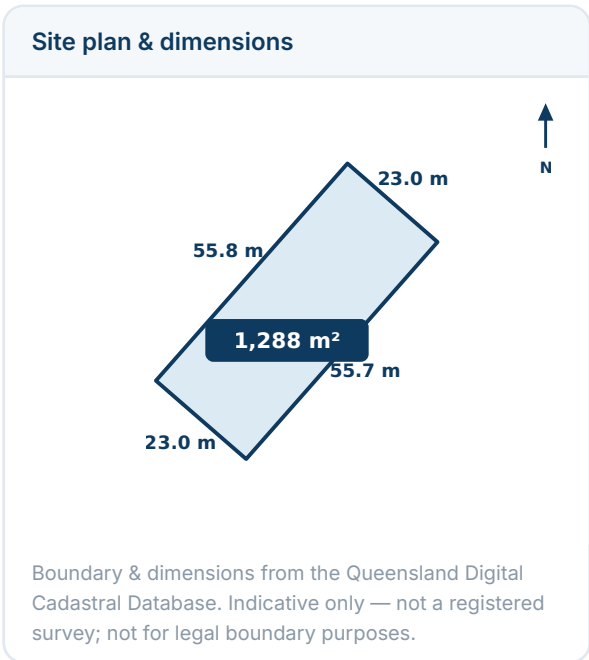


Property planning report

388 BOWEN Terrace, New Farm, QLD, 4005

13RP54676 • 1,288 m² • Brisbane City

LEGAL REPORT



At a glance

Land area	1,288 m ² (cadastre)
Approx. dimensions	55.8 × 23.0 m
Lot / Plan	13RP54676
Zone	LMDR — Low-medium density residential
Council	Brisbane City
Postcode	4005

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1 Site Summary

Address	388 BOWEN Terrace, New Farm, QLD, 4005
Lot Reference	13RP54676
Site Area	1,292 m ² Source: QLD cadastre (computed from polygon) · guide only — verify with a surveyor before reliance
LGA	Brisbane City
Tenure	Freehold Title
Zone	LMDR — Low-medium density residential (residential)
planning scheme	Brisbane City Plan 2014
Heritage	Yes — 1 item
Environmental Overlays	6 overlays applicable
Contamination Status	Not on EPA register
State Planning Policy Count	0
Population Context	12,454 persons, density 5809/km ² , 2.1 persons/dwelling (s7.11 contribution basis)

2 Zoning & Permissibility

LMDR — Low-medium density residential

Category: residential | Instrument: [Brisbane City Plan 2014](#)

Zone Objectives (cl. 2.3)

- The purpose of the low-medium density residential zone is to provide for a variety of low to medium density dwelling types; and community uses, and small-scale services, facilities and infrastructure, to support local residents.

3 Development Standards

Queensland planning schemes regulate built form through the zone code and overlay codes (height, residential density, site cover, setbacks) rather than a single floor space ratio. Development potential below is derived from the planning scheme's published controls where available; permitted-use eligibility is assessed against the scheme's categorising tables of assessment under the Planning Act 2016.

REZONING / UPLIFT INDICATORS**Uplift potential: low (1/100)**

Within a planning precinct · 3 state project(s) nearby · 7609 building approvals (12mo, SA2) · suburb dwelling growth +24.1%

Indicative signal from transit access, precinct status, nearby development activity and suburb growth — not a rezoning recommendation.

Numeric dwelling yield and subdivision potential are not shown for this lot because the planning scheme's height / residential-density controls are not published in machine-readable form for this council. Permitted-use eligibility (below) is still available.

Permitted Residential Uses

Use	Assessability (Planning Act 2016)
Dwelling house	Accepted / self-assessable
Dual occupancy	Code assessable
Multiple dwellings	not applicable in this zone
Secondary dwelling (granny flat)	Likely eligible

Permissibility is **indicative** — inferred from the QLD→NSW zone equivalence because this scheme's table of assessment is not yet parsed. Confirm against the planning scheme before relying on it.

Estimated development profit and per-lot land value are planned for a future release, once Queensland statutory land valuations are loaded.

4 Regulatory Risk Assessment

Regulatory Risk Summary**Heritage Item (Elevated Regulatory Complexity)**

The property contains Queensland heritage register places (ESA Cat B). Any development requires assessment under the planning scheme heritage overlay code and, where applicable, the Queensland Heritage Act 1992. The assessment manager must be satisfied that the proposal does not adversely affect cultural heritage significance.

