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TOWN PLANNING REPORT CHANGE APPLICATION (S82 OTHER CHANGE) DEVELOPMENT APPLICATION

MATERIAL CHANGE OF USE FOR BULK LANDSCAPE SUPPLIES,
LOW IMPACT INDUSTRY, OUTDOOR SALES, TRANSPORT
DEPOT, AND WAREHOUSE
UPON LAND AT
161 SANDMERE ROAD, PINKENBA

ON BEHALF OF
LAGC CAVA PTY LTD

OUR REFERENCE: 250723



PROJECT DETAILS

Applicant: LAGC CAVA Pty Ltd
Project Address: 161 Sandmere Road, Pinkenba
TPA Project Number: 250723
TPA Project Contact: Jessica Robson
Tara Nunn

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TABLE OF CONTENTS

| | | |
|------|--|----|
| 1 | EXECUTIVE SUMMARY | 4 |
| 2 | PROJECT OVERVIEW | 5 |
| 3 | BACKGROUND & SITE CHARACTERISTICS..... | 6 |
| 3.1 | Site Details | 6 |
| 3.2 | Location | 6 |
| 3.3 | Site Characteristics | 7 |
| 3.4 | Site History | 8 |
| 4 | SUMMARY OF CHANGES | 10 |
| 4.1 | Proposed Changes..... | 10 |
| 5 | CHANGE APPLICATION PROVISIONS | 14 |
| 6 | TOWN PLANNING FRAMEWORK..... | 16 |
| 6.1 | State Government | 16 |
| 6.2 | Local Government | 17 |
| 7 | CONDITION AMENDMENTS | 25 |
| 8 | INFRASTRUCTURE CHARGES..... | 27 |
| 9 | CONCLUSIONS..... | 28 |
| 10 | APPENDICES..... | 29 |
| 10.1 | Appendix 1 - Code Assessment..... | 29 |

1 EXECUTIVE SUMMARY

This report is submitted on behalf of *LAGC CAVA Pty Ltd* in support of a Change Application under s82 of the *Planning Act 2016*, seeking an 'Other Change' to the development approval for Outdoor Sales at 161 Sandmere Road, Pinkenba QLD 4008, legally described as Lot 482 on M3321.

The report addresses the merits of the proposed Change Application with respect to the relevant provisions of the *Planning Act 2016* and the *Brisbane City Plan 2014* (hereafter 'the planning scheme').

This Change Application proposes to incorporate four (4) additional uses to increase the flexibility of the site for future tenants, while remaining consistent with the character of the surrounding industrial area and the intent of the zone. The proposed additional uses are Bulk landscape supplies, Low impact industry, Transport depot and Warehouse, to be included alongside the existing Outdoor sales use. The proposed additional uses are Impact Assessable in accordance with Table 5.5.18 of the planning scheme.

The Myrtle town Precinct is envisioned by the Neighbourhood Plan for high impact and special industries. The proposed uses are consistent with this intent, as they are all capable of being conducted outdoors with no changes to the built form on the site. The absence of additional built form ensures the site remains available for high impact industry in the future, consistent with the long-term intent of the precinct.

Further to the addition of uses, amendments to external civil works along the Sandmere Road and Marine Road frontages are also proposed to align with recent approvals and approved civil works along Sandmere Road to reduce the duplication of works. Specifically, the amendments to the civil works are proposed as follows:

- Amendment to the drainage works along Sandmere Road to align with the subject site frontage; and
- Amendment of the roadworks to Sandmere Road to extend from Marine Road for the full length of the subject site frontage.

In accordance with s78 of the *Planning Act 2016*, a person may make an application (a Change Application) to change a development approval. Furthermore, a change application, other than for a Minor Change to the development approval, is an Other Change to development approval. This Change Application is an Other Change to development approval and therefore is to be assessed and decided in accordance with s82 of the *Planning Act 2016*. In accordance with the provisions in s82 of the *Planning Act 2016*, an Other Change is to be assessed 'in the context of the development approval' with the relevant provisions to apply as if the change application were the original development application, with the changes included, but was made when the change application was made. However, only the matters for assessment that are relevant to assessing the change in the context of the original approval are relevant to the assessment.

In assessing the changes in the context of the original approval, the changes to the development approval are identified as meeting the relevant assessment benchmarks of the *Brisbane City Plan 2014*. As such, the Change application should be approved by Council.

2 PROJECT OVERVIEW

| | | | | |
|--------------------------------------|---|----------------------|---------------------------|--------------------|
| Applicant Name | LAGC CAVA Pty Ltd | | | |
| Site Address | 161 Sandmere Road, Pinkenba | | | |
| Real Property Description | Lot 482 on M3321 | | | |
| Area of Site | 17,465m ² | | | |
| Planning Scheme | <i>Brisbane City Plan 2014</i> | | | |
| Zone | Industry Investigation | | | |
| Neighbourhood Plan | Pinkenba-Eagle Farm neighbourhood plan <ul style="list-style-type: none"> ▪ Myrtle town precinct | | | |
| Proposed Development | Other Change for Material Change of Use for Bulk landscape supplies, Low impact industry, Outdoor sales, Transport depot, And Warehouse | | | |
| Details of Proposal | Material Change of Use | | | |
| | Existing GFA | 133.15m ² | Proposed GFA | No change |
| | Existing Impervious Area | 14,680m ² | Proposed Impervious Area | No change |
| Application Type | Aspects of Development | | Type of Approval Required | |
| | | | Preliminary Approval | Development Permit |
| | Material Change of Use | | | ✓ |
| | Reconfiguration of a Lot | | | |
| | Building Work | | | |
| Operational Work | | | | |
| Level of Assessment | Impact assessment | | | |
| Pre-lodgement / Consultation History | N/A | | | |
| Public Notification | 15 business days | | | |
| Referral Agencies | Referral Agency | | Trigger | |
| | N/A | | N/A | |
| Specialist Report | <ul style="list-style-type: none"> • Civil Drawings prepared by <i>Civil 360 Engineering</i> • Stormwater Management Plan prepared by <i>Civil 360 Engineering</i> • Engineering Letter prepared by <i>Civil 360 Engineering</i> | | | |
| Applicant Contact | Tara Nunn / Jessica Robson | | | |
| Applicant Email | eda@tpalliance.com.au | | | |

3 BACKGROUND & SITE CHARACTERISTICS

3.1 Site Details

| | |
|---------------------------|-----------------------------|
| Site Address | 161 Sandmere Road, Pinkenba |
| Real property description | Lot 482 on M3321 |
| Area of site | 17,465m ² |
| Zone | Industry investigation zone |



Figure 1: Aerial Image of Subject Site

3.2 Location

The site is located within the Pinkenba-Eagle Farm neighbourhood plan and is identified within the Myrtle town precinct. The site is easily accessible from Sandmere Road and ultimately the Gateway Motorway via the existing road network. The site is located in close proximity to Brisbane Airport to the west and Brisbane International Cruise Terminal to the north-east.

As illustrated below, the surrounding locality is comprised of mixed zone designations, including predominantly Industry investigation, however is also located near Special purpose, Open space and Conservation zones. The surrounding area is predominantly characterised by industrial and storage uses.



