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# Town Planning Report

## 42 Latimer Street, Holland Park QLD 4121

*October 2026*

Change Application (Minor Change) under Section 78 of the Planning Act 2016: Development Approval A003608882 (Multiple Dwelling), Vehicle Gate Modification and Pedestrian Entry Gate



# 1.0 EXECUTIVE SUMMARY

## 1.1 Change Application Overview

| Table 1: Change application overview | |
|---|---|
| **Proposed change:** | Amendment of the approved drawings to incorporate the existing vehicle gate, reduced to a 3000mm clear opening, and a new pedestrian gate with a 1200mm clear opening at the Latimer Street entry. |
| **Application type:** | Change application (minor change) under Section 78 of the Planning Act 2016, assessed under Section 81 and decided under Section 81A. |
| **Existing approval:** | Development Permit for Material Change of Use A003608882, issued by Brisbane City Council on 16 January 2013. |
| **Approved development:** | Seven multi-unit dwellings. |
| **Conditions affected:** | Condition 5 (Maintain the Approved Development) and Condition 37 (Equitable Access). No amendment to the wording of either condition is sought. |
| **Site address:** | 42 Latimer Street, Holland Park QLD 4121 |
| **Real property description:** | Lots 1 to 7 and Common Property on SP263533 (formerly Lot 9 on RP81943) |
| **Site area:** | 901sqm |
| **Local government area:** | Brisbane City Council |
| **Responsible entity:** | Brisbane City Council, as assessment manager (Section 78A(1)(b)) |
| **Owner:** | Common Property: Body Corporate for 42 Latimer Community Titles Scheme 45836. Lots 1 to 7: the registered owner of each lot. |
| **Prepared for:** | David Morgan |

This Town Planning Report (TPR) has been prepared in support of a change application to Development Approval A003608882. The Proposal responds to the letter from Brisbane City Council (Council) dated 5 February 2026 (Ref C3698971) concerning Conditions 5 and 37 of the approval. The Proposal incorporates the entry gates into the approved drawings and provides a pedestrian entry that is separate from the vehicle entry.

## 1.2 Planning Summary

| Table 2: Planning summary | |
|---|---|
| **Item** | **Summary** |
| **Type of change** | Minor change |
| **Substantially different development** | No (refer to Section 4.2) |
| **Category of assessment** | Code assessment; unchanged by the Proposal |
| **Public notification** | Not required |
| **Referral** | No referral agency is required |

| | |
|---|---|
| **State referral (SARA) and SDAP** | Not triggered |
| **Planning scheme** | Brisbane City Plan 2014, version 37, effective 18 September 2026 (Section 81(5)) |
| **Infrastructure charges** | No additional demand on trunk infrastructure |
| **Decision period** | 20 business days (Section 81A(3)) |
| **Building approval** | Separate approval required under the Building Act 1975 |
| **Planning position** | Represents an appropriate planning outcome |

### 1.3 Overall Planning Position

The Proposal does not result in substantially different development and constitutes a minor change under Schedule 2 of the Planning Act 2016. The gates provide a separate pedestrian entry and retain a 3000mm vehicle opening, while the approved use, built form, car parking and access remain unchanged. The Proposal appropriately responds to the applicable assessment benchmarks and represents an appropriate planning outcome.



***Figure 1**: Locality aerial image, Site outlined in red, north to top (Source: State of Queensland, Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, 2025)*

# 2.0 THE APPROVED DEVELOPMENT AND THE SITE

## 2.1 Existing Development Approval

| Table 3: Existing development approval | |
|---|---|
| **Reference number** | A003608882 |
| **Approval type** | Development Permit for Material Change of Use |
| **Date of decision** | 16 January 2013 |
| **Assessment manager** | Brisbane City Council |
| **Approved development** | Seven multi-unit dwellings, with demolition of the existing detached dwelling |
| **Approved plans and documents** | AAD Design architectural drawings and SEED Landscapes landscape concept plan (drawing 120704 01), stamped “Plans and documents referred to in the approval 16/01/2013” |
| **Conditions relevant to the Proposal** | Condition 5 and Condition 37 (refer to Section 2.3) |
| **Status** | The development has been constructed. A Certificate of Classification (Ref 00016985) was issued on 19 March 2014 for Class 2 and Class 7a, and building format plan SP263533 was registered on 2 April 2014. |
| **Planning scheme for the original application** | Brisbane City Plan 2000 |



***Figure 2:*** *Cadastral context (Source: Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, 2025)*

### 2.2 Site Description

The Site comprises Lots 1 to 7 and Common Property on SP263533, within Community Titles Scheme 45836. The Site has an area of 901sqm and a frontage of 15.088m to Latimer Street, which is identified as a Neighbourhood road. The Site contains a two-storey building comprising seven dwellings with ground-level car parking, accessed by a single driveway from Latimer Street.



