

# Development Application Report



8 Butler Street, Ascot QLD 4007

Development Permit for Reconfiguring a Lot:

- 1 Lot into 2 Lots



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Document title: Development Application Report

## Document Control

Author: AN & AL  
Reviewed by: BA  
Document date: 22 April 2026  
Revision: 2  
Our reference: 26-774

## Disclaimer

This Development Application Report and all associated contents have been prepared for Nicholas Robertiello, for the purpose of a development application to the Brisbane City Council and are not to be relied upon for any other purpose.

This documentation has been prepared based on the information that has been available, and relied upon, at the time of writing. The validity of this documentation may be affected if further information becomes available, or if the information relied upon (e.g. a Planning Scheme and associated mapping) is superseded.

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## 1.0 Executive Summary

This Development Application seeks a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) at 8 Butler Street, Ascot (the **Subject Site**). The premise is more particularly described as Lot 1 on RP47805.

This office has been engaged by the Applicant, Nicholas Robertiello to prepare and lodge this development application over the Subject Site.

The Brisbane City Plan 2014 (the **Planning Scheme**) includes the Subject Site within the Low-Medium Density Residential (2 or 3 Storey Mix) Zone and Clayfield-Woolloowin District Neighbourhood Plan. The Subject Site contains dual frontage and has a site area of 483m<sup>2</sup>. The Subject Site is free from natural constraints mapped by the Planning Scheme and the property is currently connected to all essential infrastructure and services. There are no easements or environmental covenants registered on title.

The proposal will subdivide the existing property into two rectangular parcels of land, each with an area of 243m<sup>2</sup> and ~12m of frontage to their respective streets. The existing dwelling on the Subject Site will be relocated wholly within Proposed Lot 1 under A007000642, whilst ancillary structures will be demolished/relocated on proposed Lot 2 to create a new vacant lot. Despite featuring lot sizes less than 260m<sup>2</sup>, the development results in appropriately sized and configured parcels of land that are consistent with the requirements of the Planning Scheme, as:

- Compliant minimum rectangle dimensions, average lot widths and functional frontage widths are provided, resulting in regular and useable allotments capable of accommodating orderly future development;
- Both proposed lots contain sufficient site area and dimensions to comfortably accommodate/retain dwellings, whilst still providing for sufficient private open space, landscaping and residential amenity;
- Both lots present to the street with practical and useable frontages that are sufficient to facilitate access, infrastructure connections and servicing;
- Both proposed lots address all known site constraints and will not compromise the established lot pattern of the locality;
- The proposed lots are fully compliant with the minimum lot size, minimum rectangle dimension, average lot width and minimum frontage requirements specified in the proposed citywide amendment – More Homes, Sooner – Low-Medium Density Residential Design.

The proposal delivers a functional and practical outcome for access and servicing. The proposal does not involve the construction of residential driveway crossovers for either allotment, as these will be constructed in conjunction with any future Dwelling House. Cut and fill is not proposed, and all future stormwater runoff will be discharged to the kerb and channel on Butler Street. Both proposed lots will be connected to all relevant services and infrastructure.

A development application is required as the proposal involves Reconfiguring a Lot in the Low-Medium Density Residential Zone. The applicable categorising instrument under Chapter 3, Part 1, s43 of the Planning Act 2016 in the Brisbane City Plan 2014, which is the local categorising instrument. The local categorising instrument nominates the development as Impact Assessable. Public notification is required.

The development application does not require referral to the State Assessment Referral Agency.

This office has undertaken a thorough assessment against all the relevant provisions of the Planning Scheme and recommends that this development application be approved subject to reasonable and relevant conditions.

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## Appendices

Appendix	Title	Author
A	Proposed Plan of Subdivision	George Kouparitsas Architect
B	Code Compliance	Murray Bell Planning Co.

