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Your Ref: A007002201

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|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RE</b><br><b>Proposal</b><br><b>Site Address</b> | Applicants Final Planning Submission and Response to Public Notification<br>Development Application A007002201<br>500 Lytton Road, Morningside |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|

## 1. Executive Summary

This submission has been prepared following completion of the public notification period to assist Brisbane City Council in its assessment of the proposed Material Change of Use for Hardware and Trade Supplies together with associated internal building works.

The applicant has carefully considered all submissions received during the public notification period. Having done so, it is respectfully submitted that the assessment of this application ultimately turns on a single planning question.

***Does a warehouse-based business supplying tools, machinery, workshop equipment, safety products and industrial equipment directly to Brisbane's trades, contractors, manufacturers and industrial businesses contribute to the productivity and economic function of industrial land, consistent with the strategic intent of Brisbane City Plan 2014 and Temporary Local Planning Instrument (TLPI) 01/25 – Colmslie Road Industry Precinct?***

The applicant respectfully submits that the answer is clearly **yes**.

The proposal retains an existing warehouse tenancy within an established industrial complex. It does not result in the loss of industrial land, remove industrial buildings, introduce a sensitive land use or compromise the ongoing operation of surrounding industrial businesses.

Rather, the proposal:

- retains productive industrial floorspace;
- increases internal warehouse storage through a new mezzanine level;
- supports employment-generating economic activity;
- supplies goods essential to Brisbane's construction, manufacturing, maintenance, logistics and infrastructure sectors;
- strengthens Brisbane's industrial supply chain; and
- continues the productive economic function of the Colmslie Road Industry Precinct.

The applicant respectfully submits that this proposal advances, rather than undermines, the strategic planning outcomes sought by Brisbane City Plan 2014 and the Temporary Local Planning Instrument.

## **2. The Proposal Contributes to the Productivity of Industrial Land**

The strategic intent of Brisbane City Plan 2014 and the Temporary Local Planning Instrument is not simply to preserve industrial land for traditional manufacturing activities. Rather, the planning framework seeks to protect the long-term productivity of industrial land by encouraging employment-generating economic activities that directly support Brisbane's industrial economy.

The proposal is entirely consistent with that planning objective.

### **2.1 Retention of an Existing Warehouse**

The proposal occupies an existing warehouse tenancy within an established industrial complex.

No industrial land is lost.

No industrial buildings are demolished.

The external building envelope remains unchanged.

The proposed mezzanine floor is wholly internal and is provided primarily to increase warehouse storage and inventory capacity, thereby improving the efficiency and productivity of the existing warehouse operation.

The proposal therefore retains productive industrial floorspace whilst enhancing the operational efficiency of the tenancy.

### **2.2 Contribution to Brisbane's Industrial Supply Chain**

Sydney Tools Industrial is fundamentally a warehouse-based trade supply business.

Its primary function is the supply of tools, workshop equipment, machinery, safety equipment and specialised trade products directly to tradespeople, contractors, maintenance businesses, manufacturers, transport operators and industrial enterprises.

These products are essential to the operation of Brisbane's industrial economy. Construction, manufacturing, maintenance, transport, logistics and infrastructure businesses all rely upon the availability of specialised equipment and industrial products in order to undertake their work.

The proposal does not compete with industrial activity for industrial land.

#### ***It enables industrial activity.***

By supplying the equipment upon which industrial businesses depend, the proposal forms an integral part of Brisbane's industrial supply chain and contributes directly to the ongoing productivity of the precinct.

The operational focus of the business is also reflected in the way the premises is presented to customers. Signage displayed at the entrance requests purchases by ABN holders, reinforcing the trade-focused nature of the business. Whilst this signage is not determinative of the planning character of the use, it is consistent with the operational emphasis of the business and supports the proposition that the tenancy is directed primarily towards servicing trade and business customers rather than functioning as a conventional retail destination.

