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APPLICATION REF
A007047651

Kellie Hilton
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Brisbane City Council Brisbane Square
266 George Street, BRISBANE QLD 4000

By email: kellie.hilton@brisbane.qld.gov.au

6 August 2026

RE: COUNCIL'S ADVISE RELATING TO THE APPLICATION AND CORRESPONDENCE DATED 24 JULY 2026, APPLICATION: A007047651 - AT 58 SPINE STREET, SUMNER QLD 4074. PROPOSED MATERIAL CHANGE OF USE – INDOOR SPORT AND RECREATION FACILITY (24-HOUR GYMNASIUM)

Dear Ms Hilton

We refer to Council's correspondence dated 24 July 2026 regarding the above development application and subsequent advice during phone conversations with Council Officers.

Council's correspondence advises that the proposal is not supported on the basis of "*extensive significant non-compliance*" with the Brisbane City Plan 2014. Specifically, Council refers to the overall outcomes of the:

- Industry Zone Code,
- Industry Code and
- The Western Gateway Neighbourhood Plan Code.

In addition, Council raises concerns with:

- Scale of the gymnasium,
- Relationship with the local industrial workforce
- Proximity to existing indoor sport and recreation uses,
- Potential impacts upon the industrial function of Sumner, and
- Possible reverse-amenity implications associated with off-site industrial air emissions.

The Applicant does not accept that withdrawal is an appropriate action, relating to the matters identified in Council's preliminary assessment. The Applicant acknowledges that the proposal gives rise to conflicts with the Industry Code and subsequently the operating hours identified in A028.

Notwithstanding, we put to Council that the stresses do not:

1. Make the proposed use prohibited development;
2. Relieve Council of the obligation to undertake the impact assessment required by the Planning Act 2016;
3. Establish that the development would materially compromise the industrial function of Sumner;
4. Establish that nearby industrial premises would be constrained by the proposal;
5. Establish that the proposed parking arrangement would create an unacceptable transport or parking impact; or
6. Prevent Council from approving the application subject to appropriate operational, environmental, parking and time-limitation conditions.

This response should be read as supplementary, and forms part of the application.

THE PROPOSED DEVELOPMENT

The Development Application seeks approval to adapt an existing two-storey building for an *Indoor Sport and Recreation Facility* in the form of a 24-hour gymnasium. The proposal includes a member lobby, management area, strength and cardiovascular training areas, functional training and free-weight areas. Additionally, provisions are to be made for personal-training facilities, change rooms, showers, toilets and recovery facilities. The application will also require the construction of an inter - tenancy dividing wall.

It is also noted that the Mezzanine level of 333m² is not part of the proposal and will remain mutually exclusive to the proposed land use.

APPLICABLE STATUTORY FRAMEWORK

The application was Lodged with Council on 5 July 2026. The current City Plan amendment is version 36.00/2026, which took effect on 12 June 2026. On the dates presently available, version 36.00/2026 therefore appears to be the applicable version of City Plan.

The relevant Industry code provisions concerning *Indoor Sport and Recreation* were introduced through Major Amendment Package K as part of version 33.00/2025, effective from 27 June 2025. That amendment strengthened industrial-land protection while also introducing provisions for limited services that support industrial businesses and workers.

The application material identifies *Indoor Sport and Recreation Facilities* within the industry zone as impact assessable development. **Impact assessment does not make refusal automatic.**

Pursuant to Section 45 of the Planning Act 2016, Impact Assessment must be undertaken against the applicable assessment benchmarks and may also have regard to other relevant matters, including planning need and the current relevance of assessment benchmarks in light of changed circumstances.

The proposed use is therefore Impact Assessable rather than prohibited. The planning-scheme conflict is relevant, but it does not make the decision *pleno iure*. The statutory task requires Council to determine the nature, extent and planning significance of the conflict and then consider the proposal's actual impacts, relevant matters and potential conditions.

Council's preliminary and pre-determined conclusion that the proposal "will not be supported" is *immatura* and is made without assessment to a satisfactory level. Further, the conclusion does not refer to advice and supplementary planning, traffic, parking, acoustic and environmental factors, from the appropriate officers.

INDUSTRY ZONE AND INDUSTRY CODE

General Industry A Zone Context

The site is identified as being within the Industry Zone—General industry A Zone precinct—and within the Western Gateway Neighbourhood Plan, Sumner Precinct.

