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APPLICATION REF
A007135222

6 October 2026

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

Lodged Via: BCC Development Services Portal

Council Reference: A007017328

Dear Sir/Madam,

RE: Request to make a 'Minor Change' under Section 81 of the Planning Act 2016 to a Development Approval – Minor Change at 44 Kates Street, Morningside QLD 4170

We write to Council (the responsible entity) on behalf of the applicant and landowner Ekos Property Development with respect to the above-mentioned approval issued over 44 Kates Street, Morningside QLD 4170, formally described as Lot 2 on RP12860. The original approval was granted by Council on 25 August 2026 and granted approval for a Multiple Dwelling – 6 Units (vide: A007017328).

Since approval, the project has progressed through detailed architectural and engineering design, as well as preliminary market analysis. As part of this process a number of design and construction matters have been identified which require refinement to improve functionality and practical delivery, reduce unnecessary construction costs and assist with the viability and delivery of the project. The applicant now seeks to regularise these changes by requesting a 'Minor Change' to the approval pursuant to Section 81 of the *Planning Act 2016* ("the Act"). The changed proposal remains consistent with the relevant assessment benchmarks having regard to the existing approval. We therefore request that the approved plans and associated documents be amended in accordance with Section 83 of the Act.

This request for a Minor Change to a Development Approval is accompanied by:

- Revised Architectural Plans prepared by Zarch Architects;
- Revised Landscape Concept Plan prepared by Andrew Gold Landscape Architect;
- Revised Stormwater Layout Plan prepared by RCS;
- Revised Site Based Stormwater Management Plan prepared by RCS; and
- Planning Act Form 5 – Change Application Form.

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97 BOUNDARY ST WEST END QLD 4101
PO BOX 3368 SOUTH BRISBANE QLD 4101
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Upon receipt of Council's fee quote, payment of the relevant application fee shall be made.

This letter sets out the changes proposed.

Site Details

The subject site is located at 44 Kates Street, Morningside which is formally identified as lot 2 on RP12860. The landholding is rectangular in shape with a dimension of 20.1m (w) and 50.1m (l) resulting a total lot area of 1,012m^2 and as such is standard lot.

Available council contour mapping indicates the site falls from 16m AHD at the southeastern corner of the lot to 14m AHD in the northwestern corner.

The lot currently contains a single dwelling house which is generally located centrally in the front of the lot. The land has also been improved with several small ancillary domestic outbuildings all of which are to be removed from the site. The site does contain some areas of established vegetation, none of which is mapped as being of significance and is to be removed from the site.

The available historical aerial imagery shows the land as being used as a residential premises.



Figure 1: Subject Development Site – Nearmaps (12 March 2026)

Planning Scheme Context

At the time the original development application was lodged and assessed, the Brisbane City Plan 2014 identified the site within the Low-medium density residential (2 or 3 storey mix) zone. The site also formed part of the River Gateway Neighbourhood Plan Area, although it was not located within any identified precinct or sub-precinct.

Since the development approval was granted, Brisbane City Plan 2014 has been amended through the *More Homes, Sooner – Low-medium density residential design* amendment. The amendment formed part of City Plan Amendment v37.00/2026, which became effective on 18 September 2026. Among other changes, the amendment combined the former Low-medium density residential (2 or 3 storey mix) and Up to 3 storeys precincts into the new Low-medium density residential (3 or 4 storey mix) zone and introduced the Key Location framework to support increased residential development in well located areas.

Under the current version of City Plan, the subject site is located within the Low-medium density residential (3 or 4 storey mix) zone and is identified within a Key Location. The River Gateway Neighbourhood Plan continues to apply to the site.



Figure 2: Zoning Map – Brisbane City Council (18 September 2026)

The site is identified as being mapped within several of the Brisbane City Plan 2014's overlay areas. The applicable overlays include:

- Airport environs overlay
  - *OLS - Approach and departure limitation surface boundary*

- *Procedures for air navigation surfaces (PANS)*
- *BBS zone - Distance from airport 3-8km*
- *BBS zone - Distance from airport 8-13km*

- Community purposes network overlay
- Critical infrastructure and movement network overlay
  - *Critical infrastructure and movement planning area sub-category*
- Dwelling house character overlay
- Potential and actual acid sulfate soils overlay
  - *Potential and actual acid sulfate soils sub-category*
  - *Land above 5m AHD and below 20m AHD sub-category*
- Road hierarchy overlay (Kates Street is a Neighbourhood Road)
- Streetscape hierarchy overlay (Kates Street is a Neighbourhood Street Minor)

Application History

This original Material Change of Use application for Multiple Dwelling – 6 Units was approved on 25 August 2026 (vide: A007017328). The application was assessed and approved under Version 35 of the Brisbane City Plan 2014 (effective 5 December 2025) and the Planning Act 2016.

