



TOWN PLANNING REPORT

APPLICATION:

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT
Subdivision (2 into 3 lots)

LOCATED AT:

58-60 Port Street, Middle Park
(Described As Lot 545 and 546 on RP187524)

APPLICANT:

Kiet Han Huynh and Mai Thu Huyn-Tat

DATE:

13 April 2026

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EXECUTIVE SUMMARY

Allan Van Planning have been commissioned by the applicant Kiet Han Huynh and Mai Thu Huyn-Tat, to prepare an application seeking a Development Permit for Reconfiguring a Lot – Subdivision (2 into 3 lots) located at 58-60 Port Street, Middle Park (Refer to Proposal Plans prepared by Allan Van Planning in **Appendix A**).

Under the *Brisbane City Plan 2014*, the subject site is located within the Low Density Residential Zone. The Level of Assessment table of the Low Density Residential Zone prescribes Impact Assessment for Subdivision (2 into 3 lots), where lots are less than 400sqm.

The Centenary Suburbs Neighbourhood Plan does not alter the Level of Assessment for the proposed development.

The Overlays identified on the site do not alter the Level of Assessment for the proposed development.

The subject site is currently improved with a dwelling house centrally located on each property.

The proposed development consists of demolishing the existing dwelling houses and subdividing the site into three (3) lots, each with a minimum frontage of 13.1m and minimum area of 391sqm.

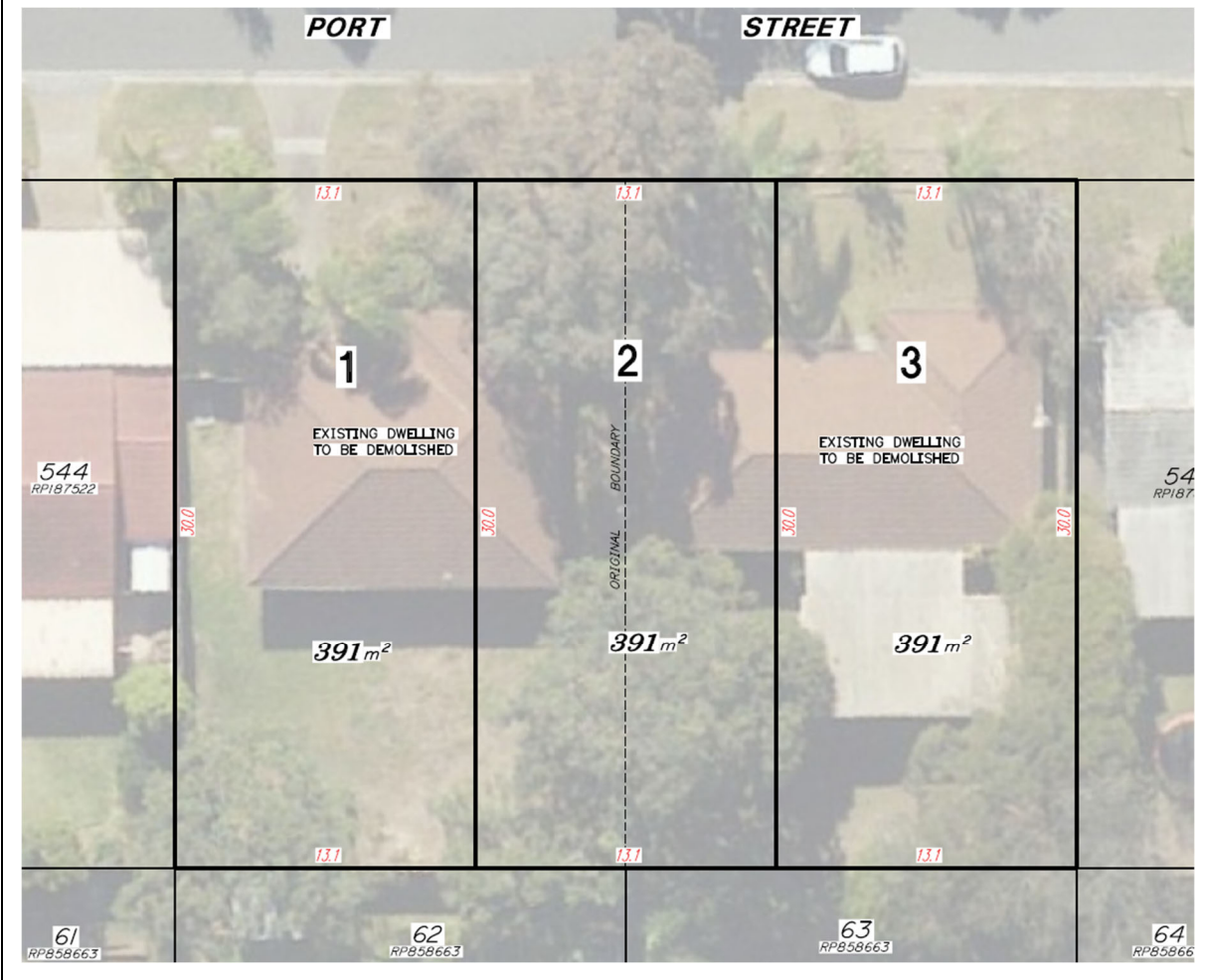
The scale of the proposed development is consistent with surrounding development and generally in accordance with the provisions of the *Brisbane City Plan 2014*. The proposed development also achieves the intent of the 'More Homes, Sooner' policy that is proposed by the Brisbane City Council to ease the current housing crisis.

