

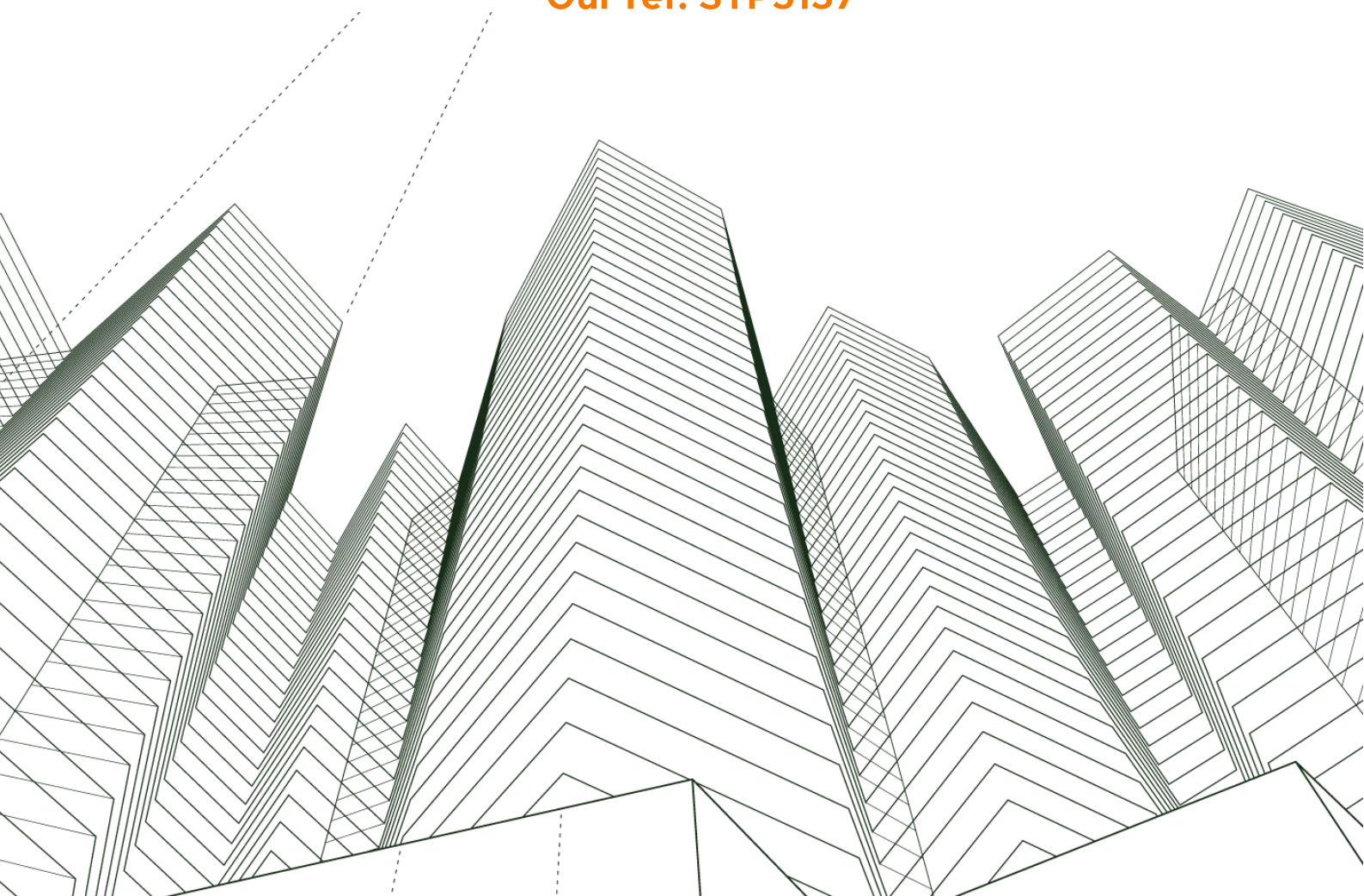


TOWN PLANNING REPORT

Reconfiguring a lot (2 into 2 lots)

39 & 41 Cavan Street,
Annerley QLD 4103
Lot 128 on RP37541, Lot 129 on RP37541

Our ref: STP5157



DOCUMENT CONTROL

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1 EXECUTIVE SUMMARY

This application seeks approval from Brisbane City Council for a Development Permit for a Reconfiguring a lot (2 into 2 lots) at 39 & 41 Cavan Street, Annerley QLD 4103, properly known as Lot 128 on RP37541, Lot 129 on RP37541.