Figure 2: Zoning Map

3.3 Site Characteristics

The development site is rectangular in shape and contains a total site area of approximately 17,465m². The site has frontage to both Sandmere Road and Marine Road. Access to the site is maintained via Sandmere Road.

3.3.1 Topography

The site is relatively flat. The flat topography is well suited to the proposed outdoor uses.

3.3.2 Vegetation

The subject site is free from vegetation and is predominantly covered by hardstand / gravel.

3.3.3 Flooding

The site is partially mapped within the Brisbane River flood planning area sub-category 5. Furthermore, the site is mapped within the Medium storm-tide inundation area and partially within the High storm-tide inundation area. It is noted that the flooding overlays remain unchanged from the original approval A004749522. Notwithstanding, the proposed uses are considered compatible within this flood area, as they are predominantly outdoor in nature and do not involve the construction of habitable buildings or sensitive land uses. Furthermore, the development of the site complies with the indicative average fill level of the sub-catchment in accordance with the Myrtle town Structure Plan – Drainage and Fill.

3.3.4 Infrastructure

The subject site is located within an industrial area with provision of water reticulated water and sewer, telecommunications and electricity supply. Partial Council stormwater infrastructure is provided within Marine Road, with further trunk infrastructure to be delivered as part of this development in accordance with the approval.

3.4 Site History

The subject site has a series of approvals over the land for similar industrial uses as detailed below:

- A001643301 – Storage Yard and Operational Works for Filling and Excavation

On 27 September 2007, Council granted a Development Approval (A001643301) for a Material change of use for Storage yard and Operational works for Filling and excavation. The approval covered multiple lots including Lot 482 on M3321 (subject site), Lot 484 on SP302919 (the site on the opposite side of Sandmere Road) and Lots 8, 9 and 10 on RP34770 (three smaller lots at the corner of Marine Road and Main Beach Road).

The approval included two development permits - Storage Yard 1 over Lots 8, 9 and 10, and Storage Yard 2 over Lots 484 and 482. The subject site (Lot 482) formed part of Storage Yard 2, as illustrated in Figure 3 below.

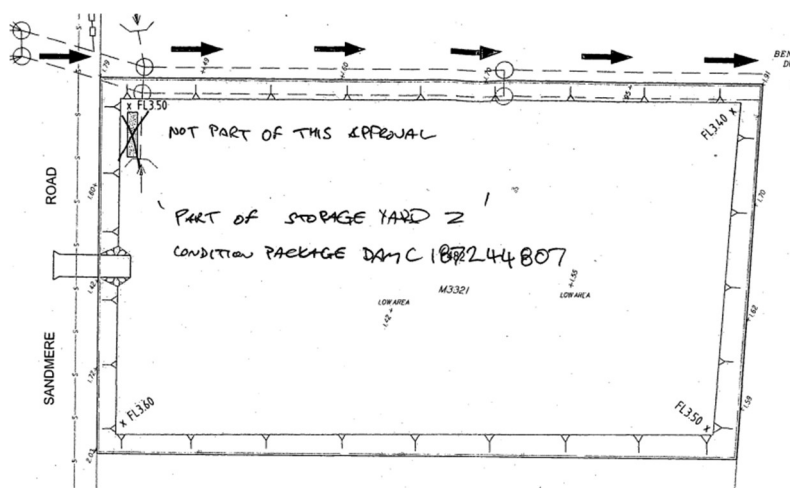


Figure 3: Site Plan- Approval ref A001643301

Condition 32 of the approval restricted the use of the site, prohibiting buildings and persons working on the site, as extracted in Figure 4 below.

32 Activities On-site (Storage Yard 2 and Associated Filling)

Comply with the following requirements: 1. The proposed use has been approved without the normal required infrastructure to the site (as it is absent from the area). Due to this the following is required:- * no persons are to be based on the site* no office or general building for the purpose for persons working on the site is permitted* no on-site servicing except for persons required for general maintenance of the property and for the purpose of loading or unloading items stored on the site. 1. Erect signage on the site at entry that states: * no on-site servicing of vehicles/machinery* no on-site office or facilities* persons on-site are only to be on the site for the general maintenance and for the purpose of loading and unloading items stored on-site.

Figure 4: Condition 32 of the decision notice

It is noted that the site now includes adequate supply to necessary services and infrastructure.

- A004749522 – Outdoor Sales

A Development Application for Material Change of Use for Outdoor Sales (A004749522) was approved by Council on 19 February 2019. The approval permitted the storage and sale of new and used heavy equipment and agricultural machinery, including a demountable office, amenities and marquee structures

with a total gross floor area of 416m², and 43 car parking spaces. The use was intended to operate primarily as an online auction, with physical attendance at the site limited to once every three (3) months. The approved site plan is shown in Figure 5 below.

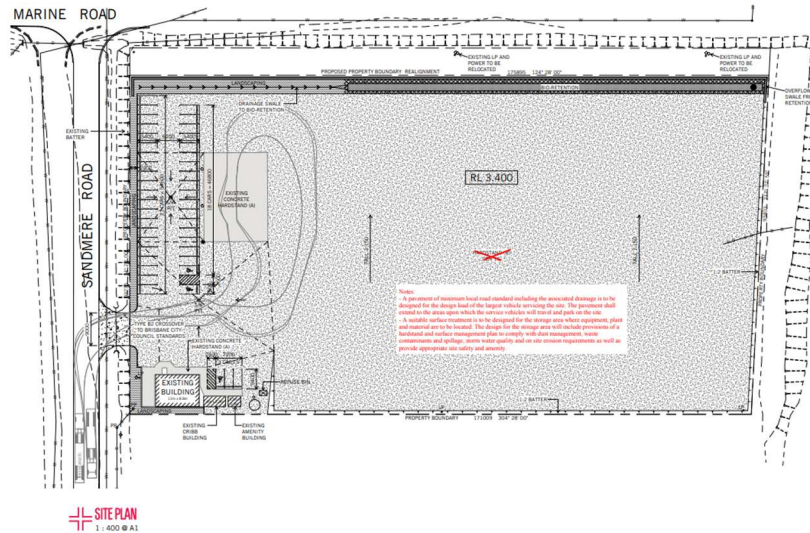


Figure 5: Approved Site Plan – Approval ref: A004749522

4 SUMMARY OF CHANGES

4.1 Proposed Changes

4.1.1 Additional Uses

This Change Application proposes to incorporate four (4) additional uses to increase the flexibility of the site for future tenants, while remaining consistent with the character of the surrounding industrial area and the intent of the zone. The proposed additional uses are Bulk landscape supplies, Low impact industry, Transport depot and Warehouse, to be included alongside the existing outdoor sales use.

As all proposed uses are capable of being conducted outdoors, no additional built form is proposed. The absence of additional built form ensures the site remains available for high impact industry in the future, consistent with the long-term intent of the Myrtle-town Precinct.

4.1.2 Civil Works

In addition to the proposed uses, amendments to the approved civil works are proposed along the Sandmere Road and Marine Road frontage. Specifically, the amendments to the civil works are proposed as follows:

- Amendment to the drainage works along Sandmere Road to align with the subject site frontage; and
- Amendment of the roadworks to Sandmere Road to extend from Marine Road for the full length of the subject site frontage.