A detailed assessment of the Performance Criteria for each of these items is provided in Code Compliance section of this report.

1 DEVELOPMENT SUMMARY

TABLE 1– Development Application Details		
Site Address	58-60 Port Street, Middle Park	
Real Property Description	Lot 545 and 546 on RP187524	
Area of Site	1,174m ²	
Applicant	Kiet Han Huynh and Mai Thu Huyn-Tat	
Zone	Low Density Residential Zone	
Neighbourhood Plan	Centenary Suburbs	
Overlays	Road, Streetscape Hierarchy	
Description of Proposal	Subdivision (2 into 3 lots)	
Proposal Details	Site Cover	Not applicable
	Building Height	Not applicable
	Existing Car Parks	Not applicable
	Proposed Car Parks	Not applicable
Application Type	Type of Approval Requested	
	Preliminary Approval	Development Permit
Material Change of Use		
Reconfiguring a Lot		✓
Building Work		
Operational Work		
Level of Assessment	Impact Assessment	
Pre-Lodgement/History	N/A	
Key Planning Issues	Lot size	
Referral Agencies	N/A	
Specialist Reports	N/A	
Public Notification	N/A	

IMAGE 1 – Site Plan



2 SITE INFORMATION AND ANALYSIS

The features of the site are described in the section below. The subject site is depicted in the aerial photograph below.



2.1 Physical Description

2.1.1 Topography and Vegetation

The site has a minor slope from front to rear and is void of any significant vegetation.

