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LODGED

11/08/2026

APPLICATION REF

A007087207

Town Planning Report

Reconfiguring a Lot (1 into 2 lots);

Material Change of Use (New Dwelling House);

Building Works – Extension to Dwelling House

29 Kent Street, Red Hill Queensland 4059

Prepared for Robert Deane
Our Reference: 12906
6 May 2026

**Saunders
Havill**

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Document Issue

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Draft (for QA)	16/04/2026	HK	AF
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Executive Summary

This report is written on behalf of Robert Deane who seeks to develop land situated at 29 Kent Street, Red Hill Queensland 4059 for the purposes of a Subdivision in a Character Zone (infill) and involving a pre-war dwelling. In particular, the proposal will involve Reconfiguring the Lot into 2 lots and a Material change of use to establish a Dwelling House on the new small lot (less than 350m²). Building works is required to facilities a small extension of the existing dwelling house to enable the construction of a laundry on ground level.

The site is located in the CR2 Character (infill housing) and is subject to multiple overlays under the *Brisbane City Council City Plan 2014*. The subject site is also located in the Ithaca district neighbourhood plan.

To facilitate the intended development across the site, this application seeks approval for the following aspects of development:

- Development Permit for Reconfiguring a Lot (1 into 2);
- Development Permit for a Material Change of Use (New Dwelling House on a Small Lot); and
- Development Permit for Building Works (Extension to existing pre-1946 Dwelling)

While the proposed rear lot is smaller than the prescribed minimum under the Planning Scheme, the subdivision achieves the relevant Performance Outcomes and aligns with the intent of the Character Residential (CR2) – Infill Housing precinct. The development retains the existing pre-1946 dwelling as the dominant streetscape element, with the new dwelling located to the rear of the site and visually recessive from the public view. In the context of the ongoing housing supply crisis across Southeast Queensland. The development contributes an additional dwelling to the local housing supply without undermining established neighbourhood character.

The proposed development is assessable development requiring Impact assessment. In accordance with the requirements of the Planning Act the application will be required to be publicly notified. An assessment against Schedules 9 and 10 of the *Planning Regulation 2017* (Planning Regulation) confirms that the application does not referral to State Assessment Referral Agency.

This report is accompanied by the following specialist reports/plans:

Attachment A	Proposal Plans, prepared by Price Musgrave Architects
Attachment B	Preliminary Engineering Plans, prepared by Westera Partners
Attachment C	Landowners Consent
Attachment D	Property Searches
Attachment E	Code Compliance Table, prepared by Saunders Havill



Having regard to the subject site and surrounds, the proposed development and the relevant planning framework, the following key considerations have been identified:

- Lot size
- Development footprint
- Setback variations
- Roof Form

This Town Planning Report, and supporting documents, have assessed the proposed development against the provisions of the Planning Scheme and other relevant legislation. We believe the development is consistent with the Planning Scheme and is appropriate for the locality. It is therefore recommended that the development application be approved, subject to relevant and reasonable conditions.



Project Summary

Property Summary

Site Address	29 Kent Street, Red Hill Queensland 4059
Real Property Description	Lot 2 on SP198492
Site Area and Frontage	862m ² 20m to Kent Street
Easements / Encumbrances	Nil
CLR / EMR	Nil
Land Owners	Kitty Millyard
Local Government	Brisbane City Council

Planning Framework Summary

State Interests (SPP)	Natural Hazard Risk and Resilience - Flood hazard area – local government flood mapping area Strategic Airports and Aviation Facilities - Obstacle limitation surface area - Wildlife hazard buffer
Regional Plan and Land Use Category	South East Queensland Regional Plan (Urban Footprint)
Planning Scheme	Brisbane City Council City Plan 2014 v34
Zone	CR2 Character (Infill housing)
Neighbourhood/Local Plan	Ithaca District Neighbourhood Plan
Draft Planning Instruments	- Major Amendment package R - Major Amendment package L - Amendment Package P – Planning Scheme Policies
Applicable Overlays	- Airport environs - Community purposes network - Critical infrastructure and movement network - Dwelling house character - Flood – creek/waterway flood planning area



- Potential and actual acid sulfate soils
- Road hierarchy
- Streetscape hierarchy
- Traditional building character

Application Summary

Description	Subdivision in the Character Infill and involving a pre-war dwelling
Type of Approval Sought	• Development Permit for Reconfiguring a Lot (1 into 2); • Development Permit for a Material Change of Use (New Dwelling House on a Small Lot); and • Development Permit for Building Works (Extension to existing pre-1946 Dwelling)
Assessment Manager	Brisbane City Council
Category of Assessment	Impact assessable
Referral Details	Nil

Applicant Details

Applicant	Robert Deane c/- Saunders Havill Group 9 Thompson Street Bowen Hills QLD 4006
Contact	Amber Folker Telephone: (07) 3251 9432 Email: amberfolker@saundershavill.com

Project Team

Applicant / Developer	Robert Deane
Town Planning	Saunders Havill
Civil Engineer	Westera Partners
Architect	Price Musgrave



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1. Introduction

Saunders Havill Group has been engaged by Robert Deane (the Applicant) to prepare this development application. The development application seeks approval for the following aspects of development:

- Development Permit for Reconfiguring a Lot (1 into 2);
- Development Permit for a Material Change of Use (New Dwelling House on a Small Lot); and
- Development Permit for Building Works (Extension to existing pre-1946 Dwelling)

The application is made over land located at 29 Kent Street, Red Hill Queensland 4059, formally described as 2SP198492 (the 'subject site').

This Town Planning Report assesses the proposal against the relevant provisions of the *Brisbane City Council City Plan 2014 v34* (the Planning Scheme), the *Planning Act 2016* (the Planning Act) and other relevant legislation.

This report is accompanied by the following specialist reports/plans:

Attachment A	Proposal Plans, prepared by Price Musgrave Architects
Attachment B	Preliminary Engineering Plans, prepared by Westera Partners
Attachment C	Landowners Consent
Attachment D	Property Searches
Attachment E	Code Compliance Table, prepared by Saunders Havill



2. Site Analysis

2.1. Site Location

The subject site is located at 29 Kent Street, Red Hill Queensland 4059. The site is located off Waterworks Road and in proximity to Gilbert Park and Red Hill Special School. The site has a total area of 862m² and has a frontage of approximately 20m to Kent Street.

The site contains an existing pre-1946 dwelling located at the front of the allotment which can be seen in below in **Figure 1**, which presents to Kent Street and contributes positively to the traditional building character of the area. Kent Street has a consistent low-rise residential form, with dwellings generally set back from the street behind landscaped front yards, contributing to a well-defined and intact character streetscape.



Figure 1: Frontage view of Subject site from Kent Street

The subject site is well serviced by existing urban infrastructure and benefits from proximity to local parks, community facilities and public transport routes accessible from Waterworks Road.

Surrounding development comprises predominantly detached dwelling houses, with some higher-density residential development such as a multiple dwelling at the top of Kent Street where it meets with Arthur Terrace.

The following aerial photo extract shows the location of the subject site:



Figure 2: Site location plan (Source: Queensland Globe)

Property searches, including a Smart Map and Current Titles Search are included within **Attachment D**.

2.2. Ownership and Encumbrances

The subject site is held in Fee Simple by KITTY MILLYARD. Landowner Consent is provided in **Attachment C**.

The site does not contain any easements or encumbrances.