## 2.0 Site and Application Details

Subject Site	
Address:	8 Butler Street, Ascot QLD 4007
Lot Description:	Lot 1 on RP47805
Area:	483m <sup>2</sup>
Ward:	Hamilton
Easement(s):	Nil
Land Classification:	Low-Medium Density Residential (2 or 3 Storey Mix) Zone
Neighbourhood Plan:	Clayfield-Woolloowin District Neighbourhood Plan
Overlay(s):	Airport Environs Overlay Community Purposes Network Overlay Critical Infrastructure and Movement Network Overlay Dwelling House Character Overlay Road Hierarchy Overlay Streetscape Hierarchy Overlay Transport Noise Corridor Overlay
SEQRP:	Urban Footprint
Applicant	
Applicant:	Nicholas Robertiello C/- Murray Bell Planning Co.
Contact Details:	Name: Andre Lowe Address: Level 10, 167 Eagle Street, Brisbane Phone: 0429 910 639 Email: andre@mbplanning.com.au
Registered Landowner(s):	Lisa Anne Carter
Application	
Development Application:	Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots).
Level of Assessment:	Impact Assessable
Public Notification Period:	15 Business Days
Referral Agencies:	Nil

## 3.0 Subject Site and Locality Description

### 3.1 Site Description

The Subject Site is located at 8 Butler Street, Ascot, and is formally described as Lot 1 on RP47805.

The Subject Site is rectangular in shape and contains a site area of 483m<sup>2</sup>. The Subject Site contains dual frontage with Butler Street being the primary frontage and Barlow being the secondary frontage.

The topography of the Subject Site contains a moderate slope, inclining from the northwestern corner (36m AHD) towards the southeastern corner (40m AHD) of the property, equating to an average gradient of ~10% or 1 in 10. The Planning Scheme includes the Subject Site within the Low-Medium Density Residential (2 or 3 Storey Mix) Zone and the Clayfield-Woolloowin District Neighbourhood Plan. The Subject Site is not defined as a 'small lot' by the Planning Scheme as it contains a site area <450m<sup>2</sup>. There are no easement or environmental covenants registered on title.

The Subject Site currently contains a double storey timber and tin detached dwelling that is orientated towards Butler Street. Ancillary domestic structures are located behind the dwelling. Vehicular access is currently obtained via an existing 2.5m wide brick driveway to Barlow Street.

The immediate locality comprises a diverse mixture of built forms and land uses and is predominantly characterised by detached dwellings, apartment buildings and duplexes. A number of commercial businesses front Sandgate Road. St. Margarets Anglican Girls School is located nearby and the Brisbane CBD is positioned 5.4km southwest of the Subject Site.

Figure 1 – March 2026 Aerial Photograph



Figure 2 – Planning Scheme Zoning



Figure 3 – Streetview (Butler Street)



### 3.2 Heritage

The Subject Site is not included on, nor does it adjoin a property on, the Local Heritage Register or State Heritage Register. The Subject Site is not located within the Traditional Building Character Overlay or Pre-1911 Building Overlay.

### 3.3 Bushfire

A review of the Bushfire Overlay mapping confirms that the Subject Site is not located within a bushfire hazard area. Additionally, the State Planning Policy mapping also confirms that the Subject Site is not subject to bushfire threat.

### **3.4 Vegetation**

The Planning Scheme does not regulate the removal of vegetation on the premises, as the Subject Site is not included within the Biodiversity Overlay or Significant Landscape Tree Overlay. The Subject Site is not identified as containing protected vegetation by the Natural Asset Local Law. Similarly, the State does not make the removal of vegetation assessable under the Vegetation Management Act. A total of three mature trees on the Subject Site will be removed to support the proposed subdivision.

### **3.5 Flooding**

A review of the Flood Overlay and Floodwise Property Report confirms that the Subject Site is not impacted by flooding from any source. A review of the Flood Awareness mapping reveals that the property was not impacted by the February 2022 flood event.

### **3.6 Infrastructure and Services**

The Subject Site is connected to potable water via an existing 20mm connection point on Butler Street. The Subject Site contains a 100mm connection to a reticulated sewer main beneath Butler Street. Stormwater runoff currently discharges to the kerb and channel on Butler Street. The property is connected to electricity and telecommunications infrastructure.

### **3.7 Development Application History**

A review of Brisbane City Council's Development.i tool confirms that there has been one application submitted over the Subject Site since January 2004:

- Local Government as Referral Agency for Design and Siting (ref. A007000642).

This application is currently under assessment. The application seeks approval for building work involving the raising, relocation and alteration of the existing dwelling on the Subject Site. Specifically, the dwelling is to be moved and repositioned wholly within the boundaries of a new lot, with associated works including raising the structure and constructing a new lower level beneath.

## 4.0 Proposal

This Development Application seeks a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots).

