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Town Planning Report

Material Change of Use – Mixed Use Development (Dual Occupancy, Food and Drink Outlet and Office)

Prepared for: Maxem Investments Pty Ltd

Address: 5 Howard Street, Paddington

Job No: 241806 Date: 8 October 2026

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Contents

Document Information **2**

Document Control **2**

Disclaimer Statement 2

List of Figures **5**

Appendices **5**

1. Executive Summary **6**

1.1. Site and Application Details 7

2. Site Characteristics **9**

2.1. Subject Site 9

2.2. Surrounding Context 11

2.3. Access 11

2.4. Topography 11

2.5. Rights and Interests 12

2.6. Flooding 12

3. Proposed Development **13**

3.1. Overview 13

3.2. Commercial Character Building 14

3.3. Dual Occupancy 15

3.4. Access 16

3.5. Servicing 16

3.6. Flooding 16

3.7. Demolition 16

3.8. Earthworks 17

4. Key Matters for Assessment **18**

4.1. Building Height 18

4.1.1. Ithaca District Neighbourhood Plan 18

4.1.2. Dual Occupancy Code 19

4.2. Site Cover 19

4.3. Commercial Character Building GFA 20
4.5. Traffic and Car Parking 20
5. Statutory Planning Framework 21
5.1. Planning Act 2016 21
5.2. Planning Regulation 2017 21
5.3. South East Queensland Regional Plan 2023 21
5.4. State Planning Policy 2017 21
5.5.1. Temporary Local Planning Instrument 22
5.5.2. Local Government Infrastructure Plan 22
5.5.3. Zone 22
5.5.4. Neighbourhood Plan 27
5.5.5. Overlays 28
5.5.6. Assessment Category 28
5.5.7. Code Applicability 28
6. Conclusion 30

LIST OF FIGURES

Figure 1: Aerial Image (Nearmap, June 2026) 9
Figure 2: Commercial character building (Google Street View, September 2024) 10
Figure 3: Commercial character building and Dual Occupancy (Google Street View, September 2024)..... 10
Figure 4: Surrounding Area (Nearmap, June 2026) 11
Figure 5: Topography (Queensland Globe)..... 12
Figure 6: Proposed Ground Flood Plan (Templo) 13
Figure 7: Proposed Eastern Elevation (Templo) 14
Figure 8: Proposed Demolition Plans (Templo)..... 17
Figure 9: Proposed Eastern Elevation (Templo) 18

APPENDICES

Appendix A – Forms and Consent

Appendix B – Searches

Appendix C – Proposal Plans

Appendix D – Traffic Assessment

Appendix E – Code Assessment

1. EXECUTIVE SUMMARY

Bennett + Bennett Group has been engaged by Maxem Investments Pty Ltd to prepare this Town Planning Report in support of a development application seeking a Development Permit for a Material Change of Use for extensions to the dual occupancy and commercial character building at 5 Howard Street, Paddington, QLD 4064, formally described as Lot 5 on RP19659 and referred to as the 'premises' in this report.

Specifically, the following permits are sought:

- Development Permit for Material Change of Use – Extension to Dual Occupancy
- Development Permit for Material Change of Use – Office and Food and Drink Outlet within a Commercial Character Building
- Development Permit for Building Works – Partial Demolition of Pre-1946 Dwelling and Commercial Character Building

The proposal seeks to renovate and enliven the existing commercial character building and character dwelling on the premises by raising both buildings and providing additional bedrooms and gross floor area in this highly sought-after area of Paddington. A technical review of the proposal is provided in this report and the supporting documentation. In summary, the proposal includes the following:

- The existing dual occupancy is to be raised and built under to provide an additional storey. The building maintains the street presence and traditional building elements such as windows and timber cladding of a character building.
- The existing commercial character building is to be raised and enclosed. The building will maintain its traditional style, including key elements such as windows, timber cladding, roofing and the street awning.
- A standalone extension over the car park, designed in a traditional style that does not detract from the primary buildings on the site.
- All habitable rooms are located above the flood planning level of 6.8mAHD.
- The proposal is well located near public transport, schools, parks and shops providing optimal active transport opportunities.
- The proposal provides sufficient car parking arrangements for an inner-ring suburb.

The proposal will substantially improve functionality and aesthetics of the built form while remaining compatible with the character of the area.

Under *Brisbane City Plan 2014* v36 (the planning scheme), the premises is located within the Character Residential (Infill housing) Zone. The proposal requires impact assessment under the planning scheme and therefore 15 business days of public notification will be undertaken.

The application has been assessed against the relevant requirements of the *Planning Regulation 2017* and does not require referral to SARA.

This report provides greater detail on the nature of the proposal and provides an assessment of the development against the intents and requirements of relevant statutory planning documents.

1.1. Site and Application Details

Site Details	
Site Address	5 Howard Street, Paddington, QLD, 4064
Real Property Description	Lot 5 on RP19659
Area of Site	455m^2
Easements	Not Applicable
Current Land Use	Dwelling House and Commercial Character Office
Registered Landowner	Tony Mower
State Interests	
Regional Plan	South East Queensland Regional Plan 2023 • Urban footprint • Water resource planning area boundaries
State Planning Policy	The City Plan 2014 incorporates all aspects of the State Planning Policy (SPP) with the exception of the following: • State interest – Natural hazards, risk and resilience – Bushfire prone area • State interest – Strategic airports and aviation facilities
Referral Requirements	No referrals required.
Local Planning Instruments	
Local Planning Authority	Brisbane City Council
Planning Scheme	Brisbane City Plan 2014 v36
Neighbourhood Plan	Ithaca district neighbourhood plan
Precinct	Hillside character precinct - NPP-008
Zone	Character (Infill housing)
Overlays	Airport environs overlay Bicycle network overlay Commercial character building overlay Community purposes network overlay Critical infrastructure and movement network overlay Dwelling house character overlay Flood overlay (FPA4 and 5) Potential and actual acid sulfate soils overlay Road hierarchy overlay Streetscape hierarchy overlay Traditional building character overlay
Cultural Heritage	There is no known Local cultural heritage or artefacts on the site.
Application Details	
Applicant	Maxem Investments Pty Ltd
Type of Approval Sought	Development Permit
Proposed Development	• Material Change of Use – Extension to Dual Occupancy

