

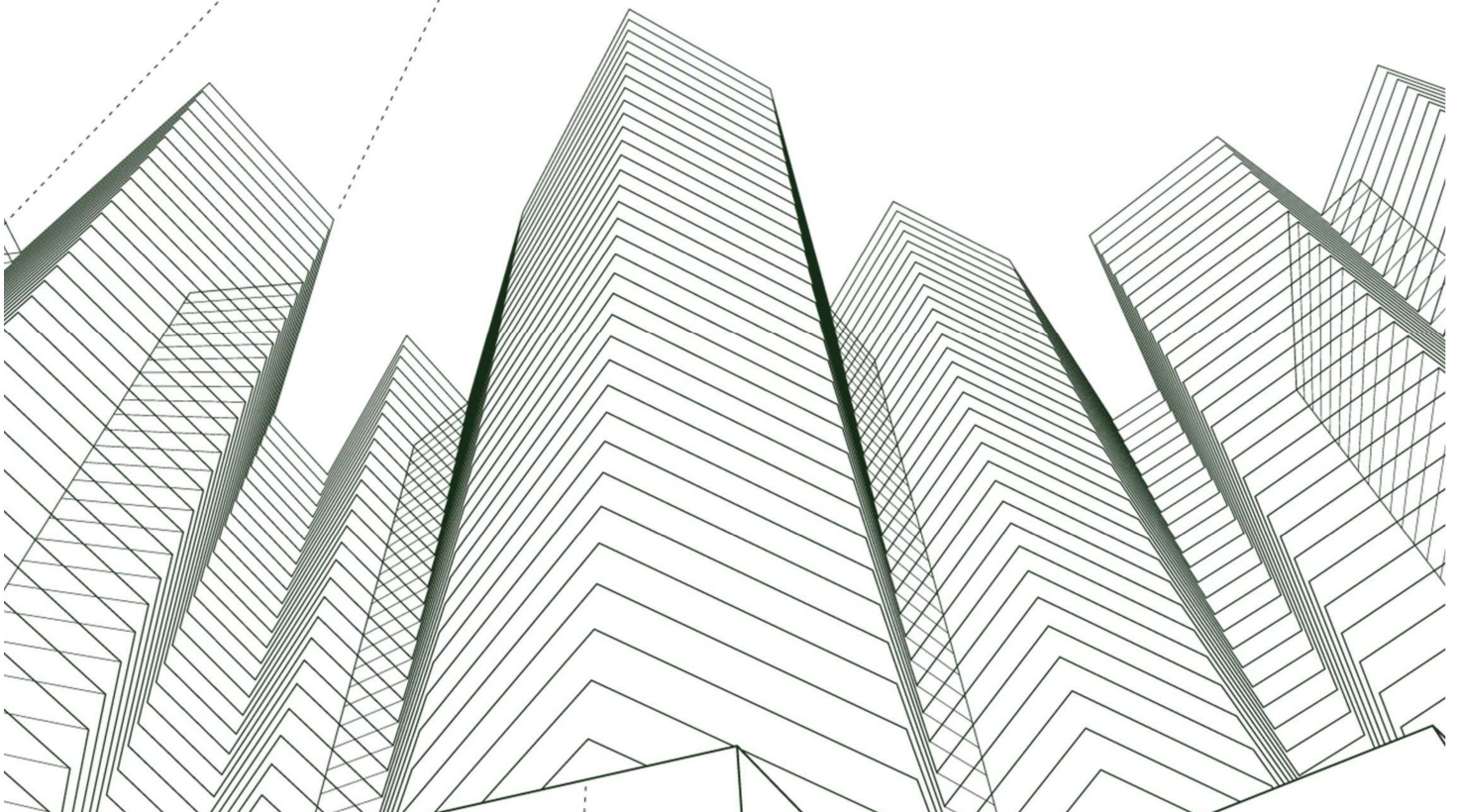


TOWN PLANNING REPORT

Development Permit for Reconfiguring a Lot - 1 Lot into 2 Lots

36 Enright Street,
Oxley QLD 4075
Lot 2 on RP115100

Our ref: STP4924



DOCUMENT CONTROL

QUALITY ASSURANCE		
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1 EXECUTIVE SUMMARY

This application seeks approval from Brisbane City Council for a Development Permit for a Reconfiguring a Lot (1 into 2) at 36 Enright Street, Oxley QLD 4075, formally described as Lot 2 on RP115100.