Legal implication: Failure to adequately address heritage impact is a common ground for refusal and P&E Court appeal. A Statement of Cultural Heritage Significance / Heritage Impact Assessment should be prepared by a qualified heritage consultant. Local heritage register listing engages the planning scheme overlay code; State heritage register listing additionally engages the Queensland Heritage Act 1992.

Acid Sulfate Soils — regional_indicative (Standard Regulatory Requirement)

Planning scheme ASS overlay code applies. Excavation works, particularly works that disturb the water table, require an ASS investigation and management plan.

Legal implication: Non-compliance with ASS management requirements can result in environmental harm liability under the Environmental Protection Act 1994 (QLD).

Contamination-Adjacent Signals (2) — Standard Due Diligence

2 contamination-adjacent signal(s) nearby (distinct from formal EMR/CLR listings): NPI-reporting emitter — BUTTER PRODUCERS CO-OPERATIVE FEDERATION LIMITED (~702 m); NPI-reporting emitter — CSR New Farm Sugar Refinery - CEASED OPERATION (~820 m).

Legal implication: Underground petroleum storage and NPI-emitter proximity warrant EMR/CLR and council enquiries, and depending on intended use may justify a Preliminary Site Investigation.

Native Title — Yugara/YUgarapul People and Turrbal People (Tenure / Dealing Complexity)

The property lies within a native title determination (Native title does not exist), In effect - Finalised.

Legal implication: Native title and any registered ILUA can affect dealings, future-act procedures, and development on or affecting the land under the Native Title Act 1993 (Cth). Confirm the determination / ILUA terms and any procedural rights before contracting or lodging a development application.

Disclosure Obligations

Under the Property Occupations Act 2014 (QLD) ("POA 2014") and the mandatory seller-disclosure regime under the Property Law Act 2023 (QLD) (commenced 1 August 2025, supplemented by the Land Sales Act 1984 (QLD) for off-the-plan / proposed-lot transactions), material facts that could affect a purchaser's decision should be disclosed.

The following constitute material planning facts for this property:

- Heritage item — planning scheme heritage overlay code; QLD Heritage Act 1992 may apply if listed on the State register
- Acid sulfate soils — planning scheme ASS overlay code (arcgis)

Total Regulatory Burden

0 regulatory obligations identified across 0 planning instrument types. 0 of these are qualitative controls requiring professional planning assessment.

5 Obligation Register

No obligation data available.

6 Heritage & Environmental Constraints**Heritage Items (cl. 5.10)**

Item ID	Name	Significance	Type	Clause
	Queensland heritage register places (ESA Cat B)	Queensland	Heritage place	Queensland Heritage Act 1992

Environmental Overlays

Overlay	Classification	Clause	Implication
Flood Hazard Area	investigation_only	arcgis	This land is within a mapped flood hazard area. A flood study or flood hazard assessment may be required under the relevant planning scheme's flood overlay code.
Acid Sulfate Soils	regional_indicative	arcgis	This land is mapped as potential or actual acid sulfate soils. Disturbance below 5 m AHD may require an Acid Sulfate Soil Management Plan.
Queensland Heritage Register	qhr_listed	arcgis	This place is listed on the Queensland Heritage Register under the Queensland Heritage Act 1992. Development requires heritage assessment.
Regulated Vegetation	rvm_exempt	arcgis	This land contains regulated vegetation under the Vegetation Management Act 1999. Clearing may require a permit or code notification through the Department of Resources.
Koala Habitat Area	regional_protection	arcgis	This land is mapped as koala habitat under the State Planning Regulatory Provisions (Koala Conservation). Clearing and development are subject to additional assessment.
Important Agricultural Area	priority_living_area	arcgis	This land is mapped as Important Agricultural Area under the State Planning Policy. Non-agricultural development requires state-interest assessment.

7 Performance Solution Pathways

Performance Solution Pathways

Under the Planning Act 2016 (Qld), a development proposal that does not meet a code's Acceptable Outcomes (AOs) may still be approved if it satisfies the Performance Outcome (PO) via a performance solution. The legal consequences of that route depend on the use's assessment level:

- **Code-assessable** applications can be approved against the PO without changing assessment level, but require evidence the PO is satisfied. Third-party submitter rights are limited; applicant has appeal rights to the Planning & Environment Court under s229 of the Planning Act 2016.
- **Impact-assessable** applications require public notification (ss51–53), opening third-party submitter rights and broader assessment-manager discretion. A performance solution at impact level invites scrutiny against the planning scheme as a whole.
- The **Performance Solution mechanism is not a "variation request"** in the NSW Clause 4.6 sense — there is no separate written request, no environmental-planning-grounds test, and no merit-based variation regime. The PO is the assessment benchmark itself; performance solutions are the standard pathway for any departure from an AO.