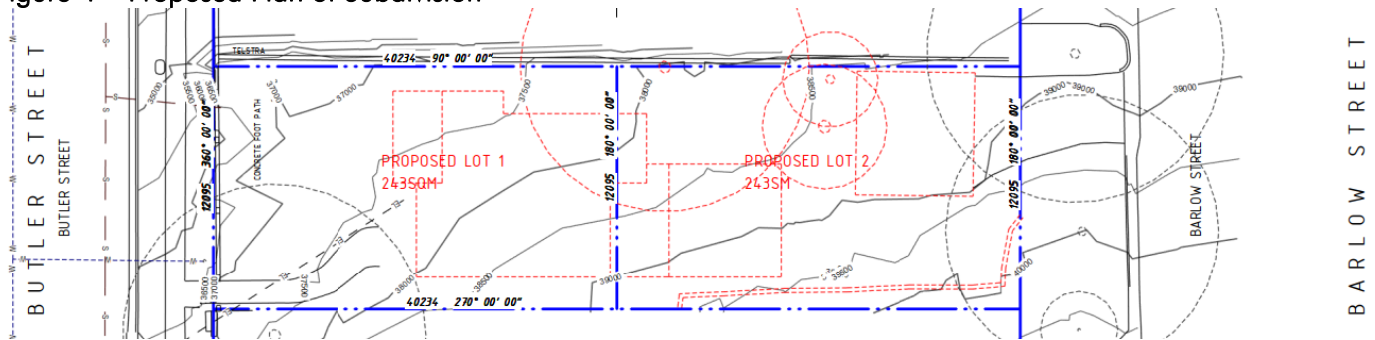
The proposal seeks to subdivide the existing property into two equal sizes parcels of land. The existing dwelling is to be relocated wholly within proposed Lot 1 as part of A007000642 whilst, proposed Lot 2 will remain vacant. All existing ancillary structures and improvements will be relocated/demolition to facilitate this outcome.

Proposed Lot's 1 and 2 will contain a site area of 243m<sup>2</sup> and ~12 of frontage to their respective streets (refer **Figure 4**). A summary of the proposed lots is provided within **Table 1**.

**Table 1 – Proposed Allotments**

Proposed Lot	Area	Frontage	Proposed Easements
Lot 1	243m <sup>2</sup>	12.09m (Butler Street)	Nil
Lot 2	243m <sup>2</sup>	12.09m (Barlow Street)	Nil

**Figure 4 – Proposed Plan of Subdivision**



The Planning Scheme defines the proposed lots as 'small lots' as they have an area less than 450m<sup>2</sup>.

Both lots are fully compliant with the minimum rectangle dimension, average lot width and minimum frontage requirements of the Subdivision Code however, reduced lot sizes are proposed (243m<sup>2</sup> in lieu of 260m<sup>2</sup>). Despite proposed lot sizes of <260m<sup>2</sup> with no associated assessable Material Change of Use, the development results in appropriately sized and configured parcels of land that are consistent with the requirements of the Planning Scheme as:

- Compliant minimum rectangle dimensions (refer **Figure 5**), average lot widths and functional frontage widths are provided, resulting in regular and useable allotments capable of accommodating orderly future development outcomes (i.e. detached housing);
- Proposed Lot 1 contains sufficient area and dimensions to comfortably accommodate the retained existing dwelling, whilst still providing for sufficient private open space, landscaping and residential amenity;
- Proposed Lot 2 contains sufficient site area and dimensions to comfortably accommodate a new Dwelling House, together with associated private open space, landscaping, access and servicing, in a manner consistent with the intent of the Low-Medium Density Residential Zone;
- Both lots present to the street with practical and useable frontages that is sufficient to facilitate access, infrastructure connections and servicing;
- Both proposed lots address all known site constraints (i.e. topography) and will not compromise the established lot pattern of the locality.

Figure 5 – Minimum Rectangle Dimension



The proposal does not involve the construction of residential driveway crossovers for either allotment, as these will be constructed in conjunction with any future Dwelling House to ensure that the size and location coincides with any future proposed house design. Each proposed lot contains > 10m of frontage, which enables the future construction of vehicular crossovers without impacting existing street trees within the verge. The concrete footpath on both frontages will be maintained and no further verge improvements are required or proposed.

