

22 May 2026

Chief Executive Officer
Brisbane City Council
Development Services - Planning Services
GPO Box 1434
BRISBANE QLD 4001

Lodged via online application lodgement portal

Council Reference: A001625221 (DRS/USE/H03-866966); A006530818
Our reference: 23-8176

To whom it may concern,

**RE: Request to Extend the Currency Period for a Multi-unit Dwelling at
139 Leichhardt St, Spring Hill**

Citypoint (Hotels) Pty Ltd, in accordance with Section 86 of the *Planning Act 2016*, requests an extension to the Currency Period of the development approval for a Material Change of Use (Development Permit) for a Multi-unit Dwelling at 139 Leichhardt St, Spring Hill (vide: A001625221/ DRS/USE/H03-866966).

This request is being made in response to recent changed circumstances requiring additional time to complete the outstanding building works necessary to obtain a Certificate of Occupancy for the building, as well as complete any outstanding requirements specified in the conditions of approval, and ultimately commence the use.

Accordingly, we respectfully seek an **extension to the approval's currency period for a further 12 months, to 26 May 2027.**

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

1.0 Site Details

The subject site, 139 & 145 Leichhardt St, Spring Hill, is formally described as Lots 4 and 5 on RP10282 and is 1,202m² in area. The site contains an existing untenanted, 12 storey building currently under refurbishment to convert to the current approval for Multiple Dwelling.

The subject site is located in the Principal Centre (City Centre) Zone and the City Centre Expansion Precinct of the Spring Hill Neighbourhood Plan.

2.0 Development Approval History

The original development approval for a Material Change of Use – Development Permit for a Multiple Dwelling and Preliminary Work for Building Work was granted by the Planning and Environment Court on 21 July 2006 (Appeal No. BD2049 of 2004 in response to application made to Council A001625221 (DRS/USE/H03-866966)). The approval sought to facilitate the re-use of an existing building on the subject site (which prior to 2003 was used as an office building) by converting it into a residential high-rise apartment building containing two retail tenancies and an office on the ground floor.

A subsequent Minor Change application to the original approval was made to the Planning and Environment Court, approval of which was granted by the Court on 23 May 2024 (vide: Court Order 3525 of 2023).

Given a number of complexities arising with the application, several extensions to the currency period of the approvals have been sought and granted, some of which are issued formally by Brisbane City Council and the Planning and Environment Court, and others are as a result of the Minister’s COVID extensions to existing lawful approvals.

Relevant extensions to the currency period (in chronological order) include:

- A005033877 – approval issued by BCC on 7 December 2018 - currency extended to **30 September 2019**;
- A005297777 – approval issued by P&EC on 28 August 2020 following the applicant’s lodgement of an appeal in response to BCC refusal issued 21 November 2019 – currency extended to **26 November 2021**;
- COVID applicable event that took effect on 1 September 2021 – extension of approval by 6 months – new currency period **26 May 2022**;
- COVID applicable event that took effect on 29 April 2022 – extension of approval by 12 months – new currency period **26 May 2023**;
- A006280801 – approval issued by BCC on 8 June 2023 – currency extended to **26 May 2024**;
- A006530818 – approval issued by BCC on 19 June 2024 – currency period extended to **26 May 2025**; and
- A006780302 – approval issued by BCC on 18 July 2025 – currency period extended to **26 May 2026**.

It is noted that the current approval remains in effect until 26 May 2026.

3.0 Request to Extend Relevant Period

The most recent approval, being a Minor Change issued by the Planning and Environment Court (vide: Court Order 3525 of 2023 issued 23 May 2024), permits refurbishment of the existing building for the purpose of use as a Multiple Dwelling, subject to conditions.

The vast majority of the building’s refurbishment works have now been completed. The anticipated complete date has been provided by the applicant and documented in Table 1. Red text indicates work completed since the last extension and/or partially completed work.

