

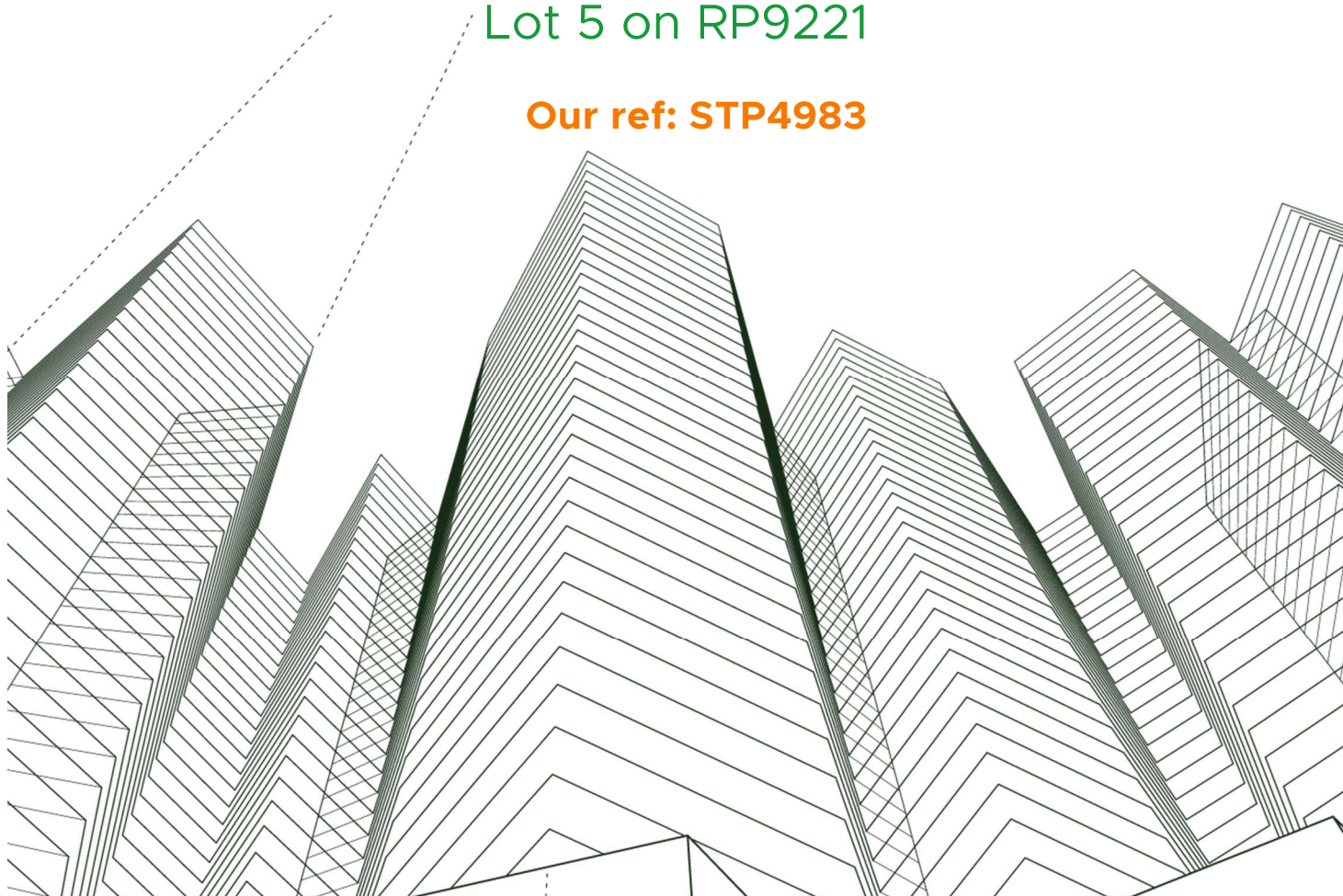


TOWN PLANNING REPORT

**Building Work for an Extension to a
Dwelling house in a Traditional
Building Character Overlay**

249 Kent Street,
Teneriffe QLD 4005
Lot 5 on RP9221

Our ref: STP4983



DOCUMENT CONTROL

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1 EXECUTIVE SUMMARY

This application seeks approval from Brisbane City Council for a Development Permit for a Extension to a Dwelling house in a Traditional Building Character overlay at 249 Kent Street, Teneriffe QLD 4005, properly described as Lot 5 on RP9221.

