

Dear Assessment Manager,

Please find attached my formal submission opposing Development Application A006806371 for the proposed reconfiguration of land at 875 Sandgate Road, Clayfield.

I wish to be entirely clear that this is not a minor concern or a request for modest amendments. I fundamentally oppose the proposed subdivision and respectfully request that Council refuse the application.

I am the owner of [...] I am not opposed to the reasonable residential development of the land. I would have no fundamental objection to one appropriately designed house being constructed on the available block, and I am not seeking to reopen the separate approval relating to Lot 9. My objection is to the attempt to divide this already constrained land into two extraordinarily small freehold lots of only 139 m² and 135 m².

What is particularly troubling is that the subdivision is supported by development footprint plans permitting buildings up to 11.5 metres and three storeys in height, including an envelope approximately 1.05 metres from my boundary and only 2.5 metres from the rear boundary. That is almost 12 metres of potential building height on each of two exceptionally small lots.

Despite the intensity and permanence of that outcome, the applicant has provided no actual architectural floor plans, elevations, building sections, shadow diagrams, window or balcony layouts, privacy analysis, or properly resolved parking, refuse, landscaping and servicing arrangements. The applicant expressly acknowledges that the detailed design of the proposed homes has not yet occurred.

I find it genuinely difficult to understand how Council could be satisfied that buildings of this scale can be accommodated acceptably when the buildings themselves have not been designed. Assertions that privacy, overlooking, overshadowing, parking, landscaping and adjoining amenity can all be resolved at some later building stage are not a substitute for evidence.

The subdivision would create permanent, separately transferable titles. Approving those titles first and deferring the question of whether acceptable dwellings can actually be constructed on them would, in my respectful view, constitute a serious planning oversight. It would effectively transfer the consequences and risks of an unresolved design to adjoining residents, [...] and to a later assessment process constrained by the subdivision already having been approved.

The proposal also involves profound departures from the operative City Plan standards, including lots approximately half the prescribed minimum area. The applicant relies heavily upon a separate More Homes, Sooner amendment that has not been adopted. Even against those draft provisions, the proposal retains material failures concerning average frontage, rear setback, crossover separation and the demonstration of adjoining amenity.

My attached submission explains these matters fully and identifies the relevant statutory provisions, planning benchmarks, applicant admissions and documentary evidence.

Please treat the attached document as my properly made submission under the Planning Act 2016 and ensure it is placed on the assessment file for A006806371. I would appreciate written confirmation that it has been received and recorded before the close of the public notification period.

I would also be willing to facilitate a site inspection from [...] should the assessing officers wish to see the proposed [...] interface and its likely effects firsthand.

Thank you for considering my submission.

Kind regards,

Development Application

A006806371

875 Sandgate Road, Clayfield QLD 4011
Development permit for reconfiguring a lot, 1 lot into 2 lots

SUBMISSION IN OPPOSITION

Request that the application be refused

Assessment manager	Brisbane City Council
Submitter	
Submitter's premises	
Submission date	13 August 2026
Notification period	7 August to 31 August 2026
Status	Intended to be a properly made submission under the Planning Act 2016

DECISION REQUESTED

Refuse the proposed 1 into 2 reconfiguration. The proposal creates permanent freehold lots of only 139 m² and 135 m², relies on an 11.5 m and three-storey development envelope, and has not demonstrated that compliant, functional dwellings can be delivered without unacceptable amenity and public-realm impacts.

This document addresses the notified reconfiguring-a-lot application. It does not object to the principle of one appropriately designed dwelling on the land and does not seek to reopen the separately approved Lot 9.

1. Submission particulars and relief sought

1.1 I,

the subject of Development Application A006806371. I make this submission to Brisbane City Council as assessment manager during the public notification period stated to end on 31 August 2026.

1.2 I oppose the notified application in its entirety and request that Council refuse the development permit for reconfiguring a lot from one lot into two lots. The grounds and the facts and circumstances supporting them are set out below.

1.3 My objection is not to the reasonable residential use of the land. One properly designed dwelling on the available Eliza Street parcel is an entirely different proposition. The objection is to creating two exceptionally small permanent titles, supported only by a generic development footprint plan that authorises an intense terrace-style outcome before the actual buildings and their impacts have been designed or assessed.

1.4 This submission is intended to satisfy the requirements for a properly made submission. It is in writing, identifies the submitter and residential address, states the grounds of objection and the supporting facts and circumstances, and is to be signed and received by Council within the notification period. The contact and signature particulars appear at section 12.

CENTRAL SUBMISSION

The application is not a minor numerical departure. It depends on a suite of mutually reinforcing departures from the operative planning controls, coupled with an evidentiary gap about the very built form said to justify those departures. The resulting uncertainty is material because the subdivision would create permanent, separately transferable lots.

