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APPLICATION REF  
A007054790

# Town Planning Report

MCU For Food and Drink Outlet

520 Samford Road, Mitchelton 4053

Prepared for Mitchelton Development Pty Ltd  
Our Reference: 12952  
24 June 2026

**Saunders  
Havill**

PATHWAYS TO SUCCESS



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## Document Issue

Issue	Date	Prepared By	Checked By
Draft (for QA)	1/05/2026	GM	MR
Draft (for client review)	6/05/2026	GM	MR
Final (for lodgement)	24/06/2026	GM	MR



# Executive Summary

This report is written on behalf of Mitchelton Development Pty Ltd (*the Applicant*) who seeks to develop land situated at 520 Samford Road, Mitchelton for the purposes of a Food and Drink Outlet. In particular, the proposal seeks a Development Permit for Material Change of Use for a Food and Drink Outlet.

The site is zoned as Low Density Residential and is located within the Mitchelton Centre Neighbourhood Plan, within no specific precinct.

To facilitate the intended development across the site, this application seeks approval for the following aspects of development:

- Development Permit for Material Change of Use (Food and Drink Outlet).

The proposed development is assessable development requiring Impact assessment. In accordance with the requirements of the Planning Act the application will be required to be publicly notified. The application additionally will require referral to State Assessment Referral Agency (**SARA**) for proximity to a State Controlled Road.

This application is supported by a number of technical reports/plans, including:

- Appendix A – Property Searches, prepared by Saunders Havill
- Appendix B – Proposal Plan prepared by McVeigh Consultants
- Appendix C – Code Compliance Tables prepared by Saunders Havill
- Appendix D – Stormwater Management Plan and Civil Drawings prepared by McVeigh Consultants
- Appendix E – Traffic Impact Assessment prepared by Colliers
- Appendix F – Noise Impact Assessment prepared by Assured Environmental
- Appendix G – Economic Need Assessment prepared by Foresight Parters
- Appendix H – Landscape Concept Plan prepared by Saunders Havill
- Appendix I – Detail Survey prepared by Saunders Havill

Having regard to the subject site and surrounds, the proposed development and the relevant planning framework, the following key considerations have been identified:

- Proposed Use within a Residential Zone
- Economic and community benefit

This Town Planning Report, and supporting documents, have assessed the proposed development against the provisions of the Planning Scheme and other relevant legislation. We believe the development is consistent with the Planning Scheme and is appropriate for the locality. It is therefore recommended that the development application be approved, subject to relevant and reasonable conditions.



# Project Summary

## Property Summary

<b>Site Address</b>	520 Samford Road, Mitchelton 4053
<b>Real Property Description</b>	Lot 1 on RP841752
<b>Site Area and Frontage</b>	Site Area - 1197m <sup>2</sup> Frontage – 30.8m to Heliopolis parade 33.5m to Samford Road
<b>Easements / Encumbrances</b>	Nil
<b>Contaminated Land Search / Environmental Management Register</b>	Nil
<b>Land Owners</b>	Mitchelton Development Pty Ltd PTY LTD A.C.N. 693 768 991 UNDER INSTRUMENT 724793967
<b>Local Government</b>	Brisbane City Council

## Planning Framework Summary

<b>Planning Scheme</b>	Brisbane City Plan 2014
<b>Zone</b>	Low Density Residential
<b>Neighbourhood plan</b>	Mitchelton Centre Neighbourhood Plan

### Overlays

- Airport environs
  - OLS - Horizontal limitation surface boundary
  - Procedures for air navigation surfaces (PANS)
  - BBS zone - Distance from airport 8-13km
- Bicycle Network Overlay
- Critical Infrastructure and movement overlay
- Road hierarchy overlay
- Streetscape hierarchy overlay
- Transport air quality corridor overlay
  - Transport air quality A
  - Transport air quality B
- Transport Noise Corridor Overlay - State designated noise corridor – state controlled road – (Mandatory area)
  - Category 4: Noise level > 73 dB(A)
  - Category 3: 68 dB(A) - 73 dB(A)
  - Category 2: 63 dB(A) - 68 dB(A)
  - Category 1: 58 dB(A) - 63 dB(A)
  - Category 0: Noise level < 58 dB(A)

<b>Relevant Preliminary Approval &amp; Precinct</b>	Nil
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**State Planning Policy Mapping**

- NATURAL HAZARDS RISK AND RESILIENCE
  - Flood hazard area - local government flood mapping area
- TRANSPORT INFRASTRUCTURE
  - State-controlled road
- STRATEGIC AIRPORTS AND AVIATION FACILITIES
  - Obstacle limitation surface area
  - Wildlife hazard buffer zone
  - Aviation facility

**Development Assessment Mapping**

- SEQ REGIONAL PLAN TRIGGERS
- SEQ Regional Plan land use categories
- WATER RESOURCES
- Water resource planning area boundaries
- STATE TRANSPORT CORRIDOR
- State-controlled road
- AREAS WITHIN 25M OF A STATE TRANSPORT CORRIDOR
- Area within 25m of a State-controlled road

**Regional Plan** ShapingSEQ South East Queensland Regional 2023

**Land Use Category** Urban Footprint

## Application Summary

**Proposal overview** Drive Thru Restaurant

**Type of Approval Sought** Development Permit – Material Change of Use – Food and Drink Outlet

**Defined land use** Food and Drink Outlet

**Assessment Manager** Brisbane City Council

**Category of Assessment** Impact Assessment

SARA

- Referral Details**
- Schedule 10, Division 4, Subdivision 2, Table 4
    - Area within 25m of a State-controlled road

**Public Notification** Yes (15 business days)

## Applicant Details

**Applicant** Mitchelton Development Pty Ltd PTY LTD A.C.N. 693 768 991 Under Instrument 724793967c/- Saunders Havill  
9 Thompson Street  
Bowen Hills QLD 4006

**Contact** Grace Marchant  
Town Planner  
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# 1. Introduction

Saunders Havill has been engaged by Mitchelton Development Pty Ltd (*the Applicant*) to prepare this development application. The development application seeks approval for the following aspects of development:

Development Permit for Material Change of Use (Food and Drink Outlet)

The application is made over land located at 520 Samford Road, Mitchelton 4053 formally described as Lot 1 on RP841752 (*the subject site*).

This Town Planning Report assesses the proposal against the relevant provisions of the Brisbane City Plan 2014 v35 (*the Planning Scheme*), the Planning Act 2016 (*the Planning Act*) and other relevant legislation.

