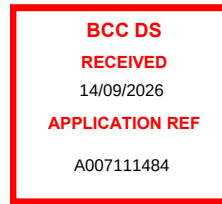


Extension Application Town Planning Assessment



M E W I N G
P L A N N I N G
C O N S U L T A N T S

1. Introduction

This town planning assessment is prepared in respect of an Extension Application made to Brisbane City Council (the responsible entity) pursuant to section 86 of the *Planning Act 2016* (**Planning Act**).

The Extension Application relates to the development approval most recently granted by Brisbane City Council on 26 August 2022, over the land at 68 Petrie Terrace, Petrie Terrace (Council Reference: A006069003) (**development approval**).

The Extension Application is made in accordance with the requirements for Extension Applications pursuant to section 86(1)-(3) of the Planning Act, as it is made in the approved form and accompanied by the written consent of the owner (**Attachment B**) and the required fee will be paid upon receipt of Council's fee quote to be issued following lodgement.

2. Background

2.1 Existing Development Approval

Original Approval – October 2016

A development approval (Council Reference: A004228123) over the site at 68 Petrie Terrace, Petrie Terrace (Lot 1 on RP804909) (**the site**) was granted by Brisbane City Council, by way of a Decision Notice, dated 7 October 2016. The Development Approval was for the following:

- Development Permit for a Material Change of Use for Short Term Accommodation and Hotel
- Development Permit for Reconfiguration of Lot (1 into 2 - Volumetric Subdivision)
- Preliminary Approval for Building Works (Demolition of a Component of a Local Heritage Place)

The development approval was for a mixed-use development of an eight (8) storey building, comprising the retention, refurbishment and extension of the Lord Alfred Hotel at ground floor and level 1, together with short-term accommodation rooms in the tower levels (89 rooms), rooftop recreation and bar, and carparking at lower car park level and upper car park level (accessed via Weetman Street and Petrie Terrace respectively).

The development application for the approval was subject to Impact Assessment, and therefore public notification applied during the assessment of the development application.

Extension Application – March 2020

An extension application was lodged to Brisbane City Council on 21 January 2020. The extension to the currency period was granted by Brisbane City Council on 4 March 2020 (Council Reference: A005375686). The currency period was extended to **7 October 2022**.

Other Change Application – September 2020

A Change (Other) Application was lodged to Council on 1 April 2020. The other change included:

- Development Permit for a Material Change of Use for Office and Hotel
- Development Permit for Building Work (Demolition of a Component of Local Heritage Place)

The change application included changes to the refurbishment of the heritage-listed Lord Alfred Hotel, creating a more functional bar and function space, supplemented by additional kitchens and increased outdoor space, particularly toward Caxton Street. The tower above changed in form and land use, from Short-term Accommodation to Office, including a rooftop bar.

Brisbane City Council approved the Change Application on 11 September 2020 (Council Reference: A005422807), after a comprehensive assessment of the amended development outcome.

The change application for the approval was subject to Impact Assessment, and therefore public notification applied during the assessment of the development application.

On 8 July 2020, the Queensland government issued an Extension Notice under section 275R of the *Planning Act 2016* extending the currency period for development approvals for a period of six (6) months (applies to approvals in effect between the period of 8 July 2020 and 31 October 2020).

On 1 September 2021, the Queensland Government issued another Extension Notice under section 275R of the *Planning Act 2016* extending the currency period for development approvals for a period of six (6) months (applies to approvals in effect between the period of 1 September 2021 and 30 September 2021).

On 29 April 2022, the Queensland Government issued another Extension Notice under section 275R of the *Planning Act 2016* extending the currency period for development approvals for a period of 12) months (applies to approvals in effect between the period of 29 April 2022 and 24 June 2022).

Having regard to the above currency period and extension notices, the approval was to lapse on the **7 October 2024**, unless extended prior.

Second Extension Application – July 2022

An extension application was lodged to Brisbane City Council on 27 July 2022. The extension to the currency period was granted by Brisbane City Council on 26 August 2022 (Council Reference: A006069003). The currency period was extended to **7 October 2026**.

A copy of the existing Development approval is included in **Attachment A**.

2.2 Comparison of Relevant Planning Designations

Table 1 provides a comparison of the town planning designations applicable to the site at the time the original development approval was granted (7 October 2016 – City Plan version 03.01/2016), the time that the extension application was granted (4 March 2020 – City Plan version 17.00/2019, the time of the other change application was granted (11 September 2020 – City Plan version 18.00/2020), the time of the second Extension Application was made (July 2022 – City Plan version 24.00/2022) and the time this Extension Application was made (City Plan version 36.00/2026).