2.3. Development Approval History

2.3.1 Subject Site

The following recent development approval history is relevant to the subject site:

Council Reference	Address	Description	Approval Date
A005169988	29 Kent Street, Red Hill QLD 4059	Dwelling house extension in the Traditional building character overlay	14 June 2019



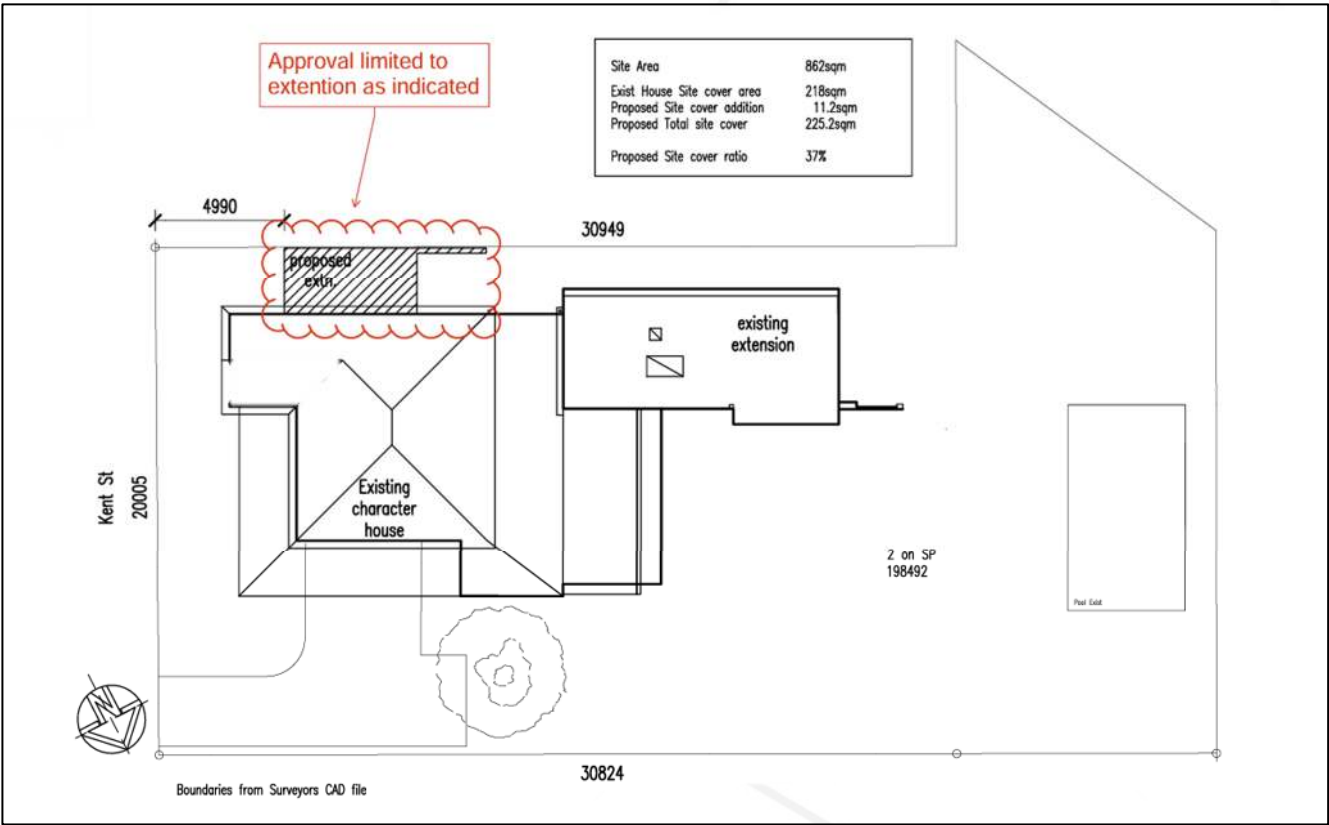


Figure 3: Approved site plan for DA A005169988 (Source: BCC Development i)

2.3.2 Surrounding Sites

A search of Council’s PD Online service found no relevant development approval history in the immediate vicinity of the subject site.



2.4. General Site Observations

A site inspection has been carried out and the following observations, as relevant to the proposal, are made:

Characteristic	Observation
Existing land uses	The site is currently being used for residential purposes containing an existing pre-war dwelling house.
Adjoining land uses	Adjoining land uses involve detached residential dwellings to the north, south and west.
Surrounding land uses	Similarly, surrounding land use involve residential dwellings. A multiple dwelling (x4) exists at the corner of Arthur Terrace and Kent Street.
Topography	The site is slopes from the east to the west.
Vegetation	The site has minimal vegetation consistent with residential plantings. No vegetation is mapped.
Servicing	See existing servicing in Figure 3.
Access	Access to the site is via a 4.05m driveway from Kent Street.

2.5. Existing Infrastructure

The following plan extract shows the location of existing mains infrastructure in the vicinity of the subject site:



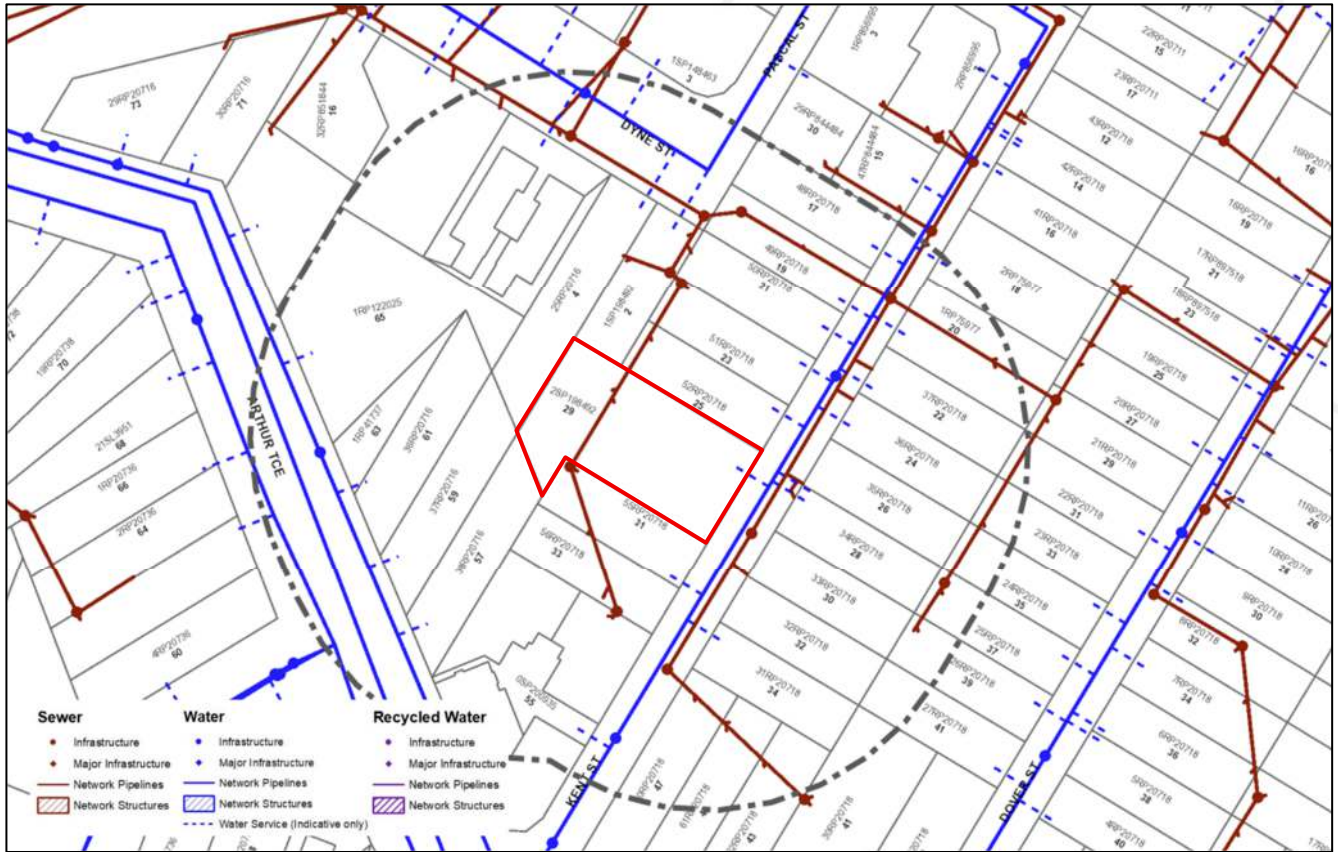


Figure 4: Existing servicing arrangements (Source: DBYD 2025)

2.6. Site Photos

The following photographs are of the site and surrounds:



Figure 5: Subject site from Kent Street (Source: Google Maps 2023)



Figure 6: View south along Kent Street (Source: Google Maps 2023)



Figure 7: View north along Kent Street (Source: Google Maps 2023)

3.2. Reconfiguring a Lot

The proposed reconfiguration creates two residential lots, comprising a front lot that retains the existing character pre-1946 dwelling and a rear lot of reduced area accessed via the existing driveway.

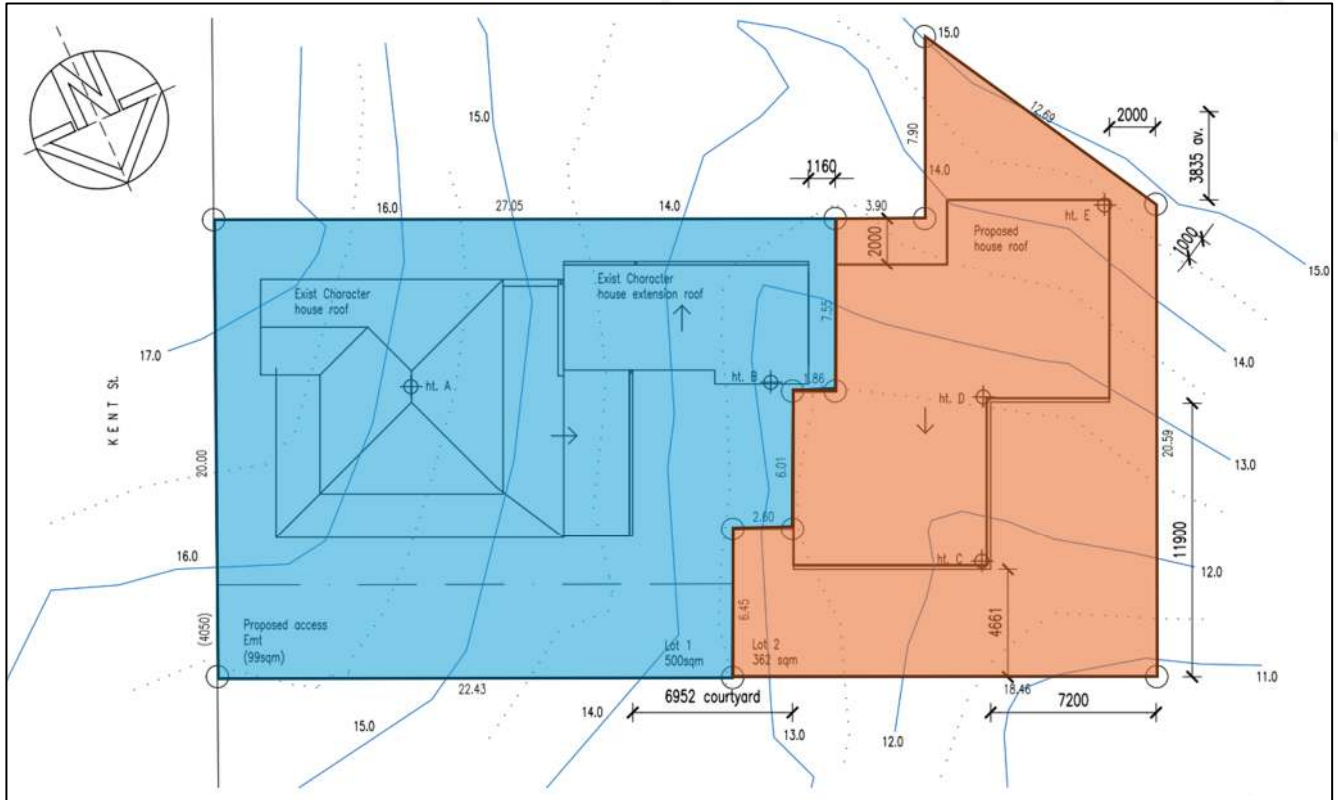


Figure 9: Proposed subdivision plan (Source: Source: Price Musgrave Architecture)

The table below provides the breakdown for each new lot created:

Description	Area	Access Easement
Lot 1 (existing house)	499.4m ²	99m ²
Lot 2	362.1m ²	-

3.3. Material Change of Use

The Material Change of Use component of the application seeks approval for the establishment of a Dwelling House on the newly created rear lot.

Aspect	Proposal
Building Height	Height at point C = 18.60/11.7m = 6.9m high Height at point D = 19.2/12.6m = 6.6m high



Aspect	Proposal
	Height at point E = 20.0/14.4m = 5.6m high
Site Cover	42%
Building Length	13.7m x 15.9m
Building Articulation	The dwelling incorporates articulation through staggered setbacks, varied roof forms and level changes ensuring compatibility with neighbouring developments.
Setbacks	Side boundary setbacks vary from those prescribed under the Code due to site constraints; variations are assessed against and satisfy the relevant Performance Outcomes
Access	Via Kent Street
Servicing	The proposed development will be serviced by existing and available urban infrastructure networks

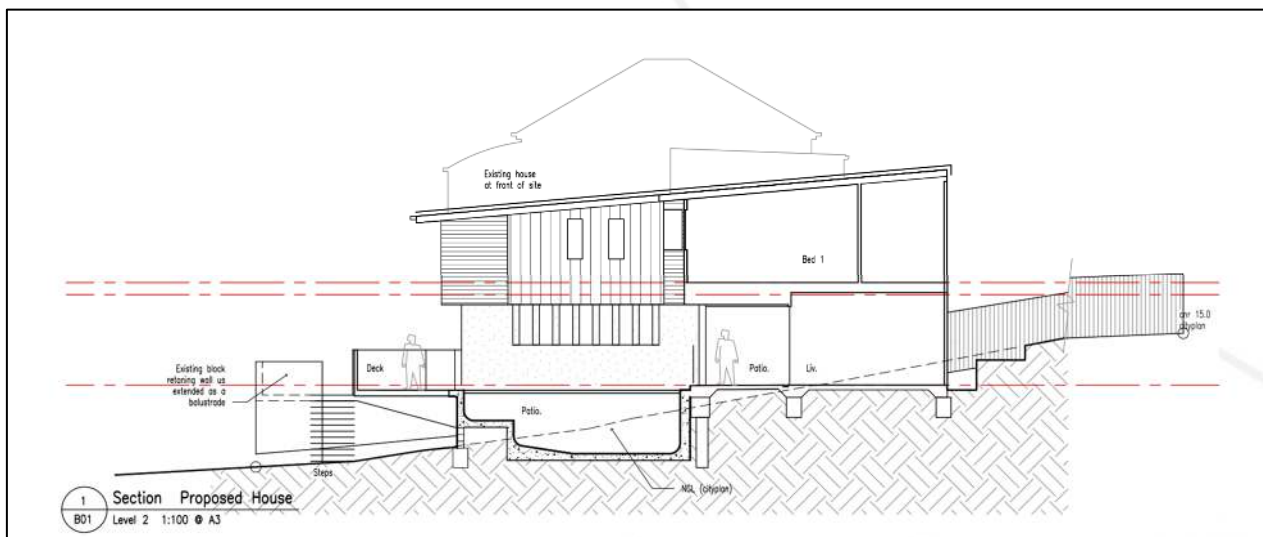


Figure 10 - Proposed plans (Source: Price Musgrave Architecture)