This report is accompanied by the following specialist reports/plans:

- **Appendix A** – Property Searches, prepared by Saunders Havill
- **Appendix B** – Proposal Plan prepared by McVeigh Consultants
- **Appendix C** – Code Compliance Tables prepared by Saunders Havill
- **Appendix D** – Stormwater Management Plan and Civil Drawings prepared by McVeigh Consultants
- **Appendix E** – Traffic Impact Assessment prepared by Colliers
- **Appendix F** – Noise Impact Assessment prepared by Assured Environmental
- **Appendix G** – Economic Need Assessment prepared by Foresight Parters
- **Appendix H** – Landscape Concept Plan prepared by Saunders Havill
- **Appendix I** – Detailed Survey prepared by Saunders Havill



## 2. Site Overview

### 2.1. Site Location

The subject site is located at 520 Samford Road, Mitchelton 4053 and is more formally described as Lot 1 on RP841752. The site has an area of 1197m<sup>2</sup> and has an approximate frontage of 30.8m to Heliopolis parade and approximate 33.5m to Samford Road. The site is within the Brisbane City Council local government area and is currently improved by a non-residential land use (Dry Cleaners). It is situated within proximity to key community infrastructure, including Mitchelton Park, Mt Maria College and high frequency transport services.

The following aerial photo extract shows the location of the subject site:



Figure 1: Site location plan (Source: Brisbane City Plan 2014)

### 2.2. Ownership and Encumbrances

The subject site is held in Fee Simple by MITCHELTON DEVELOPMENT PTY LTD A.C.N. 693 768 991 UNDER INSTRUMENT 724793967 TRUSTEE.

The site does not contain any easements or encumbrances.



A copy of the Current Titles Search, Registered Plan, Owner’s Consent and relevant mapping documents are provided in **Appendix A – Property Searches**.

### 2.3. General site observations

A site inspection has been carried out and the following observations, as relevant to the proposal, are made:

Characteristic	Observation
<b>Existing land uses and improvements</b>	The subject site operates currently as a Drive-Thru Dry-Cleaning Service.
<b>Adjoining land uses and character</b>	East: Adjoining lot is a Red Rooster Drive-Thru South: Dwelling House
<b>Surrounding land uses and character</b>	The site is surrounded by a mix of uses, including residential, commercial, open space and community facilities.
<b>Topography, drainage and retaining walls</b>	The site generally falls towards the west at a constant grade of approximately 3%. Refer to <b>Appendix I – Detail Survey</b> for further detail.
<b>Vegetation – site and verge</b>	The site contains a 3m wide landscaped garden including two bottle trees.
<b>Servicing</b>	The site is serviced by reticulated water and sewerage.
<b>Access</b>	Driveway access via Heliopolis Parade.



## 2.4. Site Context

The immediate surrounding locality which is located on the corner of Samford Road and Heliopolis Parade is zoned Low Density Residential. However, residential uses are no longer the predominant land use in the area. The area is now characterised by mix of commercial land uses, community facilities, and parkland. The context map below in Figure 2 shows the surrounding commercial buildings, fast-food outlet, service station, and childcare centre within the Low-density Residential zone.



Figure 2: Context Map

A summary of the adjoining land uses is included below:

- The site is located approximately 700m walking distance from Brookside Shopping Centre, a major neighbourhood centre providing retail, food and dining, medical services and other everyday conveniences.
- The site is within proximity to local shops and services along Samford Road and Gaythorne Road, supporting small-scale commercial and service uses.
- The site is serviced by public transport, with multiple bus stops located along Samford Road within short walking distance.

Accordingly, the surrounding low density residential catchment, combined with proximity to major retail, transport and community infrastructure, provides a strong and consistent demand base for service-oriented uses, including food and drink outlets that serve the local community.



## 2.5. Existing Infrastructure

The following extract shows the location of the existing mains infrastructure in the vicinity of the subject site:

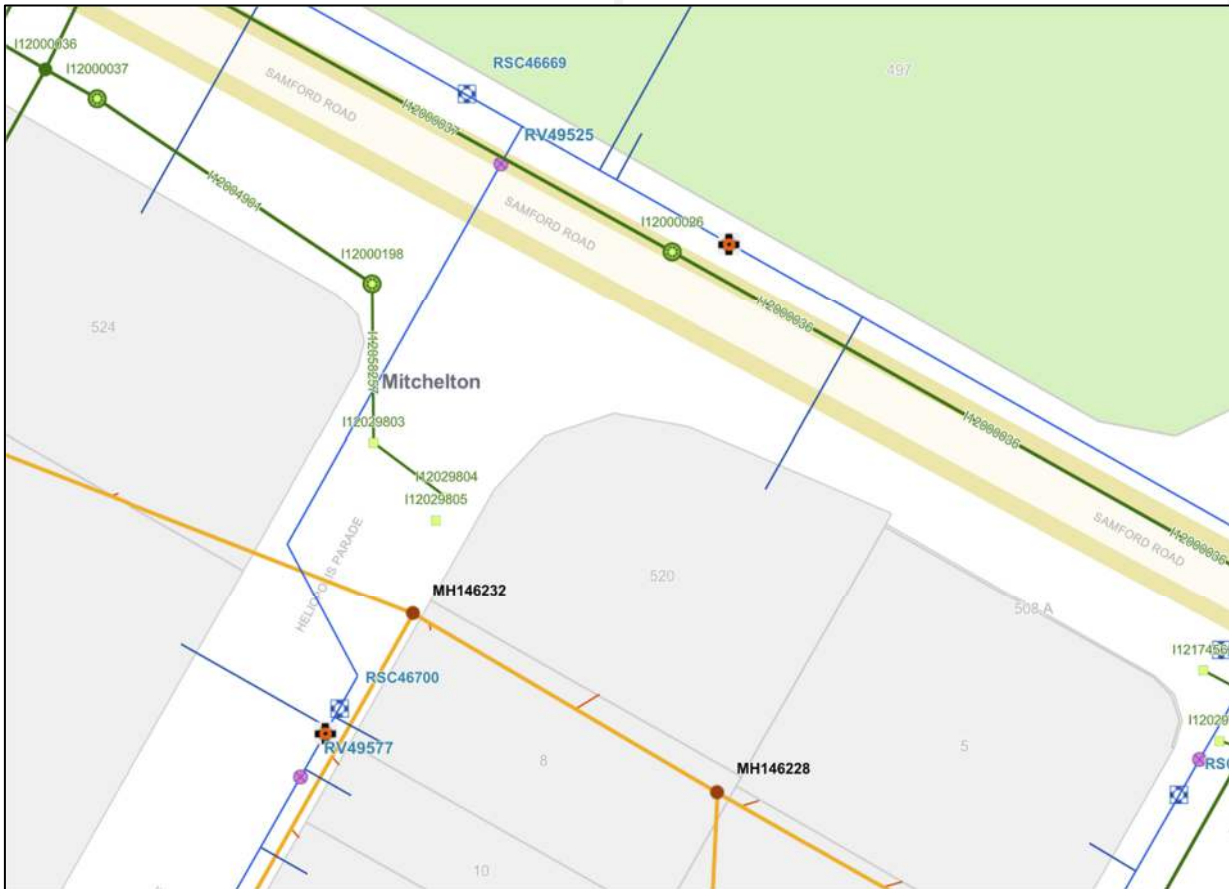


Figure 3: Utilities map (Source: Brisbane City Council community maps)