Filling and/or excavation is not proposed or required to facilitate the subdivision. Both lots will discharge stormwater to the kerb and channel on Butler Street. An upstream stormwater pipe will be constructed within Lot 1 in favour of Lot 2. Both lots are capable of being connected to sewer infrastructure, electricity and telecommunications infrastructure.

For further details of the proposed subdivision refer to the Proposed Plan of Subdivision included within **Appendix A**.

## 5.0 Legislative Requirements

The Planning Act 2016 (the Act) and supporting legislation replaced the Sustainable Planning Act 2009 on 3 July 2017. The legislation establishes the framework of planning instruments that supports the operation of the planning system, including:

### 5.1 South-East Queensland Regional Plan

The Subject Site is located within the Urban Footprint of the South-East Queensland Regional Plan 2017 (SEQRP).

Section 2.2 of the Planning Scheme confirms that the Planning Scheme, specifically the Strategic Framework has incorporated the SEQRP as it applies to the local government area. As the proposal complies with the Planning Scheme, it is also considered to appropriately support the intended outcomes of the SEQRP.

### 5.2 State Planning Policy

A single State Planning Policy was introduced by the Department of State Development, Infrastructure and Planning (the Department) on the 2 December 2013, with the most recent amendment dated July 2017. Section 2.1 of the Planning Scheme confirms that the State Planning Policy has been integrated into the Planning Scheme, with the exception of:

- State interest – Natural hazards, risk and resilience – The bushfire prone area in the planning scheme does not reflect the State mapping layer.
- State interest – Strategic airports and aviation facilities – The building restricted area is not identified in the Planning Scheme.

A review of the State Planning Policy mapping confirms that the Subject Site is not located within a bushfire prone area or building restricted area. It is therefore not necessary to address any provisions of the State Planning Policy.

### 5.3 Temporary Local Planning Instruments

There are two Temporary Local Planning Instrument (TLPI) currently in effect for the Brisbane Local Government Area:

- TLPI 02/2025 – Colmslie Road Industry Precinct; and
- TLPI 02/2025 – Kurilpa Sustainable Growth Precinct

The above listed TLPI's do not apply to the Subject Site or the proposed development.

### 5.4 Planning Regulation 2017

The Planning Regulation 2017 (the Regulation) sets out the triggers for assessable development, the category of assessment required and the relevant Assessment Benchmarks. Schedule 10 of the Regulation prescribes certain assessable development. An analysis of these provisions are provided in **Table 2** below.

**Table 2 – Schedule 10 of the Regulation**

Part	Response
Part 1 – Airport Land	<b>Not Applicable</b> The Subject Site is not located on airport land.
Part 2 – Battery Storage Facilities	<b>Not Applicable</b> The proposal does not involve the storage of batteries.
Part 2A – Caboolture West interim Structure Plan	<b>Not Applicable</b> The proposal is not for development in the Caboolture West investigation area or growth areas.
Part 3 – Clearing Native Vegetation	<b>Not Applicable</b> The Subject Site contains Category X regulated vegetation. The clearing of Category X native vegetation does not require referral.
Part 4 – Contaminated Land	<b>Not Applicable</b> The Subject Site is not on the environmental management register or contaminated land register.
Part 5 – Environmentally Relevant Activity	<b>Not Applicable</b> An environmentally relevant activity is not proposed.
Part 6 – Fisheries	<b>Not Applicable</b> The proposal is not for aquaculture. The Subject Site is not located within a Declared Fish Habitat Area. The Subject Site does not contain marine plants.
Part 7 – Hazardous Chemical Facilities	<b>Not Applicable</b> The proposal does not involve a hazardous chemical facility.
Part 8 – Heritage Places	<b>Not Applicable</b> The Subject Site is not a Local Heritage Place or State Heritage Place.
Part 9 – Infrastructure-related Referrals	<b>Not Applicable</b> The Subject Site is not designed premises, subject to an electrical easement or substation, within a pipeline easement or State transport infrastructure.
Part 10 – Koala Habitat in SEQ Region	<b>Not Applicable</b> The Subject Site is not identified within the Koala Priority Area, or contain Koala Habitat Area.
Part 11 – Noise Sensitive Place on Noise Attenuation Land	<b>Not Applicable</b> The Subject Site is not on noise attenuation land.
Part 12 – Operational Work for Reconfiguring a Lot	<b>Complies</b> The proposal does not involve Operational Work, however it is acknowledged that any such future associated application(s) will be Code Assessable.
Part 13 – Ports	<b>Not Applicable</b> The Subject Site is not on Brisbane port land, Brisbane port limits, another port or strategic port land.
Part 14 – Reconfiguring a Lot under Land Title Act	<b>Complies</b> The proposal is for Reconfiguring a Lot that is assessable development, however it is not ‘particular Reconfiguring a Lot’ as defined within Schedule 12 as overlays applies to the site.
Part 15 – SEQ development area	<b>Not Applicable</b> The Subject Site is not within an SEQ major development area.
Part 16 – SEQ Regional Landscape and Rural Production Area and Rural Living Area	<b>Not Applicable</b> The subject site is within the Urban Footprint.
Part 16AA Solar Farms	<b>Not Applicable</b> A development does not relate to a solar farm.
Part 16A – Southport Spit	<b>Not Applicable</b> The subject Site is not located within the Southport Spit.
Part 16B – SEQ Northern Inter-Urban Break	<b>Complies</b> The Subject Site is not located within the SEQ Northern Inter-Urban Break.
Part 17 – Tidal Works in a Coastal Management District	<b>Not Applicable</b> The Subject Site is not identified within a Coastal Management District.
Part 18 – Urban Design	<b>Not Applicable</b> The proposal does not exceed the development thresholds for this trigger.

