



DSDILGP reference: TUL2021/0009

16 November 2021

Vivo Café Morningside
C/- Cameron Levick
32 Armstrong Road
CANNON HILL QLD 4170
cam@cfdhospitality.com

Department of
State Development, Infrastructure,
Local Government and Planning

Dear Cameron Levick

Temporary use licence Decision Notice – Change to conditions of approval – limitations of use and hours of operation of the development - Unit 4, 185 Beverley Street, Morningside

(Decision Notice given under section 275J of the *Planning Act 2016*)

As a delegate of the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning, I advise that your application for a temporary use licence for change to conditions of approval – limitations of use and hours of operation of the development at Unit 4, 185 Beverley Street, Morningside is approved.

Applicant details

Applicant: Vivo Café Morningside
C/- Cameron Levick

Applicant contact details: 32 Armstrong Road
CANNON HILL QLD 4170
cam@cfdhospitality.com

Premises details

Street address: Unit 4, 185 Beverley Street, Morningside

Real property description: Lot 4 on SP127995

Local government area: Brisbane City Council

Existing use: Food and drink outlet, shop

Decision details

Decision: Temporary use licence is approved under section 275I of the *Planning Act 2016*.

Conditions: This approval is subject to the conditions in **Attachment 1**

Details of relevant change: Change to conditions of a development approval

Approved changes: Amend conditions 5 and 6 of the Planning and Environment Court Approval, dated 19 March 2020 and Appeal No. 134 of 2019

Date of decision: 16 November 2021

Timing: This temporary use licence is in effect for the period of the COVID-19 emergency applicable event declared in accordance with section 275K of the *Planning Act 2016*.

Applicable event name: COVID-19 emergency

Applicable event declaration: 29 June 2021

Applicable event end date: 30 April 2022 (unless extended under s275F of the *Planning Act 2016*)

This temporary use licence is effective under section 275L of the *Planning Act 2016*. It does not constitute a development approval under section 63 or change to an existing development permit under section 83 of the *Planning Act 2016*.

This temporary use licence authorises the use of premises within the jurisdiction of the *Planning Act 2016*. A temporary use licence does not remove the need to obtain any other approvals that might be required by local, State and/or Commonwealth jurisdictions.

It is the responsibility of the holder of this licence to determine whether other permits or approvals are required before the use can lawfully commence.

If you require further information, please contact Sean McCawley, Principal Planner, Planning Group – Department of State Development, Infrastructure, Local Government and Planning on (07) 3452 6806 or tul@dsdilgp.qld.gov.au who will be pleased to assist.



Steve Conner
Executive Director
Planning Group

cc: Brisbane City Council – PrelodgementServices@brisbane.qld.gov.au

Attachment 1 – Temporary use licence condition

No.	Condition of Temporary use licence
Amend conditions 5 and 6 of the Planning and Environment Court Approval, dated 19 March 2020 and Appeal No. 134 of 2019.	
5)	Limitation of use <p>The Shop use is limited to 9.24m², and the Food and drink outlet use is limited to 63.12m² with a maximum of 42 dining chairs.</p> <p>A maximum of 8 of the total 42 dining chairs can be placed outside the northern elevation of the building on Saturdays and Sundays only.</p> <p>A maximum of 5 x staff are to be on site at one time for all uses of the tenancy, Monday to Friday</p> <p>A maximum of 7 x staff are to be on site at one time for all uses of the tenancy on Saturday.</p> <p>The mezzanine structure above the dining area as identified on approved plan, Drawing No. 03 Issue D dated 26 March 2019 and amended in red 10 September 2019, is not to be used for any purpose at any time.</p>
6)	Hours of Operation of the Development <p>Limit the hours of operation of the Food and drink outlet and Shop to between 6am to 4pm Monday to Friday, and 6am to 1pm Saturday and Sunday.</p>

Note: *The above conditions override conditions 5 and 6 of the Planning and Environment Court Approval, dated 19 March 2020 and Appeal No. 134 of 2019. All other conditions of the Planning and Environment Court Approval remain applicable.*