

26BNE-0027
12 FEBRUARY 2026

Minor Change Application

NEXTDC Innovation and Technology Precinct –
Stage 2



NEXTDC LIMITED

Minor Change Application

12 February 2026

Primary Contact URPS
GPO Box 2349
Brisbane QLD 4000

(07) 3778 7420
urps.com.au

Prepared for NEXTDC Limited

URPS Project Manager Ben Weaver, Director
bweaver@urps.com.au

URPS Ref 26BNE-0027

Document history and status

Revision	Date	Author	Reviewed	Details
V1	02/02/26	J. Laird	B. Weaver	Initiation of report
V2	12/02/26	J. Laird	B. Weaver	Minor edits based on client review.

We acknowledge the Jagera and Turrbal peoples as the Traditional Custodians of the land on which we work and pay respect to their Elders past, present and emerging.

© URPS. All rights reserved; these materials are copyright. No part may be reproduced or copied in any way, form or by any means without prior permission. This report has been prepared for URPS' client. URPS and its associated consultants are not liable to any person or entity for any damage or loss that has occurred, or may occur, in relation to that person or entity taking or not taking action in respect of any representation, statement, opinion or advice referred to herein.

Contents

Executive Summary	1
1. Introduction	3
2. Overview of NEXTDC	4
2.1 About NEXTDC	4
2.2 NEXTDC Innovation and Technology Precinct	4
3. Existing Approval.....	6
4. Proposed Change	7
4.1 Overview	7
4.2 GFA Changes.....	8
4.3 Facade Design	9
4.4 Internal Layout Changes	10
4.5 Condition Amendment(s)	11
4.6 Approved Drawings and Documents.....	11
4.7 Infrastructure Charges	15
5. Minor Change Assessment	16
5.1 Planning Act 2016.....	16
5.2 Planning Assessment	17
5.3 Development Assessment Rules	19
5.4 Brisbane City Plan 2014 v26.....	22
5.5 Brisbane City Plan 2014 v35.....	22
5.6 Mixed Use Zone Code.....	23
5.7 Centre or Mixed Use Code	23
5.8 Fortitude Valley Neighbourhood Plan Code	27
5.9 Landscape Work Code.....	28
6. Conclusion	29

Executive Summary

Applicant	NEXTDC Limited C/- URPS Pty Ltd
Project Name	Minor Change to NEXTDC Innovation and Technology Precinct – Stage 2
Proposal	Minor Change to an existing development approval A006612446
Site Address	454 St Pauls Terrace, 51, 57 and 61 Misterton Street and 216 Constance Street, Fortitude Valley Qld 4006
Real Property Description	Lot 100 on SP300569, Lots 1 to 3 on RP9713 and Lot 22 on RP9713
Site Area	Combined total site area is approximately 4,671m ²
Zones and Precincts	MU1 Mixed use (Inner city)
Neighbourhood Plan	Fortitude Valley neighbourhood plan <ul style="list-style-type: none"> • Valley heart precinct – NPP-002 • Water Street precinct – NPP-006
Overlays	<ul style="list-style-type: none"> • Airport environs overlay • Potential and actual acid sulfate soils overlay • Bicycle network overlay • Community purposes network overlay • Regional infrastructure corridors and substations overlay • Critical infrastructure and movement network overlay • Road hierarchy overlay • Flood overlay • Streetscape hierarchy overlay • Transport noise corridor overlay
Original Level of Assessment	Impact Assessable

Public Notification	Existing approval required public notification in accordance with section 53 of the Planning Act 2016. Public notification is not required for a minor change.
Local Government Infrastructure Plan (LGIP)	<p>The site is located within the Priority Infrastructure Area.</p> <ul style="list-style-type: none"> • Constance Street is identified for Future infrastructure (Road network) – LGIP ID BOH- RC-002 • Water Street is identified for Future infrastructure (Stormwater network) – LGIP ID: LGIP FVA-PR-005
State Referral Agencies	Existing approval included a Material Change of Use for a concurrence Environmentally Relevant Activity (ERA 14 – Electricity generation) under Schedule 10, Part 5, Division 2 of the Planning Regulation 2017.

1. Introduction

URPS, on behalf of NEXTDC Ltd, has prepared this Change application seeking proposed changes to the approved NEXTDC Innovation and Technology Precinct Stage 2 development.

On 31 May 2024, a development application (DA) seeking a Development Permit for Research and Technology Industry (Data Centre), Office, Educational Establishment (Innovation Centre) and Special Industry (Standby generator - fuel burning) was approved A006268579 by Brisbane City Council ("Council"). The approval was granted over land at 454 St Pauls Terrace, 51, 57 and 61 Misterton Street and 216 Constance Street, Fortitude Valley, legally described as Lot 100 on SP300569, Lots 1 to 3 on RP9713 and Lot 22 on RP9713 ("the site").

On 21 July 2025, a change application was approved (BCC Ref: A006612446), formalising minor modifications to the previously approved design. Construction of the project subsequently commenced and work is progressing on site.

In accordance with Section 78 of the *Planning Act 2016* ("the Act"), this application seeks a further minor change to the approval to implement small changes to the design in response to further design development. The application is supported by the following documents:

Attachment A: DA Form and Title Search

Attachment B: Current Development Approval (Decision Notice and Conditions)

Attachment C: Architectural drawings prepared by Architectus

Attachment D: Updated Acoustic Statement prepared by Arup

Attachment E: Updated Standby Generator Air Emission Assessment prepared by Arup

The project comprises critical infrastructure for Brisbane in the form of a new data centre, which supports the economy and the continued demand for data storage and online operations. The highly technical nature of the facility, complexity of the build and the dynamic demands on the project have given rise to the need for adjustments to the design.

As demonstrated in this application, it is considered that the change:

- is a minor change under Schedule 2 of the Act;
- is not *substantially different* having regard to the guideline criteria under Schedule 1 of the Development Assessment Rules ('the DA Rules'); and
- continues to comply with the requirements of the *Brisbane City Plan 2014* (versions 26 and 35) ("planning scheme") and the Act.

