

Good morning Andrew & Abby,

I hope you are both well. I wanted to provide a copy of my submission opposing the above development application which highlights my concerns. Please don't hesitate to contact me should you wish to discuss at any time.

SUBMISSION – DEVELOPMENT APPLICATION A007053441

7, 9 (Lots 41 and 42 on RP18687) and 11 (Lot 2 on RP55801) Baradine Street, Newmarket QLD 4051

I strongly object to the proposed development and request that Council refuse the application due to significant deficiencies in demonstrating compliance with the planning scheme particularly in relation to the proposed lot configuration, building envelopes, proposed use, site access and the intensity of development.

1. Lot 2 size

The proposed 249m² Lot 2 does not demonstrate compliance with the applicable requirements of the planning scheme.

In particular, the application fails to demonstrate compliance with AO4.3 of the Subdivision code which requires the provision of a 6m long by 3 equal chord truncation at the corner. This is not an optional design feature; it is a specific subdivision requirement that must be provided.

The stated area of 249m² therefore cannot be relied upon as demonstrating compliance with the applicable minimum lot size. Once the required truncation is correctly applied, Lot 2 is approximately 222m², being approximately 78m² below the 300m² minimum.

This represents a substantial, rather than minor, departure from AO1.1/PO1 of the Subdivision code and Infill housing zone precinct overall outcome 7(c) of the Character residential zone code (6.2.1.5) which clearly states "Development achieves a maximum dwelling yield of one dwelling per 300m² of site area".

A lot of approximately 222m² is materially inconsistent with the prevailing lot size and subdivision pattern contemplated by the planning scheme and has not been demonstrated to provide an outcome that complements the established streetscape, local context and character of the locality.

The proposed lot configuration is also the foundation for the dwelling subsequently proposed on Lot 2. Council should not approve a subdivision creating a materially undersized lot where the application has failed to demonstrate that the resulting lot achieves the applicable planning scheme outcomes or can accommodate development consistent with those outcomes.

2. Lot 2 crossover

The applicant has not adequately responded to Council's Information Request concerning the proposed 5m wide crossover, exceeding the otherwise applicable maximum 4m width.

The additional 1m of crossover width:

- unnecessarily impacts and removes kerbside parking capacity;
- has potential to adversely affect the existing street function and operation;
- has not been demonstrated to be necessary for the proposed dwelling house; and
- has not been demonstrated to avoid conflict with the location of a compliant crossover serving future Lot 3 (existing street tree and power pole).

The application does not provide an appropriately substantiated traffic engineering justification for this variation. In particular, no RPEQ traffic engineer appears to have been engaged to demonstrate that the additional width is necessary and that the proposed access arrangement will not prejudice the future lawful development and access of Lot 3.

Given the unusual configuration of the proposed lots and the unresolved future development of Lot 3, the 5m crossover should not be accepted without clear evidence establishing its necessity and compatibility with the ultimate development of the entire site.

3. Existing use and intensity of occupation has not been adequately established

The revised plans uploaded to Development.i on 7 August 2026 identify the retained structures as "EXISTING CHARACTER DWELLING (RETAINED)", "EXISTING PREWAR BUILDING RETAINED" and "EXISTING CHARACTER DWELLING TO REMAIN", while identifying the existing post-war building as "EXISTING POST WAR BUILDING TO BE DEMOLISHED, FLATS CONSTRUCTED in 1961".

However, the application does not adequately establish the existing lawful use and intensity of occupation of the retained building. Floor plans have not been provided that identify the rooms within the retained building, their proposed use, the number of bedrooms/sleeping rooms and the proposed number of occupants.

This information is necessary to establish whether the proposed development merely continues a lawful existing use or instead involves an increase or other material change in the intensity or scale of the use of the premises.

4. Lot 3 future dwelling house

No dwelling house application has been submitted for proposed Lot 3. While it is acknowledged that a future dwelling house application will be required due to the Traditional Building Character overlay, this does not remove the need for the current subdivision application to demonstrate that the proposed lot is capable of accommodating development consistent with planning scheme requirements.

Applying the minimum 6m front setback and 6m rear setback required leaves only 14.364m of the lot length available for a building envelope. This is less than the minimum 15m rectangle dimension

required by the Subdivision code. The application has not demonstrated that a suitably sized and appropriately configured dwelling house can be accommodated within this remaining area while also satisfying the other applicable planning scheme requirements, including those arising from the Traditional building character (design) overlay code.

