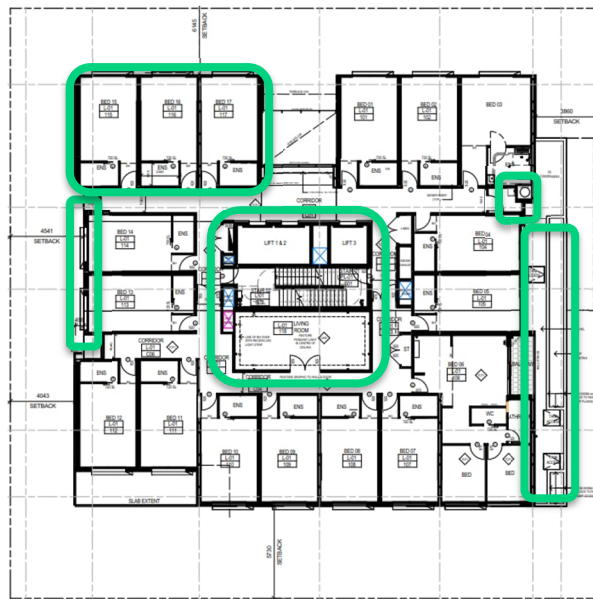


Image 12. Proposed levels 1, 3, 5 and 7

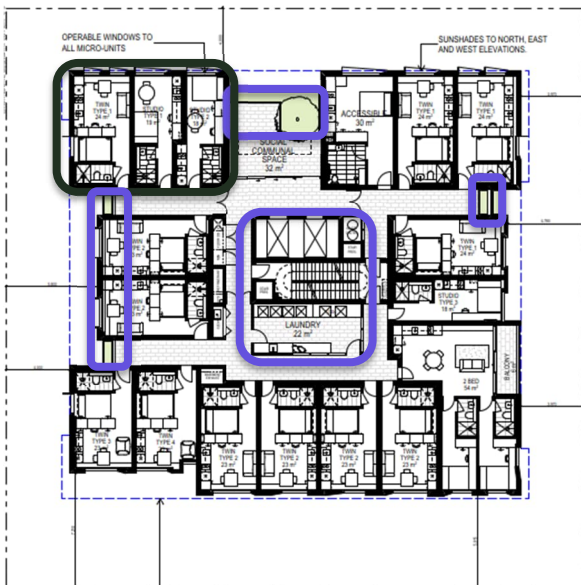


Image 13. Approved levels 2, 4, 6 and 8

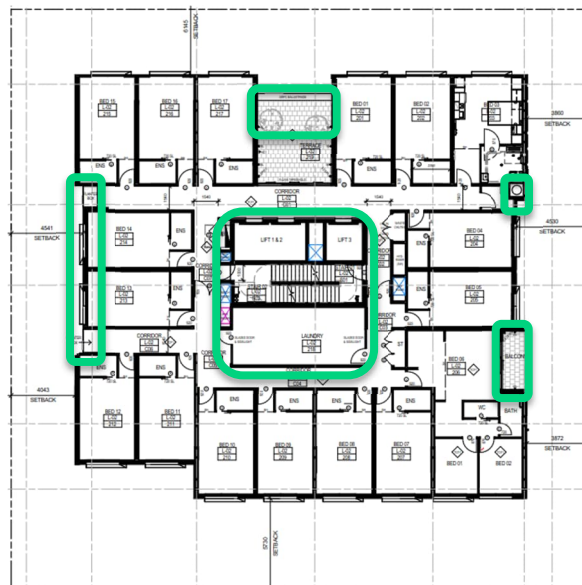


Image 14. Proposed levels 2, 4, 6 and 8

**Figure 4: Proposed and approved floor levels**

Source: DKO (approved) and HSPC (proposed)

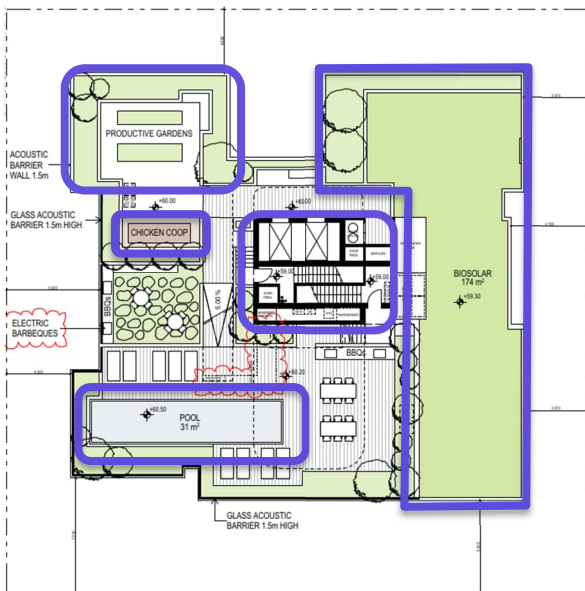
**Rooftop**

The proposed changes to the rooftop include the removal of the biosolar and productive gardens to accommodate solar panels and more communal open space.

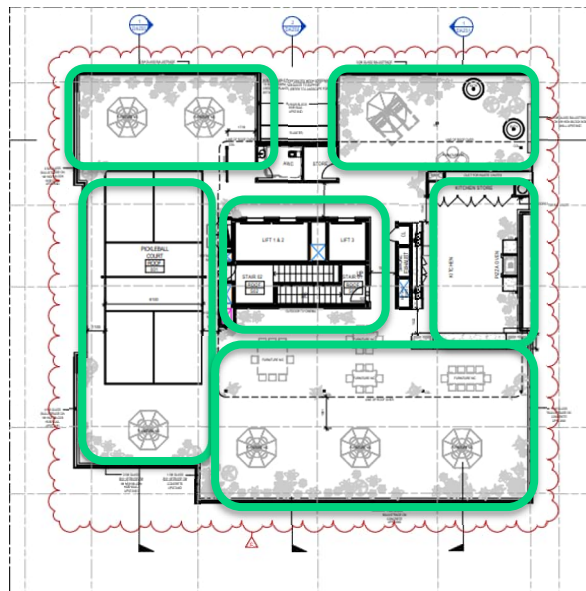
The extent of the changes are detailed below:

- Increase in lift shafts from 2 to 3;
- Reconfigured lift core;
- Reduced building height from 65.75m AHD to 64m AHD;
- Removal of the chicken coup, biosolar area, productive garden and pool;
- Introduction of solar panels; and
- Inclusion of additional BBQ and seating areas, pickle ball court and toilet.