The relevant town planning provisions have been identified and assessed, and justification for the proposed changes in the application is provided throughout the report. Given the ability for the change application to demonstrate compliance with the relevant provisions, it is respectfully requested that Council approves the changes and that the current decision notice and approval package is reissued to reflect the proposed changes.

2. Overview of NEXTDC

2.1 About NEXTDC

NEXTDC is an ASX 100-listed technology company enabling business transformation through innovative data centre outsourcing solutions, connectivity services and infrastructure management software. As Australia's leading independently certified data centre operator with a nationwide network of enterprise-grade facilities, NEXTDC provides full-service data centre solutions that power, secure, and connect local and international organisations. With a commitment toward driving global leadership in energy efficiency and sustainability, NEXTDC's facilities showcase superior Engineering designs that are purpose built to drive exceptionally high levels of energy efficiency, certified to NABERS 5-star standards.

NEXTDC is Australian owned and headquartered out of Brisbane. With a growing national network of thirteen data centres and numerous more in design and build phase, NEXTDC are targeting a total capacity of more than 600MW delivered to businesses Australia-wide.

Today, NEXTDC employs more than 300 staff across Australia, Malaysia, and Japan, with an Enterprise market cap of over \$8 billion AUD. NEXTDC has invested significantly in research and development in many diverse data centre technologies which has led to the use of leading edge, high efficiency technologies that will provide significant competitive advantage for local Queensland-based organisations for years to come.

2.2 NEXTDC Innovation and Technology Precinct

The proposal represents the next component of the NEXTDC Innovation and Technology Precinct, an important opportunity to deliver a globally-renowned precinct, with critical infrastructure to support the continued growth of knowledge and technology industries within Brisbane.

Since establishment of the existing NEXTDC B2 Data Centre (Stage 1), NEXTDC has been in the process of acquiring adjacent properties (refer to Figure 1), with an intent to expand upon the existing B2 data centre building to create a precinct-scale development that will ultimately act as NEXTDC's headquarters and create a significant precinct for digital, innovative infrastructure and technology.

The overall NEXTDC Innovation and Technology Precinct comprises three (3) stages, described as follows:

- Stage 1 (existing) – comprises the existing NEXTDC B2 data centre facility which has been developed and is in operation. Acknowledging its importance in providing continuity of service, Stage 1 will remain in operation and be integrated with Stage 2;
- Stage 2 (under construction and is the subject of the proposal) – approval comprises a new built form adjacent to the existing B2 data centre, extending to nine-storey built form with three levels of office space, three levels of Data Halls and two levels of services at roof level; various minor changes are proposed to the design under construction; and
- Stage 3 (future) – A future stage of the NEXTDC Innovation and Technology Precinct, which will be subject to a separate development application in due course. The Stage 3 site currently provides car parking for the existing development.

This change application focuses on Stage 2 ('the proposal') only. The overall project stages are shown in Figure 1 below.

- Yellow – Stage 1 (existing);
- Blue – Stage 2 (approved MCU, proposed Minor Change (the proposal)); and
- Green – Stage 3 (car park and future development stage).



Figure 1: NEXTDC Innovation and Technology Precinct Stages
Source: Nearmap, 2022

3. Existing Approval

The existing approval over the site is for a Development Permit for a Material change of use for Research and Technology Industry, Office, Educational Establishment and Special Industry (Fuel burning for standby power generator) and a Material change of use for a concurrence ERA 14 – Electricity generation (refer to **Attachment B**). The overall application formed Stage 2 of the NEXTDC Technology and Innovation Precinct, with the application site including the whole precinct for completeness (whole of city block with the exception of 208-212 Constance Street).

As the second stage of the precinct, the proposal builds on the success of the Stage 1 data centre facility and provides further critical infrastructure and complimentary facilities to support Brisbane's economy, particularly the knowledge and technology industries, and the growth of the digital economy.