Proposed Changes

This section sets out the key changes to the approved plans.

Since approval, the proposal has progressed through detailed architectural and engineering design. This process has identified a number of design and construction matters requiring refinement to improve constructability, resolve detailed design constraints and achieve a more efficient development outcome while maintaining the approved form, function and amenity of the approved development.

The proposed refinements are also important for feasible delivery of the project, with the implications of some elements within the approved design materially affecting the practicality of proceeding with the development. The changes therefore seek to reduce inefficiencies while providing six dwelling units that will contribute to the delivery of additional housing consistent with Council's current housing supply objectives and the broader policy direction of the *Better Homes, Sooner* planning reforms.

The proposed changes are shown on the revised architectural plans prepared by Zarch Architects and are summarised below.

1. Removal of Rear External Stairs

The approved plans provide external stairs at the rear of each dwelling connecting the upper levels to the associated ground level courtyard.

During detailed design development, the necessity and practical benefits of these stair structures were reassessed, taking into account construction outcomes, building efficiency, and the overall design intent. It is therefore proposed to remove the external stair structures from all six units.

The proposed change is considered acceptable for the following reasons:

- each ground level courtyard will remain accessible internally from common spaces within the respective dwelling;
- removal of the stairs will remove the stair footprint and associated circulation space from the courtyard area;
- the revised arrangement will result in a less constrained and more functional courtyard configuration; and
- the change will significantly simplify construction and reduce development costs without affecting the ability of residents to access and use their private open space.

2. New Ground Level Workshop and Revised Private Open Space

The revised plans introduce a new workshop/multi-purpose space of 10m² at ground level within each dwelling, adjoining the garage and directly addressing the associated private open space, as an enclosure of part of the previously approved ground floor courtyard.

The proposed workshop results in a reduction to the approved ground level private open space. Under the revised proposal, the combined private open space areas are:

- Townhouse 1 – 23.6m² ground level terrace and 11.5m² balcony, providing a total of 35.1m²;
- Townhouse 2 – 27.9m² ground level private open space and 11.5m² balcony, providing a total of 39.4m²;
- Townhouse 3 – 22.7m² ground level terrace and 11.5m² balcony, providing a total of 34.2m²;
- Townhouse 4 – 22.2m² ground level courtyard and 11.5m² balcony, providing a total of 33.7m²;
- Townhouse 5 – 23.9m² ground level terrace and 11.5m² balcony, providing a total of 35.4m²; and
- Townhouse 6 – 22.3m² ground level courtyard and 11.5m² balcony, providing a total of approximately 34.52m².

AO31.1 of the Multiple dwelling code prescribes that development is to provide private open space comprising a minimum area of 35m² with a minimum dimension of 3m for ground storey dwellings, or a balcony with a minimum area of 12m² and minimum dimension of 3m for dwellings above ground storey.

The approved development already adopts a performance-based approach to AO31.1 for a number of the dwellings. Townhouses 1, 2, 3 and 5 provide less than 35m² of private open space at ground level, with a 12.2m² upper-level balcony supplementing the ground level area so that each dwelling provides more than 35m² of combined private open space. The revised proposal continues this approach. Townhouses 1, 2 and 5 continue to provide more than 35m² of combined private open space. Townhouse 3 provides approximately 34.2m² and Townhouse 6 approximately 34.52m², representing only marginal variations from 35m².

The reduction in private open space associated with Townhouses 4 and 6 principally reflects the conversion of portions of their previously substantial courtyard areas to deep planting. Under the approved plans, both dwellings were provided with substantially more private open space than required. The revised arrangement therefore reallocates part of this excess area to "deep planting" while retaining a functional ground level courtyard for each dwelling and approximately 35m² of combined private open space. Further, the removal of the previously approved stairs allows for improved functionality of the private open space, which otherwise constrained these spaces.

Notwithstanding this reduction, the removal of the approved external stairs and associated circulation area results in a less constrained courtyard arrangement, while the proposed Workshop/Multi-Purpose Room provides an additional internal recreation space directly adjoining and opening to the remaining private open space.

The proposed change is considered acceptable for the following reasons:

- the workshop provides additional functional internal recreation space directly adjoining the ground level private open space;
- the large bifold doors provide a direct physical and visual connection between the workshop and the adjoining courtyard, allowing the areas to function together as an integrated indoor and outdoor recreation space;
- while the ground level private open space is reduced, removal of the approved external stairs and associated circulation area results in a less constrained and more usable courtyard configuration;
- access to the ground level private open space continues to be provided internally from within each dwelling;
- each dwelling will continue to be provided with an upper-level balcony directly adjoining the principal living areas, in addition to the ground level private open space;
- the combination of the remaining ground level private open space, adjoining Workshop and upper-level balconies/terraces will continue to provide each dwelling with a functional indoor and outdoor recreation arrangement;
- the site is now located within a Key Location in the Low-medium density residential (3 or 4 storey mix) zone, where the current planning scheme supports

multiple dwelling development of greater scale and contemplates private open space being provided through balconies for dwellings above ground level; and

- the revised arrangement maintains a functional private open space outcome for each dwelling notwithstanding the identified reduction.