Part 19 – Water-related Development	<b>Not Applicable</b> The proposal does not involve taking or interfering with water.
Part 20 – Wetland Protection Area	<b>Not Applicable</b> The Subject Site is not mapped within a Wetland Protection Area.
Part 21 – Wind Farms	<b>Not Applicable</b> The proposal is not for a wind farm.

### 5.4.1 State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) provide assessment benchmarks for the assessment of development applications where the chief executive is the assessment manager or referral agency. As there are no referral triggers for the development application, there are no State Development Assessment Provisions that apply to the development application.

### 5.4.2 Category of Development

The Category of Development for this development application is determined by assessing the proposal against the Category of Assessment for the Zone, Neighbourhood Plan and applicable Overlays as outlined in **Table 3** below.

As the Subject Site is located within the Low-Medium Density Residential Zone, the proposed development is Assessable Development (Impact Assessment) in accordance with Table 5.6.1 – Reconfiguring a Lot of the Planning Scheme as this development application is not accompanied by an assessable Material Change of Use. As demonstrated below, the applicable overlays do not alter the level of assessment. Public Notification is required.

**Table 3 – Applicable Level of Assessment**

Zone	Category of Development
Low-Medium Density Residential Zone	Impact Assessment
Neighbourhood Plan	
Clayfield-Woolloowin District Neighbourhood Plan	No Change
Overlays	
Airport Environs Overlay	Not Applicable
Community Purposes Network Overlay	Code Assessment
Critical Infrastructure and Movement Network Overlay	Not Applicable
Dwelling House Character Overlay	Not Applicable
Road Hierarchy Overlay	Code Assessment
Streetscape Hierarchy Overlay	Code Assessment
Transport Noise Corridor Overlay	Not Applicable

### 5.4.3 Assessment Benchmarks

Whilst the Park Planning and Design Code is nominated as a prescribed secondary code for Reconfiguring a Lot, Section 9.3.17.1 of the Planning Scheme clarifies that this use code only applies where a proposal involves the creation of a 'park'. As the proposal does not involve the creation of a park, an assessment against this code is not required. The development application has been assessed against the following Codes:

**Table 4 – Assessment Benchmarks**

Zone	
Low-Medium Density Residential Zone Code	Appendix B – Code Compliance
Neighbourhood Plan	
Clayfield-Woolloowin District Neighbourhood Plan	Appendix B – Code Compliance
Development Code	

Subdivision Code	Appendix B – Code Compliance
<b>Overlay Code</b>	
Community Purposes Network Overlay Code	Appendix B – Code Compliance
Road Hierarchy Overlay Code	Appendix B – Code Compliance
Streetscape Hierarchy Overlay Code	Appendix B – Code Compliance
<b>Prescribed Secondary Codes</b>	
Filling and Excavation Code	Appendix B – Code Compliance
Infrastructure Design Code	Appendix B – Code Compliance
Landscape Work Code	Not Applicable. Landscaping is not proposed.
Outdoor Lighting Code	Appendix B – Code Compliance
Stormwater Code	Appendix B – Code Compliance
Transport, Access, Parking and Servicing Code	Appendix B – Code Compliance
Wastewater Code	Appendix B – Code Compliance