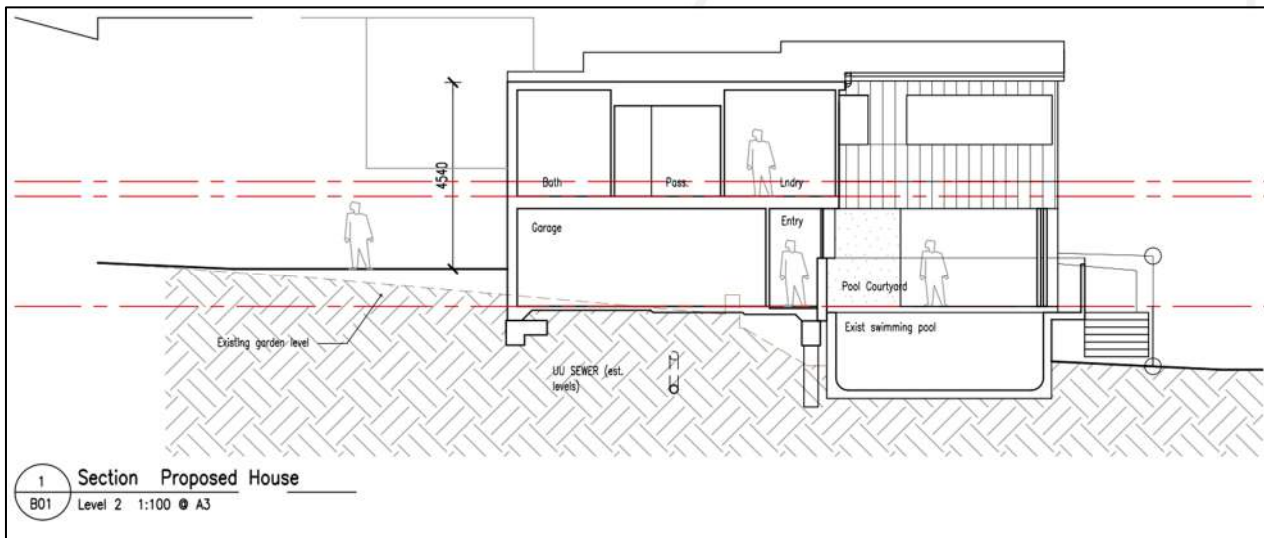


Figure 11 - Proposed plans (Source: Price Musgrave Architecture)

3.4. Building Work

The proposed works involve a small extension along the western side boundary of the existing house. This addition will create a laundry area within the garage by enclosing an existing slab in that location. The new laundry will be set back 300mm from the side boundary and have a height of 2m above the natural ground level, ensuring it remains out of sight from the neighboring house.

The extension will use traditional materials that match the current home's exterior cladding and color scheme. At the back of the new laundry, a sliding door will be installed to allow access to the drying court. Refer **figures 12 and 13** below.