	• Material Change of Use – Office and Food and Drink Outlet within a Commercial Character Building • Building Works – Partial Demolition of Pre-1946 Dwelling • Building Works – Partial Demolition of Commercial Character Building
Category of Assessment	Impact assessment
Notification Period	15 business days
Application Contact	
Town Planning	Jack Reed Senior Town Planner Bennett + Bennett E: jreed@bennettandbennett.com.au P: (07) 5631 8000 Jacqueline Tait Town Planning Manager Bennett + Bennett E: jtait@bennettandbennett.com.au P: (07) 5631 8000

2. SITE CHARACTERISTICS

2.1. Subject Site

The premises is located at 5 Howard Street, Paddington, QLD 4064, and is formally described as Lot 5 on RP19659. The premises is a corner lot and has a total site area of 455m². Multiple uses are present on the site, including a dual occupancy that directly connects with a commercial character building currently used as an office.



Figure 1: Aerial Image (Nearmap, June 2026)

The existing commercial building on the premises is an example of commercial character, including timber cladding, character windows and an awning over the pedestrian path. The building is currently used as an office for a real estate agency as seen in the figure below.

The existing dual occupancy appears to have been constructed pre-1946. It features several aspects typical of character buildings, including street prominence, timber construction and large character windows. However, the building façade has subsequently been substantially changed, which has detracted from its traditional style



Figure 2: Commercial character building (Google Street View, September 2024)



Figure 3: Commercial character building and Dual Occupancy (Google Street View, September 2024)

2.2. Surrounding Context

The premises is located within the suburb of Paddington in Brisbane's inner ring. The suburb is characterised by residential areas and centre activities along the main roads. Land uses to the north and west are predominantly dwellings, and the site is located directly opposite Milton State School.

The site is well located within walking distance of Rosalie Village, which includes a cinema, numerous restaurants, a supermarket and other retail uses. The site is also within walking distance of bus routes on Baroona Road and Haig Road, providing excellent accessibility to the Brisbane CBD.



Figure 4: Surrounding Area (Nearmap, June 2026)

2.3. Access

The site currently features pedestrian access to both uses from Baywater Street, with vehicle access provided at the rear of the commercial building fronting Howard Street. Three parking spaces are provided.

2.4. Topography

The premises is predominantly flat due to the existing building pads. Overall, the site slopes from approximately 9m AHD in the southwest to 6m AHD along Baywater Street, as shown in the figure below.



Figure 5: Topography (Queensland Globe)

2.5. Rights and Interests

A review of the rights and interests registered on title has been undertaken. Accordingly, there are no easements, covenants or similar registered interests, as detailed in **Appendix B**.

2.6. Flooding

Based on Brisbane City Council flood mapping, the Baywater Street frontage of the premises may be subject to river flooding in a 1% AEP event. A copy of the FloodWise report is included in **Appendix B**.

3. PROPOSED DEVELOPMENT

3.1. Overview

The proposed development seeks to renovate, raise and extend both uses on the premises. The following development aspects are proposed and are detailed further in the following sections:

- Material Change of Use – Extension to dual occupancy
- Building Work – Partial demolition of pre-1946 dwelling and commercial character building.
- Material Change of Use – Office and Food and Drink Outlet within the commercial character building.