The subject site is located within the Low Density Residential Zone and proposes to establish the following allotments:

- **Proposed Lot 20:** 380m² with a frontage width of 12.573m.
- **Proposed Lot 21:** 380m² with a frontage width of 12.573m, maintaining and relocating the existing dwelling to this lot.

After assessment against the relevant Assessment Benchmarks, including the Acceptable Outcomes, Performance Outcomes, and Overall Outcomes of the Zone, Neighbourhood Plan, Overlays, and Secondary Codes, the proposed reconfiguration was found to be largely compliant with the intention of the codes.

The proposal identifies a specific non-compliance regarding Acceptable Outcome AO1.1 of the Subdivision Code, as the proposed lot sizes are 380m² in lieu of the prescribed 400m² minimum for front, street-facing lots. However, a merits-based assessment demonstrates that the development complies with Performance Outcome PO1, as the 12.573m frontages align with the prevailing 10m–11m streetscape rhythm and the lots are of a functional shape to support high-quality residential amenity.

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	36 Enright Street, Oxley QLD 4075
Real Property Description	Lot 2 on RP115100
Site Area	759m ²
Current Development	Dwelling house
Local Government Authority	Brisbane City Council
Applicable Planning Scheme	Brisbane City Plan 2014 (v35)
Planning Scheme: Area Classification	Low Density Residential Zone
Planning Scheme: Applicable Local Plan	Darra-Oxley District Neighbourhood Plan
Planning Scheme: Applicable Overlays	Airport Environs, Community Purposes Network, Critical Infrastructure and Movement Network, Dwelling House Character, Potential and Actual Acid Sulfate Soils, Road Hierarchy, Streetscape Hierarchy
Applicable Regional Plan	Southeast Queensland Regional Plan
Regional Plan Area:	Urban Footprint



Figure 1: Location of the subject site. Shown in orange. **Source:** Queensland Globe

2.2 Application Details

Description of Proposal	Reconfiguring One (1) Lot into Two (2) Lots
Type of Application	Development Permit – Reconfiguring of a Lot
Level of Assessment	Impact Assessable
Applicant	Harry Roache-Wilson C/o Steffan Harries PO Box 6258, Fairfield Qld 4103

Contact Person

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2.3 Approvals Sought

Type of Development	Impact Assessable	
	Preliminary Approval	Development Permit
Reconfiguring a Lot		✓

2.4 Fee Payable (current financial year)

Land Use Definition	Level of Assessment	Associated Fee
Reconfiguration of a Lot – Base Fee	Impact Assessable	\$4,290.00
Impact Assessment Fee – Other		\$3,718.00
TOTAL		\$8,008.00

2.5 Level of Assessment

Under the Table of Assessment for the Low Density Residential (Part 5 of the Brisbane City Plan 2014 (v35)), the proposed Reconfiguring a Lot (1 into 2) requires Impact Assessment. Please find an extract below:

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Low Density Residential Zone	Assessable Development – Impact Assessment If a reconfigured lot is: <ol style="list-style-type: none"> less than 300m², where any part of the lot frontage is within 200m walking distance of any part of the lot frontage of a site or sites in a zone in the centre zones category with a combined site area of more than 2,000m²; or less than 400m², where any part of the lot frontage is greater than 200m walking distance of any part of the lot frontage of a site or sites in a zone in the centre zones category with a combined site area of more than 2,000m²; or less than 600m², where a rear lot 	The planning scheme, including: <ul style="list-style-type: none"> Subdivision code Prescribed secondary code The applicable zone code The neighbourhood plan 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 36 Enright Street, Oxley QLD 4075, formally described as Lot 2 on RP115100. The site falls within the Low Density Residential.