The proposed design was found to be of a style consistent with the scale, bulk and character expected within the Teneriffe locality. It incorporates materials and a roof design common to the streetscape and will integrate seamlessly within the surrounding land uses.

The proposal is for building work to the existing pre-1947 Dwelling house, comprising a detached and unenclosed structure for an above ground pool and associated use areas on the site's secondary frontage. The works are positioned clear of the primary presentation of the traditional dwelling to Kent Street and seek to reconstruct an area of the site that presently contains a structure of a similar nature and in a similar location. In this regard, the development retains the established dwelling in its approved setting, maintains the existing low-density residential use of the site, and provides a built form outcome that remains secondary to the traditional building and consistent with the established character of the locality.

After assessment against the relevant Assessment Benchmarks which included the Acceptable Outcomes, Performance Outcomes, and Overall Outcomes of the Zone, Neighbourhood Plan, Overlays and Secondary Codes, no significant planning issues were identified and the proposed Extension to a Dwelling house in a Traditional Building Character overlay was found to be largely compliant with the intention of the codes.

Consequently, as a result of the findings of this report and assessment, Steffan Harries concludes by respectfully requesting a favourable decision from Brisbane City Council with regards to this development application, subject to reasonable and relevant conditions.

2 APPLICATION SUMMARY

2.1 Site Overview

Street Address	249 Kent Street, Teneriffe QLD 4005
Real Property Description	Lot 5 on RP9221
Site Area	465m ²
Current Development	Dwelling house
Local Government Authority	Brisbane City Council
Applicable Planning Scheme	Brisbane City Plan 2014 (v35)
Planning Scheme: Area Classification	CR2 Character (Infill Housing) Residential Zone
Planning Scheme: Applicable Local Plan	New Farm and Teneriffe Hill Neighbourhood Plan (Low Medium Density Living Precinct - NPP-001)
Planning Scheme: Applicable Overlays	Airport Environs, Bicycle Network, Community Purposes Network, Critical Infrastructure and Movement Network, Dwelling House Character, Potential and Actual Acid Sulfate Soils, Road Hierarchy, Streetscape Hierarchy, Traditional Building Character
Applicable Regional Plan	Southeast Queensland Regional Plan
Regional Plan Area:	Urban Footprint