Table 1 – Town Planning Designations					
	City Plan (v03.01/2016)	City Plan (v.17.00/2019)	City Plan (v18.00/2020)	City Plan (v24.00/2022)	City Plan (v36.00/2026)
Zone	District Centre (District) Zone	District Centre (District) Zone	District Centre (District) Zone	District Centre (District) Zone	District Centre (District) Zone
Neighbourhood Plan	Petrie Terrace and Spring Hill Neighbourhood Plan (Low-rise commercial 3 sub-precinct)	City West Neighbourhood Plan (Caxton Street Precinct)	City West Neighbourhood Plan (Caxton Street Precinct)	City West Neighbourhood Plan (Caxton Street Precinct)	City West Neighbourhood Plan (Caxton Street Precinct)

Overlays	• Airport Environs Overlay • Bicycle Network Overlay • Critical Infrastructure and Movement Network Overlay • Heritage Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay • Transport Noise Overlay	• Airport Environs Overlay • Bicycle Network Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network Overlay • Heritage Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay • Transport Noise Overlay	• Airport Environs Overlay • Bicycle Network Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network Overlay • Heritage Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay • Transport Noise Corridor Overlay	• Airport Environs Overlay • Bicycle Network Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network Overlay • Heritage Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay • Transport Air Quality Corridor Overlay • Transport Noise Corridor Overlay	• Airport Environs Overlay • Bicycle Network Overlay • Community Purposes Network Overlay • Critical Infrastructure and Movement Network Overlay • Heritage Overlay • Road Hierarchy Overlay • Streetscape Hierarchy Overlay • Transport Air Quality Corridor Overlay • Transport Noise Corridor Overlay
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As identified above, there has been a change in some of the designations applicable to the site since the original development application, including the Neighbourhood Plan, and the identification of the Community Purposes Network Overlay and Transport Air Quality Corridor Overlay on the site.

The Neighbourhood Plan changed from the Petrie Terrace and Spring Hill Neighbourhood Plan (the site being in the Low-rise commercial 3 sub-precinct) to the City West Neighbourhood Plan (the site being in the Caxton Street Precinct). The original approval essentially pre-empted the outcomes of the neighbourhood plan change and was assessed having regard to a broader performance-based outcome. The original approval would be generally aligned with the overarching outcomes within the current neighbourhood plan. The current approach would equally be subject to the broader performance-based assessment against the neighbourhood plan in force at the time of the original approval, and is generally aligned with the overarching outcomes within the current neighbourhood plan. As such, the change in neighbourhood plan is of limited consequence to this extension.

The Community Purposes Network Overlay applies to all sites across the city. Relevantly, if a new development application were to be made for the approved development the Community Purposes Network Overlay Code would not be a relevant assessment benchmark.

The Transport Air Quality Corridor Overlay is identified over a small portion of the site on the corner of Caxton Street and Petrie Terrace. Where development is identified in the Transport Air Quality B sub- category, and is assessable under the zone or neighbourhood plan, while an assessment against the Transport Air Quality Corridor Overlay Code is triggered this assessment has already been carried out as a part of previous extension applications.

3. Request to Extend the Currency Period

The purpose of this correspondence is to formally request an extension to the currency period prior to the end of the currency period for the development approval.

An extension of four years (4) years, or 48 months, is requested to provide the Applicant with sufficient time to construct and complete the approved development. Consequently, we request that the currency period for the development approval be extended to **7 October 2030**.

3.1 Grounds for Request

The grounds for the request to extend the currency period include the following.

- There is less than one (1) month remaining until the approval lapses, which is insufficient time to commence and complete the approved development. The Applicant is therefore seeking an extension to the currency period to reflect the time required complete the development.
- The applicant is progressing actions towards construction of the building. There has been understandable delay in progressing construction to this point, given the deflated nature of the commercial office market for recent years, leasing actions, and construction pricing. In addition, the Applicant's attention was distracted onto other landholdings in response to 2025 Cyclone Alfred. However, those aspects have been progressively addressed by the Applicant, who intends to proceed with the construction of the development in the short-term.
- The time remaining until the approval lapses is not sufficient time to construct and commence the use of the development. The Applicant is therefore seeking an extension to the currency period to reflect the time required to finalise the detailed design and construct a development of this scale, with comfort regarding the statutory timing of the approval. An extension to the currency period would give certainty to the project's leasing, construction and commencement.
- If approved, the extended currency period will allow for the timely delivery of the development approval, being mixed-use development, comprising the refurbishment to the heritage building, and an eight (8) storey commercial tower, with car parking on the mezzanine level and Level 1, within a prominent location in Brisbane.
- The Applicant is committed to completing the development outcome.
- The approved development application is consistent with the current City West Neighbourhood Plan and District Centre Zone, as demonstrated in Section 4 of this assessment below. These designations and associated planning controls remain generally consistent with those in effect when the current design was assessed by way of the Change Application in 2020 (refer below).
- One of the main goals from Brisbane 2031 Vision is ensuring Brisbane is a 'vibrate and creative city'. If approved, the extended currency period will allow for the development of mixed-use development, aimed to revitalise and improve one of Brisbane's long standing, vibrant music and night time entertainment precincts.
- Approval of the Extension Application would advance the purpose of Planning Act, which is to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters.
- The current approval, whilst granted under v24.00/2022 of the City Plan, is consistent with the assessment benchmarks of the current City Plan (v.36.00/2026), as demonstrated by Section 4 below.