It is notable that no dwelling house is proposed on Lot 3 as part of this application, notwithstanding that the proposed subdivision establishes the dimensions and constraints that will govern its future development. The omission appears tactical in that future development on Lot 3 would seek to rely upon the reduced secondary frontage setback to Badger Street proposed for Lot 2 to achieve minimum requirements.

Council should ensure that Lot 3 is capable of achieving a 6m front setback consistent with the established setback of the adjoining dwelling at 10 Badger Street, thereby maintaining an appropriate relationship with the existing streetscape and character of the locality. Council should therefore require the applicant to provide a building location envelope for Lot 3 in accordance with AO1.2 of the Subdivision code demonstrating a minimum 6m front setback and 6m rear setback, together with sufficient remaining area to accommodate a compliant dwelling house.

If the proposed subdivision cannot demonstrate that outcome, Lot 3 should not be created in its proposed form and the application should be refused.

5. Lot 2 "dwelling house"

The proposed dwelling house on Lot 2 raises significant concerns regarding both its actual potential intensity of occupation and its ability to achieve the planning scheme outcomes expected of a dwelling house within this locality.

The internal configuration of the proposed dwelling readily lends itself to occupation by five unrelated persons, with the layout capable of providing separate areas of accommodation that could readily facilitate rooming accommodation. This is particularly relevant given the applicant's demonstrated history of developing and operating properties for rooming accommodation.

The assessment should consider the actual development outcome capable of being achieved by the proposal, rather than simply accepting the description "dwelling house" on the application. The proposed plans should be assessed having regard to whether the built form, internal configuration and site characteristics are consistent with the stated use and the applicable planning scheme outcomes.

The proposed development (both Lot 1 and Lot 2) also fails to provide a backyard of sufficient depth to provide a meaningful area for tree planting and associated contribution to local amenity, shade, landscape character and air quality. The proposed backyard for Lot 2 is only approximately 3.027m deep, which does not provide the minimum 4m by 4m deep planting area necessary to accommodate trees contemplated by the planning scheme. The constrained backyard therefore materially limits the ability of the proposed lot to provide the landscape and private open space outcomes expected of residential development in this locality.

Further, the proposed 4m front setback to Baradine Street has not been demonstrated to comply with AO1.2 of the Traditional building character (design) overlay code. The proposed setback is not within 20% of the relevant average front setback established by the pre-1946 building to be retained and/or the adjoining pre-1946 built form at 15 Baradine Street.

This reduced setback is not merely a numerical variation. It places the proposed building substantially forward of the established traditional building line and has the potential to obstruct views to and diminish the visual prominence, setting and character of the two pre-1946 buildings. The proposal therefore fails to demonstrate the outcome sought by PO1 of the Traditional building character (design) overlay code, which seeks to ensure development is compatible with and maintains the traditional building character of the locality.

Taken together, the constrained backyard, inadequate opportunity for meaningful tree planting, reduced traditional building setback and internal configuration capable of accommodating five unrelated occupants demonstrate that the proposed Lot 2 dwelling is not simply a conventional dwelling house on an substantially undersized residential lot of 222m². The proposal seeks to maximise the development potential of an undersized allotment at the expense of the planning scheme outcomes relating to residential amenity, landscaping, streetscape character and traditional building character.

If Council is satisfied that the proposed use is a dwelling house, any approval should contain an enforceable condition or plan annotation expressly restricting the use of the premises to a dwelling house and requiring any future use as rooming accommodation to obtain separate planning approval.

In the absence of demonstrated compliance with these requirements and outcomes, the proposed Lot 2 dwelling and associated subdivision should be refused.

Conclusion

The deficiencies identified above are not matters of design preference. They concern whether the proposed development has demonstrated compliance with the applicable assessment benchmarks in the planning scheme and whether the proposed lots are capable of supporting the development outcome relied upon by the application.

In particular, the application has failed to adequately demonstrate:

- compliance of the proposed 222m² Lot 2 with the applicable minimum lot size, subdivision requirements and planning scheme outcomes;
- a compliant and practical access arrangement for Lot 2, including justification for the proposed 5m crossover and its compatibility with future access to Lot 3;
- the existing lawful use and proposed intensity of occupation of the retained building;
- that proposed Lot 3 can accommodate a compliant and appropriately sized dwelling house within the applicable setbacks and building envelope requirements; and
- that the proposed Lot 2 dwelling is consistent with a genuine dwelling house use and achieves the required outcomes for residential amenity, landscaping, tree planting and Traditional Building Character.

For these reasons, I request that Council refuse Development Application A007053441.

Should Council determine to approve this development application notwithstanding the matters and non-compliances outlined above, I acknowledge that I may have appeal rights available to me and will consider those rights should it become necessary.

Kind regards,

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