

Our ref: TLXQ50



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Date: 21 August 2026

Brisbane City Council  
GPO Box 1434  
Brisbane Qld 4001

Via Online Lodgement

Dear Sir / Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT)**  
**125 and 133 Carbine Road, Upper Brookfield (Lot 1 on SP119377 and Lot 2 on SP284890)**

On behalf of Georgia Felton, we write to lodge a Development Application for a **Development Permit for Reconfiguring a Lot for a Boundary Realignment** over land located at 125 and 133 Carbine Road, Upper Brookfield (Lot 1 on SP119377 and Lot 2 on SP284890) (herein referred to as 'the site').

The proposal seeks to realign the boundary between two residential properties so that an existing fire trail, which currently traverses both lots, is contained wholly within the property it services, being 125 Carbine Road (Lot 2 on SP284890). Lot 1 on SP119377 has its own separate access/fire trail. This arrangement would facilitate easier future maintenance and access to the fire trail, thereby improving fire safety outcomes. An in-principle agreement has been reached between the two landowners, and the proposal involves a land swap so that both lots retain their existing area.

The proposed development involves "rearranging the boundaries of a lot" and is therefore defined as a Reconfiguring a Lot under Schedule 2 of the *Planning Act 2016*. Table 5.6.1 of the *Brisbane City Plan 2014* (herein referred to as the Planning Scheme) states that a Reconfiguring a lot in the Rural Zone is subject to impact assessment.

The details of the proposed development application are provided herein and in the following supporting information:

- **Attachment A:** Development Application Form, Owners Consent and Current Title Search (CTS)
- **Attachment B:** Proposal Plan

## SITE & APPLICATION DETAILS

**Table 1 Site Details**

|                           |                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                   | 125 Carbine Road, Upper Brookfield<br>133 Carbine Road, Upper Brookfield                                                                                                                                                                                                                                                                                                                                 |
| Real Property Description | Lot 2 on SP284890<br>Lot 1 on SP119377                                                                                                                                                                                                                                                                                                                                                                   |
| Easements                 | <b>Lot 1 on SP119377</b> <ul style="list-style-type: none"><li>Easement A on SP119377(No 703466203), burdening the land to Lot 2 on SP119377 for Access</li></ul> <b>Lot 2 on SP284890</b> <ul style="list-style-type: none"><li>Easement C on SP119377 (No 703466201) burdening the land to Lot 1 on SP119377 over for services</li></ul> Lots 1 and 2 also benefit from access Easement B on SP119377. |
| Site Area                 | ~2.7 hectares (Lot 2)<br>~4.02 hectares (Lot 1)                                                                                                                                                                                                                                                                                                                                                          |
| Regional Plan             | ShapingSEQ 2023 <ul style="list-style-type: none"><li>Regional Landscape and Rural Production Area</li></ul>                                                                                                                                                                                                                                                                                             |
| Local Government          | Brisbane City Council                                                                                                                                                                                                                                                                                                                                                                                    |
| Planning Scheme           | City Plan 2014                                                                                                                                                                                                                                                                                                                                                                                           |
| Zone                      | RU Rural<br>EM Environmental Management<br><i>Refer Figure 3.</i>                                                                                                                                                                                                                                                                                                                                        |
| Overlays                  | <ul style="list-style-type: none"><li>Biodiversity Areas Overlay</li><li>Bushfire Overlay</li><li>Critical Infrastructure and Movement Network Overlay</li><li>Road Hierarchy Overlay</li><li>Streetscape Hierarchy Overlay</li><li>Waterway Corridor Overlay</li><li>Flood Overlay (SP119377 Only)</li></ul>                                                                                            |

**Table 2 Application Details**

|                     |                                                                                                |
|---------------------|------------------------------------------------------------------------------------------------|
| Applicant           | Georgia Felton c/- RPS AAP Consulting Pty Ltd                                                  |
| Owners              | Daniel and Georgia Felton<br>Nola and Bruce Donaldson                                          |
| Assessment Manager  | Brisbane City (BCC) Council                                                                    |
| Description         | Reconfiguring a Lot (ROL) for a boundary realignment between two rural residential properties: |
| Application Type    | Impact Assessable                                                                              |
| Public Notification | Required                                                                                       |
| Referral Agency     | This application does not trigger referral.                                                    |



Figure 1: Aerial image with easements and road reserve

## PROPOSAL

This Development Application seeks to realign the common boundary between 125 Carbine Road (Lot 2 on SP284890) and 133 Carbine Road (Lot 1 on SP119377). The purpose of the realignment is to formalise an existing fire trail that currently traverses both properties and is required solely for the benefit of Lot 2 on SP284890. The proposal will locate the fire trail entirely within 125 Carbine Road, where it is utilised, thereby enabling improved and lawful access and maintenance.