- The preparation, lodgement and assessment of a new application for the development of the site, based on the discussion in Section 4, would therefore represent an onerous and time-consuming repetition of an assessment process that has already been completed, with no material difference in outcome.

4. Assessment of Request

Under section 87(1) of Planning Act, the assessment manager, in considering an extension application, is to have regard to the following:

87 Assessing and deciding extension applications

(1) 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.

An assessment against section 87(1) of the Planning Act is provided as follows:

- This assessment criteria is broad in scope. The consistency with the original and current planning scheme may be relevant, but is not determinative. The relevant reasons for the extension application as discussed in Section 3 of this assessment are also relevant to Council's assessment.
- As outlined within **Section 3** above, the extension request is required to allow sufficient time to facilitate construction of the development.
- As demonstrated within **Table 1** above, the most contemporary assessment of the proposal by Council (Extension Application 2) was lodged and assessed under Brisbane City Plan 2014 (Version 24.00 / 2022) and more specifically, the applicable provisions of the District Centre Zone Code, City West Neighbourhood Plan Code (Caxton Street Precinct), Centre and Mixed Use Code and other relevant secondary and overlay codes.
- If the development application was to be remade under the current City Plan the application would be assessable against the applicable provisions of the District Centre Zone Code, City West Neighbourhood Plan Code (Caxton Street Precinct), Centre and Mixed Use Code, and other secondary and overlay codes, consistent with the development approval.
- A review of the applicable codes under both Version 24.00/2022 of the City Plan and the current City Plan (Version 36.00/2026) has revealed that there have not been substantial changes to the provisions applicable to the assessment of the development from a land use, built form and technical perspective. Notably, where changes have occurred to specific content of codes, such as changes to car parking areas and rates in the Transport Access Parking and Servicing Code, that has not affected the site (which has continued to be in the City Frame area).
- The planning framework continues to anticipate the development of various land uses, inclusive of Office and Hotel as approved, together with reconfiguration of lot (volumetric subdivision), and building works (partial demolition of a local heritage place) outcomes.
- Overall, there are minimal changes to the key designations application to the site between Version 24.00/2022 of the City Plan and the current City Plan (Version 36.00/2026). Thus, an assessment under the current City Plan would be generally consistent with that of the development approval in its most recent considerations by the Council.

- The original development application did not require referral to the State Assessment and Referral Agency (SARA). If the development application was made under the current planning framework it would also not trigger referral to the State Assessment and Referral Agency.
- The extension application does not interfere with current State policies and interests. The approved development continues to comply with and advance the outcomes of the State Planning Policy and the South East Queensland Regional Plan (ShapingSEQ 2023). Please refer to **Section 3**.
- On the basis of the above points, the preparation, lodgement and assessment of a new application for the development of the site would represent an onerous and time-consuming repetition of an assessment process that has already been completed, with no material difference in outcome.

5. Summary

On the basis of the above assessment, a decision to extend the currency period for the development approval would not, in our opinion, allow development to be carried of a type, form or scale that is not reasonably contemplated by the current planning scheme. The preparation, lodgement and assessment of a new application for the development of the site would represent an onerous and time-consuming repetition of an assessment process that has already been completed.

With regards to the above matters, the requested extension to the currency period ought to be approved given:

- The planning framework applicable at the time the most contemporary assessment of the proposal by Council was lodged is generally consistent with the planning framework applicable at the time this request is made. The development complies with the relevant aspects of the planning framework applicable at the time this request was made;
- The extension request does not interfere with current State policies or interests;
- If the application was remade it would not trigger assessment to the State Assessment and Referral Agency, consistent with the original application; and
- The current circumstances relevant to the site and assessment of the Extension Application.