

9 July 2026

Chief Executive Officer
Brisbane City Council
PO Box 1434
BRISBANE Q 4001

Attention: Development Assessment North

Dear Sir/Madam,

RE: MINOR CHANGE TO A DEVELOPMENT APPROVAL ASSESSED UNDER SECTIONS 78 & 81 OF THE *PLANNING ACT 2016* IN RELATION TO THE APPROVED RESTAURANT (CAFÉ) WITHIN A COMMERCIAL CHARACTER BUILDING AT 190 BUCKLAND ROAD, NUNADH Q 4814 (REF: A003821717, A004543209, A004731009 & A005434989).

On behalf of our client, Rowmac Hospitality Pty Ltd, and in accordance with section 78 of the *Planning Act 2016*, we submit this Change Application seeking a Minor Change to the existing development approval under section 81 of the Act.

The application seeks approval to amend the approved operating hours for the existing commercial character building at 190 Buckland Road, Nundah (Lot 1 on RP79185). The proposed change relates solely to the approved trading hours of the existing use. No changes are proposed to the approved plans, building footprint, gross floor area, parking arrangements, landscaping, access, servicing or tenancy layout.

This minor change application is accompanied by the following:

- Attachment 1 - Noise Assessment Report (Report No 8267, dated 29 June 2026) prepared by Noise Measurement Services Pty Ltd.

CURRENT APPROVAL

The subject site is located within the *Low Medium Density Residential (2 or 3 Storey Mix) Zone* and the *Nundah District Neighbourhood Plan*. The site contains a pre-1947 Commercial Character Building and is therefore also affected by the *Commercial Character Building Overlay*.

The current approval comprises a Change Application approved by Council on 20 July 2020 (Council Reference A005434989), which amended the existing development approval for the approved restaurant (café) within the Commercial Character Building. That approval principally facilitated the construction of a roof over the approved outdoor dining area whilst retaining the approved use and associated operating conditions.

The existing development comprises two commercial tenancies, including the approved café and outdoor dining area.

EXISTING DEVELOPMENT

The subject site is located on the corner of Buckland Road and Hamson Terrace as shown on the locality plan below. The site contains an existing Commercial Character Building accommodating two commercial tenancies, with Tenancy 2 operating as an approved Restaurant (Café) together with an approved outdoor dining area.

The current approval allows indoor dining together with an outdoor dining terrace and associated footpath dining area. The existing use has operated from the site for a number of years in accordance with the approved development. The development currently incorporates the following acoustic mitigation measures in accordance with the existing approval:

- Hours of operation limited to 6:00am to 8:00pm (general operating hours) with the outdoor dining area limited to 7:00am to 6:00pm;
- Delivery hours limited to 7:00am to 7:00pm Monday to Saturday;
- Acoustic fencing along the eastern and southern boundaries;
- Restrictions on amplified music; and
- Rubber feet fitted to outdoor furniture.



Site Locality: 190 Buckland Road, Nundah (Source: QLD Globe).



Figure 2: Streetview of subject site from Buckland Road (Source: Google, 2024)

PROPOSED MINOR CHANGES TO THE APPROVED DEVELOPMENT

The proposed Minor Change seeks approval to amend the approved operating hours for the existing Restaurant (Café) operating within the Commercial Character Building.

Specifically, approval is sought to extend the approved General Operating Hours from 6:00am to 8:00pm to 6:00am to 10:00pm, seven (7) days per week. No changes are proposed to the approved outdoor dining hours, which are to remain between 7:00am and 6:00pm.

Importantly, no physical alterations are proposed to the approved development. There are no changes to the approved building footprint, gross floor area, tenancy layout, patron numbers, seating capacity, parking provision, access arrangements, servicing or landscaping. Similarly, no amendments are proposed to the approved architectural drawings. The proposed amendment relates solely to the operational hours of an existing lawful use that has operated from the site for a number of years.

A Noise Assessment Report accompanies this application and has assessed the proposal based upon the following operating hours:

- General Operating Hours: 6:00am to 10:00pm, seven (7) days per week.
- Outdoor Dining Area: 7:00am to 6:00pm, seven (7) days per week.