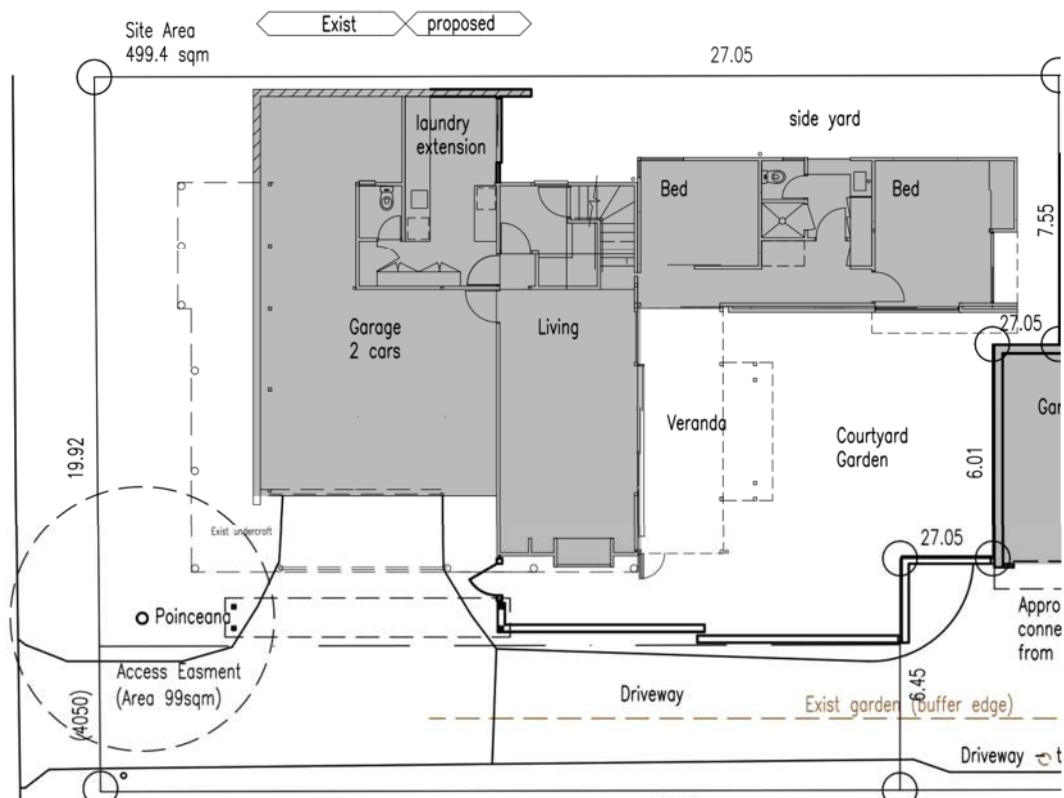


Figure 12: Side boundary extension

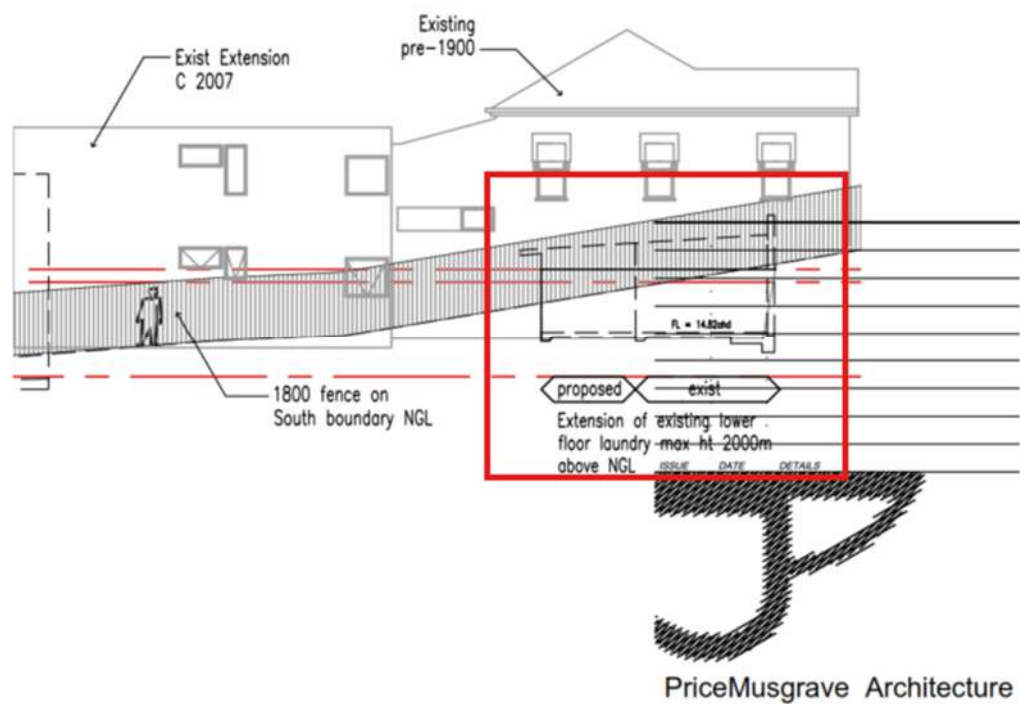


Figure 13: Proposed extension elevation



3.5. Proposed Servicing Arrangements

The following is a summary of the proposed servicing arrangements for the proposed development:

Network	Proposal
Stormwater	Stormwater will be managed on-site and discharged to a lawful point of discharge in accordance with Brisbane City Council requirements. Detailed stormwater design is provided within the supporting engineering documentation.
Water	The dwelling will connect to the existing reticulated water supply.
Sewer	The proposed dwelling will utilise the existing Urban Utilities sewer connection, as shown on the architectural and engineering plans. This includes a new manhole within the property and driveway.



4. State Framework and Assessment

4.1. Planning Act 2016

The proposed development is assessable and subject to Impact assessment and pursuant to s45(5) of the Planning Act:

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 regulations 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.

4.2. Regulated Requirements Prescribed in the Planning Regulation 2017

The regulated requirements prescribed in the Planning Regulation are appropriately reflected in full in the Planning Scheme.

4.2.1 Walkable Neighbourhoods Assessment

The application does not require assessment under Schedule 12A of the *Planning Regulation 2017* as the reconfiguration is not associated with the construction or extension of a road.

4.3. State Planning Policy

The following State interests, as identified in the State Planning Policy (SPP), are relevant to the subject site and proposed development:

- Safety and resilience to hazards
 - Natural hazards, risk and resilience
- Infrastructure
 - Strategic airports and aviation facilities

We understand the Planning Scheme integrates these State interests in Part 2 as follows:

State Interest	Version of the SPP integrated into the Planning Scheme	Assessment against SPP required
Natural Hazards Risk and Resilience	State Planning Policy 2017	No



State Interest	Version of the SPP integrated into the Planning Scheme	Assessment against SPP required
Flood hazard area – local government flood mapping area		
Strategic Airports and Aviation Facilities		
- Obstacle limitation surface area - Wildlife hazard buffer zone	State Planning Policy 2017	No

4.4. Regional Plan

The subject site is identified within the Urban Footprint under the South East Queensland Regional Plan. Furthermore, the site is not identified within a SEQ Development Area.

The Planning Scheme does appropriately advance the South East Queensland Regional Plan.

4.5. Designated Premises

The subject site is not a designated premises.

4.6. Referrals

An assessment of Schedules 9 and 10 of the Planning Regulation confirms that the application does not involve referral.



5. Local Framework and Assessment

5.1. Planning Scheme

The proposed development has been lodged pursuant to and assessed against the relevant provisions of the *Brisbane City Council City Plan 2014 v34* (Planning Scheme) as detailed in the following sections.

5.2. Use Definition

The proposed development is for a subdivision, a material change of use for a Dwelling house on a small lot and building works to the existing pre-1946 Dwelling house. For the purposes of the Planning Scheme, the proposal can be defined as incorporating the following uses:

Use	Definition
Dwelling house	Dwelling house means a residential use of premises involving – a. 1 dwelling and any domestic outbuildings associated with the dwelling; or b. 2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.
Reconfiguring a Lot	Reconfiguring a lot means – a. Creating lots by subdividing another lot
Building Work	means— (i) building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure;

5.3. Category of Development and Assessment

The proposal is assessable development and triggers Impact assessment. Public notification is required for a period of 15 business days.

5.4. Applicable Assessment Benchmarks

As the application is subject to Impact assessment, it is assessable against the entire Planning Scheme, to the extent relevant. The following assessment benchmarks are relevant to the development application and have been addressed as part of this application in the location shown in the table below:



Assessment Benchmark	Responsible Consultant	Response Location
Ithaca District Neighbourhood plan code	Saunders Havill	Attachment E
Subdivision Code	Saunders Havill	Attachment E
Dwelling house (small lot) Code	Saunders Havill	Attachment E
Traditional Building Character Code	Saunders Havill	Attachment E
Critical Infrastructure and Movement Network Overlay Code	Saunders Havill	Attachment E
Airport Environs Overlay Code	Saunders Havill	Attachment E
Flood Overlay Code	Saunders Havill	Attachment E
Potential and Actual Sulfate Soils Overlay Code	Saunders Havill	Attachment E
Road Hierarchy Overlay Code	Saunders Havill	Attachment E
Streetscape Hierarchy Overlay Code	Saunders Havill	Attachment E

5.5. Strategic Framework

The site is located within the Suburban Living Area designation of the Brisbane City Council Strategic Plan. Part 3, section 3.7.6, element 5.5 of the City Plan 2017 stipulates:

Brisbane's Suburban Living Areas represent the majority of established residential suburbs in Brisbane, where growth occurs in response to local needs and impacts on local amenity and values are carefully considered. Brisbane's Suburban Living Areas comprise the following:

- i. low density residential areas where the majority of development is housing in the form of detached dwellings ranging from small cottages to large family homes on lots typically in the range of 400–800m²;*
- ii. centres, community facilities, medium and high density residential and industrial uses, as indicated in neighbourhood plans and the zoning pattern;*
- iii. localities identified in overlays, neighbourhood plans and the zoning patterns as having a particular character or value that is desired to be retained with very little visible change over the life of the planning scheme;*
- iv. areas of character housing substantially constructed in 1946 or earlier and commercial character buildings;*
- v. areas of small-scale low-medium density housing such as dual occupancy or row housing that encourage intergenerational housing options to facilitate ageing in place;*
- vi. a range of non-residential land uses that generally support the needs of the surrounding residential area;*
- vii. Emerging community zoned land where low density residential development is generally anticipated*



- viii. *depending on location, infrastructure, services and facilities, planning need, development constraints, environmental values, character and amenity and the established pattern of development.*

The following table provides a response to the assessment benchmarks of the Strategic Plan as it related to the Suburban Living Area.