3.1.2 Development site features

The site features a rectangular-shaped lot, with a total area of 759m² with an approximate average width of 25.15m fronting Enright Street. The property has an average slope of 2m in 39.3m (5.08%) which rises from the Southeast to the Northwest corner.

The site is currently improved with a 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 currently connected to all services appropriate for a residential land use and it is anticipated these can be reasonably extended to accommodate for an additional allotment where required.

3.2.2 Vehicular Access

The subject site currently has one vehicular access via the frontage onto Enright 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

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 the Reconfiguration of a Lot – 1 into 2, located at 36 Enright Street, Oxley QLD 4075 and formally described as Lot 2 on RP115100. Please find a set of proposed plans attached as **Appendix A** and an extract below.

Development Summary		
Proposed Lot Sizes (Frontage Widths)	Proposed Lot 20	380m ² (12.573m)
	Proposed Lot 21	380m ² (12.573m)
Minimum Rectangle Size	Compliant	
Existing/Proposed built improvements	Existing dwelling to be maintained and relocated to Proposed Lot 21.	
Lawful point of discharge	The lawful point of discharge will be via the Enright kerb via the existing kerb adapters – Refer Appendix C .	
Removal of street trees	No	
Driveway crossovers	<p>No new crossovers are proposed within this application. All crossovers are to be finalised within the operational works phase.</p> <p>Appendix C depicts indicative crossovers to demonstrate that the proposed allotments can accommodate for compliance crossovers to Enright Street.</p>	
Easements	An easement is proposed along the Eastern boundary of the subject site within Proposed Lot 20 to provide access to the sewer manhole located in the corner of the site.	

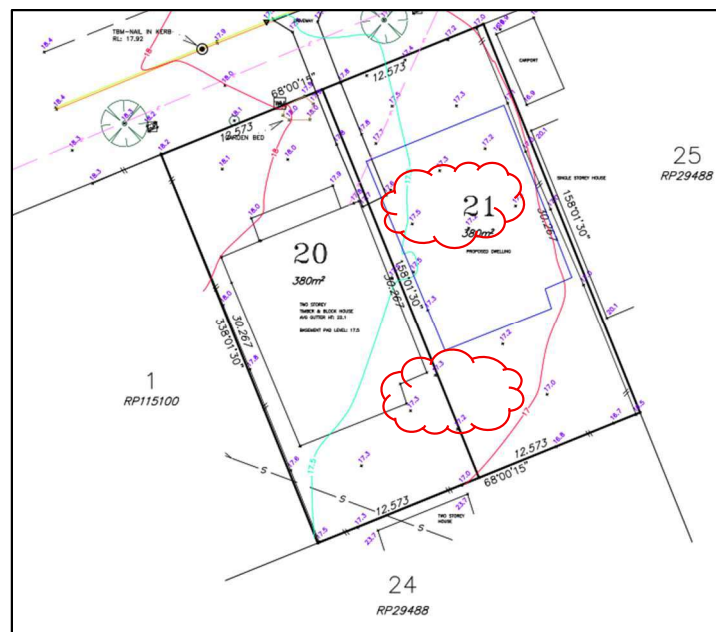


Figure 3: Image of proposed development. Not to scale. Source: Harry Roache-Wilson

4.2 Engineering Report

An engineering report has been prepared and attached as **Appendix C**. The engineering report demonstrates that the proposed development is compliant with the relevant planning scheme policy requirements and includes a concept services plan and code response for the following City Plan 2014 codes:

- Filling and excavation code;
- Infrastructure design code; and
- Stormwater code.

Please refer to the engineering report and its associated appendices, attached as **Appendix C**. It can be demonstrated the development can be appropriately serviced by Sewer and Water and that it can reasonably achieve a Legal Point of Discharge to the Enright Street kerb for stormwater flows.

