1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	122 Marine Parade, Miami
Lot and plan	Lot 122 on SP284713
Site area	7,284m^2
Properly made date	1 December 2025
Originating and current Planning Scheme including version, domain / zone / precinct and constraints / overlays	Planning Scheme: City Plan 2016 • Originating: Version 11 • Current: Version 12 Zone: Medium density residential zone Overlays: • Acid sulfate soils • Airport environs • Building height: 3 storeys & 15 metres • Coastal erosion hazard overlay • Dwelling house • Environmental significance – vegetation management • Landslide hazard • Residential density: RD6 – 1 bed / 33m^2
Originating approved development	Development permit for a Material change of use (Impact assessment) for Multiple dwelling (45 units)
Originating application reference	MCU/2025/155
Date of originating development approval	28 August 2025 (Decision notice dated 3 September 2025)
Originating approval authority	Delegated Authority
Applicant and Applicant's consultancy team	122 Marine Parade PTY LTD (A.C.N. 676 669 257) – Applicant Urban Planning Services – Planning Consultant BDA / Koichi Takada – Architect LDG Landscape Architecture – Landscape Design Bitzios – Traffic Consultant MRA Environmental – Waste Management Consultant Acoustic Works – Acoustic Consultant Arcadis – Civil Engineer EMF Griffiths – Backup Generator Advice
Owner details	122 Marine Parade PTY LTD
Referral agencies	Not applicable

Decision due date	20 February 2026
Officer's recommendation	Approval subject to conditions

2 PROPOSAL

The purpose of this report is to assess an application for a change to the development approval under Section 78 of the *Planning Act 2016* for an approved Material change of use (Impact assessment) for Multiple dwelling (45 units) at 122 Marine Parade, Miami.

The change seeks a suite of amendments to respond to detailed design requirements / market changes as follows:

Building floor to ceiling height amendments:

Table 1: Summary of Level Changes

LEVEL	APPROVED	PROPOSED	DIFFERENCE
Ground Floor	RL4.90	RL4.90	Nil
Level 2	RL9.00	RL9.00	Nil
Level 3	RL12.350	RL12.425	+0.075
Level 4	RL15.70	RL15.850	+0.150
Level 5	RL19.050	RL19.425	+0.375
Roof Terrace	RL22.70	RL23.20	+500
Roof Apex / Overall Height	RL26.90 (22m)	RL26.90 (22m)	Nil

Figure 1: Summary of level changes (Source: Urban Planning Services)

Basement level:

- Addition of 14 resident car parking spaces increasing from 136 spaces to 150 (no change to visitor spaces – eight spaces to be maintained)
- Reconfiguration of bicycle spacing
- Amended pump room size.

Ground floor:

- Reconfiguration of internal and external communal areas
- Amendments to the booster and water metre
- Inclusion of PWD access ramps
- Addition of a back up generator at the southern side and service location amendments
- Minor landscape and façade material changes.

Levels 1 & 2:

- Internal layout changes including the addition of a third bedroom for Apartment types D and D1.

Level 3:

- Amalgamation of two units – reducing the overall yield from 45 units to 44 units
- Deletion of screens to the eastern most apartments at the front façade and two side screens in both the northern and southern wings of the building

- Internal unit reconfigurations.

Level 4:

- Two additional columns following structural engineering advice in relation to pools above in eastern terrace areas.
- Internal unit reconfigurations.
- Addition of two smaller service lifts to the roof top terrace.

Roof top terrace:

- Amended private open space areas
- Relocation of mechanical plant
- Planter amendments.

The below figure provides a summary of the proposed development parameter changes.

	Approved	Proposed
Overall Height	22.46m	22.46m
Site Cover	Ground / Level 1: 56.9% Level 2 – 4: 56.9% Level 5: 50.5% Roof Terrace: 10.4%	Ground / Level 1: 58.4% Level 2 – 4: 56.9% Level 5: 50.5% Roof Terrace: 10.4%
No. Apartments	45	44 (-1)
Car Parking	Residents: 136 Visitors: 8	Residents: 150 Visitors: 8

Figure 2: Summary of key development parameters (Source: Urban Planning Services)

The new description for the development is proposed to be a Material change of use (Impact assessment) for Multiple dwelling (44 units).