Table 1 - Compliance with Court issued conditions of approval

Condition No.	Matter to be Completed	Anticipated Completion Date
1	Copy of Plans on Site Condition noted for future compliance	Ongoing
2	Landscaped Deck Condition noted for future compliance	Ongoing
3	Carry Out the Approved Development Condition noted for future compliance	Ongoing
4	Complete All Building Work A Certificate of Occupancy will be issued upon completion of outstanding building controls and fire safety works, as documented in the update letter provided by GMA Certification Group (Attachment C). Outstanding work includes: <ul style="list-style-type: none"> - Fire sprinkler system pumps and sprinklers installed; approx. 15 additional sprinklers to be installed as per Fire Engineers Report; - Electrical Board to be programmed and installed (Stair pressurisation and lobby Relief systems – Electrical Board supplied). 	December 2027
5	Maintain the Approved Development Condition noted for future compliance	Ongoing
6	Car Parking System supplied and installed	Completed
7	Sewerage Contributions paid and installation complete with connections to be finalised	Completed
8	Water Supply Contributions paid and installation complete with connections to be finalised	Completed
9	Parkland Contributions paid	Completed
10	Residential Development – Constructed with Requirements 10(a) Approval obtained for the colour and style of permanent film to be fitted to eastern windows. Fitting to be carried out following completion of all works. Outstanding building works include: <ul style="list-style-type: none"> - Removal of timber and acrylic from footpath awning and replacement with metal cladding; - Repaint front façade; 	Completed Completed Facade to be

Condition No.	Matter to be Completed	Anticipated Completion Date
	<ul style="list-style-type: none"> - Install balcony handrails level 11; - Intercom supplied, wiring installed, yet to be finally fitted and programmed; - Repairs to rear deck to be completed; - Hydraulics Stair pressurisation & Lobby Relief completed except for final ducting on Level 13; Fans supplied and to be installed; - Car park exhaust duct partially fitted; - Electrical and Plumbing fitting to be carried out upon the installation of the balance of the kitchens; - New glazing panel to be installed in Ground Tenancy 1; and - Repairs to internal painting and flooring where damaged. 	<p>rejuvenated December 26</p> <p>December 26 July 26</p> <p>July 26 Completed December 26</p> <p>July 26 December 26</p>
11	<p>External Details Condition noted for future compliance <i>Note: This condition is time-damaged as building work in ongoing and Council no longer has a DA Central Team</i></p>	Not applicable
12	<p>Light Reflectivity & Solar (Heat) Reflectivity Condition noted for future compliance</p>	Upon completion of all building works
13	<p>Screening AC Unit Supplied and installed</p>	Completed
14	<p>Streetscape Works – SCIPS 2 Condition noted for future compliance</p>	Upon completion of all site works
15	<p>Streetscape Works – SCIPS 2 Footpath paving installed; Other streetscape works to be completed following completion of site works</p>	Completed December 26
16	<p>Air Conditioning to Noise Affected Rooms Supplied and installed</p>	Completed
17	<p>Noise Levels for Residential Units Building works undertaken in accordance with applicable Australian Standard</p>	Upon completion of all building works
18	<p>Solid Balustrades Solid sheeting to be installed to Leichhardt Street balconies balustrades Levels 2, 3 and 4</p>	August 2026
19	<p>No Obstructions Condition noted for future compliance</p>	Ongoing
20	<p>Construction Phase Approval Building works underway</p>	Completed
21	<p>On-site Erosion – Minor Work Condition noted for future compliance</p>	Ongoing whilst building works are underway
22	<p>Dedicate as Road</p>	Upon completion of site

Condition No.	Matter to be Completed	Anticipated Completion Date
	Surveyors have completed all survey work and documentation; yet to be lodged for registration	works
23	Granting Easements Surveyors have completed all survey work and documentation; yet to be lodged for registration	Upon completion of site works
24	Remote Gate Supplied but yet to be installed	December 2026
25	Access, Grades, Manoeuvring, Carparks, Signs	Car parking completed Operation & Signage December 2026
26	Repair Damage to Kerb, Footpath or Road Condition noted for future compliance	Prior to commencement of use
27	Collection of Refuse & Recycle Outstanding – enter into agreement with Council	Prior to commencement of use
28	Non Worsening of Stormwater Discharge Condition noted for future compliance	Ongoing
29	Ponding of Water Condition noted for future compliance	Ongoing
30	Underground Electricity Installation completed	Completed
31	Public Lighting Lodge public lighting system with Council	December 2026
32	Service Conduits and Mains Supply and install	Completed
33	Telecommunications Enter into agreement with telecommunications service provider	Hardware installed
34	Meter Installed by Body Corporate Lodge detailed hydraulics plan for water meter	Completed
35	Service, Meter Assembly & Meter Box Provide a water service	Completed

To enable the completion of the abovementioned works, Citypoint (Hotels) Pty Ltd seeks a further **12 month extension** to the currency period for the approved development to **26 May 2027** in accordance with Section 86 of the *Planning Act 2016*.

4.0 Legislative Considerations

Section 87(1) of the Planning Act 2016 states the following with regard to such extension applications:

When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.

We are of the opinion that the matters discussed below are relevant considerations for the extension requested.