This development application proposes a reconfiguring of a lot by way of boundary realignment, comprising of two existing residential lots at 39 and 41 Cavan Street, Annerley (Lot 128 and Lot 129 on RP37541) into two reconfigured lots. The boundary is repositioned to place the existing pre-1947 highset timber dwelling house entirely within proposed Lot 1, with the shed on proposed Lot 2 to be demolished. The pre-1947 dwelling house will be relocated onto proposed Lot 1 as prescribed accepted development prior to the sealing of the subdivision plan. No material change of use or building works is proposed or assessable.

The key triggers for assessment are as follows. Both proposed lots are 405m² each, with Lot 1 having a frontage of 10.388 metres and Lot 2 having a frontage of 9.728 metres, and an average lot width of 10.05 metres each. The combined site area of 810m² makes it mathematically impossible for both proposed lots to meet the 450m² threshold for code assessment under Table 5.6.1 of Brisbane City Plan 2014, triggering impact assessment. The site is located in the Character residential zone, Character zone precinct (CR1), and is subject to multiple overlays including the Traditional building character overlay, Dwelling house character overlay, Streetscape hierarchy overlay, Road hierarchy overlay, Airport environs overlay, Community purposes network overlay, and Critical infrastructure and movement network overlay.

The principal non-compliances arise from the small lot dimensions of each proposed lot. Neither lot satisfies the acceptable outcomes under the Subdivision code for the Character residential zone, which require a minimum lot area of 450m² and a minimum frontage of 15 metres for standard lots. As such, the assessment has therefore proceeded against the relevant performance outcomes.

We consider the proposed lot layout merits support for the following reasons. The average lot width of 10.05 metres across both lots is identical to the existing combined average, meaning the realignment does not reduce the effective width of development relative to the existing cadastral pattern. The frontage of each proposed lot is consistent with the existing streetscape character of Cavan Street, where, within 50 metres of the site's front boundary, approximately 8 of 18 lots have a frontage of approximately 10 metres. The proposed lot dimensions are therefore not anomalous in the local context but reflect an established pattern of narrow frontage residential lots in the immediate locality. The retention of the pre-1947 dwelling house on Lot 1 directly supports the objectives of the Traditional building character overlay and the Character zone precinct, preserving an identified character building rather than facilitating its removal. The creation of Lot 2 as a cleared, 10 metre wide allotment capable of accommodating a future dwelling house is consistent with Brisbane City Council's broader housing supply objectives and the strategic framework's direction to support efficient use of established residential land. Stormwater can discharge to the kerb and channel along Cavan Street, and water and sewer connections are available to existing reticulated services along Cavan Street without requiring upstream connections, given the local topography.

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 Reconfiguring a lot (2 into 2 lots) was found to be 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	39 & 41 Cavan Street, Annerley QLD 4103
Real Property Description	Lot 128 on RP37541, Lot 129 on RP37541
Site Area	810 m ²
Current Development	Pre-1947 Dwelling house
Local Government Authority	Brisbane City Council
Applicable Planning Scheme	Brisbane City Plan 2014 (v36)
Planning Scheme: Area Classification	CR1 Character (Character)
Planning Scheme: Applicable Local Plan	Stephens district neighbourhood plan
Planning Scheme: Applicable Overlays	Airport environs overlay; Community purposes network overlay; Critical infrastructure and movement network overlay; Dwelling house character overlay; Road hierarchy overlay; Streetscape hierarchy overlay; Traditional building character overlay
Applicable Regional Plan	South East Queensland Regional Plan
Regional Plan Area:	Urban Footprint