Network	Comments
Stormwater	The site currently discharges all flows via roof downpipes and runoff to the existing gully pit at Heliopolis Parade which is the lawful point of discharge (LPOD).
Water	Existing Water Main services the site.
Sewer	Existing Sewer pipe services the site.
Electrical	Connected to a standard to facilitate the existing development.
Telecommunications	Connected to a standard to facilitate the existing development.



## 2.6. Site photos

The following photographs are of the site and surrounds:



*Figure 4: Street view from Heliopolis Parade (Source: Google Maps)*



*Figure 5: Street view from Samford Road (Source: Google Maps)*

# 3. Development application & approval history

## 3.1. Subject Site

A search of Council’s PD Online service found no relevant development approval history on the subject site.

## 3.2. Surrounding Sites

The following recent development approval history is relevant to the surrounds:

Council Reference	Address	Description	Approval Date
A004461446	39 Tel-El-Kebir Street, Mitchelton QLD 4053	Impact Material Change of Use – Returned and Service Leagues of Australia	1/8/2017

As shown in Figure 2 in Section 2.4 of the report above, the subject site is in proximity to Gaythorne RSL located at 39 Tel-El-Kebir Street, Mitchelton.

This approval is relevant as it demonstrates the grounds of approval for a development of a similar nature in the Low Density Residential zone. The zoning at this location does not appropriately recognise the clear and apparent non-residential land use pattern which is established on the land north of Tel-el-Kebir Street, west of Heliopolis Parade and south of Samford Road proposal reflects and therefore the relevant instrument has not adequately responded to these changed land use circumstances.



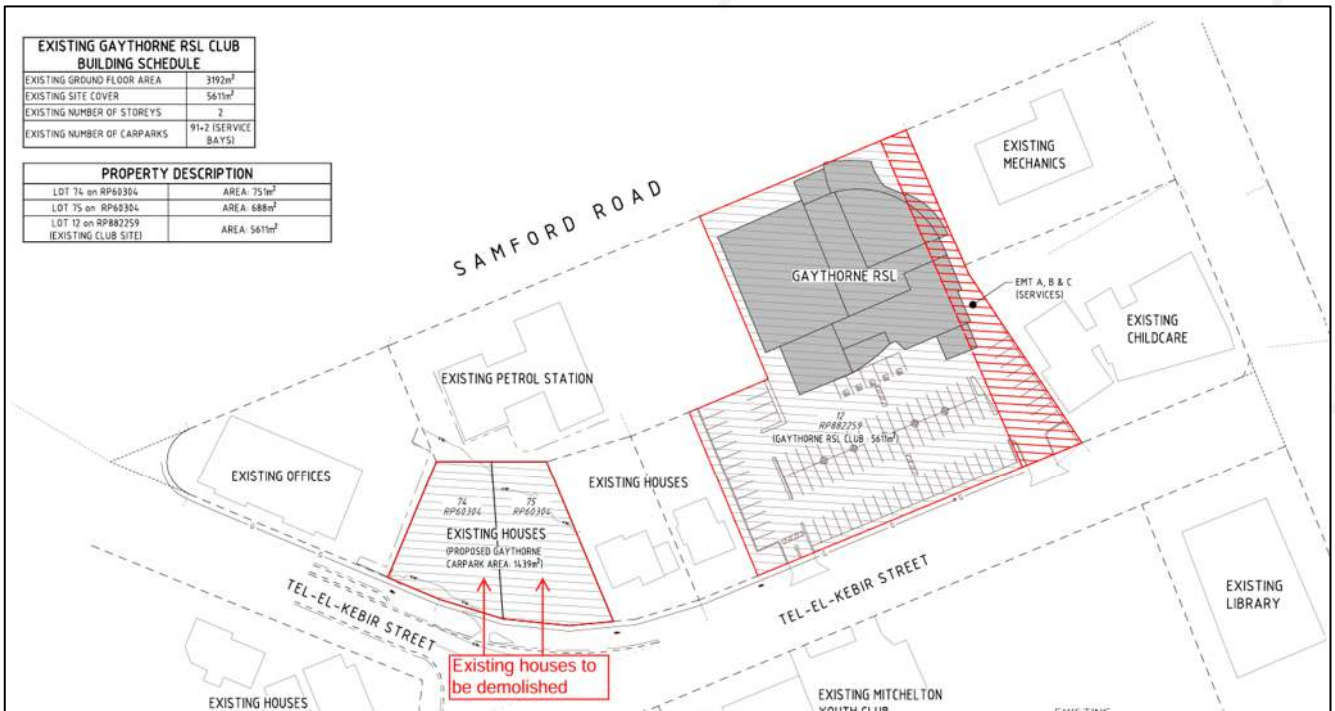


Figure 6: Approved Concept Plan (Source: Developmenti Brisbane)



# 4. Development Proposal

## 4.1. Proposal Summary

The proposed development is for a Fast-food Drive Thru (Food and Drink Outlet) comprising the following attributes:

- Fast Food Drive-Thru Building – 202.8m<sup>2</sup>
- Footpath – 64.3m<sup>2</sup>
- Landscaped Planting Buffer – 153.1m<sup>2</sup>
- 10 car parking spaces including 1 x PWD (5.4m x 2.6m)
- Designated waiting bay
- Operating hours – 24 hours



Figure 7: 3D Perspective of proposed Drive Thru from North view.



Figure 8: 3D Perspective of proposed Drive Thru from South view.



The proposal plans, prepared by McVeigh Consultants are included in **Appendix B** and are supported by a Landscape Concept Plan prepared by Saunders Havill in **Appendix H**.