Sandmere Road – Drainage Works

The original subject approval (A004749522) incorporated an open swale drain located along the north-west side of Sandmere Road for the length of the frontage of Lots 484 and 485 (such that it extended from Dickson Road to Marine Road). The external drainage works were approved along the north-east side of Sandmere Road in accordance with the Myrtle-town Structure Plan – Drainage and Fill dated February 2015 (refer Figure 6).

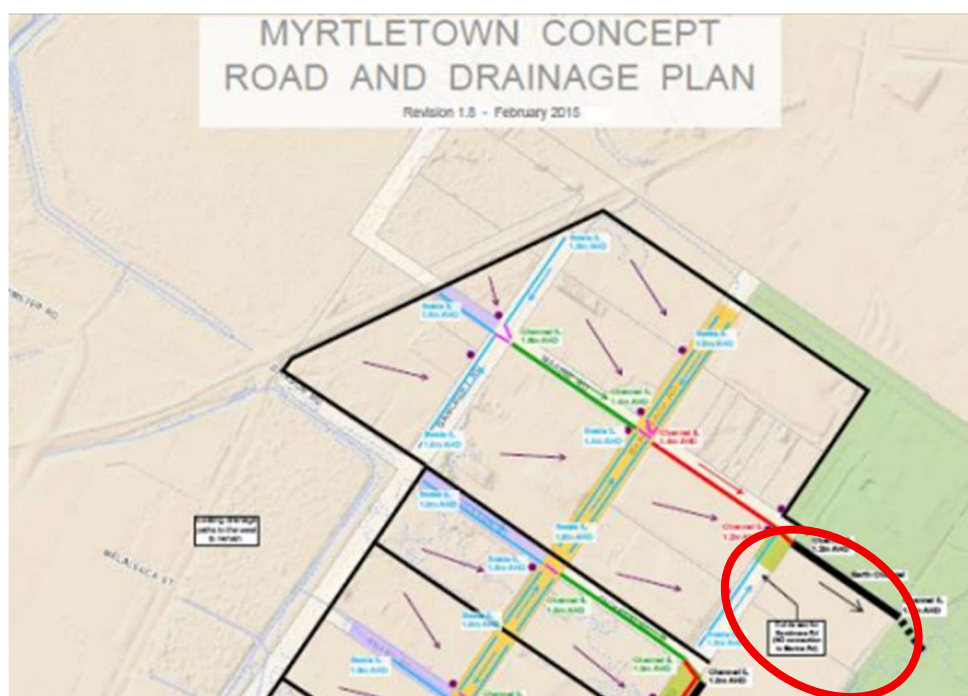


Figure 6: Myrtle-town Structure Plan - Drainage and Fill Revision 1.8 from February 2015

upgrades to Sandmere Road from the shared boundary with the subject site for the full length of the site (Figure 8). The length of this approved roadworks includes a tie-in with the intersection with Dickson Road.

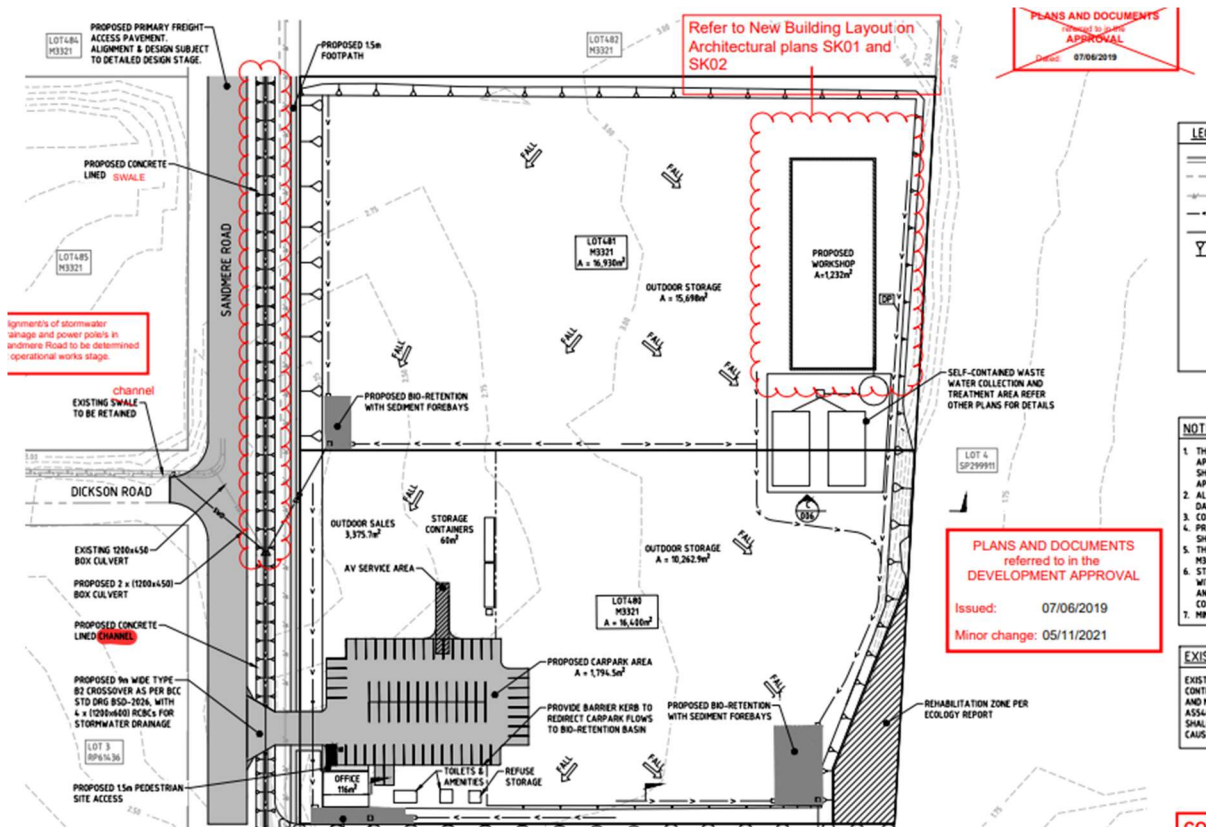


Figure 8: Approved Roadworks and Drainage Plan over 147 Sandmere Road, Pinkenba (Lot 481)

As such, given the existing approved roadworks associated with the development at Lot 481, it is proposed to amend the extent of upgrades to Sandmere Road associated with the approved development over the subject site. Specifically, the length of the roadworks is proposed to be limited to the site frontage, which includes a tie in with the constructed Marine Road intersection to the southern boundary of the site. The southern portion of the roadworks will connect with the roadworks approved for Lot 481.