3. Revised Deep Planting

The approved landscape arrangement provides approximately 124.9m² of deep planting across the site, comprising approximately 39.5m² along the Kates Street frontage and 82.2m² generally within the rear of the site. The frontage deep planting extends across the frontage of Townhouses 1 to 3. The revised ground level layout modifies this arrangement to provide a better balance between deep planting and the provision of functional private open space for the front dwellings.

Under the revised proposal, the finished planting outcome will be comparable to the approval, however the area specifically nominated for “deep planting” within the street frontage has been removed. As detailed, the extent of allocated deep planting in the rear will total 101.9sqm, approximately 10% of the site remaining consistent with Acceptable Outcome AO29 in that it is a minimum of 10% of the site, unobstructed dimensions of 4m, capable of accommodating trees, open to the sky and accessible.

While it is noted that no formally allocated areas of “deep planting” are provided within the front setback , it is demonstrated by the provided landscape concept plan that areas adjoining the front fence will still be densely planted providing for a positive contribution to the streetscape and will be capable of providing privacy to dwellings from view lines within the streetscape.

The revised deep planting arrangement therefore represents a reconfiguration of landscape areas rather than a reduction in planting outcomes. The proposal maintains the intended landscape character of the development while improving the usability and functionality of private open space areas for residents.

The proposed change is considered acceptable for the following reasons:

- the revised proposal will continue to provide deep planting across approximately 10% of the overall site area, consistent with AO29.2;
- the principal change relates to the distribution and dimensions of the deep planting rather than an overall deficiency in the amount of deep planting provided across the development;
- the retained frontage planting will remain highly visible from Kates Street and will continue to provide an important landscape element across the frontage of Townhouses 1 to 3;

- the revised frontage arrangement allows greater usable private open space to be retained for Townhouses 1 and 3 and maintains a direct relationship and access between those private open space areas and Kates Street;
- deep planting within the rear of the site increases from approximately 82.2m² under the approved development to approximately 101.9m² under the revised proposal;
- substantial deep planting continues to be provided along the rear and side boundaries of the development, particularly in association with the rear townhouse building;
- the retained rear and side deep planting areas assist in softening the building and hardstand areas, reducing impervious surfaces and providing opportunities for substantial canopy planting and natural shade, consistent with the intent of PO29;
- notwithstanding the revised landscape arrangement will continue to provide an appropriate overall deep planting, vegetation, canopy and landscape outcome for the development and is considered to satisfy PO29.

4. Replacement of Solid Blockwork with Decorative Breeze Blockwork

The approved development incorporates solid masonry/blockwork walls to portions of the side elevations of the Level 01 balconies associated with Townhouses 1, 3, 4 and 6. It is proposed to replace portions of these walls with decorative perforated breeze blockwork identified on the architectural plans as BRK02 – Breeze Block.

The revised balcony treatment also incorporates a larger opening behind the breeze blockwork within the affected external balcony walls. The proposed treatment is intended to improve airflow through the balcony areas, assist with passive cooling aiding in overall improvements to energy efficiency.

The proposed change is considered acceptable for the following reasons:

- the decorative breeze blockwork provides a more articulated and visually interesting treatment than the approved solid block walls when viewed from adjoining properties;
- the perforated treatment and associated opening will improve natural ventilation through the affected balcony areas and assist with passive cooling and energy efficiency;
- the affected side elevations generally address driveway areas, blank walls, high set openings or otherwise separated residential interfaces rather than primary private open space or principal residential outlooks;
- Townhouse 1 is separated from the adjoining single storey residential development to the north by the adjoining side driveway together with the driveway within the subject site;

- Townhouse 3 addresses the driveway servicing the adjoining development to the east and generally faces a blank wall containing high level openings, with the frontage side of the balcony of the adjoining development also screened;
- Townhouse 6 similarly addresses the adjoining eastern driveway and an area associated principally with the entry to the adjoining development;
- Townhouse 4 has the closest relationship with adjoining two storey residential development to the west. However, substantial separation is provided by the combined side boundary setbacks and the approximately 6m wide driveway within the adjoining development.
- the change will not materially alter the overall scale, bulk or architectural character of the approved built form.

5. Stormwater Design Changes

As part of detailed design investigations, it has been determined that the approved above ground detention tank, which was to adjoin Townhouses #3, positioned along the eastern boundary, is not viable.