3 BACKGROUND

On 28 August 2025, under Delegated Authority a development approval was granted for a Material change of use (Impact assessment) for Multiple dwelling (45 units) (Council re.: MCU/2025/155).

4 PLANNING ASSESSMENT

Reference is made to Attachment No.1 – "*Assessment criteria for minor change to development approval*", attached to this report. Assessment has been undertaken against these provisions and the proposed changes are considered to be a minor change.

4.1 Summary of approved development and request

The applicant seeks changes to the development conditions as follows:

Cond No.	Applicant request	Officer discussion / recommendation
2	Approved drawings – The applicant requests to amend this condition to reflect the updated drawings submitted.	The request to amend this condition is supported. Further discussion is provided in section 4.2.

3	Approved plans – The applicant requests to amend this condition to reflect the updated Waste Management Plan.	The request to amend this condition is supported. Civil Engineering has reviewed the changes and are stratified no additional assessment / consideration is required.
11	Landscaping works on private land – The applicant requests to amend this condition t reflect the revised Statement of Landscape Intent and updated section drawings.	The request to amend these conditions is supported. Landscape Assessment have reviewed the amended SLI and section drawings and have confirmed support of the revisions.
13	Landscaping works within private land – The applicant requests to amend this condition t reflect the revised Statement of Landscape Intent.	
14	Maintenance management agreement – The applicant requests to amend this condition t reflect the revised Statement of Landscape Intent.	The request to amend this condition is supported in accordance with amended Condition 11.
26	Footpaths – The applicant proposes to amend this condition to remove the notation of allowing a maximum of 2 pedestrian connections to the new public footpath along Marine Parade.	The request to amend this condition is supported. This request will align with the stamped apporved plans which shows 2 connections from the communal areas and 4 additional connections for private units.
53	Condition 53 – Certification of works – Solid waste management – The applicant requests to amend this condition to reflect the updated Waste Management Plan.	The request to amend this condition is supported in accordance with amended Condition 3.

4.2 Further discussion

As identified above, further discussion is warranted for Conditions 2 – Apporved drawings.

The applicant requests that this condition be amended.

Applicant's representation

> *"The scope of proposed changes outlined above is minor in the context of the overall development approval, primarily involving internal floor plan layout changes and minor changes to improve the function of both communal and private open space function and amenity. The minor changes have evolved mainly through detailed design input on structure, services and interior design.*
>
> *The proposals overall result in a reduction in the number of apartments, by one apartment, whilst provision of residential car parking spaces has been increased, through relocation of storage spaces within the basement to an enclosure beneath the central pool at Ground Level above, where capacity has been identified for this purpose.*
>
> *The overall form, appearance and character of the approved development and the key design principles which supported the granting of the Existing Development Approval, have been preserved with these minor changes in place."*

Officer's comment

Officers have reviewed the change request and consider these to constitute a minor change pursuant to the relevant PA provisions (Attachment N°.1 – "*Assessment criteria for minor change to development approval")*, attached to this report.

The key changes are discussed in further detail below.

Internal changes

The internal changes relate to the removal of one-unit, reconfiguration of beds, additional resident car parking spaces and amended rooftop. These changes do not result in any additional impacts, therefore, are supported.

Building height

The changes to the floor to ceiling heights results in the roof top terrace floor level increasing in height by 500mm. The amendment does not result in the maximum building height increasing above the approved 22.46m- made up of the rooved structures on the rooftop terrace and lift overruns.

In the context of the scale of the development, officers consider the rooftop level height increase to be marginal as it will not be perceived by adjoining users or from the streetscape. On this basis, officers are supportive of the change.

Façade changes

The changes to the façade include amend materiality for the lobby at the northern and southern sides and deletion of screens at Level 4. The below figures provide a comparison of the approved and proposed southern elevation viewed from Nagal Avenue.