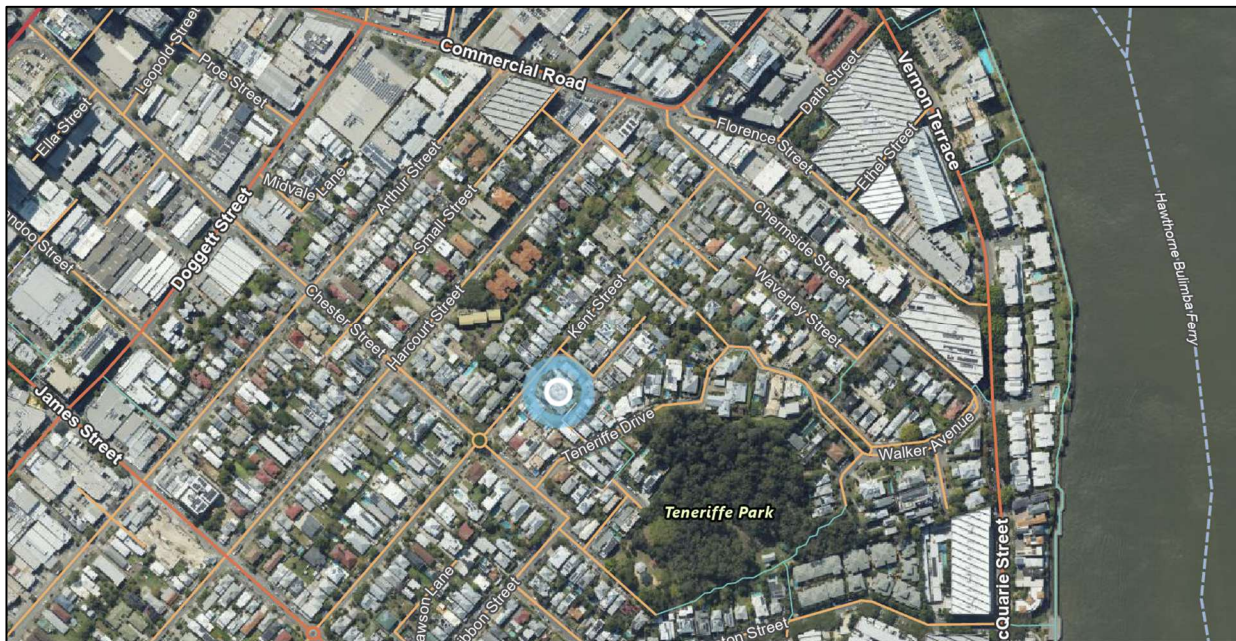


Figure 1: Location of the subject site. Source: Queensland Globe

2.2 Application Details

Description of Proposal	Development for a Detached and Unenclosed Structure to the Rear of Pre-1947 Dwelling House for an Above Ground Pool and Associated Uses
Type of Application	Development Permit – Building Work for Dwelling House Extensions
Level of Assessment	Code Assessable
Applicant	Nicholas Toalster C/o Steffan Harries PO Box 6258, Fairfield Qld 4103

Contact Person

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2.3 Approvals Sought

Type of Development	Code Assessable	
	Preliminary Approval	Development Permit
Building Work		✓

2.4 Fee Payable (current financial year)

Land Use Definition	Level of Assessment	Associated Fee
Minor Development	Code Assessable	\$715.00
TOTAL		\$715.00

2.5 Level of Assessment

Under the Table of Assessment for the CR2 Character (Infill Housing) Residential Zone (Part 5 of the Brisbane City Plan 2014 (v35)), the proposed development requires Code Assessment. Please find an extract below:

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Traditional Building Character overlay	Building work involving a dual occupancy, dwelling house, multiple dwelling, retirement facility, rooming accommodation or short-term accommodation where not in the Local heritage place sub-category or the State heritage place sub-category of the Heritage overlay	<ul style="list-style-type: none"> Traditional building character (design) overlay code

3 SITE INFORMATION AND ANALYSIS

3.1 Area Classification and Development Site

3.1.1 Property description and zone

The subject site is located at 249 Kent Street, Teneriffe QLD 4005, properly described as Lot 5 on RP9221. The site falls within the CR2 Character (Infill Housing) Residential Zone.

3.1.2 Development site features

The site features a rectangular-shaped lot, with a total area of 465m² with an approximate average width of 12.07m fronting Kent Street. The property has an average slope of 9m in 38.5m (23.4%) which rises from the North-Western to the South-Eastern boundary.

The site is currently improved with a pre-1947 Dwelling house and ancillary domestic outbuildings.

