



BNC Ref. DA013-25
BCC Ref. A006867290

>> 21 May 2026

ASSESSMENT MANAGER
BRISBANE CITY COUNCIL
GPO BOX 1434
BRISBANE QLD 4001
Via: Email

**RE: SUBMISSIONS RESPONSE AND SUMMARY OF RELEVANT MATTERS – STATEMENT OF REASONS
DEVELOPMENT APPLICATION A006867290 (COUNCIL REF.) AT 7 MORTLAKE ROAD, GRACEVILLE QLD 4075 (RPD:
LOT 129 & 130 ON RP29388)**

Reference is made to development application A006867290 seeking a material change of use development approval for the extension of a *Health Care Services* use at 7 Mortlake Road, Graceville. The subject development application is currently in the decision period following completion of the notification period and submissions consideration period. It is understood that four (4) properly made submissions were received in addition to other not properly made submissions. *BNC Planning* acting on behalf of the applicant *GV Dental Unit Trust* provide the following response to the properly made submissions received by the Brisbane City Council as part of the public notification of the application.

This correspondence has been prepared to further assist Council in the final assessment and decision-making period for the development application. Council is required under s63(5) and s83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. This occurs as part of the issuing of the decision notice and is to enable a public understanding of the reasons for the planning decision, specifically having regard to the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed, and any other information, documents or other material Council has either required to, or able to, consider in its assessment. Despite the matters raised in the submission during the public notification period, the applicant has established sufficient grounds to justify approval of the development application, subject to the imposition of reasonable and relevant conditions. The grounds raised in the submissions are not substantial enough to justify a position that the proposed development conflicts with the assessment benchmarks or conflicts to the extent that reasonable and relevant conditions cannot be applied to address such conflicts. To this end, the applicant provides the following *submissions response/statement of reasons* as to why the application can be supported.

FORWARD

The positions put forward in the submissions received by Council, bot properly made and not, are acknowledged and respected. However, they appear to be underpinned by a misrepresentation of the existing and historical use of the site. The site has operated as a dental clinic since the 1950's and is a well-established service provider in the community. Noting that the dwelling unit component has only ever been an opportunistic element; a residual component of the pre-1950's residential occupation of the site which pre-dated the contemporary notation of a planning schemes. The clinic has serviced the needs of the immediate residential catchment for a significant amount of time and is a well established and engrained part of the health service hierarchy. This has been reaffirmed in the attached Economic Need Assessment prepared by Location IQ.

With this acknowledged, it is not unreasonable for the applicant to seek a modest increase in floor area of the building (<100m²). The 'expansion' is driven by the need for additional space to accommodate upgraded, modernised treatment rooms

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which in turn improves the standards of service offered to the existing community. This is not a matter of the applicant seeking to directly expand operating capacity and commercial scale and cannot be considered a fundamental departure from the strategic framework. The context of the expansion is a fundamental necessity in order for the proposed development to be fairly considered on its merits. As is an accurate acknowledgement of the historical use of the site, the value the service holds within the community and the scope the Planning Act provides under section 45(5) for the assessment manager to take into consideration relevant matters outside of the planning scheme i.e. the historical context and the fact that the modest expansion is not a direct increase in intensity or operational scale.

In essence, this is a lawful, long standing, engrained dental service, providing health care services to the immediate catchment since the 1950's simply seeking the opportunity to bring their serviced into the modern age with a very modest building expansion to allow the space needed for modern treatment rooms. While we stand by the position that, when assessed on its merits, the proposal is consistent with the planning scheme, the Planning Act also allows the assessment manager to take into account any other relevant matter. The context of this long-standing use is integral in considering and deciding this development application.

SUBMISSIONS RESPONSE

The submissions do not raise any new or unforeseen matters that haven't already been acknowledged and contemplated by the applicant in preparing the development application and processing it through to the decision period.

The current development proposal has been the subject of pre-lodgement and assessment period negotiations over the last 1-2 years to reach a built form and land use outcome which is able to meet the requirements of the planning scheme and the Planning Act 2016. It should be noted that a significant number of the matters raised in the submissions are subjective comments or personal opinions. The majority of submitters do not identify themselves as a person with any technical expertise in the interpretation and assessment of a development application against the assessment benchmarks within the context of the assessment and decision-making rules imposed on assessing authorities under the Planning Act 2016. Specifically, that an assessment against the assessment benchmarks must be considered within the context of the decision rules established under the Act which include the applicants right to establishment sufficient grounds in any circumstances where a perceived inconsistency is highlighted and for those grounds to be considered robust enough to warrant approval despite the inconsistency.

Of the four (4) properly made submissions received by Council, one (1) was in support of the development, making a total of three (3) unique submissions that objected to the development. The properly made submissions which opposed the development have been reviewed in detail, highlighting seven (7) key matters of concern.

