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TOWN PLANNING REPORT

**Development Application for a
Development Permit to
Reconfigure a Lot (One Lot into
Two Lots)**

23 Ben Street,
Chermside West QLD 4032
Lot 388 on RP106328

Our ref: STP5154



DOCUMENT CONTROL

QUALITY ASSURANCE

Project Manager	Alex Steffan Jack Denham	Director Undergraduate Town Planner
Prepared By	Jack Denham	Undergraduate Town Planner

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STEFFAN HARRIES

For the purposes of this document, The Trustee for M & R Trust & The Trustee for The AMS Trust Partnership is referred to as “Steffan Harries”

ABN 60 871 545 650

Website www.steffanharries.au

Email contact@steffanharries.au

Phone 07 3317 0042

Mail PO Box 6258, Fairfield Qld 4103

Visit Unit 4, 34 Old Cleveland Road, Stones Corner Qld 4120

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1 EXECUTIVE SUMMARY

This application seeks approval from Brisbane City Council for an Impact Assessable Development Permit for Reconfiguring a Lot (One Lot into Two Lots) at 23 Ben Street, Chermside West, formally described as Lot 388 on RP106328. The site is located within the Low Density Residential Zone and Aspley District Neighbourhood Plan area under Brisbane City Plan 2014 and has frontage to Ben Street and Maundrell Terrace.

The development will establish two vacant residential allotments of 450m² and 360m². The allotments are intended to accommodate future detached dwelling houses, with the existing Ben Street street tree retained and servicing arrangements established to support subsequent residential development.

The assessment identifies two principal departures from the acceptable outcomes of the identified assessment benchmarks of *City Plan 2014*:

1. The 360m² allotment does not meet the 400m² minimum under Overall outcome (5)(c)(i) of the Low Density Residential Zone Code, and
2. The proposed access to Maundrell Terrace does not meet AO3.3 of the Subdivision Code.

The reduced lot size is supported by the assessment of the applicable Subdivision Code dimensions as contained within Table 9.4,10,3,B, relevant Strategic Framework provisions and comparable local approvals as well as the balance of overall outcomes for development within the Low Density Residential Zone. The proposed access for Lot 2, complies with PO3(b), (c) and (d) of the Subdivision Code, with the existing median and traffic island restricting movements to left-in, left-out only and therefore, reducing conflicts with opposing traffic flows.

The report also addresses the identification of Maundrell Terrace for future infrastructure purposes and supports an outcome without frontage land dedication or a protection area, having regard to the infrastructure assessment and comparable approvals. Stormwater discharge is proposed to the Maundrell Terrace kerb and channel, with detailed engineering and water and sewer connection arrangements to be confirmed during the Operational Works phase of the construction process.

Overall, the assessment supports the proposal as a small-scale residential infill development consistent with the intended detached housing character of the locality. Approval is sought subject to reasonable and relevant conditions, with the identified departures addressed through the planning justification contained in this report and **Appendix B**.

2 APPLICATION SUMMARY

2.1 Site overview

Street Address	23 Ben Street, Chermide West QLD 4032
Real Property Description	Lot 388 on RP106328
Site Area	809m ²
Current Development	Dwelling house
Local Government Authority	Brisbane City Council
Applicable Planning Scheme	Brisbane City Plan 2014 (v36)
Planning Scheme: Area Classification	Low Density Residential Zone
Planning Scheme: Applicable Local Plan	Aspley District Neighbourhood Plan
Planning Scheme: Applicable Overlays	Airport environs, Bicycle network, Community purposes network, Critical infrastructure and movement network, Dwelling house character, Road hierarchy, Streetscape hierarchy.
Applicable Regional Plan	Southeast Queensland Regional Plan (ShapingSEQ)
Regional Plan Area:	Urban Footprint