As a result, the relocation of the this detention tank is required, with the only suitable location being against the external wall of Townhouse #3. This amendment has had flow on impact, notably the alignment of the foot path, relocation of the bin store and visitor bike parking. It is understood the previous path alignment, bin store location were considerations by Council as part of the recent development application, however this tank location is ultimately the only viable location without compromising function POS of units.

Further, there is considered to be no impact to the adjoining property given the realigned pathway now adjoins common property driveway access and still maintains substantial separation to structures.

Further, inconsequential changes to the stormwater layout are proposed including relocation of the rearmost tank, the point of discharge resulting in realignment of the crossover and stormwater line relocation.

6. Minor Increase in Building Height

Detailed design has resulted in minor adjustments to finished floor and roof levels, with a consequential minor increase in the overall building height. The maximum approved building height of 9.5m (RL 23.7) is proposed to increase to **9750mm,** representing an increase of approximately **300mm**. The approved maximum building height of three storeys will remain unchanged.

The proposed change is considered acceptable as the site is now considered to be within a *Key Location* as defined by the planning scheme included in Councils most recent *More*

Homes, sooner – Low-medium density residential design amendment. This amendment now sets out an acceptable for building height of 3 storeys and 11.5m. The proposed height of 9750mm is now entirely consistent with the current expectations of the scheme.

7. Minor Changes to Building Articulation

Minor changes are proposed to the external articulation of the townhouse buildings to remove two narrow recessed sections within the approved built form, located between Townhouses 1 and 2 and between Townhouses 4 and 5. These recessed areas have been identified through detailed design as impractical and are proposed to be regularised through minor adjustments to the external wall alignment.

The affected elevations will nevertheless remain articulated, with the larger recessed areas over the outer entries and above the entries to Townhouses 2 and 5 retained. The principal modulation and visual relief of the approved building form will therefore be maintained.

The changes marginally increase the internal floor area of the Level 01 bedroom (formerly MPR) and the upper-level master bedroom in the affected dwellings, with corresponding amendments to the roof plan.

The proposed changes are considered minor as they:

- are limited to two small adjustments to the external wall alignment between Townhouses 1 and 2 and Townhouses 4 and 5;
- retain the principal recessed elements and articulation associated with the townhouse entries;
- do not materially alter the overall building footprint, height, number of storeys or dwelling yield;
- result in only a marginal increase in internal floor area;
- simplify the building form and improve practical delivery; and
- do not materially alter the scale, bulk or appearance of the approved development.

8. Conversion of MPR to Bedroom

The conversion of the approved first floor multiple purpose room for the purpose of a fourth bedroom is also proposed as part of this request, driven by market expectations within the locality.

The proposed alteration ultimately results in no material change to the proposal and is determined to be acceptable with the expectations of the Planning Scheme. The recently adopted *More Homes, Sooner* amendments allow the additional bedroom without any implication on the number of parking spaces required. The approved two vehicle spaces remain consistent with the TAPS Policy for a site which is within a *Key Location*.

Changes to Approved Drawings and Documents List

It is requested that the Drawings and Documents table and relevant conditions be updated as follows. For ease of reference the original relevant portion of conditions and Drawings and Documents table to be altered are 'struck through' with the replacement table provided beneath it.

Approved drawings:

Drawing or Document	Author	Date	Drawing/Plan No.	Version
Proposed Site Plan	ZArchitects	23 June 2026	DA-3.2	Rev 3
Overall Master Plan	ZArchitects	23 June 2026	DA-4.1	Rev 4
Ground Floor Master Plan	ZArchitects	23 June 2026	DA-4.2	Rev 3
Level 01 Master Plan	ZArchitects	23 June 2026	DA-4.3	Rev 3
Level 02 Master Plan	ZArchitects	23 June 2026	DA-4.4	Rev 3
Elevations	ZArchitects	23 June 2026	DA-5.1	Rev 3
Elevations	ZArchitects	23 June 2026	DA-5.2	Rev 3
Sections	ZArchitects	23 June 2026	DA-5.10	Rev 3
Elevations	ZArchitects	23 June 2026	DA-5.4	Rev 3
Landscape Concept Plan	Andrew Gold Landscape Architect	22 June 2026	Sheet No. 1	Iss. C
Proposed Planting Schedule	Andrew Gold Landscape Architect	22 June 2026	Sheet No. 2	Iss. C
Proposed Planting Schedule	Andrew Gold Landscape Architect	22 June 2026	Sheet No. 3	Iss. C
Stormwater Layout Plan	Motus Engineering	06 May 2026	SK001	Rev A
Stormwater Management Plan	Motus Engineering	06 May 2026	Report No. MCQ1562_02	-

As amended by:

Drawing or Document	Author	Date	Drawing/Plan No.	Version
Proposed Site Plan	ZArchitects	23 June 2026	DA-3.2	Rev 4
Overall Master Plan	ZArchitects	23 June 2026	DA-4.1	Rev B
Ground Floor Master Plan	ZArchitects	23 June 2026	DA-4.2	Rev B
Level 01 Master Plan	ZArchitects	23 June 2026	DA-4.3	Rev 4
Level 02 Master Plan	ZArchitects	23 June 2026	DA-4.4	Rev 3
Elevations	ZArchitects	23 June 2026	DA-5.1	Rev 4
Elevations	ZArchitects	23 June 2026	DA-5.2	Rev 3
Sections	ZArchitects	23 June 2026	DA-5.10	Rev 3
Elevations	ZArchitects	23 June 2026	DA-5.4	Rev 3
Landscape Concept Plan	Andrew Gold Landscape Architect	15 October 2026	Sheet No. 1	Iss. E
Proposed Planting Schedule	Andrew Gold Landscape Architect	15 October 2026	Sheet No. 2	Iss. E
Proposed Planting Schedule	Andrew Gold Landscape Architect	15 October 2026	Sheet No. 3	Iss. E
Stormwater Layout Plan	Rodgers Consulting Engineers	06 May 2026	SK001	Rev A
Stormwater Management Plan	Rodgers Consulting	06 May 2026	Report No.	-

Drawing or Document	Author	Date	Drawing/Plan No.	Version
	Engineers		MCQ1562_02	

Conditions to be Altered

The proposed Minor Change requires a limited amendment to the conditions of approval as detailed below:

Condition 13 – Overall Height

Currently Reads As:

The overall height of the building(s) must be in accordance with the floor and roof levels and overall height shown on the APPROVED DRAWINGS AND DOCUMENTS.

13(a) Submit Certification

Submit to Development Services certification from a Registered Surveyor (Qld) confirming that the 'as constructed' floor and roof levels and overall height are in accordance with the requirements of this condition.

Timing: Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use, whichever comes first.

Amendment: It is requested that Condition 13 be deleted from the approval package on the basis the site is now considered to be a Key Location because of the Councils *More Homes, Sooner Policy*. As a result of this amendment this property benefits from an acceptable outcome building height of 11.5m three storeys. As outlined previously the proposal maintains its three-storey form and only marginally exceeds 9500mm. As such, given the substantial compliance with the acceptable outcome, the requirement for as constructed floor, roof and overall heights surveys is excessive, and the standard conditions around remaining "in accordance" with the approved plans are sufficient.

Condition 35 – On Site Drainage – Minor:

Currently Reads As:

Provide a stormwater connection to all new or existing allotments and provide drainage infrastructure to ensure stormwater run-off from all roof and developed surface areas will be collected internally and piped in accordance with the relevant Brisbane Planning Scheme Codes to a lawful point of discharge and as shown on the approved Stormwater Management Plan, Report No. MCQ1562_02, received 06-MAY-2026.

Amended to Read As:

Provide a stormwater connection to all new or existing allotments and provide drainage infrastructure to ensure stormwater run-off from all roof and developed surface areas will be collected internally and piped in accordance with the relevant Brisbane Planning Scheme Codes to a lawful point of discharge and as shown on the approved ***Stormwater***

Management Plan prepared by Rodgers Consulting Services, Report No.C26078, received XX October 2026.

Justification:
Amendment to condition included reference to the most recent Stormwater Management Plan prepared by Rogers Consulting Engineers.

Changes to Infrastructure Charges

No changes to the Infrastructure Charges Notice are sought or required as part of this Minor Change Request.

The proposed amendments do not alter the approved six dwelling yield. While the enclosure of the Multi-Purpose Room (MPR) will result in an increase in internal floor area of approximately 10m² per dwelling, or approximately 60m² across the development, this does not alter the applicable infrastructure charging category.

Each dwelling will change from a three bedroom to a four bedroom configuration, however both three bedroom and four bedroom dwellings fall within the applicable 3 or more-bedroom dwelling infrastructure charging category. Accordingly, the proposed changes do not alter the infrastructure charging basis applying to the approved development.

Statutory Requirements

In accordance with Section 81 of the Act, Council must determine if the change is a 'minor change' as defined by the Act, having regard to the following:

4.1 Assessing change applications for minor changes

S81 Provision	Proposed Change - Compliance
(1) This section applies to a change application for a minor change to a development approval.	
(2) In assessing the change application, the responsible entity must consider—	
(a) the information the applicant included with the application; and	The proposed nature of changes, including reasonable grounds, is demonstrated in detail in this letter.
(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and	No submissions were received in relation to the development application noting that the original application was originally impact assessable development.