Figure 6 details the extent of changes between the approved and proposed levels 1-8.



**Image 15. Approved rooftop**



**Image 16. Proposed rooftop**

**Figure 6: Proposed and approved roof top**

Source: DKO (approved) and HSPC (proposed)

**DRAWINGS AND DOCUMENTS**

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

Drawings or Document	Number	Plan date
Site Plan	DA301 Revision 01 DA001 Revision D	10-MAY-2022 (Received) 06/06/25
Basement 2 Plan Basement 02 Floor Plan	DA302 Revision 01 DA011 Revision E	10-MAY-2022 (Received) 06/06/25
Basement 1 Plan Basement 01 Floor Plan	DA303 Revision 01 DA012 Revision E	10-MAY-2022 (Received) 06/06/25



<del>Lower Ground Plan</del> Lower Ground Floor Plan	DA304 Revision 01 (Amended In Red 27 JUN 2022) DA013 Revision E	10-MAY-2022 (Received) 06/06/25
Ground Floor Plan	DA305 Revision 01 DA014 Revision E	10-MAY-2022 (Received) 06/06/25
Level 1	DA306 Revision 02	10-MAY-2022 (Received)
Level 2	DA307 Revision 02	10-MAY-2022 (Received)
Level 3	DA308 Revision 01	10-MAY-2022 (Received)
Level 4	DA309 Revision 01	10-MAY-2022 (Received)
Level 5	DA310 Revision 01	10-MAY-2022 (Received)
Level 6	DA311 Revision 01	10-MAY-2022 (Received)
Level 7	DA312 Revision 01	10-MAY-2022 (Received)
Level 8	DA313 Revision 01	10-MAY-2022 (Received)
Level 01, 03, 05, 07 Floor Plan	DA015 Revision C	06/06/25
Level 02, 04, 06, 08 Floor Plan	DA016 Revision E	06/06/25
Roof Terrace Plan	DA314 Revision 01 DA023 Revision D	10-MAY-2022 (Received) 06/06/25
Roof Plan	DA315 Revision 01 DA024 Revision B	10-MAY-2022 (Received) 06/06/25
<del>Unit Type Plans</del>	DA316	10-MAY-2022 (Received)
Unit Type Plans	DA317	10-MAY-2022 (Received)
Unit Type Plans	DA318	10-MAY-2022 (Received)
Room Detail – 1 Bed – Type 1	A600 Revision A	06/06/25
Room Detail – 1 Bed – Accessible	A601 Revision A	06/06/25
Room Detail – 2 Bed – Sheet 1	A603 Revision A	06/06/25
North Elevation	DA400 Revision 02 DA200 Revision E	10-MAY-2022 (Received) 06/06/25
East Elevation	DA401 Revision 02 DA201 Revision D	10-MAY-2022 (Received) 06/06/25
South Elevation	DA402 Revision 02 DA202 Revision D	10-MAY-2022 (Received) 06/06/25
West Elevation	DA403 Revision 02 DA203 Revision D	10-MAY-2022 (Received) 06/06/25
Section 01 Building Section	DA404 Revision 01 DA250 Revision D	10-MAY-2022 (Received) 06/06/25
Section 02	DA405 Revision 01	10-MAY-2022 (Received)
Section 03	DA406 Revision 01	10-MAY-2022 (Received)
Ground Level	DA08 Page 13	09-MAY-2022
Detail Plan	DA08 Page 14	09-MAY-2022
Level 01	DA08 Page 15	09-MAY-2022
Typical Level 02, 06, 08	DA08 Page 16	09-MAY-2022
Level 04	DA08 Page 17	09-MAY-2022
Typical Level 03, 05, 07	DA08 Page 18	09-MAY-2022
Rooftop Level	DA08 Page 19	09-MAY-2022
Rooftop Garden Detail Plan	DA08 Page 20	09-MAY-2022
Structure Diagrams	DA08 Page 21	09-MAY-2022
Structure Diagrams	DA08 Page 22	09-MAY-2022



Structure Diagrams	DA08 Page 23	09-MAY-2022
Structure Diagrams	DA08 Page 24	09-MAY-2022
Structure Diagrams	DA08 Page 25	09-MAY-2022
Structure Diagrams	DA08 Page 26	09-MAY-2022
Section 01 – Western Boundary	DA08 Page 28	09-MAY-2022
Section 02 – Eastern Boundary	DA08 Page 29	09-MAY-2022
Section 03 – Southern Boundary	DA08 Page 30	09-MAY-2022
Section 04 – Northern Boundary	DA08 Page 31	09-MAY-2022
Section 04 – Northern Boundary	DA08 Page 32	09-MAY-2022
Northern Elevation	DA08 Page 33	09-MAY-2022
Backyard Character Images	DA08 Page 35	09-MAY-2022
Podium Courtyard Character Images	DA08 Page 36	09-MAY-2022
Urban Farm Character Images	DA08 Page 37	09-MAY-2022
Rooftop Pool Area Character Images	DA08 Page 38	09-MAY-2022
Bio Solar Character Images	DA08 Page 39	09-MAY-2022
Materials and Finishes – Rooftop	DA08 Page 40	09-MAY-2022
Materials and Finishes – Rooftop	DA08 Page 41	09-MAY-2022
Materials and Finishes – Ground	DA08 Page 42	09-MAY-2022
Planting Palette – Ground Floor	DA08 Page 43	09-MAY-2022
Planting Palette – Ground Floor	DA08 Page 44	09-MAY-2022
Planting Palette – Rooftop	DA08 Page 45	09-MAY-2022
Planting Palette – Rooftop	DA08 Page 46	09-MAY-2022
Irrigation Strategy	DA08 Page 47	09-MAY-2022
Irrigation Strategy	DA08 Page 48	09-MAY-2022
Planter Strategy	DA08 Page 49	09-MAY-2022
Ground Floor Landscape Plan	LDA100	28-MAR-2025
Level 1 Landscape Plan	LDA101	28-MAR-2025
Level 2 Landscape Plan	LDA102	28-MAR-2025
Levels 3, 5, 7 Landscape Plan	LDA103	28-MAR-2025
Levels 4, 6, 8 Landscape Plan	LDA104	28-MAR-2025
Rooftop Terrace Landscape Plan	LDA105	28-MAR-2025
Landscape Sections	LDA200	28-MAR-2025
Planting Palette & Schedule	LDA300	28-MAR-2025
Deep Soil Diagram	LDA400	28-MAR-2025
Environmental Noise Assessment	21BRA0190 RO1_2	25-NOV-2021
Bulk Earthworks Layout Plan	CDA301 Revision P2	24-FEB-2022
Stormwater Management Plan	CDA101 Revision P4	24-FEB-2022