There is currently an in-principal agreement between the landowners of 125 and 133 Carbine Road to proceed with a land swap, with both lots retaining their existing land area. It is proposed to exchange the areas shown in orange on the proposed plan, with the fire trail shown in green. Refer to Figure 1 below and Attachment A for the proposed plan. The land swap is intended to reflect the existing on-ground arrangement.

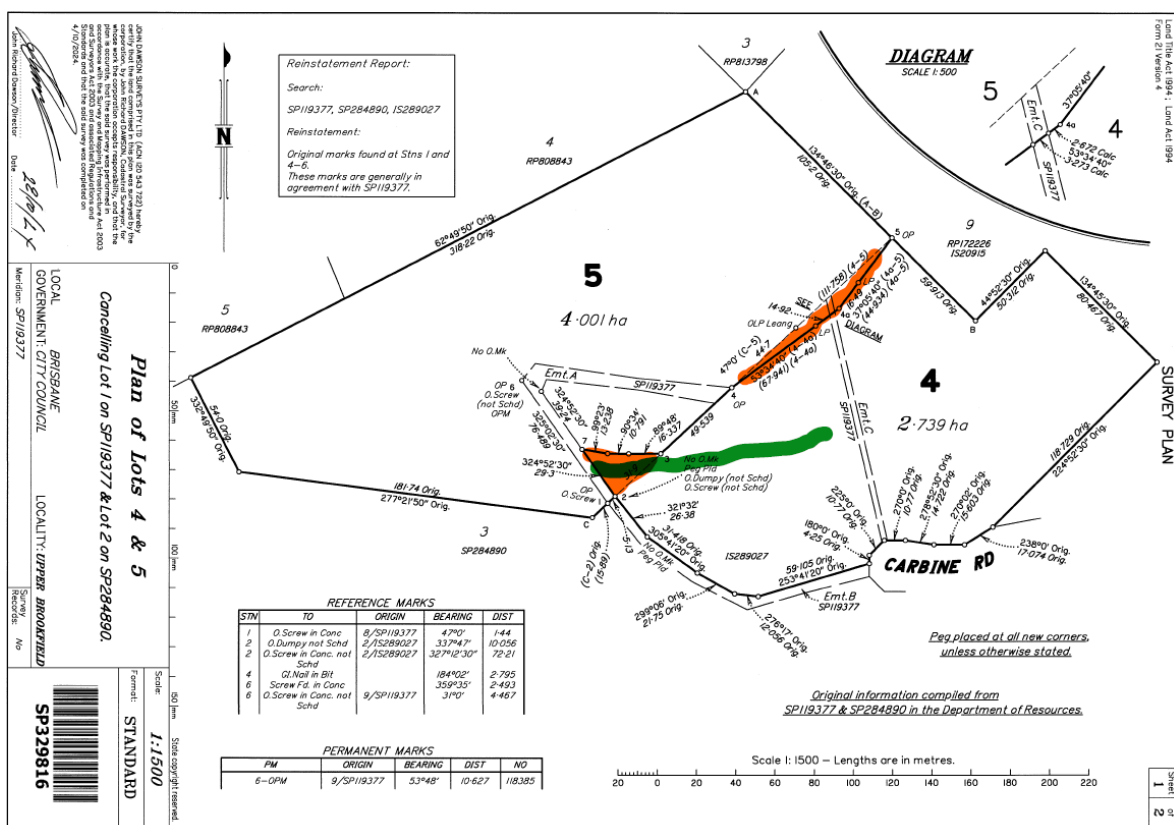


Figure 2 - Proposed Plan of Land Swap

The proposed boundary realignment will result in slightly irregular lot shapes; however, the area of each lot will remain unchanged. Given the rural location and the relatively large lot sizes, this minor irregularity is not expected to affect the practical use of the land. It is also unlikely to affect future subdivision potential, having regard to the development constraints associated with the Environmental Management and Rural zones.

The proposal is a titling arrangement only, with no physical works proposed. Accordingly, it will not impact the existing land overlays.

## STATUTORY ASSESSMENT

This section assesses the application against relevant assessment benchmarks.

As the application is subject to impact assessment, the assessment benchmarks, and the matters the assessment manager must have regard to, are those identified in section 45(5) of the *Planning Act 2016* and section 30 and 31 of the *Planning Regulation 2017*.

