



Town Planning Report

Reconfiguring a Lot - 1 into 2 Lots

Prepared for: Mike Bauer

Address: 128 Fingal Street, Tarragindi

Job No: 251739

Date: 12 February 2026





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1. EXECUTIVE SUMMARY

Bennett and Bennett Group has been engaged by Michael Bauer to prepare, lodge and manage a development application seeking a Development Permit for Reconfiguring a Lot (1 into 2 lots) on land at 128 Fingal Street, Tarragindi (described as Lot 134 on RP79531) (the “site”).

The proposal involves:

- Reconfiguring existing Lot 134 to create proposed Lot 1 with an area of 402m² and proposed Lot 2 with an area of 316m². Each lot is of a size and dimension able to accommodate future code compliant dwelling houses.
- A density of approximately 28 dwellings per hectare, in keeping with the character and scale of the surrounding area.
- Direct lot access to an existing road being Fingal Street.
- Retention of existing vegetation where notable, including existing street trees.
- Connection to all essential services including water, sewer, electrical and telecommunications.

Importantly, while proposed Lot 2 has a minimum lot size less than 400m², both lots will have compliant 10m wide frontages and compliant minimum rectangle dimensions. This will ensure that fully code compliant dwelling houses can be sited on the proposed lots in the future. In addition, when viewed from the street, both lots with 10m wide frontages will appear as standard sized small lots. The result is a form and scale in keeping with the streetscape character expected for the locality, being a distinctive subtropical character of low rise, low density buildings set in green landscaped areas.

Under the City Plan 2014 (“City Plan”), the site is located in the Low Density Residential Zone and the Holland Park-Tarragindi District Neighbourhood Plan. The proposal requires Impact Assessment under the City Plan as a proposed lot is less than 400m².

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

This town planning report demonstrates the proposed development is consistent with the City Plan and accordingly it is recommended for approval from Brisbane City Council, subject to reasonable and relevant conditions.

2. SITE AND APPLICATION DETAILS

Site Details	
Site Address	128 Fingal Street, Tarragindi, QLD, 4121
Real Property Description	Lot 134 on RP79531
Area of Site	718m ²
Easements	There are no easements burdening or benefiting the site. Refer to title search in Appendix B .
Current Land Use	Dwelling House
Registered Landowner	Michael John Bauer and Vicky Yvette Suzanne Paidaveine
State Interests	
Regional Plan	South East Queensland Regional Plan 2023
State Planning Policy	State interest – Natural hazards, risk and resilience State interest – Strategic airports and aviation facilities
Referral Requirements	None applicable
Local Planning Instruments	
Local Planning Authority	Brisbane City Council
Planning Scheme	Brisbane City Plan 2014 v35
Neighbourhood Plan	Holland Park-Tarragindi district neighbourhood plan
Zone	Low Density Residential Zone
Overlays	<ul style="list-style-type: none"> • Airport environs overlay • Community purposes network overlay • Critical infrastructure and movement network overlay • Dwelling house character overlay • Road hierarchy overlay • Streetscape hierarchy overlay
Application Details	
Applicant	Michael Bauer C/- Bennett and Bennett
Type of Approval Sought	Development Permit
Proposed Development	Reconfiguring a Lot (1 into 2 lots)
Category of Assessment	Impact
Notification Period	15 business days
Application Contact	
Town Planning	Louisa Klemmt (Town Planner) and Jacque Tait (Principal Town Planner) Bennett + Bennett E: lklemmt@bennettandbennett.com.au E: jtait@bennettandbennett.com.au P: (07) 5631 8000

3. SITE CHARACTERISTICS

3.1. Subject Site

The site is located at 128 Fingal Street, Tarragindi, QLD, 4121 and is formally described as Lot 134 on RP79531. The site has a total area of 718m². The site is irregular in shape and contains a detached dwelling house as demonstrated in figures 2 and 3 below.