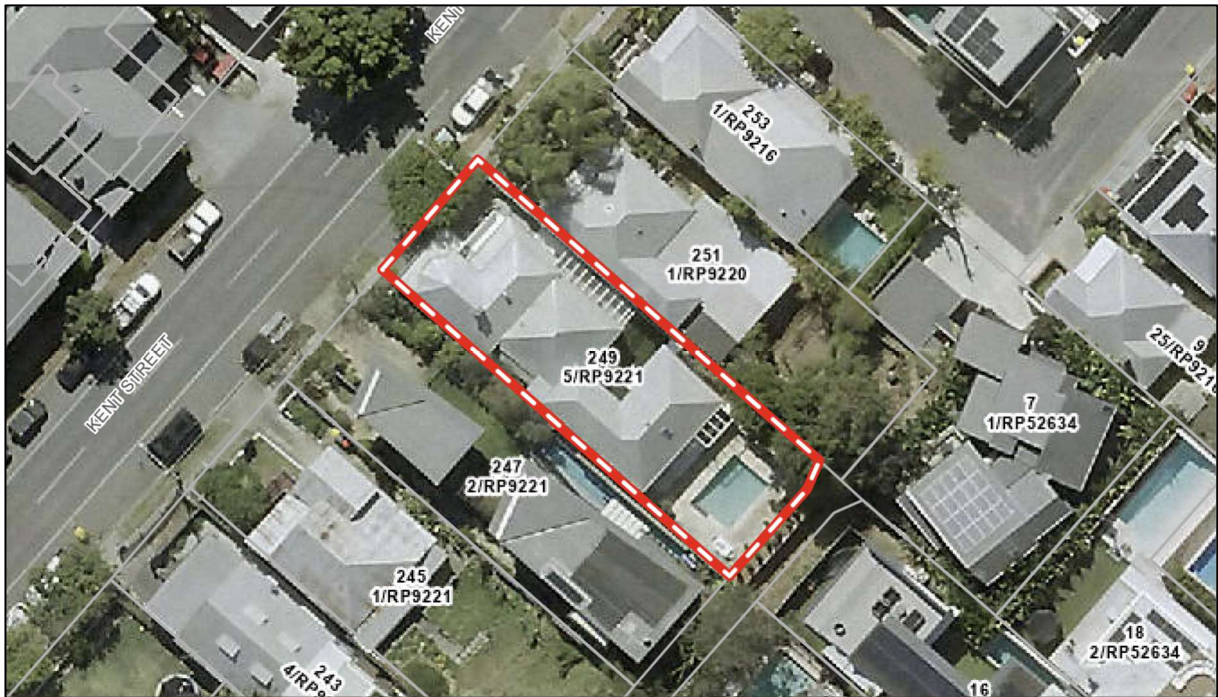


Figure 2: Aerial view depicting the subject site. Source: Brisbane City Council

3.2 Existing Development and Site Characteristics

3.2.1 Services and Infrastructure

The subject site is connected to all services required for the intended land use.

3.2.2 Vehicular Access

The subject site currently has one vehicular access via the frontage onto Kent Street.

3.2.3 Significant Vegetation

The subject site is clear of any significant vegetation and has one street tree within the frontage of the property.

3.2.4 Site History

By way of searching all available online resources, the subject site is affected by the following applications:

Application Number	Type of Application	Description of Application
--------------------	---------------------	----------------------------

A004750958	Carry Out Building Work; Local Government as Referral Agency	Amenity and aesthetics; Extension; dwelling house
A004830437	Carry Out Building Work; Local Government as Referral Agency	Amenity and aesthetics; Extension; dwelling house
A003163842	Carry Out Building Work; Material Change of Use	House - Extension; House On Small Lot
A003011967	Carry Out Building Work; Material Change of Use	House - Extension
A001607070	Carry Out Building Work; Material Change of Use	House in DCP (Demolition/Extension)

A review of the site history did not discover any applications that will impact or influence this application.

4 PROPOSED DEVELOPMENT

4.1 General Description

This application seeks Council approval for a Development Permit for Building work for an extension to a Dwelling house in the traditional Building Character overlay located at 249 Kent Street, Teneriffe QLD 4005, formally described as Lot 5 on RP9221. Please find a set of proposed plans attached as **Appendix A** and an extract below.

The proposed development is for the construction of a new above ground pool with an unenclosed and detached structure on the Secondary frontage of the subject site.