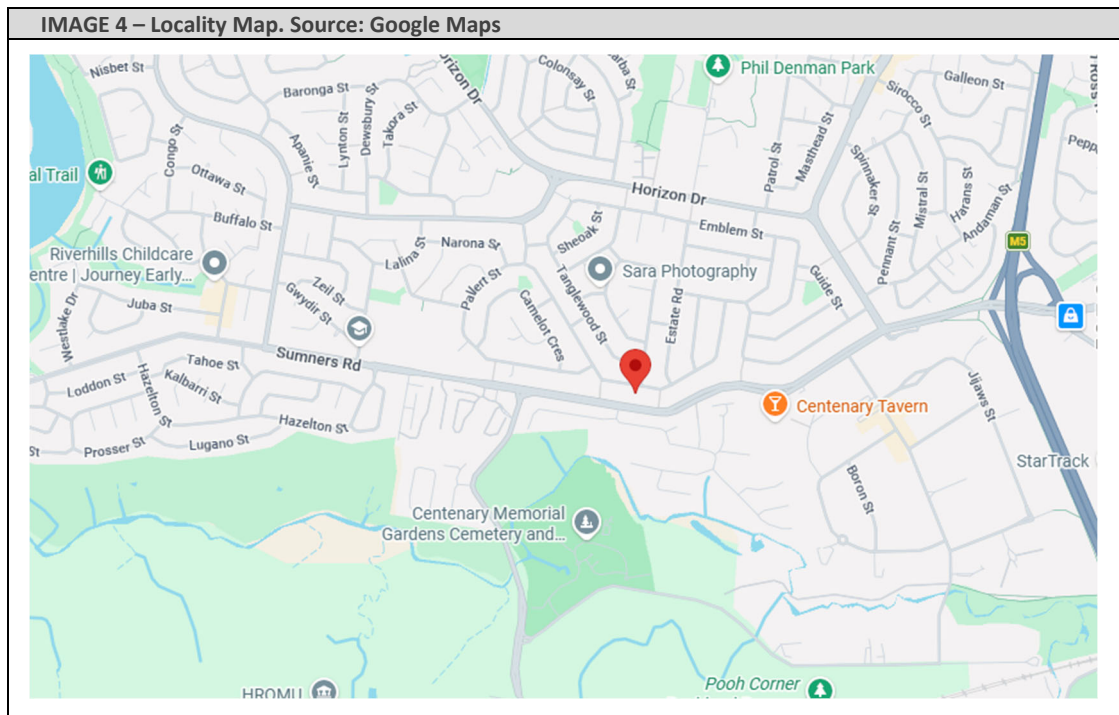
2.1.2 Environment

The subject site does not have any ecological or environmentally significant features that would be impacted by the proposed development.

2.1.3 Area and Site Frontage

The total site area is 1,174m² comprising of a rectangular shape. The site has a road frontage of 39.3 metres and an average depth of 30 metres.

2.1.4 Context – Surrounding Uses



Nearby land uses include dwelling houses on traditional and small lots. There are a number of recent subdivisions in the locality, which is altering the subdivision pattern to increase the density in the locality.

2.2 Existing Uses

2.2.1 Existing Improvements

The subject site is currently improved with a dwelling house centrally located on each property.

2.2.2 Existing Infrastructure

The site has existing connections to all basic infrastructure.

2.2.3 Site History

The subject site has no significant historical features relevant to the proposed development.

3 PRE-APPLICATION HISTORY

This section addresses the history of the subject site (including any previous applications / approvals) and identifies any pre-lodgement meetings / discussions regarding the proposed development.

3.1 Past Applications / Approvals

There are no previous development applications relevant to subdivision on the subject site.

3.2 Pre-Lodgement Meetings

The applicant did not engage in Pre-Lodgement discussions with Council Planning Officers in relation to the proposed development.

3.3 Pre-Lodgement Consultation – Agencies / Community

The applicant did not engage in any Pre-Lodgement meetings/discussions with the any Referral Agencies or the Local Community. The proposed development is not considered to be of a scale that would warrant community engagement during the planning and design phase.

4 PROPOSAL DESCRIPTION

The applicant seeks Council’s approval for Development Permit for Reconfiguring a Lot for Subdivision (2 into 3 lots) located at 58-60 Port Street, Middle Park in accordance with the Proposal Plans prepared by Allan Van Planning (Refer to **Appendix A**).

4.1 Proposal Detail

The proposed development consists of demolishing the existing dwelling houses and subdividing the site into three (3) lots, each with a minimum frontage of 13.1m and minimum area of 391sqm.

The proposed lots will be consistent with the outcomes of the Low Density Residential Zone by providing appropriately dimensioned lots capable of accommodating traditional backyards with large landscape trees.

Lot Summary			
	Frontage	Average Slope	Area
Lot 1	13.1m	1 in 25	391sqm
Lot 2	13.1m	1 in 25	391sqm
Lot 3	13.1m	1 in 25	391sqm

Whilst the proposed lots are slightly below the minimum lot size of 400sqm (9sqm short), the lots would be compliant with the minimum lot size if the property had a depth of **534mm** of the current configuration (refer to image below):



Whilst there is a minor non-compliance with lot area, the lots have an appropriate dimension to accommodate dwelling houses in accordance with the Dwelling house (small lot) code. In addition, the image above highlights that the slight lack of depth, compared to a 400sqm lot, would not be distinguishable when looking at the subdivision pattern of the locality (i.e. the lots are not significantly below the minimum lot size for the locality).

Refer to Proposal Plans in **Appendix A** for further details.

4.1.1 Car Parking

The proposed development provides a suitable area for car parking spaces to be accommodated on the subject site in accordance with the Code.