Land use strategy	Response
L1: The zoning pattern shows the development intent that is consistent with local values, constraints and opportunities in the Suburban Living Areas	Complies. The proposed subdivision and small-lot dwelling reflect the intended development pattern within the Character Residential (CR2) Zone and Infill housing precinct. The proposal respects local values by retaining the pre-1946 dwelling at the front of the site, responding to site constraints by placing the new dwelling to the rear, and supports small-scale infill opportunities consistent with the zone and neighbourhood plan.
L2:2 Development is restricted in terms of the lot sizes, configurations and circumstances suitable for subdivision and small-scale housing infill development.	Complies. The development provides a lot configuration suitable for character-sensitive infill housing. The proposed small lot meets the dimensional requirements applicable to small lots in the Infill Housing Precinct, and the layout appropriately responds to the site's depth, access and character constraints.
L4.1: Infill development is limited to instances where the resulting lot size reflects that which predominates in the neighbourhood.	Complies. Although Lot 2 is smaller than traditional lots in the street, its location behind the existing pre-1946 dwelling to retain the established neighbourhood character. The proposal reflects the pattern of character housing fronting the street with subordinate infill located behind.
L4.2: The siting, scale and lot coverage of new housing is consistent with the existing neighbourhood character of well-spaced houses and vegetated backyards.	Complies. The new dwelling is sited behind the existing character house and maintains generous separation between dwellings. The arrangement



Land use strategy	Response
	preserves backyard space, vegetation and the low-rise character typical of Red Hill, ensuring consistency with the existing pattern.
L4.3 Development supports high levels of local amenity and air quality and enhances these areas, contributing to the sustainability of the city through: a. the retention of mature and significant vegetation; b. the retention of private open space capable of supporting trees and gardens; c. increasing local shade cover along streets; d. local sustainability initiatives such as water-sensitive urban design.	Complies. The proposal supports local amenity by retaining the existing character dwelling and established vegetation, maintaining ample private open space, and allowing deep planting opportunities around both dwellings. The subdivision layout ensures breathing space between built forms and supports subtropical, climate-responsive design.
L8: Development: a. considers and responds to known development constraints and those identified through the assessment process; b. preserves valued character and environmental attributes and mitigates unavoidable impacts; c. provides corridors and linkages required to physically integrate development within the locality; d. concentrates the most intense land uses on well-located sites serviced by appropriate supporting infrastructure; e. is consistent with the scale and pattern of development intended in the zone, zone precinct, or neighbourhood plan.	Complies. The proposal responds to site constraints by retaining the pre-1946 dwelling and placing the new dwelling behind it to preserve character and streetscape outcomes. It maintains existing vegetation and respects the local pattern of low-rise character housing. The development is consistent with the intended scale, form and pattern for the CR2 zone and aligns with the Ithaca District Neighbourhood Plan.

5.6. Zone

The subject site is within the CR2 Character (infill housing) of the Planning Scheme as shown below in **Figure 14**.

The proposed dwelling achieves the overall outcomes of the CR2 Character Residential (Infill Housing) zone by retaining the pre-1946 dwelling as the primary streetscape element and locating new development to the rear in a manner that is low-scale, visually recessive and compatible with surrounding residential character.





Figure 14: Planning Scheme zoning (Source: Brisbane City Council City Plan 2014)

5.7. Ithaca District Neighbourhood Plan

The subject site is within the Ithaca District Neighbourhood Plan. The proposed development has been assessed against the Ithaca District Neighbourhood Plan code located in **Attachment E**.

5.8. Overlays

The subject site is affected by the following Planning Scheme overlays:

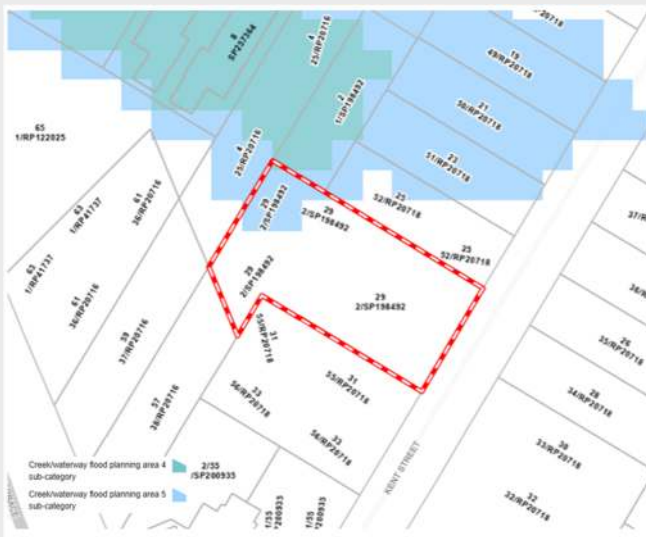
Overlay	Comment
Airport Environs overlay: • OLS – Horizontal limitation surface boundary • Procedures for air navigation surfaces (PANS) • BBS zone – Distance from airport 8-13km	The subject site is identified with Airport Environs overlays over the site. An assessment against this overlay code has been provided but suggests minimal impacts – Attachment E.
Dwelling house character overlay	The proposed subject site is located within the dwelling house character overlay.

Overlay

Comment

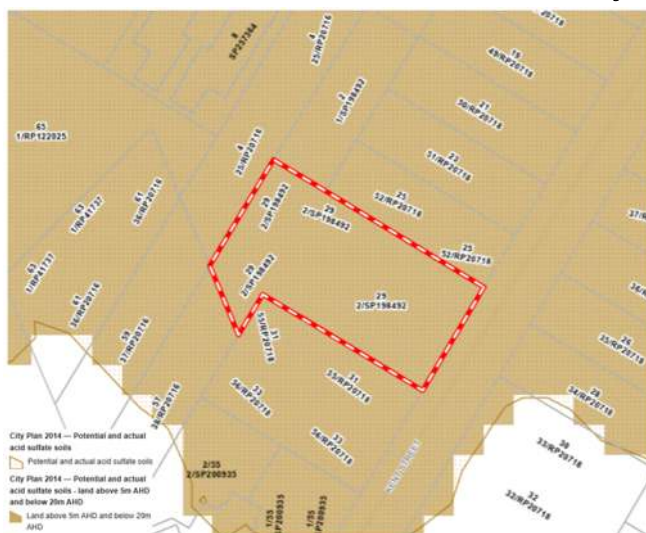


Flood overlay



The subject site is located within the creek/waterway category of the flood overlay. An assessment has been undertaken against the Flood overlay code – **Attachment E**.

Potential and actual acid sulfate soils overlay



The proposed development site is identified within the land above 5m AHD and below 20m AHD of the potential and actual acid soil. A response against the overlay code has been provided in **Attachment E**.

Overlay

Comment

Road hierarchy overlay



The site is located along a Neighbourhood Road as part of the Road Hierarchy Overlay. The proposed development will have minimal effect on the road hierarchy. A response to the code is provided in **Attachment E**.

Streetscape hierarchy overlay



The subject site has a neighbourhood street minor streetscape that runs along the frontage of the site. Similar to the road hierarchy overlay, the proposed development will have minimal effect on the streetscape hierarchy. A response to the code is provided in **Attachment E**.

Traditional building character overlay

The site is located within the Neighbourhood character under the traditional building character overlay. A response to the code is provided in **Attachment E**.

Comment



6. Infrastructure Planning

6.1. Local Government Infrastructure Plan

A review of the Local Government Infrastructure Plan (LGIP) in relation to the subject site and proposed development has been undertaken. It is noted that the subject site is outside the boundaries of the Priority Infrastructure Area (PIA).