### **2.3 Operational Characteristics**

The proposal retains the characteristics typically associated with a productive warehouse operation, including:

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- substantial warehouse storage;
- palletised inventory storage;
- warehouse racking systems;
- inventory management;
- loading and unloading of goods;
- distribution of industrial equipment;
- employment associated with warehousing and logistics; and
- supply of specialised products to trade and industrial businesses.

These characteristics demonstrate that the proposal performs a warehouse and industrial supply function within the precinct rather than simply operating as a conventional customer-focused retail activity.

#### **2.4 No Adverse Planning Consequences**

Importantly, the proposal:

- introduces no sensitive land use;
- creates no reverse amenity impacts;
- does not constrain surrounding industrial businesses;
- retains existing industrial infrastructure;
- continues productive economic activity within an existing warehouse building; and
- reinforces the ongoing economic function of the precinct.

Rather than diminishing industrial land, the proposal strengthens the role of the precinct as a location for productive employment-generating economic activity.

### **3. The Proposal Advances the Strategic Intent of the Planning Framework**

A public submission suggest that the proposal is inconsistent with Brisbane City Plan 2014 and Temporary Local Planning Instrument 01/25.

Respectfully, that conclusion is not supported when the planning framework is considered as a whole.

The Strategic Framework seeks to protect Brisbane's industrial land for productive economic activity, employment generation and businesses that support the continued operation of the industrial economy.

That is precisely what this proposal achieves.

#### **3.1 Protection of Productive Industrial Land**

The proposal retains an existing industrial warehouse and continues its productive economic use.

No industrial land is displaced.

No industrial buildings are removed.

No sensitive land uses are introduced.

No reverse amenity impacts are created.

The proposal therefore preserves the productive capacity of industrial land whilst supporting employment and ongoing economic activity.

### **3.2 Supporting Industrial Businesses**

The proposal supplies the tools, machinery, safety equipment and specialised products relied upon daily by contractors, manufacturers, maintenance businesses, transport operators and industrial enterprises.

It does not replace industrial activity.

It supports industrial businesses by providing goods essential to their operation.

In that respect, Sydney Tools Industrial performs an important role within Brisbane's industrial economy and contributes directly to the continued productivity of surrounding industrial businesses.

### **3.3 Consistency with the Purpose of the Temporary Local Planning Instrument**

The Temporary Local Planning Instrument seeks to ensure that industrial land continues to perform its intended economic function and is not progressively eroded by land uses that diminish industrial productivity.

Respectfully, the proposal achieves the opposite.

It:

- retains productive industrial floorspace;
- strengthens warehouse operations;
- increases storage capacity;
- supports employment-generating economic activity;
- supplies businesses operating throughout Brisbane's industrial economy; and
- utilises existing industrial infrastructure without compromising surrounding industrial operations.

The planning assessment should therefore focus upon the functional planning characteristics of the proposal rather than simply its commercial label or the fact that customers attend the premises.

The relevant planning question is not whether customers visit the site.

The relevant planning question is whether the proposal contributes to the productive economic function of industrial land.

The applicant respectfully submits that it clearly does.

## **4. Public Notification Submissions**

A number of submissions were received during the public notification period.

The majority expressed support for the proposal, recognising its value to tradespeople, contractors and businesses operating within the surrounding industrial area.

Of particular significance is the submission lodged by Push Construction Pty Ltd. Unlike many submissions that simply express support, this submission explains why the proposal is appropriate within the precinct and identifies the practical role the business plays in servicing the construction industry and surrounding industrial businesses.

Whilst planning decisions are not determined by popularity, these submissions provide useful evidence of how the proposed use is understood and utilised by those operating within Brisbane's industrial economy.

One detailed submission opposing the application was received from ACC.

The applicant has carefully considered that submission.

Respectfully, the applicant submits that many of the issues raised arise from a characterisation of the proposal that does not properly reflect its operational characteristics, warehouse function or contribution to the industrial economy.

Rather than responding to each matter within this submission, the applicant has prepared a separate detailed response addressing every issue raised by ACC.

That document accompanies this submission as *Appendix A* and should be read together with this advocacy statement.