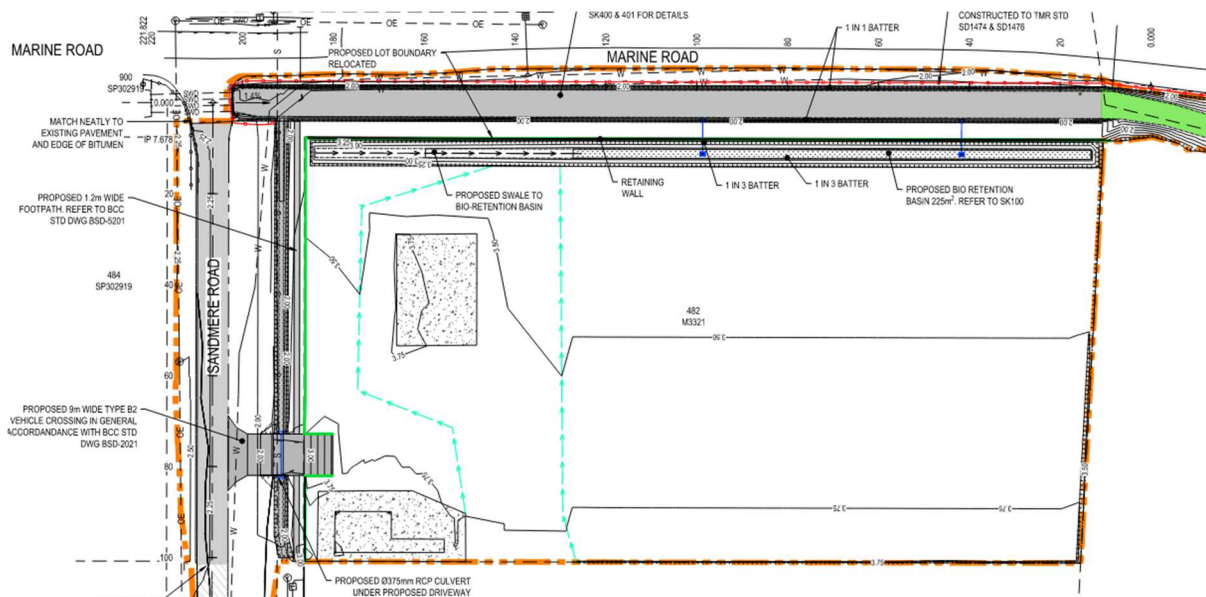


Figure 9: Proposed Changed Extent of Roadworks to Sandmere Road

5 CHANGE APPLICATION PROVISIONS

Under Section 78 of the *Planning Act 2016*, a person may make an application (a Change Application) to the responsible entity to change a development approval. A Change Application, other than for A Minor Change to a development approval, is an Other Change to a development approval.

Section 82 of the *Planning Act 2016* sets out the provisions for assessing and deciding change applications for Other Changes as follows:

- (1) *This section applies to a change application, other than for a minor change to a development approval.*
- (2) *For administering the change application, and assessing and deciding the change application in the context of the development approval, the relevant provisions apply–*
 - (a) *as if–*
 - (i) *the responsible entity were the assessment manager; and*
 - (ii) *the change application were the original development application, with the changes included, but was made when the change application was made; and*
 - (b) *with necessary changes.*
- (3) *However–*
 - (a) *section 53 does not apply to the change application if the change is not a minor change only because the change may cause–*
 - (i) *a referral to a referral agency if there were no referral agencies for the development application; or*
 - (ii) *a referral to extra referral agencies; or*
 - (iii) *a referral agency to assess the change application against extra matters; and*
 - (b) *the power–*
 - (i) *to direct that a development condition be imposed under section 56(1)(b)(i) includes a power to direct that a development condition be amended; and*
 - (ii) *to impose a development condition under section 60(2)(c) or (3)(b) or 64(6)(b) includes a power to amend a development condition; and*
 - (c) *if the responsible entity is, under section 78A(3), the Minister–*
 - (i) *the relevant provisions apply to the change application only if, and to the extent, those provisions would apply to a development application called in by the Minister; and*
 - (ii) *section 105(5) and (6) applies for assessing and deciding the change application.*
- (4) *To remove any doubt, it is declared that the following matters apply, only to the extent the matters are relevant to assessing and deciding the change application in the context of the development approval–*
 - (a) *the assessment benchmarks;*
 - (b) *any matters a referral agency must, may, or may only assess the application against or have regard to under section 55(2);*
 - (c) *if the development to which the change application relates requires code assessment–any matters the assessment must be carried out having regard to under section 45(3)(b);*
 - (d) *if the development to which the change application relates requires impact assessment– any matters the assessment must or may be carried out against or having regard to under section 45(5)(a)(ii) or (b).*
- (5) *If a change application is made within 1 year after the development approval was given, any properly made submission for the application for the development approval is taken to be a properly made submission for the change application.*

- (6) *In this section—
relevant provisions means—*
- (a) *section 45(6) to (8); and*
 - (b) *part 2, division 2, other than section 51; and*
 - (c) *part 3, other than sections 63 and 64(8)(c); and*
 - (d) *the development assessment rules.*

As outlined above, an application for an Other Change is to be assessed and decided 'in the context of the development approval' and the relevant provisions apply as if the change application were the original development application, with the changes included, but was made when the change application was made. Additionally, only the matters for assessment that are relevant to assessing the change in the context of the original approval are relevant for the assessment.

6 TOWN PLANNING FRAMEWORK

6.1 State Government

6.1.1 Planning Act 2016 - Framework

The *Planning Act 2016* provides the statutory planning framework for the State of Queensland and outlines the statutory process for preparing, assessing and deciding development applications. This proposal will be assessed in accordance with the relevant components of the *Planning Act 2016*.

The proposal will be assessed in accordance with the Development Assessment Rules under section 68(1) of the *Planning Act 2016*.

6.1.2 State Planning Policies

The *State Planning Policy* (SPP) came into effect on 3 July 2017 and expresses the State's interests in land use planning and development. Part E of the SPP outlines the State interest policies and assessment benchmarks. The assessment benchmarks are applicable to the assessment of development applications to the extent that the SPP has not been identified in a Planning Scheme as being appropriately integrated.

The State Planning Policy (July 2017) is identified in the planning scheme as being appropriately integrated, with the exception of the following state interests:

- **Natural hazards, risk and resilience** – the bushfire prone area in the planning scheme does not reflect the State mapping layer. The subject site is not affected by the bushfire overlay, as such no further assessment is required under this state interest.
- **Strategic airports and aviation facilities** – the building restricted area is not identified in the planning scheme. This state interest is addressed further below.

As the SPP is otherwise appropriately integrated into the planning scheme, no further assessment against the remaining state interests is required. The state interests relevant to this application are addressed in the table below.

| STATE INTEREST | RESPONSE | COMPLIANCE |
|--|--|------------|
| INFRASTRUCTURE | | |
| Strategic airports and aviation facilities | The site is located within the obstacle limitation surface area, lighting buffer zone and wildlife hazard buffer zone associated with Brisbane Airport. The proposed uses are industrial in nature, consistent with the existing character of the Myrtle town Precinct, and do not involve structures that would breach obstacle limitation surfaces or activities that would conflict with airport operations. The proposal will not impact on the safety, efficiency or operational integrity of Brisbane Airport. | ✓ |

6.1.3 Referral Agency

In accordance with Schedule 10 of the *Planning Regulation 2017*, there are no referral agencies identified for this proposal.