The Applicant accepts that an *Indoor Sport and Recreation* use is not expressly identified by that Zone precinct. The General industry A zone is the least intensive of the three (3) General industry precincts.

The proposal's compatibility is therefore assessed in the context of the specific premises, the existing surrounding uses, the nature of the gymnasium the enclosed operation and the ability of Council to employ appropriate Conditions to any Consent.

Express locational and scale conflict under PO26 and AO26

The Industry Code provides that *Indoor Sport and Recreation* is to be located in the Low Impact Industry Zone, be low-key in scale, nature and employment, be appropriately sized to serve the local industrial workforce, and avoid detrimental impacts upon the primary industrial function of the area.

AO26 also identifies a maximum gross floor area of 400m². (Non-Statutory)

The Applicant acknowledges that:

1. The site is in the General industry A zone precinct rather than the Low impact industry zone;
2. The proposed use therefore conflicts with the express locational component of PO26 and AO26; and

The planning-appropriate questions are whether the proposal should be approved after measurement pursuant to:

- The practical extent of industrial land use opportunity impact;
- The existing use and configuration of the premises;
- The proposal's possible synergy with surrounding industrial activities, particularly hours of operation;
- Does the proposal materially alter the industrial role of Sumner;
- Does the proposal establish or expand an unplanned centre;
- What would the relationship and functional ramifications be with the local industrial workforce;
- Technical acoustic, traffic and parking evidence;
- The reversibility of the internal fitout and ability for industrial uses to "re-use" the site (adaptability);
- Conditions capable of limiting scale, duration and any impacts of the proposed use.

This is *Materialiter differt* from treating the wording of PO26 as though *Indoor Sport and Recreation Facilities* were prohibited development in the General industry A zone.

RELATIONSHIP WITH THE LOCAL INDUSTRIAL WORKFORCE

Council's correspondence characterises the Industry code as requiring the proposed gymnasium to serve "only the local industry workers". That is not the wording of the applicable code.

The overall outcome states that the use is to be small-scale and serve local industrial workers. PO26 refers to an appropriate size to serve the needs of the local industrial workforce. Neither provision expressly requires that every member or patron be employed in the Sumner industrial area or prohibits incidental use by persons from outside that area.

The relevant issue is whether the proposed use has a genuine and proportionate relationship with the local industrial workforce. The Operational Management Plan will seek to strengthen that relationship through incorporation of:

1. Targeted membership arrangements for employees of businesses within Sumner and adjoining industrial precincts;
2. Employer membership packages and corporate wellness programs;
3. Discounted memberships for persons demonstrating employment within the industrial catchment;
4. Direct marketing to businesses in Sumner;
5. Recording and periodic reporting of member workplaces and postcodes, subject to privacy requirements;
6. Consultation with surrounding businesses regarding shift patterns and preferred operating periods; and
7. Operation at times suited to early, late and rotating-shift workers.

The 24-hour access model is suitable for serving workers whose shifts do not correspond with conventional retail or recreation operating hours. The Plan of Management provides for all-hours member access through individual digital keys, while staff attendance is concentrated during conventional daytime and early evening periods, to enable service of more administrative and “Club Operating” duties.

It is noted that the strategic framework strongly protects Major Industry Areas, but it also recognises supporting services and facilities for the industrial workforce where those services are accessible and do not compromise the operation of industry. The proposed workforce nexus should therefore be assessed through evidence and enforceable measures rather than by applying an exclusive patron-origin test that does not appear in the wording of City Plan.

PROXIMITY TO EXISTING INDOOR SPORT AND RECREATION USES

AO24.4 identifies that *Indoor Sport and Recreation Facilities* are not to be located within 800 metres walking distance of an existing or approved premises containing an indoor sport and recreation use.

There is a single Gym within 800m of the subject site, being a “Private Gym” some 200m away, capped at 200 members. The website indicates an intensive one on one training service.

Evidence of other gyms is also available however the closest of these is 0.9km and 1.1km away. It is also noted that these gyms are in the same zone and subject to the same planning restrictions. It would be inconsistent to refuse the application on land use, considering these prior, lawful approvals within the same land use zones.