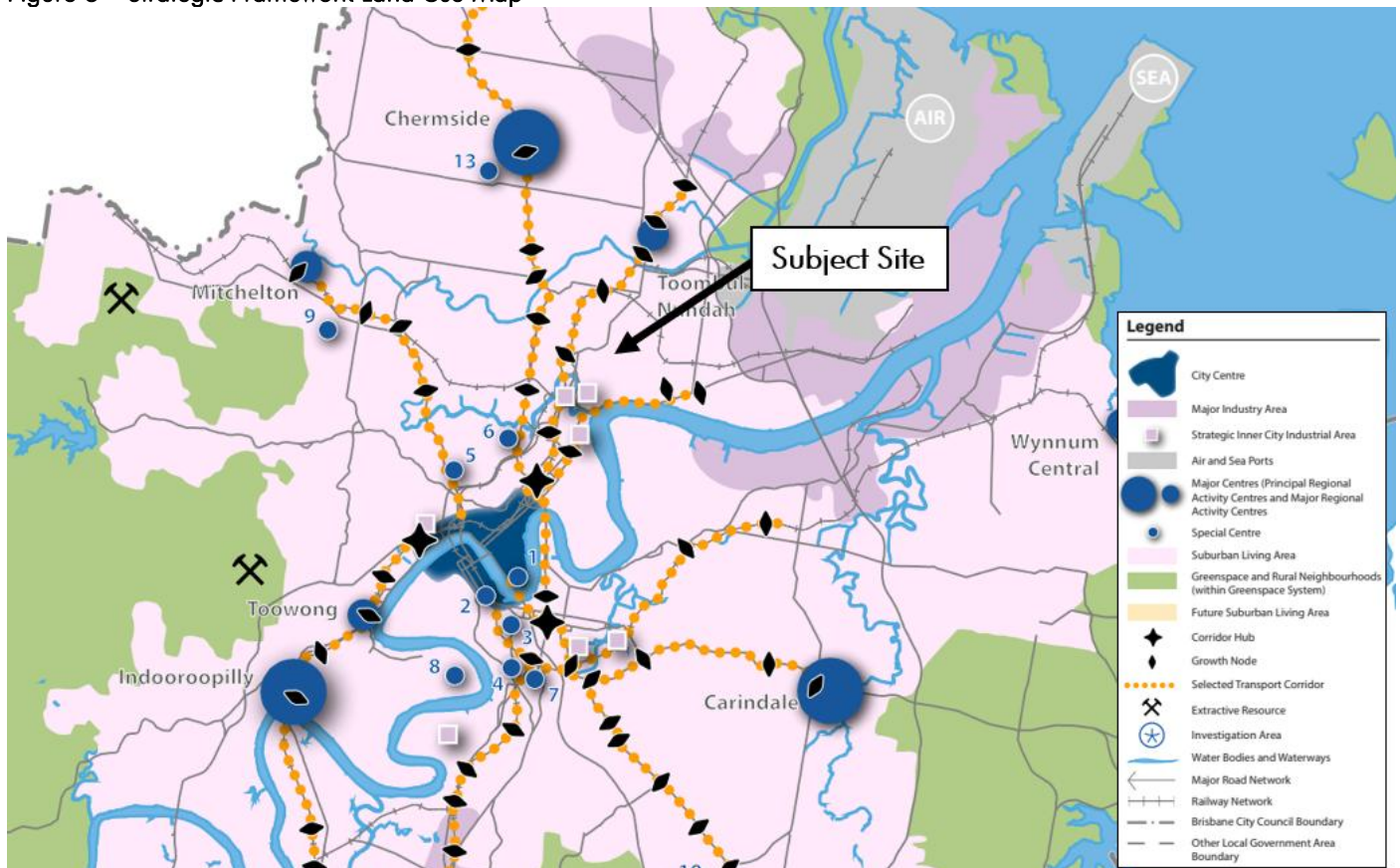
### 5.4.4 Assessment Manager

In accordance with s21 of the Planning Regulation 2017, as the proposed development is assessable development under the Planning Scheme, the Assessment Manager for this application is Brisbane City Council.