2. Executive summary

2.1 The application should be refused for the following interrelated reasons.

- **Operative lot-size conflict.** City Plan Amendment v33 was in effect when the application was properly made on 3 July 2025. The applicable acceptable outcome for standard lots in the Low-medium density residential (2 or 3 storey mix) zone identifies a minimum area of 260 m². Proposed Lots 10 and 11 are only 139 m² and 135 m². They are short by 121 m² and 125 m² respectively, or approximately 46.5% and 48.1% below the stated minimum.
- **Frontage conflict.** The operative general minimum frontage is 7.0 m. Proposed Lot 11 has only 6.7 m. The applicant has not established that an exception applies.
- **Incompatible development envelope.** The submitted plan authorises a maximum building height of 11.5 m and three storeys. The operative small-lot acceptable outcome is 9.5 m and two storeys. The higher envelope is asserted without elevations, sections, floor plans, shadow diagrams or a contextual built-form analysis.
- **Reliance on an unadopted amendment.** The applicant's case is framed predominantly by reference to Council's proposed More Homes, Sooner low-medium density residential design amendment. As at the date of this submission, Council describes that amendment as proposed and under final review. It is not the operative assessment benchmark.
- **Failure even under the draft controls.** The proposed average frontage is approximately 6.946 m, below the draft 7.5 m average. The applicant admits a 2.5 m rear setback instead of the draft 6 m acceptable outcome. The traffic material measures only approximately 4.9 m to the crossover, below the draft 5.4 m separation for an on-street parking opportunity.
- **No actual dwelling design.** The applicant expressly states that detailed design of the new homes has not yet occurred. The application nevertheless claims that future dwellings can manage height, privacy, overlooking, daylight, breezes, parking, refuse, landscaping and servicing. Assertions of future capability do not demonstrate present achievement of the relevant performance outcomes.

- **Direct amenity risk to** An 11.5 m envelope is positioned only about 1.05 m from the shared eastern boundary, with eaves and sunhoods permitted to project outside the envelope. No evidence quantifies overshadowing, visual bulk, overlooking, loss of daylight, reduced breezes or the practical clear width remaining for services and maintenance.
- **Public-realm and parking impact.** The applicant's traffic engineer acknowledges a reduction in continuous kerb length and that the approximately 4.9 m eastern section between the new crossover and the crossover is not a reliable, independently accessible parking opportunity.
- **The defects are not safely conditionable in the abstract.** A condition should not be used as a substitute for the coordinated design evidence required to determine whether two permanent 135 m² to 139 m² lots can function acceptably. The necessary resolution could materially change height, setbacks, footprints, parking, access and private open space.

3. Application and site context

Matter	Notified particulars
Application	A006806371
Land	875 Sandgate Road, Clayfield QLD 4011, Lot 2 on RP46195
Applicant	BCB Solutions No. 108 Pty Ltd and BCB Solutions No. 18 Pty Ltd
Zone	Low-medium density residential (2 or 3 storey mix) zone
Properly made	3 July 2025
Changed proposal	Development permit for reconfiguring a lot, 1 lot into 2 lots, with development footprint plans
Proposed Lot 10	139 m ² ; Eliza Street frontage 7.192 m
Proposed Lot 11	135 m ² ; Eliza Street frontage 6.7 m;
Proposed envelope	77 m ² on each lot; approximately 5.65 m by 13.62 m; 4 m front, about 1 m outer side and 2.5 m rear wall setbacks
Maximum envelope height	11.5 m above natural ground level; applicant states up to three storeys
Access	One shared crossover from Eliza Street
Notification	7 August to 31 August 2026

3.1 The application was originally made for material change of use for eight-room rooming accommodation. On 1 May 2026 the applicant changed it to the present reconfiguring-a-lot proposal. Council's changed-application confirmation notice records that the change brought public notification into the assessment process. The earlier use proposal is not the decision now before Council, but the chronology underscores the need to assess the changed proposal on its own evidence and against the correct statutory benchmarks.

3.2 Proposed Lot 9 was approved under separate application A006614158 and a dwelling-house approval was later obtained under A006751723. This submission does not seek to reopen either approval. The staged history is relevant only because the current application would further fragment the residual Eliza Street land into two titles and because the applicant relies on the Lot 9 approval as a contextual comparator.

3.3 The applicant's May 2026 change material expressly contemplates a built-to-boundary, terrace-style pair. The survey plan identifies a mandatory central built-to-boundary wall, while the draft code response describes a 12.2 m shared wall. The outer eastern wall line is approximately 1.05 m from the common boundary with .

4. Statutory assessment framework

4.1 The changed application is impact assessable. Section 45(5) of the Planning Act 2016 requires impact assessment to be carried out against the assessment benchmarks in the categorising instrument for the development and having regard to prescribed matters. Other relevant matters may also be considered.

4.2 Section 45(7) provides that the applicable statutory instrument is the instrument in effect when the application was properly made. Council's confirmation notice records 3 July 2025 as both the made date and properly made date. Brisbane City Plan 2014 Amendment v33.00/2025 had taken effect on 27 June 2025. It is therefore the starting point for the applicable City Plan benchmarks.

4.3 Section 45(8) permits an assessment manager to give the weight it considers appropriate to an amended or replacement instrument, or a new statutory instrument, that comes into effect before the application is decided. The proposed More Homes, Sooner low-medium density residential design amendment has not, as at 13 August 2026, come into effect. It may be considered as a relevant matter under section 45(5)(b), but it is not an operative assessment benchmark and should not displace the extant scheme.

4.4 The current adopted scheme is City Plan v36.00/2026, effective 12 June 2026. Council's adopted-amendment register records that v36 concerned the Wynnum Centre Suburban Renewal Precinct and More Homes, Sooner car-parking rates for multiple dwellings. It did not adopt the separate low-medium density residential design amendment on which this applicant relies. The relevant subdivision and dwelling-house departures therefore remain departures under both the properly-made-date scheme and the currently adopted scheme.