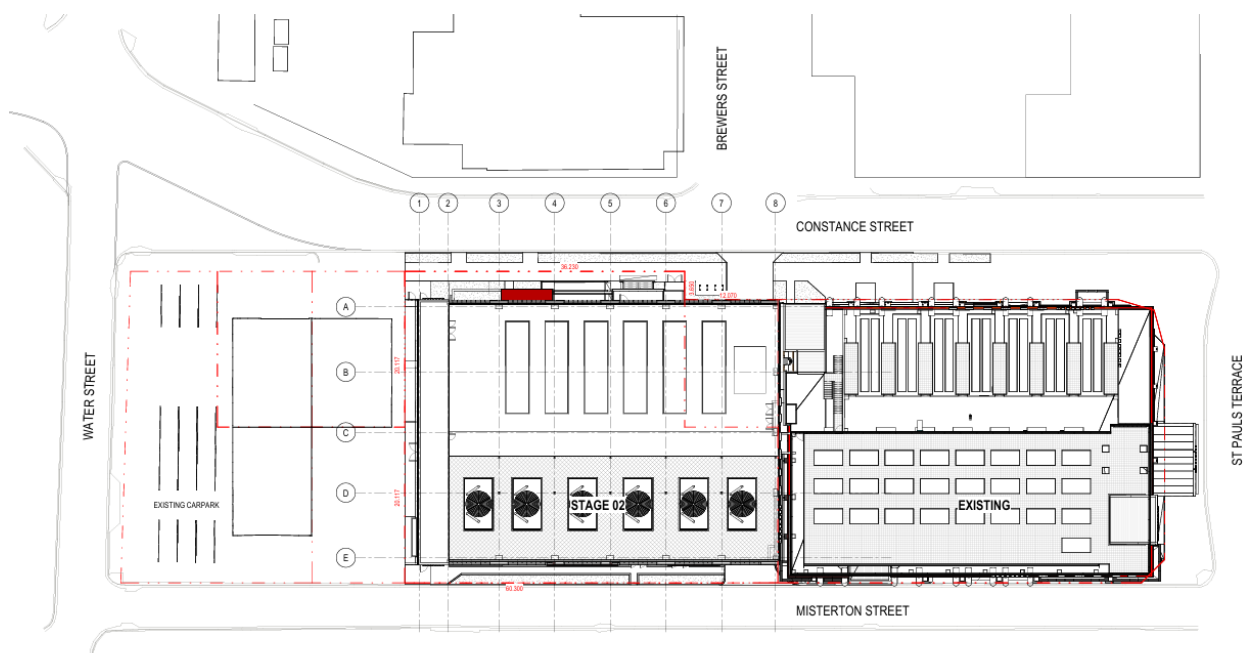


Figure 2: Approved Site Plan – Stage 2
Source: Architectus, 2025

4. Proposed Change

4.1 Overview

The proposal is for various minor amendments to the approved design of Stage 2 ('the proposal') of the NEXTDC Technology and Innovation Precinct.

This request is made under section 78 of the Act and is to be administered, assessed, and decided as a 'minor change' in accordance with section 81 of the Act.

To summarise, the proposed changes involve minor modifications to the design in response to further design development that include the following key elements:

- Adjustments to the façade design, whilst maintaining the approved setbacks and verge widths to frontages.
- A slight increase in overall GFA (+20.6 sqm) from internal efficiencies made to the design.
- Small changes to the internal layout of some floors, including office configurations and plant rooms.
- Modifications to the overall height (being a reduction in absolute terms of approximately 2m from RL58.455 to a proposed height of RL56.332).
- Minor alterations to the framing of the planting wall on the western elevation, with the mesh framing changed to vertical wiring.

In overall terms, it is considered that the design remains substantially the same in form, composition and appearance to that which was approved, as illustrated in Figure 3 below. The changes continue to support an activated lower level and articulated upper component, with articulated facades and subtropical edges to the frontages.

The key changes are outlined in more detail below, with architectural plans in **Attachment C** that include both the existing approved plans and proposed plans for ease of comparison.

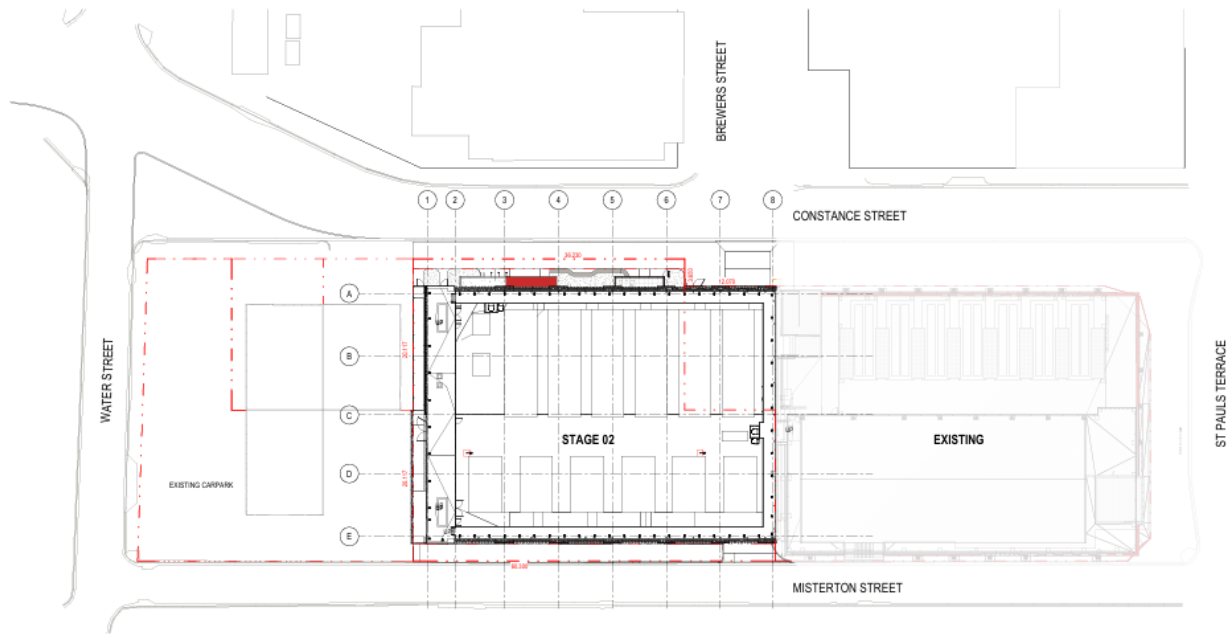


Figure 3: Proposed Site Plan – Stage 2
 Source: Architectus, 2026

4.2 GFA Changes

Due to the various design changes and efficiencies created in the building, the change application involves a modest increase in the overall Gross Floor Area. The new yield equates to approximately 8,517m², with the changes within each land use demonstrated below (Table 1).

Table 1: GFA Amendments

Land Use	Original Approval	Change Application 2024	Proposed Changes
Office	4,365m ²	4,156.51m ²	4,179.47m ²
Research and Technology Industry	4,110m ²	4,342.52m ²	4,338.15m ²
Plant (not GFA)	1,268.52m ²	236.07m ²	238.09m ²
Overall	8,475m ²	8,499.03m ²	8,517.62m ²

4.3 Facade Design

This minor change application involves variances to the Stage 2 façade at both lower and upper levels on the Constance Street and Misterton Street elevations. The general appearance of the façade is inherently similar to that of the approval, with the simplification of some aspects implemented to improve project viability. The changes to the façade continue to reduce the perception of bulk and mass through vertical elements, whilst still providing a design that is appropriately articulated and visually interesting.

No changes are proposed to the building setbacks, verge widths or subtropical landscaping edges to the frontages and edges. The façade continues to address the two primary functions of the building, being data hall and office/commercial activity. It continues to address the street and contribute to the cityscape through the inclusion of a 'high-tech' material palette. It maintains its innovative design through exposed building services, a high-tech façade system, accent lighting and feature glazing.