4.1.2 Road Network

The site has a frontage to a fully constructed road. The Road Hierarchy Overlay defines the road as a Neighbourhood Road. There are no know road widening requirements for the subject site.

The existing verge in the frontage of the site is approximately 3.4m wide. There are no footpaths in the vicinity of the subject site, therefore the further land dedication is not considered warranted in this instance.

4.1.3 Recreation / Landscaping Areas

Recreation areas are provided as part of the proposed development.

There are ample opportunities for landscaping throughout the site.

4.1.4 Infrastructure Arrangements

The site has access to all basic infrastructure expected in an urban locality. Minor fill will be provided to ensure the sites discharge stormwater into the kerb and channel at the front of the site.

4.2 Staging

The proposed development is not of a scale that warrants staging.

4.3 Summary of Supporting Specialist Reports

The conclusions of the Specialists Reports are provided below:

4.4 Approval Requirements

The proposed development will require Building Approval for the proposed demolition.

5 ASSESSMENT FRAMEWORK

This section addresses the statutory documentation relevant to the proposed development and the subject site.

5.1 State Framework

5.1.1 Planning Act 2016

The *Planning Act 2016* which replaced the *Sustainable Planning Act 2009* (SPA) on the 3 July 2017 provides the statutory planning framework for the State. The proposal will be assessed in accordance with the Development Assessment Rules under section 68(1) of the *Planning Act 2016*.

5.1.2 State Planning Policies

The *State Planning Policy 2017* was introduced on 3 July 2017, expressing the state’s interests in land use planning and development. The new State Planning Policy has replaced the *State Planning Policy 2006*.

Part E of the *State Planning Policy 2017* outlines the State interest policies and assessment benchmarks. These policies and assessment benchmarks are applicable to the assessment of development applications to the extent that the *State Planning Policy 2017* has not been identified in a local planning instrument.

Whilst the *State Planning Policy 2017* is not currently reflected in the *Brisbane City Plan 2014*, many of the basic policy outcomes from the previous SPP are reflected in the *Brisbane City Plan 2014* and therefore the development achieves the assessment be. As such, the State interest policies and assessment benchmarks in Part E of the *State Planning Policy 2017* are addressed below.

TABLE 2 – State Interest Policies and Assessment Benchmarks	
Planning for Liveable communities and housing	
Housing supply Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.	The proposed development is a minor infill residential development. The development provides the opportunity for additional housing within a locality well-connected to services, employment and infrastructure.
Liveable communities Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.	The proposed development is a minor infill residential development. The development will consolidate land within an existing settlement and create an efficient use of the established infrastructure and services.
Planning for economic growth	
Agriculture The resources that agriculture depends on are protected to support the long-term viability and growth of the agricultural sector.	The subject site is located in an urban environment and will not impact the long-term viability of the agriculture industry.
Development and construction Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.	The proposed development is a minor infill residential development. The development offers additional supply of housing to meet the existing demand in the locality.

<p>Mining and extractive resources Extractive resources are protected and mineral, coal, petroleum and gas resources are appropriately considered to support the productive use of resources, a strong mining and resource industry, economical supply of construction materials, and avoid land use conflicts where possible.</p>	<p>The subject site is located in an urban environment and will not impact the long-term viability of the mining and extractive resources industry.</p>
<p>Tourism Tourism planning and development opportunities that are appropriate and sustainable are supported, and the social, cultural and natural values underpinning tourism developments are protected.</p>	<p>The subject site is not located in a tourism based region of the state.</p>
<p>Planning for the environment and heritage</p>	
<p>Biodiversity Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.</p>	<p>The proposed development is a minor infill residential development. The development does not impact on any biodiversity or habitat areas.</p>
<p>Coastal Environment The coastal environment is protected and enhanced, while supporting opportunities for coastal-dependent development, compatible urban form, and maintaining appropriate public use of and access to, and along, state coastal land.</p>	<p>The subject site is not located in a coastal region of the state.</p>
<p>Cultural Heritage The cultural heritage significance of heritage places and heritage areas, including places of Aboriginal and Torres Strait Islander cultural heritage, is conserved for the benefit of the community and future generations.</p>	<p>The proposed development will not impact on areas identified as containing cultural heritage values.</p>
<p>Water Quality The environmental values and quality of Queensland waters are protected and enhanced.</p>	<p>Best practice principals through design and construction will ensure that the future use of the site will maximise the opportunity to recover and reuse stormwater and minimise discharging into the catchment.</p>
<p>Planning for safety and resilience</p>	
<p>Emissions and hazardous activities Community health and safety, and the natural and built environment, are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured.</p>	<p>The proposed development does not include a hazardous activity.</p>
<p>Natural hazards, risk and resilience The risks associated with natural hazards, including the projected impacts of climate change, are avoided or mitigated to protect</p>	<p>The subject site is not identified as being constrained by natural hazard areas.</p>