4.5 Section 60(3) empowers the assessment manager, after carrying out the assessment, to approve all or part of the application, approve it subject to conditions, or refuse it. In an impact assessment there is no simplistic rule that every acceptable-outcome departure compels refusal. Equally, a performance-based system does not relieve the applicant of establishing, with adequate evidence, that the corresponding performance and purpose outcomes are achieved.

4.6 The proper question is therefore whether two permanent lots of this size and configuration have been demonstrated to achieve the operative scheme's intended outcomes, taking account of the direct physical consequences of the submitted development footprint plans and any properly weighted relevant matter. For the reasons below, they have not.

5. Comparative compliance overview

Issue	Relevant benchmark or measure	Proposal	Assessment
Minimum lot area	260 m ² per standard lot	Lot 10: 139 m ² ; Lot 11: 135 m ²	Both fail. Shortfalls of 121 m ² and 125 m ² .
Minimum frontage	7.0 m general standard	Lot 10: 7.192 m; Lot 11: 6.7 m	Lot 11 fails by 0.3 m.
Small-lot height	AO: maximum 9.5 m and 2 storeys	DFP: maximum 11.5 m; applicant relies on 3 storeys	Exceeds operative acceptable outcome by 2 m and 1 storey.
Draft lot area	Proposed amendment: 120 m ²	139 m ² and 135 m ²	Numerically passes draft only.
Draft frontage	Minimum 6 m, with average 7.5 m across proposed lots	Average approximately 6.946 m	Fails draft average by approximately 0.554 m.
Draft rear setback	Applicant identifies 6 m applicable AO	2.5 m	Applicant admits departure of 3.5 m.
Draft crossover separation	5.4 m between crossovers for on-street parking	About 4.9 m to crossover; about 5.0 m to west	Numerical standard not achieved; eastern kerb section admitted unreliable.

Issue	Relevant benchmark or measure	Proposal	Assessment
Evidence of dwelling impacts	Performance outcomes require proof of amenity, privacy, light, breezes, parking, waste and landscaping	No floor plans, elevations, sections, shadow study, privacy analysis or coordinated servicing plan	Achievement not demonstrated.

5.1 The numerical standards are not assessed in isolation. Their combined effect is critical. Halving the operative lot area while simultaneously increasing the contemplated height, compressing the eastern and rear setbacks, introducing a long shared wall and fragmenting the street frontage for access makes the design-evidence burden materially greater, not lower.

6. Detailed grounds of objection

6.1 The proposed lots are grossly below the operative minimum area

Table 9.4.10.3.B of the operative Subdivision code identifies a 260 m² minimum for standard lots in the Low-medium density residential (2 or 3 storey mix) zone. Proposed Lots 10 and 11 are 139 m² and 135 m². The combined proposed area is 274 m², compared with 520 m² for two lots meeting the stated minimum.

The departures are approximately 46.5% and 48.1% below the minimum. This is not a small tolerance, surveying anomaly or isolated frontage adjustment. It is a proposal to obtain two freehold lots from land only 14 m² larger than the operative minimum for one standard lot. The scale of departure is directly relevant to whether each lot is useable, capable of compliant development, compatible with the streetscape and able to address amenity and servicing constraints under Subdivision code PO1.

The applicant's principal answer is that a future development footprint plan can manage the consequences. That proposition is circular. A footprint plan is evidence only to the extent that it actually demonstrates the relevant outcomes. It cannot convert an unproven future design into present compliance merely by labelling a rectangle as buildable.

6.2 Proposed Lot 11 fails the operative frontage standard

The operative general minimum frontage is 7.0 m. Proposed Lot 11 provides 6.7 m and therefore falls short by 0.3 m. The applicant has not established that the limited alternative rows in the table apply. Lot 11 is the lot directly adjoining so the frontage constraint is not abstract: it compresses the dwelling, parking, pedestrian entry, bins, landscaping and boundary interface into the narrowest part of the proposal.

The failure must also be considered with the lot-area departure. A 6.7 m frontage might be capable of a satisfactory outcome in a different configuration supported by a resolved building design. Here, it is paired with a 135 m² title, an 11.5 m envelope, a shared central wall and approximately 1.05 m to the adjoining eastern boundary. The submitted material does not demonstrate that this compound constraint satisfies PO1.

6.3 The 11.5 m, three-storey development envelope is not justified under the operative controls

The operative Dwelling house (small lot) code acceptable outcome identifies a maximum building height of 9.5 m and two storeys. The DFP instead authorises 11.5 m above natural ground level, and the applicant's draft-code response relies on a three-storey form. That is a further 2 m and one additional storey on lots less than half the operative minimum area.

A performance solution may sometimes be available, but it must be demonstrated. There are no elevations, building sections, roof forms, finished floor levels, wall-height diagrams, contextual streetscape elevations or verified three-dimensional views. There is therefore no probative basis to find that an 11.5 m building would be consistent with prevailing dwelling-house height, avoid undue overshadowing, contribute to a cohesive streetscape, respond to topography and protect adjoining amenity.