5 STATE PLANNING FRAMEWORK

The PA establishes the framework and process for development assessment throughout the State of Queensland. The PA states the following is applicable to an Impact Assessable application.

Chapter 3, Part 1, 45(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.

Examples of another relevant matter—

- a planning need
- the current relevance of the assessment benchmarks in the light of changed circumstances
- whether assessment benchmarks or other prescribed matters were based on material errors

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, 30 – Assessment benchmarks generally

1. For [section 45\(5\)\(a\)\(i\)](#) of the [Act](#), the impact 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 impact assessment must be carried out against the following assessment benchmarks—
 - a. the assessment benchmarks stated in—
 - i. the regional plan for a region; 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. a temporary State planning policy applying to the premises;
 - b. if the development is not in a local government area—any local planning instrument for a local government area that may be materially affected by the development;
 - c. if the local government is an infrastructure provider—the local government's LGIP.
3. However, an assessment manager may, in assessing development requiring impact 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 1 – Development application 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 Impact Assessable, public consultation will be required to be undertaken in accordance with Part 4 of the Development Assessment Rules [s68 of the Planning Act 2016]. The applicant is required to give public notice by:

- publishing a notice at least once in a newspaper circulating generally in the locality of the premises the subject of the application;
- placing notice on the premises the subject of the application that must remain on the premises for the period of time up to and including the stated day; and
- giving notice to the adjoining owners of all adjoining the premises the subject of the application.

Public consultation will begin as required under the DA Rules at the conclusion of the Information Request Stage.

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 an Impact Assessable Development Permit for the Reconfiguration of a Lot.

6.2 Brisbane City Plan 2014 (v35) Planning Provisions

6.2.1 Zone

The subject site is located within the Low Density 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 <ul style="list-style-type: none"> • OLS - Approach and departure limitation surface boundary • Procedures for air navigation surfaces (PANS) • BBS zone - Distance from airport 0-3km • LI - Zone C - 150 Candela - 1200m wide 3000m from runway strip • LI - Within 6km - Max intensity of light 	Not applicable	-

Table A – Overlay Assessment

Overlay	Assessment (assessed under Part 5 of the Brisbane City Plan 2014 (v35))	Assessment Benchmark
sources 3 deg above horizon <ul style="list-style-type: none"> • ANEF 20-25 		
Community purposes network overlay	Not applicable	-
Critical infrastructure and movement network overlay <ul style="list-style-type: none"> • Critical infrastructure and movement planning area sub-category 	Not applicable	-
Dwelling house character overlay	Not applicable	-
Potential and actual acid sulfate soils overlay <ul style="list-style-type: none"> • Potential and actual acid sulfate soils sub-category 	Not applicable	-
Road hierarchy overlay <ul style="list-style-type: none"> • Neighbourhood road 	Impact Assessable	Road hierarchy overlay code—purpose, overall outcomes and outcomes in sections C and D
Streetscape hierarchy overlay <ul style="list-style-type: none"> • Neighbourhood street minor 	Impact Assessable	Streetscape hierarchy overlay code—purpose, overall outcomes and outcomes in sections A and B

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:

- Darra-Oxley District Neighbourhood Plan

6.2.4 Level of Assessment

Under the Table of Assessment for the Low Density Residential Zone (Part 5 of the Brisbane City Plan 2014 (v35)), the proposed Reconfiguring a Lot (1 into 2) requires Impact Assessment. Please find an extract below:

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Low Density Residential Zone	Assessable Development – Impact Assessment If a reconfigured lot is: <ol style="list-style-type: none"> less than 300m², where any part of the lot frontage is within 200m walking distance of any part of the lot frontage of a site or sites in a zone in the centre zones category with a combined site area of more than 2,000m²; or less than 400m², where any part of the lot frontage is greater than 200m walking distance of any part of the lot frontage of a site or sites in a zone in the centre zones category with a combined site area of more than 2,000m²; or less than 600m², where a rear lot 	The planning scheme, including: <ul style="list-style-type: none"> • Subdivision code • Prescribed secondary code • The applicable zone code • The neighbourhood plan 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:

- Low Density Residential Zone Code;
- Darra–Oxley District Neighbourhood Plan Code;
- Subdivision Code;
- Overlay codes, including:
 - Road Hierarchy Overlay Code;
 - Streetscape Hierarchy Overlay Code;
- Prescribed secondary codes, including:
 - Filling and Excavation Code;
 - Infrastructure Design Code;
 - Landscape Work Code;
 - Outdoor Lighting Code;
 - Park Planning and Design Code;
 - Stormwater Code;
 - Transport Access, Parking and Servicing Code; and
 - Wastewater Code.

Please find attached as **Appendix B**, an assessment against these codes, unless otherwise noted in section 4.2 of this report.

6.2.6 Relevant Strategic Framework

In light of the Impact Assessable nature of the proposed development, the below elements of the Strategic Framework located within **Table B** are deemed to be relevant to this application and a response to their Specific outcomes and land use strategies have been provided within **Appendix B**.

Table B – Strategic Framework Assessment		
Theme	Element	Relevance to the Proposed Development
Theme 1: Brisbane’s Globally Competitive Economy	Not relevant	
Theme 2: Brisbane’s Outstanding Lifestyle	Element 2.1 – Brisbane’s identity	Relevant
	Element 2.2 – Brisbane’s housing and accommodation choices	Relevant
Theme 3: Brisbane’s Clean and Green Leading Environmental Performance	Not relevant	
Theme 4: Brisbane’s Highly Effective Transport and Infrastructure	Not relevant	
Theme 5: Brisbane’s CityShape	Element 5.5 – Brisbane’s suburban living areas	Relevant

6.3 Infrastructure Charges

Infrastructure charges will be payable as per the relevant Adopted Infrastructure Charges Resolution applicable at the time of lodgement.

7 KEY PLANNING MATTERS

The proposed Reconfiguring a Lot (1 into 2) 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 Strategic Framework

The development is compliant with the Land use strategies of the identified Strategic Framework elements of *City Plan 2014*. Overall, the development is located within Brisbane's suburban living area and supports the intended low density residential character of the locality through a small-scale infill outcome that reflects the prevailing subdivision pattern, maintains a consistent streetscape rhythm, and reinforces the established identity of the surrounding neighbourhood.

The proposed allotments, through compatible frontage widths and land shapes, respond to the existing character of the area while still allowing for detached housing outcomes consistent with the planning intent for the locality. In this regard, the development is considered to align with the relevant strategic framework provisions relating to neighbourhood identity, subtropical urban character, limited growth in suburban living areas, and the maintenance of local character through subdivision patterns that reflect the surrounding area.

7.2 Low Density Residential Zone Code

The proposed reconfiguration development has been assessed against the Overall outcomes of the Low Density Residential Zone code and can be found to result in allotments that support the intended land uses for lots within the zone, as evidenced by similar allotments with Dwelling houses located along the Enright Street alignment. The proposal results in a non-compliance against OO(c)(i) in light of the proposed lot sizes of 380m² in lieu of the 400m² minimum for front, street-facing lots.

As a result of the identified non-compliance, an assessment against the identified Strategic framework has been undertaken.

Notwithstanding this, the development can be found to provide for allotments that are more than sufficient to accommodate for Dwelling houses. This is mainly evident through the Tables of Assessment located within Part 5 of *City Plan 2014*, where it is identified that allotments under 400m² but above 300m² are Code Assessable in limited circumstances and that each lot comfortably provides the minimum 9m x 15m rectangle required for "small lots".

Overall, the development comprises an outcome that supports the predominate development pattern of the area and provides for allotments that are evidentially sufficient to accommodate for the expected land uses within the zone under the Planning scheme.

7.3 Darra—Oxley Neighbourhood Plan Code

The subject site is in an area of the Darra—Oxley Neighbourhood Plan that is not within a precinct area, mapped for any streetscape or mobility improvements within *Figure a* or *b*, and is not applicable against the matters within *Figure c*. As a result of this, the development complies with the intent for development within this Neighbourhood plan by way of not being applicable to the provisioned matters under the Darra-Oxley Neighbourhood plan code and should subsequently be supported by Council in this regard.