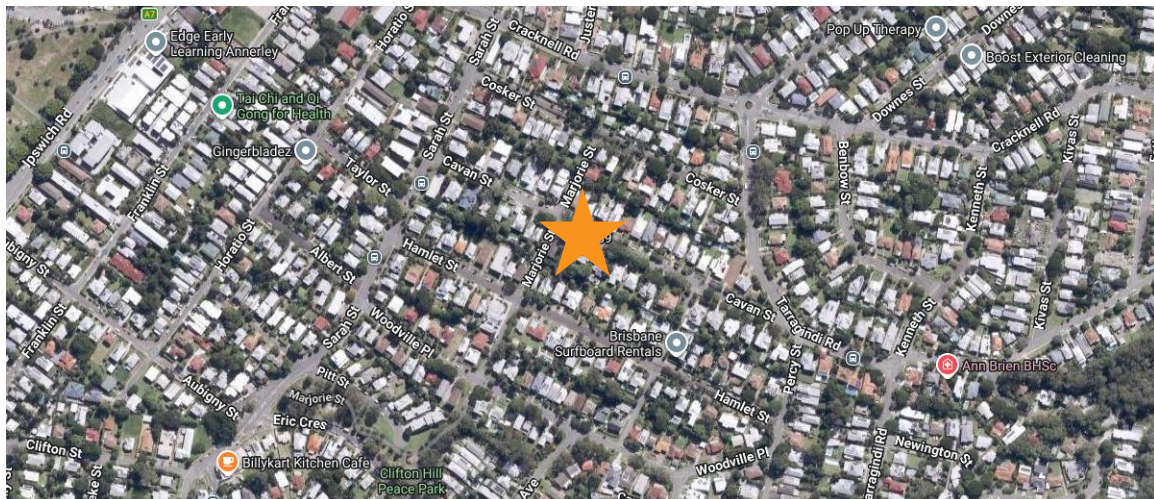


Figure 1: Location of the subject site. Source: Google

2.2 Application Details

Description of Proposal	Reconfiguring a lot (boundary realignment of two existing lots into two lots of 405m ² each), retaining the existing pre-1947 dwelling house on proposed Lot 1.
Type of Application	Reconfiguring a lot (2 into 2 lots)
Level of Assessment	Impact Assessable
Applicant	SHAO-CHING GEORGINA WAN & MICHAEL DAVID MCKENZIE C/o Steffan Harries PO Box 6258, Fairfield Qld 4103
Contact Person	Alexander Steffan alex@steffanharries.au 07 3317 0042 www.steffanharries.au

2.3 Approvals Sought

Type of Development	Impact Assessable	
	Preliminary Approval	Development Permit
Reconfiguring a lot Reconfiguring a lot (2 into 2 lots)		✓

2.4 Level of Assessment

Under the Table of Assessment/s relevant to the subject site (Part 5 of the Brisbane City Plan 2014 (v36)), the proposed Reconfiguring a lot (2 into 2 lots) requires Impact Assessable. Please find an extract below:

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Character residential zone	Character residential zone — Assessable development- Impact assessment — If a reconfigured lot is: a. less than 450m ² ; or b. less than 600m ² , where a rear lot	• Subdivision code • Character residential zone code • Stephens district neighbourhood plan code • Secondary codes

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 39 & 41 Cavan Street, Annerley QLD 4103, properly described as Lot 128 on RP37541, Lot 129 on RP37541. The site falls within the CR1 Character (Character).

3.1.2 Development site features

The site features a rectangular-shaped lot, with a total area of 810m² with an approximate average width of 20m fronting Cavan Street.