This structure is comprised of the following key attributes:

Maximum Height: Spa Level RL 2.26m
Secondary Frontage Setback: 0m – Existing BTB Wall
Minimum Side Boundary Setback: 0m – Existing BTB Wall

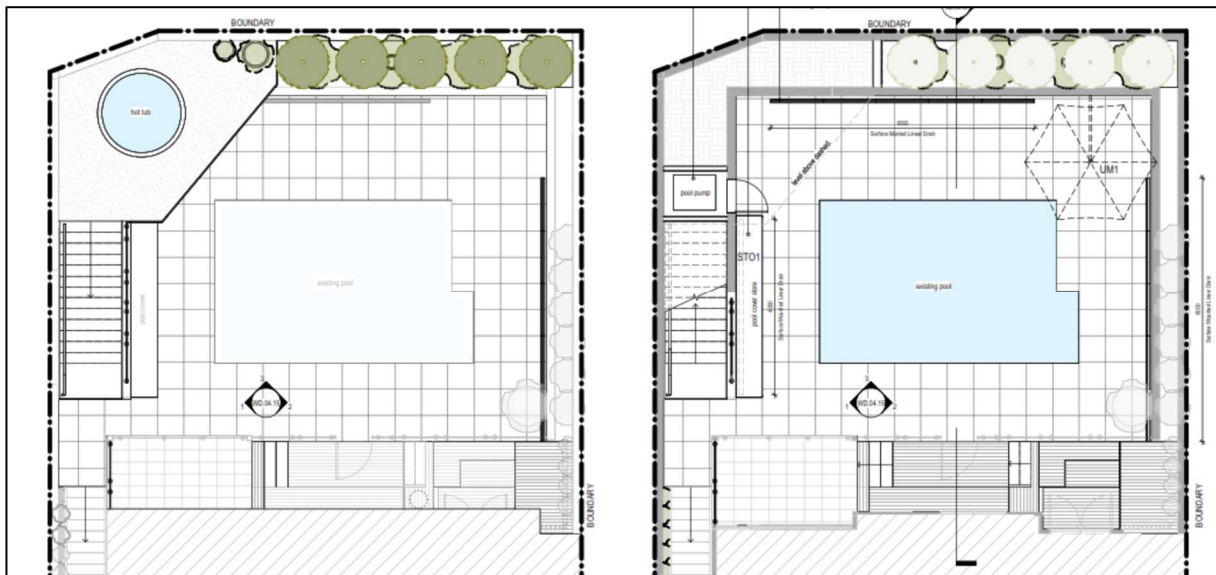
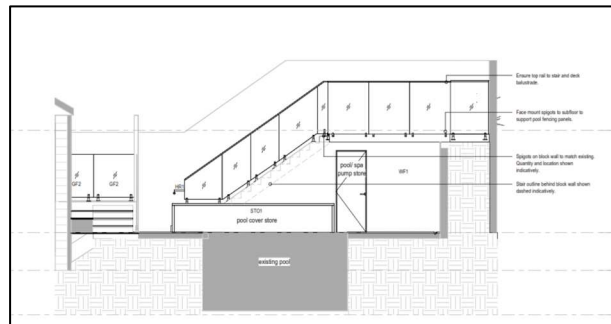
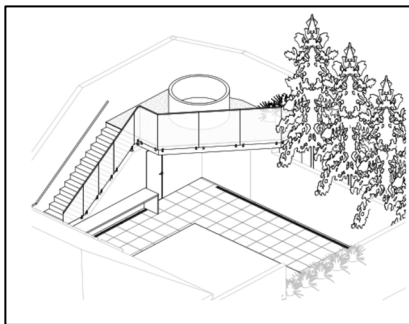


Figure 3: Images of proposed development. Not to scale. **Source:** ce Architecture

Overall, it is noted that the development comprises a structure not dissimilar to what is currently on the subject site in the same position. The development seeks to reconstruct this area and provide for a new spa on an elevated platform along what is visually understood to be a rear boundary.

5 STATE PLANNING FRAMEWORK

The *Planning Act 2016* (PA) establishes the framework and process for development assessment throughout the State of Queensland. The PA states the following is applicable to a Code Assessable application.