As Brisbane City Council is the assessment the relevant local authority categorising instrument is the *Brisbane City Plan 2014*.

### State and Regional Assessment Benchmarks

#### Regional Plan

The *Planning Regulation 2017* at Section 30(1)(a)(i) requires the assessment manager to assess the application against the assessment benchmarks stated in the regional plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme.

The subject site is within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan 2009-2031.

**Table 3: Regional Plan Response**

| Regional Plan                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| South East Queensland Regional Plan 2009-2031 | <p>The subject site is located within the Regional Landscape and Rural Production Area of the <i>South East Queensland Regional Plan 2009-2031</i> (Regional Plan).</p> <p>The Regional Landscape and Rural Production Area of the SEQ Regional Plan seeks to protect land with significant environmental, landscape and rural production values from inappropriate encroachment and to support the ongoing sustainable use and management of those areas. In this context, the proposed boundary realignment, which simply formalises an existing fire trail within the lot it serves, is not inconsistent with that intent, as it does not introduce an additional use, intensify development, or compromise the rural or environmental function of the land. Rather, the proposal reflects the existing on-ground arrangement and improves practical access and maintenance.</p> |

*Note: The proposed boundary realignment is defined as an 'exempt subdivision' under section 23(2)(a), Division 1, Part 16, Schedule 10 of the Planning Regulation 2017, as it does not create a new lot. It is therefore not prohibited development in the SEQ Regional Landscape and Rural Production Area.*

#### State Planning Policy

The Planning Regulation 2017, at Section 30(2)(a)(ii) for impact assessment, requires the assessment manager to assess the application against the assessment benchmarks stated in the State Planning Policy, Part E, to the extent Part E of the State Planning Policy is not identified in the planning scheme as being appropriately integrated into the planning scheme.

The planning scheme already appropriately integrates the regional plan, and accordingly the assessment benchmark in section 30(2)(a)(ii) does not apply to the extent those matters are already reflected in the planning scheme.

#### Temporary State Planning Policy

The *Planning Regulation 2017* requires the assessment manager to assess the application against the assessment benchmarks stated in any temporary State Planning Policy applying to the premises.

In this instance no temporary State planning policies apply.

## Development Assessment under Schedules 9 and 10 (SDAP)

*Schedules 9 and 10* of the *Planning Regulation 2017* identify the matters to which the assessment manager and/or referral agency must have regard.

The proposed boundary realignment is an 'exempt subdivision' under *Part 16, Schedule 10* of the *Planning Regulation 2017*, as it does not create a new lot. It is therefore not classified as 'prohibited' development in the *SEQ Regional Landscape and Rural Production Area*.

The proposal is subject to impact assessable, as the reconfiguration of a lot is less than 10ha within the Environmental Management zone and the Rural zone. It is assessable under the relevant local categorising instrument and does not fall within Schedule 6, which prohibits a local categorising instrument from identifying it as assessable development, nor Schedule 7, relating to accepted development.

## Local Authority Assessment Benchmarks

### Local Planning Instrument – *Brisbane City Plan 2014*

The proposed development involves "rearranging the boundaries of a lot" and is therefore defined as a Reconfiguring a Lot under Schedule 2 of the *Planning Act 2016*. Table 5.6.1 of the *Brisbane City Plan 2014* (herein referred to as the *Planning Scheme*) states that a Reconfiguring a lot in the Rural Zone is subject to impact assessment.

The relevant assessment benchmarks under *Brisbane City Plan 2014* are:

- The planning scheme including
  - Zone codes:
    - Environmental management zone code
    - Rural zone code
  - Use codes:
    - Subdivision code
  - Overlay codes
    - The proposal is a titling arrangement only, with no physical works proposed. Accordingly, it will not impact the existing land overlays.
  - Prescribed secondary codes:
    - The proposal is a titling arrangement only, with no physical works proposed. Accordingly, it will not impact on matters addressed with the prescribed secondary codes.

## Zone Code Assessments

The site is located within the Rural Zone and the Environmental Management Zone. Lot 1 on SP119377 is predominantly within the Environmental Management Zone, with the balance of the site along the southern and western boundaries within the Rural Zone. Lot 2 on SP284890 is predominantly within the Rural Zone, with a small portion of Environmental Management Zone located in the north-western area of the property.

The purpose of the Environmental Management Zone is to identify environmentally sensitive areas and provide for their protection from urban and industrial activities. The proposed boundary realignment will not result in any tangible impact to the site or otherwise detract from the intent of the zone. Accordingly, the proposal is considered consistent with the Environmental Management Zone.

