

Our Ref: 26-107  
Council Ref: A005973723

30 January 2026

The Manager  
Brisbane City Council  
GPO Box 1434  
BRISBANE QLD 4001

Dear Sir / Madam,

**REQUEST FOR A MINOR CHANGE TO A DEVELOPMENT APPROVAL IN ACCORDANCE WITH SECTION 81 OF THE PLANNING ACT 2016 – A005973723**

**MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR A FOOD AND DRINK OUTLET, MEDIUM IMPACT INDUSTRY AND WAREHOUSE AT 364 NEW CLEVELAND ROAD, TINGALPA DESCRIBED AS LOT 1 ON RP67975**

We act on behalf of the Applicant, Crafty Monk Brewing Pty Ltd, with respect to the above land.

In accordance with Section 81 of the Planning Act 2016, we request the Assessment Manager responsible for the application make a change to the approval in accordance with the details provided below.

The subject site was originally issued an approval on 11 February 2022 for Material Change of Use – Development Permit for the purposes of a Food and Drink Outlet, Medium Impact Industry and Warehouse (Council Ref: A005754786). Subsequently, a Minor Change application involving changes to the building envelope, driveway gradients and carparking was issued by Council on 21 June 2022 (Council Ref: A00597323).

This Minor Change seeks to amend approved conditions and plans to facilitate extended trading hours from 6am to 12am, 7 days a week and include an outdoor pizza oven.

Changes to Approved Conditions

We have undertaken a review of the approved conditions and consider the proposal relates to Condition 8 as follows.

**8) Hours of Operation**

*“Hours of operation for the approved development are to be in accordance with the following:*

- (a) Food and Drink Outlet, Medium Impact Industry (Beverage Production) & Warehouse to operate between 06:00 am to 21:00 pm Monday to Sunday; and.*
- (b) Hours of operation for deliveries associated with the approved development is limited to between 07:00 am to 22:00pm Monday to Sunday.”*

The proposal seeks to amend Condition 8 of the approval to facilitate extended trading hours from 6am to 12am, 7 days a week. It is therefore requested that Condition 8 be amended as follows

*“Hours of operation for the approved development are to be in accordance with the following:*

- (a) Food and Drink Outlet, Medium Impact Industry (Beverage Production) & Warehouse to operate between 06:00 am to 12:00 am, 7 days a week;*
- (b) Hours of operation for deliveries associated with the approved development is limited to between 07:00 am to 22:00pm, 7 days a week.”*

An Acoustic Report has been prepared by Acoustic Works which demonstrates the revised operating hours is not anticipated to be audible to nearby sensitive receptors and therefore maintains compliance with PO1 of the Centre and Mixed Use Code. In addition to the above, a petition was undertaken by the Applicant gaining over 500 signatures in support of the proposed change. This has been included for your reference.

### Outdoor Pizza Oven

The proposal includes a Minor Change to include a new pizza oven in the outdoor dining area. The pizza oven will be located in an area that does not impact pedestrian access and egress throughout the site. In addition to this, the proposed pizza oven will not impact approved landscaping or carparking.

We consider the proposed change consists of a “Minor Change” to the original Development Permit and we make this request to change a development approval under Section 81 as the modification constitutes a minor change under the provisions of the Act.

*A minor change means a change that for a development approval*

- (1) would not result in substantially different development; and*
- (2) 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.*

Our assessment of the above is as follows:

In relation to item (1), the proposal would not constitute substantially different development. Substantially different development is outlined in Schedule 1 of the Development Assessment Rules under the Planning Act 2016 as follows:

- (1) A change may be considered to result in a substantially different development if the proposed change:*
  - (a) involves a new use; or*
  - (b) results in the application applying to a new parcel of land; or*
  - (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
  - (d) changes the ability of the proposed development to operate as intended; or*

- (e) *removes a component that is integral to the operation of the development; or*
- (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) *introduces new impacts or increase the severity of known impacts; or*
- (h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*
- (i) *impacts on infrastructure provisions.*

The proposal is not substantially different as outlined above on the basis that:

- The proposal does not involve a new use, and the site will remain as originally approved for the purpose of a Food and Drink Outlet, Medium Impact Industry and Warehouse.
- The proposal does not apply to a new parcel of land and continues to apply to lot 1 on RP67975.
- The proposed change does not dramatically change scale, bulk and appearance of the existing, approved built form.
- The proposal does not change the ability of the development to operate as intended. The premises will continue to operate as originally approved for the purpose of a Food and Drink Outlet, Medium Impact Industry and Warehouse.
- The change does not include removal of any component which would be integral to the operation of the development.
- The proposed changes will not alter traffic flow and the transport network.
- The change will not introduce new impacts or increase the severity of known impacts.
- The changes do not remove an incentive or offset component.
- The changes do not impact on infrastructure provisions.

On the basis of the above, the proposal does not constitute substantially different development.

In relation to item (2a), the proposal does not include prohibited development.

In relation to point (2b), (2c) and (2d), the original application was not subject to referral and the proposed change would not trigger any additional referral requirement or referral agency assessment.

In relation to point (2e), the original development application was subject to Impact Assessment and public notification was required. The proposed change remains Impact Assessable.

In accordance with the above, we confirm that the change proposed is a *minor change* as outlined in Section 81 of the *Planning Act 2016* and requires amendment to the approved plans only.

The application fees would be \$3,432 for a change application under Section 81 of the Planning Act (Development Assessment Area Charge).

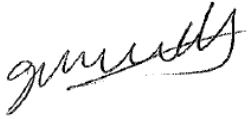
It is requested that Council issue an invoice addressed to our Client such that we can arrange payment of the applicable fee.

Please find attached the completed Planning Act Form for your records.

We trust that the supplied information is sufficient for Council to address this matter.

In the event that you do require clarification, or any further information please do not hesitate to contact the undersigned on (07) 3846 0807.

**Yours faithfully,  
Plan A Town Planning Pty Ltd**



**Garrett McVilly  
Town Planner**