

Our Ref: 7446

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Proposed 2 x Rooming Accommodation (6+p) in Low-medium Residential Zone.

10 Nalder Street, Annerley QLD 4103



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Annexures

- A** **Building Plans**
- B** **Code Compliance**

Report Summary

Site Details

Applicant name	PARCO PTY LTD (TTE)
Report prepared by	Adrian Webberley
Site address	10 Nalder Street, Annerley, 4103
Real Property Description (RPD)	Lot 1 on SP297797
Site area	397m ²
Zone	LMR2 Low-medium density residential (2 and 3 storey mix)
Neighbourhood plan	Stephens district neighbourhood plan
Relevant overlays	Airport environs overlay Community purposes network overlay Critical infrastructure and movement network overlay Dwelling house character overlay Potential and actual acid sulphate soils overlay Road hierarchy overlay Streetscape hierarchy overlay Traditional building character overlay Transport noise corridor overlay

Aspects of Development

Type of development	Material Change of Use
Proposed use	Rooming Accommodation (6+ people each)
Brief description of proposal	Conversion of existing Rooming Accommodation (5p) to Rooming Accommodation (6+p)
Referral agencies	SARA
Specialists' reports provided	-
Pre-lodgement advice	No

1 Site Location & Background Review

The site underwent an MCU for a house in 2019 and was approved 20 June 2019. The property was subsequently renovated to become rooming Accommodation (5p) and this conversion was approved as an accepted development. Rooming accommodation for 5 people and under is considered acceptable as the planning regulation prohibits it from becoming assessable development.

Due to the increasing demand for housing in Brisbane, and the site's strategic location—close to Fairfield train station and nearby numerous commercial centres—the proposed development seeks to increase the number of people living within the existing rooming accommodation. Specifically, the proposal aims to increase the occupancy from five persons per dwelling to six or more persons per dwelling.

This proposed change is Impact Assessable as the subject site adjoins dwelling houses. The application demonstrates compliance with the applicable planning instruments, including the relevant zone code, the Rooming Accommodation Code, and all secondary codes as required. The development is designed to respond to the city's evolving housing needs while maintaining alignment with planning objectives and site suitability.

1.1 Site Characteristics

Site Shape/Dimensions	Rectangular small lot measuring 397m ² .
Access	The lot is currently accessed from Nalder Street via an existing driveway crossover.
Existing Vegetation	The site contains no protected or significant vegetation. There are no street trees impacted, as existing crossovers are to be reused.
Topography	The site is generally flat.
Flooding	The property is not flood-affected.
Infrastructure	Unaffected by the scope of the proposal.

1.2 Site History

The site forms part of an established residential subdivision and has been used for residential purposes for an extended period. Rooming accommodation for up to five persons per dwelling was established in accordance with the planning regulations. The use remains operational and has generated no complaints from surrounding residents, including nearby residential properties.

Demand for this form of accommodation within the locality has remained consistently high. In response to this demand, and in recognition of the ongoing housing shortage in Brisbane, it is proposed to increase the maximum occupancy from five to 6 or more persons per dwelling.

2 Proposal

The application is for rooming accommodation (changing from 5 to 6 or more persons) within the existing dwelling at 10 Nalder Street, Annerley.

We consider that the proposal includes the following components:

- Material Change of Use – Development Permit.
- Refer to Annexure A—Building Plans

The proposal reutilises the existing dwelling, access crossovers and carparking, and as such does not result in physical changes on site. The existing property provides sufficient parking in compliance with the Rooming Accommodation use code and Transport, Access and Parking Planning Policy.

The existing dwellings have 5 ensuite bedrooms each, which the applicant wishes to continue renting out on a per-room basis; however, each room could now be occupied by couples rather than individuals.

It is noted that the proposal involves the reuse of the existing buildings as is, with no building or further site works required.

The application is an Impact assessment as the subject lot is adjoined by dwelling houses:

- 12 Nalder Street: dwelling house
- 117 Venner Road: dwelling house
- 117 Venner Road: dwelling house, and
- 105-107 Venner Road: dwelling house.

3 Assessment Benchmarks and Compliance

The proposal reflects the relevant planning outcomes set out in all applicable State and local government planning instruments, as follows.

3.1 South East Queensland Regional Plan

The development involves residential dwellings within the Urban Footprint and, as such, is consistent with the intent of the *South East Queensland Regional Plan 2023* (ShapingSEQ). In addition, the dwellings are near the Fairfield train station, which connects to major employment hubs around Brisbane.

3.2 State Planning Policy

The site is located in the following *State Planning Policy* mapped areas:

NATURAL HAZARDS RISK AND RESILIENCE

- Flood hazard area - local government flood mapping area

TRANSPORT INFRASTRUCTURE

- Railway Corridor

STRATEGIC AIRPORTS AND AVIATION FACILITIES

- Obstacle limitation surface area
- Wildlife hazard buffer zone

The relevant state interests are reflected in applicable *City Plan 2014* overlays. The site is not affected by the Flood overlay.

In complying with the planning scheme, the proposal is taken to comply with the *State Planning Policy*.

3.3 Temporary Local Planning Instruments

Table 1. Current TLPIs in effect (Brisbane City Council).