7.4 Subdivision Code

The development has been assessed against the lowest order outcomes of the Subdivision code and has resulted in a Performance outcome sought against AO1.1 for the proposed lot sizes included within this application.

As discussed within **Appendix B**, Section D(i), the development can be found to comply with the performance based outcome of PO1, in that the development results in lots and an arrangement of lots that:

- a. enable the relevant outcomes and standards required by the planning scheme to be complied with for the intended use;
- b. are consistent with the zones, zone precincts, neighbourhood plans and overlays that apply to the site;

- c. feature a useable shape able to accommodate the minimum rectangle dimension in Table 9.4.10.3.B and anticipated future development;
- d. complement the streetscape, local context and character for the locality;
- e. address development constraints.

As noted within this response, the development conforms to the predominant character of surrounding lots within the catchment area along Enright Street and its immediate surrounds. Notably the prevalence of approximately 10m frontage widths as shown in **Figure 5** in orange. To a reasonable person passing through the area, the subject site in its current form results in a section of the street that appears fragmented in its development patterns. While surrounding lots exceed the 400m² threshold, they are defined from the streetscape by a consistent prevailing frontage width of approximately 10m to 11m. The subject site's more than 25m frontage width represents a significant departure from this established rhythm, creating a visual break in the streetscape's continuity.

The proposed reconfiguration seeks to rectify this fragmentation by aligning the lot frontages with the existing street character. Critically, the resulting difference in land size between these proposed lots and the surrounding larger allotments is not sufficient to detract from a reasonable occupier's use and enjoyment of the land. Despite a smaller total area, the lots comfortably accommodate high-quality residential amenity, including functional open backyard space. Ultimately, the proposal prioritises the visual and structural consistency of the Enright Street streetscape and the surrounding blocks.

Overall, notwithstanding the identified shortfall in lot area required under AO1.1, the development can be found to comply with the requirements of the Subdivision code through the inclusion of a merits based assessment against PO1 and should subsequently be supported by Council in this regard.



Figure 5: Enright Street Catchment Area - Subject site shown in red. **Source:** Queensland Globe

7.5 Overlay Codes

The development has been assessed against the Road and Streetscape Hierarchy Overlay codes, with no non-compliances identified against the lowest order outcomes of each code. As the proposed reconfiguration adjoins a Neighbourhood Road within a Minor Streetscape typology, it aligns fully with all relevant requirements. Furthermore, the development preserves the operational capacity of the road network and ensures residents and pedestrians can continue to enjoy a comfortable streetscape environment at the ultimate stage of development.

7.6 Secondary Codes

As required under the Tables of Assessment within Part 5, this application includes an assessment of the development against the prescribed secondary codes identified within section 6.2.5 of this report.

As a result of the combined assessment against these codes undertaken by Bravo Consult and Steffan Harries, the proposal has been found to comply with the requirements of the lowest order outcomes of the identified codes.

8 CONCLUSION

This application seeks approval from Brisbane City Council approval for a Development Permit for a Reconfiguring a Lot (1 into 2) at 36 Enright Street, Oxley QLD 4075, formally described as Lot 2 on RP115100.

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

- The development provides a consistent lot size and density intended for the Low Density Residential Zone, reflecting the prevailing subdivision pattern and streetscape rhythm of Enright Street;
- All new allotments can be appropriately serviced by the infrastructure required for intended future development, including water, sewer, stormwater, telecommunications, and electricity;
- The engineering assessment confirms a Lawful Point of Discharge to the Enright Street kerb and demonstrates that the site can accommodate compliant crossovers; and
- The proposal was assessed against all relevant Assessment Benchmarks; while a minor shortfall in lot area exists, the development meets the Performance Outcomes of the Subdivision Code by addressing local context and character without detouring from the intended land use.

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.