6.1.4 State Development Assessment Provisions

As the proposed development does not trigger referral to the State Assessment and Referral Agency (SARA), the State Development Assessment Provisions (SDAP) are not applicable to the proposed development.

6.1.5 Shaping SEQ – South East Queensland Regional Plan 2023

The subject site is identified within the Urban Footprint designation of Shaping SEQ. Land within the Urban Footprint is intended to incorporate the full range of urban uses including housing, industry, business, infrastructure, community facilities and other integral components of well-planned urban environments.

The site is also identified within a Major Enterprise and Industrial Area (MEIA) under Shaping SEQ. MEIAs are recognised as strategically important locations for industry and employment, intended to be protected and consolidated for major industrial and enterprise uses.

The proposed additional uses are consistent with the intent of both the Urban Footprint and the MEIA designation, supporting the ongoing use of the site for industrial purpose.

6.2 Local Government

6.2.1 Definition

In accordance with the *Planning Act 2016*, a Material change of use is defined as:

- a) *the start of a new use of the premises;*
- b) *the re-establishment on the premises of a use that has been abandoned;*
- c) *a material increase in the intensity or scale of the use of the premises.*

The existing Outdoor sales use is currently approved over the subject site. The proposal involves a Material change of use for Bulk landscape supplies, Low impact industry, Transport depot and Warehouse as defined by the *Brisbane City Plan 2014* below. As such, the proposed uses represent the start of new uses on the premises in accordance with (a) above.

Bulk landscape supplies means the use of premises for the bulk storage and sale of mainly non-packaged landscaping and gardening supplies, including, for example, soil, gravel, potting mix or mulch.

Low impact industry means the use of premises for an industrial activity—

- a. *that is the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products; and*
- b. *that a local planning instrument applying to the premises states is a low impact industry; and*
- c. *that complies with any thresholds for the activity stated in a local planning instrument applying to the premises, including, for example, thresholds relating to the number of products manufactured or the level of emissions produced by the activity.*

Transport depot means the use of premises for—

- a. *storing vehicles, or machinery, that are used for a commercial or public purpose; or*
- b. *cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).*

Warehouse means the use of premises for—

- a. *storing or distributing goods, whether or not carried out in a building; or*
- b. *the wholesale of goods, if the use is ancillary to the use in paragraph (a).*

6.2.2 Level of Assessment

Under the *Brisbane City Plan 2014*, the site is located within the Industry investigation zone. In accordance with Table 5.5.18 of the Industry investigation zone, the proposed additional uses of Bulk landscape

supplies, Low impact industry, Transport depot and Warehouse is subject to Impact assessment. Notwithstanding, upon review of the applicable assessment benchmarks, the proposed development is subject to the following level of assessment:

| LEVEL OF ASSESSMENT | |
|---|---|
| INDUSTRY INVESTIGATION ZONE CODE | |
| Impact Assessable | In accordance with Table 5.5.18 – Industry investigation zone, the proposed new uses are not listed in the Table. As such, the proposed change to include Bulk landscape supplies, Low impact industry, Transport depot and Warehouse is subject to Impact assessment under the zone. |
| PINKENBA-EAGLE FARM NEIGHBOURHOOD PLAN | |
| No change | In accordance with Table 5.9.55.A – Pinkenba-Eagle Farm neighbourhood plan, there is no change in the level of assessment nominated for a Material change of use. As such, the change application is assessable against the Pinkenba-Eagle Farm neighbourhood plan code. |
| OVERLAYS | |
| Airport environs overlay | |
| Code assessable | In accordance with Table 5.10.2– Airport environs overlay, a Material change of use in the Obstacle limitation surfaces sub-categories and Procedures for air navigation services aircraft operational surfaces (PANS-OPS) sub-categories is Code assessable where assessable development in the zone or neighbourhood plan. As such, the development is assessed against the Airport environs overlay code. |
| Biodiversity areas overlay | |
| Not applicable | In accordance with Table 5.10.4 – Biodiversity areas overlay, the proposed change does not involve a new premises or an existing premises with an increase in Gross Floor Area. As such, assessment against the Biodiversity areas overlay code is not applicable. |
| Coastal hazard overlay | |
| Code assessable | <p>In accordance with Table 5.10.6 – Coastal hazard overlay, a Material change of use is Code assessable where:</p> <ul style="list-style-type: none"> (a) involving an increase in the number of persons on site; or (b) for a new premises; or (c) involving an existing premises with an increase in gross floor area exceeding 25m²; or (d) for vulnerable uses (activity group) or difficult to evacuate uses (activity group); or (e) for assembly uses (activity group); or (f) for essential community infrastructure (activity group); or (g) for a dwelling unit, hotel where including short-term accommodation, nature-based tourism or a resort complex, or for accommodation activities (activity group) other than a dwelling house or caretaker’s accommodation, in a part of a premises not previously approved for accommodation activities (activity group); or (h) involving the handling or storage of hazardous chemicals identified in Table 8.2.6.3.F in the Coastal hazard overlay code <p>As the proposed development may result in an increase in the number of persons on site, an assessment has been undertaken against the Coastal hazard overlay code.</p> |

| LEVEL OF ASSESSMENT | |
|---|---|
| Community purposes network overlay | |
| Not applicable | In accordance with Table 5.10.7A – Community purposes network overlay, the proposed new uses are not listed in the Table. As such, assessment against the Community purposes network overlay code is not applicable. |
| Critical infrastructure and movement network overlay | |
| Not applicable | In accordance with Table 5.10.8 – Critical infrastructure and movement network overlay, the proposed new uses are not listed in the Table. As such, assessment against the Critical infrastructure and movement network overlay code is not applicable. |
| Flood overlay | |
| Not applicable | In accordance with Table 5.10.11 – Flood overlay, the subject site is located within the Brisbane River flood planning area 5 sub-category and is not for a vulnerable use, difficult to evacuate use, or for essential community infrastructure. As such, assessment against the Flood overlay code is not applicable. |
| Industrial amenity overlay | |
| Not applicable | In accordance with Table 5.10.13 – Industrial amenity overlay, the proposed new uses are not listed in the Table. As such, assessment against the Industrial amenity overlay code is not applicable. |
| Potential and actual acid sulfate soils overlay | |
| Code assessable | In accordance with Table 5.10.15 – Potential and actual acid sulfate soils overlay, a Material change of use involving filling or excavation of land where less than 20m AHD, and the area of land disturbance is equal to or less than 5m AHD involving: <ul style="list-style-type: none"> a. filling equal to or greater than 500m³; or b. filling equal to or greater than 0.5m average depth; or c. excavation equal to or greater than 100m³ As filling and excavation is required as part of the development, the assessment has been undertaken against the Potential and actual acid sulfate soils overlay. |
| Road hierarchy overlay | |
| Not applicable | In accordance with Table 5.10.18 – Road hierarchy overlay, the proposed change does not involve a new premises or an existing premises with an increase in Gross Floor Area. Notwithstanding, as the development proposes upgrades to the surrounding road network and crossover to the site, the Road hierarchy overlay code has been addressed in Appendix 1. |
| Streetscape hierarchy overlay | |
| Not applicable | In accordance with Table 5.10.20 – Streetscape hierarchy overlay, the proposed change does not involve a new premises or an existing premises with an increase in Gross Floor Area. Notwithstanding, as the development proposes upgrades to the surrounding road network and crossover to the site, the Streetscape hierarchy overlay code has been addressed in Appendix 1. |

