
BRISBANE CITY COUNCIL

TEMPORARY LOCAL PLANNING INSTRUMENT 02/19

PROTECTION OF PREMISES AT 431 ST VINCENTS ROAD, NUDGEES

1. Short title

This Temporary Local Planning Instrument (TLPI) may be cited as Temporary Local Planning Instrument 02/19 – Protection of premises at 431 St Vincents Road, Nudgee.

2. Purpose

The purpose of this TLPI is to:

- implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, in particular Theme 2: Brisbane’s outstanding lifestyle and Element 2.1 – Brisbane’s identity
- provide for the assessment of the suitability of development on or adjoining the residence, outbuildings and garden at 431 St Vincents Road, Nudgee
- protect the residence, outbuildings and garden until *Brisbane City Plan 2014* is amended to afford protection pursuant to the Heritage overlay and Heritage overlay code.

This will be achieved through the following overall outcomes.

- Development on or on land adjoining the residence, outbuildings and garden does not detract from the cultural heritage significance of the residence, outbuildings and garden, including any Aboriginal cultural values.
- Re-use of the residence, outbuildings and garden is compatible with its cultural heritage significance, including any Aboriginal cultural values and retains its heritage significance.

3. Application

3.1 This TLPI applies to:

- a) development on land at 431 St Vincents Road, Nudgee, and described as Lot 1 on RP50949. This lot is deemed to be contained in the Heritage overlay and identified on the Heritage overlay map in the Local heritage place sub-category of *Brisbane City Plan 2014*
- b) development on adjoining land at 425 St Vincents Road, Nudgee, described as Lot 1 SP 167971, 435 St Vincents Road, Nudgee, described as Lot 1 on RP65878 and 25 Leolita Street, Nudgee, described as Lot 9 on RP106739 which are deemed by this TLPI to be contained in the Heritage overlay and identified on the Heritage overlay map in the Area adjoining heritage sub-category of *Brisbane City Plan 2014*.

3.2 This TLPI applies assessment provisions to development at 431 St Vincents Road, Nudgee, and nominated adjoining land and applies in addition to the current provisions of *Brisbane City Plan 2014*.

4. Duration

This TLPI has effect for a period of two years from the date of commencement.

5. Terms used in this TLPI

- 5.1 Terms used in this TLPI have the same meaning as in the *Planning Act 2016* or *Brisbane City Plan 2014*, unless otherwise defined in this TLPI.
- 5.2 For the purpose of this TLPI the term 'Heritage overlay code' shall be taken to mean the Heritage overlay code contained in Part 8 of *Brisbane City Plan 2014* as at 5 March 2019.
- 5.3 For the purpose of this TLPI the terms 'Local heritage place sub-category' and 'Area adjoining heritage sub-category' shall be taken to mean the Local heritage place sub-category and Area adjoining heritage sub-category described in the Heritage overlay code contained in Part 8 of *Brisbane City Plan 2014* as at 5 March 2019.

6. Effect of this TLPI

- 6.1 Development specified in Table 1 of this TLPI has the category of development and assessment specified in Table 1, Column 2 and must comply with the applicable assessment benchmarks specified in Table 1, Column 3.
- 6.2 Where development is proposed on premises included in more than one zone, neighbourhood plan or overlay, the level of assessment is the highest level for each aspect of the development under each of the applicable zones, neighbourhood plans, overlays or this TLPI.

Table 1: Categories of development and assessment table for the premises at 431 St Vincents Road, Nudgee, and adjoining land

Column 1 Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks
All aspects of developments		
MCU, ROL, building work or operational work if prescribed accepted development	Accepted development	
	Development approval is not required	Not applicable
Material change of use (MCU)		
MCU involving a new premises or an existing premises with an increase in gross floor area , if in the Area adjoining heritage sub-category and adjoining a local heritage place, where not for: (a) a park ; or (b) a dwelling house .	Assessable development—Code assessment	
	- Note—If the MCU is impact assessable in the zone or neighbourhood plan, then the category of assessment is not lowered to code assessment.	Heritage overlay code —purpose, overall outcomes and outcomes in sections B and C
MCU involving a new premises or an existing premises with an increase in gross floor area, if in the Local heritage place sub-category where not involving removal, demolition or demolition of a component of a heritage place, where an exemption certificate has not been issued under section 74 of the Queensland Heritage Act 1992 .	Assessable development—Code assessment	
	- Note—If the MCU is impact assessable in the zone or neighbourhood plan, then the category of assessment is not lowered to code assessment.	Heritage overlay code —purpose, overall outcomes and outcomes in sections A and C
Reconfiguring a lot (ROL)		
ROL in the Local heritage place sub-category	Assessable development—Impact assessment	
	-	The planning scheme including: Heritage overlay code —purpose, overall outcomes and outcomes in sections A and C
ROL in the Area adjoining heritage sub-category	Assessable development—Code assessment	
	- Note—If the ROL is impact assessable in the zone or neighbourhood plan, then the category of assessment is not lowered to code assessment.	Heritage overlay code —purpose, overall outcomes and outcomes in sections B and C

Column 1 Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks
Operational work		
<p>Operational work in the Local heritage place sub-category, if involving:</p> <p>(a) a change to landscaping, fencing or natural features that are considered significant to the site; or</p> <p>(b) clearing vegetation, public access, altering the natural topography or drainage patterns, an impact on a watercourse or constructing a road on a site of a heritage place of cultural significance to Aboriginal people</p> <p>Editor's note — Advice from Council should be sought to assist in determining whether operational work is code assessable development under the Heritage overlay code.</p>	<p>Assessable development—Code assessment</p> <p>-</p> <p>Note—If the development is impact assessable in the zone or neighbourhood plan, then the category of assessment is not lowered to code assessment.</p>	<p>Heritage overlay code— purpose, overall outcomes and outcomes in sections A and C</p>
<p>Operational work in the Local heritage place sub-category, if involving extracting gravel, rock, sand or soil from the place where it occurs naturally</p>	<p>Assessable development—Impact assessment</p> <p>-</p>	<p>The planning scheme including: Heritage overlay code— purpose, overall outcomes and outcomes in sections A and C</p>

Column 1 Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks
Building work		
<p>Building work for removal, demolition or demolition of a component of a heritage place where:</p> <p>(a) not accepted development; or</p> <p>(b) an exemption certificate has not been issued for the work under section 74 of the Queensland Heritage Act 1992</p> <p>Editor's note— Where and to the extent that a heritage place is located in both the State heritage place sub-category and the Local heritage place sub-category, development carried out in accordance with and to the extent specified in an exemption certificate issued under section 74 of the Queensland Heritage Act 1992 is not assessable against the planning scheme.</p>	<p>Assessable development—Impact assessment</p> <p>-</p>	<p>The planning scheme including:</p> <p>Heritage overlay code— purpose, overall outcomes and outcomes in sections A and C</p>