Performance-solution benchmarks are not available for this property — no planning-scheme instrument resolved or no use codes loaded for this LGA.

8 P&E Court Precedent

Planning & Environment Court Precedent

Queensland's specialist Planning & Environment Court (QPEC) — a constituted division of the District Court — hears appeals under the Planning Act 2016 (ss229–242) and related environment/heritage legislation. Decisions become persuasive precedent for assessment managers and similar applicants in the same council.

821 decisions on file for Brisbane City · 60 in the last 5 years · 48% approval rate (n=491 contested)

Site-Specific Decisions (1 matched by lotplan)

Citation	Date	Case	Outcome
[2017] QPEC 51	2017-08-24	Alloa Properties Pty Ltd v Brisbane City Council [2017] QPEC 51 (2017) QPELR 1082 Zone LMR · preliminary approval · Jones DCJ appeal_against_refusal_of_development_application · appeal against refusal of development application where respondent refused to approve a development application for preliminary approval and a development permit material change of use multiple · character	Dismissed

Recent Decisions in this Zone (top 1 by date)

Citation	Date	Case	Outcome
[2021] QPEC 39	2021-08-12	Cheung & Ors v Brisbane City Council & Ors [2021] QPEC 39 [2022] QPELR 875 Zone LMDR · multiple dwelling (28 dwelling unit complex) · material change of use · Muir DCJ amenity · bulk · consolidated_appeals	Allowed

Council-Wide Litigation Patterns

Most-Litigated Use Terms

- multi-unit dwelling (27)
- multiple dwelling (12)
- apartment building (12)
- dwelling house (10)
- restaurant (6)

Top Planning Act 2016 Sections Cited

- s45 (47)
- s60 (42)
- s2016 (37)
- s43 (24)
- s2 (24)

Top Catchwords (Legal Issues)

- planning_and_environment (197)
- development_permit (136)
- material_change_of_use (130)
- character (120)
- amenity (108)

Decisions sourced from public Queensland Courts publications (QPEC). Approval-granted classification is derived from outcome text where present; unresolved or interlocutory matters are excluded from the approval-rate computation.

9 State Planning Policy Considerations

State Planning Policy Considerations

Under the Planning Act 2016 (Qld), the Queensland Government's State Planning Policy 2017 (SPP) sets out the state interests that local councils must integrate into their planning schemes. State-level spatial datasets identify where those state interests are mapped — when they intersect with this property, the corresponding planning-scheme overlay code becomes assessable.

Note on mechanism: The SPP is interpretive policy, not a direct statutory override of local planning schemes. Where a state interest has been integrated into a planning scheme via an overlay code, that overlay code is the operative statutory mechanism (see the Overlay Codes section). The SPP itself is consulted for any state interest that the planning scheme has not yet incorporated, or where state-interest assessment is required directly by a state agency. This is materially different from NSW SEPPs, which override LEPs under s.3.28 of the EP&A Act.

12 state-level overlay layers triggered at this property, across 6 state-interest categories.

Regional Indicative Acid Sulfate Soils — SPP 2017 Part E §1.6

State interest: Water quality — acid sulfate soils

This land is mapped as potential or actual acid sulfate soils. Disturbance below 5 m AHD may require an Acid Sulfate Soil Management Plan.

1 layer triggered:

Layer	Severity	Source
Acid sulfate soils - National scale project polygons	Regional Indicative	arcgis · #70841

Priority Living Area Important Agricultural Area — SPP 2017 Part E §2.1

State interest: Agriculture

This land is mapped as Important Agricultural Area under the State Planning Policy. Non-agricultural development requires state-interest assessment.

1 layer triggered:

Layer	Severity	Source
Priority Living Area	Priority Living Area	arcgis · #82

Investigation Only Flood Hazard Area — SPP 2017 Part E §1.4

State interest: Natural hazards, risk and resilience — flood

This land is within a mapped flood hazard area. A flood study or flood hazard assessment may be required under the relevant planning scheme's flood overlay code.