The Noise Assessment Report concludes that the proposed extended operating hours can comply with the applicable acoustic criteria, subject to the installation of acoustic screening adjacent to the outdoor dining area together with the implementation of the recommended operational management measures.

Given these works are limited to acoustic mitigation, it is considered appropriate that the installation and ongoing maintenance of the acoustic screening be secured through suitably worded conditions of approval. Consequently, no amendments to the approved plans are required as part of this Minor Change application.

The proposal therefore represents a minor operational amendment only, with no change to the nature or intensity of the approved development.

ADJOINING LAND OWNERSHIP

It is important to note that the two residential properties immediately adjoining the eastern boundary of the subject site are also owned by our client. These properties form part of the client's broader landholding and are intended to be redeveloped in the future as part of a coordinated redevelopment of the site.

Given the significant overland flow constraints affecting these adjoining properties, it is anticipated that any future redevelopment will incorporate commercial or other compatible non-residential land uses consistent with the planning framework for the locality, rather than the continuation of the existing detached residential dwellings.

Accordingly, whilst the accompanying Noise Assessment Report demonstrates that the proposed extended operating hours can comply with the applicable acoustic criteria through the recommended mitigation measures, it is also recognised that the existing residential interface along the eastern boundary is temporary in nature and does not represent the long-term planning outcome for these adjoining properties.

This broader planning context is considered relevant when assessing the proposed operational amendment, noting that the proposal will not prejudice the future redevelopment of the adjoining land.

REQUESTED CHANGES TO CONDITIONS

As a consequence of the proposed amendment, it is requested that the condition relating to operating hours be amended.

Existing Condition	Proposed Condition
12) Hours of Operation <i>Hours of operation are as follows:</i> - 6am to 8pm (General Operating Hours); - 7am to 6pm (Outdoor Dining Area).	12) Hours of Operation <i>Hours of operation are as follows:</i> - 6am to 10pm (General Operating Hours); - 7am to 6pm (Outdoor Dining Area).

The accompanying Noise Assessment Report recommends the installation of acoustic screening and associated mitigation measures to facilitate the proposed extended operating hours. As no amendments to the approved architectural plans are required, it is requested that these works be secured by an additional condition as follows:

Acoustic Mitigation

The acoustic screening and associated mitigation measures identified in the Noise Assessment Report prepared by Noise Measurement Services Pty Ltd, Report No 8267, dated 29 June 2026, must be installed to the satisfaction of Council and certified by a suitably qualified acoustic engineer as having been constructed in accordance with the recommendations of that report. The acoustic screening and associated mitigation measures must thereafter be maintained.

Timing: Prior to the commencement of trading between 8:00pm and 10:00pm.

CONCLUSIONS

Overall, the minor change application to the development approval to be assessed under section 81 of the *Planning Act 2016*, accords with the definition of 'minor change' as defined under Schedule 2 of the Act in that the proposed change:

- (i) *would not result in a 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.*

In reviewing the definition of 'substantially different development' under schedule 1 of the Development Assessment Rules, it has been demonstrated that the nature of the proposed changes to the development approval will not:

- (a) *involve a new use; or*
- (b) *result in the application applying to a new parcel of land; or*
- (c) *dramatically change the built form in terms of scale, bulk and appearance; or*
- (d) *change the ability of the proposed development to operate as intended; or*
- (e) *remove a component that is integral to the operation of the development; or*
- (f) *significantly impact on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) *introduce new impacts or increase the severity of known impacts; or*
- (h) *remove an incentive or offset component that would have balanced a negative impact of the development; or*

(i) impact on infrastructure provisions.

It is important to reiterate that the proposed Minor Change simply extends the approved General Operating Hours from 6:00am to 8:00pm to 6:00am to 10:00pm. No physical changes are proposed to the approved development, no increase in floor area, patron capacity or parking demand will occur, and the Noise Assessment Report demonstrates that the extended hours can operate in compliance with the applicable acoustic criteria subject to the recommended acoustic mitigation measures. As such, it is requested the minor change application be approved.

If you have any further questions regarding the above-mentioned please do not hesitate to contact me on 0407-291-104.

Yours faithfully,

iPLAN TOWN PLANNING PTY LTD



Ben Battist
DIRECTOR

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