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**BRISBANE CITY COUNCIL**

**TEMPORARY LOCAL PLANNING INSTRUMENT 01/17**

**PROTECTION OF THE BUILDING KNOWN AS BRASCH'S SERVICE STATION, 108 BREAKFAST CREEK ROAD, NEWSTEAD**

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**1. Short title**

This Temporary Local Planning Instrument (TLPI) may be cited as TLPI 01/17 Protection of the Building known as Brasch's Service Station, 108 Breakfast Creek Road, Newstead.

**2. Purpose**

The purpose of this TLPI is to:

- implement the policy direction in the Strategic framework of the *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 on land adjoining Brasch's Service Station
- protect the building and nominated adjoining land until the *Brisbane City Plan 2014* is amended to afford the building and adjoining land 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 Brasch's Service Station does not detract from the cultural heritage significance of Brasch's Service Station, including any Aboriginal cultural values
- re-use of Brasch's Service Station is compatible with its cultural heritage significance, including any Aboriginal cultural values and retains its heritage significance.

**3. Application**

This TLPI applies to:

- a) development on land involving the building known as Brasch's Service Station at 108 Breakfast Creek Road, Newstead, and described as Lot 2 on RP192253. 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 the *Brisbane City Plan 2014*
- b) development on the adjoining land at 104 Breakfast Creek Road, Newstead, described as Lots 1 to 6 on BUP104411. These lots are to be contained in the Heritage overlay and identified on the Heritage overlay map in the Area adjoining heritage sub-category of the *Brisbane City Plan 2014*.

This TLPI applies assessment provisions to development of Brasch's Service Station and nominated adjoining land and applies in addition to the current provisions of the *Brisbane City Plan 2014*.

**4. Duration**

This TLPI has effect for a period of one year 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 *Sustainable Planning Act 2009* or the *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 the *Brisbane City Plan 2014* as at 18 November 2016.
- 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 the *Brisbane City Plan 2014* as at 18 November 2016.

**6. Effect of this TLPI**

- 6.1 Development specified in Table 1 of this TLPI has the level of assessment specified in Table 1, Column 2 and must comply with the applicable code 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: Level of assessment table for the Brasch’s Service Station**

Column 1 Development	Column 2 Level of assessment	Column 3 Assessment criteria
<b>Material Change of Use (MCU)</b>		
MCU involving a new premises or an existing premises with an increase in <a href="#">gross floor area</a> , if in the Area adjoining heritage sub-category, where not for: (a) a <a href="#">park</a> ; or (b) a <a href="#">dwelling house</a> .	<b>Code assessment</b> Note—If the MCU is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> —all applicable outcomes in section B
MCU involving a new premises or an existing premises, 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 <a href="#">Queensland Heritage Act 1992</a> .	<b>Code assessment</b> Note—If the MCU is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> —all applicable outcomes in section A

Column 1 Development	Column 2 Level of assessment	Column 3 Assessment criteria
<b>Reconfiguring a Lot (RoL)</b>		
RoL in the Local heritage place sub-category	<b>Impact assessment</b>	<a href="#">Heritage overlay code</a> — all applicable outcomes in section A
RoL in the Area adjoining heritage sub-category	<b>Code assessment</b> Note—If the RoL is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> — all applicable outcomes in section B
<b>Operational work</b>		
Operational work in the Local heritage place sub-category, if involving: (a) a change to landscaping, fencing or natural features that are considered significant to the site; or (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  Editor's note — Advice from Council should be sought to assist in determining whether operational work is code assessable development under the <a href="#">Heritage overlay code</a> .	<b>Code assessment</b> Note—If the development is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> — all applicable outcomes in section A
Operational work in the Local heritage place sub-category, if involving extracting gravel, rock, sand or soil from the place where it occurs naturally	<b>Impact assessment</b>	The planning scheme including: <a href="#">Heritage overlay code</a> — all applicable outcomes in section A
<b>Building work</b>		
Building work for removal, demolition or demolition of a component of a heritage place if in the Local heritage place sub-category, where not exempt.	<b>Impact assessment</b>	The planning scheme including: <a href="#">Heritage overlay code</a> —all applicable outcomes in section A