

11 May 2026

Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Submitted via online lodgement portal

Council Reference: A004208422 (original approval); A006069893 (most recent minor change)

Dear Sir/Madam,

RE: Request to make a 'Minor Change' under Section 81 of the Planning Act 2016 to a Development Approval (Multiple Dwelling and Food & Drink Outlet) upon land at 80-88 Victoria Street, West End

We write to Council (the responsible entity) on behalf of the applicant *Fier Asset Pty Ltd*, with respect to the above-mentioned approval issued over 80-88 Victoria Street, West End.

It is proposed to increase the permitted hours of operation in line with the revised acoustic reporting. The applicant seeks to rationalise the change by requesting a 'Minor Change' to the approval pursuant to *Section 81 of the Planning Act 2016* ("The Act"). The changed proposal complies with the relevant assessment benchmarks having regard to the existing approval. We therefore request the approved plans and conditions are altered in accordance with *Section 83 of the Act*.

This request for a Minor Change to a Development Approval is accompanied by:

- Planning Act Form 5 – Change Application Form;
- Acoustic Report prepared by Alpha Acoustics; and
- Title Search of Subject Lot

Upon receipt of Council's fee quote, payment of the relevant application fee shall be made.

This letter now sets out the site, the approval and the proposed change.

Application History

On 29 June 2016, Brisbane City Council approved a Development Application (Ref: A004208422) over land at 80–88 Victoria Street, West End for the following:

- Material Change of Use (Development Permit) and Carry Out Building Work (Preliminary Approval) for a Multiple Dwelling; and
- Material Change of Use (Development Permit) and Carry Out Building Work (Preliminary Approval) for a Food and Drink Outlet.

The approval has subsequently been subject to a number of change applications and extensions to the currency period, including amendments to built form, operational components, and non-residential uses.

On 1 May 2024, Brisbane City Council approved a Development Application for Reconfiguring a Lot (Ref: A006499377) for a volumetric subdivision (5 into 3 lots), resulting in the creation of the following lots:

- Volumetric Lot 1, which includes an approved spa facility (bathhouse) (A004470874);
- Volumetric Lot 2, which includes the approved Food and Drink Outlet the subject of this change application; and
- Lot 900, being the balance lot, which has been subsequently subdivided by way of Building Format Plan facilitating the Multiple Dwelling component and establishment of a Community Management Statement.

For clarity, while the existing approval applies to both Multiple Dwelling and Food and Drink Outlet uses, this Minor Change application relates solely to amendments to the Food and Drink Outlet component within Volumetric Lot 2.

Proposed Change

The proposed Minor Change seeks to amend the approved operating hours of the Food and Drink Outlet located within Volumetric Lot 2.

Currently, Condition 7 of the development approval limits the operating hours of the Food and Drink Outlet to between 7:00am and 10:00pm. The applicant seeks to extend the permitted hours of operation to 12:00am (midnight).

The proposed amendment is intended to align the operating hours of the Food and Drink Outlet with those already approved for the adjoining bathhouse use within Volumetric Lot 1, which can lawfully operate until 12:00am (midnight). This provides for a consistent and integrated operation of the non-residential components of the development.

Importantly, the proposed change does not involve any alteration to the approved built form, scale, intensity, or layout of the development. The change is limited to the operational characteristics of an already approved use at ground level.

An Environmental Noise Assessment has been prepared by Alpha Acoustics in support of the proposed change. The assessment involved on-site noise monitoring and detailed noise modelling of the extended operating hours scenario.

The report concludes that noise emissions associated with the extended hours of operation are able to comply with the relevant acoustic criteria and applicable planning scheme requirements, subject to the implementation of recommended noise control measures.

These measures include the use of acoustically rated glazing and operational controls, including compliance with existing Condition 7(a) of the approval, which requires all openings associated with the Food and Drink Outlet to be closed after 8:00pm. This established control, in conjunction with the recommended acoustic treatments, ensures that the extended operation of the Food and Drink Outlet will not result in unacceptable noise impacts to surrounding sensitive receptors.

Conditions to be Altered

The following changes are sought to the conditions package:

Condition 7 (Hours of Operation) as follows:

7) Hours of Operation of the Development

Limit the hours of operation of the Food and drink outlet component to between 7:00am and ~~10:00pm~~ 12:00am (midnight).

7(a) Food and drink openings

All openings associated with the Food and Drink outlet are to be closed at 8:00pm.

Statutory Requirements

Minor Change

In accordance with Section 81(2) of the Planning Act 2016, Council must decide upon a request for a Minor Change to a development approval having regard to:

- (a) *the information the applicant included with the application; and*
- (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*

- (c) any pre-request response notice or response notice given in relation to the change application; and
- (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
 - (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
- (e) another matter that the responsible entity considers relevant.

Further in accordance with Section 81(3) of the Planning Act, 2016, Council must in assessing the change application consider:

- (a) a statutory instrument; or
- (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.