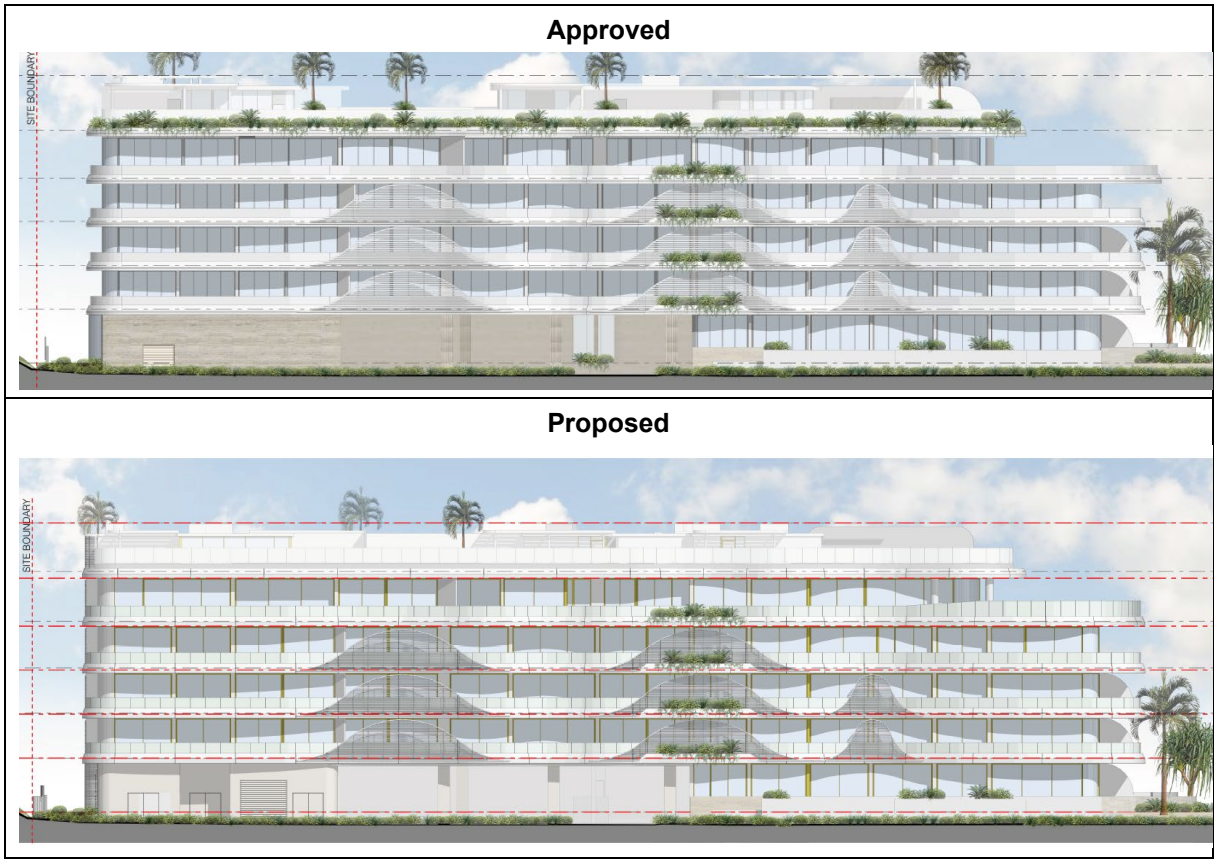


Figure 3: Approved and proposed southern elevations (Source: BDA)

As shown above, the changes are minor in nature and do not result in a negative outcome. Officers have also confirmed that the removal of screening does not result in any overlooking concerns for adjoining users. The development continues to provide an excellent standard of appearance.

It is considered that the above condition be amended.

5 CONCLUSION

This report assessed a request for a Minor change for a Development permit for a Material change of use (Impact assessment) for Multiple dwelling (45 units) at 122 Marine Parade, Miami.

The assessment of this request determined the development is acceptable and recommended for approval for the reasons outlined above.

The development description is amended to a Material change of use (Impact assessment) for Multiple dwelling (44 units).

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority the Manager Major Assessment of the City Development Branch of Council approves the Minor change application for the Development permit dated 3 September 2025 for a Material change of use (Impact assessment) for Multiple dwelling (45 units), in accordance with the Attachment entitled: Decision notice— change application approval including amended suite of development conditions for MCU/2025/155.

