

Change Application (Minor Change)

Town Panning Assessment

MEWING
PLANNING
CONSULTANTS

15-17 Mollison Street, South Brisbane and
35-39 Bank Street, West End

Introduction

This town planning assessment is prepared in respect of a Change Application made to Brisbane City Council (the responsible entity) pursuant to sections 78 of the *Planning Act 2016* (**Planning Act**).

The Change Application comprises a Minor Change (as defined by Schedule 2 of the Planning Act) and accordingly must be assessed and decided pursuant to section 81 of the Planning Act.

The Change Application (Minor Change) relates to the existing development approval for change the Development Permit for a Material Change of Use for Community Use, Shop, Office, Food and Drink Outlet, and Multiple Dwelling (**Council Reference: A006248439**) over the site at 15-17 Mollison Street, South Brisbane and 35-39 Bank Street, West End (the site). For further detail, please refer to the copy of the development approval documentation included within **Attachment A**.

The Change Application (Minor Change) is made in accordance with the requirements for change applications pursuant to section 79 of the Planning Act, as it is made in the approved form and the required fee will be paid upon receipt of Council's fee quote to be issued following lodgement of the Change Application.

There are no affected entities for the proposed Change Application. The original development application did not trigger referral to the State Assessment and Referral Agency (**SARA**). The application was subject to Impact Assessment procedures with properly made submissions being received for the development application through the public notification period.

Site Details

Table 1: Site Details

Address	15-17 Mollison Street, South Brisbane and 35-39 Bank Street, West End
RP Description	Lots 22-23 on RP10790 Lot 48 on RP10778 Lot 2 on RP51672
Site Area	2,074m ²
Owner	Unison Projects No.5 Pty Ltd (Attachment B)
Planning Scheme	Brisbane City Plan 2014 (v36.00 / 2026)
Zone	High Density Residential (Up to 15 Storeys) Zone
Neighbourhood Plan	South Brisbane Riverside Neighbourhood Plan (Boundary and Vulture Precinct)
Overlays	- Active Frontages in Residential Zones Overlay - Airport environs Overlay - OLS – Horizontal Limitation Surface Boundary - PANS – Procedures for Air Navigation Surfaces - BBS Zone – Distance from Airport 8-13km

	• Bicycle Network Overlay ◦ Secondary Cycle Route (Mollison Street) ◦ Local Cycle Route (Bank Street) • Community purposes network Overlay • Critical infrastructure and movement network Overlay ◦ Critical Infrastructure and Movement Planning Area sub-category • Dwelling House Character Overlay • Flood Overlay ◦ Brisbane River Flood Planning Area (Planning Area 5 sub-category) • Industrial Amenity Overlay ◦ Industrial Amenity Investigation Area sub-category • Potential and actual acid sulfate soils Overlay ◦ Potential and actual acid sulfate soils sub-category ◦ Land above 5m AHD and below 20m AHD sub-category • Road Hierarchy Overlay ◦ District Street (Mollison Street) ◦ Neighbourhood Road (Bank Street) • Streetscape Hierarchy Overlay ◦ Centre Street Major (Mollison Street) ◦ Neighbourhood Street Major (Bank Street)
State Designations	• SEQ Regional Plan land use categories ◦ Urban Footprint • Native Vegetation Clearing ◦ Regulated Vegetation Category X • Water resources ◦ Water resource planning area boundaries

Approval History

Original Development Approval

The original development approval over the site was granted by Brisbane City Council by way of a Decision Notice dated 27 March 2024. The development approval was for a Development Permit for Material Change of Use for a Community Use, Shop, Office, Food and Drink Outlet, and Multiple Dwelling. Council's reference for the development approval is **A006248439**.

The proposed development is for a residential-led mixed-use development comprising a landscaped public open space and activity generating creative space at ground level (available for a range of non-residential uses, including community use) and residential units within the tower form above ground.

The approved development comprises a 10 – 18 storey stepped and contextually responsive built form outcome above an active landscaped ground floor level. The tower contains 103 x multiple dwelling units with generous private open space and landscaped areas.

The original development application was subject to Impact Assessment procedures, and eighty-nine (89) properly made submission were received during the public notification period.

Having regard to the original development approval (pursuant to A006248439), the currency period for the development approval (inclusive of all parts) will end on 26 June 2030 and remains in effect at the time of lodgement of this change application.

A copy of the development approval is included within **Attachment A**.

Proposed Development (Change Application)

Overview of Proposed Change

The Applicant proposes changes to Condition 14, relating to the delivery timing of the creative lighting strategy. The delivery timing of the creative lighting strategy is proposed to be changed from “prior to site/operational/building work commencing” to “prior to building work above ground level commencing” (further detailed in **Table 2**). This updated timing facilitates the efficient delivery of the development, whilst maintaining the delivery of the creative lighting strategy at the appropriate time. The revised timing is more appropriate in ensuring a robust lighting strategy, while early works can commence. The proposed revised timing still allows the relevant authorities to review and influence the final lighting outcome, while providing a more practical delivery time.