S81 Provision	Proposed Change - Compliance
(c) any pre-request response notice or response notice given in relation to the change application; and	No referral agencies were relevant to the original development application. Therefore, this is not a consideration of the assessment of the minor change request.
(d) if the responsible entity is, under *section 78A (3)*, the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and	N/A
(e) if the responsible entity is, under *section 78A (4) (a)*, the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be an application for State facilitated development under *section 106D* ; and	N/A
(f) if *paragraphs (d)* and *(e)* do not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and	All relevant statutory planning matters have been considered in this letter, including the applicable assessment benchmarks, current zoning and Key Location provisions, car parking requirements, private open space, landscaping, stormwater management and the approved built form; including the performance based assessment of the revised private open space and deep planting arrangements against the relevant provisions of the Multiple Dwelling Code.
(g) another matter that the responsible entity considers relevant.	All other matters have been considered – see below.

S81 Provision	Proposed Change - Compliance
(3) *Subsections (4)* and *(5)* apply if the responsible entity must, in assessing the change application under *subsection (2) (d)*, *(e)* or *(f)*, consider— (a) a statutory instrument; or (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.	
(4) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	The original development application was assessed against Version 35 of Brisbane City Plan 2014, under which the site was included within the Low-medium density residential (2 or 3 storey mix) zone precinct and was subject to Impact Assessment. Since approval, Brisbane City Plan 2014 has been amended through the *More Homes, Sooner – Low-medium density residential design* amendment, which commenced as part of City Plan Amendment v37.00/2026 on 18 September 2026. Under the current City Plan provisions, the site is included within the Low-medium density residential (3 or 4 storey mix) zone and is identified within a Key Location. Development of a greater height and scale than that approved on the site is now contemplated, including development up to 4 storeys and 14m compared with the approved 3 storey development, and is subject to Code The proposed changes retain the approved six dwelling yield and 3 storey built form. The revised private open space and deep planting arrangements have been assessed against the relevant performance outcomes of the Multiple Dwelling Code, while the proposed minor

S81 Provision	Proposed Change - Compliance
	increase in building height remains substantially below the height and scale now contemplated for the site under the current planning scheme. There have been no relevant changes to the River Gateway Neighbourhood Plan or applicable overlay mapping that materially affect assessment of the proposed changes. The proposed changes remain consistent with the planning scheme in effect at the time of the original application and are also considered consistent with the current planning scheme, which now contemplates a greater scale of Multiple Dwelling development on the subject site.
(5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—	
(a) the statutory instrument or other document as in effect when the change application was made; or	This change application is made under Version 37.00/2026 of Brisbane City Plan 2014, effective 18 September 2026. Regard has been given to the current City Plan provisions, including the *More Homes, Sooner – Low-medium density residential design* amendment. Under the current planning scheme: • the site is included within the Low-medium density residential (3 or 4 storey mix) zone and is identified within a Key Location; • a greater scale of Multiple Dwelling development is contemplated than applied when the original application was assessed, including development

S81 Provision	Proposed Change - Compliance
	of up to 4 storeys and 14m where the proposal remains 3 storeys; • development of this nature is now subject to Code Assessment where the applicable requirements are satisfied; • the revised private open space and deep planting arrangements have been assessed against the relevant performance outcomes of the current Multiple dwelling code; • The conversion of the first floor MPR to fourth bedroom creates no increase in parking requirement; • the proposed minor increase in building height remains substantially below the maximum height now contemplated for the site; and • there have been no relevant changes to the River Gateway Neighbourhood Plan or applicable overlays that materially affect assessment of the proposed changes. Accordingly, regard has been given to the statutory instrument as in effect at the time this change application is made, and the proposed changes are considered consistent with the current planning scheme.
(b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or	N/A
(c) another statutory instrument—	N/A

S81 Provision	Proposed Change - Compliance
(i) that comes into effect after the change application is made but before it is decided; and (ii) that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	

4.2 Minor Change (Schedule 2 of Planning Act 2016)

Schedule 2 of the *Planning Act 2016* defines a 'minor change' for a development approval as follows. The proposal meets each aspect of the Minor Change definition as demonstrated below:

Schedule 2 Provision	Proposed Change - Compliance
(a) for a development application — N/A	
(b) for a development approval—	
(i) would not result in substantially different development; and	The change does not result in substantially different development as demonstrated in detail in section 4.3 that follows**.** The proposed amendments retain the approved use, six unit dwelling yield and three storey form and do not materially alter the scale, bulk, appearance, operation or impacts of the approved development. The amendments principally comprise detailed design refinements to private open space, deep planting, stormwater infrastructure, service areas, balcony screening, building height and articulation, without changing the fundamental nature or intensity of the approved development.
(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	The proposed change does not include prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there	There were no referral agencies triggered for the original development application,

Schedule 2 Provision	Proposed Change - Compliance
were no referral agencies for the development application; or	and the proposed changes do not introduce any new referral trigger.
(C) referral to extra referral agencies, other than to the chief executive; or	The proposed changes do not require referral to any additional referral agencies.
(D) a referral agency, in assessing the application under section 55 (2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or	No additional assessment matters are required to be assessed by a referral agency.
(E) public notification if public notification was not required for the development application.	The original development application was subject to Impact Assessment and public notification. Under the current planning scheme, development of this nature on the subject site is Code Assessable and would not require public notification. Accordingly, the proposed changes do not introduce any circumstance that would require additional public notification.