***Figure 3:*** *Aerial image (Source: Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, 2025)*

| Table 4: Site description relevant to the Proposal | |
|---|---|
| **Site characteristic** | **Description** |
| **Location of the Proposal** | Driveway entry at the Latimer Street frontage of the Site, on common property |
| **Access** | A single crossover and shared driveway serving seven resident car parking spaces (exclusive use areas 1A to 7A) |
| **Title constraints** | Easement in Gross 715691694 in favour of Brisbane City Council over Easement A (162sqm, at the Latimer Street frontage) and Easement B (87sqm, north-east boundary). The gates are within Easement A. |
| **Mapped constraints** | Overland flow flood planning area over the Latimer Street frontage of the Site (City Plan 2014 Flood overlay) |

The extent of the Overland flow flood planning area over the Latimer Street frontage of the Site is shown in Figure 5.

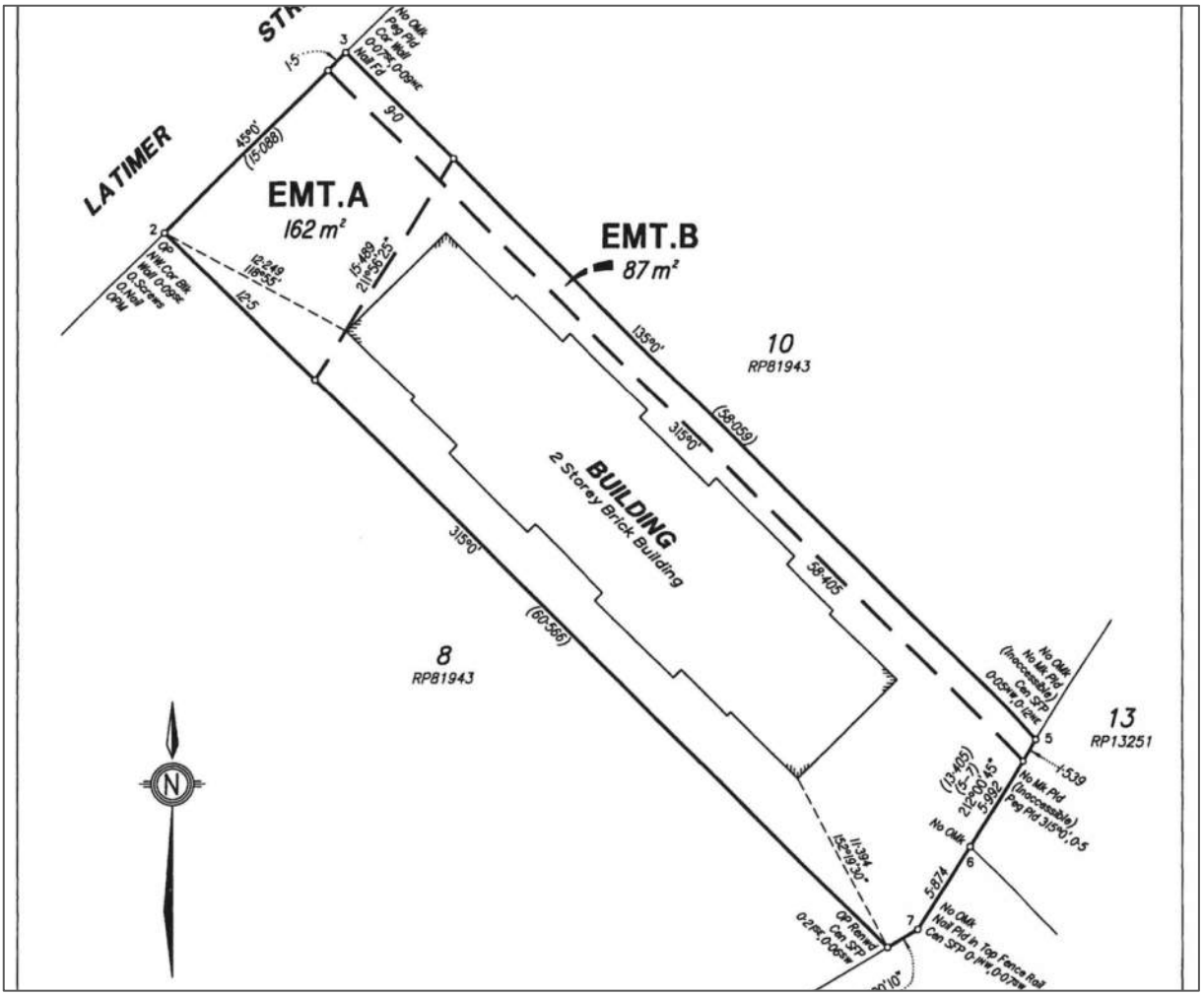



***Figure 4:*** *Survey plan extract (Source: SP263533, Sheet 2)*




***Figure 5:*** *Overland flow flood planning area (Source: Brisbane City Plan 2014 online mapping, Flood overlay, accessed 16 October 2026)*