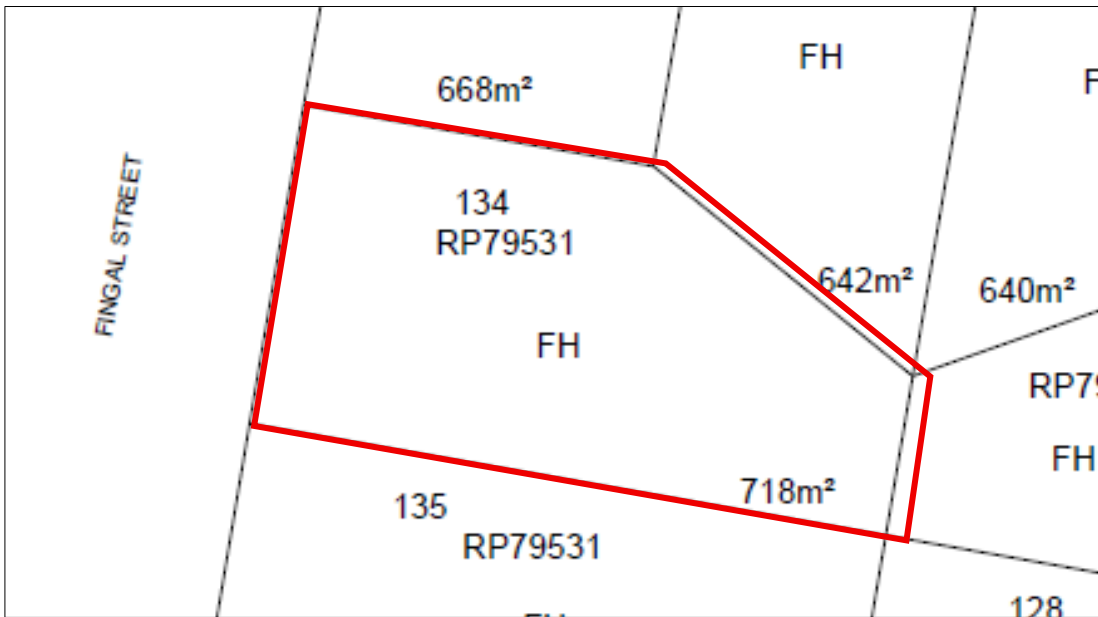


Figure 1: Smart Map (Queensland Globe)



Figure 2: Aerial Image (Nearmap)



Figure 3: Aerial Image (Nearmap)

3.2. Surrounding Context

The site is located in the established low density residential neighbourhood of Tarragindi. Reference to Figure 3 indicates adjoining properties comprise dwelling houses.

The site is well serviced with a mix of uses in the locality, including Wellers Hill Primary School to the east, Tarragindi Recreation Reserve to the west and a neighbourhood centre 305m walking distance to the north east. High frequency bus stops are located 360m walking distance to the south east on Toohey Road.

In terms of lot sizes and shapes, a number of lots in the area have a similar irregular shape and dimension as the site with an angled shared side / rear boundary. The irregularity is towards the rear of the lots and as such the lots appear as standard shaped lots from the street.

Numerous small lots are situated to the north of the site, particularly along Lutzow Street, Fingal Street, Effingham Street and Ellington Street. This varied lot pattern indicates that smaller lot outcomes are characteristic of, and consistent with, the existing urban grain of the surrounding locality.



Figure 4: Surrounding Context (City Plan 2014)

3.3. Surrounding Approvals

A number of reconfiguring a lot development approvals have facilitated a range of lot sizes within the surrounding area. Approvals of relevance are outlined below. While these approvals involve varying lot sizes, they demonstrate that small lots are capable of accommodating low density residential built form consistent with the established character and expectations of the neighbourhood. This is further supported by the presence of numerous existing small lots immediately north of the site.