4.3 Substantially Different Development

Schedule 1 of DA Rules outlines criteria for when a change may be considered to result in a substantially different development.

As demonstrated in the assessment below, these changes do not alter the approved use, dwelling yield or number of storeys and do not materially alter the scale, bulk, appearance, operation or impacts of the approved development. Accordingly, the proposed changes do not result in substantially different development and are considered to constitute a Minor Change.

Schedule 1 Criteria	Proposed Change - Compliance
A change may be considered to result in a substantially different development if any of the following apply to the proposed change—	
(a) involves a new use; or	The change does not involve a new use.
(b) results in the application applying to a new parcel of land; or	The change does not result in the application applying to a new parcel of land.

Schedule 1 Criteria	Proposed Change - Compliance
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes do not dramatically alter the approved built form in terms of scale, bulk or appearance: • the approved three storey, six unit development remains unchanged in terms of use, dwelling yield and number of storeys; • the new 10m² ground level Multi Purpose Room is contained within the overall townhouse form and does not materially alter the scale or bulk of the approved development; • the removal of the rear external stairs, revised private open space and deep planting arrangements, replacement of portions of solid blockwork with decorative perforated breeze blockwork and minor changes to building articulation represent relatively minor design refinements, not 'dramatic' changes; • the relocation of the detention tank, bin store, visitor bicycle parking and pedestrian pathway, together with associated stormwater changes, do not materially alter the external form or scale of the development; • the proposed increase in building height is minor and will not materially alter the scale, bulk, appearance or architectural character of the approved built form; and • the key recessed elements and articulation of the townhouse buildings are retained notwithstanding the minor regularisation of the narrow

Schedule 1 Criteria	Proposed Change - Compliance
	recessed sections between Townhouses 1 and 2 and Townhouses 4 and 5. The development will therefore retain substantially the same overall built form as that approved by Council.
(d) changes the ability of the proposed development to operate as intended; or	The proposed changes do not alter the ability of the development to operate as intended. The development will continue to operate as an approved six unit multiple dwelling, with each dwelling retaining functional access, private open space and associated residential facilities. The new ground level Multi Purpose Room provides additional flexible recreation and entertaining space directly adjoining the private open space and does not alter the residential function of the dwellings. The revised private open space and deep planting arrangements continue to provide functional recreation and landscape outcomes for residents, while the reconfigured bin store, bicycle parking and pedestrian pathway maintain the approved servicing and access functions of the development. The stormwater amendments are intended to provide a functional and practical drainage outcome and do not alter the intended operation of the development.
(e) removes a component that is integral to the operation of the development; or	The proposed change does not remove any component that is integral to the development.

Schedule 1 Criteria	Proposed Change - Compliance
	While the rear external stairs are proposed to be removed, each dwelling will retain internal access to its private open space and the removal of the stairs does not affect the ability of the dwellings to function as intended.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The proposed changes do not alter the approved dwelling yield, access arrangements or car parking provision and will therefore not result in any additional traffic generation, impacts on traffic flow or impacts on the surrounding transport network. The approved provision of two resident spaces per dwelling and two visitor spaces across the development remains unchanged.
(g) introduces new impacts or increase the severity of known impacts; or	The proposed changes do not introduce new impacts or increase the severity of known impacts. The proposed ground level Multi Purpose Rooms, revised private open space and deep planting arrangements, minor building articulation changes and minor increase in building height do not alter the approved dwelling yield and are not expected to result in materially greater amenity impacts. The revised deep planting arrangement continues to provide approximately 11.45% of the site area as deep planting and retains substantial deep planting within the rear and side areas of the site, while the centrally located frontage deep planting area remains highly visible from Kates Street.