### 2.3 Council Correspondence

Council's letter of 5 February 2026 (Ref C3698971 / CA19/483187) advises that the premises does not comply with the following conditions of the approval:

- **Condition 5:** "Maintain the approved development (including landscaping, parking, driveways and other external spaces) generally in accordance with the approved drawing(s) and/or documents, and any relevant Council engineering or other approval required by the conditions".
- **Condition 37:** "Provision must be made for equitable access for persons with disabilities to and within the site in accordance with the Queensland Anti-Discrimination Act 1991, the Federal Disability Discrimination Act 1992 and Australian Standard AS1428 Parts 1-4, Australian Standard for Access and Mobility and the Building Code of Australia Access Code".

The existing sliding vehicle gate spans the full width of the entry. The gate is not shown on the approved drawings, and the entry provides no separate pedestrian access. This application addresses both matters, as set out in Section 6.

# 3.0 PROPOSED CHANGE

## 3.1 Description of the Change

The Proposal seeks to incorporate the entry gate arrangement shown on Drawing M01.20-SD-A02.01, Issue A, dated 5 May 2026, into the approved drawings (Figures 6 to 8). The arrangement comprises:

- the existing sliding vehicle gate, reduced in length to a 3000mm clear opening; and
- a new hinged, self-closing pedestrian gate with a 1200mm clear opening, matching the existing gate in material and height (2400mm), with horizontal slats at 20mm spacing.

## 3.2 Schedule of Changes

| Table 5: Schedule of changes | | | | |
|---|---|---|---|---|
| **Ref.** | **Approved** | **Proposed change** | **Drawing** | **Condition affected** |
| 1 | Open driveway entry with separate pedestrian pathway; no gate shown (approved site and landscape plans) | Vehicle gate with a 3000mm clear opening across the driveway | M01.20-SD-A02.01, Issue A | Condition 5 |
| 2 | No pedestrian gate shown | Hinged pedestrian gate with a 1200mm clear opening beside the vehicle gate | M01.20-SD-A02.01, Issue A | Conditions 5 and 37 |

## 3.3 Amended Plans and Documents

| Table 6: Plans submitted for endorsement | | | | |
|---|---|---|---|---|
| **Drawing no.** | **Title** | **Revision** | **Date** | **Status** |
| M01.20-SD-A02.01 | Entry Gate, Ground Floor Plan | A | 05/05/2026 | Added to approved plans |

The proposed amendments are clouded on the drawing. In accordance with Council's requirements, the full set of approved plans is submitted with the application.

## 3.4 Changes to Conditions

No amendment to the wording of any condition is sought. The Proposal is to be given effect by the inclusion of Drawing M01.20-SD-A02.01, Issue A, in the list of approved plans.

## 3.5 Aspects of the Approval Unchanged

The Proposal does not alter:

- the approved use or the number of dwellings;
- gross floor area, site cover, building height or setbacks;
- car parking numbers, the driveway or the crossover; or
- servicing, stormwater, landscaping beyond the entry, or infrastructure connections.