195 Fingal Street, Tarragindi - A003006434 (Reconfiguring a Lot – 1 into 2)

- Approved a 320m² lot (dimensions of 8m x 40m)
- Decided on 29/02/2011
- This lot is located further away from the neighbourhood centre than the site

105 Effingham Street, Tarragindi – A004713566 (Reconfiguring a Lot – 1 into 2)

- Approved lots 350m² and 516m²
- Decided on 02/11/2017

55 Turramurra Road, Tarragindi – A004223427 (Reconfiguring a Lot – 1 into 2)

- Approved a rear lot less 600m² (538m²)
- Decided on 08/12/2015

73 Toohey Road, Tarragindi – A005205773 (Reconfiguring a Lot – 1 into 2)

- Approved lots 313m² and 313m²

- Decided 12/06/2019

120 Toohey Road, Tarragindi – A006180775 (Reconfiguring a Lot – 1 into 2)

- Approved lots 374m² and 378m²
- Decided 7/03/2023

38 Mansted Street, Holland Park West – AO004181901 (Reconfiguring a Lot 2 into 2)

- Approved lots 333m² and 452m²
- Decided 25/11/2015

109 Fingal Street, Tarragindi - A004372348 (Reconfiguring a Lot – 1 into 2)

- Approved a 405m² lots
- Decided on 10/05/2017

3.4. Easements

There are no easements benefiting or burdening the site. Refer to the title search in **Appendix B**.

3.5. Access

The site has direct lot access to Fingal Street, a fully constructed Council road.

3.6. Topography

As demonstrated in Figure 5 below, the site naturally slopes gently towards the street frontage. Retaining works have been completed to create level areas within the site, which is evident from the contours on the subdivision plan. Ground levels are approximately 45m AHD at the rear boundary falling to approximately 42m AHD at the street frontage.

3.7. Flooding

The subject site is not subject to flooding.

3.8. Waterways

There are no waterways mapped over or near the site.

3.9. Vegetation

The site is not subject to State or Council mapped remnant vegetation or biodiversity values (refer to **Appendix B**).

3.10. Heritage

No heritage is mapped over or near the subject site.



Figure 5: 1m Contours (Queensland Globe)

4. BACKGROUND

4.1. Approvals

No previous applications have been lodged over the site.

4.2. Prelodgement Meetings

A prelodgement meeting has not been undertaken.

5. PROPOSED DEVELOPMENT

5.1. Overview

This development application seeks Council approval for a development permit for reconfiguring a lot (1 into 2 lots) as demonstrated by the Proposed Reconfiguration Plan in **Appendix C** and Figure 6 below.

The proposed reconfiguration will create proposed Lot 1 with an area of 402m² and proposed Lot 2 with an area of 316m². Both lots will front Fingal Street. The proposed development will require demolition of the existing dwelling house.

The proposed lots are a suitable size, frontage width and configuration to facilitate future dwelling houses. Notably, both lots achieve a standard 10m wide frontage to the street (despite proposed Lot 2 which is less than 400m² in area), thereby maintaining a consistent streetscape character within the surrounding neighbourhood.

