

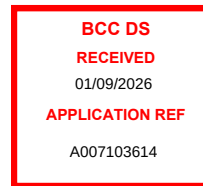
WILLOWTREE PLANNING



1 September 2026

REF: WTJQ24-004

Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001



Via online lodgement portal

**RE: MINOR CHANGE TO DEVELOPMENT APPROVAL - A006639751
17-19 PAYNE STREET, INDOOROOPIILY QLD 4068 (LOT 13 & 14 ON RP23668)**

1 INTRODUCTION

Willowtree Planning Pty Ltd (Willowtree Planning) acts on behalf of Zhiming Ding (the Applicant) in relation to the abovementioned Development Approval (**A006639751**) issued by Brisbane City Council (Council) on 6 March 2026 for a Development Permit for Material Change of Use (Multiple Dwelling – 5 units) and Reconfiguring a Lot (2 into 5 lots) at 17-19 Payne Street, Indooroopilly, legally described as Lots 13 & 14 on RP23668 (the Site).

This application seeks to make a minor change to the development approval, pursuant to section 78 of the *Planning Act 2016* (Planning Act).

Specifically, the proposed minor change seeks to amend the minimum undercover parking height specified in Condition 27 (v).

This minor change application is supported by the following information:

- **Attachment A – DA Form 5 prepared by Willowtree Planning;**

Further detail is set out below.

2 SITE LOCATION AND CHARACTERISTICS

The Site is located at 17-19 Payne Street, Indooroopilly, legally described as Lots 13 & 14 on RP23668. The Site contains an existing Dwelling house has a total area of 810m² with access achieved via Payne Street.

Figure 1 below includes an aerial image of the Site.

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Figure 1. Aerial Map (Landchecker, 2026)

3 BACKGROUND AND APPROVAL HISTORY

The Site is currently occupied by a Dwelling house and is located within the LMR2 Low-medium density residential (2 or 3 storey mix) zone under the Brisbane City Plan 2014 (City Plan). The Site is also within the Toowong-Indooroopilly district neighbourhood plan.

On 6 March 2026, Council approved a Development Permit (**A006639751**) for a Material Change of Use (Multiple Dwelling – 5 units) and Reconfiguring a Lot (2 into 5 lots). An extract of the approved site plan is included in **Figure 2** below. The development approval remains current, with the currency period due to expire on **5 June 2032**.