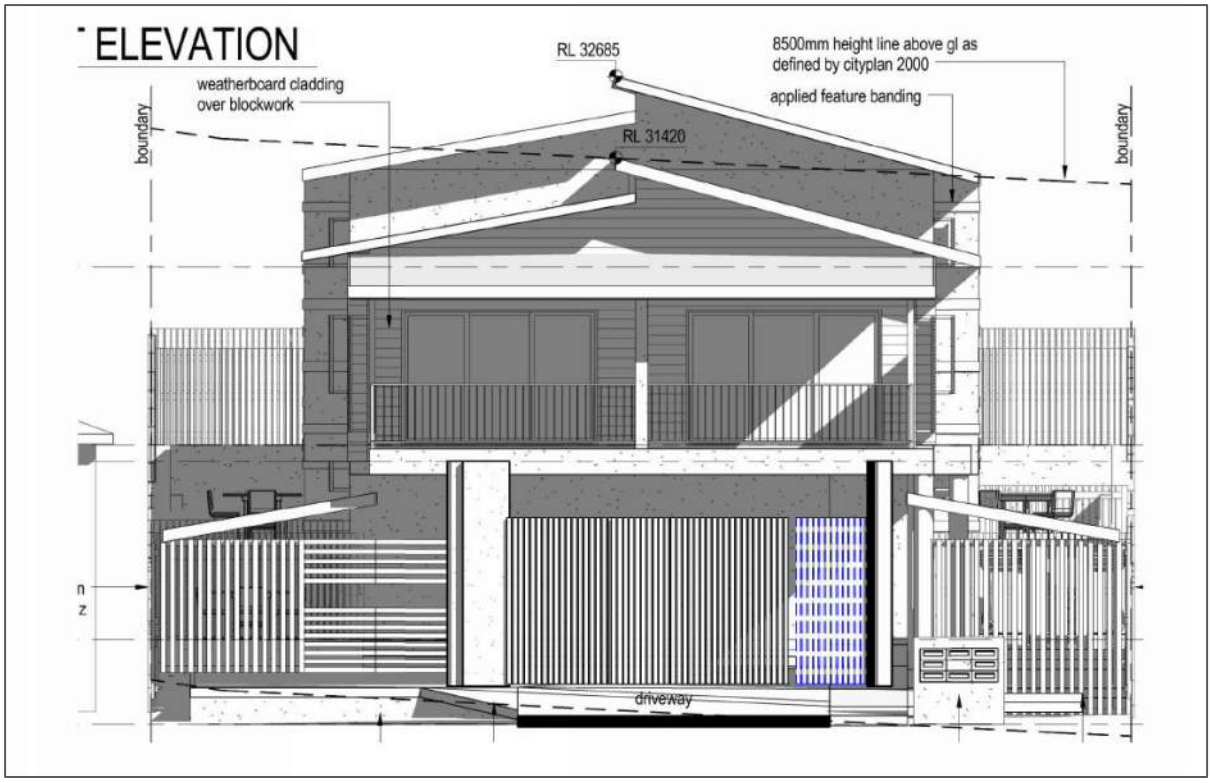



***Figure 6:*** *South West Elevation, existing (Source: Drawing M01.20-SD-A02.01, Issue A, 5 May 2026)*

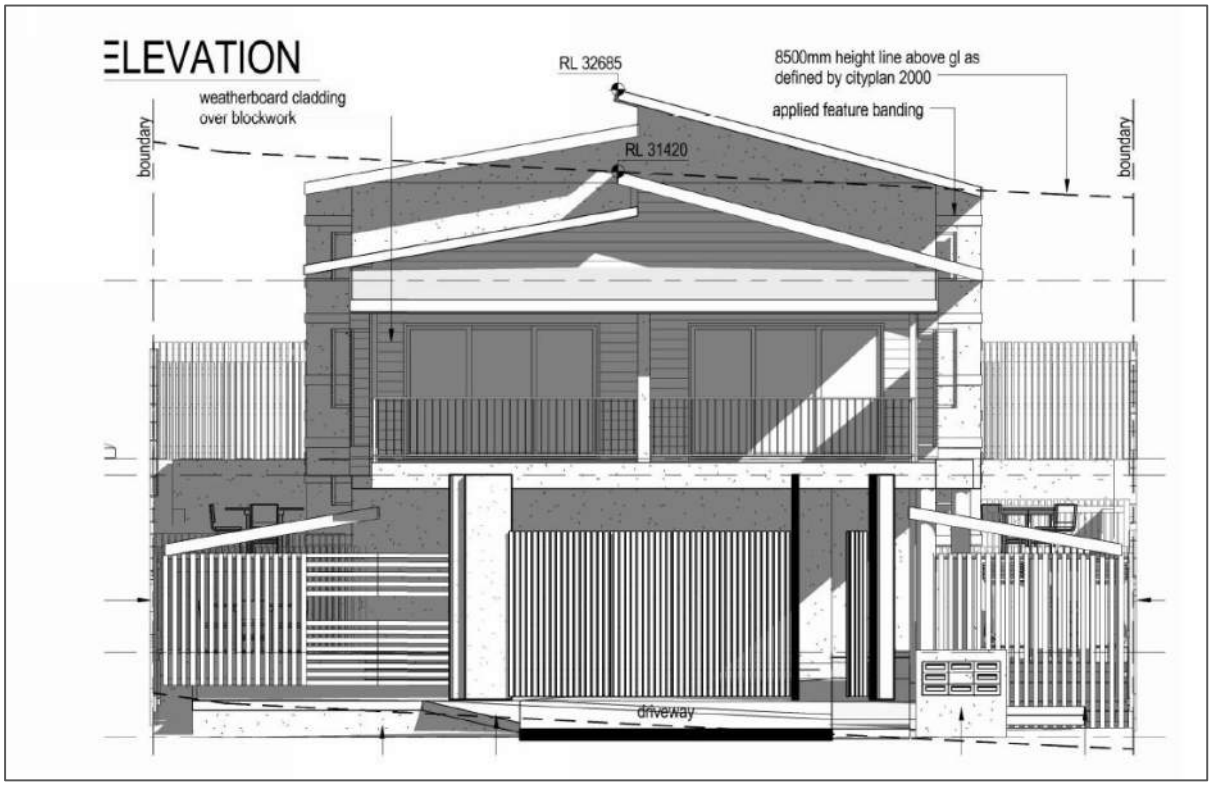



***Figure 7****: South West Elevation, proposed (Source: Drawing M01.20-SD-A02.01, Issue A, 5 May 2026)*

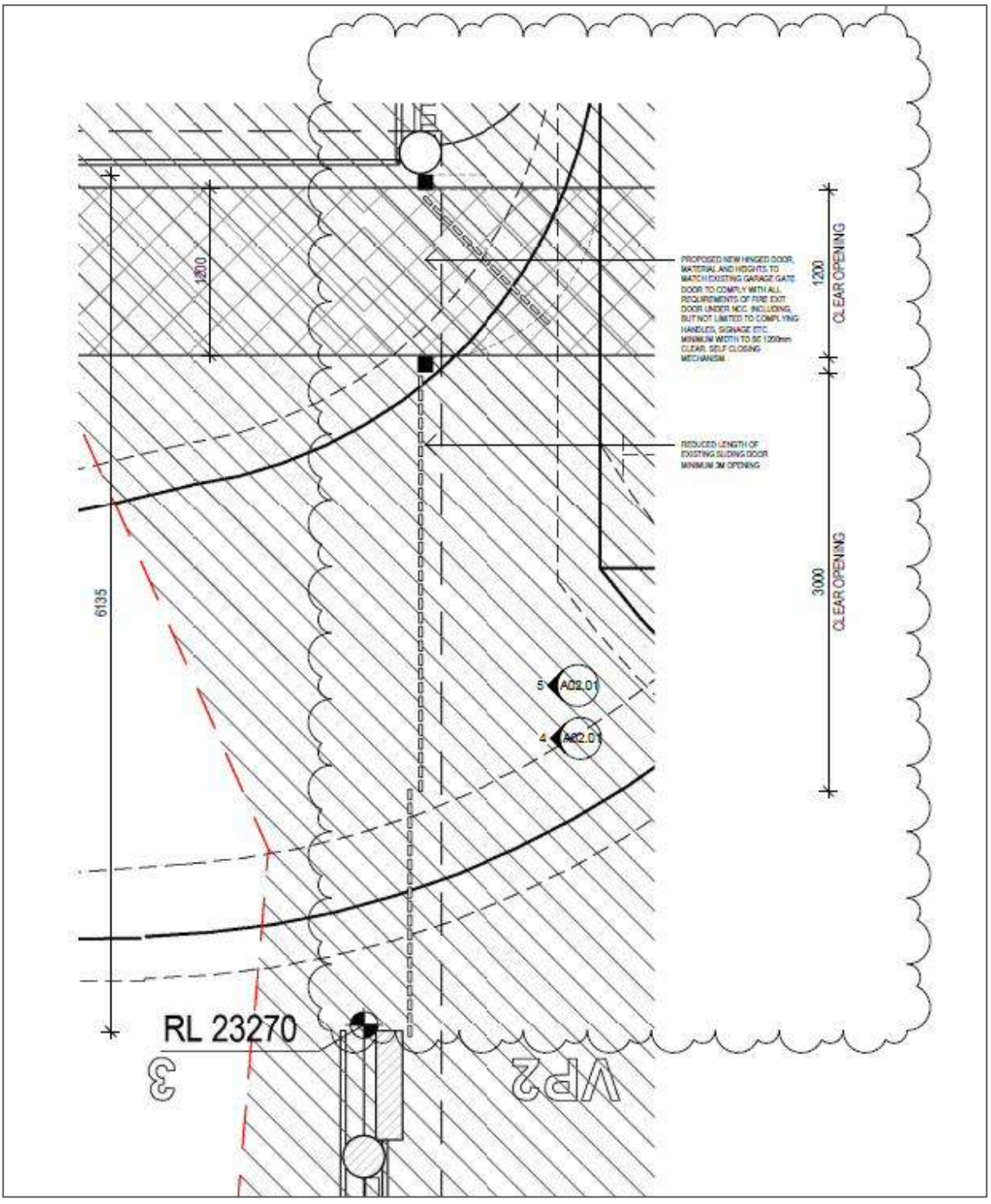



***Figure 8:*** *Ground Floor Plan (Source: Drawing M01.20-SD-A02.01, Issue A, 5 May 2026)*

# 4.0 STATUTORY PATHWAY

## 4.1 Responsible Entity

Under Section 78A(1)(b) of the Planning Act 2016, the responsible entity is the assessment manager, Council. The Proposal does not relate to a development condition stated in a referral agency's response.