## 4.2. Proposed Servicing Arrangements

The following is a summary of the proposed servicing arrangements for the proposed development:

Network	Proposal
Stormwater	The proposed LPOD is the existing stormwater gully pit at Heliopolis Parade. A stormwater chamber of quality treatment and field inlet pits with treatment devices are proposed. Refer to the Stormwater Management Plan and Civil Drawings prepared by McVeigh Consultants in <b>Appendix D</b> for further detail.



# 5. Pre-lodgement Discussions

A formal pre-lodgement meeting (A006914547) has been carried out with Brisbane City Council. The key matters discussed at the pre-lodgement discussions and the proposal's response to these matters is provided in the table below.

## Key Matter

### 1. Proposed Development

- It is acknowledged that the site has historically been used for non-residential activities. On review of the development history there appears to be an approval for a service station from 1965. Notwithstanding, the underlining zoning for the site is LDR and the new land use of a Food and drink outlet would require justification against the applicable benchmarks and Strategic framework of the CP 2014.
- A future development application will be subject to impact assessment and therefore require public notification. Any submissions received by the community will be considered by Council as part of the assessment of the application and when deciding the proposal. Early authentic community consultation with adjoining residential properties is also recommended prior to further detailed design to better understand the community's expectations of the site.
- Where a development application is pursued supporting documentation will be required to demonstrate the development is suitably located, is of an intensity, scale and built form that does not negatively impact surrounding residents and demonstrates that the development does not detract from the current and future intent of the LDR zoning.
- From a desktop analysis, Council acknowledges that proposed Food and Drink Outlet is not out of context considering the existing operations of the premise and surrounding land uses (being commercial and retail purposes). However, further supporting information would be required to demonstrate how the proposal achieves Land use strategies and the Specific outcomes of the CP 2014 strategic framework in particular:
  - Theme 2: Brisbane's outstanding lifestyle, Element 2.1 – Brisbane's identity and Element 2.2 – Brisbane's housing and accommodation choices;
  - Theme 5: Brisbane's CityShape and Element 5.5 – Brisbane's Suburban Living Areas;
- Theme 5, Element 5.5, L6.1 outlines that neighbourhood centres are interspersed within residential neighbourhoods and function as local neighbourhood service providers. It is recommended a detailed analysis of the retail/commercial uses along the Samford Rd strip is undertaken to assist in demonstrating the site will not extend or create a de-facto centre.
- In addition to providing robust justification against the CP 2014, an assessment of whether the development serves a local need is required to be carried out. The Economic needs assessment should be prepared by a suitability qualified persons and demonstrate there is a need for this use in the locality. The assessment must consider why the use/s cannot be accommodated in an appropriate zone and how it does not undermine the viability of a nearby centres. The assessment should include an analysis of tenancy vacancy rates and contemplate how the



proposal is not prejudicing residential zoned land with consideration of the contemporary housing supply shortage within South-East Queensland. The Economic needs analysis will need to determine the catchment accurately.

- Please note: There is an additional assessment fee identified in Council's Development Assessment and Compliance fees schedule for the review of an economic needs assessment.

**Response:**

The development application has Appendix G – Economic Needs Assessment prepared by Foresight Partners which has addressed and further explained the suitability and requirement for additional drive-thru food and drink outlets within the area. The report has demonstrated there is a local need for additional food and drink outlets within the region.

The site is unique that it has gone through a history of non-residential uses (Services Station) and now currently operates a Drive-Thru Dry Cleaner. The site is surrounded by non-residential uses located within the Low Density Residential Zone.

Residential Amenity

- The proposed Food and drink use is different in operation to what is currently on the site and introduces a new level of activity and impacts including a potential increase in traffic volumes and potential impacts to adjoining sensitive uses. Further the relocation and extension of the existing commercial activities and associated car parking/vehicle movement areas introduces new potential amenity impacts to adjoining residential sites.
- Potential amenity impacts of the proposed development will need to be carefully addressed as part of a future application, including but not limited to noise, dust, odour, lighting, glare, breezes and shade and the uninterrupted ability to use and enjoy the land for the purpose it was designed, that may be affected by the level, time and duration of activities on nearby sites or the impacts of natural hazards, including spatial and temporal impacts.
- Any future development application will need to demonstrate the development achieves sufficient acoustic and air quality controls to maintain a high level of residential amenity to surrounding sensitive uses. A Noise impact assessment report and Air quality report will likely be required to address the potential impacts on nearby sensitive uses. It is recommended that sufficient acoustic attenuation and generous landscape buffering be proposed to separate the outdoor car activities on site from the backyards and visually separate the development from adjoining dwelling houses.
- It is recommended that careful consideration of the layout and building alignment be undertaken to explore different configurations that offer a sympathetic interface to the adjoining dwelling houses. Any revised layout must provide a strong response to the adjoining residential dwellings, provide adequate buffering in terms of building separation and landscaping, and locate potential noise generating activities and sources away from these sensitive uses. Consideration of any acoustic attenuation requirements (ie barriers) and building bulk on the boundary of the interface of the residential development. The design will need to consider appropriate attenuation measures without resulting in overbearing building bulk/height that may create impacts to the adjoining residential development.



**Response:**

The development application has taken into consideration Council's comments and as part of the lodgement package has provided a detailed landscape concept plan and acoustic and air quality report.

Landscaping

- It is recommended to retain the existing vegetation along the eastern boundary and enhance with additional landscape screening to maintain the separation and reduce amenity impacts to adjoining sensitive uses.
- Buffer planting along the southern boundary is required to be a minimum of 2m.
- Potential light spill of the proposed development should also be taken into consideration to not impact on the adjoining sensitive land uses.
- The proposal should ensure that the proposed driveway crossover is located fully within the property boundary, including driveway flair.
- A 3.75m wide verge widening may be required along the north-eastern corner of the site. Further information is provided in the attached Traffic and Transport Advice.

**Response:**

Please see attached in Appendix H – Landscape Concept Plan prepared by Saunders Havill which has addressed the items raised by Council above.

**2. Engineering**

Stormwater

- The proposal should demonstrate a Lawful Point of Discharge. Guidelines as to what Council constitutes to be a satisfactory Lawful point of discharge may be found in City Plan 2014, Infrastructure Design PSP (ID PSP), section 7.6.
- It is recommended to avoid the existing stormwater infrastructure due to potentially State ownership and requirements. Further information regarding the diameter of the existing stormwater pipe should be provided to ensure the existing system has the capacity to cater for the proposal.
- A Site Based Stormwater Management Plan and Civil Drawings report prepared by an RPEQ will be required to demonstrate compliance with the outcomes within this Code. The report is to be prepared in accordance with the ID PSP Section 1.
- An Erosion and Hazard Assessment Form is required to be lodged with any development application that will result in soil disturbing activity. There are three categories of hazard (i.e. low, medium and high) and conditions will be imposed based on the category of hazard.