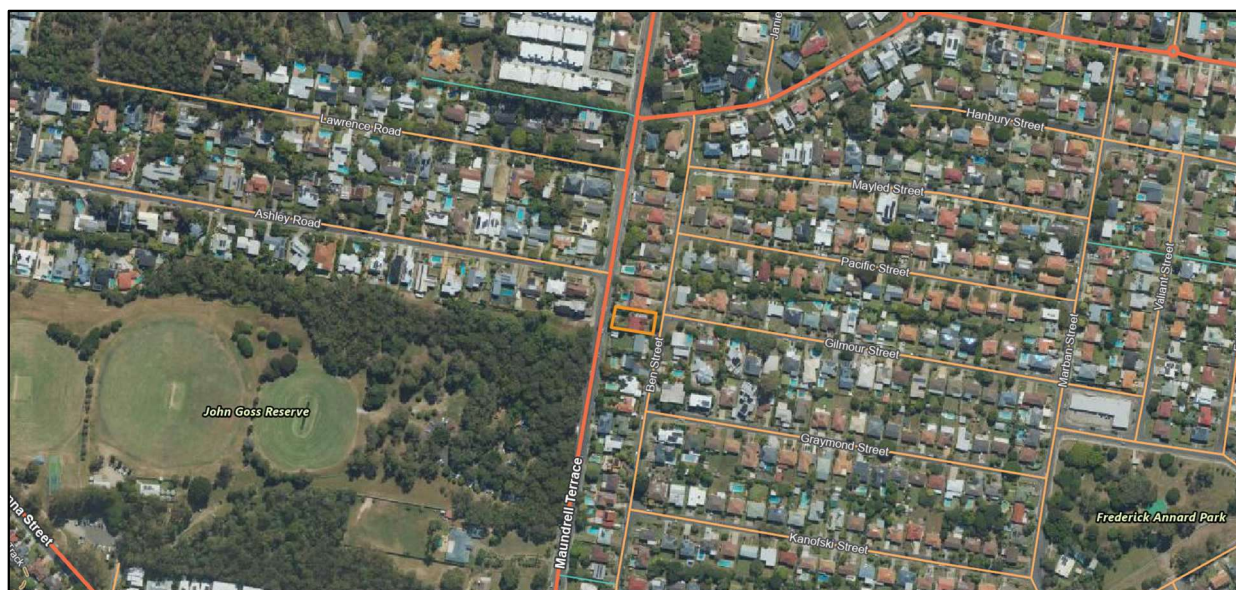


Figure 1: Location of the subject site. Shown in orange. **Source:** Queensland Globe

2.2 Application Details

Description of Proposal	Subdivision Development to Create Two New Allotments.
Type of Application	Reconfiguring a Lot (One Lot into Two Lots)
Level of Assessment	Impact Assessable
Applicant	Nadia Habibi Arehjan C/o Steffan Harries PO Box 6258 Fairfield Qld 4103
Contact Person	Jack Denham jack@steffanharries.au 07 3317 0042 www.steffanharries.au

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 Development – Base Fee	Impact Assessable	\$4,500.00
Applications involving impact assessable development – Other		\$3,900.00
TOTAL		\$8,400.00

2.5 Level of Assessment

Under the Table of Assessment for the Low Density Residential Zone (Part 5 of the *Brisbane City Plan 2014*), the proposed development 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: - less than 300m², where any part of the lot frontage is within 200m <u>walking distance</u> 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 <u>walking distance</u> 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 <u>rear lot</u>	- 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 23 Ben Street, Chermside West QLD 4032, formally described as Lot 388 on RP106328. The site falls within the Low Density Residential Zone and is within the Aspley District Neighbourhood Plan area.

3.1.2 Development site features

The site features a rectangular-shaped lot, with a total area of 809m² with an approximate average width of ~20.30m with a dual frontage to Ben Street and Maundrell Terrace. The property has a slight slope to the South-western corner of the site, averaging about 1m in fall across the diagonal extent of this region.

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



Figure 2: Aerial view depicting the subject site. **Source:** Google, Nearmap, or 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 existing Dwelling house land use.

3.2.2 Vehicular Access

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

3.2.3 Significant Vegetation

The subject site is clear of any significant vegetation but has one mature street tree within the verge along its frontage to Ben Street.

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 a Reconfiguring a Lot (One Lot into Two Lots) located at 23 Ben Street, Chermide West QLD 4032, formally described as Lot 388 on RP106328. Please find a set of proposed plans attached as **Appendix A** and an extract below.

Development Summary		
	Lot 1	Lot 2
Proposed Lot Sizes	450m ²	360m ²
Frontage Widths	20.117m	20.117m
Minimum Rectangle Dimension	6m x 15m	6m x 15m
Average Lot Width (excl. Rear Lots)	405m ²	
Existing/Proposed built improvements	Existing Dwelling House and associated outbuildings/structures are to be demolished.	
Lawful point of discharge	The lawful point of discharge will be the Maundrell Terrace kerb and channel – ultimately flowing to gully pit G14046135, downstream.	
Removal of street trees	No	
Crossovers	To be constructed with future land uses/buildings – existing crossover to Ben Street to be removed.	