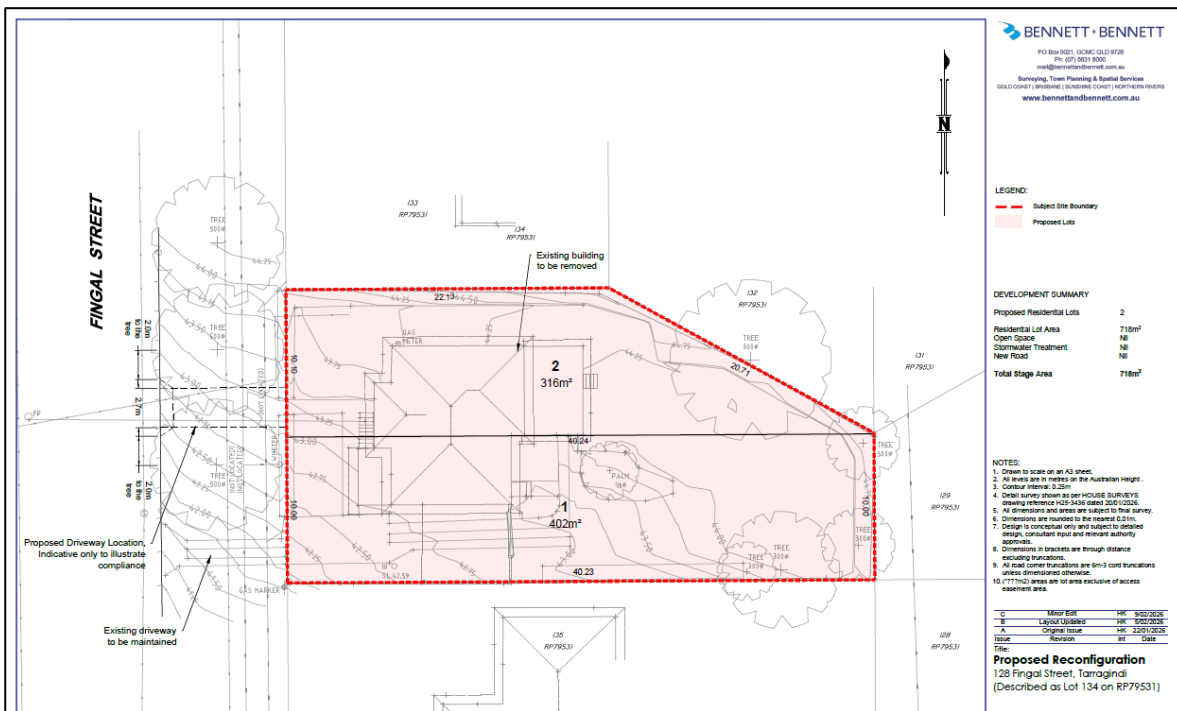


Figure 6: Proposal Plan (Bennett + Bennett)

5.2. Vehicle and Driveway Access

Proposed Lot 1 will utilise the existing driveway crossover location, while a new driveway is proposed for Lot 2. The new driveway has been appropriately located a minimum distance of 2m from street trees generally in accordance with Brisbane City Council Standard Drawing – Vehicle Crossing (Driveway) – Single Dwelling (BSD-2022).

5.3. Street Trees

Existing street trees located along the frontage of the site are to be retained as part of this application – refer Figure 6. The additional driveway for proposed Lot 2 is able to be setback a minimum 2m from the existing street trees to avoid potential impacts.



Figure 7: Street Trees (Google Maps, July 2024)

5.4. Servicing

The site is connected to existing sewer, water, electrical and telecommunication connections on the Fingal Street frontage. Connections to the relevant infrastructure can be extended to service both proposed lots.

5.5. Stormwater

The lawful point of discharge for each lot is the existing stormwater infrastructure located within the Fingal Street road reserve. No changes or upgrades to public stormwater infrastructure are proposed or required.

5.6. Earthworks

The proposed development does not require earthworks or retaining walls exceeding 1m in height. Standard erosion and sediment control measures can be conditioned (self-assessment).

6. KEY MATTERS FOR ASSESSMENT

6.1. Lot Size

In accordance with AO1.1 of the Subdivision Code, the minimum lot size and dimension standards are as follows:

Low Density Residential Zone – Small Lot (Where average lot size is 400m² for the development (calculated excluding rear lots) and all lots comply with minimum rectangle dimension and average lot width requirements)

- minimum lot size of 350m²
- rectangle dimension of 6 x 15m
- average lot width and minimum frontage of 10m

Proposed Lot 1 complies with all aspects of the acceptable outcome.

Proposed Lot 2 complies with the minimum rectangle dimension, lot width and frontage requirements. A performance solution for the minimum lot size is required given the proposed lot area of 316m², a mere 34m² below the minimum of 350m². The performance solution is detailed in the **Appendix D** Code Response and as follows.