The envelope should not be treated as benign merely because no building permit is presently sought. The express purpose of the DFP is to authorise and constrain later building work. If approved with an 11.5 m height notation, it would materially shape the development expectation and the future assessment pathway for each permanent lot.

6.4 The eastern interface with [REDACTED] has not been demonstrated to be acceptable

Proposed Lot 11 [REDACTED]. The DFP places its outer wall line approximately 1.05 m from that boundary while permitting a height of 11.5 m. The plan also states that eaves and sunhoods attached to a building wall may extend beyond the nominated building envelope.

No evidence establishes:

- the actual clear separation after eaves, sunhoods, gutters, downpipes, air-conditioning equipment, services, fencing and maintenance access are accounted for;
- the height and length of wall presenting to [REDACTED], including any upper-level projections;
- the location, sill height and treatment of bedroom, living-room, stair, balcony, deck or roof-terrace openings facing east;
- the effect on daylight and sunlight to the adjoining dwelling and its private open space;
- the effect on natural ventilation and breezes along the narrow eastern side passage;
- the location of plant, hot-water units, rainwater tanks, bins or other services capable of generating noise or visual impact; or
- a practicable construction and maintenance methodology that does not transfer unreasonable burden to the adjoining premises.

The applicant's statement that the existing [REDACTED] premises contain structures near the western boundary does not answer these matters. Existing lawful conditions on an adjoining lot are not a licence to intensify height and bulk without analysing the resulting interface. The relevant question is whether the new proposal protects adjoining amenity. No contextual section or impact study answers it.

6.5 The rear setback is materially deficient even under the draft code relied upon

The applicant expressly acknowledges that the DFP provides a 2.5 m rear setback rather than the 6 m acceptable outcome it identifies as applicable under the draft Dwelling house (small lot) code. The departure is 3.5 m, or approximately 58% of the stated setback.

Draft PO24 requires a rear setback to provide functional private open space and subtropical landscaping, building separation for visual and acoustic privacy without reliance on screening, access to light, sunlight and breezes for the dwelling and adjoining premises, and room for significant vegetation or large subtropical shade trees. The applicant's response to PO24 discusses the front street edge and pedestrian entries rather than demonstrating those rear-boundary outcomes. That is not a responsive assessment.

No rear elevation, section, landscape plan, mature-canopy calculation, acoustic analysis or privacy plan is supplied. The fact that another approval on the broader site used a 2.5 m rear setback does not prove that two three-storey dwellings on two sub-140 m² titles will achieve the same or an acceptable outcome.

6.6 The application lacks the dwelling design evidence necessary to support its performance case

The applicant candidly states: 'detail design of the new homes has not yet occurred'. That admission is decisive to the weight that can be placed on repeated claims that future dwellings 'can' comply or that matters will be 'resolved at building stage'.

A bare ROL application does not invariably require complete architectural drawings. Here, however, the applicant has chosen to justify extreme lot dimensions through DFPs and draft-code performance outcomes that depend upon the actual building design. The absence of plans is therefore not advanced as a procedural technicality. It is an evidentiary failure at the heart of the performance solution.

The application contains no coordinated set of:

- dimensioned floor plans showing rooms, circulation, stairs, storage and connection to private open space;
- elevations and sections showing actual wall and roof heights, articulation and boundary relationships;
- shadow diagrams for relevant seasonal times and adjoining windows and open space;
- window, balcony, deck and screening schedules demonstrating privacy compliance;
- a site-by-site site-cover and impervious-area schedule tied to the approval envelope;
- a final landscape plan showing deep planting, canopy spread and usable private open space;
- a coordinated parking and garage plan, including dimensions, gradients and pedestrian access;
- a refuse-storage and kerbside-bin presentation plan that excludes bins and utilities from claimed private open space; or
- a consolidated services plan showing stormwater, sewer, water, power, air-conditioning and maintenance clearances.

Without those documents, Council cannot make a properly informed finding about the performance outcomes the DFP is offered to satisfy. Approval would rest on optimism about a future architect's ability to reconcile constraints that the applicant has not reconciled now.

6.7 The DFP is internally uncertain about the permissible footprint, site cover and impervious area

The survey DFP nominates a 77 m² building envelope on each lot. The separate surface-plan diagram depicts a 48.51 m² proposed building footprint and reports combined impervious area of 181 m², or 66%, across both lots. These are materially different concepts.

If the whole 77 m² envelope were capable of being occupied, the envelope alone would represent approximately 55.4% of Lot 10 and 57.0% of Lot 11 before accounting for any other roofed area. The draft acceptable outcome cited by the applicant identifies 55% site cover, subject to an approved DFP alternative. The smaller 48.51 m² illustration is not supported by floor plans and is not clearly made a binding maximum.

Similarly, the combined impervious-area figure does not establish compliance on each proposed title. It is unclear how driveways, paths, covered parking, projections, utility slabs, bin areas and future design changes are allocated between Lots 10 and 11. An average across two future titles can conceal a materially worse outcome on the narrower Lot 11.

The DFP pathway in the proposed amendment is an alternative means of demonstrating outcomes, not an exemption from them. A plan that leaves the actual permissible footprint and title-by-title consequences unresolved should not be approved as the controlling instrument for future building work.