Chapter 3, Part 1, 45(3)

- A code assessment is an assessment that must be carried out only –
- (a) Against the assessment benchmarks in a categorising instrument for the development; and
 - (b) Having regard to any matters prescribed by regulation for this paragraph

The subordinate legislation to the PA is the *Planning Regulation 2017* (PR). The PR states the following in relation to assessment benchmarks.

Planning Regulation 2017, Part 4, Division 4, Subdivision 1, 26 – Assessment benchmarks generally

- (1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.
- (2) Also if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks –
 - (a) The assessment benchmarks stated –
 - i. The regional plan for the region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated into the planning scheme; and
 - ii. The State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
 - iii. Any temporary State planning policy applying to the premises;
 - (b) If the local government is an infrastructure provider – the local government's LGIP.
- (3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

The following section of this report provides a response to the identified assessment benchmarks as prescribed by the PA.

5.1 State Planning Policy

The State Planning Policy was adopted on 3 July 2017 and is Queensland's pre-eminent state planning instrument. It expresses the state interests in land-use planning and development. The current version of the Brisbane City Council Brisbane City Plan 2014 (v35) is considered to be aligned with the State Planning Policy. Subsequently, no further assessment is required.

5.2 South-East Queensland Regional Plan (ShapingSEQ)

The site is included within the Urban Footprint of the South-East Queensland (SEQ) Regional Plan (ShapingSEQ). The proposed development is consistent with the intent for the regional land use category.

5.3 Development Assessment Mapping System (DAMS) Layers

5.3.1 State Assessment and Referral Agency (SARA) DAMS Layers:

Layer	Applicable
SEQ Regional Plan Land Use Categories	Urban Footprint
Queensland heritage place	N/A
Unexploded Ordnance	N/A
Coastal Protection	N/A
Fish Habitat Areas	N/A
Water Resources	Water resource planning area boundary
Wetland Protection Areas	N/A
Native Vegetation Clearing	N/A
Koala Habitat in SEQ Region	N/A
Maritime Safety and Development	N/A
Port of Brisbane	N/A
State Transport	N/A

5.3.2 Non-SARA DAMS Layers:

Layer	Applicable
Electricity Infrastructure	N/A

5.4 Development Assessment Forms

The Development Assessment forms are the approved forms under the PA and must be used for applications lodged under this Act. The following forms are included in this submission to the Local Council:

- DA Form 2 – Building work details.

5.5 Referral Agencies

A referral agency is a generic term and covers both ‘advice’ agencies and ‘concurrence’ agencies. If there is a requirement under the PR for an entity other than the assessment manager to have input in the assessment of a specified development application, the application is referred to that agency. No referral agencies have been identified as part of this application.

5.6 State Development Assessment Provisions

As the proposed development does not trigger assessment under the PA, the State Development Assessment Provisions aren’t applicable to this application.

5.7 Public Notification

As the proposed application is Code Assessable, no public notification is required to be carried out in accordance with the requirements of the *Planning Act 2016*.

6 LOCAL PLANNING FRAMEWORK

6.1 Introduction

The site is located within the Brisbane City Council area and is subject to assessment against the Brisbane City Plan 2014 (v35). This application has been made in accordance with Chapter 3 of the *Planning Act 2016 (PA)* and constitutes an application for a Code Assessable Development Permit for a Material Change of Use and/or Building Work.

6.2 Brisbane City Plan 2014 (v35) Planning Provisions

6.2.1 Zone

The subject site is located within the CR2 Character (Infill Housing) Residential Zone as depicted in the below imagery.



Figure 4: Aerial view depicting the zoning of the property. Source: Brisbane City Council

6.2.2 Overlays

Under the Brisbane City Plan 2014 (v35), the site is identified as being affected by a number of overlays as demonstrated below in Table A. Assessment against the relevant overlays has been undertaken. Complete responses to each applicable overlay code have been provided in **Appendix B**.