6.2. Trunk Infrastructure

The proposed development will not require the construction of any identified or necessary trunk infrastructure.

6.3. Infrastructure Charges and Credits

The *Brisbane Infrastructure Charges* Resolution (No.14) was adopted by Brisbane City Council and came into effect on 1 July 2025. The Resolution is in accordance with the Planning Act and sets out certain requirements for infrastructure charges, including maximum charges that can be applied for different types of development.

An assessment of the Resolution has been undertaken for the development. Under the Resolution, infrastructure charges are capped at the following rates for the proposed development:

Use	Charge Unit	Charge Rate	Qty	Extension (A)
Reconfiguring a lot	Per lot	\$34,452.65	2	\$68,905.3
Sub-total				\$68,905.3

It is noted that an existing use discount is applicable under the Resolution for the existing uses as detailed below:

Creditable Use	Charge Unit	Charge Rate	Qty	Extension (B)
Serviced Vacant lot (From ROL component)	Per Lot	\$34,452.65	1	\$34,452.65

The total charges payable equal (A) – (B) = \$34,452.65



7. Key Considerations

7.1. Summary of Compliance / Merits of Proposal

An assessment of the proposal has been carried out against the relevant assessment benchmarks. The following provides a summary of the key matters relevant to the proposal:

- The development supports infill housing in accordance with the CR2 Character (Infill Housing Precinct) zone provisions.
- The bulk and scale of the proposed development is compatible with adjoining dwelling houses.
- The design presents a contemporary interpretation of traditional building character requirements, contributing positively to the streetscape.
- Building height complies with the planning scheme outcomes. The proposal delivers a logical and efficient subdivision layout, ensuring appropriate access, lot dimensions, and building envelopes, while maintaining new built forms as subordinate to and visually recessive from the established traditional character of the streetscape.

Further to the above, the following key considerations are discussed in the following sections.

7.2. Lot size

Under Table 9.4.10.3.B – Part 3, rear lots within the Character Residential Zone require a minimum lot size of 450m². Proposed Lot 2 (326.1m²) does not meet this requirement and therefore does not comply with AO1.1. Despite the rear-lot AO non-compliance, the lot can achieve PO1 of the Reconfiguring a Lot Code, which states:

PO1 *Development results in lots and an arrangement of lots that:*

- enable the relevant outcomes and standards required by the planning scheme to be complied with for the intended use;*
- are consistent with the zones, zone precincts, neighbourhood plans and overlays that apply to the site;*
- feature a useable shape able to accommodate the minimum rectangle dimension in Table 9.4.10.3.B and anticipated future development;*
- complement the streetscape, local context and character for the locality;*
- address development constraints.*

The small lot despite it not meeting the AO, has demonstrated that it can comply with the intent of the zone, being to provide infill development. Other standards under the planning scheme are compliant with by this subdivision including the access, infrastructure provisions and ability to accommodate a dwelling house. In addition the subdivision permits a useable shape to accommodate a minimum 9m x 15m rectangle for Small Lots.



The streetscape remains unchanged by this subdivision and creation of small lot in that it retains entirely the pre-1946 dwelling at the front and proposed dwelling behind. No changes made to the streetscape outlook of the existing site (refer **Figure 15** below). Other matters of note are that the site is largely devoid of development constraints, but where applicable this has been overcome through design of the lots and dwelling house.

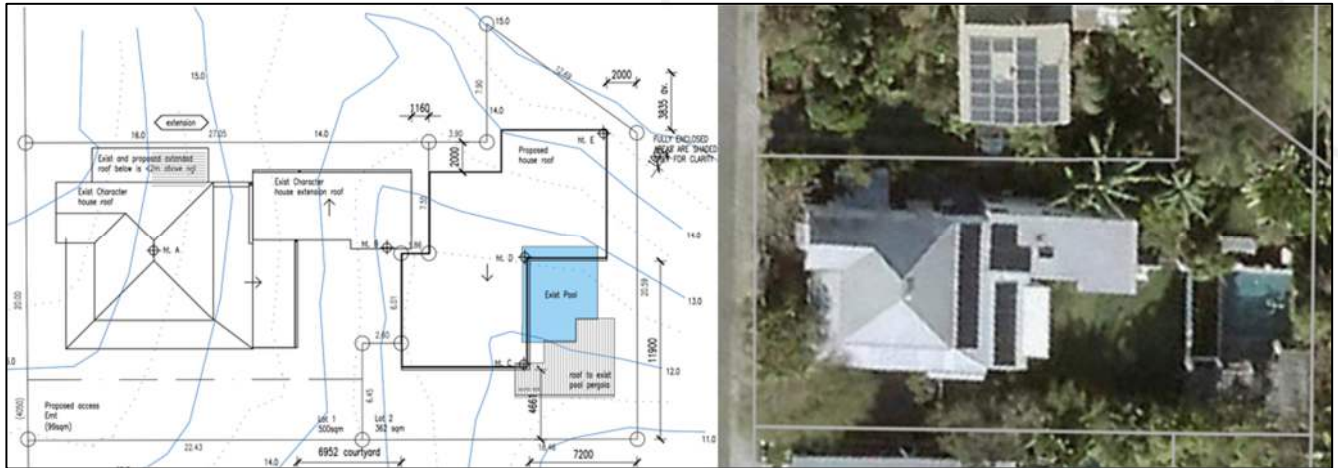


Figure 15: Proposed plans/aerial image of site (Source: Price Musgrave Architecture & BCC Mapping)



Figure 16: Existing streetscape outlook (Source: Google Maps)

The surrounding locality includes a number of established residential lots with areas below 400 m², which can be seen shaded in blue in **Figure 17**, demonstrating that smaller-format lots already form part of the existing neighbourhood pattern. These lots function without adverse character or amenity impacts, reinforcing that the proposed small lot is consistent with the surrounding development context.



Figure 17: Aerial showing surrounding lots under 400m² (Source: BCC Mapping)

Although Lot 2 does not meet the Acceptable Outcome (AO), compliance with the corresponding performance outcome and the zone's intent can be demonstrated through the Infill housing precinct. It is noteworthy that the applicant deliberately combined the applications for a Reconfiguration of a Lot (RoL) and Material Change of Use (MCU) to address any non-compliances; the MCU assessment within this application reviews these issues and confirms compliance with the relevant assessment outcomes.

7.3. Development footprint

The proposal includes the creation of a new small lot to accommodate a dwelling house, which triggers assessment against PO27 of the Subdivision Code. As the small lot does not strictly comply with standards in Table 9.4.10.3.B, the development footprint has been designed to demonstrate that the lot is suitably sized, configured and capable of accommodating a dwelling house, ancillary structure and site access without adverse impacts. Due to the rear-lot configuration and the need to retain the existing pre-1946 dwelling, strict reliance on standardised lot dimensions cannot be achieved. Therefore, a performance outcome is required against PO27, which states:

PO27 Development ensures that each small lot is of a suitable size, frontage width and configuration to enable the development of a dwelling house, associated ancillary structures and site access without adversely impacting the:

- a. intended character of a locality
- b. the quality of the public realm
- c. the availability of on-street car parking

d. or natural, character or heritage features of the lot.

The development footprint plan demonstrates that the small lot has a functional size, shape and configuration capable of accommodating a dwelling house, private open space, vehicle access and servicing in accordance with the Dwelling house (small lot) code. Appropriate setbacks to boundaries and adjoining private open space are achieved, ensuring adequate separation, residential amenity and a logical internal site layout.