## CONDITIONS

We request that Council update any relevant Condition in accordance with the proposed change. More specifically, we are seeking to change the approved Conditions as follows –



Conditions	Timing
<p><b>18) Sun Shading Devices</b> Provide sun shading in accordance with the approved DRAWINGS AND DOCUMENTS <del>DA400, DA401, DA402, DA403</del> Rev. 2 received 10/05/2022. <b>DA015 and DA016-Revision A</b> dated 31/03/25.</p>	Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained
<p><b>41) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking</b> Construct and maintain access, parking and manoeuvring for vehicles on site in accordance with the relevant Brisbane Planning Scheme Codes, as indicated on the approved DRAWINGS AND DOCUMENTS, including the following:</p> <ol style="list-style-type: none"><li>i. A pavement of minimum Local road standard or equivalent surface material (including associated drainage) to the area on which motor vehicles will be driven and/or parked.</li><li>ii. Suspended concrete parking areas, aisles and driveways are to be designed and certified by an RPEQ to accommodate the required design vehicles/s identified in this condition.</li><li>iii. Manoeuvring on site for a RCV and a Van and for the loading and unloading of vehicles.</li><li>iv. Parking on the site for Rooming accommodation and Café &amp; Office: 52 resident/tenant cars (including 4 PWD spaces), <b>7 6</b> café/office cars (including 2 PWD spaces) and for the loading and unloading of vehicles within the site.  There must a minimum total number of <del>59</del> <b>58</b> spaces (including 6 PWD spaces, and a maximum of <del>5</del> <b>6</b> car spaces for the café and office) provided on site. (Note—Where <u>car share</u> spaces are provided, <u>they will not be included in the maximum car parking calculation</u> for the use).</li><li>v. Provide and maintain <del>70</del> <b>87</b> secure bicycle parking spaces and 10 visitor bicycle parking spaces.</li><li>vi. A minimum of 2.3 metres height clearance to all undercover parking areas and a minimum of 2.5 metres above parking spaces for people with disabilities. The minimum clear height must be measured to the lowest protrusion from the ceiling (e.g., fire sprinklers, services, lighting fixtures, signs, etc).</li><li>vii. A height clearance sign located at the entrance(s) to undercover car parking areas and a directional visitor parking sign clearly visible from the vehicle entrance to the site.</li><li>viii. An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site.</li><li>ix. Prepare and implement signs and line markings drawings that show the internal paved areas signed and delineated in accordance with the approved drawings and documents. The drawings must be prepared and certified by a Registered Professional Engineer</li></ol>	Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use, whichever comes first



<p>Queensland in accordance with the relevant Brisbane Planning Scheme Codes and the Manual of Uniform Traffic Control Devices.</p> <p><b>PROOF OF FULFILMENT</b>  <i>Certification from a Registered Professional Engineer Queensland, that the above requirements have been implemented in accordance with this condition. Timing: Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use, whichever comes first.</i></p>	
<p><b>43) Refuse Storage - On Site Collection</b>          Provide a roofed and wholly screened refuse enclosure utilising materials consistent with the development or a dedicated refuse storage room, as shown on the approved plans and documents.</p> <p>The enclosure/refuse storage room must be of a design to accommodate the quantity of refuse and recycling including source separation to allow for low servicing collection of the development, in accordance with <del>the Updated proposal plans - Eng markup, Amended in Red, Drawing No. DA304 Revision 01, dated 23/02/2022 from DKO Architecture.</del> <b>Drawing No. DA013 Revision E dated 06/06/25 from HSPC.</b></p> <p>Bins must be located in an area which allows them to be manoeuvred from the bin storage area to the designated internal collection point.</p>	<p>Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use, whichever comes first</p>

## PLANNING ASSESSMENT

Pursuant to section 81 of the *Planning Act 2016*, the responsible entity (Council) is required to consider the current statutory instrument, *Brisbane City Plan 2014 (v32)*, and the statutory instrument in effect when the development application for the development approval was properly made, *Brisbane City Plan 2014 (v22)*.

The key changes to the development approval requiring assessment relate to:

- Landscaping and deep planting
- Building variation
- Setbacks
- Traffic and car parking

We have provided an assessment below against the relevant outcomes in *Brisbane City Plan 2014 (32)* and *Brisbane City Plan (v22)*.

### **Landscaping and deep planting**

During detailed design, additional fire safety and ventilation requirements were identified to ensure the development complies with the relevant standards. This has resulted in an additional fire stair connecting the internal fire stairs with Latham Street, introduction of a plenum ventilation area and relocation of the booster/water metre within the approved deep planting area on the site frontage. In addition to this, the landscape feature pavers in the deep planting at the rear of the site have been removed to accommodate a 1m wide egress path.

The deep planting within the front setback has been reduced from 66m<sup>2</sup> to approximately 23.22m<sup>2</sup> with a minimum dimension of 4m in any direction. The deep planting at the rear of the site has been reduced from the 137m<sup>2</sup> to 126.46m<sup>2</sup>. The overall extent of deep planting has reduced from 220m<sup>2</sup> (15.6%) to 149.68m<sup>2</sup> (11.12%).



The relevant assessment benchmarks are AO56.2, PO56, AO58 or PO58 of the Centre or Mixed Use Code. **Table 3** details the relevant assessment benchmarks have not changed between *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)*.

