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**APPLICATION REF**  
A006973485



Our Ref: 25-347  
Council Ref: DRS/USE/H01-759509

12 September 2025

The Manager  
Brisbane City Council  
GPO Box 1434  
**BRISBANE QLD 4001**

Dear Sir / Madam,

**REQUEST FOR A MINOR CHANGE TO A DEVELOPMENT APPROVAL IN ACCORDANCE WITH SECTION 81 OF THE PLANNING ACT 2016 – DRS/USE/H01-759509**

**MATERIAL CHANGE OF USE AND CARRYING OUT BUILDING WORK (DEVELOPMENT PERMIT AND PRELIMINARY APPROVAL) FOR MULTI-UNIT RESIDENTIAL DEVELOPMENT AT 5-15 SYLVAN ROAD, 1-7 LAND STREET AND 531-535A CORONATION DRIVE, TOOWONG, DESCRIBED AS LOTS 2 & 3 ON SP154980 AND COMMON PROPERTY OF REGATTA RIVERSIDE PRINCIPAL COMMUNITY TITLES SCHEME 31198 (LOT 0 ON SP154980), LOTS 1101-1103, 1201-1208 AND 1301 ON SP154981 AND COMMON PROPERTY OF REGATTA RIVERSIDE TERRACES 1 COMMUNITY TITLES SCHEME 31199 (LOT 0 ON SP154981) AND LOTS 2201-2207, 2301-2309, 2401-2409, 2501-2509, 2601-2609, 2701-2709, 2801-2809, 2901-2909, 21001-21006 ON SP154982 AND COMMON PROPERTY OF REGATTA RIVERSIDE TOWER 1 COMMUNITY TITLES SCHEME 31200 (LOT 0 ON SP154982)**

We act on behalf of the Applicant, Dusk Group, with respect to the above land.

In accordance with Section 81 of the Planning Act 2016, we request the Assessment Manager responsible for the application make a change to the approval in accordance with the details provided below.

The approval was issued on 5 July 2001 for a Material Change of Use and carrying out Building Work (Development Permit and Preliminary Approval) for a Multi-Unit Residential Development (DRS/USE/H01-759509).

**Proposed Changes**

This Minor Change seeks to amend the approval to facilitate partial enclosure of the roof terraces for Units 21001 and 21006. These changes are required to resolve ongoing drainage and waterproofing issues with the current terrace arrangement. The proposed changes are to be located entirely within each standard format plan lot (Lots 21001 & 21006 on SP154982) and do not involve changes to common property.

The proposal will maintain the Multi-Unit Residential Development (Multiple Dwelling) use over the site as well as existing access and carparking arrangements. The proposal seeks to maintain building height as existing and does not involve works which will significantly impact views to the street.

Whilst the proposal will result in a change to private open space provision for Units 21001 and 21006, each unit will still have access to sufficient private open space via balconies albeit will resolve the ongoing drainage issues. The proposal integrates with the existing development and will not alter the presentation of the building to the streetscape.

### Changes to Approved Plans

The proposed Minor Change requires the addition of the accompanying proposal plans to form part of the Approved Drawings and Documents. The proposal plans show the partial enclosure of the roof terraces within Units 21001 and 21006. No further changes are required to the Approved Drawings and Documents.

### Changes to Conditions of Approval

We have reviewed the relevant conditions of approval and note that Condition 8 would require amendment to facilitate the proposed change. The proposed amendment is shown in bold and underline as follows.

(8) *Treatment of balconies and terraces.*

- (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. **Lots 21001 and 21006 on SP154982 may be enclosed to the extent shown within 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.*

#### GUIDELINE

*This condition is imposed to minimise bulk and protect the appearance of the development within the area. For any enquiries about this condition, please contact the Assessment Manager, Development Assessment.*

The proposed terrace enclosure will appropriately integrate with the existing built form and will not present as additional building bulk to the street. Following resolution of this application, the applicant will be required to amend the relevant Community Management Statement in accordance with Condition 8(b).

No other conditions will require amendment as a result of the proposed change.

### Minor Change Suitability

We consider the proposed change consists of a "Minor Change" to the original Development Permit and we make this request to change a development approval under Section 81 as the modification constitutes a minor change under the provisions of the Act.