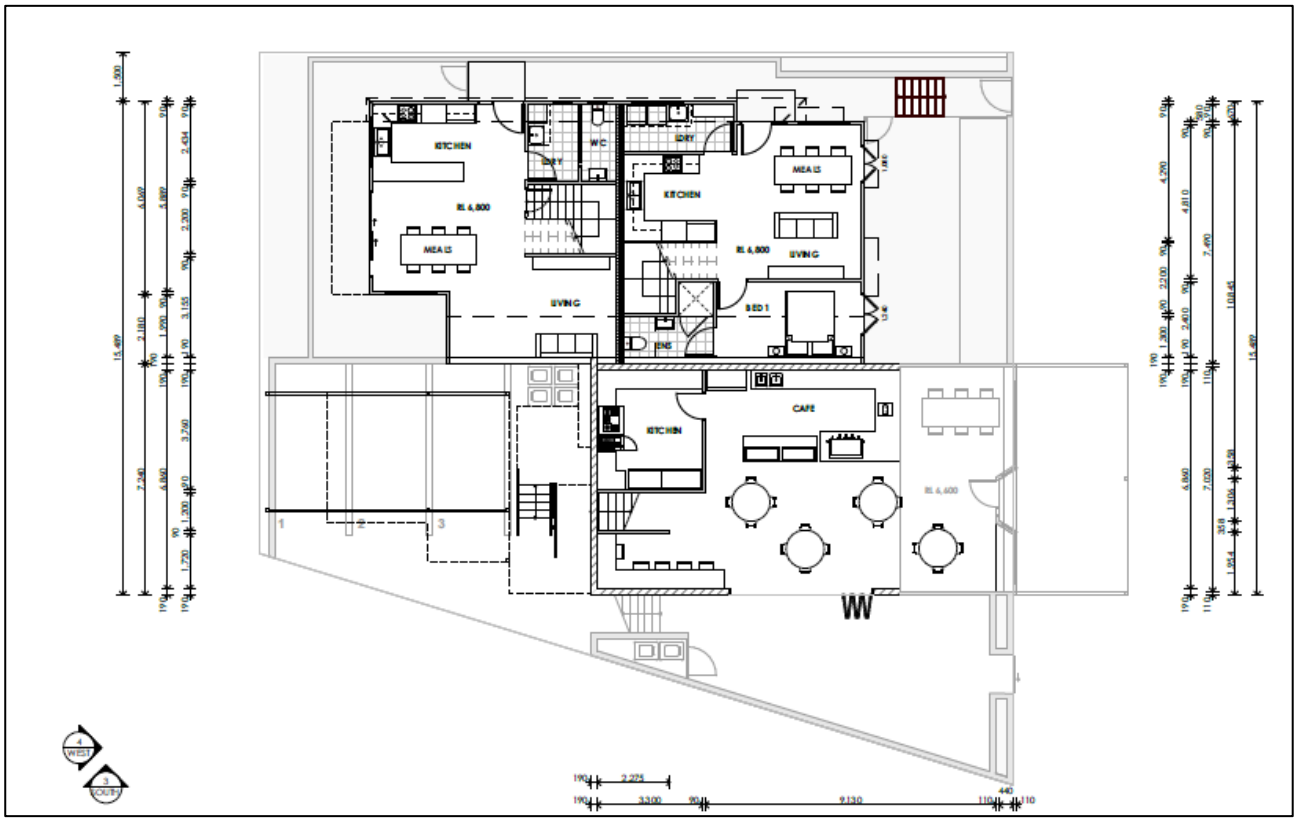


Figure 6: Proposed Ground Flood Plan (Templo)

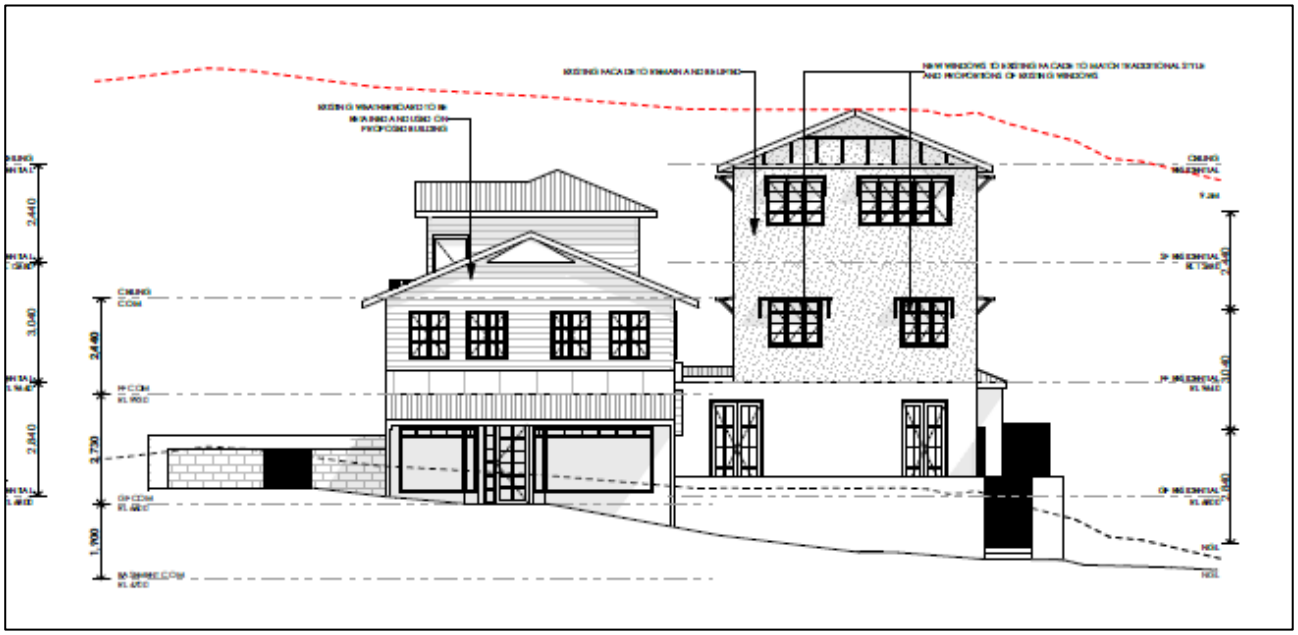


Figure 7: Proposed Eastern Elevation (Templo)

3.2. Commercial Character Building

It is proposed to undertake a renovation of the commercial character building including raising, building under and building a semi-attached office at the rear. Specifically, the proposal seeks to raise the building to establish a food and drink outlet on the first floor, an office on the second floor and an office over the car park area. A breakdown of the key development parameters is provided in **Table 1**.

The development seeks to respond to local demand by providing a high-quality café destination and flexible office space. The premises is well suited to these uses because it can serve people within walking distance, including those attending the nearby school. The Paddington/Milton area is also well positioned for office uses because nearby transport services provide access to the Brisbane CBD, while the local area accommodates an increasing number of professionals who work remotely or flexibly.

The proposal maintains the overall identity of the commercial character building while providing a necessary modernisation of the structure and land uses. It achieves this by retaining the traditional style of the building and incorporating materials similar to those used in pre-war buildings, including timber cladding. Traditional-style windows are also proposed, and the awning and glass window façade are retained to reinforce the building's commercial character. The first-floor office extension is substantially set back from the street frontage, ensuring that the commercial character building remains the primary visual element of the development.

To minimise impacts on the character of the commercial building, the rear office is separated from both existing buildings on the premises and has the appearance of a small standalone building. This separation is further emphasised by the change in roof form, which faces towards Howard Street rather than Baywater Street.