## 4.2 Minor Change Test

Schedule 2 of the Planning Act 2016 defines a minor change, for a development approval, as a change that "would not result in substantially different development" and that would not cause any of the matters in Table 7 if a development application for the development, including the change, were made when the change application is made.

| Table 7: Minor change test | |
|---|---|
| **Schedule 2 limb** | **Response** |
| (b)(i) Substantially different development | Not substantially different (Table 8). |
| (b)(ii)(A) Inclusion of prohibited development | No. The Proposal does not involve prohibited development. |
| (b)(ii)(B) and (C) Referral, or extra referral, to a referral agency | No. The SARA Matters of Interest Report dated 16 October 2026 identifies only the SEQ Regional Plan Urban Footprint and a water resource planning area, neither of which triggers referral. |
| (b)(ii)(D) A referral agency assessing against a new matter | No referral agency is involved in the application. |
| (b)(ii)(E) Public notification | No. The approved two-storey Multiple dwelling is code assessable under Table 5.5.2 of City Plan 2014. As the Proposal adds no gross floor area, the impact assessment trigger in Table 5.9.82.A of the neighbourhood plan does not apply. |

| Table 8: Substantially different development | |
|---|---|
| **Indicator (Schedule 1, section 4, Development Assessment Rules)** | **Response** |
| (a) involves a new use | No. The approved use is unchanged. |
| (b) results in the application applying to a new parcel of land | No. The Proposal is confined to the approved premises. |
| (c) dramatically changes the built form in terms of scale, bulk and appearance | No. The installation of gates at the existing entry does not alter the scale, bulk or appearance of the two-storey building. |
| (d) changes the ability of the proposed development to operate as intended | No. All seven dwellings and car parking spaces remain accessible. |
| (e) removes a component that is integral to the operation of the development | No. No component of the approved development is removed. |

| | |
|---|---|
| (f) significantly impacts on traffic flow and the transport network | No. The number of dwellings, car parking provision and the crossover are unchanged. |
| (g) introduces new impacts or increase the severity of known impacts | No. The Proposal is limited to entry gates and introduces no new impacts (refer to Section 5). |
| (h) social impact assessment matters | Not applicable. The development is not prescribed as requiring social impact assessment. |
| (i) removes an incentive or offset component | No. The approval contains no incentive or offset component affected by the Proposal. |
| (j) impacts on infrastructure provisions | No. The Proposal does not affect infrastructure provision. |

### 4.3 Affected Entities

Under Section 80(1)(a), notice must be given to "a referral agency for the development approval other than the chief executive". Development Approval A003608882 was not subject to referral agency assessment. Accordingly, there is no affected entity for the application, and Section 81A(3) applies.

### 4.4 Owner's Consent

Section 79(2) requires the written consent of the owner where the applicant is not the owner and the application relates to a material change of use. The proposed works are located on common property owned by the applicant. The written consent of the owners of Lots 1 to 7 is submitted with the application.

### 4.5 Assessment and Decision Framework

Section 81(2)(f) requires Council to consider "all matters the responsible entity would or may assess against or have regard to, if the change application were a development application". Section 81(4) provides that Council "must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made", being City Plan 2000. Under Section 81(5), Council may give weight to City Plan 2014, version 37. Section 5 assesses the Proposal against the City Plan 2014 provisions that it engages.

Under Section 81A(2), Council must decide to "make the change, with or without imposing or amending development conditions in relation to the change" or "refuse to make the change".

# 5.0 PLANNING ASSESSMENT OF THE CHANGE

## 5.1 Applicable Planning Controls

| Table 9: Applicable planning controls | |
|---|---|
| **Planning scheme applied** | Brisbane City Plan 2014, version 37, effective 18 September 2026 |
| **Zone** | Low-medium density residential |
| **Neighbourhood plan** | Coorparoo and districts neighbourhood plan |
| **Overlays affecting the location of the Proposal** | Flood overlay (Overland flow flood planning area); Dwelling house character overlay; Critical infrastructure and movement network overlay; Streetscape hierarchy overlay (Latimer Street, Neighbourhood street minor) |
| **Codes engaged by the Proposal** | Multiple dwelling code (9.3.14) |