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

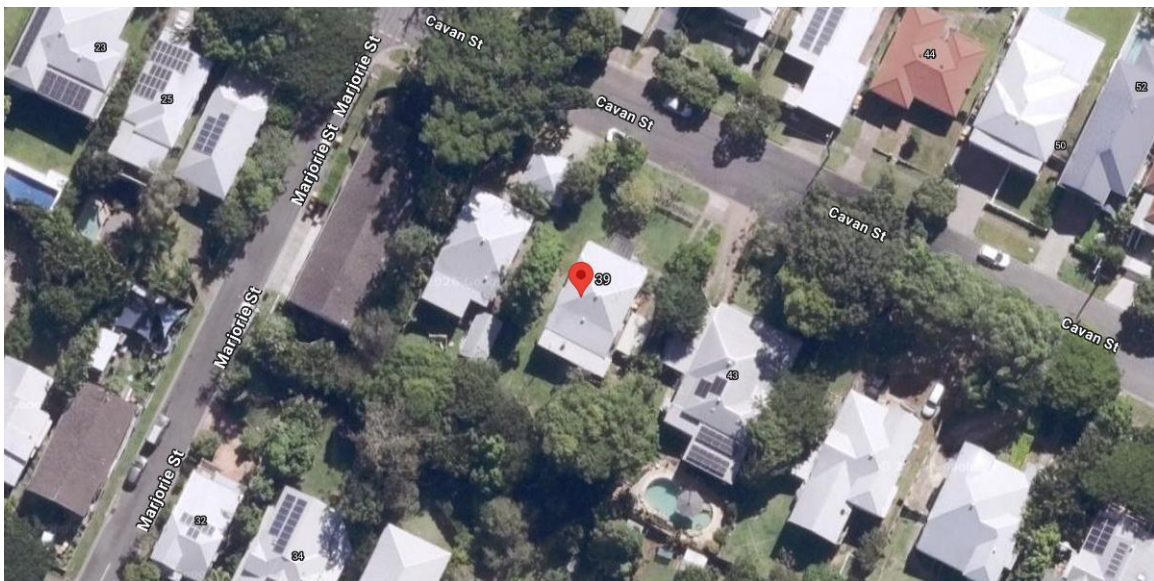


Figure 2: Aerial view depicting the subject site. **Source:** Google Maps

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 Cavan Street.

3.2.3 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 a Reconfiguring a lot (2 into 2 lots) located at 39 & 41 Cavan Street, Annerley QLD 4103, formally described as Lot 128 on RP37541, Lot 129 on RP37541. Please find a set of proposed plans attached as **Appendix A** and an extract below.

The proposed development involves a reconfiguring of a lot by way of boundary realignment of two existing lots — Lot 128 on RP37541 at 39 Cavan Street and Lot 129 on RP37541 at 41 Cavan Street, Annerley — to produce two reconfigured lots. The combined site area is 810m². Proposed Lot 1 has an area of approximately 405m², a frontage of 10.388 metres and an average lot width of 10.05 metres. Proposed Lot 2 has an area of approximately 405m², a frontage of 9.728 metres and an average lot width of 10.05 metres.

An existing pre-1947 highset timber dwelling house currently partially straddles the boundary between the two lots. The boundary realignment repositions the common boundary so that the dwelling house is retained entirely within proposed Lot 1. The dwelling house will be moved onto Lot 1 as prescribed accepted development prior to the sealing of the subdivision plan. A shed shown on the existing site plan is to be demolished. No dual occupancy or other material change of use forms part of this application.

Each proposed lot will have direct street frontage to Cavan Street and will connect to existing reticulated water, sewer and stormwater infrastructure servicing the street. Stormwater will discharge to the kerb and channel along Cavan Street, consistent with the local topography.