In view of the above, the proposed development is subject to Impact Assessment. The following codes are identified as being applicable to the proposal and have been addressed in Appendix 1 of this report:

| APPLICABLE CODES | |
|-------------------------|----------------------------------|
| Zone Codes | Industry investigation zone code |

| | |
|---------------------------------|--|
| Neighbourhood Plan Codes | Pinkenba-Eagle Farm neighbourhood plan code |
| Development Codes | Industry code |
| Secondary Codes | Filling and excavation code Infrastructure design code Landscape work code Outdoor lighting code Stormwater code Transport, access, parking and servicing code |
| Overlay Codes | Airport environs overlay code Coastal hazard overlay code Potential and actual acid sulfate soils overlay Road hierarchy overlay code Streetscape hierarchy overlay code |

As this application is to be assessed using the Impact assessment procedures of the Development Assessment Rules (DA Rules), public notification is required for 15 business days.

6.2.3 Strategic Framework

The subject site is located within an established industrial area in Pinkenba and is identified as being within a Major Enterprise and Industrial Area (MEIA) under the *Shaping SEQ Regional Plan 2023*. These areas are intended to accommodate a range of industrial activities and are protected for uses that support employment generation and economic growth.

This strategic intent is reflected in the planning scheme, including through the Industry investigation zone and the Pinkenba–Eagle Farm neighbourhood plan, which seek to protect and support industrial land uses within the locality.

The proposal advances the key policy directions of the Strategic Framework, particularly those relating to the Industry investigation zone as detailed below.

| STRATEGIC FRAMEWORK | COMMENT |
|--|---|
| THEME 1: BRISBANE'S GLOBALLY COMPETITIVE ECONOMY | |
| Element 1.2- Brisbane's industrial economy | |
| SO1 Brisbane's Major Industry Areas, Strategic Inner City Industrial Areas and other industrial zoned land are protected to ensure their integrity and effective operation. | The subject site is located within the Pinkenba industrial area, which forms part of the Australia TradeCoast and is identified as a Major Industry Area. These areas are intended to be protected and optimised for industrial activities of varying scale and intensity. The proposed development supports the intent of Element 1.2 by facilitating a range of industrial uses, including bulk landscape supplies, low impact industry, transport depot and warehouse, within an established industrial precinct. The uses are consistent with the strategic function of the area and do not introduce sensitive or incompatible land |
| SO2 Brisbane's Major Industry Areas and Strategic Inner City Industrial Areas are optimised to provide the widest range of industrial uses in order to maximise the economic opportunity for the city. | |
| SO3 Brisbane's industrial areas facilitate the co-location of applied research with related industrial activities. | |

| STRATEGIC FRAMEWORK | COMMENT |
|---|---|
| <p>SO4 Brisbane's Major Industry Areas include clusters of services and facilities that support industry and the industrial workforce.</p> | <p>uses that would compromise the long-term viability of industrial activities.</p> |
| <p>SO5 Brisbane's industrial areas have a high degree of connectivity which is protected and enhanced.</p> | <p>The proposal maintains the availability of the site for future higher impact industrial uses by not introducing additional built form and retaining a flexible, hardstand layout. This ensures the site can continue to support the evolving needs of the industrial economy over time.</p> |
| <p>SO6 Brisbane facilitates a significant growth in resource recovery.</p> | <p>The development also supports the clustering of industrial and supporting activities within the Major Industry Area, contributing to employment generation and economic activity, while maintaining separation from sensitive land uses.</p> |
| <p>SO7 Brisbane's extractive industry operations are protected.</p> | <p>The proposal protects and reinforces the role of the locality as an important industrial area and is consistent with the outcomes and land use strategies of Element 1.2</p> |
| <p>SO8 Brisbane's industrial lands are protected from encroachment by office or other non-industrial-based uses.</p> | <p>The proposal protects and reinforces the role of the locality as an important industrial area and is consistent with the outcomes and land use strategies of Element 1.2</p> |
| <p>Element 1.3 – Brisbane's population-serving economy</p> | |
| <p>SO1 Brisbane provides for a diverse mix of highly accessible retail and commercial locations to service a growing population.</p> | <p>The proposal is consistent with the intent of Element 1.3 by supporting the broader economic framework of the city without undermining the role and function of designated centres.</p> |
| <p>SO2 Brisbane's City Centre offers the greatest concentration of the highest order retail, personal and community services and facilities, and cultural, recreational and entertainment experiences.</p> | <p>The development does not introduce retail, commercial or community uses that would compete with or detract from established centres. Instead, the proposal maintains the site for industrial purposes, ensuring that population-serving activities remain appropriately located within designated centres in accordance with the CityShape strategy.</p> |
| <p>SO3 Brisbane's Major Centres and Growth Nodes on Selected Transport Corridors contain significant concentrations and diversity of population-serving activities.</p> | <p>The proposed uses support the population-serving economy indirectly by providing employment opportunities and facilitating services such as logistics, storage and distribution that underpin the efficient functioning of the city and its centres.</p> |
| <p>SO4 Brisbane's district centres and neighbourhood centres continue to service local population needs.</p> | <p>The development also accommodates low impact industrial activities that contribute to servicing the needs of the growing population, while remaining appropriately located within an industrial area and avoiding impacts on amenity.</p> |
| <p>SO5 Brisbane's population-serving economy is supported by home-based businesses.</p> | <p>The development also accommodates low impact industrial activities that contribute to servicing the needs of the growing population, while remaining appropriately located within an industrial area and avoiding impacts on amenity.</p> |
| <p>SO6 Brisbane provides opportunities in its centres for start-up businesses seeking cost-effective business locations.</p> | <p>The proposal is consistent with Element 1.3 as it supports economic activity without compromising the hierarchy and function of centres or the delivery of population-serving uses across the city.</p> |
| <p>SO7 Brisbane preserves opportunities for low impact industry throughout the city in support of a strong population and economic growth.</p> | <p>The proposal is consistent with Element 1.3 as it supports economic activity without compromising the hierarchy and function of centres or the delivery of population-serving uses across the city.</p> |