To facilitate the development, minor excavation will be required. This excavation will provide an overall benefit to the premises, which has minor access issues. The proposed ground floor will resolve these issues and provide suitable access in accordance with the appropriate standards.

Table 1: Commercial Character Building Development Parameters

Development Parameters	
Building height	Total height above ground level: ~7m
Number of storeys	2
Site cover	58.4% including dual occupancy
Setbacks	Front boundary: 0m Side boundary (west): 2.1m
Building length	13.37m for commercial character building 5.5m for rear office
Materials and finishes	Refer to proposal plans
Car Spaces	1
Vehicle accommodation	SRV to park and service on street

3.3. Dual Occupancy

The application also seeks to renovate, raise and build under the existing dual occupancy. Despite the increase in height and the number of bedrooms, only two dwellings will remain on the premises. Key parameters of the dual occupancy are provided in **Table 2**.

The proposed renovation and extension to the dual occupancy involves raising the dwelling and building under it to provide a third storey. The renovation will increase the number of bedrooms in the western dwelling from two to four and in the eastern dwelling from one/two to five. The internal arrangement of the dual occupancy will also change from a vertical split to a north-south split.

To facilitate the additional storey, the proposal seeks to raise the dwelling slightly and undertake minor excavation beneath the site. This will keep the building height below 9.5m above ground level. While the building height will increase, it is submitted the proposal will not result in an unreasonable level of overlooking. The windows shown on the proposal plans are in a traditional style and, if required, screening or changes to window sill heights could be provided to address any privacy concerns.

Each dwelling will be provided with private open space directly adjoining the primary living areas. The western dwelling will also be provided with a balcony. The private open space provided to each dwelling complies with the planning scheme requirements and will allow future residents to enjoy Brisbane's subtropical climate.

Table 2: Dual Occupancy Development Parameters

Development Parameters	
Building height	Total height above ground level: ~10.5m
Number of storeys	3
Site cover	58.4% including commercial building
Setbacks	Front boundary: 4.69m Side boundary (north) 1.5m – 2.169m
Building length	15.5m
Private open space	Unit 1: 35m^2

	Unit 2: 38.5m^2
Minimum flood levels	Minimum habitable floor level: 6.8m AHD
Materials and finishes	Refer to proposal plans
Car Spaces	2 (1 per dwelling)
Access Arrangements	Crossover onto Howard Street

3.4. Access

No changes to the existing site access arrangements are proposed. Instead, the applicant seeks to modernise the parking allocation by assigning the three existing car spaces to the dual occupancy, which is not currently allocated any spaces.

A Traffic Impact Assessment, including an on-street parking survey, has been undertaken by Pekol Traffic and Transport (refer to Appendix D). The assessment has determined there is sufficient on-street parking is available for the commercial uses. The assessment considered the proposed food and drink outlet and focused on the estimated morning peak periods. A summary of the assessment results is as follows:

- There is a total capacity of 90 on-street parking spaces within a 200m walking distance from the site.
- There was a peak demand of 57 parking spaces during the school drop off period.
- There was a peak demand of 65 parking spaces in the late morning period.
- A capacity of at least 25 spaces is available on-street within 200m of the site during peak hours.

3.5. Servicing

The proposed development can be connected to urban services within the adjoining road reserve. Detailed service design will be undertaken during the detailed design stage.

3.6. Flooding

A review of the flood hazard affecting the site has been undertaken. The minimum habitable floor level has been set at 6.8m AHD and, on this basis, the proposal is not expected to be subject to unacceptable flood hazard. No further assessment is anticipated to be necessary.

3.7. Demolition

As noted throughout this report, both buildings feature varying levels of character. The proposal involves substantial renovations to the commercial character building, including raising and building under the existing structure, while retaining key traditional elements such as timber cladding, character windows, the awning and the commercial presentation to the street. The works are intended to modernise the building while maintaining its contribution to the streetscape and the broader character of the area. The proposed areas of demolition are shown in figure 8 below.

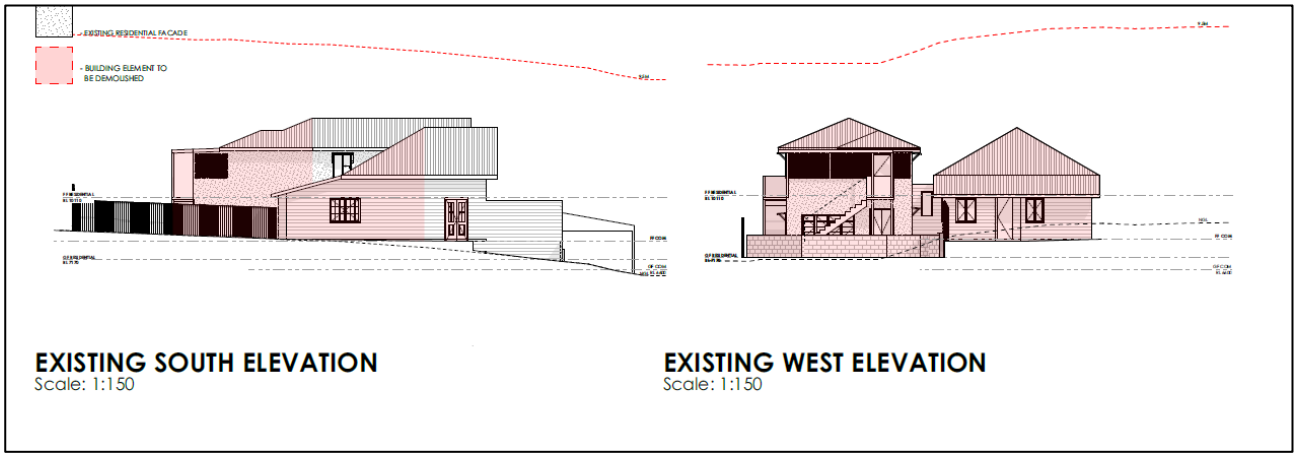


Figure 8: Proposed Demolition Plans (Templo)

3.8. Earthworks

The proposed development may require minor earthworks to facilitate the overall design. The extent of these works is not completely known at this stage and further assessment will be undertaken during detailed design. If required the appropriate operational works permits will be sought.

