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APPLICATION REF
A007143642

Our reference: URB26-077

30th October 2026

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

Dear Sir/Madam

Re: Change Application (Minor) – 9 Florence Street, Teneriffe

1 INTRODUCTION

On behalf of our client, Fitrovia on Florence St C/- Panaga Group ATF The Panaga Group Trust, we submit to Council a Change Application (the Application) under section 78 of the Planning Act 2016 (PA 2016). The Application seeks a change (minor) to the development approval over land at 9 Florence Street, Teneriffe, described as Lot 1 on RP195321 (the Site), and is to be assessed and decided under section 81 of the PA 2016.

Previous approvals over the Site:

- Development Approval for a Material Change of Use – Multiple Dwelling (4 units). Council Ref: A005963494.
- Development Approval for a Change Application (Minor) – Multiple Dwelling. Council Ref: A006831169.

The Application seeks to amend the approved plans to reflect design development of the approved four (4) unit multiple dwelling. The changes principally comprise the provision of a second lift, internal reconfiguration of the apartments, reconfiguration of the basement and ground level servicing areas, and the conversion of the approved private roof terrace into a communal rooftop recreation area. Refer to Section 3.

In support of the Application the following documentation is submitted:

- DA Form 5
- Signed Owner's Consent
- Architectural plans prepared by Chalmers Partners Architects (Drawings DA.000 – DA.802, dated 15 October 2026)

Council will be the Responsible Entity for the change application. There are no affected entities.

2 CURRENT MCU APPROVAL

Council issued a Decision Notice dated 17 January 2024 over the Site for:

- Material Change of Use – Multiple Dwelling (4 units) (Council Ref: A005963494).

The currency period for the approval ends on 18 April 2030. The Decision Notice records that no referral agencies were identified for the application and that no submissions were received.

Council subsequently issued the following Change Approval:

- Change (Minor) Approval under section 81 of the PA 2016 dated 17 December 2025. Council reference A006831169.

Change Approval A006831169 replaced the originally approved plans with a plan set prepared by Chalmers Partners Architects (Drawings BA.SK.001 – SK.512, dated 13 November 2025)

Accordingly, the changes proposed in this Application are described and assessed against the plans approved under Change Approval A006831169 (the Approved Plans).

3 PROPOSED CHANGES

Amendment to the approved plans

Our client seeks to amend the Approval by replacing the Approved Plans with the drawings listed in Table 1.

The proposed changes do not alter the use, dwelling yield or general built form of the approved development. It remains a multiple dwelling of four apartments, one per level, with the building footprint and setbacks generally unchanged. The changes are summarised as follows:

- **Rooftop garden:** The private penthouse roof terrace is converted to a communal rooftop garden. It comprises a 52m² enclosed common area with amenities, 220m² of unenclosed communal open space (including a pickleball court in place of the approved fishpond) and 86m² of landscaping. The pool, pool deck and perimeter planters are retained. The proposed rooftop garden qualifies as a 'Rooftop Garden'.

- **Vertical transport:** The single lift and spiral stair are replaced with two lifts and a fire stair serving the basement through to the rooftop.

- **Building height:** The residential floor levels are raised by 100mm and the basement is lowered by 300mm. The maximum building height increases by 100mm to RL 23.400 (AHD), which remains below the Woolshed ridge height of RL 23.640. The lift overruns extend a further 3.6m to RL 27.000.

- **Apartments:** The internal layouts are reconfigured.

- **Basement:** The basement is reconfigured to add a pump set room, services riser and parcel drop. Car parking is reduced from 13 to 12 spaces, and six bicycle parking spaces are provided (five resident and one visitor). Carparking remains compliant.

- **Servicing:** The refuse storage moves next to the lift core, and the fire booster cabinet moves to the Florence Street frontage.

- **Chermside Street entry:** The pedestrian ramp is regraded from 1:17 to 1:14.

- **Deep planting:** The deep planting area is reduced from 50m² to 46m², with the 4m x 4m deep planting zone retained and relocated within it.