In accordance with the definitions in Schedule 2 of the Planning Act 2016, a Minor Change to a Development Approval is a change that:

- “(b)
- 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, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, 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 proposal meets each aspect of the Minor Change definition as described below.

Substantially Different Development

The following is an assessment of the proposed change against the relevant components of Schedule 1 – Substantially Different Development of the Development Assessment Rules.

Element from the Guideline	Changed Proposal
Does not involve a new use.	The proposal does not introduce a new use. The Food and Drink Outlet is an approved use, with the change limited to an extension of operating hours.
Does not result in the approval applying to a new parcel of land.	The proposal does not apply to a new parcel of land and is limited to Volumetric Lot 2 on SP330337, which already forms part of the approved development.
Does not dramatically change the built form in terms of scale, bulk and appearance.	The proposal does not involve any changes to the approved built form, scale, bulk or appearance of the development.
Does not change the ability of the proposal to operate as intended.	The proposal does not alter the intended operation of the development and instead facilitates improved alignment between approved non-residential uses on-site.
Does not remove a component that is integral to the operation of the development.	No components of the approved development are removed. All approved uses, including the Multiple Dwelling and Food and Drink Outlet, remain unchanged.
Does not significantly impact traffic flow and the transport network.	The minor extension to operating hours is not expected to materially alter traffic generation or peak demand and will not result in any significant impacts to the surrounding transport network.
Does not introduce new impacts or increase the severity of known impacts.	The proposal does not introduce new impacts. Potential acoustic impacts have been assessed and are demonstrated to comply with relevant criteria, subject to existing approval conditions (including Condition 7(a)).
Does not remove an incentive or offset component that would have balanced a negative impact of the development.	The proposal does not remove any incentive or offset component associated with the approved development.
Does not impact on the infrastructure provisions.	The proposal does not alter demand on infrastructure services and does not impact on infrastructure provisions.

Prohibited Development

The proposed development is not identified as being prohibited development.

Referral Agencies

No referral agencies are triggered as part of this Minor Change application.

Level of Assessment

When initially approved, the development was subject to Impact Assessment as the proposed building height exceeded the maximum height anticipated under the relevant neighbourhood plan.

The proposed Minor Change relates solely to the operating hours of the approved Food and Drink Outlet within Volumetric Lot 2 at ground level and does not involve any change to the approved building height or built form. Accordingly, the level of assessment remains unchanged.

Public Notification

The original development application was subject to Impact Assessment and would continue to be subject to Impact Assessment.

Submissions

Section 81(2)(b) of the Planning Act states that the responsible entity must consider '... any properly made submissions about the development application... that was approved'.

The original application (A004208422) received one (1) properly made submission. The issues raised related to increased construction noise and dust, building height and visual impacts, capacity of public transport infrastructure, and retaining wall dimensions along boundaries.

These matters are considered to relate to the Multiple Dwelling component and overall built form of the approved development.

The proposed Minor Change relates solely to an amendment to the operating hours of the approved Food and Drink Outlet within Volumetric Lot 2. The change does not involve any alteration to the approved built form, scale, or intensity of development, nor does it modify the Multiple Dwelling component.

Accordingly, the proposed change does not give rise to the matters raised in the original submission, and those issues are not considered to be affected by this Minor Change application.

Changes to Planning Instruments

Pursuant to Section 81(4) of the Planning Act 2016, the Council 'must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.'

The latest Minor Change approval was approved under Version 24.00/2022 of the Brisbane City Plan 2014 (effective 27 May 2022), and since the approval there have been revisions of the Brisbane City Plan. In our view, the proposal remains suitable considering changes to planning instruments.

Owners Consent

In accordance with *Section 51(2)* of the *Planning Act 2016*, owner's consent is not required for this application as the applicant, *Fier Asset Pty Ltd*, is the registered owner of the subject premises.

A current title search has been provided in support of this application.

In the Applicant's view, lots forming the balance of the parent approval (i.e. the lots making up the multiple dwelling) are excluded premises in the meaning of the *Planning Act 2016* because the application "does not materially affect the premises and that because of the number of owners, it is impracticable to get their consent". Approximately 88 lots now make up the multiple dwelling balance land, and the change relates to volumetric Lot 2 only.

Conclusion

Urban Strategies Pty Ltd, on behalf of our client *Fier Asset Pty Ltd*, hereby submit the enclosed Minor Change Application to Brisbane City Council (the responsible entity) with respect to the abovementioned development approval issued over 80–88 Victoria Street, West End (Lot 2 on SP330337).

As demonstrated herein, the proposed change to extend the operating hours of the approved Food and Drink Outlet within Volumetric Lot 2 on SP330337 meets the criteria for a Minor Change under *Schedule 2* of the *Planning Act 2016*. It is therefore requested that the change is assessed and decided pursuant to *Section 83* of the *Act*.

Thank you for your consideration of this request. Should you require any further clarification or information, please do not hesitate to contact our office or the undersigned on (07) 3360 4200.

Yours faithfully

URBAN STRATEGIES PTY LTD



Dom Sikavica
TOWN PLANNER