**Table 3: Relevant assessment benchmarks**

<b>Brisbane City Plan 2014 (v22)</b>	<b>Brisbane City Plan 2014 (v32)</b>
<p><b>AO56.2</b> Development:</p> <ul style="list-style-type: none"> <li>a. provides for a minimum 10% of the site area for deep planting;</li> <li>b. ensures that each deep-planting area has a minimum area of 25m<sup>2</sup> and a minimum dimension of 4m in any direction.</li> </ul>	<p><b>AO56.2</b> Development:</p> <ul style="list-style-type: none"> <li>a. provides for a minimum 10% of the site area for deep planting;</li> <li>b. ensures that each deep-planting area has a minimum area of 25m<sup>2</sup> and a minimum dimension of 4m in any direction.</li> </ul>
<p><b>PO56</b> Development incorporates deep planting which:</p> <ul style="list-style-type: none"> <li>a. supports the retention and protection of existing significant vegetation and large subtropical shade trees;</li> <li>b. provides for the establishment of vegetation to contribute to the landscape character of the centre or mixed use area;</li> <li>c. is grouped with deep-planting areas on adjacent sites to maximise contiguous areas of deep planting;</li> <li>d. is open to the sky with access to light and rainfall and into the natural ground with no underground development;</li> <li>e. is planted with large subtropical tree species that at maturity are complementary in scale and height to the building form;</li> <li>f. is capable and supported to grow and at maturity provide effective shade or screening to buildings, outdoor spaces or adjoining uses;</li> <li>g. balances hard-stand areas and provides shade and informal recreation spaces that are directly accessible from residences, building tenancies or the street frontage.</li> </ul>	<p><b>PO56</b> Development incorporates deep planting which:</p> <ul style="list-style-type: none"> <li>a. supports the retention and protection of existing significant vegetation and large subtropical shade trees;</li> <li>b. provides for the establishment of vegetation to contribute to the landscape character of the centre or mixed use area;</li> <li>c. is grouped with deep-planting areas on adjacent sites to maximise contiguous areas of deep planting;</li> <li>d. is open to the sky with access to light and rainfall and into the natural ground with no underground development;</li> <li>e. is planted with large subtropical tree species that at maturity are complementary in scale and height to the building form;</li> <li>f. is capable and supported to grow and at maturity provide effective shade or screening to buildings, outdoor spaces or adjoining uses;</li> <li>g. balances hard-stand areas and provides shade and informal recreation spaces that are directly accessible from residences, building tenancies or the street frontage.</li> </ul>
<p><b>AO58</b> Development setback from the road, where not including an active frontage treatment or the part of the frontage not treated as an active frontage, is provided with:</p> <ul style="list-style-type: none"> <li>a. a minimum of 2m wide landscaping with advanced trees and low-level planting along the full street or public space frontage or balance part, excluding any driveway crossover and pedestrian access; or</li> <li>b. a minimum of 3m wide landscaping with advanced trees and low-level planting, to establish a positive landscaped street edge where a service station or outdoor sales use.</li> </ul> <p>Note—It is envisaged that landscaping will be primarily located on frontages to arterial roads that are not suitable for active frontages.</p>	<p><b>AO58</b> Development setback from the road, where not including an active frontage treatment or the part of the frontage not treated as an active frontage, is provided with:</p> <ul style="list-style-type: none"> <li>a. a minimum of 2m wide landscaping with advanced trees and low-level planting along the full street or public space frontage or balance part, excluding any driveway crossover and pedestrian access; or</li> <li>b. a minimum of 3m wide landscaping with advanced trees and low-level planting, to establish a positive landscaped street edge where a service station or outdoor sales use.</li> </ul> <p>Note—It is envisaged that landscaping will be primarily located on frontages to arterial roads that are not suitable for active frontages.</p>
<p><b>PO58</b></p>	<p><b>PO58</b></p>



<p>Development which is not located on an active frontage provides landscaping on the street frontage to:</p> <ul style="list-style-type: none"> <li>a. contribute to the centre or mixed use area or development's landscape character and the development of Brisbane's subtropical streetscapes and public spaces;</li> <li>b. provide shade and pedestrian comfort and visual amenity;</li> <li>c. contribute to the subtropical character of the streetscape and public realm;</li> <li>d. not impede the establishment of active frontages where required;</li> <li>e. maintain views from the street to the building and frontage and consider personal safety.</li> </ul>	<p>Development which is not located on an active frontage provides landscaping on the street frontage to:</p> <ul style="list-style-type: none"> <li>a. contribute to the centre or mixed use area or development's landscape character and the development of Brisbane's subtropical streetscapes and public spaces;</li> <li>b. provide shade and pedestrian comfort and visual amenity;</li> <li>c. contribute to the subtropical character of the streetscape and public realm;</li> <li>d. not impede the establishment of active frontages where required;</li> <li>e. maintain views from the street to the building and frontage and consider personal safety.</li> </ul>
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The proposed changes have been considered against AO56.2, PO56, AO58 and PO58 of the Centre or Mixed Use Code.

The proposed changes maintain a minimum of 10% of the site as deep planting. However, the amendment of the front setback reduces the amount of deep planting in a single location to 23.22m<sup>2</sup>, less than the 25m<sup>2</sup> required by AO56.2. While noting the proposed deep planting at the rear of the site does not achieve 4m in any direction, this is in keeping with the approved plans which detail the landscape feature pavers limit deep planting to approximately 2.5m in some areas. Nonetheless, the extent of deep planting at the rear of the site has been reduced by 10.5m<sup>2</sup> and an assessment against PO56 is warranted.

With regards to AO58 of the Centre or Mixed Use Code which outlines that development must provide a minimum 2m wide landscaping with advanced trees and low-level planting for the full street frontage, the inclusion of the fire stairs and relocation of booster/water metre do not enable a 2m wide landscaping strip to be provided.

The proposed changes maintain compliance with PO56 and PO58 of the Centre or Mixed Use Code as demonstrated below:

**PO56**

*Development incorporates deep planting which:*

- a. supports the retention and protection of existing significant vegetation and large subtropical shade trees;*
- b. provides for the establishment of vegetation to contribute to the landscape character of the centre or mixed use area;*
- c. is grouped with deep-planting areas on adjacent sites to maximise contiguous areas of deep planting;*
- d. is open to the sky with access to light and rainfall and into the natural ground with no underground development;*
- e. is planted with large subtropical tree species that at maturity are complementary in scale and height to the building form;*
- f. is capable and supported to grow and at maturity provide effective shade or screening to buildings, outdoor spaces or adjoining uses;*
- g. balances hard-stand areas and provides shade and informal recreation spaces that are directly accessible from residences, building tenancies or the street frontage.*

...

**PO58**

*Development which is not located on an active frontage provides landscaping on the street frontage to:*

- a. contribute to the centre or mixed use area or development's landscape character and the development of Brisbane's subtropical streetscapes and public spaces;*
- b. provide shade and pedestrian comfort and visual amenity;*
- c. contribute to the subtropical character of the streetscape and public realm;*

- d. not impede the establishment of active frontages where required;
- e. maintain views from the street to the building and frontage and consider personal safety.

In short, PO56 and PO58 of the Centre or Mixed Use Code seek to ensure landscaping contributes to the landscape and streetscape character, deep planting is suitable for the establishment of large subtropical shade trees that provide shade, soften the built form and provide informal recreation spaces that are directly accessible from residences.