6 layers triggered:

Layer	Severity	Source
Flood Comprehensive Studies	Investigation Only	arcgis · #430
Flood Study - Level 3	Investigation Only	arcgis · #430
Flood Comprehensive Studies	Investigation Only	arcgis · #429
Flood Study - Level 3	Investigation Only	arcgis · #429
Flood Study - Level 3	Investigation Only	arcgis · #1321
Flood Comprehensive Studies	Investigation Only	arcgis · #1321

Qhr Listed **Queensland Heritage Register** — SPP 2017 Part E §1.3**State interest:** Cultural heritage

This place is listed on the Queensland Heritage Register under the Queensland Heritage Act 1992. Development requires heritage assessment.

1 layer triggered:

Layer	Severity	Source
Queensland heritage register places (ESA Cat B)	Qhr Listed	arcgis · #1740

Regional Protection **Koala Habitat Area** — SPP 2017 Part E §1.7**State interest:** Biodiversity — koala habitat

This land is mapped as koala habitat under the State Planning Regulatory Provisions (Koala Conservation). Clearing and development are subject to additional assessment.

2 layers triggered:

Layer	Severity	Source
South East Queensland koala protection area	Regional Protection	arcgis · #1
Koala district	District Designation	arcgis · #1

Rvm Exempt **Regulated Vegetation** — SPP 2017 Part E §1.7**State interest:** Biodiversity — regulated vegetation

This land contains regulated vegetation under the Vegetation Management Act 1999. Clearing may require a permit or code notification through the Department of Resources.

1 layer triggered:

Layer	Severity	Source
RVM category X - exempt clearing work	Rvm Exempt	arcgis · #416560

State-interest data is sourced from Queensland Government spatial datasets. Refer to [State Planning Policy 2017](#) for the full state-interest framework, and to the planning scheme's overlay codes (in the Overlay Codes section above) for the operative statutory requirements.

10 Planning Scheme Codes

Brisbane City Plan 2014

Statutory overlay codes triggered: 7

Note: Overlay codes form part of the statutory planning scheme under the Planning Act 2016 (Qld). Where an overlay applies to land, the code's purpose, performance outcomes, and acceptable outcomes are assessment benchmarks for any development application. This is materially different from NSW DCP guidelines.

Acid Sulfate Soils 1 code — spatial trigger confirmed via state-level mapping

Overlay code	Substance
<u>Potential and actual acid sulfate soils overlay</u> Section 143	Potential and actual acid sulfate soils overlay code Outcome text not loaded — see source.
Flood Hazard Area 1 code — spatial trigger confirmed via state-level mapping	
Overlay code	Substance
<u>Flood overlay</u> Section 139	This code applies to assessing development in the Flood overlay, if: accepted development subject to compliance with identified requirements, where acceptable outcomes of this code are identified requirements in a table of assessment for an overlay (... Outcome text not loaded — see source.
Queensland Heritage Register 5 codes — spatial trigger confirmed via state-level mapping	
Overlay code	Substance
<u>Commercial character building (activities) overlay</u> Section 134	Commercial character building (activities) overlay code Outcome text not loaded — see source.
<u>Commercial character building (demolition) overlay</u> Section 135	Commercial character building (demolition) overlay code Outcome text not loaded — see source.
<u>Heritage overlay</u> Section 140	This code applies to assessing development in the Heritage overlay, if: assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for an overlay (section 5.10); or impact as... Outcome text not loaded — see source.
<u>Traditional building character (demolition) overlay</u> Section 149	Traditional building character (demolition) overlay code Outcome text not loaded — see source.
<u>Traditional building character (design) overlay</u> Section 150	Traditional building character (design) overlay code Outcome text not loaded — see source.

Spatial triggers are derived from the Queensland state-government overlay datasets. Refer to [the planning scheme's own overlay maps](#) for the LGA's authoritative spatial extent.

11 State Significant Projects

Major projects declared or assessed by the Office of the Coordinator-General (Queensland) — coordinated projects, state development areas, and large-scale developments within 25 km that may affect the surrounding area.