A comparison between the approved design and materials, and the proposed changes to the Constance Street facade is demonstrated in **Figure 4** and **Figure 5**. Refer also to **Attachment C** for comparative plans.

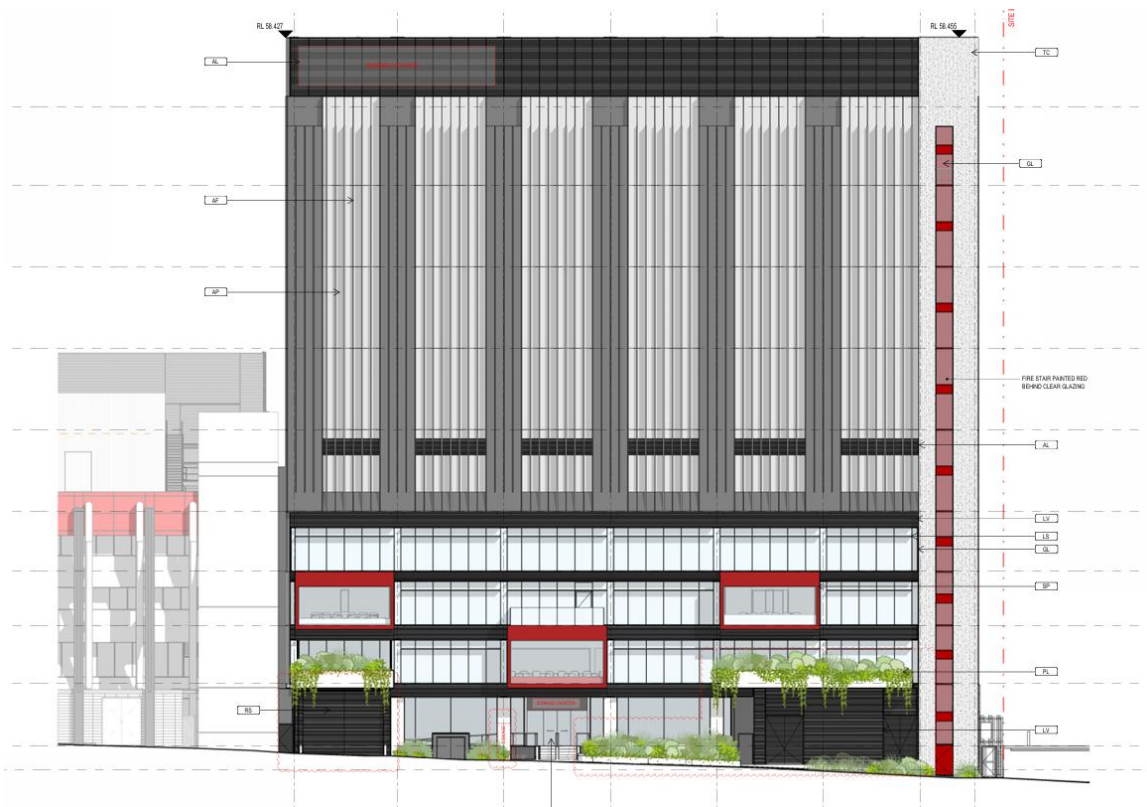


Figure 4: Approved Constance Street Elevation
Source: Architectus, 2025



Figure 5: Proposed Constance Street Elevation
Source: Architectus, 2026

Refer to Attachment C for both the existing and proposed drawings.

4.4 Reduction in Building Height

The proposed changes include a reduction in the building's overall height by 2 metres from RL58.455 to a proposed height of RL56.332. This means that the top of the building, including the building infrastructure and services located within and on the rooftop, have reduced in height. The number of storeys remain unchanged as per the approved design. In response to the change in building height, updates have been prepared to the air quality assessment and acoustic assessment (refer to **Attachments D and E**). The updates to these assessments have concluded that the modest reduction in the building height will have no material impact on the air quality or noise assessments and that the mitigation measures embodied in the design will continue to achieve compliance with the relevant standards.

4.5 Internal Layout Changes

4.5.1 Lower Levels

The level 1-3 layouts are subject to minor internal alterations. It is noted that the minor reconfiguration of office space, training rooms, meeting rooms, amenities and other spaces, will not impact the functionality of the overall facility.

Additionally, the office levels continue to interact with the balconies and activate towards the street frontages.

4.5.2 Roof Plant

The rooftop layout proposes slight differences to the generator locations. These design changes have been made to ensure project viability and constructability.

Refer to **Attachments D** and **E** for further information.

4.6 Condition Amendment(s)

A copy of the existing approval, including conditions, is provided under Attachment B. The aspects of the relevant conditions that are proposed to be amended are identified in strikethrough text while the additions are identified in bold text and underlined. The requested amendments seek only to update the references made to technical reports.

<p>27) Acoustic Attenuation Measures</p> <p>Implement the acoustic attenuation measures for the operational phase of the development, as outlined in Sections 6 and 7 of the Acoustic Design Report, Drawing no. B2-A2-02-00-RPT-B-TDR-REV, dated 30 August 2024 and received 20 February 2025, and Minor Height Reduction – Acoustic Impacts correspondence dated 6 February 2026.</p>	<p>Prior to commencement of use</p>
<p>27(a) Submit Acoustic Certification to Council</p> <p>Submit Certification to Council, by a suitably qualified acoustic consultant demonstrating the following:</p> <ul style="list-style-type: none"> · the acoustic treatments as outlined above have been implemented; and · noise emissions from all mechanical plant & equipment when operated under a worst case scenario, comply with the noise criteria at ground & elevated sensitive receptors, as prescribed in PO2 of the <i>Industry Code</i> 	<p>Prior to commencement of use</p>

4.7 Approved Drawings and Documents

The approved drawings and documents conditioned as part of the existing approval application are specified in **Table 2** below, extracted from the Conditions Approval Package Document. As a result of this

change application, the table of approved documents will be required to be updated to reflect the amended plans and documents. Plans proposed to be removed have been identified in strikethrough text while new plans are identified in bold text and underlined.