The character of Latham Street generally comprises a mix of established and relatively recent multiple dwelling developments that have varying levels of landscaping. **Figures 7 and 8** show 52 Latham Street and 44 Latham Street incorporate limited landscaping within the front property setback. The development at 47 Latham Street adjacent to the subject site includes landscaped areas along the site frontage but does not include a dedicated deep planting area to facilitate large subtropical shade trees.

In contrast, the proposed deep planting area, general landscape area and raised landscape planters will result in a total of approximately 53m<sup>2</sup> of landscaping in the front setback. **Attachment 3: Landscape Concept Plan** details several plant species that will be used throughout the development, with options for the landscaped areas on the site frontage shown in **Figure 9**.

As detailed in **Attachment 3: Landscape Concept Plan**, the following subtropical shade trees will be accommodated in the designated deep planting areas in the front and rear setbacks:

- Waterhousia floribunda (Weeping Lily Pilly)
- Livistona australis (Cabbage Tree Palm)
- Jacaranda mimosifolia (Jacaranda)

These subtropical shade trees, in addition to the medium and small trees, will facilitate shade of the pedestrian entry and streetscape at the front of the site to improve comfort, while softening the built form and enhancing the visual amenity of the area. The main entrance stairwell which separates the landscape planters will ensure that views from the street to the building and frontage are maintained. Appropriate lighting will be provided along the entrance to ensure there are no adverse impacts on personal safety.

Given the existing landscape character of Latham Street, the proposed landscaping within the front setback is significantly greater than the current environment and will make a positive contribution to the streetscape.

The proposed changes at the rear of the site provide a uniformed deep planting area, as opposed to the approved deep landscaping area which was impacted by the landscape feature pavers. The rear deep planting area will include an arrangement of large, medium and small trees, in addition to ground covers and grass shown in **Figure 9**. This extent of landscaping will soften the building from the adjoining property to the rear and provide an informal recreation spaces that are directly accessible from residences.



**Figure 5: 52 (left) and 44 (right) Latham Street – Streetscape character**

Source: Google Maps, 2025



Figure 6: 47 Latham Street – Streetscape character

Source: Google Maps, 2025



Figure 7: 47 Proposed planting palette and schedule

Source: Studio 151 landscape architecture



### Building variation

Internal changes have been made to improve residential amenity and achieve fire engineering standards, including increase to unit sizes, and increased lift core area and communal space. These internal alterations have resulted in changes to the articulation of the western façade.

The relevant assessment benchmarks are AO33.1 of the Centre and Mixed Use Code. **Table 4** details the relevant assessment benchmarks have not changed between *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)*.

Table 4: Relevant assessment benchmarks

<i>Brisbane City Plan 2014 (v22)</i>	<i>Brisbane City Plan 2014 (v32)</i>
<p><b>AO33.1</b></p> <p>Development ensures that the length of a uniform treatment of an elevation above ground level without variation, substantial articulation or openings is no more than 30m.</p> <p>Note—Substantial articulation is a full break of 6m or a change in building line of 2m plus or minus for a length not less than 5m.</p>	<p><b>AO33.1</b></p> <p>Development ensures that the length of a uniform treatment of an elevation above ground level without variation, substantial articulation or openings is no more than 30m.</p> <p>Note—Substantial articulation is a full break of 6m or a change in building line of 2m plus or minus for a length not less than 5m.</p>

As detailed in Table 4, AO33.1 of the Centre or Mixed Use Code requires that development for a length of greater than 30m must include a 2m variation for a 5m or a full break of 6m. We note that the western façade has a total length of 25m and the requirements of AO33.1 are not applicable.

Notwithstanding this, the western façade incorporates planter boxes either side of the two central units with a setback of 1m from the building line. The planter boxes create articulation to the façade and soften the built form in a similar manner to the approved development.

### Setbacks and building separation

The proposed development seeks to amend the approved setbacks to all property boundaries. The relevant assessment benchmarks are AO2 of the Chermide Centre Neighbourhood Plan and AO25, PO25, AO27.2 and PO27 of the Centre or Mixed Use Code. **Table 5** details the relevant assessment benchmarks from *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)*.

Table 5: Relevant assessment benchmarks

<i>Brisbane City Plan 2014 (v22)</i>	<i>Brisbane City Plan 2014 (v32)</i>
<b>Chermide Centre Neighbourhood Plan Code</b>	
<p><b>AO2</b></p> <p>Development has building setbacks that comply with Table 7.2.3.6.3.D.</p>	<p><b>AO2</b></p> <p>Development has building setbacks that comply with Table 7.2.3.6.3.D.</p>
<b>Centre or Mixed Use Code</b>	
<p><b>AO25</b></p> <p>Development ensures that the rear and secondary street boundary setbacks for non-residential and residential development in a centre or mixed use or for a centre activity or mix of uses are in compliance with:</p> <ol style="list-style-type: none"> <li>a neighbourhood plan; or</li> <li>if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements in Table 9.3.3.3.C.</li> </ol>	<p><b>AO25</b></p> <p>Development ensures that the rear and secondary street boundary setbacks for non-residential and residential development in a centre or mixed use or for a centre activity or mix of uses are in compliance with:</p> <ol style="list-style-type: none"> <li>a neighbourhood plan; or</li> <li>if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements in Table 9.3.3.3.C.</li> </ol>
<p><b>PO25</b></p> <p>Development ensures that the rear boundary and secondary street setbacks:</p> <ol style="list-style-type: none"> <li>provide for deep-planting areas;</li> </ol>	<p><b>PO25</b></p> <p>Development ensures that the rear boundary and secondary street setbacks:</p> <ol style="list-style-type: none"> <li>provide for deep-planting areas;</li> </ol>