In addition to the properly made submissions, 10 (ten) submissions were made outside of the public notification period, and are therefore considered not properly made under Schedule 2 of the Planning Act 2016. All of the submissions made outside of the public notification period were submitted before the information request was responded to by the applicant. As a result, much of the matters raised by these submitters have been responded to via the information request response. Other matters raised in these submissions are prevalent in the properly made submissions, with key matters addressed below.

	Matter(s) Raised	Applicants Response
1.	Planning Need	The submitters claim that there is no planning need for the development, as there are a number of health care service uses within 3km of the site, and that there is availability in nearby vacant commercial buildings. This matter again does not acknowledge the fact that the use is an existing, long standing dental service. Refusal of this development application does not result in the removal of the lawful use rights in place. A refusal simply serves to deny the service the ability to be improve its standard of service and upgrade its treatment rooms. This is objectively not a matter of potential economic impact or disruption of the centres hierarchy. The extend of the expansion is not significant enough to have any potential economic impacts.

		The applicant draws attention to the attached Economic Needs Assessment (ENA) prepared by Location IQ that was provided in the Information Request Response. The ENA detailed the following points supporting the expansion of the use on the site: • Given the long-standing operation of Graceville Dental Surgery the relocation of the subject site would likely result in a significant change in established customer patterns. • A review of commercial sites found that there are very limited vacant tenancies across the catchment area. Most vacancies are smaller in size than the Graceville Dental Surgery is currently. These vacancies are in close proximity to three existing Dental practices in Sherwood District Centre. • The expansion of the Dental practice would provide significant benefits to the local population, including greater availability of services to the local community, greater price competition between practices, and improvement in the range of facilities. Greater detail for the planning need for the development is provided in the attached ENA.
2.	Commercial operations, the Small-scale non-residential uses code, and the Character (Character) zone code	The submitters take issue that the proposed use is not consistent with the Small-scale non-residential uses code, and the Character (Character) zone code and that the expansion of a commercial use on site presents an overstep of a commercial use in a residential area. The applicant provides the following response. In reference to PO2 of the Small-scale non-residential uses code, the development does not cause incremental extension to the edge of an existing centre. Despite the recent development of 293 Honour Avenue, opposite to the site, the development does not present an incremental extension to the existing centre. The site has existed as a dentist clinic for decades. The use pre-dates that centre, and as such cannot be considered an extension of it. Furthermore, the development is of such a minor scale that it cannot be considered economically impactful. The proposal is for a GFA increase of effectively 85m² to bring the site total to 201m². This minor extension is not significant enough to be identified as the incremental extension to the edge of an entire existing centre. That statement is clearing an overreach. In reference to PO4 of the Small-scale non-residential uses code, the development appears to present a GFA of approximately 391m², which is greater than the benchmarked GFA of 250m² under the Small-scale non-residential uses code. However, the functional GFA, which is the space to be actively utilised for the health care service use, is totalled to approximately 201m². An area of approximately 190m² is contributed to storage space, which comprises of the existing first floor and the existing garage. These existing spaces cannot be effectively utilised for the health care services use and thus default to storage, if not completely vacant spaces. As these spaces cannot functionally be utilised for the health care service use and provide no function other than for the storage of supplies, they cannot contribute to functional GFA, which is intended to measure the area utilised for the development. The applicant would accept conditions to limit the function of these spaces, restricting these areas from being utilised for functions other than storage. In this way, the development will maintain a functional gross floor area under 250m² and remain low key in scale, appropriate to service the local residential community. In further response to the submissions, the proposed development aligns with the purpose of the Character (character) zone code, in that it provides a compatible and individual small-scale non-residential use (Health care service), as outlined by overall outcome 4(g). The development fulfills this outcome by: - having a functional gross floor area of approximately 201m², less than the benchmarked 250m² gross floor area; - being specifically designed to service local residents' day-to-day needs, intended to service the existing clientele and direct local community, as demonstrated by the site maintaining the appearance of a dwelling house and retaining a low functional gross floor area; and - not undermining the viability of a nearby centre, by maintaining a low key scale and established use that already services the direct local community, where a health care service use has not been established in the centre zone opposite to the site.