Table A – Overlay Assessment		
Overlay	Assessment (assessed under Part 5 of the Brisbane City Plan 2014 (v35))	Assessment Benchmark
Airport environs overlay	Not applicable	-
Bicycle network overlay	Not applicable	-
Community purposes network overlay	Not applicable	-
Critical infrastructure and movement network overlay	Not applicable	-
Dwelling house character overlay	Accepted Development Subject to Requirements	Dwelling house code
Potential and actual acid sulfate soils overlay	Not applicable	-

Table A – Overlay Assessment

Overlay	Assessment (assessed under Part 5 of the Brisbane City Plan 2014 (v35))	Assessment Benchmark
Road hierarchy overlay	Not applicable	-
Streetscape hierarchy overlay	Not applicable	-
Traditional building character overlay	Not applicable	-
	Code Assessable	Traditional building character (design) overlay code

6.2.3 Neighbourhood Plan / Local Plan

The subject site is located within the following Neighbourhood Plan or Local Plan and will form part of the relevant Assessment Benchmarks:

- New Farm and Teneriffe Hill Neighbourhood Plan (Low Medium Density Living Precinct - NPP-001)

6.2.4 Level of Assessment

Under the Table of Assessment for the CR2 Character (Infill Housing) Residential Zone (Part 5 of the Brisbane City Plan 2014 (v35)), the proposed development requires Code Assessment. Please find an extract below:

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Traditional Building Character overlay	Building work involving a dual occupancy, dwelling house, multiple dwelling, retirement facility, rooming accommodation or short-term accommodation where not in the Local heritage place sub-category or the State heritage place sub-category of the Heritage overlay	<ul style="list-style-type: none"> • Traditional building character (design) overlay code

6.2.5 Applicable Codes

The proposed development application will be subject to assessment against the Brisbane City Plan 2014 (v35). The following planning scheme codes have been identified as Assessment Benchmarks:

- [Character residential zone code](#)
- [Traditional building character \(design\) overlay code](#)

Please find attached as **Appendix B**, an assessment against these codes.

6.2.6 Infrastructure charges

No infrastructure charges will be payable as part of this application.

7 KEY PLANNING MATTERS

The proposed Extension to a Dwelling house in a Traditional Building Character overlay was found to be generally consistent with the intent of the Brisbane City Plan 2014 (v35) and its associated planning provisions and relevant Assessment Benchmarks. Please refer to **Appendix B** for a full response to the applicable codes as noted in section 6.2.5 of this report. An overview of the key planning matters has been provided below in support of the proposal.

7.1 Prescribed Accepted Development

We wish to highlight that the following 'Prescribed Accepted Development' (Table 5.3.4.1 of the Brisbane City Plan 2014 (v35)) does not form part of the assessable works:

7.1.1 Demolition to the Rear

The proposal involves initial partial demolition works to the existing rear patio structures and existing elevated unenclosed decking on the boundary, as shown below.