**Response:**

Please see in attached in Appendix D – Stormwater Management Plan and Civil Drawings prepared by McVeigh Consultants which has addressed the items raised by Council above.

Transport, Access, Parking and Servicing



- As Samford Road is a state-controlled road, any road widening requirements will be implemented by the State. A Prelodgement meeting with SARA is recommended.
- A traffic report, endorsed by an RPEQ, is required to demonstrate that the proposal complies with the TAPS PSP. Any performance solutions proposed for consideration need to be detailed as part of an RPEQ signed traffic report.
- As the development is a major traffic generator a Traffic Impact Assessment Report is required. The report is to be prepared in accordance with requirements of City Plan 2014, TAPS PSP, Section 2.
- Vehicular access from Heliopolis Parade is supported, but must be located with sufficient distance to Samford Rd.
- On site car parking numbers to be in accordance with City Plan 2014 - Transport, Access, Parking and Servicing PSP (TAPS), Tables 13 and 14. It is noted based on the submitted plans, that a performance outcome on car parking is likely to be sought with consideration of the GFA and noted number of car parking spaces presented. As part of any future application supporting justification will be required that the site accommodates adequate car parking provisions to accommodate the demand generated from the use and does not result in impacts on the adjoining local residential street and transport network surrounding.
- On site bicycle parking numbers and facilities to be in accordance with City Plan 2014 - Transport, Access, Parking and Servicing PSP (TAPS), Table 21.
- Design Service Vehicles for the development are to be in accordance with the Transport, Access, Parking and Servicing PSP, Section 3.
- The circulating/parking aisles, ramps, bays and manoeuvring areas are to be designed in accordance with the Transport, Access, Parking and Servicing PSP.
- Further information is required with regards to the queuing distances, ensuring no offsite queuing or spill over into residential street for car parking.
- The proposal should ensure a dedicated separate and safe pedestrian entry is provided, to avoid any conflicts with vehicle maneuvering on site.

**Response:**

Please see attached in Appendix E – Traffic Impact Assessment by Colliers which has addressed the items raised by Council above.

Refuse Storage and Collection

- Any future application will need to address the requirements for refuse as stated in the Refuse Planning Scheme Policy (Refuse PSP) and Transport, Access, Parking and Servicing Planning Scheme Policy (TAPS PSP).



- Careful consideration of storage and collection areas in terms of amenity impacts (eg: visual, odour, noise impacts) on adjoining residential development should be undertaken with design refinements.

**Response:**

Please see attached in Appendix E – Traffic Impact Assessment by Colliers which has addressed the items raised by Council above.

**3. Supporting Reports**

- In support of a future development application, it was recommended the applicant lodge the following supporting documentation in conjunction with those listed above:
  - o Planning report and supporting justification against applicable benchmarks and strategic framework of the CP 2014
  - o Economics needs assessment report;
  - o Architectural drawings including to-scale site plans, elevations, and sections;
  - o Landscape concept plan;
  - o Site Based Stormwater Management Plan and Civil Drawings that have been prepared and certified by a suitably qualified Registered Professional Engineer of Queensland, addressing design constraints;
  - o Traffic impact assessment report demonstrating compliance with the TAPS PSP and Refuse PSP; and
  - o Noise report.
  - o Air quality report
  - o Any other technical report as required in accordance with the provisions of the Brisbane City Plan 2014 upon detailed review of the proposal.

**Response:**

The applicant has taken into consideration the above comments from Council and provided the appropriate reports to address concerns.



# 6. Statutory Framework

## 6.1. Planning Act 2016

The proposed development is assessable and subject to Impact assessment and pursuant to s45(5) of the Planning Act:

An impact assessment is an assessment that –

- (a) Must be carried out –
  - (i) Against the assessment benchmarks in a categorising instrument for the development; and
  - (ii) Having regard to any matters prescribed by regulations for this subparagraph; and
- (b) May be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.

## 6.2. State Planning Policy

The following State interests, as identified in the State Planning Policy (SPP), are relevant to the subject site and proposed development:

Theme	Interest
Safety and resilience to hazards	Natural hazards, risks and resilience <ul style="list-style-type: none"> <li>○ Flood hazard area – local government flood mapping area</li> </ul>
	Transport infrastructure <ul style="list-style-type: none"> <li>○ State-controlled road</li> </ul>
Infrastructure	Strategic airports and aviation facilities Obstacle limitation surface area <ul style="list-style-type: none"> <li>○ Wildlife hazard buffer zone</li> <li>○ Aviation facility</li> </ul>



We understand the Planning Scheme integrates these State interests as follows:

State Theme/Interest	Version of the SPP integrated into the Planning Scheme	Assessment against SPP required
<b>Safety and resilience to hazards</b>		
<ul style="list-style-type: none"> <li>• Natural hazards, risks and resilience                             <ul style="list-style-type: none"> <li>○ Flood hazard area – local government flooding area</li> </ul> </li> </ul>	SPP July 2017	No
<b>Infrastructure</b>		
<ul style="list-style-type: none"> <li>• Transport infrastructure                             <ul style="list-style-type: none"> <li>○ State-controlled road</li> </ul> </li> <li>• Strategic airports and aviation facilities                             <ul style="list-style-type: none"> <li>○ Obstacle limitation surface area</li> <li>○ Wildlife hazard buffer zone</li> <li>○ Aviation facility</li> </ul> </li> </ul>	SPP July 2017	No

### 6.3. Regional Plan

The subject site is identified within the Urban Footprint under ShapingSEQ 2023. Furthermore, the site not identified within a SEQ Development Area.

The Planning Scheme appropriately advances the South East Queensland Regional Plan.

### 6.4. Regulated Requirements Prescribed in the Planning Regulation 2017

The regulated requirements prescribed in the Planning Regulation are appropriately reflected in full in the Planning Scheme.

### 6.5. Designated Premises

The Subject Site is not a Designated Premises.

