

The Chief Executive Officer
Brisbane City Council
City Planning and Economic Development Services
Development Services
GPO Box 1434 Brisbane QLD 4001

BCC DS
RECEIVED
22/07/2026
APPLICATION REF
A007074234



Wednesday, 22 July 2026

To whom it may concern,

Re: Minor Change Application for MCUC/307/2017/A @ Unit 14, 120 Commercial Road, Teneriffe

Devalign were engaged by the landowner of the subject site, Unit 14 at 120 Commercial Road, Teneriffe to prepare a 'Minor Change' application for the existing development approval DRS/USE/H01-790130 (A001640831) for a Material Change of Use (Development Permit and Preliminary Approval) – Multi Unit Dwelling & Works adjoining a Heritage Place (DTP960 MULTIPLE DWELLING) and to Carry Out Building Work (Development Permit and Preliminary Approval) - (DTP960 MULTIPLE DWELLING), as approved by Council's Delegate on 21 December 2001.

The subject minor change to the current DA seeks to revise the contents of the approved plans, focused solely on the proposed changes being made to the external balcony arrangement for Unit 14, with the remainder of the approved plans to remain unaffected.

The proposed changes are being sought to re-purpose a currently underutilised balcony structure into a bedroom, acknowledging the fact that an existing alfresco area will be maintained in its current form on the opposite side of the unit.

The Submission

In support of this 'Minor Change Application', we formally submit the following supporting information:

- Attachment A – Completed Planning Act Form 5;
- Attachment B – Landowner's Consent for DA Lodgement;
- Attachment C – Extract of Minutes from Meeting of Body Corporate;
- Attachment D – Copy of Standard Planning and Development Certificate (A007067658);
- Attachment E – Development Approval for A001640831; and
- Attachment F – Proposed Plan of Development (Revised).

Confirmation on the Proposed being a 'Minor Change'

For a change application to be considered a **minor change**, the change to the development approval must meet the definition of a minor change as set out in Schedule 2 of the *Planning Act 2016*. This definition includes the requirement that the proposed change would not result in 'substantially different development'.

A 'Minor Change' is defined by Schedule 2 of the Planning Act 2016 as:

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.*

The proposed amendment is considered to constitute a ‘Minor Change’ to the existing development approval in accordance with the Schedule 2 - Dictionary of the *Planning Act 2016*. Schedule 1 of the Development Assessment Rules instrument also provides criteria against which ‘Minor Change’ applications must satisfy. Schedule 1 of the DA Rules is as follows:

1. *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where – amongst other criteria – a minor change is a change that would not result in ‘substantially different development’.*
2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—*
 - a) *Made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - b) *Made to a development application in accordance with part 6;*
 - c) *Made to a development approval after the appeal period.*
3. *In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
4. *A change may be considered to result in a substantially different development if the proposed change:*
 - a) *involves a new use with different or additional impacts;*

The proposed minor change does not constitute a change from the approved land use being an Apartment building.

- b) *results in the application applying to a new parcel of land;*

The proposed change to existing approval is for land to which the original application applied.

- c) *dramatically changes the built form in terms of scale, bulk and appearance;*

The proposed change will not materially impact upon the scale, bulk and appearance of the originally approved development application, with the submitted revised plans considered to represent a contemporary and enhanced outcome that remains in keeping with the original design intent of the proposal.

d) changes the ability of the proposal to operate as intended;

The proposed minor change will not impact upon the ability of the proposed development to operate as intended.

e) removes a component that is integral to the operation of the development;

The proposed amendments to the approved development will not result in the removal of any integral components approved as part of the original development approval.

f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site;

The proposed amendments to the approved development will not result in any impact on traffic flow and the broader transport network.

g) introduces new impacts or increases the severity of known impacts;

The proposed amendments to the approved development will not introduce any new or create more severe impacts on the locality.

h) removes an incentive or offset component that would have balanced a negative impact of the development;

The proposed amendments to the approved development will not remove an incentive or offset component from the original approval.

i) impacts on infrastructure provision, location or demand;

The proposed amendments to the approved development are considered to not materially increase the impacts on infrastructure provision, location or demand based on the approved use and yield remaining as is.

Proposed Changes to Conditions of Approval

The proposed changes to the conditions relate solely to the approved plans, with the request being to obtain approval for a revised set of approved plans and an amended condition relating to balcony and terrace requirements, detailed as follows:

Item 1 – Approved Drawings and Documents (Current Wording)

<i>Drawing or Document</i>	<i>Number</i>	<i>Plan Date</i>
<i>Plans and Elevations</i>	<i>WD.A01 ISSUE E (as amended in red)</i>	<i>17-DEC-2001 (Received)</i>

Item 1 – Approved Drawings and Documents (Proposed Wording)

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<i>Existing and Demolition Floor Plan</i>	<i>03</i>	<i>1/6/2026</i>
<i>Floor Plan</i>	<i>04</i>	<i>1/6/2026</i>
<i>Sections</i>	<i>05</i>	<i>1/6/2026</i>
<i>Perspectives Sheet 1</i>	<i>06</i>	<i>1/6/2026</i>
<i>Perspectives Sheet 1</i>	<i>07</i>	<i>1/6/2026</i>

It is noted that the additional plans relate solely to the development of Unit 14 only, with these new plans to prevail in the case of any inconsistency with the original approved 'Plans and Elevations'.

Item 2 – Treatment of balconies and terraces (Current Wording)

- (a) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those consistent with the relevant “Brisbane City Plan 2000 – Residential Code” and clearly depicted on the approved drawings.*
- (b) Any Community Management Statement is to contain a by-law which reflects the requirements of the previous part of this condition.*

Item 2 – Treatment of balconies and terraces (Proposed Wording)

- (a) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those consistent with the relevant “Brisbane City Plan 2000 – Residential Code” and clearly depicted on the approved drawings, **except in the case of Unit 14 where the approved plans are considered to prevail.***
- (b) Any Community Management Statement is to contain a by-law which reflects the requirements of the previous part of this condition.*

We trust that this submission contains all required information in order for Council to be able to decide the presented proposal. If you have any questions relating to the submitted materials, please feel free to contact me to discuss, either by phone (0402-482-955) or email (shane@devalign.com.au).

Many thanks for your time,



Shane Murrphy
Senior Town Planner