4. KEY MATTERS FOR ASSESSMENT

4.1. Building Height

The proposed development seeks to increase the building height of the Dual Occupancy to accommodate a third storey. The building height will be approximately 10m above ground level, 0.5m above the maximum allowed in the Neighbourhood Plan. A comparison of the proposed additional storey is shown in the figure below. It is our view that the development complies with the relevant performance outcomes of the Ithaca District Neighbourhood Plan (PO1) and Dual Occupancy Code, as detailed in the following sections.

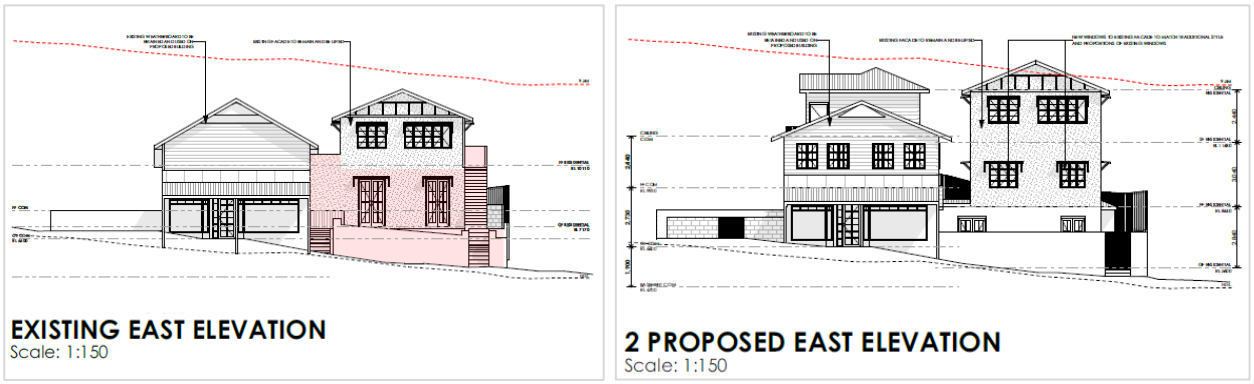


Figure 9: Proposed Eastern Elevation (Templo)

4.1.1. Ithaca District Neighbourhood Plan

Density and infrastructure demand

The existing uses on the premises are a dual occupancy and office. The proposal does not result in a substantial increase in infrastructure demand, as the residential use remains the same and only results in an increase in GFA for commercial uses to a total of 198.81m^2. It is not anticipated that this increase will result in an unreasonable increase in infrastructure demand. Finally, as the dual occupancy is already established, there will be no increase in dwelling density.

Community expectations on number of storeys to be built

Community expectations regarding development height are changing over time, as reflected in recent planning scheme changes made by Council. These changes seek to support increased building height in locations within walking distance of centres or public transport. As noted in section 2.2, the premises is within walking distance of bus stops on Baroona Road and Haig Road, as well as Rosalie Village, which includes boutique shops, restaurants, food markets, cinemas and cafes.

While the area features pre-1946 dwellings, it also includes multiple dwellings such as apartments within a similar distance of the shopping centre and within the Hillside Character Precinct. Accordingly, there is an expectation that the area will accommodate a variety of land uses and development scales.

Based on the above, there is likely to be varied community expectation regarding development height. It is our view that the additional storey does not detract from the character or development form of the area.

Proportionate to and commensurate with the utility of the site area and frontage width

As shown on the proposal plans, the development will largely maintain the existing development footprint, site area and frontage width.

Designed to avoid significant and undue adverse amenity impacts to adjoining development

The proposal largely maintains the existing development footprint, including existing setbacks and site cover. It is not anticipated that the additional height will block northern sunlight or result in a substantial decrease in wind access. Widows screening is able to be conditioned.

Sited to enable existing and future buildings to be well separated from each other and to avoid affecting the development potential of adjoining sites.

As noted throughout this report, the proposed renovations do not seek to substantially change the existing setbacks and therefore do not prejudice the future development potential of adjoining lots.

4.1.2. Dual Occupancy Code

PO3 - Development is of a bulk and scale that is consistent with the intended form and character of the local area having regard to:

Existing buildings that are to be retained

The proposal has been designed in association with the commercial character building and seeks to maintain traditional features and elements as shown on the proposal plans.

Significant infrastructure or service constraints such as tunnels

The premises is not substantially constrained by infrastructure or services.

Existing and proposed building heights in the local area and street

The surrounding area contains large character and character-style buildings that occupy substantial portions of their sites. Due to the slope, some of these buildings appear larger when viewed from the street. The proposal seeks three storeys in an area that is generally two storeys; however, given the local context and the broader policy emphasis on increasing housing opportunities, the additional height will support larger households seeking to live in an inner-ring location.

The impact of slope on the building envelope

The proposed development is located on a site with minimal existing slope as it has previously been developed to be relatively flat. However, the street and lot to the west are steadily sloping which contributes to the building appearing larger than it actually is.

It is further noted that minor filling is proposed to ensure that the dual occupancy will be flood immune and sit above the 1% AEP line.

Adjoining buildings and separation of buildings to maintain amenity and privacy

The proposed development has been designed to fit within the existing building footprint. As a result, the proposal is expected to result in minimal amenity and privacy impacts because existing building separation is maintained.

Overall, despite being slightly above the maximum building height, the proposal has been designed to be sympathetic to the traditional styles, building pattern and spacing of the area and will make a positive contribution to the neighbourhood.