Table 2: Approved Drawings and Documents

Title	Plan Number	Rev/Amendment	Date	Prepared By
Envelope Details – Planter 02 - South	B2-AR-02-001-DRG-ARC-7122	Rev J	25-SEP-2023 (Received)	LatStudios
Hazardous Goods Report	REF/003	Issue 3	30-AUG-2024	Arup
Preliminary Hazard Analysis	288337v3	Issue 2	30-AUG-2024	Arup
Acoustic Design Report	B2-A2-02-00-RPT-B-TDR- REV	Rev C	30-AUG-2024	Arup
<u>Minor Height Reduction – Acoustic Impacts</u>	<u>288776</u>	<u>Issue 1</u>	<u>06-FEB-2026</u>	<u>Arup</u>
Site Plan Stage 02	B2-AR-02-001-DRG-ARC- DA0003	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Level B1	B2-AR-02-001-DRG-ARC- 3000	Rev M <u>Rev N</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Ground Level- Entry	B2-AR-02-001-DRG-ARC- 3001	Rev S <u>Rev T</u>	27-MAR-2025 <u>09-FEB-2026</u>	Architectus
Level 1 - Office	B2-AR-02-001-DRG-ARC- 3002	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus

Title	Plan Number	Rev/Amendment	Date	Prepared By
Level 2 – NextDC Head Office	B2-AR-02-001-DRG-ARC- 3002	Rev O <u>Rev P</u>	27-MAR-2025 <u>09-FEB-2026</u>	Architectus
Constance Driveway Levels - BCC Grade Comparisons	B2-ARC-ARC-DRG-B-SK1002		22-MAY-2025	Architectus
Level 3 - Mission Critical Office	B2-AR-02-001-DRG-ARC- 3004	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Level 4 - Plant	B2-AR-02-001-DRG-ARC- 3005	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Level 5 - Data Hall 4	B2-AR-02-001-DRG-ARC- 3006	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Level 6 - Data Hall 5	B2-AR-02-001-DRG-ARC- 3007	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Level 7 - Data Hall 6	B2-AR-02-001-DRG-ARC- 3008	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Level 8 - Roof Plant	B2-AR-02-001-DRG-ARC- 3009	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Roof Plan	B2-AR-02-001-DRG-ARC- 3010	Rev L <u>Rev M</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Cross Section Entry	B2-AR-02-001-DRG-ARC- 6000	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Cross Section Core	B2-AR-02-001-DRG-ARC- 6001	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus

Title	Plan Number	Rev/Amendment	Date	Prepared By
Cross Section Ramp	B2-AR-02-001-DRG-ARC- 6002	Rev N <u>Rev O</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Long Section 1	B2-AR-02-001-DRG-ARC- 6003	Rev J <u>Rev K</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Long Section 2 Connection	B2-AR-02-001-DRG-ARC- 6004	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
Cross Section Ramp 2	B2-AR-02-001-DRG-ARC- 6005	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
West Elevation	B2-AR-02-001-DRG-ARC- 7000	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
East Elevation	B2-AR-02-001-DRG-ARC- 7001	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
South Elevation	B2-AR-02-001-DRG-ARC- 7002	Rev K <u>Rev L</u>	04-SEP-2024 <u>09-FEB-2026</u>	Architectus
North Elevation	B2-AR-02-001-DRG-ARC- 7003	Rev Q <u>Rev R</u>	28-MAR-2025 <u>09-FEB-2026</u>	Architectus
Landscape Concept Report	LS00711 Issue J	Amended In Red 26-JUN-2025	11-FEB-2025	LatStudios
Landscape Plan NextDC Stage 2		Rev K	28-MAR-2025	LatStudios
Stormwater General Arrangement Plan	B2-CI-02-001-DRG-RBG-8701	Rev B	25-SEP-2023 (Received)	RobertBirdGroup

4.8 Infrastructure Charges

Under Section 123 of the Act, Council may give an amended infrastructure charges notice (ICN) for a change application that is approved. The amendment to the ICN is to relate to the change to the development approval. For ease of reference, we have outlined the changes to the GFA below, with our estimate of the amended charges applicable.

Based on the proposed plans and GFA calculations in **Table 1** above, we request that the Infrastructure Charges Notice be updated to reflect the following (changes in strike through and bold underlined):

Extra demand (ED)

Category	Demand Unit	Development Demand (DD)	Demand Credit (DC)	Extra Demand (ED = DD - DC)
Office - Res 12	GFA (m2)	4348 4179.47	0	4348 4179.47
Research and Technology Industry - Res 12	GFA (m2)	4110.4	0	4110.4
Research and technology industry	GFA (m2)	233.6 <u>227.75</u>	0	233.6 <u>227.75</u>

Applied adopted charge (AC) and total charge (AC x ED)

Category	Demand Unit	Extra Demand (ED)	Applied Adopted Charge \$/unit (AC) Note [2]	Charge \$ (AC x ED)
BCC Networks				
Office - Res 12	GFA (m2)	4348 4179.47	\$119.44	\$519,325.12 \$499,195.90
Research and Technology Industry - Res 12	GFA (m2)	4110.4	\$16.08	\$66,095.23
Research and technology industry	GFA (m2)	233.6 <u>227.75</u>	\$18.01	\$4,207.14 \$4,101.78

Total Charge ~~\$589,627.49~~ \$569,392.91

We understand that the offset for trunk infrastructure (establishment cost) of BOH-RC-002 remains applicable, which amounts to \$231,610.00.

5. Minor Change Assessment

An assessment of the proposal against the relevant planning legislation below demonstrates that the proposal constitutes a minor change.