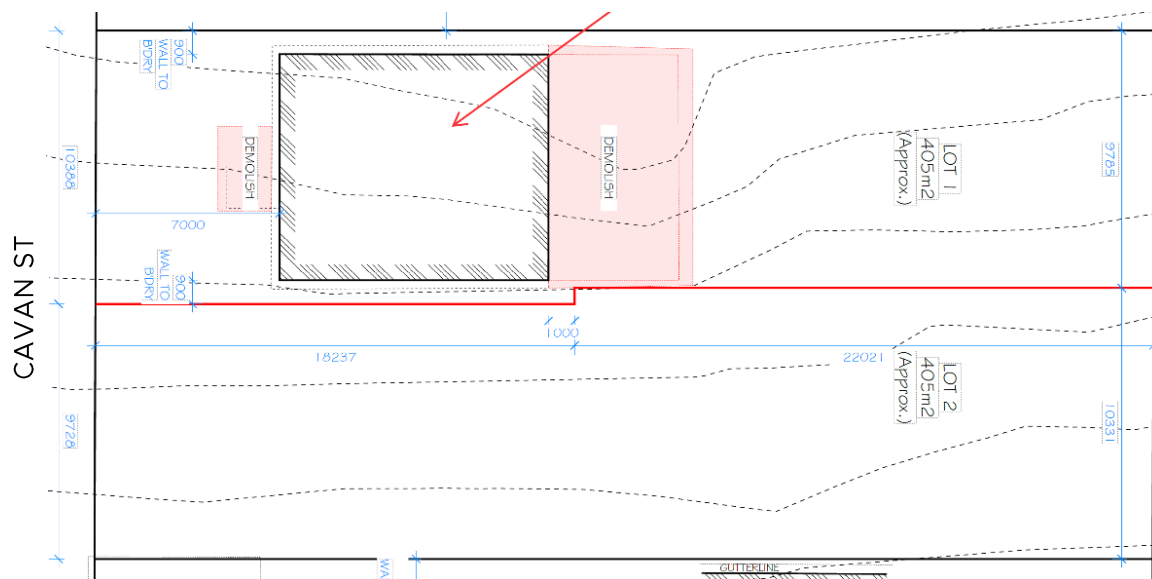


Figure 3: Image of proposed development. Not to scale. **Source:** Steffan Harries

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 (v36) 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 (v36). 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 Reconfiguring a lot.

6.2 Brisbane City Plan 2014 (v36) Planning Provisions

6.2.1 Zone

The subject site is located within the CR1 Character (Character) as depicted in the below imagery.

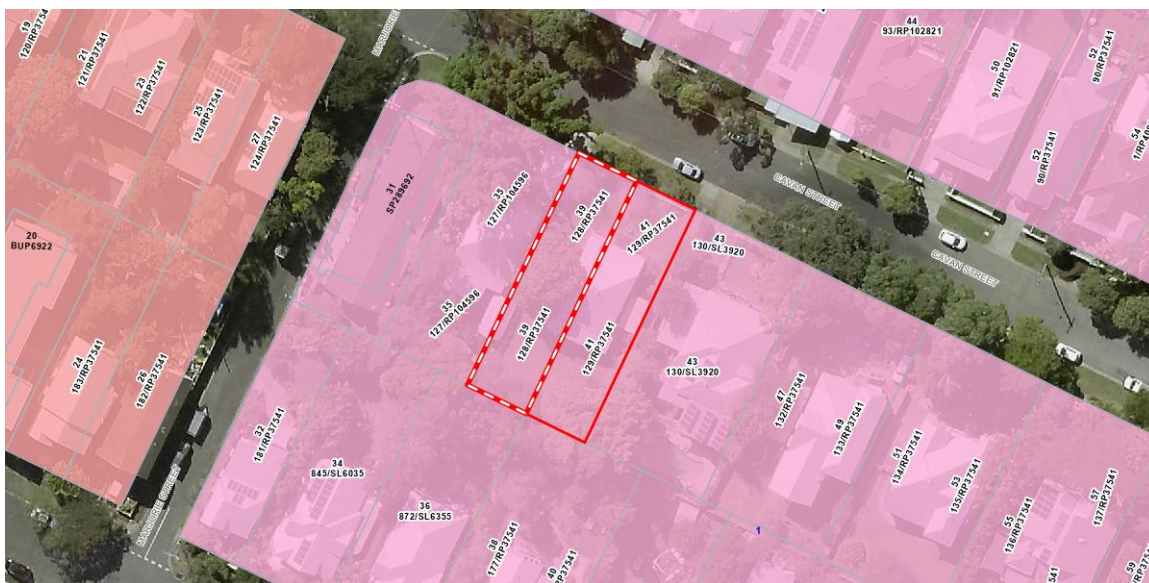


Figure 4: Aerial view depicting the zoning of the property. **Source:** Brisbane City Council

6.2.2 Overlays

Under the Brisbane City Plan 2014 (v36), 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 Benchmark (if relevant)
Airport environs overlay	
	Airport environs overlay code