While proposed Lot 2 has a site area less than 350m², it complies with the width and dimension requirements of the Subdivision code ensuring the lot can accommodate a compliant dwelling house in the future. As the proposed lots comply with the required dimensions, a development footprint plan is not required under the Subdivision code. In any event, proposed Lot 2 contains sufficient area to allow for a future dwelling house, open space, servicing, parking and vehicle manoeuvring in accordance with the intent of the Zone and Neighbourhood Plan – refer to Figure 8 below for an Illustrative Development Footprint Plan (not for approval) to confirm how a compliant dwelling can be sited on proposed Lot 2. The dwelling is able to comply with:

- The acceptable outcomes for side and rear boundary setbacks in compliance with the Dwelling house (small lot) code, being 1m for habitable spaces and built to boundary for the length of the non-habitable garage;
- 3m setback to the primary street frontage or the least setback of an adjoining dwelling, wherever is greater.
- 3m to any private open space.
- Minimum 6m rear boundary setback (where average lot depth is more than 25m)

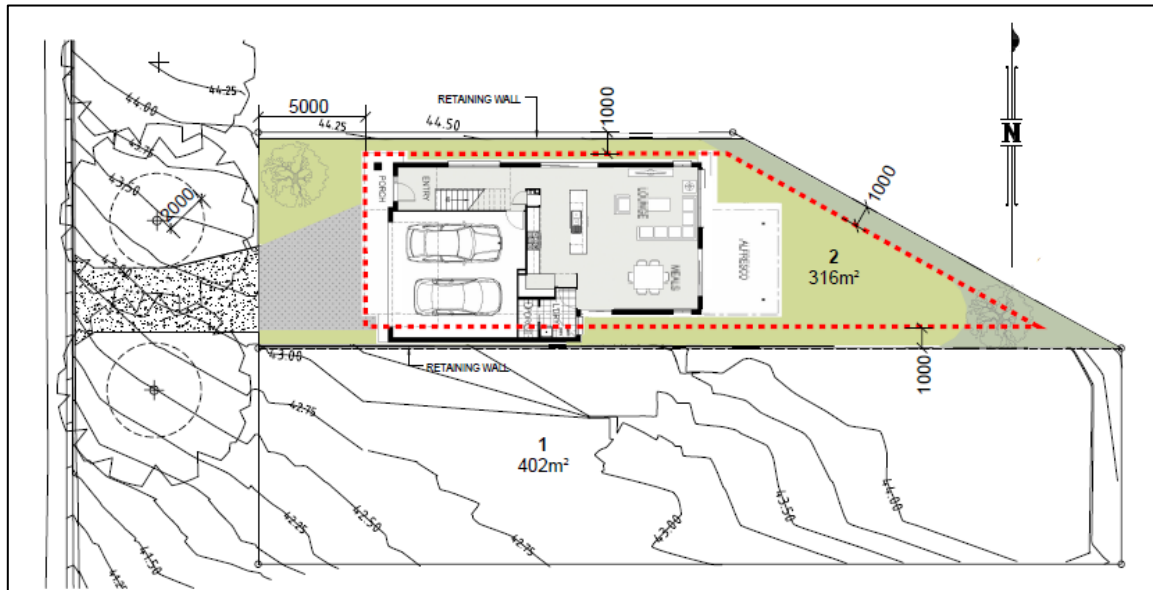


Figure 8: Illustrative Development Footprint Plan

Given that compliance with the acceptable solutions of the Dwelling house (small lot) code can be achieved, it is considered that there will be no additional amenity impacts on adjoining residential land use beyond those generally found with small lots in the Low Density Residential Zone.

Notably, both proposed lots provide the required minimum width and frontage of 10m. When viewed from Fingal Street they will appear as standard sized small lots. This will ensure a consistent streetscape and development pattern is maintained, meeting the community expectations for the area. No changes are proposed to the existing site verge, street trees or on-street car parking.

There is already a community expectation of smaller lots less than 400m² in the locality – the Low Density Residential Zone supports a minimum lot size of 300m² where within 200m walking distance of a centre as code assessable level of assessment. The site is located only 105m outside the 200m walking catchment to the neighbourhood centre to the north east on Toohy Road.

Council is proposing changes to the City Plan under the 'More Homes Sooner' review to allow a reduction of the minimum lot size in the Low Density Residential Zone to 300m² if located within 300m walking distance of a centre. In this instance, the site would be only 5m outside the 300m walking catchment. Although the site doesn't meet these prescriptive walking distance measurements (ie AOs), the provisions encourage smaller lots in the locality which establishes a community expectation for smaller lots in the locality.