The purpose of the Rural Zone is to provide for rural uses and activities, and for other uses and activities that are compatible with existing and future rural uses and activities, as well as the character and environmental features of the zone. The proposed boundary realignment will not result in any tangible impact to the site or otherwise detract from the intent of the zone. Accordingly, the proposal is considered consistent with the Rural Zone.



Figure 1 Planning Scheme Zoning

## Subdivision Code

Section 9.4.10.2 Subdivision Code states that the “*The purpose of the Subdivision code is to regulate development for reconfiguring a lot.* This is achieved through the following outcomes:

*Development for reconfiguring a lot results in lots and an arrangement of lots that:*

- i. Achieve the relevant outcomes and comply with the standards required by the planning scheme for the zones, zone precincts, neighbourhood plans and overlays that apply to the site;*
- ii. accommodate lawful uses;*
- iii. are of an appropriate size, dimensions and arrangement suited to their intended use and proximity to infrastructure, services and facilities needed by the development;*
- iv. are arranged and configured to complement the pattern of development in the locality;*
- v. address development constraints that impact land use and development and mitigate adverse impacts to character and environmental values.*

Given that the proposed development is for a Boundary Realignment only, an assessment against all Performance Outcomes is not necessary. In lieu of a full code assessment, we provide an assessment against relevant items in **Table 9.4.10.3.A - Additional performance outcomes and acceptable outcomes for reconfiguring a lot identified in involving:**

- a. rearranging the boundaries of a lot; or*
- b. volumetric format plan subdivision; or*
- c. a site in 2 or more zones, zone precincts, neighbourhood plan precincts or overlay sub-categories.*

This assessment demonstrates compliance with the Purpose of the Code in Table 4 below and an assessment against specific relevant Performance Outcomes in Table 5 below.

**Table 4 Assessment against Overall Outcomes**

| Overall Outcome                                                                                                                          | Response              |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| a. Development for reconfiguring a lot proposed in conjunction with or subsequent to a material change of use maintains or improves the: | <b>Not Applicable</b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>i. landscape and built form character, environmental and other values of the site or locality;</li> <li>ii. safe and efficient operation of existing and future lawful uses and activities on the site or adjacent premises;</li> <li>iii. amenity of intended uses and existing surrounding residential uses;</li> <li>iv. comfort, quiet, privacy and safety (including the impacts of glare, odour, light, noise, traffic, parking, servicing and hours of operation) reasonably expected in the zone or zone precinct that applies to the site.</li> </ul>                                                                                                                                                                                                                       | <p>The proposed ROL does not change the landscape, existing or future use, or amenity of lots. There is no impact to the site or locality.</p>                                                                                                                                   |
| <p>b. Development for reconfiguring a lot results in lots and an arrangement of lots that:</p> <ul style="list-style-type: none"> <li>i. achieve the relevant outcomes and comply with the standards required by the planning scheme for the zones, zone precincts, neighbourhood plans and overlays that apply to the site;</li> <li>ii. accommodate lawful uses;</li> <li>iii. are of an appropriate size, dimensions and arrangement suited to their intended use and proximity to infrastructure, services and facilities needed by the development;</li> <li>iv. are arranged and configured to complement the pattern of development in the locality;</li> <li>v. address development constraints that impact land use and development and mitigate adverse impacts to character and environmental values.</li> </ul> | <p><b>Complies</b></p> <p>The proposed ROL realigns the property boundary between two lots. The land use of each lot does not change. Both lots remain the same area, and are compliant with Overall Outcome B.</p>                                                              |
| <p>c. Development for reconfiguring a lot under the <i>Land Title Act 1994</i> and the <i>Body Corporate and Community Management Act 1997</i> occurs in a manner that achieves good urban design outcomes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>Complies</b></p> <p>The proposed ROL facilitates the formalisation of an existing fire trail, which currently traverses two properties, so that it is located wholly within 125 Carbine Road. This will enable improved access to, and maintenance of, the fire trail.</p> |
| <p>d. Development for reconfiguring a lot associated with or resulting from a material change of use provides lots and arrangement of lots for the purposes of titling and any easement relevant to the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Not Applicable</b></p> <p>No material change of use is required. Existing easements 703466201, 703466203, and 703466205, remain in place.</p>                                                                                                                              |
| <p>e. Development for reconfiguring a lot of an existing building and associated land can be separately titled either in freehold or other title forms.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Not Applicable</b></p> <p>The proposed ROL does not propose any changes to title.</p>                                                                                                                                                                                      |
| <p>f. Development for reconfiguring a lot relating to existing or approved buildings does not apply to the reconfiguring a lot of a dwelling house in a zone in the Residential zones category and a dwelling house, including the main dwelling, plus any secondary dwelling or ancillary outbuildings, in a zone in the residential zones category is always to remain as a sole lot by any title or tenure.</p>                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Not Applicable</b></p> <p>Proposed ROL is not related to an existing or approved building. As the site is located in the Environmental Management Zone and Rural Zone this does not apply.</p>                                                                             |
| <p>g. Development for reconfiguring a lot provides infrastructure and services that:</p> <ul style="list-style-type: none"> <li>i. comply with the relevant standards in the planning scheme;</li> <li>ii. effectively integrate with existing and planned infrastructure and services to the extent these are identified or necessary to support the development for its intended purpose;</li> <li>iii. maximise the quality and utility of the public realm.</li> </ul>                                                                                                                                                                                                                                                                                                                                                  | <p><b>Not Applicable</b></p> <p>The proposed ROL does not impact the existing infrastructure and services for each property.</p>                                                                                                                                                 |