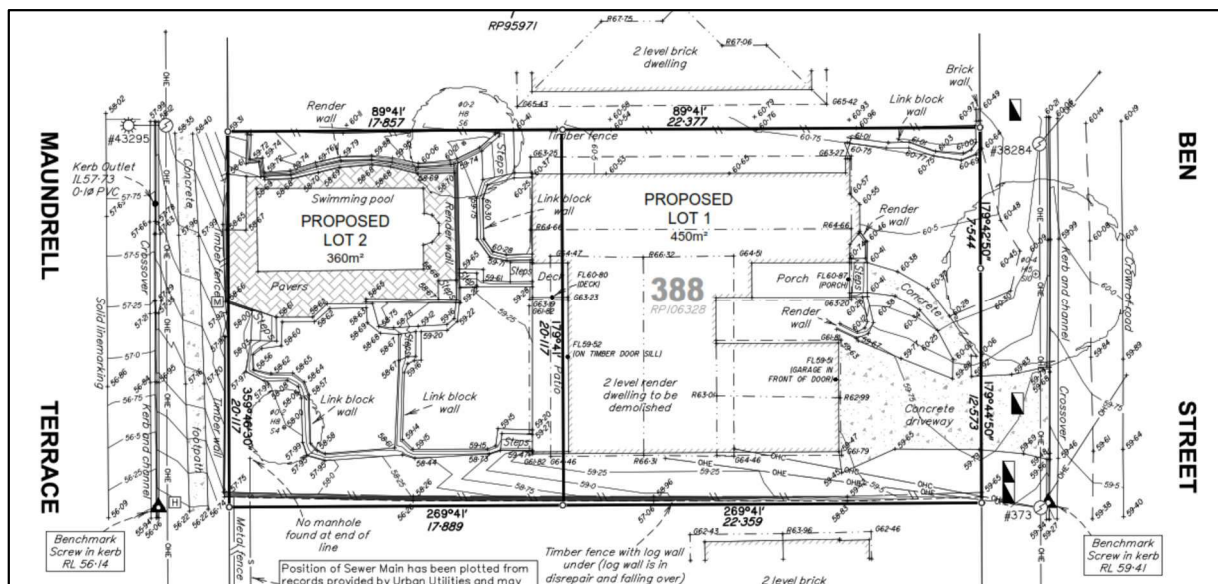


Figure 3: Image of proposed development. Not to scale. Source: AK Surveys

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* 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*. 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 a Reconfiguration of a Lot.

6.2 Brisbane City Plan 2014 Planning Provisions

6.2.1 Zone

The subject site is located within the Low Density Residential Zone as depicted in the below imagery.

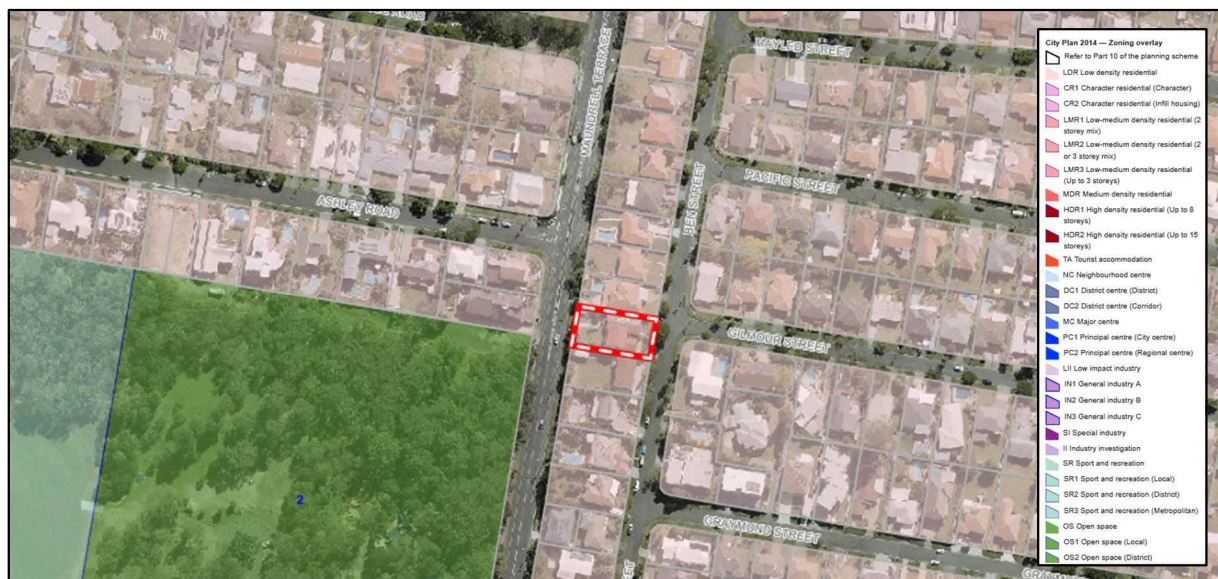


Figure 4: Aerial view depicting the zoning of the property. **Source:** Brisbane City Council