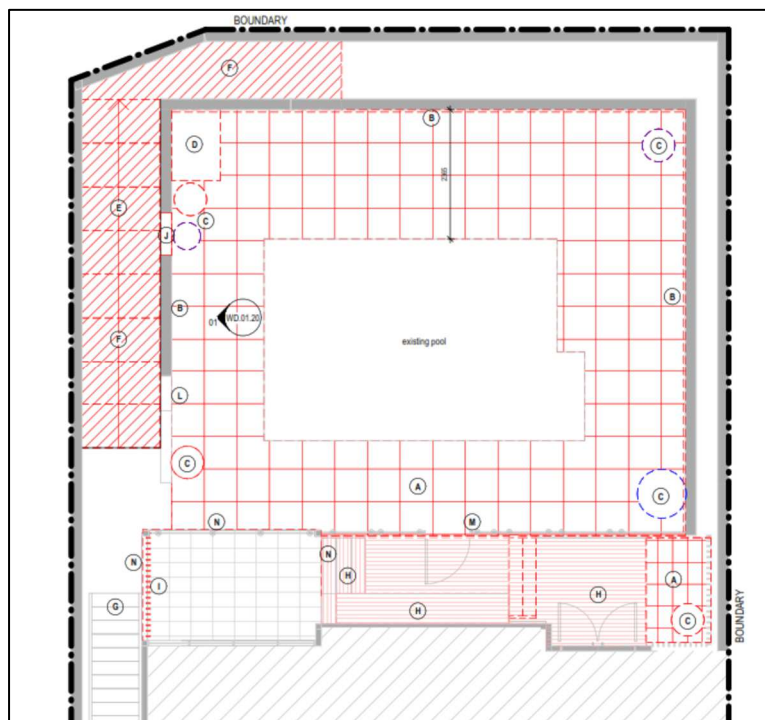


Figure 5: Partial Demolition Works to Enable Proposed Development - Not to scale. **Source:** ce Architecture

In accordance with City Plan 2014, this work is not an assessable component of the development given it is not pre-1947 building fabric.

7.2 Accepted Development Subject to Requirements

7.2.1 Dwelling House Code

The development has been assessed against the relevant provisions of the Dwelling house code and is considered to comply with the applicable Acceptable Outcomes. On this basis, the development is accepted development subject to requirements under the Dwelling house code, and no further assessment against that code is required.

7.3 Assessable Development

7.3.1 Character Residential Zone Code

The development has been assessed against the identified outcomes of the Character residential zone code and is considered to generally comply with the intent of the code. The proposal retains the existing pre-1947 dwelling house, maintains the established low-density residential use of the site, and locates the new works to the rear in a manner that does not disrupt the traditional presentation of the site to Kent Street. The assessment identifies that

the proposal continues to support the intended character of the Infill housing zone precinct by retaining the traditional building, maintaining a low-rise form, preserving the established streetscape interface, and providing an outcome that remains compatible with the scale, privacy, landscaping and residential amenity expectations of the locality.

7.3.2 Traditional Building Character (Design) Overlay Code

After being assessed against the identified outcomes of the Traditional building character (design) overlay code the development is considered to achieve an appropriate character outcome for the site. Overall, the assessment concludes that the proposal retains the pre-1947 dwelling in its approved and established setting, preserves its presentation to the primary frontage of Kent Street, and ensures that the proposed works remain secondary to the traditional building. In particular, the development response to an identified non-compliance with AO1.2 in a manner that reinforces Kent Street as the relevant public streetscape frontage, while also recognising the site's secondary frontage and the retained block wall as part of the established boundary treatment. In this respect, the response clearly demonstrates that the development results in a Dwelling house that maintains an appropriate siting relationship to both frontages. More so, it is understood as a result of this assessment that the interface of the development to the secondary frontage remains consistent with an outcome previously supported by Council given the retained structural fabric from previous Development applications.

More broadly, the code assessment finds that the proposal is consistent with the overlay intent because it does not displace or diminish the traditional dwelling's role in the streetscape, does not introduce garage or roof form outcomes that would conflict with the traditional setting, and adopts a scale, form and materiality that remain visually recessive and compatible with the established character of the locality. The proposal is therefore presented as one that complements nearby pre-1947 development, maintains the traditional character setting of the site, and avoids adverse impacts on the established streetscape pattern to Kent Street and the surrounding character context.

8 CONCLUSION

This application seeks approval from Brisbane City Council for Building Work to extend the existing Dwelling house towards the secondary frontage and establish an above ground spa and associated structures at 249 Kent Street, Teneriffe QLD 4005, properly described as Lot 5 on RP9221.

The proposed development should be supported by Brisbane City Council due to the following reasons:

- The development is consistent with the materiality, forms, scale and positioning consistent with the intent of the Character residential zone code, overall land use and Traditional building character (design) overlay code;
- The development provides for an appropriate outcome in relation to setbacks to the Secondary street frontage, with respect to the established locations of existing pre-1947 buildings on adjoining lots; and
- The proposed above-ground Spa is envisaged to allow for the reasonable enjoyment of residents of the site without any adverse impacts on the amenity for residents of neighbouring properties.

As a result of the findings of this report and assessment, Steffan Harries concludes by respectfully requesting a favourable decision from Brisbane City Council with regards to this development application, subject to reasonable and relevant conditions.