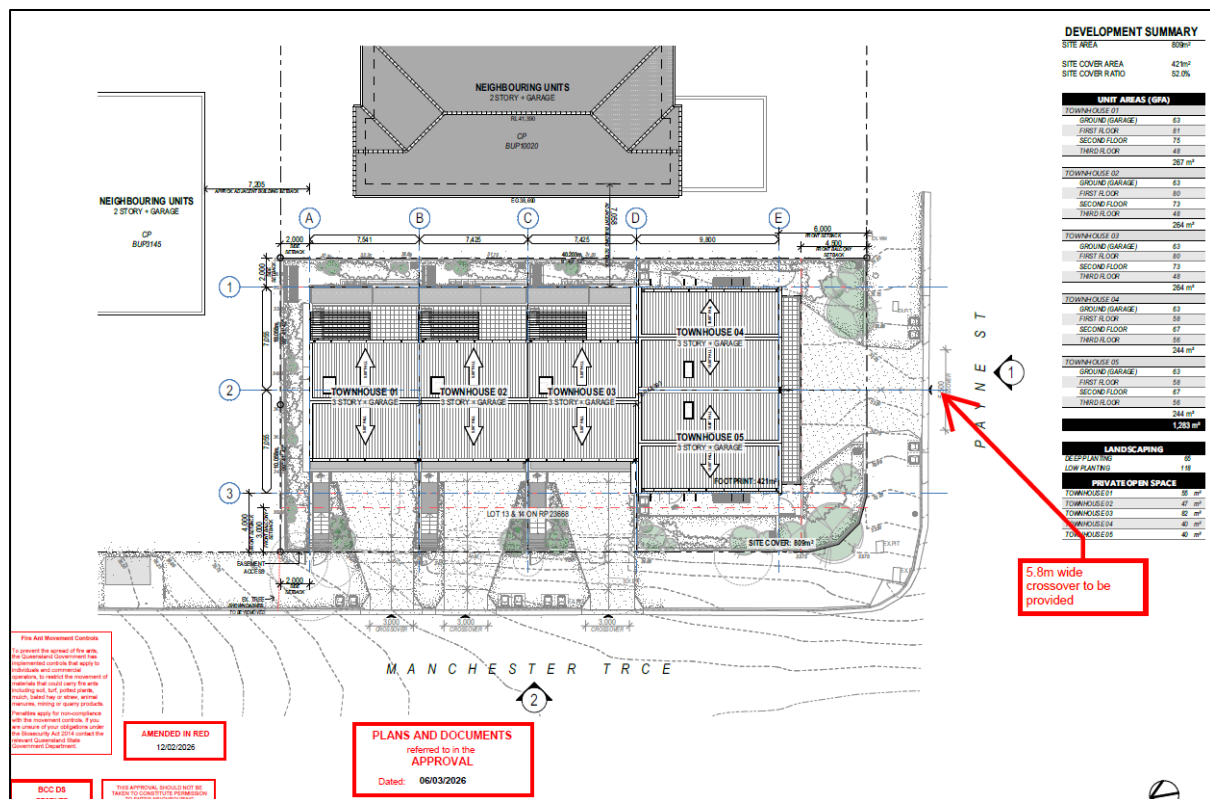


Figure 2. Approved Site Plan (A006639751)

Condition 27 (v) of **A006639751** (extracted below) ascertains that further approval is required where works are made assessable under the City Plan.

27) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking

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:

v. A minimum of 2.3 metres height clearance to all undercover parking areas, including the entry and access to these 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).

It is acknowledged that a 2.4m ceiling clearance has been proposed (as identified on the stamped plans). However, once the proposed garage door infrastructure is to be installed, the height clearance will fall short of the required 2.3m. Therefore, a change to Condition 27 (v) above is required to reduce the minimum clearance height, although remaining in line with the National Construction Code (NCC).

Consequently, this application is prepared to Council.

4 PROPOSED CHANGES

4.1 Overview of Changes

This change application seeks to make a minor change to the Development Approval (**A006639751**) pursuant to Section 78 of the Planning Act. The proposed changes are outlined in **Section 4.3** below.

4.2 Changes to Approved Drawings and Documents

The proposed amendments would not alter the existing ceiling heights, and there are no annotations pertaining to the height clearances (where inclusive of ancillary infrastructure such as fixtures). As such, only changes to the wording of Condition 27 (v) is required.

4.3 Changes to Approval Conditions

The proposed changes to Condition 27 (v), are annotated below. Deletions are marked via a strikethrough, and insertions via red text.

27) Access, Grades, Manoeuvring, Carparks, Signs and Line Marking

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:

....

*v. A minimum of ~~2.3~~ **2.1** metres height clearance to all undercover parking areas, including the entry and access to these 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).*

Justification: The approved plans identify a 2.4 metre ceiling clearance to the undercover parking area, which exceeds the 2.3 metre minimum specified under Condition 27(v). However, the installation of the proposed garage door infrastructure occupies part of this clearance at the vehicular entry point, resulting in an effective clearance below the required 2.3 metres. The proposed reduction to a minimum of 2.1 metres is a minor variation that reflects the practical constraints of accommodating essential door componentry within the existing structural envelope, and does not alter the layout, dimensions or number of car parking spaces. The revised clearance remains consistent with the minimum requirements of the NCC and continues to provide safe and functional access for the standard passenger vehicles anticipated to use the site.

4.4 Changes to Infrastructure Charges Notice

The proposed changes do not involve any changes which would require an amended infrastructure charges notice to be issued.

5 PLANNING ACT 2016 ASSESSMENT

5.1 Minor Change Definition

This application is lodged under Section 78 of the Planning Act, being a change application to a current development approval. The key consideration as to whether the proposed changes can be assessed as a 'minor change' is to test if the changed proposal is 'substantially the same'.