6.2.2 Overlays

Under the *Brisbane City Plan 2014*, 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)	Assessment Benchmark
Airport environs overlay - BBS zone - Distance from airport 8-13km - Procedures for air navigation surfaces (PANS) - OLS - Horizontal limitation surface boundary	Not applicable	-
Bicycle network overlay	Impact Assessable	Bicycle network overlay code
Community purposes network overlay	Not applicable – under s5.3.2(5) of <i>City Plan 2014</i>	-
Critical infrastructure and movement network overlay Critical infrastructure and movement	Not applicable	-

Table A – Overlay Assessment

Overlay	Assessment (assessed under Part 5 of the Brisbane City Plan 2014)	Assessment Benchmark
planning area sub-category		
Dwelling house character overlay	Not applicable	-
Road hierarchy overlay	Impact Assessable	Road hierarchy overlay code—purpose, overall outcomes and outcomes in sections C and D
Streetscape hierarchy overlay	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 Aspley District Neighbourhood Plan area and as such, under Table 5.9.5.B of *City Plan 2014*, the development requires assessment against the assessment benchmarks of the Aspley District Neighbourhood Plan Code.

6.2.4 Level of Assessment

Zone / Overlay	Categories of Development and Assessment	Assessment Benchmarks
Low Density Residential Zone	Assessable development—Impact assessment If a reconfigured lot is: - less than 300m², where any part of the lot frontage is within 200m <u>walking distance</u> 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 <u>walking distance</u> 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 <u>rear lot</u>	- 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*. The following planning scheme codes have been identified as Assessment Benchmarks:

- Low Density Residential Zone Code;
- Aspley District Neighbourhood Plan Code;
- Subdivision Code;
- Overlay codes, including:
 - Bicycle Network Overlay Code;
 - Road Hierarchy Overlay Code—purpose, overall outcomes and outcomes in sections C and D;
 - Streetscape Hierarchy Overlay Code—purpose, overall outcomes and outcomes in sections A and B;

- 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.

As noted within Part 5 of this planning report, the assessment of this application is limited to the above noted Assessment Benchmarks.

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

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	Element 1.1 – Brisbane as a centre for global business	No
	Element 1.2 – Brisbane's industrial economy	No
	Element 1.3 – Brisbane's population-serving economy	No
Theme 2: Brisbane's Outstanding Lifestyle	Element 2.1 – Brisbane's identity	Yes
	Element 2.2 – Brisbane's housing and accommodation choices	No
	Element 2.3 – Brisbane's healthy and safe communities	No
	Element 2.4 – Brisbane's community facilities, services, open space and recreation infrastructure	No
Theme 3: Brisbane's Clean and Green Leading Environmental Performance	Element 3.1 – Brisbane's environmental values	No
	Element 3.2 – Brisbane's environmental quality and sustainable design	No
	Element 3.3 – Brisbane's adaptation approaches	No
Theme 4: Brisbane's Highly Effective Transport and Infrastructure	Element 4.1 – Brisbane's transport infrastructure networks	Yes
	Element 4.2 – Brisbane's other infrastructure networks	No
	Element 4.3 – Brisbane's coordinated infrastructure planning and delivery	No
Theme 5: Brisbane's CityShape	Element 5.5 – Brisbane's suburban living areas	Yes

6.2.7 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 (One Lot into Two Lots) was found to be generally consistent with the intent of the *Brisbane City Plan 2014* 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 Lot Characteristics – Low Density Residential Zone Code OO(5)(c)

The proposed development does not conform to the requirements for 400m² minimum lot sizes under Overall outcome (5)(c) of the Low Density Residential Zone Code. Notwithstanding this, the development complies with:

1. **AO1.1 of the Subdivision Code**; which states that “*development provides lots with dimensions in compliance with Table 9.4.10.3.B*”. It is noted that the development is compliant with this table, as the average lot size is greater than 400m² for the development (calculated excluding rear lots) and all lots comply with minimum rectangle dimension and average lot width requirements. The proposed average lot size is 405m², with both lots meeting the minimum required average lot width and rectangle dimensions prescribed under this section of Table 9.4.10.3.B and outlined within this report.
2. **L4.1 of Element 5.5 of the Strategic Framework**; which states that “*Infill development is limited to instances where the resulting lot size reflects that which predominates in the neighbourhood*” where a site based precedent review has determined that the following lot sizes have been supported by *City Plan 2014* and are present within the Low Density Residential Zone of the Chermide West locality:
 - a. A005482753 (P&E No. 3251 of 2020) – which supported two new lots fronting Maundrell Terrace of sizes under 400m²; and
 - b. A004662593 – Which supported a two lot subdivision development where Proposed Lot 1 was under 400m²;
 - c. A005900655 – Which supported a two lot subdivision development where Proposed Lot 2 was under 400m²; and
 - d. A006170403 – Which supported a two lot subdivision development where both lots were significantly less than 400m².
3. **OO(4)(a) of the Low Density Residential Zone Code**; which seeks for development to provide for “*suburban living in dwelling houses of predominantly 1 or 2 storeys in height, on appropriately sized and configured vacant lots, which maintain the low density detached housing suburban identity of the Low density residential zone*”. It is considered that, in light of the Delegates Assessment Report for A005900655 and A006170403, that the proposed lot sizes are consistent with, and enable, suburban living of the type prescribed in OO(4)(a).
4. **OO(5)(a) of the Low Density Residential Zone Code**; which states “*Development is of a form and scale that reinforces a distinctive subtropical character of low rise, low density buildings set in green landscaped areas*”; as Proposed Lot 2 can support detached Dwelling Houses under the Dwelling House (Small Lot) Code and its associated assessment benchmarks.

Overall, given the above planning context, the development’s non-compliance with OO(5)(c) is warranted and the alternative outcome proposed is supported by prevailing components of *City Plan 2014*.

7.2 Access Arrangements to Maundrell Terrace (Major Road) – Subdivision Code AO3.3

The proposed development seeks to provide Proposed Lot 2 with future access capability to Maundrell Terrace, being a major road under *City Plan 2014*; which fails to conform to the requirements of AO3.3 of the Subdivision Code. Notwithstanding this, the development conforms to the requirements of PO3(b), (c) and (d) of the Subdivision Code, being that existing median and traffic island will restrict vehicle access to left-in, left-out only; preventing right-turn movements across opposing traffic lanes and reducing potential conflicts with through traffic. These arrangements support safe access for the expected vehicles while maintaining the safety and efficiency of the surrounding transport network for vehicles, buses, pedestrians and cyclists.

This outcome is considered an improvement on other existing approved access arrangements onto Maundrell Terrace and should be supported by Council.



Figure 5: Median Island within Maundrell Terrace. Shown in orange. **Source:** Queensland Globe

7.3 Long Term Infrastructure Plan, Road Widening – Subdivision Code AO4.1 and Road Hierarchy Overlay Code PO3

Maundrell Terrace is identified within Table 10.3.3 of *City Plan 2014*. Notwithstanding this, no frontage land dedication is proposed within this application; consistent with comparable approvals along Maundrell Terrace, including A004319210, A004980723 and A005482753, where dedication or protection was **not** required.

Having regard to this historical precedent set by Council, and the assessment identifying there are no additional land requirements under the balance of infrastructure plans, codes or planning scheme policies referenced by AO4.1, a frontage dedication or protection area is not considered necessary to enable proposed development to comply with AO4.1 of the Subdivision Code or PO3 of the Road Hierarchy Overlay Code.

8 CONCLUSION

The proposed reconfiguration of 23 Ben Street, Chermside West provides two residential allotments intended to accommodate future detached dwelling houses within an established suburban setting. The development has been assessed against the relevant State and local planning framework, including the Strategic Framework, Low Density Residential Zone Code, Aspley District Neighbourhood Plan Code, Subdivision Code and applicable overlay and secondary codes.

The assessment acknowledges the departure from the zone's 400m² minimum lot area and supports the proposed 360m² allotment having regard to its compliance with the applicable Subdivision code dimensions, capacity for residential development and the planning context established by comparable local approvals. The proposed access to Maundrell Terrace is supported through the assessment against PO3(b), (c) and (d) of the Subdivision Code, relying on the existing median and traffic island to restrict movements to left-in, left-out only.

The development also provides for no frontage land dedication or protection area in conformity to other similar development approvals along the same road corridor alignment and identifies a proposed lawful stormwater discharge arrangement and access to existing services, subject to detailed design and relevant servicing approvals during the Operational Works phase of the application process.

Having regard to these findings, the identified non-compliances are considered appropriate with regard to the greater context of the Planning Scheme; and the proposal is considered to provide an appropriate small-scale infill outcome for the locality.

Steffan Harries therefore respectfully requests that Brisbane City Council approve the application for a Development Permit for Reconfiguring a Lot (One Lot into Two Lots), subject to reasonable and relevant conditions.