people and property and enhance the community's resilience to natural hazards.	
Planning for infrastructure	
Energy and water supply The timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled.	The proposed development is a minor infill residential development. The development will make an efficient use of existing infrastructure and the site is not located adjacent to any major infrastructure corridors.
Infrastructure Integration The benefits of past and ongoing investment in infrastructure and facilities are maximised through integrated land use planning.	The proposed development is a minor infill residential development. The development will make an efficient use of existing infrastructure and services available to the site.
Transport Infrastructure The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.	The proposed development is a minor infill residential development. The development will integrate into the existing transport network in the locality and benefit from nearby public passenger transport.
Strategic airports and aviation facilities The operation of strategic airports and aviation facilities is protected, and the growth and development of Queensland's aviation industry is supported.	The proposed development will not impact the safe operations to the surrounding strategic airports and aviation facilities.
Strategic ports The operation of strategic ports and priority ports is protected and their growth and development is supported.	The proposed development will not impact the safe operations to the surrounding strategic port.

5.1.3 Referral Agency Triggers

The Department of State Development, Infrastructure and Planning launched the State Assessment and Referral Agency (SARA). In accordance with the *Planning Act 2016*, a Referral Agency is responsible for the assessment of development application.

In accordance with the *Planning Regulation 2017*, the application does not trigger any referrals.

5.1.4 Shaping SEQ 2023

The subject property is identified in the *Shaping SEQ 2023* within the Urban Footprint regional land use category. Land within the Urban Footprint is intended to accommodate the full range of normal urban uses, such as housing, industry, business, infrastructure, community facilities and urban open spaces. The proposed development reflects residential infill development in keeping with the intent of the Urban Footprint.

5.2 Local Framework

5.2.1 Strategic Plan

The proposed development is directly consistent with the intent of the Low Density Residential Zone, therefore complement the Strategic Plan.

5.2.2 Zone

The subject site is located in the Low Density Residential Zone in the *Brisbane City Plan 2014*. The proposed development complies with the purpose of the Low Density Residential Zone by proposing appropriately sized and configured lots to accommodate dwelling houses in a low density living environment. Despite being slightly less than the minimum lot size, the proposed lots are sufficient to accommodate a dwelling house and allows for traditional backyards capable of accommodating large shade trees.

The 'Development Form' Overall Outcomes of the Low Density Residential Zone Code are assessed below:

Overall Outcome	Applicant Response
a. Development is of a form and scale that reinforces a distinctive subtropical character of low rise, low density buildings set in green landscaped areas.	The proposed lot sizes will be capable of accommodating dwelling houses in accordance with the Small Lot Code criteria and have sufficient space for landscaped areas around the dwellings.
b. Development for a dwelling house is of a height, bulk, scale and form which is compatible with the low density detached housing suburban identity of the Low density residential zone.	Will comply with Dwelling Houses being designed in accordance with the Small Lot Code.
c. Development for a dwelling house occurs on appropriately sized and configured lots, and: <ul style="list-style-type: none"> i. where not on a rear lot, has a minimum lot size of 400m²; ii. where on a rear lot, has a minimum lot size of 600m²; iii. maintains a block pattern that accommodates traditional backyards and large trees. 	The proposed lots are appropriately sized and configured to accommodate dwelling houses. The subject site would require a further 534mm in depth to achieve the minimum lot size of 400sqm, which would not be a shortfall that would be recognisable in the context of the subdivision pattern of the greater area.
d. Development supports a subtropical character by ensuring that a dwelling house on a small lot is of a size and scale that minimises negative impacts on amenity and private open space of other dwellings by maintaining access to sunlight, daylight and privacy.	Will comply with Dwelling Houses being designed in accordance with the Small Lot Code.
e. Development of a dwelling house on a small lot comprising a new premises or an increase in gross floor area of an existing premises is located within a defined building envelope that:	Will comply. The subject site is not impacted by natural hazards. The future Dwelling Houses will be designed in accordance with the Small Lot Code, which ensures there is space for a 'backyard' and landscaped areas.