### 6.6. Referrals

The subject site is impacted by the following DAMS mapping layers:

- Area within 25m of a State-controlled road



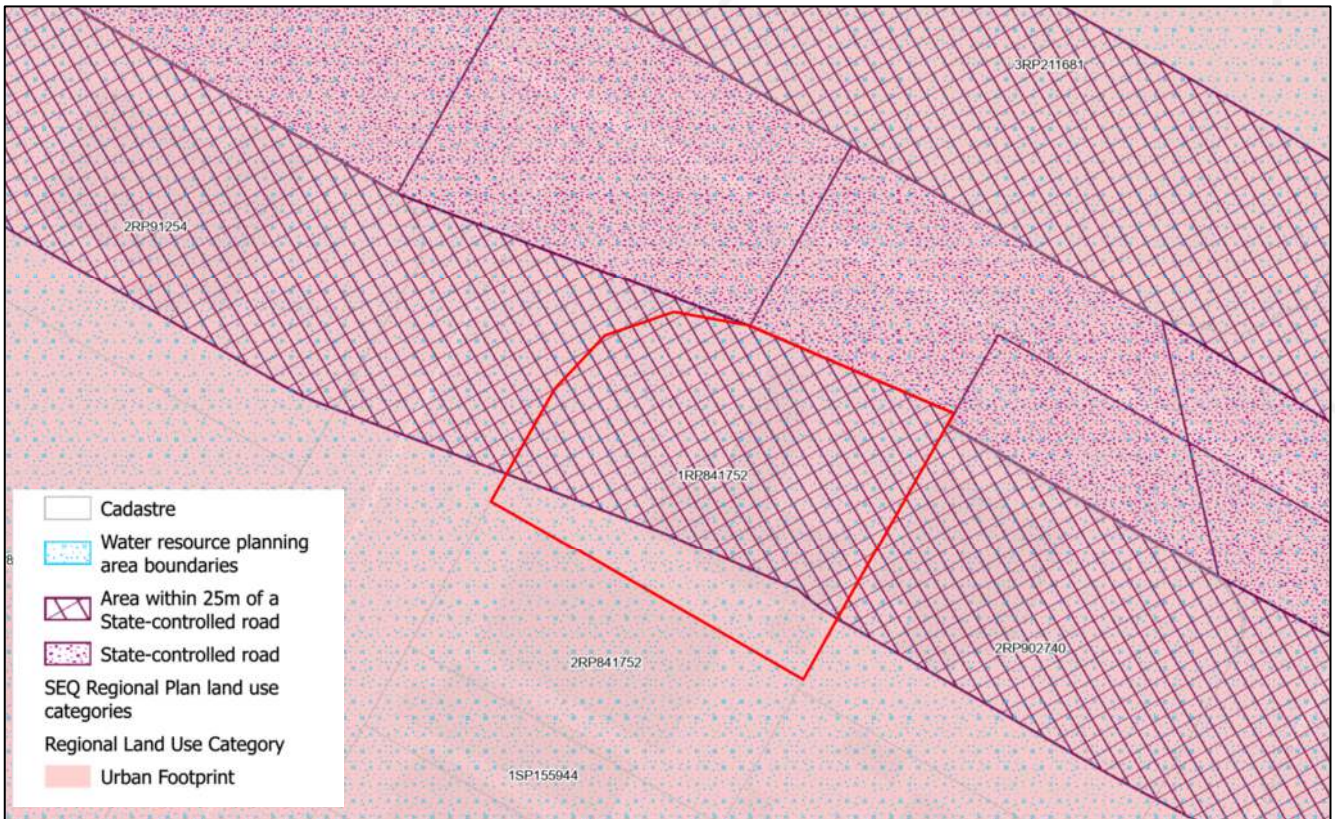


Figure 9: DAMS map extract (Source: DAMS mapping)

An assessment of Schedules 9 and 10 of the Planning Regulation confirms that the application involves referral to the agencies specified in the following sections.

6.6.1 Matters Requiring Referral to the Chief Executive of the Planning Regulation 2017

The State Assessment and Referral Agency (SARA) acts as the referral agency for all matters that require referral to the Chief Executive of the Planning Regulation. The following provides a summary of the matters requiring referral to SARA.

Referral requirement	Referral agency and role	Assessment benchmarks	Location of Response
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	State Assessment and Referral Agency (SARA) with the Department of Transport and Main Roads	State Development Assessment Provisions guideline – State Code 1: Development in a state-controlled road environment	A response to State Code 1 is included within <b>Appendix E – Traffic Impact Assessment</b>

A copy of the Development Assessment Mapping System (DAMS) searches is provided within **Appendix A – Property Searches**.



# Local planning framework

## 6.7. Planning Scheme

The proposed development has been lodged pursuant to and assessed against the relevant provisions of the *Brisbane City Plan 2014* as detailed in the following sections.

## 6.8. Use Definition

The proposed development is for Material Change of Use for a Food and Drink Outlet. For the purposes of the Planning Scheme, the proposal can be defined as incorporating the following use:

Use	Definition
Food and Drink Outlet	Food and drink outlet means the use of premises for— <ol style="list-style-type: none"> <li>a. preparing and selling food and drink for consumption on or off the premises; or</li> <li>b. providing liquor for consumption on or off the premises, if the use is ancillary to the use in paragraph (a).</li> </ol>

## 6.9. Category of Development and Assessment

The proposal is assessable development and triggers Impact assessment.

## 6.10. Applicable Assessment Benchmarks

As the application is subject to Impact assessment, it is assessable against the entire Planning Scheme, to the extent relevant. The following assessment benchmarks are relevant to the development application and have been addressed as part of this application in the location shown in the table below:

Assessment Benchmark	Responsible Consultant	Response Location
Strategic Framework	Saunders Havill	Appendix C
Centre and Mixed Use Code	Saunders Havill	Appendix C
Mitchelton Centre Neighbourhood code	Saunders Havill	Appendix C
Airport Environs Overlay Code	Saunders Havill	Appendix C
Bicycle Network Overlay Code	Saunders Havill	Appendix C
Road Hierarchy Overlay Code	Saunders Havill	Appendix C
Streetscape Hierarchy Overlay Code	Saunders Havill	Appendix C
Transport Air Quality Corridor	Saunders Havill	Appendix C



<b>Transport Noise Corridor Overlay Code</b>	Assured Environmental	Appendix C
<b>Filling and Excavation Code</b>	McVeigh Consultants	Appendix C
<b>Infrastructure Design Code</b>	McVeigh Consultants	Appendix C
<b>Landscape Work Code</b>	Saunders Havill	Appendix C
<b>Outdoor Lighting Code</b>	Saunders Havill	Appendix C
<b>Stormwater Code</b>	McVeigh Consultants	Appendix C
<b>Transport, Access, Parking and Servicing Code</b>	Colliers	Appendix E

## 6.11. Strategic Framework

As the proposed development application is identified as Impact Assessment, it is important to note within the planning scheme, Section 1.5 Hierarchy of Assessment Benchmarks identifies the following: -

- (a) the strategic framework prevails over all other components, to the extent of the inconsistency for impact assessment;*
- (b) relevant codes as specified in Schedules 6 and 10 of the Regulation prevail over all other components, to the extent of the inconsistency;*
- (c) overlays prevail over all other components (other than the matters mentioned in (a) and (b), to the extent of the inconsistency;*
- (d) neighbourhood plan codes prevail over zone codes, use codes and other development codes, to the extent of the inconsistency;*
- (e) zone codes prevail over use codes and other development codes, to the extent of the inconsistency;*
- (f) provisions of Part 10 may override any of the above.*

As identified above, the strategic framework prevails over all other components of the planning scheme to the extent there is an inconsistency between the relevant zone, use codes, neighbourhood plans and overlays. As such, below is a demonstration that the proposed development complies with the overarching strategic framework and therefor complies with the planning scheme.