## 5.2 Key Issues

| Table 10: Key issues | | | |
|---|---|---|---|
| **Issue** | **Benchmark** | **Response** | **Supporting material** |
| Condition 5 | Maintain the development generally in accordance with the approved drawings | Endorsement of Drawing M01.20-SD-A02.01, Issue A, incorporates the gates into the approved drawings. | Drawing M01.20-SD-A02.01 |
| Condition 37 and pedestrian entry | Multiple dwelling code AO12.2 | A pedestrian gate with a 1200mm clear opening provides an entry separate from the vehicle gate. Compliance with AS 1428 and the National Construction Code is a matter for the building approval. | Drawing M01.20-SD-A02.01 |
| Vehicle access | Approved driveway and crossover | The vehicle gate retains a 3000mm clear opening. The approved driveway, crossover and car parking are unchanged. | Drawing M01.20-SD-A02.01 |
| Gate height | Multiple dwelling code PO37 | The pedestrian gate matches the existing 2400mm vehicle gate (refer to Section 5.4). | Drawing M01.20-SD-A02.01 |

## 5.3 Code Assessment

Table 11 addresses the provisions of the Multiple dwelling code engaged by the Proposal. The Low-medium density residential zone code and the Coorparoo and districts neighbourhood plan code are addressed following the table.

| Table 11: Multiple dwelling code, provisions engaged by the Proposal | | |
|---|---|---|
| **Performance Outcome** | **Acceptable Outcome** | **Compliance Response** |
| PO12: an entrance that provides "a. safe, secure and convenient access to the site for residents and visitors" | AO12.2: "at least one prominent pedestrian entry that connects a foyer or building entry directly with the public verge, is separated from the vehicle entry" | Complies. The pedestrian gate provides an entry separate from the vehicle gate and connects to the existing pedestrian pathway. The approved entry and letterbox remain unchanged. |
| PO37: fencing that facilitates casual surveillance, highlights entrances and provides a positive interface to the streetscape | AO37.1(a): street boundary fencing no higher than 1.2m (solid) or 1.5m (at least 50% transparent) | Not applicable. AO37.1(a) applies to fencing "along any common boundary to a street". The gates are set behind the frontage landscaping and are not on the street boundary. PO37 is addressed in Section 5.4. |

The Proposal does not alter the building, its height or its interface with the street. Accordingly, it does not engage the outcomes of the Low-medium density residential zone code or the Coorparoo and districts neighbourhood plan code beyond the entry treatment addressed above.

**5.4 Gate Height**

The Proposal incorporates an existing sliding vehicle gate and a new pedestrian entry gate, both with an overall height of approximately 2.4m. This represents a 0.4m variation from the 2m fencing height identified on the originally approved landscape concept plan (Drawing 120704 01). The proposed gate height is considered appropriate having regard to the existing development, the functional requirements of the entry arrangement and the relevant streetscape performance outcomes.

The proposed gates are positioned within the established vehicle and pedestrian entry area, behind the frontage landscaping, rather than forming a continuous 2.4m high solid fence along the entire street frontage. Consequently, the additional height is concentrated at the existing access point and does not extend across the full width of the property frontage.

The proposed pedestrian gate will match the existing vehicle gate in height, materials and architectural treatment, establishing a consistent and visually coordinated entrance. This avoids the disjointed appearance that could otherwise arise from installing a pedestrian gate of a substantially different height immediately adjacent to the vehicle gate. The proposed gates incorporate horizontal slats with 20 mm spacing, providing visual articulation and some permeability. This design treatment assists in reducing the perception of a continuous solid barrier and contributes to a more visually integrated entry arrangement.

The site accommodates an established two-storey multiple dwelling development comprising seven residential units, with ground-level car parking accessed from Latimer Street. The proposed gate height must therefore be considered in the context of the existing multi-unit residential building, rather than as an isolated fencing structure. The gates are confined to the established access area and do not involve any increase in the height, bulk, scale or footprint of the approved residential building.

The proposed entry arrangement is therefore not expected to materially alter the overall built-form character of the development.

The proposed 2.4m gate height also serves a functional purpose by providing a secure and clearly defined entry to the shared residential parking area. Given the communal nature of the development and the provision of seven residential parking spaces, the gate arrangement is intended to manage access to the property and provide a secure separation between the public street and private residential areas. Maintaining a consistent height between the vehicle and pedestrian gates supports the coherent operation of the entry arrangement and avoids creating a lower adjoining access point that could undermine the intended security function.