5.1 Planning Act 2016

This change application is made under Section 78 of the Act for a 'minor change'. Schedule 2 of the Act provides criteria for determining whether a change is a minor change. The criteria and comments are included in **Table 3** below.

Table 3: Minor Change Under the Planning Act 2016

Criteria	Comment
Minor change means a change that - b) for a development approval -	
i. would not result in substantially different development; and	The proposal including proposed changes does not result in substantially different development. See response in Table 10 below.
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 proposal including proposed changes does not include 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	Referral was submitted to the State Referral and Assessment Agency (SARA) for the original application.
C. referral to extra referral agencies, other than the chief executive; or	The proposal does not require referral to extra referral agencies.
D. a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other	The proposal does not involve additional matters that the original application and referral to SARA did not address.

Criteria	Comment
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	Public notification was required for the original application.

Source: *Planning Act 2016*

5.2 Planning Assessment

Table 4 below provided an assessment against section 81 of the Act.

Table 4: Assessment Against Section 81 of the Act

Matters	Comment
Matters that must be considered by the responsible entity	
(2)(a) the information the applicant included with the application; and	It is requested that Council consider all information and matters included in this DA package.
(2)(b) any properly made submissions about the development application [that was approved]	The original development application received one submission.
(2)(c) any pre-request response notice or response notice given in relation to the change application.	Not applicable, no pre-request response notice or response notice was given in relation to this DA.
(2)(d) if the responsible entity is, under section 78A(3), the Minister – all matters the Minister would or may assess against of have regard to, if the change application were a development application called in by the Minister.	Not applicable. The responsible entity is the assessment manager, being Council.

Matters	Comment
<p>(2)(e) if the responsible entity is, under section 78A(4), the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be an application for State facilitated development under section 106D; and</p>	<p>Not applicable. The responsible entity is the assessment manager, being Council.</p>
<p>(2)(f) if paragraphs (d) and (e) do not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application.</p>	
<p>(g) another matter that the responsible entity considers relevant.</p>	
<p>(3) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d), (e) or (f), consider-</p> <p>(a) statutory instrument; or</p> <p>(b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.</p>	<p>See Sections 5.5 for an assessment against the relevant provisions of the planning scheme.</p>
<p>(4) The statutory instrument, or other document, as in effect when the development application for the development approval was properly made.</p>	
<p>Matters that may be given weight to</p>	

Matters	Comment
(5)(a) the statutory instrument or other document as in effect when the change application was made.	See Sections 5.5 for an assessment against the relevant provisions of the planning scheme. It is not expected a new statutory instrument will come into effect after lodgement of this Change Application.
(5)(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.	
(5)(c) another statutory instrument that comes into effect after the change application is made but before it is decided and that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	

Source: Planning Act 2016

5.3 Development Assessment Rules

Table 5 below identifies the criteria for 'substantially different development' as defined in Schedule 1 of the Development Assessment Rules (DA Rules) (version 1.3), pursuant to section 68 of the Act.

Table 5: Substantially Different Development Under the DA Rules

Criteria	Comment
A change may be considered to result in a substantially different development if any of the following apply to the proposed change:	
a) involves a new use; or	The proposal does not involve a new use. The proposed minor change maintains the same land uses consistent with the existing approval, being research and technology industry (data centre), office, educational establishment (innovation centre) and special industry (standby generator - fuel burning)

Criteria	Comment
b) results in the application applying to a new parcel of land; or	<p>The proposal does not result in the application applying to a new parcel of land. The proposal continues to apply over the land to which the original development application and approval applies being 454 St Pauls Terrace, 51, 57 and 61 Misterton Street and 216 Constance Street, Fortitude Valley, legally described as Lot 100 on SP300569, Lots 1 to 3 on RP9713 and Lot 22 on RP9713.</p>
c) dramatically changes the built form in terms of scale, bulk and appearance; or	<p>The proposed changes to the development approval will not dramatically change the built form in terms of the bulk, scale and appearance for the reasons set out below.</p> <ul style="list-style-type: none"> • The built form will continue to present as two components, being distinctive lower and upper elements. The lower levels continue to be expressed as high-quality glazed facades with a set of protruding boxes or pods which animate and interact with the streetscape • Consistent with the development approval, the development provides a mix of materials and colours, trimmed in prominent shades of red, grey and black which ties into the unified corporate identity of NEXTDC. • The development continues to integrate landscaping into the façade and edges of the building, generally consistent with the development approval. • The development continues to provide planting and landscaping to the street frontages. • Vehicle access continues to be provided from both Constance and Misterton Streets. • The minor change to the height and facade will not dramatically change the built form and appearance of the development. The changes strengthen the articulation and appearance of the building in a manner that is coherent with the appearance and form of the approved development
d) changes the ability of the proposed development to operate as intended; or	<p>The proposal including proposed changes, does not change the ability of the proposed development to operate as intended. The development continues to operate as a mixed</p>

Criteria	Comment
	use commercial building, with active uses to the Constance Street frontage.
e) removes a component that is integral to the operation of the development; or	The proposed minor change does not remove a component of the approved development 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 changes do not intensify the uses on site, and therefore will not cause an increase in traffic.
g) introduces new impacts of increases the severity of known impacts; or	<p>The proposed changes will not introduce new impacts or increase the severity of known impacts.</p> <p>As stated in Attachment H in the updated Standby Generator Air Emission Assessment, the proposed design changes do not give rise to new impacts or increase the severity of known impacts that were previously assessed.</p> <p>Although the minor height reduction influences noise levels to surrounding sensitive receptors, it is demonstrated in Attachment G that the project is expected to remain compliant with the relevant noise criteria.</p>
h) removes an incentive or offset component that would have balanced a negative impact of the development; or	The proposed change does not remove an incentive or offset component that would have balanced a negative impact of the development.
i) impacts on infrastructure provisions.	The proposed changes result in a very modest increase in overall GFA (approx. 20m ²), and as such, will not impact on the provision of infrastructure.