### 5.4.5 Strategic Framework

As per Table 5.6.1 – Low-Medium Density Residential Zone of the Planning Scheme, this Impact Assessable development application is to be assessed against, inter alia, the strategic framework. The strategic framework is comprised of five key themes, each containing elements, specific outcomes and land use strategies.

Figure 6 – Strategic Framework Land Use Map



The Strategic Framework sets the policy direction for the life of the Planning Scheme, and broadly applies to the entirety of the local government area. A review of the Strategic Framework as a whole has been completed and the proposal is consistent with, and does not compromise, the Strategic Framework or the relevant elements of the themes. The Subject Site is identified within the Low-Medium Density Residential Zone which supports the implementation of the policy direction set in the strategic framework, in particular:

- **Theme 2:** Brisbane’s outstanding lifestyle and Element 2.2 – Brisbane’s housing and accommodation choices; and
- **Theme 5:** Brisbane’s CityShape, Element 5.3 – Brisbane’s Major Centres and Element 5.5 – Brisbane’s Suburban Living Areas and Element 5.8 – Brisbane’s Growth Nodes on Selected Transport Corridors.

The proposal achieves the intent of the Strategic Framework in that:

- The proposal facilitates additional housing choice within Brisbane’s existing urban area by retaining the existing Dwelling House on Proposed Lot 1 and creating a new residential lot capable of accommodating a future Dwelling House on Proposed Lot 2;
- The development permits the establishment of a diverse range of housing forms in a manner appropriate to the locality and consistent with the strategic intent for Brisbane’s housing and accommodation choices;
- The proposal makes efficient use of well-located residential land through targeted infill development within an established urban area, consistent with the Strategic Framework’s direction for accommodating future population growth;
- The proposed lots are regular and functional in shape, enabling ongoing residential use of proposed Lot 1 and future residential development on proposed Lot 2;
- The development maintains the established suburban character by providing a subdivision outcome capable of accommodating appropriate building siting, private open space, landscaping and residential amenity;
- The proposed lots can be connected to necessary infrastructure and services, consistent with the strategic intent that urban development be aligned with existing and planned infrastructure;
- The proposed lots are fully compliant with the minimum lot size, minimum rectangle dimension, average lot width and minimum frontage requirements specified in the proposed citywide amendment – More Homes, Sooner – Low-Medium Density Residential Design.

## 5.5 Adopted Charges

The State Planning Regulatory Provision (Adopted Charges) and Brisbane Infrastructure Charges Resolution (No. 14) 2025 levy infrastructure charges for the development. The applicable demand and credit are calculated in **Table 5** below.

**Table 5 – Adopted Charges**

Demand	Demand Unit	Charge per unit	Charge
Proposed residential allotments	2	\$18,026.28	\$36,052.56
<b>Credit</b>			
Existing residential allotments	1	\$18,026.28	-\$18,026.28
<b>Total</b>			<b>\$18,026.28</b>

It is noted that Urban Utilities will also levy additional infrastructure charges for the development.

## 6.0 Conclusion

This report has identified and analysed the relevant town planning issues that are associated with the proposed development and determined this development application for Reconfiguring a Lot (1 Lot into 2 Lots) at 8 Butler Street, Ascot to be appropriate, as:

- The development application has been structured in accordance with the requirements of the Planning Act 2016, Planning Regulation 2017 and associated Development Assessment Rules;
- The proposal accords with the intent and complies with the relevant planning scheme provisions of the Planning Scheme;
- The proposal contains lot sizes that exceed the minimum rectangle dimensions and minimum frontage widths permitted within the Low-Medium Density Residential Zone;
- The proposed lots are sufficient in size and dimension to accommodate a future dwelling and/or to maintain an existing dwelling;
- The proposed subdivision will complement the streetscape, local context and character of the locality;
- Each proposed lot will achieve a lawful point of discharge to the kerb and channel on Butler Street;
- The necessary infrastructure, including water, sewerage, electricity and telecommunications are available to both proposed lots.

This office trusts that the information supplied comprehensively addresses all the issues that are to be considered by the Brisbane City Council. Our office recommends that this development application be approved subject to reasonable and relevant conditions.