6.8 Privacy, overlooking, daylight, sunlight and breezes are asserted, not demonstrated

Both the operative planning scheme and the draft provisions relied upon by the applicant protect access to daylight, sunlight and breezes and require an appropriate level of privacy for adjoining premises. Draft PO23 and PO24 expressly address side and rear setbacks, while draft PO32 provides detailed treatments for windows, decks, balconies, terraces and roof decks near neighbouring dwellings.

The applicant responds that privacy can be managed by future window placement, sill heights, obscure glazing, screening and fencing. That is a menu of possible measures, not a design. With up to three storeys approximately 1.05 m from the eastern boundary, the position and treatment of upper-level openings are essential to assessment, not details that can safely be left blank.

No shadow analysis has been provided. It is therefore impossible to verify the unqualified statement that adjoining properties will retain access to natural light and breezes 'all year round'. Council should give that unsupported conclusion little weight.

6.9 The mandatory shared-wall terrace outcome has unresolved amenity and drafting inconsistencies

The survey plan legend and linework identify a mandatory built-to-boundary wall on the new common boundary. The applicant's summary describes a 'built-to-boundary (terraced style) outcome', and the draft

code response refers to a 12.2 m shared wall. Yet the same response marks draft AO25.1 and AO25.2 as not applicable on the basis that no built-to-boundary wall is proposed, or that outcomes will be managed via the DFP.

The draft code distinguishes some built-to-boundary walls from shared walls, but the submitted terminology and approval notation remain unclear. More importantly, draft PO26 requires shared walls not to negatively affect development potential, residential amenity or privacy, to reflect the existing streetscape pattern and to manage stormwater. No architectural design, party-wall section, roof-drainage detail, acoustic construction specification or streetscape analysis demonstrates those outcomes.

6.10 Parking, crossover and kerbside impacts are not acceptably resolved

Council's information request correctly identified that lots with frontages below 10 m must demonstrate that access minimises impacts on street trees and on-street parking. The traffic response proposes one shared crossover and retains the street tree, but it acknowledges that the proposal reduces the continuous kerb length presently available.

The traffic engineer measures approximately 4.9 m between the eastern side of the proposed crossover and the existing crossover serving . It expressly says this section would not provide a reliable, independently accessible kerbside parking opportunity. It also reports approximately 5.0 m to the west. Both figures are below the 5.4 m separation identified in draft AO31.4 for an on-street parking opportunity.

The applicant's draft-code response nevertheless marks AO31.4 as compliant without confronting those measured dimensions. The ability to approve a different DFP outcome does not establish that PO31 is met. PO31 requires crossings and driveways to avoid adverse impacts on the opportunity for on-street parking, street trees, street character and amenity, safety and convenience for adjoining lots, and adjoining driveways. The traffic report's admissions establish a real public-realm cost.

There is also no final dwelling plan showing that one compliant on-site space can be integrated into each narrow frontage without garage dominance, verge parking, pedestrian conflict or loss of the claimed landscaping. Draft AO22.2 identifies a 5.5 m setback for covered parking except where a rear lane is used, or where an approved DFP provides otherwise. The applicant marks that outcome not applicable for reasons that do not address its text. The proposed front wall envelope is only 4 m from the street. This issue remains unresolved.

6.11 Refuse and servicing arrangements are not demonstrated

Two separately titled dwellings require workable locations for refuse and recycling storage, collection presentation, utility equipment and routine servicing. Draft PO28 and PO29 expressly exclude bin storage and utilities from the calculation of functional private open space and require adverse visual and amenity impacts to be minimised.

The surface diagram simply allocates nominal private open-space areas. It does not show bins, air-conditioning plant, hot-water systems, rainwater tanks, meters or a clear path from storage to the verge. Because every square metre is being relied upon to justify two sub-140 m² lots, these are material spatial requirements. They cannot be assumed away.

6.12 Stormwater information is concept-level and must be tied to the final built form

Council's information request sought a lawful point of discharge for Lot 10. The applicant has since supplied a concept services plan indicating connections to underground infrastructure in Eliza Street. That response addresses the existence of a concept discharge route, but it does not cure the broader uncertainty created by the unresolved footprints, impervious allocation, shared-wall drainage, finished levels and side-access constraints.

The applicant's own draft code notes emphasise that very small lots and shared walls require careful stormwater management. Any approval would need enforceable, title-specific drainage arrangements, including roof-water collection, overland flow, maintenance access and protection of from

nuisance. In the absence of the final built form, Council should not treat the concept plan as proving all relevant performance outcomes.

6.13 The proposal does not demonstrate a compatible streetscape or sensitive transition

The operative Low-medium density residential zone outcomes provide for a mix of housing while maintaining a predominantly low-rise setting and a sensitive transition to adjoining dwelling houses. The proposed result is a pair of permanent terrace-style lots with a long shared wall, very narrow frontages and an 11.5 m envelope beside an existing dwelling house.

The applicant relies on generic explanatory imagery and photographs of other narrow forms in Eliza Street, but supplies no proposed elevations. It is therefore impossible to assess façade width, garage dominance, roof form, articulation, building separation, deep planting or the visual transition at [redacted]. A claim that future façades can adopt gables and recesses is not equivalent to an assessable design.

The approved single dwelling on Lot 9 is not an adequate comparator for two three-storey terrace dwellings on two newly created titles. One dwelling on one lot has materially different flexibility to distribute height, setbacks, open space, parking and landscaping.