Source: DA Rules

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

5.4 Brisbane City Plan 2014 v26

Under section 81(4) of the Act the responsible entity must consider the planning scheme, as in effect when the original DA for the approval was properly made. The DA was lodged on 8 May 2023 and assessed against the relevant provisions of version 26 of Brisbane City Plan 2014 (effective from 10 March 2023).

At the time the following codes applied to the assessment of the DA:

- Mixed use zone code
- Centre or mixed use code
- Prescribed secondary code
- Fortitude Valley neighbourhood plan code
- Airport environs overlay code
- Bicycle network overlay code
- Community purposes network overlay code
- Critical infrastructure and movement network overlay code
- Flood overlay code
- Potential and actual acid sulfate soils overlay code
- Road hierarchy overlay code
- Streetscape hierarchy overlay code

5.5 Brisbane City Plan 2014 v35

Under section 81(5) of the Act the responsible entity may consider the planning scheme in effect when the change application is made. At the time this change application is made version 35 of the planning scheme is in effect and if the change was lodged as a new DA, the following assessment benchmarks would apply:

- Mixed use zone code
- Centre or mixed use code
- Prescribed secondary code
- Fortitude Valley neighbourhood plan code
- Airport environs overlay code
- Bicycle network overlay code
- Community purposes network overlay code
- Critical infrastructure and movement network overlay code
- Flood overlay code

- Potential and actual acid sulfate soils overlay code
- Road hierarchy overlay code
- Streetscape hierarchy overlay code

Provisions of the above benchmarks which are relevant to the proposal are outlined below.

5.6 Mixed Use Zone Code

It is important to note that since the application was originally approved, Council has adopted Major Amendment Package K (in June 2025). The amendments to the City Plan include updates to the Mixed Use Zone Code. Relevantly, the Mixed Use Zone Code now contemplates Research and technology industry uses in the Mixed Use Zone, where previously it did not. This is reflected in the corresponding categories of assessment updates, which make Research and technology industry uses such as data centres, code assessable uses within the Mixed Use Zone, subject to requirements.

5.7 Centre or Mixed Use Code

Table 6: Centre or Mixed Use Code Assessment

Performance outcomes	Acceptable outcomes	Comments
<p>PO21</p> <p>Development ensures that the building bulk and scale is consistent with the intended form and character of the centre, mixed use or local area considering:</p> <ul style="list-style-type: none"> a) existing buildings to be retained; b) existing significant vegetation; c) significant infrastructure constraints; d) adjoining existing and proposed building height; e) adjoining existing and proposed building setbacks and separation of buildings necessary to ensure impacts on amenity and privacy are minimised; 	<p>AO21</p> <p>Development is contained within the building envelope for the site by applying:</p> <ul style="list-style-type: none"> a) the maximum building height; b) building height transition requirements, where required; c) front, rear and side setback requirements; d) building separation requirements; e) car parking setback requirements; f) active frontage requirements for stand- alone shopping centres or shops or for development in traditional strip centres or corridors. 	<p>Complies with PO21</p> <p>As the site is split between two precincts, the Fortitude Valley neighbourhood plan code provides a maximum building height of 8 storeys for the Water Street precinct and 30 storeys for the Valley Heart Precinct. The proposal is well within the maximum building height on part of the site but marginally over the building height for the remainder, as was the case at the time of the original development application.</p> <p>The proposal continues to seek an overall building height of nine storeys, plus rooftop plant, but is reduced in actual terms by 2m from the current approval, which is considered</p>

Performance outcomes	Acceptable outcomes	Comments
f) building height transitions where required.		to be entirely appropriate having regard to its context.
<p>PO22</p> <p>Development ensures that the building height is consistent with the centre or mixed use area intent and local and street context considering:</p> <ul style="list-style-type: none"> a) the size of the lot; b) the scale of development reinforcing the preferred city- wide form; c) proximity to high-frequency public transport services; d) the height of existing adjoining buildings and proposed heights; e) street conditions such as street width; f) the topography of an area and site slope; g) view points and corridors; h) solar access to key public spaces. 	<p>AO22</p> <p>Development ensures that the maximum building height is in compliance with:</p> <ul style="list-style-type: none"> a) a neighbourhood plan; or b) if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements in Table 9.3.3.3.B. 	<p>Complies with PO22</p> <p>Refer to above.</p>
<p>PO56</p> <ul style="list-style-type: none"> a) Development incorporates deep planting which: b) supports the retention and protection of existing significant vegetation and large subtropical shade trees; c) provides for the establishment of vegetation to contribute to the landscape character of 	<p>AO56.1</p> <p>Development locates deep-planting areas:</p> <ul style="list-style-type: none"> a) to retain and protect existing significant vegetation and large subtropical shade trees; b) to buffer adjacent residential areas; c) to support building height transitions, where required; d) to provide an entry statement; 	<p>Complies with PO56</p> <p>With no material changes to the current approved planting concept, the proposal maintains the proposed planting areas to the frontages and the green wall to the western elevation.</p>

Performance outcomes	Acceptable outcomes	Comments
<p>the centre or mixed use area;</p> <p>d) is grouped with deep-planting areas on adjacent sites to maximise contiguous areas of deep planting;</p> <p>e) is open to the sky with access to light and rainfall and into the natural ground with no underground development;</p> <p>f) is planted with large subtropical tree species that at maturity are complementary in scale and height to the building form;</p> <p>g) is capable and supported to grow and at maturity provide effective shade or screening to buildings, outdoor spaces or adjoining uses;</p> <p>h) balances hard-stand areas and provides shade and informal recreation spaces that are directly accessible from residences, building tenancies or the street frontage.</p>	<p>e) to shade publicly accessible areas, private outdoor and communal open space.</p> <p>AO56.2 Development: a) provides for a minimum 10% of the site area for deep planting; b) ensures that each deep-planting area has a minimum area of 25m² and a minimum dimension of 4m in any direction.</p> <p>AO56.3 Development provides deep-planting areas that are: a) exclusively for landscaping; b) not containing vehicle manoeuvring areas, pedestrian paths, surface structures or infrastructure, sub-surface structures or infrastructure; c) able to accommodate trees planted in natural ground with no development underneath; d) 100% open to the sky; e) able to be accessed for maintenance purposes.</p>	