<ul style="list-style-type: none"> <li>b. support building separation to provide visual and acoustic privacy without screening where residential uses are adjoining or proposed;</li> <li>c. maximise the opportunity to retain and protect existing mature vegetation;</li> <li>d. enable a suitable frontage treatment to be presented where there is a transition to a residential neighbourhood.</li> </ul>	<ul style="list-style-type: none"> <li>b. support building separation to provide visual and acoustic privacy without screening where residential uses are adjoining or proposed;</li> <li>c. maximise the opportunity to retain and protect existing mature vegetation;</li> <li>d. enable a suitable frontage treatment to be presented where there is a transition to a residential neighbourhood.</li> </ul>
<p><b>AO27.2</b> Development ensures that the building separation to an adjoining residential building:</p> <ul style="list-style-type: none"> <li>a. complies with Table 9.3.3.3.E; or</li> <li>b. positions the primary balcony or private open space to street or rear;</li> <li>c. offsets balconies or habitable rooms so they are positioned outside the cone of vision of existing or approved habitable rooms or outdoor spaces; or</li> <li>d. uses moveable or adjustable screening to regulate privacy between lots or dwellings which do not exceed balcony screening acceptable outcomes.</li> </ul> <p>Note—Separation distances are intended to protect amenity and provide for private open spaces on upper levels that do not require full screening for privacy.</p> <p>Note—Considered site planning and design and strategies such as offsetting balconies, the location of private space, selective screening and other design elements can reduce the boundary separation requirements.</p>	<p><b>AO27.2</b> Development ensures that the building separation to an adjoining residential building:</p> <ul style="list-style-type: none"> <li>a. complies with Table 9.3.3.3.E; or</li> <li>b. positions the primary balcony or private open space to street or rear;</li> <li>c. offsets balconies or habitable rooms so they are positioned outside the cone of vision of existing or approved habitable rooms or outdoor spaces; or</li> <li>d. uses moveable or adjustable screening to regulate privacy between lots or dwellings which do not exceed balcony screening acceptable outcomes.</li> </ul> <p>Note—Separation distances are intended to protect amenity and provide for private open spaces on upper levels that do not require full screening for privacy.</p> <p>Note—Considered site planning and design and strategies such as offsetting balconies, the location of private space, selective screening and other design elements can reduce the boundary separation requirements.</p>
<p><b>PO27</b> Development ensures that the separation of buildings within a site and to an adjoining existing or future building which includes a residential dwelling:</p> <ul style="list-style-type: none"> <li>a. is consistent with the form and character intent for the local area;</li> <li>b. is located to provide residential amenity including access to natural light, sunlight and breeze;</li> <li>c. provides a degree of visual privacy via site planning and design without a reliance on fixed screening;</li> <li>d. reasonably addresses and considers the amenity of adjoining residents and future development potential.</li> </ul>	<p><b>PO27</b> Development ensures that the separation of buildings within a site and to an adjoining existing or future building which includes a residential dwelling:</p> <ul style="list-style-type: none"> <li>a. is consistent with the form and character intent for the local area;</li> <li>b. is located to provide residential amenity including access to natural light, sunlight and breeze;</li> <li>c. provides a degree of visual privacy via site planning and design without a reliance on fixed screening;</li> <li>d. reasonably addresses and considers the amenity of adjoining residents and future development potential.</li> </ul>

The proposed changes to setbacks have been considered against AO2 of the Chermside Centre Neighbourhood Plan and AO25, PO25, AO27.2 and PO27 of the Centre or Mixed Use Code in *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014(v32)*, with the required setbacks and building separation detailed in **Table 6** and **7**.

**Table 6: Setbacks**

<i>Brisbane City Plan 2014 (v22) &amp; Brisbane City Plan 2014 (v32)</i>	Approved	Proposed
Ground-floor storey and to 4.5m		



<ul style="list-style-type: none"> <li>• Front: 3m</li> <li>• Side (east): 0m</li> <li>• Side (west): 0m</li> <li>• Rear: 6m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 6.3m</li> <li>• Side (east): 1.985m</li> <li>• Side (west): 4m</li> <li>• Rear: 5.73m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 6.3m</li> <li>• Side (east): 2m</li> <li>• Side (west): 4.351m</li> <li>• Rear: 5.73m</li> </ul>
<b>Podium or up to 5 storeys</b>		
<ul style="list-style-type: none"> <li>• Front: <ul style="list-style-type: none"> <li>○ Balcony: 4m</li> <li>○ Wall: 6m</li> </ul> </li> <li>• Side (east): 5m</li> <li>• Side (west): 5m</li> <li>• Rear: 6m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: <ul style="list-style-type: none"> <li>○ Balcony: N/A</li> <li>○ Wall: 4m</li> </ul> </li> <li>• Side (east): 3.97m</li> <li>• Side (west): 4m</li> <li>• Rear: 5.815m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: <ul style="list-style-type: none"> <li>○ Balcony: N/A</li> <li>○ Wall: 4.145m</li> </ul> </li> <li>• Side (east): 3.87m</li> <li>• Side (west): 4.043m</li> <li>• Rear: 5.73m</li> </ul>
<b>Tower – Above 5 storeys to 15 storeys</b>		
<ul style="list-style-type: none"> <li>• Front: <ul style="list-style-type: none"> <li>○ Balcony: 4m</li> <li>○ Wall: 6m</li> </ul> </li> <li>• Side (east): 6m</li> <li>• Side (west): 6m</li> <li>• Rear: 10m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: <ul style="list-style-type: none"> <li>○ Balcony: N/A</li> <li>○ Wall: 4m</li> </ul> </li> <li>• Side (east): 3.97m</li> <li>• Side (west): 4m</li> <li>• Rear: 5.815m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: <ul style="list-style-type: none"> <li>○ Balcony: N/A</li> <li>○ Wall: 4.145m</li> </ul> </li> <li>• Side (east): 3.87m</li> <li>• Side (west): 4.043m</li> <li>• Rear: 5.73m</li> </ul>

Table 7: Building separation

<i>Brisbane City Plan 2014 (v22) &amp; Brisbane City Plan 2014 (v32)</i>	Approved	Proposed
<b>Ground-floor storey and to 4.5m</b>		
<ul style="list-style-type: none"> <li>• Front: 3m</li> <li>• Side (east): 0m</li> <li>• Side (west): 3m</li> <li>• Rear: 3m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 24.8m</li> <li>• Side (east): 4.985m</li> <li>• Side (west): 7.5m</li> <li>• Rear: 7.73m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 24.8m</li> <li>• Side (east): 5m</li> <li>• Side (west): 7.351m</li> <li>• Rear: 7.73m</li> </ul>
<b>2 storeys to 7.5m</b>		
<ul style="list-style-type: none"> <li>• Front: 9m</li> <li>• Side (east): 9m</li> <li>• Side (west): 9m</li> <li>• Rear: 9m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 22.5m</li> <li>• Side (east): 6.97m</li> <li>• Side (west): 7.5m</li> <li>• Rear: 7.815m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 22.645m</li> <li>• Side (east): 6.87m</li> <li>• Side (west): 7.543m</li> <li>• Rear: 7.73m</li> </ul>
<b>3 to 5 storeys</b>		
<ul style="list-style-type: none"> <li>• Front: 12m</li> <li>• Side (east): 12m</li> <li>• Side (west): 12m</li> <li>• Rear: 12m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 22.5m</li> <li>• Side (east): 6.97m</li> <li>• Side (west): 7.5m</li> <li>• Rear: N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 22.645m</li> <li>• Side (east): 6.87m</li> <li>• Side (west): 7.543m</li> <li>• Rear: N/A</li> </ul>
<b>6 to 8 storeys</b>		
<ul style="list-style-type: none"> <li>• Front: 18m</li> <li>• Side (east): 18m</li> <li>• Side (west): 18m</li> <li>• Rear: 18m</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 22.5m</li> <li>• Side (east): N/A</li> <li>• Side (west): 7.5m</li> <li>• Rear: N/A</li> </ul>	<ul style="list-style-type: none"> <li>• Front: 22.645m</li> <li>• Side (east): N/A</li> <li>• Side (west): 7.543m</li> <li>• Rear: N/A</li> </ul>