- **Facades:** The face brick, arched windows and dark powder-coated joinery are retained, with minor adjustments to the windows and privacy screens on the side elevation.

Rooftop and building height

The parapet of the building increases by 100mm, from RL 23.300 to RL 23.400, and remains below the ridge height of the adjoining Winchcombe Carson woolstores (RL 23.640). The lift overruns extend 3.6m above the parapet to RL 27.000. The structures above the parapet are the lift and stair cores and the enclosed common area and its roof. They are positioned centrally on the roof and set back from all edges of the rooftop, including the Florence Street and Chermside Street facades. This limits their visibility from the street.

The urban sections (DA.801 and DA.802), provided for information, show the development in its streetscape context next to 5 Florence Street (RL 23.850) and the Winchcombe Carson woolstores (RL 23.640). They show the development sitting within the established height of the streetscape.

Rooftop garden

The approved roof terrace was private open space accessed only from the penthouse. The proposal converts it to a communal rooftop garden for all residents, served by both lifts and the fire stair. The rooftop garden comprises a pickleball court, a 52m² enclosed common area, amenities, the retained pool and pool deck, and 220m² of unenclosed communal open space. Perimeter planters are retained to screen the rooftop and keep users back from the building edge.

The rooftop meets the definition of a rooftop garden for the purpose of section 1.7.7(3) of City Plan.

The rooftop garden is therefore not a storey, and the number of storeys is unchanged from the approval.

The rooftop garden is designed to protect the amenity of adjoining properties. The perimeter planters set the usable area back from the building edge, which limits overlooking of adjoining properties. Use of the rooftop garden, including the pickleball court, will be managed through the community management statement by-laws, including restricted hours of use.

4 MINOR CHANGE

Under Schedule 2 – Planning Act 2016 Definitions ***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.

We are of the opinion the Proposal is a minor change in accordance with the definition of minor change within Schedule 2 – Dictionary of the PA 2016 for the following reasons:

1. The Proposal does not result in substantially different development having regard to Schedule 1 of the Development Assessment Rules, because the Proposal does not:

    - Introduce a new use. The use remains a multiple dwelling comprising four (4) apartments.
    - Involve a new parcel of land. The land remains the same.
    - Dramatically change the built form in terms of scale, bulk and appearance. The building footprint, setbacks, number of dwellings and the face brick and arched window character of the facades are retained. Floor levels increase by 100mm. The rooftop elements are centrally located and set back from the street facades.
    - Change the ability of the Approval to operate as intended. The provision of a second lift and a communal rooftop improves the operation of the development.
    - Remove a component that is integral to the operation of the development. Car parking, bicycle parking, refuse storage, deep planting and private open space are retained.
    - Significantly impact on traffic flow and the transport network. No change is proposed to the number of dwellings or the location of the vehicle crossover.
    - Introduce new impacts or increase the severity of known impacts. Refer to the assessment of rooftop height and communal rooftop amenity in Section 3.

- Remove an incentive or offset component that would have balanced a negative impact of the development. The Proposal does not involve the removal of an incentive or offset component.

- Impact upon infrastructure provision, location or demand within the surrounding area. The number of dwellings is unchanged and the Proposal does not increase demand on infrastructure networks.

2. The Proposal does not cause the inclusion of prohibited development in the application.

3. The original Decision Notice records that no referral agencies were identified for the application. The Proposal does not trigger referral to any referral agency.

4. The proposal does not adversely result in a different outcome that would considerably conflict with any historical submissions made.

Having regard to the circumstances expressed above, we are of the opinion that the Proposal is a minor change for the purposes of section 81 of the PA 2016 and Schedule 1 of the Development Assessment Rules.

Regarding section 81(3) of the PA 2016, we are not aware of any changes to Brisbane City Plan 2014, since the original development application was made, that would apply to the Proposal.

Should you have any queries please contact our office.

Yours sincerely



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