6.14 The proposed More Homes, Sooner amendment should not displace the operative scheme

Council's public material continues to describe the low-medium density residential design amendment as proposed, with implementation anticipated after final review. The applicant nevertheless treats draft provisions and an anticipated 3 or 4 storey mix precinct as though they were the governing code.

That approach reverses the statutory hierarchy. The operative City Plan benchmarks applicable at the properly made date remain the primary assessment framework. A draft amendment may inform Council's discretion as a relevant matter, but its weight must reflect that it is unadopted, potentially subject to change, and not yet law. It should not be used to erase departures of almost half the operative minimum lot area.

Housing supply is a legitimate planning consideration. It does not answer whether this specific reconfiguration produces functional lots and acceptable local outcomes. The proposed amendment itself stresses design quality, private open space, landscaping, privacy, parking and protection of adjoining amenity. Those safeguards are part of the housing policy, not obstacles external to it.

6.15 The application does not satisfy the draft controls on which it relies

Even if Council affords substantial weight to the proposed amendment, the application has not demonstrated compliance with that framework.

Draft matter	Unresolved failure
Frontage	The draft table permits a 6 m minimum only where the average frontage of all proposed lots is 7.5 m. The proposed average is approximately 6.946 m, a shortfall of approximately 0.554 m.
Rear setback	The applicant admits a 2.5 m setback instead of 6 m and does not demonstrate the PO24 outcomes for privacy, light, breezes, landscaping and functional open space.
Crossover separation	The measured 4.9 m to the [redacted] crossover and approximately 5.0 m to the west are below the draft 5.4 m measure. The eastern section is admitted not to be a reliable parking opportunity.
Height	An 11.5 m and three-storey envelope is nominated, but no design establishes consistency with prevailing height, avoidance of undue overshadowing or a cohesive streetscape under draft PO18.

Draft matter	Unresolved failure
Side and rear amenity	Draft PO23 and PO24 are answered by generic assertions. No drawings or analysis prove privacy, natural light, sunlight, breezes or maintenance access.
Site cover and impervious area	The 77 m ² approval envelope is not reconciled with the 48.51 m ² illustrative footprint, and the impervious calculation is not allocated per future title.
Private open space	Nominal areas are shown, but access from a main internal living space and exclusion of bins and utilities cannot be verified without floor and services plans.
Parking and refuse	The future garage, covered-space setback, bin storage and bin presentation arrangements are not shown.
Shared wall	The mandatory shared-wall outcome lacks architectural, acoustic, drainage and streetscape evidence and is described inconsistently in the code response.

6.16 The application is premature and the central defects should not be deferred to conditions

The subdivision would create permanent, separately transferable lots. Once created, each future owner would reasonably expect to develop within the approved DFP. The assessment should therefore establish now that the lots and the controlling footprint plans deliver acceptable outcomes.

Conditions can refine a demonstrated design. They should not be asked to invent the design required to decide whether the application is acceptable. Here, resolving the deficiencies could require a lower building, larger eastern or rear setback, smaller footprint, changed parking arrangement, altered private open space, different shared-wall length or even a single dwelling. Those are not peripheral drafting matters.

The absence of a coordinated solution means Council cannot be satisfied that reasonable and enforceable conditions would cure the fundamental lot suitability and amenity concerns without substantially changing the proposal. Refusal is the sound planning outcome.

7. Response to the applicant's principal propositions

Applicant proposition	Submission response
The lots meet the direction of housing reform.	Policy direction does not displace the operative benchmarks. The draft policy also requires high-quality, functional, serviced and amenable outcomes, which have not been demonstrated.
The DFP proves each lot is developable.	The DFP is a generic envelope, not a coordinated dwelling design. Its 77 m ² envelope is inconsistent with the 48.51 m ² illustration and leaves height, windows, parking, bins, services and impacts unresolved.
Frontage is not determinative.	Frontage is one element of lot suitability. Here, narrow frontage combines with approximately half-size lots, three-storey height, shared wall, constrained parking and minimal boundary clearances.
The form is consistent with Eliza Street.	No proposed elevations or contextual sections are supplied. Generic photographs cannot prove the actual three-storey terrace outcome is compatible.
already has boundary structures.	Existing lawful structures do not establish the acceptability of an 11.5 m envelope next door. The new proposal must independently protect adjoining amenity.

Applicant proposition	Submission response
Access impact is minimised.	The traffic report still admits reduced continuous kerb length and an unreliable 4.9 m eastern parking segment. Minimisation is not the same as avoidance or acceptable performance.
Future dwellings can use screening and design controls.	No window, balcony, shadow or privacy design is before Council. Possible later measures are not evidence of the present proposal's performance.

8. Planning balance

8.1 The submitter recognises the public interest in additional housing and does not contend that all infill or all small-lot housing is inappropriate. The planning question is location- and design-specific. Density must be delivered through lots and buildings that function and that respect the performance protections embedded in both the current and proposed codes.

8.2 The proposal delivers only one additional title beyond the reasonable single-dwelling outcome for the Eliza Street parcel. In exchange, it seeks departures approaching half the operative minimum lot area, adds a third storey and 2 m of height to the approval envelope, compresses the rear and eastern interfaces, removes a reliable kerbside parking opportunity and defers the architectural solution. That is not a proportionate or well-evidenced planning balance.