Table A – Overlay Assessment

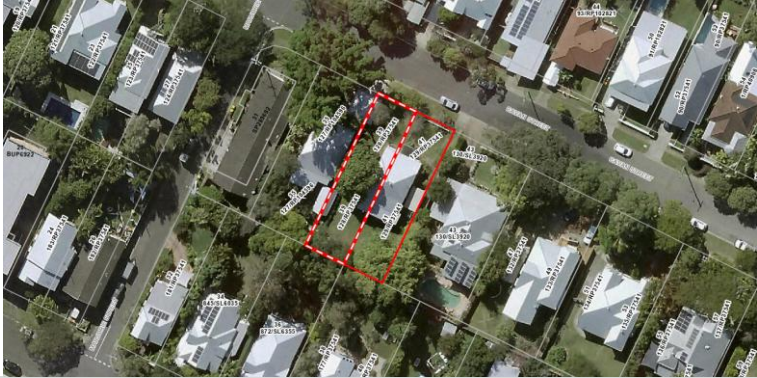
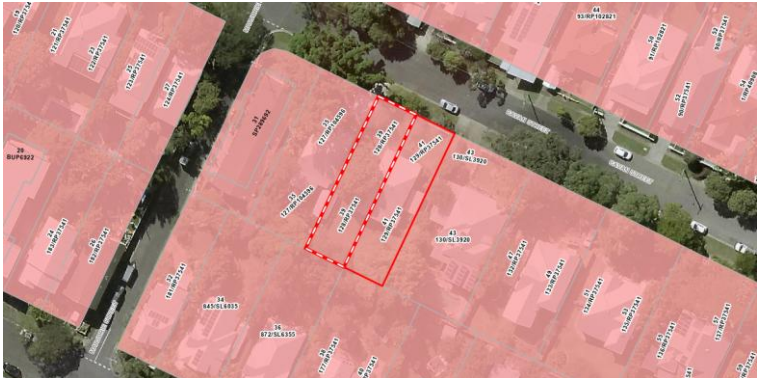
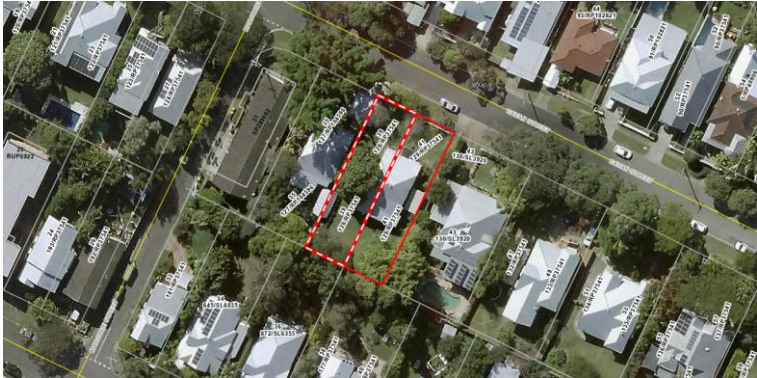
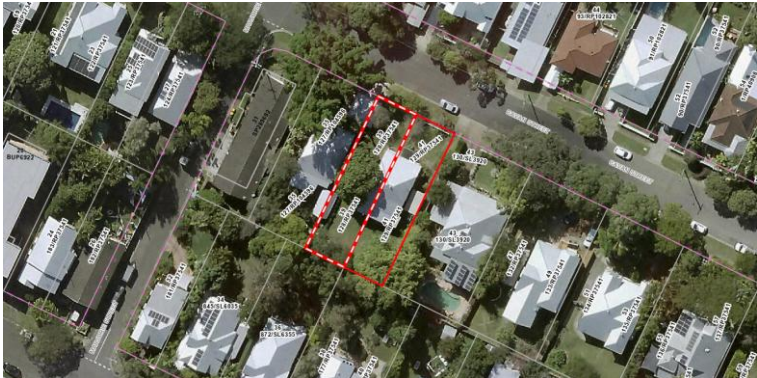
Overlay	Assessment Benchmark (if relevant)
- OLS - Approach and departure limitation surface boundary - OLS - Approach and departure limitation surface contours - Procedures for air navigation surfaces (PANS) - BBS zone - Distance from airport 3-8km - LI - Within 6km - Max intensity of light sources 3 deg above horizon	
Community purposes network overlay 	Community purposes network overlay code
Critical infrastructure and movement network overlay  - Critical infrastructure and movement planning area sub-category	Not applicable
Dwelling house character overlay 	Not applicable
Road hierarchy overlay	Road hierarchy overlay code

Table A – Overlay Assessment

Overlay	Assessment Benchmark (if relevant)
	
Streetscape hierarchy overlay	
	Streetscape hierarchy overlay code
Traditional building character overlay	
	Traditional building character (design) overlay code
- Neighbourhood character sub-category	

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:

- Stephens district neighbourhood plan

6.2.4 Level of Assessment

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Character residential zone	Character residential zone — Assessable development- Impact assessment — If a reconfigured lot is: a. less than 450m ² ; or b. less than 600m ² , where a rear lot	• Subdivision code • Character residential zone code • Stephens district neighbourhood plan code • Secondary codes