		It is clear that the development aligns with the existing local character residential area and the purpose of the Small-scale non-residential uses code, and the Character (Character) zone code.
3.	Housing supply	The submitters raised issue that the removal of the dwelling unit use would have a substantial impact on the availability of housing within the greater Brisbane City context. The applicant makes note that the matter has been responded to via the information request response. Retention of the dwelling unit on site is not feasible, due to the constraints within the building code regarding fire resistant construction. It is acknowledged that the development presents the loss of a single, lowest order form of dwelling unit within the overall city wide housing shortage. Ideally, the applicant would prefer to retain the dwelling unit if the option was feasible. However, as demonstrated throughout the application and supporting materials, the benefits of the development to the city outweigh the shortcomings. Particularly, the attached ENA details that: <i>The loss of the single two bedroom residential unit (of ~136 sq.m) as part of the expansion of the Graceville Dental Surgery would not be of any significant impact to the overall need for residential land within the Brisbane LGA and the immediate Graceville region. This single dwelling is miniscule in the context of the overall demand for residential land within the Brisbane City LGA. Consequently, the loss of the subject site for a residential purpose will not fundamentally impact on the ongoing need for potential additional residential land in the Brisbane City LGA as it will not make any significant contribution to supply.</i>
4.	Building works and character value	The submitters take issue that the proposed development would result in the partial demolition of a character contributing building. The submitters also state that the proposed building extension towards the Honour Avenue boundary conflicts with the built form character of the local area. The applicant responds that there is a trend of misconception to the extent of the demolition involved in the development as claimed by the submitters. There is a notion that the partial demolition will result in the removal of the character property or degradation of its character values. The submitters also incorrectly claim that the site is a heritage place. This matter has been responded to via the information request response. Significant alterations have been made to the initial development plans, amending the facade design and streetscape outcomes. In the new designs, the primary building facade is retained unchanged. There will be no demolition of the existing character facade facing Mortlake Road and the new works will continue to mimic the primary character features of the existing facade. The proposed extension will bring the built form of the site closer to the Honour Avenue boundary. Design solutions have been utilised to reduce the building bulk of the development, which includes the installation of a weldmesh fence on block retaining wall along the Honour Avenue frontage and landscaping along the new built form. The extension will also utilize similar materials to the existing building, in order to preserve the character of the site. It is important to recognise the role of the Honour Avenue frontage to the site. The existing building faces Mortlake Road, and does not provide a facade to Honour Avenue. This is typical of a building on a corner lot, as dwelling houses are not typically built with two faces (one main entrance, and one driveway). The development has made deliberate choices in preserving the primary facade of the site, being to Mortlake Road, as it has the most significant character features to retain the established character values of the site. The existing frontage of Honour Avenue is significantly screened by heavy landscaping, reducing the view of the original structure from the street, which is further hindered by the function of Honour Avenue, being a suburban road, is a major road intended for a higher order of traffic and therefore reduces interactions between the site and vehicle users. It is evidence that the streetscape character of Mortlake Road is the primary value to be protected, which the development achieves. Overall, the proposed design maintains the built form of a dwelling and retains significant character features of the site, including the entirety of the existing primary facade. This demonstrates the intention to retain the character values of the site, in line with overall outcome 5 of the Character residential zone code, and maintains the character values of the site.

5.	Car parking and traffic	The submitters claim that the provided car parking provision is insufficient for the development, while the increase in on site car parking spaces reduces the residential amenity of the local area, and that the increased traffic generated by the development is not supported by the existing road network. The applicant responds that the attached Traffic and Transport Assessment, prepared by a Registered Professional Engineer of Queensland (RPEQ), provides expert justification to confirm compliance against the relevant code outcomes.
6.	Landscaping and street trees	The submitters state that the removal of any existing landscaping and street trees reduces the residential amenity of the site. The development will retain all existing street trees, including the mature Cadaghi street tree, as demonstrated by the amended plans in response to the information request. Other existing significant trees on site will be retained, such as the north-eastern corner tree, which will provide shade and screening to the car parking area at the rear. Other on site landscaping will be removed, included the vegetations at the south-eastern corner of the site, which is necessary to facilitate the building extension. This landscaping will be reestablished between the new built form and the Honour Avenue boundary, which can be guaranteed through standard conditions of approval. Landscaping will also be provided to the side boundary of the site to support residential screening and noise buffering, in compliance with PO12 of the Small-scale non-residential uses code, which can be guaranteed through standard conditions of approval.
7.	Property value	Comments made relating to financial loss are unsubstantiated, are not backed by any evidence or professional substance, and are not direct planning considerations. Furthermore, it is put to Council that land valuations are based on elements including recent sale rates, access to services and underlying unimproved land value, all of which will increase as a result of the investment in the site.

Summary

The grounds raised in the submissions are not substantial enough to justify a position that the proposed development conflicts with the assessment benchmarks or conflicts to the extent that reasonable and relevant conditions cannot be applied to address such conflicts. The matters raised by the submitters are inconsistent with the rationalized position established by the application as expressed in the Plan of Development and as supported by the common material.

In summary, the proposed development does not conflict with the planning scheme AND that, to the extent conflict is found, there are sufficient grounds to warrant an approval.

I trust this information will be considered as part of the final decision. Please contact me should there be any issues or if you require any further information.

Kind regards,



Sai-Santoso Miller, Town Planner
BNC Planning Pty Ltd