The Applicant also proposed to change Condition 32a, relating to delivery timing of the containerised planter self-certification. The delivery timing of the containerised planters, which all attached to the building above ground level, this is proposed to be changed from “prior to building work commencing” to “prior to building work above ground level commencing”.

The ultimate built form, land use outcomes, yield and development intent remain consistent with the approval, notwithstanding changes to condition timing above.

Consequential to the proposed change identified above, the application proposes the following change to conditions (elements to be removed in strikethrough, and replacements in **green**) (**Table 2**).

Table 1: Change to Conditions

Condition

14) Architecture - Creative Lighting

Provide creative lighting to the new elements of the facade and publicly accessible pedestrian areas of the ground plane in accordance with the requirements of this condition.

Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first.

14(a) Submit Creative Lighting Strategy

Submit for, and obtain approval from Development Services, a creative lighting strategy to deliver quality lighting outcomes to meet functional needs as well as a means of creative expression that contributes lighting for occasion, identity, discovery and safety. The strategy is to include innovative ideas for the illumination of new facade features and entry points and other locations along the publicly accessible pedestrian areas of the ground plane. To describe the strategy, the application may include reports, concept plans and perspective drawings.

Timing: ~~Prior to site/operational/building work commencing.~~ **Prior to building work above ground level commencing.**

14(b) Implement Approved Creative Lighting Strategy

Carry out the approved creative lighting strategy in accordance with the drawings and documents approved as part of this condition.

Timing: Prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first, and then to be maintained.

Table 1: Change to Conditions
Condition
32(a) Prepare Detailed Container Planting Design for self-certification Prepare a Detailed Container Planting Design for all container planting identified on the approved DRAWINGS AND DOCUMENTS. The plan must be prepared and certified by suitably qualified professionals and must comply with the relevant Brisbane planning scheme codes. In addition to the above, the design must include the following: Timing: Prior to building work commencing. Prior to building work above ground level commencing.

Changes to Approved Drawings and Documents / Infrastructure Charges Notice

There are no proposed changes to the approved drawings or documents. No changes to the Infrastructure Charges Notice are anticipated as no built form changes are proposed.

Minor Change Statutory Assessment

An assessment against the minor change criteria (pursuant to Schedule 2 of the Planning Act) and the guidelines for a substantially different development (as identified in Schedule 1 of the Development Assessment Rules), is outlined below.

- The proposed change relates to changes to Conditions 14 and 32a and thus do not result in a substantially different development. Particularly, with reference to the reasons expressed below.
 - The proposed minor change maintains the same land use outcome (Multiple Dwelling, Shop, Food and Drink Outlet, Office and Community Use) as approved and does not involve a new use.
 - The proposal continues to apply over the land to which the current approval applies.
 - The proposed change relates only to proposed condition amendments and thus will not change the built form, scale and appearance of the approved development. The design and use of the residential led mixed-use development remain unchanged.
 - The proposed condition amendments will not change the ability of the approved development to operate as intended. The proposed minor change will not remove a component of the approved development that is integral to the operation of the approved uses and will continue to operate as a residential led mixed-use development.
 - There are no proposed changes to the car parking quantum or access arrangements. Further the change does not increase the amount of people on site at any time, and therefore, do not impact peak traffic demands. Therefore, the proposed change will not impact the traffic flow or transport network.
 - The use footprint, built form, scale and design are proposed to remain consistent with the approval, thus proposed change will not introduce new impacts or increase the severity of known impacts. Additionally, for the reasons expressed above the change will not have an adverse impact on the road network.
 - The proposed development is not prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act.
 - The change does not remove an “incentive” or “offset component”, with the creative lighting still remaining a part of the development that will be delivered pursuant to the approval.

- As the proposed change relates to Condition 14 there is no impact on infrastructure provisions.
- The proposed change does not introduce or involve any prohibited development.
- The original development application did not trigger referral to the State Assessment and Referral Agency. The proposed change would not cause referral to a new referral agency.
- The proposed development does not cause public notification if public notification was not required for the development application, as the original application triggered impact assessment and required public notification. The timing of the creative lighting condition does not aggrieve any aspects raised by submitters in the original application.
- The development remains consistent with the planning framework in effect at the time of the original approval and as at the current change application.

As identified above, the proposed development satisfies the criteria for a minor change in Schedule 2 of the Planning Act, including the guidelines for substantially different development.

Summary

This Town Planning Assessment in respect of the proposed Change (Minor Change) Application for the development approval at 15-17 Mollison Street, South Brisbane and 35-39 Bank Street, West End has assessed the proposed change having regard to the relevant statutory town planning framework for a Change Application.

This Town Planning Assessment concludes that the proposed Change Application satisfies the relevant statutory town planning framework pursuant to the Planning Act 2016.

We recommend that the Change Application be approved, with the amended drawings and documents, conditions and infrastructure charges notice updated as per the recommendations identified within this Town Planning Assessment.