6.2.5 Applicable Codes

The proposed development application will be subject to assessment against the Brisbane City Plan 2014 (v36). The following planning scheme codes have been identified as Assessment Benchmarks:

- **Primary codes**
 - Subdivision code
 - Character residential zone code
 - Stephens district neighbourhood plan code
- **Overlay codes**
 - Airport environs overlay code
 - Community purposes network overlay code
 - Critical infrastructure movement network overlay code
 - Road hierarchy overlay code
 - Streetscape hierarchy overlay code
 - Traditional building character (design) overlay code
- **Secondary codes**
 - 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
 - Wastewater 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 Reconfiguring a lot (2 into 2 lots) was found to be generally consistent with the intent of the Brisbane City Plan 2014 (v36) 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 Subdivision code

The proposed boundary realignment of Lot 128 and Lot 129 on RP37541 is generally consistent with the Subdivision code. Both proposed lots achieve 405m² with an average width of 10.05m; whilst Lot 2's frontage of 9.728m falls marginally below the 10m threshold in AO27.4, the lots are regular in shape, capable of accommodating a dwelling house, and consistent with the existing character of the locality where approximately half of the lots within 50m of the site frontage are approximately 10m wide. The existing pre-1947 dwelling house is retained entirely on proposed Lot 1, no new road or park is created, and both lots have direct access to existing reticulated water, sewer and stormwater infrastructure along Cavan Street. We consider the proposal achieves the performance outcomes of the Subdivision code and the minor departure from the frontage acceptable outcome is justified on its merits.

7.2 Character residential zone code

The proposed boundary realignment is consistent with the overall outcomes of the Character residential zone code. The reconfiguration retains the existing pre-1947 dwelling house entirely on proposed Lot 1 and produces two lots of 405m² each, with frontages of 10.388 metres and 9.728 metres respectively and a consistent average lot width of 10.05 metres, capable of accommodating a dwelling house consistent with the low density suburban character of the Character zone precinct (CR1). No new use is introduced and no dual occupancy is created. We are satisfied the proposal is consistent with the purpose and overall outcomes of the zone code.

7.3 Stephens district neighbourhood plan code

The proposed boundary realignment is assessed against the Stephens district neighbourhood plan code as an impact assessable benchmark. The code's primary performance outcome relevant to this site concerns vehicle access to Ipswich Road; the subject site fronts Cavan Street and does not take access from Ipswich Road, so that provision is not engaged. The proposal is consistent with the overall outcomes of the neighbourhood plan code and we find no non-compliances arising from the boundary realignment.

7.4 Overlay codes:

7.4.1 Airport environs overlay code

The boundary realignment does not involve any building work or changes to built form, and no new structures are proposed as part of this reconfiguration. The Airport environs overlay code is engaged as an assessment benchmark; however, the proposal creates no new building envelope constraints that conflict with the overlay's height restriction or PANS-OPS surfaces, as any future development on the reconfigured lots will be subject to separate assessment at that time. We are satisfied the proposed boundary realignment complies with the Airport environs overlay code.

7.4.2 Community purposes network overlay code

The Community purposes network overlay code applies to the site. The proposed boundary realignment does not involve any material change of use, building work, or operational work that would affect the delivery, function, or accessibility of any community purposes network facility or land. The proposal is consistent with the intent of the overlay code and complies with its applicable provisions.

7.4.3 Critical infrastructure movement network overlay code

The Critical infrastructure movement network overlay code applies to the site. The proposed boundary realignment does not involve any development that would compromise the function, safety or integrity of critical infrastructure or movement network corridors. No works are proposed that would affect critical infrastructure, and the reconfigured lot layout maintains full access to Cavan Street. The proposal complies with the Critical infrastructure movement network overlay code.

7.4.4 Road hierarchy overlay code

The Road hierarchy overlay code applies to this site. The proposed boundary realignment does not involve any new road works, change in access arrangements, or increase in traffic generation. Both reconfigured lots retain their existing frontage and access to Cavan Street, a local residential street. The proposal complies with the Road hierarchy overlay code.