Assessment against PO37 of the Multiple dwelling code

The proposal is considered capable of satisfying the intent of Performance Outcome PO37 of the Multiple dwelling code for the following reasons:

- The proposed slatted construction provides a degree of visual permeability, while the existing first-floor balconies overlooking Latimer Street contribute to opportunities for passive surveillance.
- The separate pedestrian gate clearly identifies the pedestrian access point and distinguishes it from the vehicle entry.
- The coordinated materials, consistent gate heights and location behind the frontage landscaping assist in integrating the proposed gates with the existing development.
- The gates are limited to the existing access area and do not establish a continuous high-level barrier across the entire street frontage.

Although the proposed gate height exceeds the 2m fencing height identified on the original approved landscape concept plan, the variation is considered capable of achieving an acceptable planning outcome. The additional 0.4m is confined to the vehicle and pedestrian entry arrangement and is intended to provide a consistent, functional and secure entrance to the established residential development. Having regard to the proposed slatted construction, the existing two-storey built form and the location of the gates behind frontage landscaping, the additional height is not anticipated to result in an unreasonable impact on streetscape character or the amenity of surrounding properties.

Accordingly, the proposed 2.4m gate height is considered supportable on performance grounds, subject to confirmation of the relevant design details and Council's assessment of the applicable planning provisions.

### 5.5 Infrastructure Charges

The Proposal does not add dwellings, gross floor area or demand on trunk infrastructure. Accordingly, no additional infrastructure charge arises.

## 6.0 RESPONSE TO COUNCIL, STATE MATTERS AND OTHER APPROVALS

Council's letter of 5 February 2026 (Ref C3698971) advises that Council was contacted regarding the installation of a front gate, and that the premises is not complying with Conditions 5 and 37 of the development approval issued on 16 January 2013. The letter notes that further approvals from Council may be required and requests that the matters be addressed by complying with the existing development approval conditions. Table 12 sets out how the Proposal addresses each matter.

**Table 12: Response to Council's letter of 5 February 2026**

| Matter raised | Requirement | Response |
|---|---|---|
| Condition 5: Maintain the Approved Development | Maintain the development, including driveways and other external spaces, generally in accordance with the approved drawings | The change application incorporates the entry gates into the approved drawings through Drawing M01.20-SD-A02.01, Issue A. On approval, the entry arrangement will form part of the approved drawings, and the premises will be maintained generally in accordance with them. |
| Condition 37: Equitable Access | Provision for equitable access for persons with disabilities to and within the site | The Proposal provides a dedicated pedestrian gate with a 1200mm clear opening, separate from the vehicle gate, with lever handles and a self-closing mechanism. Compliance with AS 1428 and the access provisions of the National Construction Code is certified through the building approval for the gates. |
| Further approvals | Obtain any further approvals required from Council | This change application seeks the planning approval for the entry gates. Building approval for the gates is obtained separately from a building certifier (refer to Section 7.2). |

On approval of the change and certification of the gates, the matters raised in Council's letter are addressed in full.

### 6.1 State Interests and Referral

The Proposal does not cause referral under Schedule 10 of the Planning Regulation 2017, and no State Development Assessment Provisions State Code applies. The Site is within the Urban Footprint of the SEQ Regional Plan. The State Planning Policy layers mapped on the Site (flood hazard area, airport wildlife hazard buffer zone and obstacle limitation surface area) are not affected by the installation of gates at ground level.

### 6.2 Building Work

Building approval for the gates is to be obtained separately from a building certifier under the Building Act 1975. National Construction Code and access matters, and any referral under Schedule 9 of the Planning Regulation 2017, are determined in that approval.

### 6.3 Other Consents

The gates are located within Easement A, held by Council under Easement in Gross 715691694. Any consent required under the terms of the easement will be obtained from Council as grantee.

## 7.0 CONCLUSION

This TPR has been prepared in support of a minor change application to Development Approval A003608882 for the multiple dwelling development at 42 Latimer Street, Holland Park.

The DA seeks to formalise modifications to the existing vehicle entry gate, providing a 3m clear vehicle opening, together with the installation of a separate pedestrian entry gate with a 1.2m clear opening. The proposed changes respond to the matters identified in Brisbane City Council's correspondence dated 5th of February 2026, particularly the requirement to maintain the development generally in accordance with the approved plans under Condition 5 and to provide equitable access under Condition 37. The Proposal does not involve any change to the approved residential use, dwelling yield, building footprint or number of car parking spaces. Accordingly, the proposed amendments are considered capable of satisfying the minor change criteria under Schedule 2 of the Planning Act 2016.

The proposed pedestrian entry provides an opportunity to improve access arrangements while retaining the established vehicle entry. The proposed gate height and configuration are considered capable of achieving an acceptable streetscape outcome, subject to Council's consideration of the relevant assessment benchmarks.

This DA is considered that the proposed change represents an appropriate planning outcome and warrants favourable consideration by Brisbane City Council under the relevant provisions of the Planning Act 2016.