PROTECTION OF THE INDUSTRIAL FUNCTION OF SUMNER

The proposal describes the building as an existing retail premises rather than an operating industrial facility. The Traffic and Parking Assessment similarly describes the proposal as the adaptation of an existing two-storey retail building. The proposal would therefore not displace a manufacturing, warehousing, logistics, service-industry or other operating industrial use.

It is further noted that the adaptability of the existing building back to an industrial use is also maintained by the proposal.

INDUSTRIAL DOMINANCE/ABSOLUTE EXCLUSIVITY

The Western Gateway Neighbourhood Plan states that the broader area provides a base for major industrial development while exhibiting integrated living, working and recreation areas supported by transport, retail and commercial facilities. The specific Sumner precinct outcome provides that industrial development is to remain the dominant form of development.

Industrial development remains dominant in Sumner. However, “dominant” does not mean that every individual premises must at all times accommodate an industrial use, irrespective of:

- the premises' existing use;
- its configuration and suitability;
- the amount of industrial land affected;
- the duration of the proposed use;
- the use's relationship with industrial workers; and
- the absence of adverse effects upon surrounding industry.

Approval of one controlled gymnasium in an existing retail building would not alter the precinct-wide character of industrial development.

AIR QUALITY, ODOUR AND REVERSE-AMENITY CONSIDERATIONS

Reverse amenity and protection from existing lawful industry are legitimate considerations. However, the Industry code establishes minimum separation distances from established industrial uses. The applicable distances are:

- Medium impact industry A: 150 metres;
- Medium impact industry B: 250 metres;
- High impact industry: 500 metres; and
- Special industry: 1,500 metres.

The Plan of Management also provides that windows will be fixed and non-openable and that the building will be mechanically air-conditioned and filtered. These measures are supportive but are not advanced as a substitute for objective technical assessment.

These measures are adequate for the protection of air quality for the gym. Inversely, there is no evidence to date that gymnasiums generate air pollution significant enough in intensity to have a more than negligible impact on any level of industrial use.

24-HOUR OPERATION AND NOISE

AO28 identifies operating hours of 6.00am to 7.00pm Monday to Saturday, excluding public holidays, for development in the relevant industrial locations. The proposed 24-hour operation does not comply with that acceptable outcome. PO28, however, is expressed by reference to applicable noise, low-frequency noise and night-time noise criteria, and specifically contemplates a noise-impact assessment as a means of demonstrating performance. The existing Plan of Management includes substantial operational controls, including:

- low-volume background music;
- management-controlled volume;
- headphone-enabled cardiovascular equipment;
- acoustic rubber flooring;
- restrictions on dropping weights;
- confinement of heavier free weights to acoustically treated areas;
- closed windows and doors;
- signage instructing patrons to enter and leave quietly;
- member disciplinary procedures; and
- a complaint register.

The Applicant is prepared to supplement those controls through:

- An acoustic assessment addressing music, voices, free weights, mechanical plant, vehicle arrivals and car-door noise;
- Prohibition of group classes
- Prohibition of amplified instruction and public-address systems
- Prohibition of dropping weights
- Closure of external doors and windows other than momentarily for access;
- Acoustic treatment recommended by the acoustic consultant;
- Remote after-hours monitoring and incident response; and
- Review of operations if a verified complaint is received.

The 24-hour component should therefore be assessed against PO28 using technical evidence and enforceable controls.

CAR PARKING PROVISION

The lodged Traffic and Parking Assessment states that the City Plan planning-scheme policy identifies a rate of 10 spaces per 100m² of gross floor area for a gymnasium. Applying that rate to the 769m² gymnasium scenario assessed in the report produces a numerical requirement of 77 spaces. The site currently contains 14 on-site spaces.

It is also noted that the Mezzanine level of 333m² is not part of the proposal and will remain mutually exclusive to the proposed land use.

The Applicant acknowledges that 14 spaces do not satisfy the numerical standard. The departure should not, however, be treated as catastrophic to the application. The relevant questions are:

1. Whether the numerical rate accurately represents the peak demand;
2. Does the proposed use increase parking demand relative to the existing premises;
3. Whether an operational cap ensures demand remains within available on-site supply;
4. Whether the layout is safe and functional;
5. Whether any contingency demand would stress the surrounding road network; and
6. Whether the parking variation would prejudice freight, loading or industrial access.