8.3 Refusal would not sterilise the land. It would leave open an ordinary dwelling, or another proposal supported by a compliant or properly resolved design. The existence of a less intensive, plainly feasible use is not by itself a statutory test, but it confirms that refusal would not frustrate the land's residential purpose.

9. Decision requested

PRIMARY RELIEF

Council should refuse Development Application A006806371 for reconfiguring a lot from one lot into two lots.

The reasons for refusal should include, in substance, that:

- the proposed lots do not achieve Subdivision code PO1 because their area and, for Lot 11, frontage do not demonstrate useable lots capable of compliant development, compatible with the local context and able to address constraints;
- the proposed 11.5 m, three-storey DFP is not supported by sufficient design evidence to establish acceptable height, bulk, setbacks, streetscape and adjoining-amenity outcomes under the operative zone and small-lot provisions;
- the application does not demonstrate that Lot 11 can be developed without unacceptable privacy, overlooking, daylight, sunlight, breeze, visual-bulk, servicing and maintenance impacts
- the parking, crossover, refuse, private open space, site cover, impervious-area and shared-wall arrangements are insufficiently resolved;
- the proposed amendment relied upon by the applicant is not operative and, even if given weight as a relevant matter, the proposal has not demonstrated compliance with its frontage, setback, access and amenity outcomes; and
- the deficiencies are fundamental to the permanent lot configuration and should not be deferred to later building design or broad conditions.

10. Without-prejudice alternative safeguards

10.1 The primary request is refusal. Without resiling from that position, if Council is nevertheless minded to contemplate approval, it should not decide the application until the applicant supplies a fully coordinated

dwelling design for both lots and Council assesses it against the operative City Plan and any properly weighted relevant matters. If the resulting design materially changes the notified proposal or its impacts, Council should consider whether the statutory change and notification requirements are engaged.

10.2 Any approval should, at an absolute minimum, incorporate precise, enforceable plans and conditions addressing all of the following. These safeguards are not put forward as an admission that the proposal is presently acceptable or readily conditionable.

- approved, dimensioned floor plans, elevations, sections, roof plans and schedules for both dwellings;
- a binding maximum height and storey limit supported by contextual analysis, preferably no greater than the operative 9.5 m and two-storey acceptable outcome;
- a binding maximum building footprint and title-specific limits for site cover and impervious area, with every projection and hardstand area accounted for;
- a demonstrably adequate eastern setback to _____, including clear dimensions to all eaves, gutters, screens, services and equipment;
- a rear setback and landscape arrangement that demonstrably achieves privacy, daylight, breezes, usable private open space and meaningful deep planting;
- window, balcony, terrace and screening controls fixed by approved elevations, not deferred to generic future compliance;
- shadow diagrams and a written solar-access assessment addressing _____ and other affected premises;
- a final parking and access plan providing at least one compliant on-site space per dwelling, safe internal access and no reliance on parking across the verge;
- a crossover design that protects the street tree, adjoining driveway and lawful on-street parking opportunity, with dimensions measured to apron tapers;
- a refuse plan showing storage, movement and a compliant verge presentation area without reducing private open space or obstructing access;
- a coordinated stormwater and services plan, including roof drainage, lawful discharge, overland flow, utilities and maintenance access;
- a detailed landscape plan with deep-soil areas, species, mature canopy and maintenance requirements;
- precise shared-wall length, height, acoustic, fire, waterproofing, roof-drainage and easement arrangements; and
- registration of all approved DFP restrictions and necessary easements on title in a form that binds successors and prevents later fragmentation of the agreed outcome.

11. Conclusion

11.1 This application asks Council to approve the permanent subdivision first and trust that acceptable dwellings will be designed later. That sequence is unsafe on lots of 139 m² and 135 m² where almost every planning safeguard depends on exact three-dimensional design.

11.2 The operative scheme departures are profound. The applicant's reliance on an unadopted amendment cannot displace them. More importantly, the proposal is not shown to achieve the corresponding performance outcomes under either the operative or draft framework. The applicant's own admissions about absent dwelling design, frontage, rear setback and kerbside constraints reinforce that conclusion.

11.3 Council should give decisive weight to the permanent lot-suitability problem, the direct and unassessed interface with _____, and the inadequacy of the DFP evidence. The sound exercise of the assessment discretion under section 60(3) of the Planning Act 2016 is to refuse the application.

12. Submitter details, declaration and signature

I declare that the facts stated from my own knowledge are true to the best of my knowledge and belief. Matters drawn from the application material and public statutory sources are identified in Appendix B. I request that Council treat this as a properly made submission and notify me of its decision.