4.2. Site Cover

The proposed development exceeds the 50% site cover requirement for a dual occupancy. However, the proposed development generally aligns with the site cover of the existing dual occupancy of approximately 220m^2 (48%) and provides an improved built form outcome. On this basis, it is our view that the proposal is supportable in this instance.

4.3. Commercial Character Building GFA

Under the Commercial Character overlay code, the maximum GFA for uses located in these buildings is limited to 250m^2. The proposed extension to the development seeks to increase the GFA on the site from 95m2 to 196.81m^2. In accordance with PO1 of the code, the proposal is of a size and scale consistent with the area. Specifically, the food and drink outlet will directly service the local community and contribute to the existing inner-ring character of Paddington.

In addition, Paddington has a population that is predominantly made up of professionals. This is the target audience for the proposed offices and, when viewed in this context, the development will further cater to the needs of the local community. The proposal is not competing with a designated local centre.

4.5. Traffic and Car Parking

The proposed development is currently in an atypical arrangement, with limited on-site car parking despite the site being used for both an office and a dual occupancy. Under the existing arrangement, the dual occupancy is not allocated any car spaces. Under the proposed arrangement, the three existing car spaces will be maintained; however, two spaces will be allocated to the dual occupancy and one space will be allocated to the commercial uses. It is our view, supported by advice from a traffic engineer, that this will result in an improved outcome by prioritising the residential land use.

In addition, and as discussed in section 3.4, no additional car spaces are proposed. An assessment of available on-street parking was therefore undertaken by PTT, which found that 25 car spaces are available during peak periods. Accordingly, these spaces are sufficient for the development to operate. Please refer to the Traffic Engineering Report for further information on this assessment. It is also noted that commercial character buildings often provide limited or no on-site car parking because they are typically located on small lots in older, established suburbs such as Paddington, where development opportunities are constrained.

5. STATUTORY PLANNING FRAMEWORK

This section of the report addresses the applicable components of the statutory town planning framework and their relevance to the proposed development.

5.1. Planning Act 2016

The relevant local categorising instrument (being the Brisbane City Plan 2014 v36) identifies the proposed development as Impact Assessable. Section 45(5) of the Planning Act 2016 outlines the matters the assessment manager must give regard to when assessing this type of application.

*"5) An **impact assessment** is an assessment that—*

a) must be carried out—

i) against the assessment benchmarks in a categorising instrument for the development; and

ii) having regard to any matters prescribed by regulation for this subparagraph; and

b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise."

Identification of the relevant assessment benchmarks and a planning assessment against each of these is provided within the sections below.

5.2. Planning Regulation 2017

With reference to the Planning Regulation 2017 the premises does not require referral to any concurrence or advice agencies.

5.3. South East Queensland Regional Plan 2023

The subject site is wholly located within the Urban Footprint. The Urban Footprint is intended to support urban uses such as housing, industry, business, infrastructure, community facilities and urban spaces. The proposal is consistent with the intent of the Regional Plan.

5.4. State Planning Policy 2017

The State Planning Policy (SPP) only applies to development assessment if the planning scheme has not yet appropriately integrated the SPP. If there is a discrepancy between a local planning scheme and a state planning policy, then the state planning policy overrides the planning scheme.

The planning scheme integrates all aspects of the SPP with exception of the Natural Hazards, Risks and Resilience Bushfire Hazard, and Strategic airports and aviation facilities. As the proposal is not subject to bushfire hazard and will not interfere with operational airspace no further assessment is required.

5.5. Local Planning Instrument

Brisbane City Council is the local government planning authority responsible for determining the development application for the premises and is the assessment manager for this proposal. The local planning instrument relevant to the assessment of this application is the Brisbane City Plan 2014 v36.

5.5.1. Temporary Local Planning Instrument

There is no *Temporary Local Planning Instrument* (TLPI) created under the provisions of the planning scheme relevant to the assessment of the development application.

5.5.2. Local Government Infrastructure Plan

The premises and adjoining road reserve are not mapped as being subject to future trunk infrastructure.

5.5.3. Zone

The premises is located in the Character Residential (Infill housing) Zone. The proposed development has been assessed against the relevant provisions of the Zone in the attached Code Compliance tables in **Appendix E**.

Overall Outcomes (Hillside character precinct)	Response
a) Development provides for low density suburban and inner-city living through the development of predominantly 1 or 2 storey dwelling houses comprising primarily of existing houses built in 1946 or before and infill housing that incorporates any housing built in 1946 or before in the development.	**Generally complies** The dual occupancy exceeds the maximum building height by approximately 0.5m but maintains the general built form of the pre-1946 building.
b) Development in the Character zone precinct provides for low density suburban and inner-city living through: i) 1 or 2 storey dwelling houses to predominate over other types of development; ii) a low density and intact suburban identity to be maintained in which multiple dwellings and dual occupancy are not accommodated.	**Not Applicable**
c) Development in the Infill housing zone precinct facilitates a mix of existing dwelling houses and new housing choices including dual occupancy, 2 storey low rise multiple dwellings such as row houses at a house scale, rooming accommodation, residential care facilities and retirement facilities which: i) comply with the site density, building height, number of storeys and setback requirements of the Traditional building character (design) overlay code and the Multiple dwelling code; ii) are sensitively integrated with and located between or behind existing dwelling houses	**Generally Complies** The proposal seeks to renovate the existing dual occupancy into a more functional building. The additional height of the building is not anticipated to have an unreasonable impact on the surrounding uses. It largely complies with setback criteria along with site density. Overall, the development will not result in an unreasonable detraction from the anticipated development pattern of the area and will encourage housing diversity in a well-located part of the city.