As detailed in **Tables 6** and **7**, the proposed changes provide greater setbacks to the western property than the approved development. However, the setbacks to the rear and eastern side boundary have been reduced by 0.085m and 0.2m respectively.

In-keeping with the underlying development approval, the proposed development does not achieve the side and rear setbacks or side and rear building separation as prescribed by AO25 and AO27.2 in the Centre or Mixed Use Code but complies with PO25 and PO27, as demonstrated below.

#### **PO25**

*Development ensures that the rear boundary and secondary street setbacks:*

- a. provide for deep-planting areas;*
- b. support building separation to provide visual and acoustic privacy without screening where residential uses are adjoining or proposed;*
- c. maximise the opportunity to retain and protect existing mature vegetation;*
- d. enable a suitable frontage treatment to be presented where there is a transition to a residential neighbourhood.*

...

#### **PO27**

*Development ensures that the separation of buildings within a site and to an adjoining existing or future building which includes a residential dwelling:*

- a. is consistent with the form and character intent for the local area;*
- b. is located to provide residential amenity including access to natural light, sunlight and breeze;*
- c. provides a degree of visual privacy via site planning and design without a reliance on fixed screening;*
- d. reasonably addresses and considers the amenity of adjoining residents and future development potential.*

The form and character intent for the local area is currently characterised by a mix of established low-rise multiple dwellings and more recent high-density buildings. More specifically, the adjoining 8 storey residential building to west of the site includes a 4.3m setback from the balcony and a 5m setback from the building line towards the rear property boundary. The adjoining low-rise Multiple dwellings on the southern property boundary are setback approximately 5m from the boundary. However, given the MU2 Mixed Use (Centre Frame) zoning and the intentions of the Chermside Centre Neighbourhood Plan, it is likely that these properties will be developed to achieve a similar building envelope. When the adjoining sites to the south are developed, it is expected that the buildings will comprise of a comparable development pattern with similar setbacks. The resulting building separation is likely to be around 11m and will be in keeping with the character of the local area.

The reduced setback of 0.085m maintains the substantial deep planting area along the southern property boundary that will enable the planting of large subtropical shade trees. **Attachment 3:** Landscape Concept Plan shows the deep planting at the rear of the site will include an arrangement of large, medium and small trees, in addition to ground covers and grass shown in **Figure 9**.

With regards to the amenity of adjoining residents, the windows of the units orientated towards the southern property boundary include an approximate 5.9m setback from the window to the property boundary and are in keeping with the approved plans.

Overall, the proposed reduced setbacks of 0.085m and 0.2m are inconsequential given the scale of the development, and compliance with PO25 and PO27 of the Centre or Mixed Use Code is maintained.

#### **Rooftop changes**

The approved rooftop contains extensive landscaping to achieve compliance with the criteria of the Brisbane Green Buildings Incentive Policy, for which Council would provide a financial payment of up to 50% of infrastructure charges. The extent of the landscape features included a chicken coup, large biosolar area and productive gardens.

Upon receiving advice from a quantity surveyor regarding the extent of landscaping and the eligibility for the policy, it was determined by the client that the scale of landscaping and pool was unfeasible and



did not provide a maintainable communal area. The proposed changes reflect a more traditional approach to the rooftop, with large communal areas that include BBQ's and seating. In addition to this, the northern aspects of the rooftop comprise of up to 120m<sup>2</sup> of solar panels that provide sustainable energy to the building.

Compliance with the of the Brisbane Green Buildings Incentive Policy was a Council incentive outside of the *Brisbane City Plan 2014 (v22)* framework and the proposed changes to the rooftop do not require assessment against any additional assessment benchmarks under *Brisbane City Plan 2014 (v32)*.

### Traffic

The proposed development seeks to amend the number of approved car parking spaces from 59 to 58. The relevant assessment benchmark is AO13 of the Transport, Access, Parking and Servicing Code.

**Table 8** details the relevant assessment benchmarks from *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)*.

**Table 8: Relevant assessment benchmarks**

<i>Brisbane City Plan 2014 (v22)</i>	<i>Brisbane City Plan 2014 (v32)</i>
<p><b>AO13</b> Development outside of the City core and City frame as identified in Figure a:</p> <ol style="list-style-type: none"> <li>provides on-site car parking spaces in compliance with the standards in the Transport, access, parking and servicing planning scheme policy; or</li> <li>for accepted development subject to compliance with identified requirements, does not result in on-street car parking if no parking standard is identified in the Transport, access, parking and servicing planning scheme policy.</li> </ol> <p>Note—For accepted development subject to compliance with identified requirements including an existing premises, no reduction to existing car parking is required to comply with a maximum car-parking rate in the Transport, access, parking and servicing planning scheme policy.</p>	<p><b>AO13</b> Development outside of the City core and City frame as identified in Figure a:</p> <ol style="list-style-type: none"> <li>provides on-site car parking spaces in compliance with the standards in the Transport, access, parking and servicing planning scheme policy; or</li> <li>for accepted development subject to compliance with identified requirements, does not result in on-street car parking if no parking standard is identified in the Transport, access, parking and servicing planning scheme policy.</li> </ol> <p>Note—For accepted development subject to compliance with identified requirements including an existing premises, no reduction to existing car parking is required to comply with a maximum car-parking rate in the Transport, access, parking and servicing planning scheme policy.</p>

**Attachment 4** – Updated Traffic Letter and **Table 9** below detail the number of parking spaces required by the Transport, Access, Parking And Servicing Planning Scheme Policy in *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)*, and provide a comparison between the approved and proposed parking layout. We note that the Traffic Engineering Report prepared by TTM that formed part of the original development approval outlined the following with regards to the car parking rate for the approved uses:

*The site is arguably ~400m walking distance from the entry to the Chermside Bus Interchange so the reduced TAPS PSP Table 13 Rooming Accommodation parking rate of 0.25 space/room could reasonably be applied.*

Council agreed to apply this car parking rate to the proposed development, given the proximity of the Chermside Bus Interchange.