TLPI	Description	Comments
02/25 (QLD)	Kurilpa Sustainable Growth Precinct	No effect on the site.
01/25 (QLD)	Colmslie Road Industry Precinct	No effect on the site.

3.4 Public Notification

The development is subject to Impact assessment as such public notification is applicable.

3.5 Referral Agencies

The development requires referral under Schedule 10 of the *Planning Regulation 2017* for the following provision:

Table 2. Triggers for referral—Planning Regulation 2017.

Referral trigger	Referral agency	Assessment benchmarks
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1— Reconfiguring a lot near a State transport corridor.	The chief executive (c/- State Assessment and Referral Agency)	State Development Assessment Provisions (SDAP)—State Code 2: Development in a railway environment.

The application will be referred in accordance with section 54 of the *Planning Act 2016* and Chapter 1, Part 2 of the *Development Assessment Rules*.

3.6 Brisbane Planning Scheme and Planning Scheme Policies

The categories of development and assessment for the proposal are determined in accordance with Part 5 of *City Plan 2014*, as follows:

Table 4. City Plan 2014 categories of development and assessment—Material Change of Use (rooming accommodation):

	MCU (rooming accommodation)
Zone	
Low-medium density residential zone code	Impact Assessable
Neighbourhood plan	
Stephens district neighbourhood plan	No change
Overlays	
Airport environs overlay	Code Assessable
Community purposes network overlay	Not applicable
Critical infrastructure and movement network overlay	Not applicable
Dwelling house character overlay	Not applicable
Potential and actual acid sulfate soils overlay	Not applicable
Road hierarchy overlay	Not applicable
Streetscape hierarchy overlay	Not applicable
Traditional building character overlay	Not applicable
Transport noise corridor overlay	Not applicable

Relevant assessment benchmarks are set out in the applicable planning scheme codes. Based on the tables of assessment in *City Plan 2014*, the following codes apply to this development:

Table 5. Applicable City Plan 2014 codes for the MCU are as follows:

Primary Codes	Rooming Accommodation Code
Zone Code	Low-medium density residential zone code
Secondary Codes	Filling and excavation code Infrastructure design code Landscape work code Outdoor Lighting code Stormwater code Transport, access, parking and servicing code Wastewater code
Overlay Codes	Airport environs overlay code

→ Refer to Annexure B—Code Compliance.

3.7 Definition of Rooming Accommodation

Rooming accommodation means the use of premises for—

- a. residential accommodation, if each resident—
 - i. has a right to occupy 1 or more rooms on the premises; and
 - ii. does not have a right to occupy the whole of the premises; and
 - iii. does not occupy a self-contained unit, as defined under the *Residential Tenancies and Rooming Accommodation Act 2008*, schedule 2, or has only limited facilities available for private use; and
 - iv. shares other rooms, facilities, furniture or equipment outside of the resident's room with 1 or more other residents, whether or not the rooms, facilities, furniture or equipment are on the same or different premises; or
- b. a manager's residence, an office or providing food or other service to residents, if the use is ancillary to the use in paragraph (a).

Examples of rooming accommodation— boarding house, hostel, monastery, off-site student accommodation

A tenant cannot therefore occupy a self-contained unit OR has only limited private facilities. The rooming accommodation definition offers an alternative to being self-contained i.e. ***“or has only limited facilities available for private use”***.

The word limited doesn't mean 'none'. From [the dictionary definition of limited] it appears by limiting facilities, the underlying use is still there however it has limited functionality for e.g. a train is still a train, however has limited stops/capacity/services. We extract from this that the rooms can still have all the items contributing towards being self-contained however these items are limited in functionality i.e. a kitchen can still have cooking facilities, however limited in function, i.e. only undertake basic food prep.

All the residents have access to a communal (full) kitchen which contains a large fridge, standard sink, stove, oven, pantry etc. The bedrooms only have limited facilities such as short benchtop, minimal cupboards, microwave, kettle etc and a small sink.

As the proposed bedrooms contain limited facilities for private use, the proposal complies with the definition of rooming accommodation.

Council's request to not have self-contained units takes the requirements beyond what is required to have a lawful rooming accommodation use and amounts to reading the definition as though the alternative was not in the definition:

"iii. does not occupy a self-contained unit, as defined under the *Residential Tenancies and Rooming Accommodation Act 2008*, schedule 2, ~~or has only limited facilities available for private use~~".

As such we do not believe it is lawful for Council to mark up the plans in red and/or insert a condition which states the bedrooms cannot be self-contained or that no cooking facilities are permitted.

4 Infrastructure Charges

As each dwelling can be considered one suite of 5 bedrooms, we believe the infrastructure charges will be \$0.00 as the demand and credit are the same.

5 Recommendation & Conclusion

The proposed development provides rooming accommodation that is responsive to the specific constraints of the site while aligning with the evolving housing needs of Brisbane and the historical development patterns in the surrounding area. The proposal complies with all relevant provisions of the Rooming Accommodation Code and the Zone Code, thereby demonstrating consistency with the applicable use, zone, and overlay outcomes.

Furthermore, the development advances the strategic intent for City Plan 2014 in providing built form which protects the amenity and subtropical lifestyle of residents, while facilitating urban consolidation through residential infill, nearby public transport and employment.

With these considerations, the development should be approved by Council, subject to relevant standard conditions.