built in 1946 or before and on appropriately sized lots; iii) provide housing diversity that offers choice to different household types and individuals to suit residents through life-cycle stages, in the inner city and well-located parts of the city.	
d) Development reflects and supports the high level of comfort, quiet, privacy and safety (including impacts of glare, odour, light, noise, traffic, parking, servicing and hours of operation) reasonably expected within a predominantly low density permanent residential environment.	**Complies** The development is to renovate an existing commercial use and residential use on the premises. Accordingly the proposal will maintain the high level of comfort, quiet privacy and safety anticipated in the area.
e) Development for an active frontage use on land within the Active frontages in residential zones overlay is to comply with the Active frontages in residential zones overlay code.	**Not Applicable**
f) Development for a commercial character building activities use on land within the Commercial character building overlay is to comply with the Commercial character building (activities) overlay code.	**Complies** An assessment against this code is provided in Appendix E.
g) Development for a compatible and individual small-scale non-residential use which is a community care centre, community use, health care service, office, shop or veterinary service (together with any associated caretaker's accommodation or dwelling unit) where not on land within the Commercial character building overlay or the Active frontages in residential zones overlay, is to: i) have a gross floor area of less than 250m2; ii) serve local residents' day-to-day needs; iii) not undermine the viability of a nearby centre.	**Not Applicable**
h) Development which would result in the co-location of new non-residential uses only occurs along an active frontage identified on the Active frontages in residential zones overlay map or where located in two or more adjoining commercial character buildings.	**Not Applicable**
i) Development for a home-based business may only operate in a dwelling house, dual	**Not Applicable**

occupancy or multiple dwelling and is of a scale and nature that protects the amenity of adjoining residents.	
j) Development for any other non-residential use serve a local community facility need only, such as a childcare centre or substation, and is compatible with and integrates with the built form intent of the Character residential zone.	**Not Applicable**
k) Development for rooming accommodation accommodates 5 persons or less.	**Not Applicable**
Development form overall outcomes	
a) Development occurs on an appropriately sized and configured lot and is of a form and scale that reinforces a distinctive subtropical character of low rise buildings set in green landscaped areas.	**Complies** The building is on a suitably sized lot and the proposed development reinforces the existing subtropical character of the area.
b) Development for a residential building is of a height, bulk, scale and form, materials and detailing which is compatible with the traditional building character of the Character residential zone and consists of buildings of 1 or 2 storeys in height.	**Generally Complies** The building bulk, scale, form and materials are consistent with a character building. The exceedance of the maximum height by 0.5m will not detract from the character of the area.
c) Development protects and retains buildings built in 1946 or before on land within the Traditional building character overlay in accordance with the Traditional building character (demolition) overlay code.	**Complies** Refer to the relevant code assessment in Appendix E.
d) Development provides that a new building or extension of a building reflects and complements the city's traditional building character of housing built in 1946 or before prevalent within the Traditional building character overlay in accordance with the Traditional building character (design) overlay code.	**Complies** Refer to the relevant code assessment in Appendix E.
e) Development supports a subtropical character by ensuring that a dwelling house on a small lot is of a size and scale that minimises negative impacts on amenity and private open space of other dwellings, by maintaining access to sunlight, daylight and privacy.	**Not Applicable**

f) Development of a dwelling house on a small lot comprising a new premises or an increase in gross floor area of an existing premises is located within a defined building envelope that: i) maximises the retention of backyard spaces as private landscaped space; ii) avoids overbearing development involving bulk or setbacks which are inconsistent with the character of a dwelling house on adjoining lots.	**Not Applicable**
g) Development responds to land constraints, mitigates any adverse impacts on environmental values and addresses other specific characteristics, as identified by overlays affecting the site or in codes applicable to the development.	**Complies** The proposal considered the site specific characteristics including flood in the preparation of the proposed plans.
Infill Housing precinct overall outcomes	
a) Development retains a dwelling house built in 1946 or before.	**Complies** The existing dual occupancy is maintained.
b) Development provides that a new dwelling house, dual occupancy or multiple dwelling: i) is no more than 2 storeys in height; ii) is located between or behind dwelling houses built in 1946 or before on an appropriately sized and configured vacant lot; iii) is compatible in scale and design with existing dwellings built in 1946 or before; iv) reinforces the traditional building character of the Infill housing zone precinct.	**Generally Complies** The proposal seeks to renovate the existing dual occupancy that is approximately 0.5m above the maximum height and includes a third storey. Despite this the dual occupancy was an existing high set building and will not result in a major change to the bulk on the site nor will it have substantial impacts on neighbouring sites. The renovation seeks to maintain the traditional character of the building and will reinforce the intent of the zone for traditional buildings.
c) Development achieves a maximum dwelling yield of one dwelling per 300m2 of site area.	**Not Applicable** No change to dwelling density is proposed.
d) Development for alternative housing types, such as rooming accommodation, a residential care facility or a retirement facility, which provide housing diversity and enable people to find suitable accommodation throughout their life cycle:	**Not Applicable**