EXISTING PARKING BASELINE

The Traffic and Parking Assessment states that the former or existing retail premises comprise approximately 1,413m² and would generate a requirement of 71 spaces, notwithstanding that only 14 spaces are presently provided. The traffic consultant's observations and surveys did not identify corresponding parking stress.

This existing condition is relevant for two reasons.

1. This demonstrates that the rate does not reflect actual demand.
2. The proposal is not introducing a new traffic-generating building onto an undeveloped site. It involves the reuse of an existing premises with an established parking and access arrangement.

The planning assessment should therefore focus upon the **change in actual demand and impact**, rather than treating the numerical parking rate as *procuratio definitiva*.

THE PROPOSAL MEASURED AGAINST THE EXISTING RETAIL SCENARIO

The Traffic and Parking Assessment estimates the following peak traffic generation:

Scenario	Weekday peak	Weekend peak
Existing retail premises	70 vehicle trips per hour	86 vehicle trips per hour
Proposed gym and reduced retail scenario	60 vehicle trips per hour	63 vehicle trips per hour

The proposed development is therefore estimated to reduce peak traffic generation by approximately:

- **10 vehicle trips per hour, or 14.3%, during the weekday peak;** and
- **23 vehicle trips per hour, or 26.7%, during the weekend peak.**

A total of 33 trips per week or 4.5 trips every day.

PARKING-DEMAND ASSESSMENT

The Traffic and Parking Assessment adopts a gymnasium rate of 3 spaces per 100m². Applied to the 769m² gymnasium, that rate produces an estimated demand of approximately 23 spaces. The report also applies a range to the residual retail component and calculates a deliberately conservative combined upper-bound demand of approximately 43 spaces. That figure does not exceed the report's realistic upper-bound estimate of 45 spaces for the existing retail development.

This evidence supports the following conclusions:

- The City Plan rate of 77 spaces materially exceeds the comparative empirical demand of 23 spaces for the gym component;
- The conservative combined demand under the proposed scenario is not greater than the comparable maximum demand of the existing use;
- The proposal does not produce a worsening of the site's practical parking condition; and
- The parking variation is principally a continuation of an existing site constraint rather than the creation of a new or materially greater parking impact.

- The 43-space figure is produced by adding conservative element rates. It is not demonstrated to be the predicted design peak. PO14 expressly recognises that uses with different peak periods may share parking over time.

ON-STREET PARKING SURVEYS

The submitted surveys observed 34 public parking spaces in the surveyed portion of Spine Street.

On Thursday 14 May 2026, the survey recorded:

- a maximum of seven occupied spaces;
- a maximum occupancy of approximately 21%; and
- a minimum of 27 vacant spaces.

On Saturday 16 May 2026, the survey recorded:

- a maximum of four occupied spaces;
- a maximum occupancy of approximately 12%; and
- a minimum of 30 vacant spaces.

On the Traffic and Parking Assessment's 23-space gym demand estimate, the 14 on-site spaces produce a potential residual demand of nine spaces. Further;

- On the surveyed weekday, seven existing vehicles plus nine gym vehicles occupy 16 of 34 surveyed spaces, leaving 18 vacant; and
- On the surveyed Saturday, four existing vehicles plus nine gym vehicles occupy 13 of 34 surveyed spaces, leaving 21 vacant.
- Additionally, any overspill, unanticipated by the figures presented, can be accommodated by public parking remains available to all lawful road users. However, this is not anticipated.

The survey evidence demonstrates even if occasional demand were to occur, it would not cause:

- Saturation of the surrounding kerb;
- Unsafe or illegal parking;
- Obstruction of access;
- Material displacement of adjoining businesses;
- A significant adverse effect upon the road network.

It is noted that the assessment does not rely upon restricted kerb parking as available parking.

OPERATIONAL CHARACTERISTICS REDUCE PARKING CONCENTRATION

The Parking rate does not distinguish between different definitions of *Indoor Sport and Recreation*. A gymnasium with staggered individual attendance has materially different parking characteristics from:

- an indoor court complex;
- a competition venue;
- a spectator facility;

- a children's recreation centre;
- an event venue;
- a large class-based studio; or
- a facility with simultaneous programmed sessions.

The subject proposal does not include courts, spectator seating, grandstands, competition areas or a function space. The principal activities are individual strength, cardiovascular, functional and weight training.