Schedule 2 of the Planning Act defines a "minor change" as follows:

Minor change means a change that

...

(b) for a development approval –

- (i) would not result in substantially different development; and
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—
 - (A) 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.

A response to point (b)(i) is included in **Section 5.2** below.

In relation to point (b)(ii), a response to each point is provided below:

- Point (A) – the proposed changes would not incorporate any prohibited development.
- Point (B) – the proposed changes would not introduce a referral to a referral agency that was not a referral agency for the original development application. No referral agencies were identified for the original development application (Council reference: **A006639751**).
- Point (C) – the proposed changes would not introduce any additional referral agencies, noting no referral agencies applied to the original development application.
- Point (D) – the proposed changes would not require a referral agency to assess the application against, or have regard to, matters it would not otherwise have assessed or had regard to, noting no referral agencies applied to the original development application.
- Point (E) – the proposed changes would not have caused public notification to be required for the development application, noting the original application was already subject to impact assessment and public notification under the *Planning Act 2016*.

5.2 Substantially Different Development

The following assessment has been undertaken in accordance with Schedule 1(4) of the Development Assessment Rules (DA Rules) and confirms the proposed change constitutes a minor change in that it does not result in “substantially different development” as required by (b)(i) of the Planning Act.

TABLE 1: SUBSTANTIALLY DIFFERENT DEVELOPMENT ASSESSMENT	
Guideline Criteria	Comments
Involves a new use	The proposed changes do not involve a new use on the Site. The development remains for the purposes of a multiple dwelling development.
Results in the application applying to a new parcel of land	The proposed changes do not involve the inclusion of any new land parcels.
Dramatically changes the built form in terms of scale, bulk and appearance	The proposed changes do not dramatically change the built form in terms of scale, bulk and appearance.
Changes the ability of the proposed development to operate as intended	The proposed changes do not alter the ability of the existing development at the Site to operate as a multiple dwelling and makes no relevant alterations to the function of the ROL and MCU as approved.
Removes a component that is integral to the operation of the development	The proposal does not remove any components of the approved development integral to the operations. The approved development will continue to proceed with the ROL and MCU as approved.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The proposed change does not impact traffic flow or the transport network.
Introduces new impacts or increased the severity of known impacts	The proposed changes would not introduce any new impacts or worsen the severity of any known impacts.



TABLE 1: SUBSTANTIALLY DIFFERENT DEVELOPMENT ASSESSMENT

Guideline Criteria	Comments
Removes an incentive or offset component that would have balanced impact of the development	The proposed changes will not impact on any incentives or offsets, noting none were required under the development approval.
Impacts on infrastructure provision	The proposed changes will not impact on the provision of any infrastructure.

In light of the above assessment, the proposed minor change application complies with the 'substantially different' development test contained in Schedule 1(4) of the DA Rules.

6 BRISBANE CITY PLAN 2014 ASSESSMENT

Section 81 of the Planning Act provides that a responsible entity may assess against, or have regard to, matters that would be relevant if the change application were a development application. In relation to the assessment benchmarks of the relevant local planning instrument (being the Brisbane City Plan 2014), the changes proposed by this application are not considered to alter the development's response to any previously assessed benchmarks.

7 CONCLUSION

The proposed change would reduce the required height clearance in the garaged areas of the multiple dwelling development pursuant to **A006639751**, while remaining compliance with NCC provisions. The proposed change is considered minor in nature, would not result in a substantially different development, and remains consistent with the Brisbane City Plan 2014.

On that basis, for the reasons contained within this statement, it is requested that Council approve the request for a minor change to the development approval accordingly.

We trust that this information is suitable for your purposes, however, should you have any questions pertaining to this application please do not hesitate to contact Theo Klok via phone on 0458 458 608 or by email at tklok@willowtp.com.au.

Yours sincerely,



Theo Klok
Senior Planner
Willowtree Planning Pty Ltd