| STRATEGIC FRAMEWORK | COMMENT |
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| <p>SO8 Brisbane provides appropriately zoned and accessible areas for large-format retailing.</p> | |
| <p>SO9 Brisbane's large public and private community facilities are highly accessible by public transport and are well serviced with a range of associated and supporting services and facilities.</p> | |
| <p>THEME 3: BRISBANE'S CLEAN AND GREEN LEADING ENVIRONMENTAL PERFORMANCE</p> | |
| <p>Element 3.1 Brisbane's environmental values</p> | |
| <p>SO1 Brisbane's Greenspace System's biodiversity, recreational and cultural values and functions are protected, restored and enhanced.</p> | <p>The proposed development is consistent with the intent of Element 3.1 by ensuring that environmental values are protected and not adversely impacted.</p> |
| <p>SO2 Brisbane's Greenspace System provides an effective network of greenspace links and contributes to a regional network.</p> | <p>The subject site is already cleared and developed as a hardstand area and does not contain areas of ecological significance or identified biodiversity value. As such, the development does not result in the removal of native vegetation or fragmentation of the Greenspace System.</p> |
| <p>SO3 Brisbane's ecosystems provide ecosystem services which are maintained and enhanced.</p> | |
| <p>SO4 Brisbane has an ecologically resilient and robust network of well-connected habitats containing a comprehensive, adequate and representative sample of ecosystems and species.</p> | <p>The proposal incorporates engineered stormwater management measures, including swales and formal drainage infrastructure, to ensure that water quality is maintained and that there are no adverse impacts on receiving waters. Erosion and sediment control measures will be implemented during construction to further protect downstream environmental values.</p> |
| <p>SO5 Brisbane achieves positive biodiversity development outcomes, where interface areas are provided by the development and offsets enable restoration of areas that form part of the Greenspace System and the city's biodiversity values.</p> | <p>The development is designed to ensure that natural drainage patterns are maintained and that runoff is appropriately managed, avoiding impacts on waterways, wetlands and coastal environments.</p> |
| <p>SO6 Brisbane has safe movement routes and corridors for wildlife that are suited to species and benefit multiple species.</p> | <p>The site is located within an area identified as containing potential acid sulfate soils. Any disturbance of soils will be managed in accordance with the relevant planning scheme policy to prevent the release of acid or contaminants and to protect water quality and infrastructure.</p> |
| <p>SO7 Brisbane's waterways, wetlands and foreshores are protected, in particular their natural drainage, stormwater conveyance, visual amenity, landscape character, recreational, cultural and biodiversity values.</p> | <p>The development does not impact on wildlife movement corridors or biodiversity linkages, and no wildlife movement solutions are required.</p> |
| <p>SO8 Brisbane's natural resource assets, including extractive resources such as quarries, are identified and protected from encroachment by incompatible development, including sensitive uses.</p> | <p>The proposal protects environmental values and achieves the relevant outcomes of Element 3.1 by ensuring that development occurs in a manner that</p> |

| STRATEGIC FRAMEWORK | COMMENT |
|--|--|
| <p>SO9 Brisbane's agricultural production, scenic amenity and environmental values of rural lands are protected.</p> | <p>avoids environmental harm and maintains water quality and ecosystem function</p> |
| <p>SO10 Brisbane's aquatic habitats and fisheries are protected.</p> | |
| <p>SO11 Water quality is protected from adverse impacts of development.</p> | |
| <p>THEME 5: BRISBANE'S CITYSHAPE</p> | |
| <p>Element 5.2- Brisbane's Major Industry Areas</p> | |
| <p>SO1 The Australia TradeCoast is serviced by improved road and freight transport networks which are supported by development.</p> | <p>The subject site is located within the Australia TradeCoast, identified as a Major Industry Area that supports significant industrial, logistics and employment-generating activities.</p> |
| <p>SO2 The Australia TradeCoast is serviced by expanded public and active transport networks which are supported by development.</p> | <p>The proposed development supports the strategic intent of Element 5.2 by facilitating industrial uses that are consistent with the role of the Australia TradeCoast as a key freight, logistics and industrial hub. The proposed uses, including bulk landscape supplies, transport depot and warehouse activities, directly support the movement and storage of goods and contribute to the efficient operation of the broader industrial network.</p> |
| <p>SO3 The Brisbane Airport and Port of Brisbane is a key centre in the city and provides major air access to and from the city for passengers and freight.</p> | |
| <p>SO4 The Australia TradeCoast is serviced by improved energy infrastructure networks which are supported by development.</p> | |
| <p>SO5 The Australia TradeCoast has a coordinated approach to water supply.</p> | <p>The development integrates with existing and planned transport infrastructure, including Sandmere Road and the surrounding freight network, supporting the efficient movement of goods and vehicles within the precinct.</p> |
| <p>SO6 Operations in the Australia TradeCoast are flood tolerant.</p> | <p>The proposal also incorporates engineered earthworks and stormwater infrastructure, including swales and drainage systems, which support a coordinated approach to filling and water management across the locality. This is consistent with the strategic intent for flood resilience and integrated infrastructure planning within the Australia TradeCoast.</p> |
| <p>SO7 The Australia TradeCoast is serviced by a fibre optic cable network which is supported by development.</p> | |
| <p>SO8 The Australia TradeCoast's open space and community facilities networks are enhanced by development.</p> | <p>The development does not introduce sensitive or incompatible land uses and maintains the site's suitability for ongoing industrial activities, ensuring the long-term function and integrity of the Major Industry Area is preserved.</p> |
| <p>SO9 Development supports the viability and efficient functioning of the Northern industrial area.</p> | |
| <p>SO10 The south-west industrial gateway is serviced by improved road and freight transport</p> | <p>The proposal supports the continued growth, functionality and economic role of the Australia</p> |

| STRATEGIC FRAMEWORK | COMMENT |
|---|--|
| networks which are supported by development. | TradeCoast and is consistent with the outcomes and land use strategies of Element 5.2. |
| SO11 The south-west industrial gateway is serviced by expanded public and active transport networks which are supported by development. | |
| SO12 Archerfield Airport's long-term role is enhanced by development. | |
| SO13 The south-west industrial gateway is serviced by an improved energy infrastructure network which is supported by development. | |
| SO14 The south-west industrial gateway is serviced by an improved water infrastructure network which is supported by development. | |
| SO15 Operations within the south-west industrial gateway are flood tolerant. | |
| SO16 The south-west industrial gateway is serviced by a fibre optic cable network which is supported by development. | |
| SO17 The south-west industrial gateway's open space network is enhanced by development. | |
| SO18 The south-west industrial gateway's community facilities network is enhanced by development. | |

Overall, the proposal is consistent with the Strategic Framework as it supports the ongoing use of the site for industrial purposes, contributes to employment outcomes, and maintains the long-term intent of the area for higher impact industry.

7 CONDITION AMENDMENTS

As a result of the proposed changes to the civil works related to the development, the conditions of the approval are required to be amended to reflect the civil changes as follows. Words to be deleted are in ~~red and strikethrough~~, while new works are in **green and bold**.

- **Condition 9 – Concrete Path (Condition 9(a))**

Due to the relocation of the concrete swale drain to the verge fronting the subject site, a concrete footpath cannot be setback 1.9m from the back of kerb due. Thus, it is proposed to change reference from 1.9m from back of kerb to 1.3m from the concrete lined swale drain to align with the civil drawings. As such, the condition 9a is proposed to be amended as follows:

*Install a 1.2m wide broom finished standard Portland grey concrete path. The edge of the path is to be setback ~~1.9m~~ **1.3m** from the ~~back of kerb~~ **concrete lined swale drain**. The path is to transition to existing paths on verges that adjoin the development.*

- **Condition 15 – Stormwater Quality (High Risk)**

Condition 15 needs to be updated to reference the amended Stormwater Management Plan by Civil 360 as per the proposed amended wording below.