*A 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.*

Our assessment of the above is as follows:

In relation to item (b) (i), the proposal would not constitute substantially different development. Substantially different development is outlined in Schedule 1 of the Development Assessment Rules under the Planning Act 2016 as follows:

- (1) *A change may be considered to result in a substantially different development if the proposed change:*
  - (a) *involves a new use; or*
  - (b) *results in the application applying to a new parcel of land; or*
  - (c) *dramatically changes the built form in terms of scale, bulk and appearance; or*
  - (d) *changes the ability of the proposed development to operate as intended; or*
  - (e) *removes a component that is integral to the operation of the development; or*
  - (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
  - (g) *introduces new impacts or increase the severity of known impacts; or*
  - (h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*
  - (i) *impacts on infrastructure provisions.*

The proposal is not substantially different as outlined above on the basis that:

- The proposal does not involve a new use and the uses of the site will remain as originally approved for the purpose of Multi-Unit Residential Development.
- The proposal does not apply to a new parcel of land and continues to apply to Lots 2 & 3 on SP154980 and Common Property of Regatta Riverside Principal Community Titles Scheme 31198 (Lot 0 on SP154980), Lots 1101-1103, 1201-1208 and 1301 on SP154981 and Common Property Of Regatta Riverside Terraces 1 Community Titles Scheme 31199 (Lot 0 on SP154981) and Lots 2201-2207, 2301-2309, 2401-2409, 2501-2509, 2601-2609, 2701-2709, 2801-2809, 2901-2909, 21001-21006 on SP154982 and Common Property of Regatta Riverside Tower 1 Community Titles Scheme 31200 (Lot 0 on SP154982);
- The proposed change does not dramatically change scale, bulk and appearance of the existing, approved built form.
- The proposal does not change the ability of the development to operate as intended. The premises will continue to operate as originally approved for the purpose of a Multi-Unit Residential Development.
- The change does not include removal of any component which would be integral to the operation of the development.
- The proposed changes will not alter traffic flow and the transport network.
- The change will not introduce new impacts or increase the severity of known impacts.
- The changes do not remove an incentive or offset component.

- The changes do not impact on infrastructure provisions.

On the basis of the above, the proposal does not constitute substantially different development.

In relation to item (b) (ii) (a), the proposal does not include prohibited development.

In relation to point (b) (ii) (b), (c) and (d), the original application was not subject to referral and the proposed change would not trigger any additional referral requirement or referral agency assessment.

In relation to point (b) (ii) (e), the original development application was subject to Impact Assessment. The proposed change does not alter the level of assessment.

In accordance with the above, we confirm that the change proposed is a *minor change* as outlined in Section 81 of the *Planning Act 2016* and requires the amendment of the approved plans and Condition 8 only.

### Excluded Premises

This application is lodged with owner consent for Lots 21001 and 21006 on SP154392 as well as the Common Property of Regatta Riverside Principal Community Titles Scheme 31198 and the Common Property of Regatta Riverside Tower 1 Community Titles Scheme 31200. It is noted that the proposed changes are to be located entirely within each Lots 21001 and 21006 on SP154982 within Tower 1 and do not involve changes to common property. For the purpose of this application, we consider all other premises represent Excluded Premises as follows.

*excluded premises means—*

(a) *generally—*

- (i) *premises that are a servient tenement for an easement, if the development is consistent with the easement's terms; or*
- (ii) *premises that are acquisition land, if the application or development approval relates to the purpose for which the land is to be taken or acquired; or*

(b) *for a change application or extension application—premises in relation to which 1 or more of the following apply for the application—*

- (i) *the development approval to which the approval relates is for building work for supplying infrastructure on designated premises; or*
- (ii) *the responsible entity or assessment manager considers the application does not materially affect the premises and that, given the nature of the change, the owner of the premises has unreasonably withheld consent; or*
- (iii) *the responsible entity or assessment manager considers the application does not materially affect the premises and that because of the number of owners, it is impracticable to get their consent.*

*Example of when owners' consent may be impracticable—*

*Since the development approval was given, the premises have been subdivided and now has many owners.*

It is noted that (b)(iii) would apply in this instance.

The proposed changes will be wholly located within the two (2) standard format plan lots (Lots 21001 and 21006 on SP154392) and as such will not materially affect the premises or have any

impact on common property. Given the site contains two (2) residential towers and many owners, we consider it is impracticable to get their consent.

As such, this application is lodged with the owner consent for Lots 21001 and 21006 on SP154392 as well as the Common Property of Regatta Riverside Principal Community Titles Scheme 31198 and the Common Property of Regatta Riverside Tower 1 Community Titles Scheme 31200. All other lots represent Excluded Premises for the purpose of this Minor Change Application.

The application fees would be \$4,576 for a change application under Section 81 of the Planning Act. It is requested that Council issue an invoice addressed to our Client such that we can arrange payment of the applicable fee.

Please find attached the completed Planning Act Form for your records.

We trust that the supplied information is sufficient for Council to address this matter.

In the event that you do require clarification, or any further information please do not hesitate to contact the undersigned on (07) 3846 0807.

**Yours faithfully,**  
**Plan A Town Planning Pty Ltd**



**Emily Hutchinson**  
**Principal Town Planner**