<ul style="list-style-type: none"> i. provides safety from fire hazards; ii. maximises the retention of backyard spaces as private landscaped space; iii. avoids overbearing development involving bulk or setback which is inconsistent with the character of a dwelling house on an adjoining lot. 	
<p>f. Development responds to land constraints, mitigates any adverse impacts on environmental values and addresses other specific characteristics, as identified by overlays affecting the site or in codes applicable to the development.</p>	<p>Not applicable. The subject site does not have any environmental constraints.</p>

5.2.3 Neighbourhood Plan

The subject site is located in the Centenary Suburbs Neighbourhood Plan in the *Brisbane City Plan 2014*. The site is not located in a specific precinct of the Neighbourhood Plan, therefore the Neighbourhood Plan does not prescribe additional assessment criteria for the site.

5.2.4 Codes

TABLE 3 – Applicable Codes	
Development Code	
Subdivision Code	Full assessment provided in Appendix B
Overlay Codes	
Airport environs overlay BBS zone – distance from airport 3-8km PANS	The proposed development is <u>not</u> an aspect of development triggered for assessment against this overlay in the level of assessment table, therefore the Code does not apply to the assessment of this application.
Community purposes network overlay	The proposed development is <u>not</u> an aspect of development triggered for assessment against this overlay in the level of assessment table, therefore the Code does not apply to the assessment of this application.
Critical infrastructure and movement network overlay Critical infrastructure and movement planning area sub-category	The proposed development is <u>not</u> an aspect of development triggered for assessment against this overlay in the level of assessment table, therefore the Code does not apply to the assessment of this application.
Dwelling house character overlay	The proposed development is <u>not</u> an aspect of development triggered for assessment against this overlay in the level of assessment table, therefore the Code does not apply to the assessment of this application.
Road hierarchy overlay	Full assessment provided in Appendix B
Streetscape hierarchy overlay	Full assessment provided in Appendix B
Prescribed Secondary Codes	
Child Care Centre Code	Not applicable. The proposed development is not for the purpose of a Child Care Centre.
Filling an Excavation Code	Not applicable. No earthworks are being proposed.
Infrastructure Design Code	Full assessment provided in Appendix B

TABLE 3 – Applicable Codes	
Landscape Code	Not applicable. The proposed development does not include landscaping.
Multiple Dwelling Code	Not applicable. The proposed development is not for the purpose of Multiple Dwellings.
Outdoor Lighting Code	All outdoor lighting will be designed in accordance with the minimum requirements of this Code. A full assessment has <u>not</u> been provided.
Park Planning and Design Code	Not applicable. The propose development is not a park.
Stormwater Code	Full assessment provided in Appendix B
Transport, Access, Parking and Servicing Code	The proposed development is capable of achieving the minimum requirements of the Code. A full assessment has <u>not</u> been provided.
Wastewater Code	Not applicable. The subject site has access to sewer mains.

6 CONCLUSION

This report was prepared by Allan Van Planning on behalf of Kiet Han Huynh and Mai Thu Huyn-Tat, in support of an application seeking a Development Permit for Reconfiguring a Lot – Subdivision (2 into 3 lots) located at 58-60 Port Street, Middle Park.

The applicant contends that Council should favourably consider this development application on a planning merit basis for the following reasons:

- The proposed use is consistent with the intent of the zone;
- The minor shortfall in lot area will not impact the ability for the lots to accommodate dwelling houses;
- The proposed lots have suitable dimensions for a dwelling house and landscaped backyard;
- The minor shortfall in site depth (534mm) would not be distinguishable in the context of the subdivision pattern for the locality;
- The proposed development will create a safe and comfortable living environment for future uses; and
- The subject site is well located in terms of access to urban facilities, major employment and public transport.

In summary, the proposal is considered to have sufficient planning merit to justify Council's favourable consideration, and that the application is recommended for approval subject to reasonable and relevant conditions.