Performance outcomes	Acceptable outcomes	Comments
	<p>A056.4</p> <p>Development provides trees in deep- planting areas which:</p> <ul style="list-style-type: none"> a) are capable of growing to a minimum canopy diameter of 5m and/or a minimum height of 5m within 5 years of planting; b) are subtropical tree species consistent with the Planting species planning scheme policy. <p>A056.5</p> <p>Development provides a minimum of 25% of all trees as advanced stock.</p>	
<p>PO58</p> <p>Development which is not located on an active frontage provides landscaping on the street frontage to:</p> <ul style="list-style-type: none"> a) contribute to the centre or mixed use area or development's landscape character and the development of Brisbane's subtropical streetscapes and public spaces; b) provide shade and pedestrian comfort and visual amenity; c) contribute to the subtropical character of the streetscape and public realm; d) not impede the establishment of active frontages where required; 	<p>A058</p> <p>Development setback from the road, where not including an active frontage treatment or the part of the frontage not treated as an active frontage, is provided with:</p> <ul style="list-style-type: none"> a) a minimum of 2m wide landscaping with advanced trees and low-level planting along the full street or public space frontage or balance part, excluding any driveway crossover and pedestrian access; or b) a minimum of 3m wide landscaping with advanced trees and low-level planting, to establish a positive landscaped street edge where a service station or outdoor sales use. 	<p>Complies with PO58</p> <p>With no material changes to the frontage treatments and current approved landscape concept, the proposal maintains the proposed landscaping along both Constance Street and Misterton Street.</p>

Performance outcomes	Acceptable outcomes	Comments
e) maintain views from the street to the building and frontage and consider personal safety		

5.8 Fortitude Valley Neighbourhood Plan Code

Table 7: Fortitude Valley Neighbourhood Plan Code Assessment

Performance outcomes	Acceptable outcomes	Comments
PO1 Development is of a height, scale and form that achieves the intended outcome for the precinct, improves the amenity of the neighbourhood plan area, contributes to a cohesive streetscape and built form character and is:	AO1.1 Development involves the re-use and refurbishment of existing buildings that contribute to the built form character and context of the immediate area.	<p>Complies PO1</p> <p>As the site is split between two precincts, the Fortitude Valley neighbourhood plan code provides a maximum building height of 8 storeys for the Water Street precinct and 30 storeys for the Valley Heart Precinct. The proposal is well within the maximum building height on part of the site but marginally over the building height for the remainder, as was the case at the time of the original development application..</p> <p>A slight reduction is proposed to the overall height of the building. The proposal continues to seek an overall building height of nine storeys, plus rooftop plant, which is considered to be entirely appropriate having regard to its context.</p>
<p>a) consistent with the anticipated density and assumed infrastructure demand;</p> <p>b) aligned to community expectations about the number of storeys to be built;</p> <p>c) proportionate to and commensurate with the utility of the site area and frontage width;</p> <p>d) designed to avoid a significant and undue adverse amenity impact to adjoining development;</p> <p>e) sited to enable existing and future buildings to</p>	<p>AO1.2</p> <p>Development complies with the number of storeys and building height in Table 7.2.6.4.3.C</p> <p>AO1.3</p> <p>Development has a maximum podium height in accordance with Table 7.2.6.4.3.C.</p>	

Performance outcomes	Acceptable outcomes	Comments
be well separated from each other and to avoid affecting the potential development of an adjoining site.		

5.9 Landscape Work Code

Table 8: Landscape Work Code Assessment

Performance Outcomes	Acceptable Outcomes	Comments
<p>PO5</p> <p>Development provides landscaping in a common area which provides for clear sightlines and good visibility to entrance and exit points.</p>	<p>A05.1</p> <p>Development incorporates a plant selection along a pathway which ensures:</p> <ul style="list-style-type: none"> a) a clear trunk height of minimum 1.8m at maturity; b) a shrub height of maximum 1m at maturity. 	<p>Complies PO5</p> <p>With no material changes to the frontage treatments and current approved landscape concept, the proposal continues to enhance the footpaths and soften the building while maintaining good visibility and clear sightlines to entrance and exit points.</p>
	<p>A05.2</p> <p>Landscaping and mounding do not interfere with visibility along a pathway</p>	

6. Conclusion

This planning report has assessed the changes proposed to the approved development for Stage 2 of the NEXTDC Innovation and Technology Precinct. It has demonstrated that the proposal can be assessed pursuant to Schedule 2 of the Act as a minor change and satisfied the relevant assessment criteria prescribed under Section 81 of the Act.

This application seeks a minor change to the approval to implement small changes to the design in response to further design development, and overall, does not alter the functionality or bulk and scale of the approved development.

It is requested that Council approves the Change Application and issues an amended approval, with the drawings and documents and infrastructure charges notice updated as per the recommendations in this report, within the appropriate timeframes.

ATTACHMENT A – DA FORMS AND TITLE SEARCH

ATTACHMENT B – CURRENT DA

ATTACHMENT C – ARCHITECTURAL DRAWINGS

ATTACHMENT D – UPDATED ACOUSTIC STATEMENT

ATTACHMENT E – UPDATED STANDBY GENERATOR AIR EMISSIONS ASSESSMENT

Brisbane

GPO Box 2349
Brisbane, QLD 4000
(07) 3778 7420

Adelaide

27 Halifax Street
Enter via Symonds Pl
Adelaide, SA 5000
(08) 8333 7999

Melbourne

68 Clarke Street
Southbank, VIC 3006
(03) 8593 9650

Perth

Level 17, 1 Spring Street
Perth, WA 6000
(08) 6285 3177