The subdivision layout deliberately retains the existing pre-1946 dwelling on the front lot, allowing it to continue to define the streetscape and traditional character of Kent Street. The new dwelling is positioned behind the retained character house and is visually recessive from the public realm, ensuring that the intended character of the locality is preserved and that no change occurs to the established streetscape presentation.

The development footprint plan ensures that built form is contained within the site and does not encroach into areas that would compromise the quality of the public realm. No additional crossovers are required, existing street trees are retained, and opportunities for future street tree planting are not diminished. As a result, the availability and function of on-street car parking along Kent Street are maintained.

The proposal avoids impacts on natural, character or heritage features of the site. The pre-1946 dwelling is retained in situ, consistent with the Character Residential (CR2) Zone and applicable character overlays, and no significant vegetation or site features are removed as a consequence of the subdivision or development footprint arrangement.

While the proposal does not rely on strict compliance with the relevant Acceptable Outcomes, it is considered to satisfy the intent of Performance Outcome PO27 and appropriately respond to the site's character, constraints and context.

7.4. Dwelling House Setbacks

The new dwelling house has non-compliant setbacks under the Acceptable outcomes of the Dwelling House (Small lot) Code. The proposed dwelling house design requires minor variations to the minimum setbacks specified in the acceptable outcomes of the dwelling house (small lot) code. The following sections discuss how the dwelling house complies with the relevant performance outcomes.

7.4.1 Side setbacks

The dwelling seeks a variation to the minimum side boundary setback nominated for the purposes of the Code. While the design does not comply with the requirements of AO6, it is considered to satisfy the intent of Performance Outcome PO6. The proposed development also seeks a performance outcome for PO14.

PO6 Development provides side boundary setbacks that:



- a. does not impact on the amenity and privacy of residents in adjoining dwelling houses;*
- b. provides for natural light, sunlight and breezes.*

In order to achieve other aspects of the dwelling house on this lot (private open space, carparking and access to sunlight) the setbacks to the existing dwelling have been reduced to a built-to boundary. This is acceptable for a garage, however triggers a Performance outcome response where for the second storey. Despite the setbacks proposed along the eastern boundary the dwelling house is consistent with PO6 for the following reasons:

- strategic location of windows on the second storey and screening to maintain privacy for the existing dwelling house;
- a setback of 1.1m between buildings is achieved for the dwelling house and adjoining dwelling;
- location of a stair case where closet to the adjoining dwelling house which ensures the amenity and privacy of the adjoining residences is maximised
- allows for the provision of natural light, sunlight and breezes to be passed through between dwellings; and
- windows and balconies are provided to the new dwelling house to ensure access to light and breeze.

7.4.2 Building separation

The acceptable outcome AO14.1 requires development within proximity to a neighbouring dwelling house to have a setback of 2m at ground or 9m above ground. Due to the design of the dwelling house and the lot shape, this acceptable outcome is not met. As such the corresponding performance outcome PO14 requires assessment and states the following:

PO14 Development minimises direct overlooking between dwellings via building siting and layout and the design of windows, balconies and screening devices.

Despite the AO non-compliance, the proposal satisfies PO14 as follows:

- The proposal locates the garage along the eastern side boundary with stairs and bedrooms positioned above the garage.
- The design limits the exposure of habitable living spaces to the adjoining property and establishes a low impact interface along the boundary.
- The adjoining dwellings windows are positioned and orientated such that there is no direct line of sight between habitable rooms on the neighbouring property and the proposed development.
- No windows are incorporated on the eastern elevation within the bedroom, staircase or garage. The absence of windows along the eastern elevation eliminates opportunities for overlooking ensuring privacy for both the subject site and the adjoining property.
- No balconies, decks, terraces or roof decks are proposed adjacent to the eastern boundary.



Overall the development achieves an acceptable privacy outcome consistent with the performance based intent of the planning scheme.

7.4.3 Built to boundary walls

The proposed dwelling includes built to boundary walls located along the common boundary between Lots 1 and 2. As such, the built to boundary wall associated with new Bedroom 2 does not comply with AO9.1 of the Dwelling House (Small Lot) Code, necessitating assessment against the performance outcome, which states:

***PO9** Development involving any built to boundary wall does not impact on the amenity or privacy of residents or adjoining residents.*

The design and siting of the proposed built to boundary wall have been carefully considered to ensure there is no detrimental impact on the amenity or privacy of either the subject site's residents or those of adjoining properties. The wall excludes windows or other openings that might allow overlooking or compromise privacy.

Furthermore, the development provides appropriate setbacks to all other boundaries, thereby ensuring sufficient separation from neighbouring dwellings and maintaining access to daylight, sunlight, and ventilation. The built form is articulated to prevent an overbearing appearance from adjoining properties and does not result in undue loss of outlook or amenity. Therefore, the proposal is consistent with the intent of PO9, as it ensures that the built to boundary wall will not adversely affect the amenity or privacy of residents or adjoining occupants.

7.5. Roof Form

AO7.1 of the overlay code specifies that development should incorporate roof forms comprising pyramids, hips, or gables of comparable pitch and proportion. Although the proposed skillion roof is not typically regarded as a character roof form, it is deemed appropriate considering the context of the site. PO7 within the traditional building character (design) overlay code provides that:

***PO7** Development provides roof forms which complement traditional roof styles of residential buildings constructed in 1946 or earlier that are located nearby in the street in terms of roof pitch and proportion.*

While the proposed roof form does not replicate the traditional roof styles of adjacent residential buildings constructed prior to 1946, this variation is anticipated to have no discernible effect on the character of the streetscape. The subject development is situated on a rear allotment at a lower elevation relative to the street, owing to the site's topography. Consequently, the roof form will be obscured from view from both the street and neighbouring pre-1946 dwellings within the historic streetscape. Given the building's location, its separation from the street frontage, and intervening development, the proposed roof design will not be perceptible within the public realm and will therefore not compromise the established roof



pitches or proportions characteristic of nearby traditional dwellings. Accordingly, the development aligns with the intent of PO7 by ensuring that alternative roof forms do not detract from, dominate, or visually compete with the established residential character of the street.



8. Conclusion

This report is written on behalf of Robert Deane who seeks to develop land situated at 29 Kent Street, Red Hill Queensland 4059 for the purposes of a Subdivision in a Character Zone (infill) and involving a pre-war dwelling. In particular, the proposal will involve Reconfiguring the Lot into 2 lots and a Material change of use to establish a Dwelling House on the new small lot (less than 350m²). Building works is required to facilities a small extension of the existing dwelling house to enable the construction of a laundry on ground level.

This Town Planning Report and accompanying specialist reports / plans have assessed the proposed development against the provisions of the *Brisbane City Council City Plan 2014* and other relevant legislation.

The development delivers a character sensitive infill outcome by retaining and not altering the existing pre-1946 dwelling as the primary streetscape element and locating the new built form to the rear of the site. The rear lot will be functional and support a small lot dwelling while appropriately responding to the site constraints.

Any setback variations are mitigated through careful building design, the use of non-habitable spaces near boundaries, the absence of overlooking opportunities as well as the presence of adjoining open landscaped area.

Overall, the development proposal aligns with the intent of the Character Residential (CR2) Zone, the Infill Housing Precinct and the Ithica District Neighbourhood Plan. It is therefore recommended that the proposed development be approved, subject to relevant and reasonable conditions.