The applicant respectfully submits that the matters raised by ACC do not outweigh the strategic planning merits of the proposal when assessed against Brisbane City Plan 2014 and Temporary Local Planning Instrument 01/25.

## **5. Conclusion**

This proposal represents an appropriate and logical planning outcome for the Colmslie Road Industry Precinct.

It retains an existing warehouse.

It increases warehouse storage capacity.

It supports employment-generating economic activity.

It strengthens Brisbane's industrial supply chain.

It provides goods and services essential to the ongoing operation of construction, manufacturing, maintenance, logistics, transport and industrial businesses throughout South East Queensland.

Importantly, the proposal:

- retains productive industrial floorspace;
- introduces no sensitive land uses;
- creates no reverse amenity impacts;
- preserves the ongoing operation of surrounding industrial businesses;
- utilises existing warehouse infrastructure;
- is supported by expert planning and traffic assessments; and
- contributes directly to the productivity and economic function of the industrial precinct.

The applicant respectfully submits that this application should not be assessed by reference to simplistic commercial labels.

Rather, it should be assessed by reference to the role the proposal performs within Brisbane's industrial economy and the planning outcomes sought by Brisbane City Plan 2014 and Temporary Local Planning Instrument 01/25.

The evidence demonstrates that the proposal contributes to the ongoing productivity of industrial land by retaining an existing warehouse, strengthening warehouse operations, supporting employment and supplying the equipment and products upon which industrial businesses depend.

Far from diminishing the economic role of the Colmslie Road Industry Precinct, the proposal reinforces the strategic planning objectives of protecting productive industrial land and supporting employment-generating economic activity.

**Why the proposal should be approved**

- ✓ Existing industrial warehouse retained
- ✓ Productive industrial floorspace preserved
- ✓ Internal warehouse storage capacity increased
- ✓ Employment-generating economic activity maintained
- ✓ Supports Brisbane's industrial supply chain
- ✓ Directly services contractors, manufacturers and industrial businesses
- ✓ No external expansion of the building
- ✓ No reverse amenity impacts
- ✓ No unacceptable traffic or parking impacts
- ✓ Consistent with the strategic intent of Brisbane City Plan 2014 and Temporary Local Planning Instrument 01/25

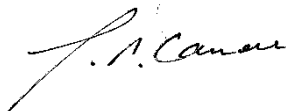
Ultimately, this application is not about introducing an incompatible land use into an industrial precinct. It is about enabling an established warehouse-based trade supplier to continue supporting the businesses that underpin Brisbane's industrial economy.

In that context, approval of the proposal is not only an appropriate planning outcome, but one that is entirely consistent with the long-term strategic objective of protecting productive industrial land and maintaining the ongoing economic function of the Colmslie Road Industry Precinct.

Accordingly, the applicant respectfully requests that Brisbane City Council approve the development application, subject to reasonable and relevant conditions.

Yours faithfully

**NORTHGROUP CONSULTING**



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## **APPENDIX A**

### **Applicant's Detailed Response to Public Submission Development Application A007002201 500 Lytton Road, Morningside**

#### **1A. Introduction**

The applicant has carefully considered the submission lodged by Australian Country Choice (ACC).

The applicant acknowledges the time taken by ACC to prepare a detailed submission and recognises its interest as a neighbouring industrial operator.

However, after careful consideration, the applicant respectfully submits that the objections ultimately proceed from a fundamental misunderstanding of the planning character of the proposal.

Throughout the submission, the proposal is repeatedly characterised as a conventional retail activity. Respectfully, that characterisation is neither supported by the operational characteristics of the proposal nor by the planning evidence lodged with the application.

The assessment of this application should instead focus upon the role the proposal performs within Brisbane's industrial economy and whether it contributes to the productive economic function of industrial land, consistent with Brisbane City Plan 2014 and Temporary Local Planning Instrument No. 01/25.

The applicant respectfully submits that it clearly does.

#### **2A. Matters of Common Ground**

Before responding to the individual matters raised by ACC, it is appropriate to identify the planning matters upon which the applicant and the submitter are in agreement.