The proposed subdivision is considered to represent a high level of compliance with applicable codes of Brisbane City Plan 2014. Where strict compliance with an acceptable solution has not been met, an appropriate Performance Solution satisfying the Performance Criteria has been provided. Therefore it is considered that no significant planning issues have arisen from the proposed development.

7. STATUTORY PLANNING FRAMEWORK

7.1. Planning Act 2016

The categorising instrument (being the Brisbane City Council City Plan 2014) 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.

7.2. Planning Regulation 2017

With reference to Schedule 10 of the Planning Regulation 2017, it has been determined that the application does not require referral to the State Referral and Assessment Agency.

7.3. South East Queensland 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.

7.4. 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 appropriately integrates all aspects of the SPP, except for the Natural hazards, risk and resilience bushfire prone area and the Strategic airports and aviation facilities. The site is not mapped as being subject to bushfire hazard under the SPP nor will it impact on operational airspace. As such further assessment of the SPP is not required.

7.5. Local Planning Instrument

Brisbane City Council is the local government planning authority responsible for determining development application for the site 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 version 35.00/2025*.

7.5.1. Category of Assessment

With reference to Table 5.6.1 of the City Plan, the proposal for Reconfiguring a Lot less than 400m² within the Low Density Residential zone is subject to impact assessment. 15 business days of public notification will be undertaken.

7.5.2. 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.

7.5.3. Local Government Infrastructure Plan

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

7.5.4. Zone

The site is identified in the City Plan 2014 as being within the Low Density Residential (LDR) Zone. The proposal provides an additional lot for low density residential purposes, and as such meets the purpose of the zone. A full assessment of the zone overall outcomes is included **Appendix D**.

7.5.5. Neighbourhood Plan

The site is located in the Holland Park-Tarragindi district neighbourhood plan. The proposal has been assessed against the relevant provisions of the Neighbourhood Plan within **Appendix D**. An assessment of the applicable overall outcomes is below.

Table 1 – Neighbourhood Plan Overall Outcomes

Overall Outcome	Response
a) <i>A mix of housing densities and types serves the needs of the community, especially the neighbourhood plan area's young adult and elderly populations. Identified character housing is retained with higher density housing encouraged in proximity to major employment nodes and public transport.</i>	Complies The proposal for an additional residential lot will contribute to the supply of low density housing in the neighbourhood. The existing dwelling house is not identified as a character house.
b) <i>Multiple dwellings are not accommodated in the Low density residential zone, including where in a precinct</i>	Complies Multiple dwellings are not proposed.
c) <i>Sandy, Ekibin and Norman creeks are protected and enhanced for their ecological and recreational values.</i>	Complies The proposal has no offsite ecological impacts.
d) <i>The landscape and ecological values of Wellers Hill reservoir and Tarragindi Hill reservoir are retained and enhanced.</i>	Complies The proposal has no offsite ecological impacts.
e) <i>Public transport use is facilitated by upgrading pedestrian and cyclist access from</i>	Not applicable

Overall Outcome	Response
<i>employment nodes, centres and residential precincts to the Greenslopes and Holland Park West Busway stations. Relaxation of parking requirements in the vicinity of the Busway stations is inconsistent with outcomes sought due to potential commuter parking conflicts.</i>	The public bus service is located 360m to the south east on Toohey Road. Upgrades to facilities is not proposed as part of this application.
f) <i>Significant views and vistas are protected. Development proposed in visually prominent locations such as major ridgelines and hill tops is designed to achieve minimal visual impact. Development forms that require cut and fill and disturbance of vegetation are avoided.</i>	Complies No built form is proposed as part of this application. Regardless, there is no impact on views as a result of a dwelling house being built on each proposed lot in the future.
g) <i>Development is of a height, scale and form which is consistent with the amenity and character, community expectations and infrastructure assumptions intended for the relevant precinct, sub-precinct or site and is only developed at a greater height, scale and form where there is both a community need and an economic need for the development.</i>	Complies No built form is proposed as part of this application.