Development in the Low Density Residential Zone as identified in section 6.2.1.1 (3) a. identifies two key themes

- *Theme 2: Brisbane's outstanding lifestyle, Element 2.1 – Brisbane's identity and Element 2.2 – Brisbane's housing and accommodation choices;*
- *Theme 5: Brisbane's CityShape and Element 5.5 – Brisbane's Suburban Living Areas.*

An assessment of the Strategic Framework has been undertaken in **Appendix C – Code Compliance**.



## 6.12. Zone

The subject site is within the Low Density Residential Zone of the Planning Scheme as shown below.



Figure 10: Planning Scheme zoning (Source: Brisbane City Council City Plan 2014)

The purpose of the Low Density Residential Zone is to provide a variety of low density dwelling types. An assessment against the overall outcomes of the Low Density Residential Zone is highlighted below:

Location and Uses Overall Outcomes	Response
<p>a. <i>Development provides for suburban living in dwelling houses of predominantly 1 or 2 storeys in height, on appropriately sized and configured vacant lots, which maintain the low density detached housing suburban identity of the Low density residential zone.</i></p>	<p><b>Not Applicable</b></p> <p>The proposal is for a Material Change of Use for a Food and Drink Outlet. It is noted that the proposed development involves repurposing an existing commercial building to another more appropriate commercial use. Additionally, that the predominant land use in the surrounding locality is no longer residential, with most properties having been redeveloped for commercial or community facility purposes. As such, the proposed reuse of the existing built form rather than the</p>



conversion to residential development is an appropriate use.

b. *Development provides for other housing types at a house scale to provide housing diversity offering choice to different household types and individuals to suit residents through different life-cycle stages.*

**Not Applicable**

The development proposes a fast food drive-thru. The proposed scale and size of development is consistent with the adjoining land use and surrounding area.

c. *Development maintains a low density character in which multiple dwellings are not accommodated.*

**Not Applicable**

The development is for a new drive-thru. It is noted that the predominate land use in the surrounding locality is no longer residential, with most properties having been developed for commercial or community facility purposes.

d. *Development for other housing types, being a residential care facility or retirement facility together with ancillary convenience activities and allied services (care co-located uses), which provide housing diversity and enable people to remain within their local neighbourhood throughout their life cycle, may be accommodated at appropriate locations where development meets the bulk and building height requirements of the Retirement and residential care facility code.*

**Not Applicable**

Development is for a new drive-thru.

e. *Development for a relocatable home park or tourist park may continue to operate and expand where on an existing site to provide housing diversity.*

**Not Applicable**

The proposed development does not incorporate an additional built form.

f. *Development for a dwelling unit may occur as part of a non-residential use.*

**Not Applicable**

The proposed development does not incorporate an additional built form.

g. *Development reflects and supports the high level of comfort, quiet, privacy and safety (including impacts of glare, odour,*

**Does not comply – alternative solution**

Development reflects and supports the existing nature of the locality, where the surrounding land uses are not residential.



*light, noise, traffic, parking, servicing and hours of operation) reasonably expected within a predominantly low density permanent residential environment.*

Located on a state controlled road and adjoining a drive-thru Red Rooster, the noise, parking, traffic and servicing impacts of the proposed development are consistent with the surrounding environment.

*h. Development for commercial character building activities on land within the Commercial character building overlay is to comply with the Commercial character building (activities) overlay code.*

**Not Applicable**

The proposed development is not for commercial character building activities.

*i. Development for a compatible and individual small-scale non-residential use which is a community care centre, community use, health care service, office, shop or veterinary service (together with any associated caretaker's accommodation or dwelling unit), where not on land within the Commercial character building overlay is to:*

**Not Applicable**

Proposed development is for a new Drive-Thru.

- i. have a gross floor area of less than 250m<sup>2</sup>;*
- ii. serve local residents' day-to-day needs;*
- iii. not undermine the viability of a nearby centre.*

*j. Development for a home-based business may operate in a dwelling house and is of a scale and nature that protects the amenity of adjoining residents.*

**Not Applicable**

Proposed development is not a home-based business.

*k. Development for a non-residential use serves a local community facility need only, such as a childcare centre or a substation, and is of a bulk and scale that is compatible with and integrates with the built form intent for the Low density residential zone.*

**Does not comply – alternative solution**

Development is for a food and drink outlet. The proposed bulk and scale is compatible with predominant land use in the surrounding locality, with most properties having been redeveloped for commercial or community facility purposes.



1. *Development for rooming accommodation accommodates five persons or less.*

**Not Applicable**

Proposed development is not rooming accommodation.



### 6.13. Mitchelton Centre Neighbourhood Plan

The subject site is within the Mitchelton Centre Neighbourhood Plan. The purpose of the code is to provide finer grained planning at a local level for the Mitchelton centre neighbourhood plan area.

An assessment against the assessment benchmarks has been undertaken and attached in **Appendix C – Code Compliance.**

### 6.14. Overlays

The subject site is affected by the following Planning Scheme overlays:

Overlay	Comment
<p><b>Airport environs overlay</b></p> 	<p>The subject site is located within BBS zone – Distance from airport 8-13km. The development does not affect the safety and function of the airspace. An assessment of the Airport environs overlay code is provided in <b>Appendix C – Code Compliance Tables.</b></p>
<p><b>Bicycle network overlay</b></p> 	<p>The proposed development will maintain the existing access to the lower order Heliopolis Parade (Neighbourhood Road). An assessment of the Bicycle Network Overlay Code is provided in <b>Appendix C – Code Compliance Tables</b> prepared by Saunders Havill.</p>