Author:	*Authorised by:*
Jusmeet Atwal	Lara Dawes
Senior Planner	Manager Major Assessment
January 2026	

Attachment No. 1 – Assessment criteria for minor change to development approval

Review of the proposed change to the development approval has been undertaken against the:

- Definition of minor change contained within Schedule 2 of the *Planning Act 2016*.
- Schedule 1 of the Development Assessment Rules that identifies criteria for determining if a change would result in a substantially different development; and
- Section 81 of the *Planning Act 2016* that applies to assessing and deciding an application for minor change to a development approval.

Definition of minor change under Schedule 2 of the *Planning Act 2016*:

(b) for a development approval:

Minor change for a development approval	**Officer comment**
(i) would not result in substantially different development; and	The proposed changes would not result in a substantially different development.
(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	The proposed changes will not cause the inclusion of prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	The proposed changes will not require referral to a referral agency.
(C) referral to extra referral agencies, other than to the chief executive; or	The proposed changes will not require extra referral to a referral agency.
(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or	The proposed changes will not require extra referral to a referral agency.
(E) public notification if public notification was not required for the development application.	The original application was Impact assessment, however the changes proposed would not constitute further public notification as they are minor in nature.

Development Assessment Rules - Schedule 1: Substantially different development

Substantially different development consideration	**Officer comments**
A change may be considered to result in a substantially different development if the proposed change:	
(a) involves a new use; or	The proposed changes do not involve a new use.

(b) results in the application applying to a new parcel of land; or	The proposed changes do not apply to a new parcel of land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes do not dramatically change the built form in terms of scale, bulk and appearance.
(d) changes the ability of the proposed development to operate as intended; or	The proposed changes will not change the ability of the development to operate as intended.
(e) removes a component that is integral to the operation of the development; or	The proposed changes do not remove a component that is integral to the operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The proposed changes will not impact upon traffic flows and the transport network.
(g) introduces new impacts or increase the severity of known impacts; or	The proposed changes do not introduce new impacts or increase the severity of known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	The proposed changes do not remove an incentive or offset component that would have balanced a negative impact of the development.
(i) impacts on infrastructure provisions.	The proposed development does not impact on infrastructure provisions.

Section 81 of the *Planning Act 2016* applies to assessing an application for minor changes, in particular Subsection (2) (3) and (4) – matters the responsible entity must consider when assessing a minor change application.

Section 81 – Assessing change applications for minor changes	**Officer comments**
(1) In assessing the change application, the responsible entity must consider –	
(a) the information the applicant included with the application; and	The information submitted has been considered as part of the assessment of the minor change application.
(b) if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and	One properly made submissions was made in objection to the proposal in relation to traffic and child safety. The change does not result in additional traffic movements as it reduces the overall residential yield.
(c) any pre-request response notice or response notice given in relation to the change application; and	Not applicable.
(d) if the responsible entity is, under section 78A(3), the Minister – all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and	Not applicable.

(da) if paragraph (d) does not apply – all matters the responsible entity would or may assess against or have regard to if the change application were a development application; and	Noted and actioned.
(e) another matter that the responsible entity considers relevant.	Not applicable.

Section 81 – Assessing change applications for minor changes	**Officer comments**
(2) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da) consider – (a) a statutory instrument; or (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.	Noted
Section 81 – Assessing change applications for minor changes	**Officer comments**
(3) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	Noted and considered.
Section 81 – Assessing change applications for minor changes	**Officer comments**
(4) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances to -	
(a) the statutory instrument or other document as in effect when the change application was made; or	Noted.
(b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided – the amended or replacement instrument or document; or	Not applicable.
(c) another statutory instrument – (i) That comes into effect after the change application is made but before it is decided; and (ii) That the responsible entity would have been required to consider if the instrument had been in effect when the development application for the	Not applicable.

development approval was properly made.	
Section 81 – Assessing change applications for minor changes	**Officer comments**
Section 81A of the *Planning Act 2016* applies to deciding an application for minor changes, in particular Subsection (2) – deciding change applications for minor changes.	
(2) After assessing the change application under section 81, the responsible entity must decide to – (a) make the change, with or without imposing development conditions, or amending development conditions, in relation to the change; or (b) refuse to make the change.	Noted and actioned.