7.5.6. Overlays

Below is an assessment of the overlays applicable to the site.

Table 2 – Overlays

Overlay	Response
Airport environs overlay	The site is mapped as being subject to OLS - Approach and departure limitation surface boundary, Procedures for air navigation surfaces (PANS) and within 3-8km from the airport. No built form is proposed and as such the proposal complies with the overlay code. The code response is included in Appendix D .
Community purposes network overlay	The site is not subject to an existing or future trunk infrastructure.
Critical infrastructure and movement network overlay	The site is identified as being subject to the critical infrastructure and movement planning area. The site contains frontage to an existing road. Refer to Appendix D Code Response

Overlay	Response
Dwelling house character overlay	A dwelling house is not proposed as part of this application.
Road hierarchy overlay	Fingal Street is identified as a neighbourhood road. The proposed layout is consistent with a neighbourhood road. Refer to Appendix D Code Response
Streetscape hierarchy overlay	Fingal Street is identified as a neighbourhood street minor. The proposed layout is consistent with a neighbourhood street minor. Refer to Appendix D Code Response

7.5.7. Assessment Benchmarks

The development has been assessed against the relevant assessment benchmarks as outlined in the table below.

Table 3 – Code Responses

Assessment Benchmark / Code	Response
Low Density Residential zone code	Refer to Appendix D Code Response
Holland Park-Tarragindi district neighbourhood plan code	Refer to Appendix D Code Response
Road hierarchy overlay code	Refer to Appendix D Code Response
Streetscape hierarchy overlay code	Refer to Appendix D Code Response
Airport environs overlay code	Refer to Appendix D Code Response
Community purposes network overlay code	N/A – the site is not mapped as existing or future trunk park infrastructure.
Critical infrastructure and movement network overlay code	N/A – the proposed development is not for critical infrastructure and does not require assessment.
Dwelling house character overlay code	N/A – the proposed development is for reconfiguring a lot and not a dwelling house.
Subdivision code	Refer to Appendix D Code Response
Filling and excavation code	Refer to Appendix D Code Response
Infrastructure design code	Refer to Appendix D Code Response
Landscape work code	Refer to Appendix D Code Response
Stormwater code	Refer to Appendix D Code Response
Transport, access, parking and servicing code	Refer to Appendix D Code Response
Outdoor lighting code	N/A – the proposed development does not propose outdoor lighting.
Park planning and design code	N/A – the proposed development does not involve the creation or alteration of an existing park.



Assessment Benchmark / Code	Response
Wastewater code	N/A the proposed development does not involve an on-site effluent disposal system.

8. CONCLUSION

This development application seeks a Development Permit for Reconfiguring a Lot (1 into 2 lots) at 128 Fingal Street, Tarragindi (described as Lot 134 on RP79531) and is supportable from a town planning perspective for the grounds set out in this report, summarised as follows:

- The proposed reconfiguration contributes to much needed housing supply in a well located area within walking distance of a neighbourhood centre and high frequency public transport.
- The proposed reconfiguration is consistent with the intent for the Low Density Residential Zone and the Holland Park-Tarragindi district neighbourhood plan (and thus meets the requirements of the strategic framework).
- The proposed reconfiguration meets relevant State requirements.
- The proposed reconfiguration only proposes one performance solution (for lot size) but otherwise meets the acceptable outcomes for lot dimensions, width and frontage.
- Each lot area is appropriately sized to allow for a future development of a dwelling house, open space, servicing, parking and vehicle manoeuvring in accordance with the intent of the Zone and Neighbourhood Plan. They can meet the acceptable outcomes of the Dwelling house (small lot) code, whilst maintaining the residential amenity of neighbouring lots – including access to sunlight and private open space.
- The lot size is consistent with the streetscape and development pattern in the area as, when viewed from Fingal Street, both lots will appear as standard sized small lots.
- There is already a community expectation of smaller lots less than 400m² in the locality given the nearby centre.
- Existing street trees will be retained.
- The site can be serviced.

On this basis, this development application and is recommended for approval from Brisbane City Council subject to reasonable and relevant conditions.