### Dwelling house character overlay



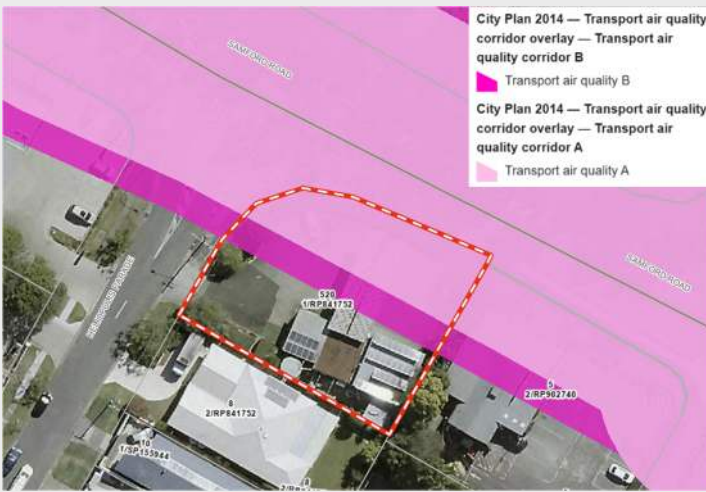
The proposed development is for a Material Change of Use for a Food and Drink Outlet. Assessment against the applicable benchmarks for Centre and Mixed Use code have been provided in **Appendix C – Code Compliance**.

### Road hierarchy



The proposed development will maintain the existing access to the lower order Heliopolis Parade (Neighbourhood Road). An assessment of the Road Hierarchy Overlay Code is provided in **Appendix C – Code Compliance Tables** prepared by Saunders Havill.

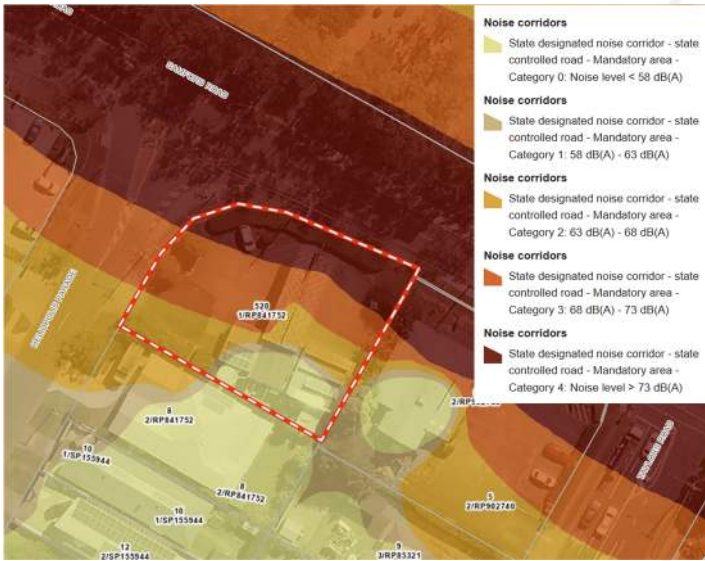
### Transport air quality corridor overlay



The site is included within the transport air quality corridor A and B overlay. An assessment against relevant assessment benchmarks are included in **Appendix C – Code Compliance Tables**.



### Transport noise corridor overlay – Designated State Noise Corridor – state controlled road



The site is located within the Noise corridor – State-controlled - Categories 0-4. The site is located within 25m of Samford Road (State-controlled road) and requires SARA referral. Assessment against the applicable overlay codes has been included in **Appendix C - Code Compliance Tables**. Refer to **Appendix F – Noise Impact Assessment** prepared by Assured Environmental which addresses noise impacts.



# 7. Infrastructure Planning

## 7.1. Local Government Infrastructure Plan

A review of the Local Government Infrastructure Plan (LGIP) in relation to the subject site and proposed development has been undertaken. It is noted that the subject site is within the boundaries of the Priority Infrastructure Area (PIA).

### 7.1.1 Trunk Infrastructure

The proposed development will not require the construction of any identified or necessary trunk infrastructure.

## 7.2. Infrastructure Charges and Credits

The *Brisbane City Council* Brisbane Infrastructure Charges Resolution (No. 14) 2025 (the Resolution) was adopted by Council and came into effect on 1 July 2025. The Resolution is in accordance with the Planning Act and sets out certain requirements for infrastructure charges, including maximum charges that can be applied for different types of development.



# 8. Key Considerations

## 8.1. Summary of Compliance / Merits of Proposal

An assessment of the proposal has been carried out against the relevant assessment benchmarks. The following key considerations have been identified for the development that have been discussed in the following sections:

- Proposed Use within a Residential Zone
- Economic and Community Benefit

## 8.2. Proposed Use within a Residential Zone

The built form characteristics of the site and immediately adjoining sites are not reflective of the purpose and overall outcomes of the Low density residential zone code. This is due to the prevailing and surrounding land uses on Samford Road not being representative of a low density residential land use typology. It is noted that the existing use is a drive-thru dry cleaners and the incremental establishment of non-residential uses in this area is apparent. Resultantly, City Plan 2014 is incorrect in applying the Low density residential zoning on Lot 1 on RP841752 at the present time. The zoning at this location under the relevant instrument does not appropriately recognise the clear and apparent non-residential land use pattern which is established on Samford Road and therefore the relevant instrument has not adequately responded to these changed land use circumstances.

## 8.3. Economic and Community Benefit

Further, the proposal represents a real and apparent benefit to the local community. The proposed development seeks to construct a new food and drink outlet. It is recognised that there is both economic and community need for the proposal as outlined in **Appendix G – Economic Needs Assessment**.



## 9. Conclusion

This report is written on behalf of Mitchelton Development Pty Ltd who seek to develop land situated at 520 Samford Road for the purposes of Development Permit for Material Change of Use for a Food and Drink Outlet.

This Town Planning Report and accompanying specialist reports / plans have assessed the proposed development against the provisions of the *Brisbane City Plan 2014* and other relevant legislation. Based on this assessment we believe that the proposal is compliant.

It is therefore recommended that the proposed development be approved, subject to relevant and reasonable conditions.



# Appendices

## Appendix A

Property Searches prepared by Saunders Havill

## Appendix B

Proposal Plan prepared by McVeigh Consultants

## Appendix C

Code Compliance Tables prepared by Saunders Havill

## Appendix D

Stormwater Management Plan and Civil Drawings prepared by McVeigh Consultants

## Appendix E

Traffic Impact Assessment prepared by Colliers

## Appendix F

Noise Impact Assessment prepared by Assured Environmental

## Appendix G

Economic Need Assessment prepared by Foresight Parters

## Appendix H

Landscape Concept Plan prepared by Saunders Havill

## Appendix I

Detail Survey prepared by Saunders Havi