Further characteristics reducing parking stresses include:

1. **Extended access period:** Attendance can be distributed across the full 24 hours rather than compressed into a short 9-5 window.
2. **Low staffing:** The Plan of Management provides for a maximum of three staff during the principal staffed periods, reducing employee parking demand.
3. **Controlled membership access:** Individual digital keys allow attendance to be recorded, monitored and capped.
4. **Industrial workforce catchment:** Members employed nearby may walk from their workplace or make a linked trip before, during or after work rather than generating a separate home-to-gym-to-home journey.
5. **Public transport accessibility:** The Traffic and Parking Assessment records a bus service approximately 25 metres from the site, connecting to Darra Station.
6. **Potential for active transport:** The site is within the Bicycle Network Overlay according to the submitted planning material, creating an opportunity to encourage cycling and provide secure bicycle parking.
7. **Absence of large, programmed events or classes:** The development is not proposed to hold classes competitions, tournaments or spectator events that would create simultaneous arrivals.
8. **Hours of Operation relationship with industrial uses:** Gym demand outside normal business hours occurs when many surrounding industrial and commercial businesses have reduced parking demand.

These measures and factors indicate an atypical gymnasium functionality, outside of the intent of parking controls.

PARKING FUNCTIONALITY

The present Traffic and Parking Assessment does not establish that 14 on-site spaces would accommodate an **unrestricted** gymnasium demand of 23 spaces. The appropriate planning response is to align the approved operational capacity with the available on-site supply.

The Applicant is prepared to submit an amended Parking and Access Management Plan and accept conditions requiring the following elements:

Exclusive availability of the 14 spaces

All 14 spaces are to be:

- Legally available to the subject tenancy;
- Clearly line-marked and signed;
- Kept unobstructed;
- Available to patrons and staff whenever the gym is operating; and
- Excluded from storage, equipment placement, waste storage or loading activities.
- Documentary evidence of the tenancy's legal rights to those spaces can be provided.

Staff parking and travel arrangements

Staff parking demand would be expressly incorporated into the measure to reduce any impacts upon parking. Management would encourage staff to:

- Carpool;
- Use public transport;
- Cycle;

Active-transport facilities

Secure bicycle parking and suitable end-of-trip arrangements would be provided to reduce reliance upon private vehicles for patrons.

PARKING VARIATION

The proposed variation is justified as:

- The required rate is a generic floor-area measurement (which in itself is extremely outdated and excessive) rather than a measurement of observed site-specific demand;
- The assessment provided estimates substantially lower demand;
- The conservative demand does not exceed the report's high-end estimate for the use;
- The premises have historically operated with the same 14-space supply without evidence of parking saturation; whilst adhering to restrictive hours of operation.
- The surveyed surrounding parking environment has substantial reserve capacity;
- The use involves staggered individual attendance rather than event-based peaks;
- The facility has a low staff complement;
- The 24-hour access period provides the capacity to spread attendance;
- Local industrial workers may walk or undertake linked trips;
- The site has nearby bus access and potential for active transport;
- Existing access, circulation and servicing arrangements are safe and functional;
- Enforceable patron and vehicle-demand caps can match demand to the 14-space supply;
- Monitoring and adaptive-management conditions can address any unforeseen demand; and

The numerical departure should therefore be accepted. At a minimum, the parking evidence demonstrates that the proposal will not cause an unacceptable external parking impact and does not carry sufficient weight to be catastrophic to the application.

CONCLUSION

The concerns raised by Council do not make the development prohibited or incapable of approval. We urge Council to reconsider in depth, the information provided and there preliminary position as we are of the professional pinion that the proposal can and in most elements of contention, does demonstrate:

- The proposal does not materially alter the industrial dominance of Sumner;
- The operating industrial uses would not be displaced;
- An unplanned centre would be not created;
- The proposal does not result in Industrial operation constraints;
- Air-quality, odour or health-risk criteria would not be impacted;
- Traffic conditions will not be impacted to an unreasonable degree, and
- The parking variation requested would not produce an unacceptable effect upon the surrounding road network.

For these reasons, the Applicant does not propose to withdraw the application.

We trust the enclosed information satisfies the lodgement requirements. However, should any additional details be required to progress the assessment, please don't hesitate to contact us.

We seek Councils favourable consideration of this Application and look forward to continuing to work collaboratively throughout the assessment process.

Thank You,
Best Regards,



Martin de Jager
Town and Regional Planner (BA-Pln: 56456)

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