*Implement and maintain the recommendations of the ~~Site-Based Stormwater Quality Management Plan prepared by HCE Engineers, dated 2/10/18~~ **Stormwater Management Plan by Civil 360, dated March 2026** to achieve the requirements of the Stormwater Code.*

- **Condition 25 – Filling and / or Excavation (Minor)**

Condition 25 is to be updated to reference the amended Civil Drawings by Civil 360 as per the proposed amended wording below.

*Filling and/or excavation works on the site must be in accordance with the earthworks concept plans ~~8232-180928-SK03 and SK04 prepared by HCE Engineers as marked up in red~~ **SK002 Rev A prepared by Civil 360** and the relevant Brisbane Planning Scheme Codes.*

- **Condition 29 – Work for Transport Network – Road (Non-trunk) – External**

Condition 29 is proposed to be amended to align with the proposed extent of non-trunk external civil works along Sandmere Road. As such, the wording of Condition 29 is proposed to be amended as follows.

- *New concrete kerbs ~~and guardrail~~ along Sandmere Road frontage of the site **between the southern boundary of the site and Marine Road** ~~from the proposed location of the vehicular crossover to its intersection with Dickson Road~~ on alignment generally in accordance with the roadworks and drainage concept plans ~~8232-180928-SK01 and 8232-180928-SK02 prepared by HCE Engineers as marked up in red.~~ **SK300 Rev A prepared by Civil 360.***

- **Condition 30 – Land for Stormwater Network – Stormwater (Trunk)**

As the external civil works drawings have been updated to reflect the amended proposal, the wording for Condition 30 is required to reference the updated drawings as amended below.

*Transfer to Council in fee simple on trust for the purpose of stormwater, a 7.5 metre widening along the full length of the Marine Road frontage of the site as shown on the APPROVED **civil drawings DRAWING NUMBER 8232-180928-SK01 and 8232-180928-SK02-SK400 Rev A** prepared by ~~HCE Engineers as marked up in red.~~ **Civil 360.***

- **Condition 31 – Work for Stormwater Network (Non-Trunk)**

Condition 31 is proposed to be amended to reference the updated civil drawings and reflect the revised external drainage works along Sandmere Road. As such, revised wording of the condition is proposed as follows:

Construct stormwater drainage to service the development in accordance with the roadworks and drainage concept plans ~~8232-180928-SK01 and 8232-180928-SK02~~ SK300 Rev A prepared by HCE Engineers as marked up in red (subject to detailed design) Civil 360 and the relevant Brisbane Planning Scheme Codes.

- Construct a concrete lined swale with guardrail along the site frontage of Sandmere Road between its intersections with Marine Road and Dickson Road.

- **Condition 33 – Work for Stormwater Network (Trunk)**

Condition 33 is proposed to be amended to reference the updated civil drawings and reflect the revised external drainage works along Marine Road. As such, revised wording of the condition is proposed as follows:

Construct the following stormwater drainage which forms part of LGIP ID PIN-NC-004 in the Brisbane Local Government Infrastructure Plan 2016 in accordance with the relevant Brisbane Planning Scheme Codes.

- Eight (8) metre wide concrete lined channel along the road frontage of the site to Marine Road to a lawful point of discharge in accordance with the ~~roadworks and drainage concept plans 8232-180928-SK01 and -SK02 prepared by HCE Engineers as marked up in red~~ Trunk Drainage Channel Plan SK400 Rev A and Trunk Drainage Channel Cross Sections SK401 Rev A prepared by Civil 360.

- A guardrail along the Marine Road frontage of the site up to its existing road gate generally in accordance with the ~~roadworks and drainage concept plans 8232-180928-SK01 and -SK02 prepared by HCE Engineers as marked up in red~~ Trunk Drainage Channel Plan SK400 Rev A and Trunk Drainage Channel Cross Sections SK401 Rev A prepared by Civil 360.

8 INFRASTRUCTURE CHARGES

Pursuant to Section 120 of the *Planning Act 2016*, a levied charge under an infrastructure charges notice for a development approval may be for extra demand placed on trunk infrastructure that will be generated by the development the subject of the approval.

It is noted that an Infrastructure Charges Notice was given under the original approval for Outdoor sales use. The Infrastructure Charges Notice included a refund for establishment costs for the provision of stormwater trunk infrastructure (PIN-NC-004) and land for stormwater trunk infrastructure. As part of this Other Change application, it is noted that the levied charge for the development will be recalculated. As such, a request will be made in accordance with Section 26 and Section 27 of the *Brisbane Infrastructure Charges Resolution (No. 14) 2025* to recalculate the establishment costs for required land and required works based on the market cost.

Notwithstanding, a calculation of the proposed development for Outdoor sales, Bulk landscape supplies, Low impact industry, Transport depot and Warehouse is provided below to reflect the current infrastructure charges rate for the highest demand use. It is noted that the total Gross Floor Area and impervious area of the site remains unchanged from the original approval.

| CATEGORY | DEMAND UNIT | DEMAND | CREDIT | RATE | TOTAL |
|--|--------------------------------|--------|--------|-------------|-----------------------|
| Residential lot | Lot | - | 1 | \$18,026.28 | -\$18,026.28 |
| Bulk landscape supplies / Outdoor sales | GFA m ² | 133.15 | - | \$12.87 | \$1,713.65 |
| | Impervious Area m ² | 14680 | - | \$133.38 | \$1,958,018.40 |
| TOTAL | | | | | \$1,941,705.77 |

It is noted that the above calculation does not include the current market cost of the establishment costs for required land and required works. As such, a further request will be made following the approval of this Change application to recalculate the establishment costs for the Trunk Infrastructure works.

9 CONCLUSIONS

This report has been prepared on behalf of LAGC CAVA Pty Ltd in support of a Change Application for an Other Change to the existing Development Permit for Outdoor Sales at 161 Sandmere Road, Pinkenba.

The proposed changes seek to introduce additional uses, being bulk landscape supplies, low impact industry, transport depot and warehouse, to increase the flexibility of the site for future tenants. The proposal does not introduce additional built form and retains the site's function as an outdoor industrial yard, ensuring it remains suitable for higher impact industrial uses in the future.

The proposed development has been assessed against the relevant provisions of the *Planning Act 2016* and the *Brisbane City Plan 2014*. The proposal is considered to be consistent with the Strategic Framework, particularly in supporting the ongoing use of the site for industrial purposes within a Major Enterprise and Industrial Area. The development does not introduce sensitive uses and will not compromise the long-term intent of the Industry Investigation Zone or the Myrtle town Precinct.

The proposed amendments to conditions are minor in nature and are required to reflect updated civil engineering design and adjoining approved infrastructure. These changes do not alter the intent of the original approval.

Overall, the proposed Other Change is considered to be appropriate, will not result in a substantially different development, and is consistent with the relevant planning framework. Accordingly, the application should be approved, subject to reasonable and relevant conditions.

10 APPENDICES

10.1 Appendix 1 - Code Assessment