**Table 9: Car parking requirements**

Land Use	Extent	<i>Brisbane City Plan 2014 (v22) &amp; Brisbane City Plan 2014 (v32) parking requirements</i>	Approved development	Proposed development
Rooming Accommodation	146 bedrooms	Minimum: 0.25 spaces per room. Total: 36.5 spaces	52 spaces with: <ul style="list-style-type: none"> <li>4 small car</li> <li>4 PWD</li> <li>2 share car</li> </ul>	52 spaces with: <ul style="list-style-type: none"> <li>4 PWD</li> </ul>



Café	35m <sup>2</sup>	Maximum 5 spaces per 100m <sup>2</sup> GFA on all levels accessible at-grade, plus maximum 2 spaces per 100m <sup>2</sup> GFA on other levels  Total: 2 spaces maximum	7 spaces with: • 2 PWD	6 spaces with: • 2 PWD
Office	50m <sup>2</sup>	Maximum 5 spaces per 100m <sup>2</sup> GFA on all levels accessible at-grade, plus maximum 2 spaces per 100m <sup>2</sup> GFA on other levels  Total: 3 spaces maximum	0 spaces	0 spaces
<b>Total</b>		<b>37 spaces</b>	<b>59 spaces</b>	<b>58 spaces</b>

As shown in **Table 9** and **Attachment 4** – Updated Traffic Letter, the relevant assessment benchmarks of *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)* have not changed regarding vehicle parking considerations. The proposed development will provide a total of 52 spaces intended for residents, including 4 PWD spaces. A total of 6 visitor car spaces, including 2 PWD spaces, are proposed in front of the security door on the lower ground level. The revised carparking layout exceeds the minimum requirements with Acceptable Outcome AO13 of the Transport, Access, Parking And Servicing Code in *Brisbane City Plan 2014 (v22)* and *Brisbane City Plan 2014 (v32)* for the amended yield and uses.

Traffic and carparking demand was assessed as part of the original development application and continues to comply with the relevant Acceptable Outcomes of City Plan. Therefore, the change does not introduce new impacts or increase the severity of impacts, and will not result in any adverse impacts on the local road network.

## CHANGE CRITERIA

Under Schedule 2 of the *Planning Act 2016*, 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.

### **Substantially different development**

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 criterion a) to i), and therefore the list should be used for guidance only, is not exhaustive, and is not necessarily determinative. Failure to meet one or more of the criteria 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 10 – SUBSTANTIALLY DIFFERENT DEVELOPMENT**

Criteria	Response
<i>involves a new use; or</i>	The proposed change does not introduce any new uses to the site.
<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.
<i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	The proposed change slightly reduces the approved building height from 65.75m AHD to 64m AHD and amends the setbacks by up to 0.2m. In the context of the 11 storey, 138 room residential building, the change does not result in a significant change to the built form in terms of scale, bulk and appearance.
<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 a mixed-use development. The approved commercial uses on the ground floor are maintained. The number of residential units have not changed from 138 with 146 bedrooms. The change to the basement maintains 52 residential spaces, which continue to facilitate the development to operate as intended.
<i>removes a component that is integral to the operation of the development; or</i>	<p>The main elements of the development to be reduced/removed are the deep planting areas and rooftop landscaping.</p> <p>The reduced deep planting areas and the replacement of the excessive landscaping with greater communal space and landscape planters are not integral to the operation of the development.</p> <p>The proposed change does not remove any component of the development that is integral to its operation.</p>
<i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	<p>Significant means 'sufficiently great, noteworthy, consequential'.</p> <p>The proposed change maintains the approved gross floor area of the commercial use and does not change the number of units from the approved 138. As such, the increase in car parking spaces from the approved 59 residential and visitor spaces to 58 residential and visitor spaces will not significantly increase traffic demand to or from the site.</p> <p>A detailed traffic assessment has been undertaken, confirming that the proposed car parking allocation is consistent with the outcomes</p>



	<p>of City Plan. These adjustments will not adversely impact the local traffic network and are expected to improve current conditions by minimising instances of residents parking in designated visitor spaces or on surrounding streets.</p> <p>Refer to <b>Attachment 4</b> – Updated Traffic Letter for further details.</p>
<i>introduces new impacts or increase the severity of known impacts; or</i>	<p>The approved development was an 11 storey mixed-use building in the MU2 Mixed Use (Centre Frame) zone. A development of this nature is anticipated within this zone and is consistent with the surrounding development. As a result, the approval did not include significant impacts beyond what is expected for the site.</p> <p>The proposed changes are minor in nature and do not introduce new impacts or increase the severity of known impacts.</p>
<i>removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	<p>The proposed change seeks to remove the landscape features of the approved rooftop which were included to achieve compliance with the criteria of the Brisbane Green Buildings Incentive Policy. Compliance with the policy enabled the developer to receive a financial payment of up to 50% off infrastructure charges from Council.</p> <p>Despite compliance with the criteria of the Brisbane Green Buildings Incentive Policy, the landscape features were not an incentive or offset component that would have balanced a negative impact of the development.</p> <p>The proposed change will not remove an incentive or offset component.</p>
<i>impacts on infrastructure provisions.</i>	<p>The proposed change will not impact on infrastructure provisions as the proposed change maintains the approved gross floor area of the commercial use and does not change the number of units from the approved 138.</p>

***Inclusion of prohibited development***

The proposed change will not result in the inclusion of prohibited development.

***Referral agencies***

The original application did not require referral and the proposed changes do not trigger referral.

***Public notification***

Public notification was required for the original development application.

**SUMMARY**

This application has been prepared on behalf of Lambertine Investments Pty Ltd, seeking a change to the development approval (A005893356) over land at 46-50 Latham Street, Chermside, formally described as Lots 140 and 141 on RP26297 and Lot 139 on RP54239. In accordance with Schedule 2



of the *Planning Act 2016*, the proposed changes constitute a Minor Change and will not significantly alter the approved development.

Should you require any further information, please contact the undersigned via phone on (07) 3556 4005 or via email at [brisbane@mecone.com.au](mailto:brisbane@mecone.com.au).

Yours faithfully,

*F Cristaldi*

for

MAXWELL POTTER

SENIOR PLANNER