Project	Industry	Status	Dis- tance
Clem Jones Tunnel Proponent: Brisbane City Council . RiverCity Motorways was contracted to build, finance and maintain the project. · Est. \$900M capital investment	trans- port_infra- structure	approved	718 m
Airport Link Project Proponent: The State of Queensland. The State contracted BrisConnections to finance, design, construct, commission, operate and maintain Airport Link for 45 years. State-owned City North Infrastructure Pty Ltd provides management services related to the agreement between the State and BrisConnections. · Est. \$1.2B capital investment · 615 peak construction jobs	trans- port_infra- structure	approved	1.2 km
Cross River Rail Project Proponent: Cross River Rail Delivery Authority · Est. \$5.4B capital investment	trans- port_infra- structure	report_issued	1.4 km
Legacy Way Proponent: Brisbane City Council · Est. \$1.7B capital investment · 1,400 peak construction jobs	trans- port_infra- structure	approved	2.2 km
Cairncross Dockyard Brisbane Project Proponent: Cairncross Dockyard Brisbane Project · Est. \$2.5B capital investment	defence	eis_preparation	3.3 km
Underground Bus and Train Project Proponent: Queensland Department of Transport and Main Roads · Est. \$5.0B capital investment	trans- port_infra- structure	lapsed	3.7 km
Northern Queensland Prawn Precinct Development (Hamilton Bay)	agricultural	declared	3.9 km
Gateway Upgrade Proponent: Department of Transport and Main Roads	trans- port_infra- structure	approved	5.3 km

Source: Queensland Office of the Coordinator-General project register (BL-QLD-024).

Appendices

The planning instruments and land-use permissibility this report relies on, reproduced in full as the legal reference basis. The complete defined-terms dictionary is provided as a free companion glossary (referenced below).

A Planning Scheme Defined Terms

Brisbane City Plan 2014 — Defined Terms

The defined terms of **Brisbane City Plan 2014** are reproduced in full in a free companion glossary, so this report stays focused on your property. The glossary is shared across every report under this instrument and updated with it.

Download the full defined-terms glossary (PDF) → <https://zonedss.com/glossary/brisbane-city-plan-2014.pdf>

B Applicable Instruments

Applicable Instruments

Type	Instrument	Description
Planning scheme	Brisbane City Plan 2014	Primary planning instrument under Chapter 3 of the Planning Act 2016 (Qld). Sets zones, overlays, and the codes that trigger code- or impact-assessment for development.
Overlay codes	7 codes triggered — see Overlay Codes section	Statutory overlay codes from the planning scheme. Form part of the Chapter 3 instrument; trigger code-assessment or impact-assessment depending on scheme tables.
State Planning Policy 2017	12 state-level layers triggered — see State Planning Policy Considerations section	State-interest framework under the Planning Act 2016. Interpretive policy; statutory weight delivered via the planning scheme's overlay codes.
Local Government Infrastructure Plan (LGIP)	In Priority Infrastructure Area — see LGIP detail below	Council-adopted plan under Chapter 4 of the Planning Act 2016. Sets out trunk infrastructure networks and supports the council's adopted Charges Resolution.

Local Government Infrastructure Plan (LGIP)

Note on charges: Under Chapter 4 of the Planning Act 2016 (Qld), the council levies infrastructure charges via its adopted Charges Resolution to fund trunk infrastructure listed in the LGIP. Charges apply to development inside the Priority Infrastructure Area. The dollar rates per use type are NOT shown here — refer to the council's adopted Charges Resolution document for current rates.

In Priority Infrastructure Area **Network Key:** R193 / SW193 / APT193 / PCF193

Service catchments — 5 networks

Network	Catchment
APT	Citywide
Community Facility	Urban North
Parks	North
Stormwater	INES
Transport	City wide

Desired standards of service — level-of-service categories

Network	Category
Community Facility	General Urban

LGIP Projection Area: SA2 New Farm · SA3 Brisbane Inner · SA4 Brisbane Inner City. Demographic projections for this area drive the council's infrastructure-network sizing.

Statutory framework: [Planning Act 2016 \(Qld\) Chapter 4 — Infrastructure](#).

Sources. the Queensland Digital Cadastral Database (boundaries, areas & dimensions), Queensland planning schemes (zoning & overlay codes) and ABS Census 2021 (demographics). All figures are **indicative only and are not legal, survey, or valuation values** — they may contain errors and must not be relied on for development, financial, or legal decisions. This automated summary is general information, not professional advice; verify current operative provisions against Queensland Legislation (legislation.qld.gov.au) and confirm with Brisbane City and a qualified professional before acting. © 2026 ZoneDSS.