Particular	Submitter information
Full name	
Residential address	
Email	[INSERT EMAIL ADDRESS]
Telephone	[INSERT TELEPHONE NUMBER]
Signature	
Date signed	

Appendix A. Detailed assessment and evidence matrix

Ref	Provision / issue	Requirement	Evidence	Submission finding
A1	Operative Subdivision code PO1 / AO1.1 / Table 9.4.10.3.B	260 m ² minimum; 7.0 m general frontage	139 m ² and 135 m ² ; Lot 11 frontage 6.7 m	Material departures. PO1 not demonstrated by a generic envelope.
A2	Operative Dwelling house (small lot) height outcome	AO maximum 9.5 m and 2 storeys	DFP authorises 11.5 m; draft response relies on 3 storeys	No performance evidence, elevations, sections or shadow analysis.
A3	Operative LMR zone purpose and 2 or 3 storey mix outcomes	Appropriately sized/configured lots; height/bulk responsive to site and adjoining dwellings; sensitive transition	Terrace-style pair on two sub-140 m ² lots beside a dwelling house	No actual built-form design demonstrates compatibility or transition.
A4	Planning Act 2016, s 45(5), (7) and (8)	Assess against applicable benchmarks; properly-made-date instrument; later operative instruments may receive weight	Applicant relies predominantly on unadopted draft amendment	Draft may be relevant but cannot be treated as operative benchmark.
A5	Draft Subdivision table for lots outside key locations with shared crossover	120 m ² minimum; 6 m minimum frontage; 7.5 m average frontage	Areas pass; minimum frontages pass; average is about 6.946 m	Fails draft average frontage by about 0.554 m.
A6	Draft Subdivision PO28	Suitable lot size, frontage and configuration without adverse character, amenity, public realm, stormwater, infrastructure or parking impacts	DFP omits actual dwellings and multiple impact assessments	PO28 achievement is asserted rather than demonstrated.
A7	Draft Dwelling small-lot PO18 / AO18	Height appropriate to context, prevailing dwellings, amenity and overshadowing; AO 11.5 m and 3 storeys or approved DFP	Maximum 11.5 m and 3 storeys	AO number alone does not prove PO; no contextual or shadow evidence.
A8	Draft PO23 and PO24	Side and rear setbacks protect privacy, rhythm, light, sunlight, breezes, open space and landscaping	About 1.05 m eastern wall setback; 2.5 m rear setback	Direct adjoining impacts remain untested. Applicant admits rear AO departure.
A9	Draft PO25 and PO26	Built-to-boundary and shared walls must protect amenity/privacy, development potential, streetscape and drainage	Mandatory central wall; draft response also says no built-to-boundary wall	Terminology and physical outcome unresolved; no acoustic or drainage detail.
A10	Draft PO29	At least 20% functional private open space; utilities and bins excluded; direct access from main living area	Nominal 30 m ² and 31.5 m ² areas	Cannot verify function, access or exclusions without floor/services plan.
A11	Draft PO30 / AO30	One on-site space per dwelling and non-dominant covered parking	Future spaces asserted; no final garage/floor plans	On-site function and streetscape effect not demonstrated.
A12	Draft PO31 / AO31.4	Avoid parking, tree, amenity, safety and adjoining-driveaway impacts; 5.4 m crossover separation	Traffic report: about 4.9 m east, 5.0 m west; east unreliable for parking	Numerical measure not achieved and adverse kerb effect admitted.

Ref	Provision / issue	Requirement	Evidence	Submission finding
A13	Draft PO32	Minimise direct overlooking through siting, window/balcony design and screening	No windows, balconies or elevations; future treatments listed	Possible future compliance is not current proof.
A14	DFP building and surface plans	Clear, binding development parameters	77 m ² envelope each versus 48.51 m ² illustrative footprint; combined impervious calculation	Approval consequence and title-by-title outcomes are uncertain.
A15	Council information request and applicant response	Lawful discharge; minimise crossover impact on parking/tree	Concept stormwater response; crossover retained tree but reduces kerb length	Concept drainage does not resolve final roof/site drainage; parking impact remains.

Appendix B. Source schedule

Sources were accessed or reviewed on 13 August 2026. Applicant-document descriptions correspond with the public file for A006806371. Hyperlinks are provided for Council's convenience.

B1. Statutory and planning sources

Ref	Source
S1	Planning Act 2016 (Qld), current reprint, particularly ss 45 and 60
S2	Brisbane City Council, adopted City Plan amendments, including v33.00/2025 and current v36.00/2026
S3	Brisbane City Council, Major amendment package K, confirming v33 effective date
S4	Brisbane City Council, Subdivision code
S5	Brisbane City Council, Dwelling house (small lot) code
S6	Brisbane City Council, proposed More Homes, Sooner low-medium density residential design amendment
S7	Brisbane City Council, More Homes, Sooner low-medium density residential design schedule of amendments
S8	Queensland Government, development assessment and properly made submissions
S9	Brisbane City Council, subdividing land

B2. Application documents

Ref	Source
D1	Council confirmation notice for changed application, 18 May 2026
D2	Applicant's section 52 change letter, May 2026
D3	Amended proposed lot and development footprint plans
D4	Applicant's draft LMR code compliance assessment
D5	Council information request, 26 June 2026
D6	Applicant information-request response
D7	Traffic engineering response to Council information request
D8	State Assessment and Referral Agency response
D9	Development.i application search and public notification register

Appendix C. Lodgement addresses

Method	Details
Email	dalodgement@brisbane.qld.gov.au
Post	Brisbane City Council, GPO Box 1434, Brisbane QLD 4001
Online	Development.i public submission function for A006806371
Council telephone	(07) 3403 8888
Last day stated on public notice	31 August 2026

For appeal rights, ensure the submission is signed, includes the submitter's name and residential or business address, states the grounds and supporting facts and circumstances, and is received by Council within the notification period. Retain proof of receipt.