7.4.5 Streetscape hierarchy overlay code

The Streetscape hierarchy overlay code applies to the site by virtue of the Road hierarchy overlay and Streetscape hierarchy overlay both being mapped across the subject lots. The proposed boundary realignment does not involve any building work, new premises, or alteration to the existing streetscape presentation of the site. The existing dwelling house is retained entirely on proposed Lot 1, and the reconfigured lot layout does not alter the interface between the site and Cavan Street. We are satisfied the proposal complies with the Streetscape hierarchy overlay code.

7.4.6 Traditional building character (design) overlay code

The proposed boundary realignment does not involve any building work, demolition, or alteration to the existing pre-1947 dwelling house. The house is retained entirely on proposed Lot 1, and no works are proposed that would engage the design or demolition provisions of the Traditional building character overlay code. The proposal complies with the overlay code.

7.5 Secondary codes

7.5.1 Filling and excavation code

The proposed boundary realignment does not involve any filling or excavation works. No earthworks are proposed as part of this reconfiguration, and the lot layout does not require any change to existing ground levels. The proposal complies with the Filling and excavation code.

7.5.2 Infrastructure design code

The proposed boundary realignment does not involve the construction of any new roads, stormwater infrastructure, retaining walls or other civil works requiring assessment against the Infrastructure design planning scheme policy. Each proposed lot retains direct frontage to Cavan Street and will connect to existing reticulated services along that street. The proposal complies with the Infrastructure design code.

7.5.3 Landscape work code

The Landscape work code applies as a prescribed secondary code. The proposed boundary realignment does not involve any landscape works, removal of street trees, or alteration to existing landscaping. The code is satisfied.

7.5.4 Outdoor lighting code

The proposed boundary realignment does not involve any building work, installation of lighting infrastructure, or operational work that would introduce new outdoor lighting. The Outdoor lighting code is satisfied.

7.5.5 Park planning and design code

The Park planning and design code applies as a prescribed secondary code to this reconfiguring a lot application. The proposed boundary realignment does not involve the creation of a park, the dedication of land for park purposes, or any park-related infrastructure. The code's provisions are not engaged by this development and the proposal complies.

7.5.6 Stormwater code

The boundary realignment does not involve any earthworks, filling, excavation, or new impervious surfaces. Stormwater from the reconfigured lots will discharge to the kerb and channel along Cavan Street, consistent with the local topography, and both lots can connect to existing stormwater infrastructure servicing Cavan Street. We are satisfied the proposal complies with the Stormwater code.

7.5.7 Transport, access, parking and servicing code

The proposed boundary realignment does not generate any new lots, roads, access points or traffic-generating uses. Each reconfigured lot retains direct frontage to Cavan Street, and vehicle access to each lot can be achieved in accordance with the standards of the Transport, access, parking and servicing planning scheme policy. The proposal complies with the Transport, access, parking and servicing code.

7.5.8 Wastewater code

The proposed boundary realignment does not involve the construction of any new buildings, change of use, or increase in sewerage demand. Both reconfigured lots front Cavan Street and can connect to the existing reticulated sewerage infrastructure servicing the lots. The proposal complies with the Wastewater code.

8 CONCLUSION

This application seeks approval from Brisbane City Council for a Development Permit for a Reconfiguring a lot (2 into 2 lots) at 39 & 41 Cavan Street, Annerley QLD 4103, properly known as Lot 128 on RP37541, Lot 129 on RP37541.

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

- The development is a consistent with overall outcomes for the CR1 Character (Character);
- The proposed lots of 405m² each with a consistent average width of 10.05m are capable of accommodating a dwelling house in compliance with the applicable Character residential zone code and Subdivision code performance outcomes.
- The boundary realignment is consistent with the established subdivision pattern of the immediate streetscape, where approximately 8 of the 18 lots within 50m of the site's front boundary are around 10m wide.
- The existing pre-war dwelling house is retained entirely on proposed Lot 1, with all applicable overlay codes including the Traditional building character overlay code and the Airport environs overlay code capable of being satisfied.
- The proposed lots have direct frontage to Cavan Street with access to existing reticulated water, sewer and stormwater infrastructure, satisfying the infrastructure and services outcomes of the Subdivision code.
- The proposed was assessed against all of the Assessment Benchmarks which included the Acceptable Outcomes, Performance Outcomes, and Overall Outcomes of the Zone, Neighbourhood Plan, Overlays and Secondary Codes, and no significant planning issues were identified.

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.