**Table 5 Assessment against relevant Performance Outcomes**

| Performance Outcome | Response                                                                                                                                          |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PO6</b>          | <p><b>Complies</b></p> <p>The proposed ROL facilitates the formalisation of an existing fire trail, which currently traverses two properties,</p> |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Development ensures that any rearrangement of a lot boundary:</p> <ul style="list-style-type: none"><li>a. does not create additional lots;</li><li>b. wholly contains infrastructure and services within the lot they serve;</li><li>c. results in lots having a dimension, arrangement and size that maintains or improves consistency with the:<ul style="list-style-type: none"><li>i. character intended for the locality;</li><li>ii. outcomes of the zones, zone precincts, neighbourhood plans and overlays applicable to the site.</li></ul></li></ul>                                                 | <p>so that it is located wholly within 125 Carbine Road. This will enable improved access to, and maintenance of, the fire trail. Infrastructure services remain within the lots they serve.</p>                                                                      |
| <p><b>PO7</b></p> <p>Development ensures that volumetric format plan subdivision and any associated statutory easements:</p> <ul style="list-style-type: none"><li>a. facilitate efficient development;</li><li>b. ensure reasonable and practical access to services, facilities and infrastructure appropriate to the current and any intended future use of the premises;</li><li>c. are in accordance with an existing development approval or approved building;</li><li>d. are consistent with the outcomes of the zones, zone precincts, neighbourhood plans and overlays applicable to the site.</li></ul> | <p><b>Not Applicable</b></p> <p>The proposal is for a boundary realignment and does not involve any volumetric format plans.</p>                                                                                                                                      |
| <p><b>PO8</b></p> <p>Development ensures that a subdivision involving 2 or more zones, zone precincts, a neighbourhood plan precinct or overlay sub-categories, provides for the:</p> <ul style="list-style-type: none"><li>a. different lot design requirements that are applicable to the zones, zone precincts, neighbourhood plans and overlays and applicable to the site;</li><li>b. lawful uses intended for the site and the locality.</li></ul>                                                                                                                                                           | <p><b>Complies</b></p> <p>The boundary realignment will only slightly alter the shape of the existing lots and seeks to retain the same lot areas via a 'land swap'. Lot size and shape remains consistent with the intents of the rural and environmental zones.</p> |

## SUMMARY

Having regard to the site context, planning framework and relevant assessment benchmarks, the proposed boundary realignment is considered to be an appropriate and rational outcome for the subject land.

The proposal is a titling arrangement only and does not involve any physical works, additional lots or intensification of use. It will formalise the existing fire trail within the lot it services, improving access, maintenance and fire safety outcomes, while maintaining the existing land area of both properties. The minor irregularity in lot shape is not anticipated to adversely affect the practical use of the land or compromise the future use of either lot, particularly in light of the rural and environmental planning constraints applying to the sites.

The proposal is consistent with the intent of the applicable State and local planning instruments, including the SEQ Regional Landscape and Rural Production Area of the *SEQ Regional Plan*, the Environmental Management Zone and the Rural Zone under *Brisbane City Plan 2014*. It also responds appropriately to the purpose and performance outcomes of the Subdivision Code, particularly in relation to boundary realignment and the containment of infrastructure and services within the lot they serve.

On this basis, the proposed development is supported and should be approved, subject to any reasonable and relevant conditions imposed by Council.

Yours sincerely,  
for RPS AAP Consulting Pty Ltd



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