The applicant agrees that the Colmslie Road Industry Precinct is an important industrial area within Brisbane's industrial land supply and that the strategic intent of Brisbane City Plan 2014 and Temporary Local Planning Instrument No. 01/25 is to protect the ongoing productivity and economic function of that land.

The applicant also agrees that industrial land should not be eroded by development that compromises the continued operation of industrial businesses, introduces sensitive land uses or undermines the long-term planning intent for the precinct.

Those are legitimate planning objectives and are fundamental to the assessment of this application.

Where the applicant respectfully differs from the submitter is not in relation to those planning objectives, but in the characterisation of the proposal itself.

The applicant submits that the proposal does not undermine those planning objectives. Rather, it advances them by retaining an existing warehouse, strengthening its productive use through additional warehouse storage, supporting employment-generating economic activity and supplying the tools, machinery and specialised equipment relied upon daily by Brisbane's construction, maintenance, manufacturing, logistics and industrial sectors.

Accordingly, the issue before Council is not whether industrial land should be protected. The issue is whether this proposal contributes to the productivity and economic function of that industrial land.

The applicant respectfully submits that it clearly does.

### **3A. The Central Planning Issue**

The ACC submission consistently proceeds on the basis that because customers attend the premises, the proposal should properly be characterised as a retail use that is inconsistent with the planning intent for the Colmslie Road Industry Precinct.

Respectfully, this is an overly simplistic proposition.

Planning characterisation is determined by considering the overall nature, function and operational characteristics of a use rather than a single characteristic such as customer attendance.

Many businesses operating lawfully within industrial areas receive customers.

Builders' merchants, steel suppliers, electrical wholesalers, plumbing suppliers, machinery distributors, bearing suppliers, hydraulic suppliers and safety equipment suppliers all receive customers as part of their normal business operations.

Customer attendance does not alter the planning function of those businesses.

The relevant planning question is therefore not whether customers attend the premises.

The relevant planning question is whether the proposal contributes to the productive economic function of industrial land.

The applicant respectfully submits that the answer is clearly yes.

### **4A. The Proposal Retains Productive Industrial Land**

The submission repeatedly refers to protecting industrial land.

The applicant agrees.

That is precisely what this proposal achieves.

The proposal:

- retains an existing warehouse building;
- introduces no external expansion of the building;
- retains productive industrial floorspace;
- increases warehouse storage capacity through the construction of an internal mezzanine;
- maintains warehouse storage, inventory management and distribution functions;
- supports employment-generating economic activity; and
- continues the productive use of industrial land.

The proposal does not sterilise industrial land.

It does not replace industrial activity.

It strengthens the productivity of an existing industrial warehouse.

#### **5A. Sydney Tools Industrial Performs an Industrial Supply Function**

The proposal supplies tools, workshop equipment, industrial machinery, safety products and specialised trade equipment relied upon daily by:

- builders;
- electricians;
- plumbers;
- manufacturers;
- transport operators;
- maintenance contractors;
- fabricators;
- engineering businesses; and
- industrial operators.

Without suppliers of this nature, industrial businesses cannot operate efficiently.

The proposal therefore performs an integral role within Brisbane's industrial supply chain.

Respectfully, that is entirely consistent with the strategic planning objective of protecting productive industrial land.

#### **6A. Operational Characteristics**

The operational characteristics of the proposal are entirely consistent with a warehouse-based trade supply business.

These include:

- substantial warehouse storage;
- palletised inventory;
- warehouse racking systems;
- inventory management;
- loading and unloading activities;
- warehousing;
- distribution; and
- internal storage facilities.

The proposed mezzanine further reinforces the warehouse function by increasing storage capacity rather than expanding customer display areas.

The operational characteristics should therefore carry greater weight than simplistic descriptions based upon commercial branding.

#### **7A. Trade-focused Nature of the Business**

ACC asserts that the proposal is directed towards the general public.

Respectfully, the operational evidence suggests otherwise.

The premises is branded as *Sydney Tools Industrial*.