Schedule 1 Criteria	Proposed Change - Compliance
	The relocation of the detention tank, bin store, visitor bicycle parking and pedestrian pathway is confined to the eastern side of the site. The affected interface generally adjoins the driveway serving the Multiple Dwelling development to the east and will continue to be screened by landscaping and the 1.8m high boundary fence. The revised balcony screening treatment will continue to be designed to maintain appropriate privacy to adjoining properties, with supplementary screening capable of being incorporated where required.
(h) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – • Introduces new ***social impacts*** or increase the severity of known ***social impacts; or***	Neither the original development nor changed development required/s a social impact assessment.
(i) removes an incentive or offset component that would have balanced a negative impact of the development; or	The change does not remove an incentive of offset component that would have balanced a negative impact of the development.
(j) impacts on infrastructure provisions.	The change does not impact upon infrastructure provisions. The approved six dwelling yield remains unchanged and there is no change to the applicable infrastructure charging category. Consequential amendments to the stormwater infrastructure arise from the relocation of the detention tank and are addressed through the revised Stormwater Layout Plan, revised Site

Schedule 1 Criteria	Proposed Change - Compliance
	Based Stormwater Management Plan and supporting engineering documentation. These amendments relate to the detailed configuration of the stormwater system and do not alter the overall infrastructure demands generated by the approved development.

Prohibited Development

The proposed development is not identified as being prohibited development.

Referral Agencies

The original approval did not trigger referral to any state agencies and the change proposed would not trigger any referral agencies.

Level of Assessment

When originally lodged and assessed, the development application was subject to Impact Assessment. Following the commencement of the *More Homes, Sooner – Low-medium density residential design* amendment, the proposed development on the subject site is now Code Assessable under the current Brisbane City Plan 2014 provisions.

As such, the proposed changes do not introduce any development that would result in a higher category of assessment.

Public Notification

The original development application was subject to Impact Assessment and therefore required public notification. Under the current Brisbane City Plan 2014 provisions, development of this nature on the subject site is now Code Assessable and would not require public notification.

Accordingly, the proposed changes would not trigger any additional public notification requirements.

Submissions

Section 81(2)(b) of the Planning Act states that the responsible entity must consider '… any properly made submissions about the development application… that was approved'.

Council's Response Decision Notice confirms no submissions were received during the statutory notification period.

Changes to Planning Instruments

Pursuant to Section 81(4) of the Planning Act 2016, the Council 'must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.'

It is reiterated that the development was approved under Version 35 of the Brisbane City Plan 2014. Since that time, the *More Homes, Sooner – Low-medium density residential design* amendment has commenced, resulting in the site transitioning from the former Low-medium density residential (2 or 3 storey mix) zone to the Low-medium density residential (3 or 4 storey mix) zone and being identified within a Key Location.

As outlined above, the current planning framework contemplates a greater scale of multiple dwelling development on the site than applied at the time of the original assessment. The proposed changes remain consistent with both the approved development and the current City Plan 2014.

Conclusion

We write in relation to proposed alterations to the approved Minor Change at 44 Kates Street, Morningside.

Since approval, the project has progressed through detailed architectural and engineering. This process has identified a number of design and construction matters requiring refinement to improve functionality and practical delivery, reduce unnecessary construction costs and assist with the viability, affordability and delivery of the project.

The proposed amendments comprise the removal of the rear external stairs; introduction of a 10m² ground level Multi Purpose Room and associated changes to private open space; revised deep planting arrangements; relocation of the detention tank and consequential reconfiguration of the bin store, visitor bicycle parking and pedestrian pathway; consequential amendments to the stormwater design; replacement of portions of the approved solid balcony walls with decorative perforated breeze blockwork; a minor increase in building height; and minor changes to building articulation.

The revised private open space and deep planting arrangements have been considered against the relevant provisions of the Multiple Dwelling Code. While variations to the prescribed outcomes arise, the revised design continues to provide functional and useable private open space, substantial deep planting across the site and an appropriate overall landscape outcome.

The proposed changes do not alter the approved use, six dwelling yield or 3 storey form of the development. The amendments will not materially alter the overall scale, bulk, appearance or residential character of the approved development.

The proposed minor increase in building height remains modest when considered against the current planning scheme provisions applying to the site, which now identify the land within a Key Location in the Low-medium density residential (3 or 4 storey mix) zone and contemplate Multiple Dwelling development of up to 4 storeys and 14m. In this context, deletion of Condition 13, including the associated survey certification requirement under Condition 13(a), is also sought.

The proposed amendments improve the functionality and practical delivery of the development, resolve design and construction constraints identified through detailed design, reduce unnecessary construction costs and assist with project viability and affordability. They also retain the approved residential use and dwelling yield while responding to the greater residential scale now contemplated for the site under the current City Plan 2014 provisions.

Having regard to the nature and extent of the proposed amendments, the development will not result in a substantially different development and satisfies the definition of a Minor Change under Schedule 2 of the *Planning Act 2016*.

We therefore request that Council assess and decide the change application pursuant to Section 83 of the *Planning Act 2016* and amend the approved Drawings and Documents List accordingly.

Thank you for your consideration of this request. Should you require any further clarification or information, please do not hesitate to contact our office on (07) 3360 4200.

Yours faithfully
URBAN STRATEGIES PTY LTD



Blair McPherson
SENIOR TOWN PLANNER