i) is consistent with the predominant traditional building character and amenity expectations of residents in the Infill housing zone precinct; ii) meets the bulk and building height requirements of the Multiple dwelling code or any applicable neighbourhood plan.	
e) Development for a new residential use other than a dwelling house, such as a multiple dwelling or dual occupancy, has a built form and design that is: i) consistent with the character of a low density residential environment comprising 1 or 2 storey dwelling houses; ii) suited to smaller lot sizes.	**Complies** The design of the development is consistent with the residential development which it is in.
f) Development is compatible in scale with adjoining dwelling houses, both within or adjoining the Infill housing zone precinct, in order to maintain an appropriate level of amenity and privacy to an adjoining dwelling.	**Complies** The scale of the development is slightly more than the existing built form on site. Despite this it is able to maintain an appropriate level of amenity and privacy to the adjoining dwellings. If required additional screening can be added.
g) Development supports a subtropical character by ensuring that: i) the building form, spacing, orientation and design ensure dwellings are well designed and sensitive to the city's climate; ii) residents on the site, as well as residents of existing or future dwellings on adjoining sites, have sufficient privacy and good access to daylight, sunlight and breezes to enable the intended use of indoor and outdoor spaces.	**Complies** The proposal maintains an existing built form layout similar to the current layout. The proposal provides private open space for the dwellings and additional outdoor eating area for customers and residents to enjoy the subtropical climate.
h) Development provides quality private and communal open spaces and landscaping, including deep planting, that reinforce the house-compatible scale of buildings, provide breathing spaces and outdoor activity areas and encourage outdoor living.	**Complies** Private open spaces are provided for both dual occupancies to encourage outdoor living.
i) Development provides for a building to address and interface with the street and other adjoining public space, including via habitable uses at ground level (with parking not forming a dominant element in the streetscape) in order	**Complies** Both the dwelling and commercial building provide substantial interface with the streetscape.

to reinforce the traditional setting and provide surveillance and encourage activation of parks and streets.	
j) Development provides for setbacks which suitably buffer a residential use from an activity in an adjoining non-residential zone.	**Not Applicable**
k) Development provides for a residential dwelling on a site which fronts a heavily trafficked road or other noise source to be: i) suitably located and orientated on the site; ii) designed and finished to minimise noise intrusion while maintaining some opportunities for interface with and surveillance of the street.	**Not Applicable**

5.5.4. Neighbourhood Plan

The premises is included within the Hillside Character Precinct of the Ithaca District Neighbourhood Plan. This precinct prescribes a number of requirements which have been responded to in **Appendix E**.

Overall Outcomes (Hillside character precinct)	Response
a) Hillside character is maintained, retained and enhanced through sympathetic development that minimises visual impact within its visual catchment;	**Complies** The proposal is not located on the hillside by is sympathetic to the surrounding location as detailed throughout this report.
b) Development along major ridgelines in the precinct contributes to a consistent rhythm and sense of scale along the ridgeline when viewed from the surrounding visual catchment;	**Not Applicable**
c) Residential development in particular, provides and/or incorporates: i) the appearance of traditional character houses uniformly spaced and stepped across well-treed hillsides; ii) compatible building height, bulk and proportions; iii) construction methods, such as posts or piers, that minimise the amount of alteration to site topography.	**Complies where relevant** i) Not applicable. ii) Complies the building bulk and proportions are in line with what's anticipated in the area. The building height is compatible with the surrounding buildings in the street. iii) Complies, there are minimal changes to site topography.

5.5.5. Overlays

The site is subject to the following overlays.

- Airport environs overlays
- Bicycle network overlay
- Commercial character building overlay
- Community purposes network overlay
- Critical infrastructure and movement network overlay
- Dwelling house character overlay
- Flood overlay – Brisbane River flood planning area 4 and 5.
- Potential and actual acid sulfate soils overlay
- Road hierarchy overlay
- Streetscape hierarchy overlay
- Traditional building character overlay (neighbourhood character)

An assessment of the applicable overlay codes is provided in **Appendix E**.

5.5.6. Assessment Category

With reference to Section 5 of the planning scheme, the level of assessment for the relevant aspects of development is as follows:

- Material Change of Use Dual Occupancy– Impact assessment for exceeding height of 2 storeys and 9.5m
- Material Change of Use Commercial Character Building Activities (Office and Food and Drink Outlet) – Code assessment as per Commercial Character Building Overlay Code
- Building Work Commercial Character Building – Code assessment
- Building Work Dual Occupancy – Code assessment

As the proposal is subject to impact assessment, 15 business days of public notification is required.

5.5.7. Code Applicability

The development has been assessed against the applicable planning scheme codes. A full assessment of the following codes is included in Appendix E:

- Ithaca District Neighbourhood Plan code
- Dual occupancy code
- Flood overlay
- Road hierarchy overlay code
- Streetscape hierarchy overlay code
- Transport, access, parking and servicing code
- Commercial character building (activities) overlay code
- Commercial character building (demolition) overlay code

- Traditional building character (demolition) overlay code
- Traditional building character (design) overlay code
- Infrastructure design code
- Community purposes overlay
- Critical infrastructure and movement overlay
- Landscape work code
- Outdoor lighting code
- Filling and excavation code

6. CONCLUSION

This town planning report supports a development application made on behalf of Maxem Investments Pty Ltd at 5 Howard Street, Paddington, QLD, 4064. The development seeks Development Permit for a Material Change of Use and Building Works to support the raising and renovation of the existing buildings on the premises, and the establishment of uses for a dual occupancy, office and food and drink outlet.

This report and other supporting documents demonstrate the proposal is consistent with the context and character of the area and is generally compliant with the purpose and overall outcomes of the relevant planning instruments. The proposal should be considered appropriate in this context as summarised below:

- The dual occupancy maintains the traditional character of the area through the street presence, traditional features, materials and windows.
- The traditional character of the commercial building is maintained through the traditional building materials, maintaining the awning and provision of traditional windows.
- The proposal is well located near public transport, schools, parks and shops providing optimal active transport opportunities.
- The proposal provides sufficient car parking arrangements for an inner-ring suburb.
- The proposal can be connected to all relevant urban services.
- All habitable rooms are located above the flood planning level of 6.8m AHD.

Overall, the proposal combines traditional character elements and seeks to provide a modern take on development of these lots. It is extremely well located with the uses themselves being sought after within inner-ring locations such as this.

On this basis it is our view that there are sufficient planning grounds to support an approval, and it is recommended that the proposed development be approved subject to reasonable and relevant conditions.