In addition, signage displayed at the entrance requests purchases by ABN holders, reflecting the operational emphasis placed upon servicing trade and business customers.

The applicant accepts that this signage is not, in itself, determinative of the planning character of the proposal.

However, it is entirely consistent with the overall operation of the business and provides further evidence that the business is directed principally towards tradespeople, contractors and industrial businesses.

Photographs of the entry signage and warehouse operation are included in Attachment A.

#### **8A. Existing Uses Within The Depot**

ACC devotes considerable attention to other businesses operating within The Depot.

Respectfully, those matters are not relevant to the assessment of the present application.

Whether other tenancies have planning approvals, or whether ACC considers those uses to be lawful or otherwise, does not determine the outcome of this application.

Each development application must be assessed on its own merits.

The proper question before Council is whether this proposal satisfies the applicable assessment benchmarks.

It is not an investigation into the planning status of unrelated businesses.

#### **9A. Planning Characterisation**

Throughout the submission, considerable emphasis is placed upon branding, customer attendance and commercial perception.

Respectfully, planning decisions are not made on those matters.

Planning decisions are made having regard to:

- the use occurring on the land;
- its operational characteristics;
- its planning consequences;
- its relationship with surrounding land uses; and
- its consistency with the planning framework.

When assessed in that manner, the proposal is properly characterised as a warehouse-based Hardware and Trade Supplies use that contributes directly to Brisbane's industrial economy.

#### **10A. Need**

ACC submits that there is no demonstrated need because the use could locate elsewhere.

That proposition is not persuasive.

The relevant planning question is not whether alternative sites exist.

The relevant question is whether the proposal is an appropriate planning outcome on the subject land.

The proposal utilises an existing warehouse within an established industrial precinct, supports employment, contributes to the industrial economy and creates no unacceptable planning impacts.

Accordingly, the existence of other commercially available sites elsewhere does not diminish the planning merits of the proposal.

### **11A. Traffic**

The submission suggests that insufficient traffic information has been provided.

That concern is now overtaken by events.

A comprehensive Traffic Engineering Report accompanied the application and demonstrates that:

- adequate parking exists;
- the existing access arrangements remain appropriate;
- the surrounding road network can accommodate the proposal; and
- no unacceptable traffic impacts arise.

No competing expert traffic evidence has been provided by ACC.

The traffic concerns therefore remain assertions unsupported by technical evidence.

### **12A. Public Notification**

Whilst planning decisions are not determined by popularity, the public notification process provides a useful indication of community perception.

The majority of submissions received supported the proposal.

Of particular significance was the submission from Push Construction Pty Ltd, a local construction business, which identifies the proposal as an appropriate business within the precinct and explains the practical benefit it provides to the local construction industry.

Those submissions reinforce the proposition that the proposal is understood by its users as a business servicing the trade and industrial sectors rather than a conventional retail destination.

### **13A. Conclusion**

The applicant respectfully submits that the ACC submission ultimately depends upon a planning characterisation of the proposal that is not supported by its operational characteristics or by the planning evidence before Council.

The proposal:

- retains productive industrial land;
- strengthens warehouse operations;
- increases storage capacity;
- supports employment-generating economic activity;
- contributes directly to Brisbane's industrial supply chain;
- provides goods essential to industrial and construction businesses;
- introduces no sensitive land use;
- creates no reverse amenity impacts; and
- maintains the productive economic function of the Colmslie Road Industry Precinct.

When assessed against Brisbane City Plan 2014 and Temporary Local Planning Instrument No. 01/25 as a whole, the applicant respectfully submits that there are no sound planning grounds that warrant refusal of the application.

Accordingly, whilst the applicant acknowledges the genuine concerns raised by ACC regarding the protection of industrial land, it is respectfully submitted that those concerns arise from an incorrect planning characterisation of the proposal. Once the proposal is assessed by reference to its actual operational characteristics and

contribution to the productivity of the industrial precinct, the applicant submits that there are no sound planning grounds warranting refusal of the application.

## Attachment A



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