Applicant's genuine intent to complete the development

The applicant remains committed to carrying out the development and has been making progress towards completion as outlined in Section 3 above. The work is substantially complete. The applicant has invested significant time, cost and resources in carrying out work on the site to carry out the development approval.

The development is near completion but continues to be delayed by negotiations with potential end users and contractor shortages. The applicant is now proceeding with a neutral fit-out to finish the build in a timely manner. Key approvals (including BA and QFES change of use) have been secured in the past 12 months, and works are progressing with completion expected by December 2026.

The proposal is consistent with current assessment benchmarks

The original application was subject to Impact Assessment and as such was subject to public notification during the application process.

Upon review against the zone, relevant codes and policies of the superseded v32 of City Plan 2014 (effective 14 March 2025) that was considered in the last extension request and current v35 (effective 5 December 2025), it is evident that:

- the subject site remains in the Principal Centre (City Centre) Zone and the City Centre Expansion Precinct of the Spring Hill Neighbourhood Plan, under which the relevant category of assessment remains Impact Assessable and the overall outcomes of both the Principal Centre Zone Code and the Spring Hill Neighbourhood Plan Code remain unchanged; and
- there have been no changes to the relevant assessment benchmarks (including wording) in the Spring Hill Neighbourhood Plan Code, the relevant Development Codes and associated policies (in particular the Multiple Dwelling Code), and the relevant Overlay Codes.

Given that no relevant changes have occurred to any of the above, the approved development remains consistent with the intent of the current planning scheme, including the purpose of the zone, neighbourhood plan, use codes (and policies) and relevant overlays. Therefore, if the application were resubmitted, the new application would result in a similar development outcome. Furthermore, it would be reasonably expected that a resubmitted proposal would be favourably considered in the event that any new submissions were raised as no significant changes to City Plan 2014 have occurred that would warrant the refusal of the application.

There is community awareness of the approval and it is in the community interest to extend the approval

There is community awareness of the approval. The original approval underwent public notification, and the associated approvals and extension notices remain viewable on Council's online scrutiny file.

In circumstances where the approval remains consistent with current planning scheme assessment benchmarks, there would be no utility in leaving the building semi-complete. The extension should be granted to enable the development to be completed without the burden of a new development application.

It is noted that the approval, when complete, will deliver additional housing supply in an inner city renewal area. It is evident that in recent years there has been a significant increase in the demand for housing and a shortfall in housing supply to meet this growing demand. This critical change in circumstances has resulted in significant changes to the State's housing targets for Brisbane and other Local Governments under the State Government's South East Queensland Regional Plan *Shaping SEQ 2023* to address this planning need. Subsequently, Council released its *Brisbane Sustainable Growth Strategy 2023* to guide growth and respond to the current housing challenges. The strategy, amongst other things, seeks growth through infill in highly accessible locations close to employment and services.

In this instance, the approved development involves the conversion of an existing 12-storey building to a Multiple Dwelling within Spring Hill / the City Centre. As such, the proposed development will contribute positively to housing supply through the adaptive re-use and renewal of an existing inner-city building within a highly accessible infill location. Given the significant time already expended in resolving the complex range of issues associated with the proposal, the requirement for the lodgement of a new development application would result in unnecessary delays to the delivery of additional housing, notwithstanding that the ultimate development outcomes would remain substantially unchanged. Furthermore, the additional time, cost and procedural requirements associated with a new application would impose an increased financial burden on the project, with consequential impacts on the overall affordability of the proposed dwelling units.

Views of any Concurrence Agency

The original application did not require any referral under the *Sustainable Planning Act 2009*. A review of Schedule 10 of the *Planning Regulation 2017* and associated mapping of the Development Assessment Mapping System has confirmed that if a new application were made, no new referral to a concurrence or advice agency would be triggered.

5.0 Conclusion

Citypoint (Hotels) Pty Ltd requests an extension to the Relevant Period of the approval at 139 Leichhardt Street, Spring Hill, pursuant to Section 86 of the *Planning Act 2016*. A

consideration of 'relevant matters' under section 87 of the Act in the assessment of the extension has determined that the currency period of the approval should be extended to allow sufficient time for all necessary outstanding works to be completed and the use to commence.

As previously stated, the existing currency period will lapse on 26 May 2026. **An extension for an additional 12 month period to 26 May 2027** is considered appropriate to accommodate receipt of all necessary approvals and completion of outstanding works associated with those approvals.

We trust the information provided will assist Council in issuing a prompt decision. Should you require any further clarification or information, please don't hesitate to contact our office on (07) 3360 4200.

Yours faithfully

URBAN STRATEGIES PTY LTD



Hayden Gianarakis
DIRECTOR