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TOWN PLANNING CONSULTANTS

Town Planning Assessment Report



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19/05/26

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Project Team

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Summary

Site and Planning Framework Details

Site Details	
Address	1 & 7 Gertrude Street, Highgate Hill QLD 4101
RP Description	Lot 15, 16 & 17 on RP12150
Site Area	1,029m ²
Owners	Ingrid & Neil Sullivan (1 Gertrude Street) George Stergou, Tsambika Diacos & Despina Hantzopoulos (7 Gertrude Street)
Easements	None identified
Planning Framework	
Local Government	Brisbane City Council
Planning Scheme	Brisbane City Plan 2014 v35
Strategic Framework	Suburban Living Area
Zone	CR2 Character (Infill housing)
Neighbourhood Plan	West End-Woolloongabba district neighbourhood plan
Overlays	Airport Environs Overlay <ul style="list-style-type: none">○ Procedures for air navigation surfaces (PANS)○ BBS zone – Distance from airport 8-13km Community Purposes Network Overlay Critical Infrastructure And Movement Network Overlay <ul style="list-style-type: none">○ Critical Infrastructure and movement planning area sub-category



	<p>Dwelling house character overlay</p> <p>Heritage overlay</p> <ul style="list-style-type: none">○ Area adjoining heritage sub-category (<i>applicable to 7 Gertrude St only</i>)○ Local heritage place sub-category (<i>applicable to 1 Gertrude St only</i>) <p>Road Hierarchy Overlay</p> <p>Streetscape Hierarchy Overlay</p> <p>Traditional building character overlay</p> <ul style="list-style-type: none">○ Neighbourhood character sub-category <p>Transport noise corridor overlay</p> <ul style="list-style-type: none">○ Noise corridor - Brisbane: Queensland Development Code MP4.4 Noise Category 1 sub-category
State Designations	<ul style="list-style-type: none">● Urban Footprint● Water Resource Planning Area

Development Application Details

Application Details	
Proposal Overview	<p>In accordance with the attached proposal plans, the development seeks to renovate and extend the existing dwelling house at 1 Gertrude Street, Highgate Hill, which is identified as a Local heritage place.</p> <p>While minor works to the dwelling house have been historically approved by Council via a Heritage Exemption Certificate (including minor building works, conservation, restoration, repair and maintenance works, and landscape / garden works), this application seeks approval for works not covered by the Heritage Exemption Certificate.</p> <p>The development additionally proposes a 2 into 2 lot reconfiguration, proposing to realign the boundary between lot 16 (1 Gertrude Street) & lot 17 (7 Gertrude Street). The purpose of the boundary realignment is to ensure the existing patio at the rear of lot 17 is contained entirely within the bounds of lot 17, noting the patio has been partially constructed within lot 16.</p>



	For further details, refer to Section 4 of this Town Planning Assessment Report, together with Appendix B – Proposal Plans.
Development Description	<ul style="list-style-type: none">• Development Permit for Building Works associated with a Local heritage place in the Local heritage place sub-category• Development Permit for Reconfiguration of a Lot (boundary realignment)
Defined Use	Dwelling House
Level of Assessment	Impact Assessment
Assessment Manager	Brisbane City Council
Referral Agencies	None Identified
Public Notification	Required
Applicant	Doyen Planning



1. INTRODUCTION

This Town Planning Assessment accompanies a development application made on behalf of the landowners over land at 1 & 7 Gertrude Street, Highgate Hill [the site].

In accordance with the attached proposal plans, the development seeks to renovate and extend the existing dwelling house at 1 Gertrude Street, Highgate Hill, which is identified as a Local heritage place.

While minor works to the dwelling house have been historically approved by Council via a Heritage Exemption Certificate (including minor building works, conservation, restoration, repair and maintenance works, and landscape / garden works), this application seeks approval to extend the lower floor of the dwelling house and construct a new detached single car garage to the west of the dwelling house. Minor internal works are also proposed the dwelling house, including the construction of a new internal stair which will connect the lower level of the dwelling house with the ground level.

The development additionally proposes a 2 into 2 lot reconfiguration, proposing to realign the boundary between lot 16 (1 Gertrude Street) & lot 17 (7 Gertrude Street). The purpose of the boundary realignment is to ensure the existing patio at the rear of lot 17 is contained entirely within the bounds of lot 17, noting the patio has been partially constructed within lot 16.

To undertake the proposed development, the following permits are required:

- Development Permit for Building Works associated with a Local heritage place in the Local heritage place sub-category
- Development Permit for Reconfiguration of a Lot (boundary realignment)

The development application is subject of assessment pursuant to The Planning act 2016 [The Planning Act]. The applicable planning scheme in this instance is the Brisbane City Plan 2014 [City Plan].

This planning assessment report outlines the details of the proposed development and demonstrates its compliance with Council's Planning Scheme and other relevant statutory requirements.

The development has been evaluated against all applicable benchmarks. While some minor alternative outcomes have been proposed, these have been thoroughly justified and shown to meet the relevant assessment benchmarks as part of the bounded assessment.

In conclusion, the development is considered well-suited to the site and the surrounding area, ensuring the cultural heritage significance of the Local heritage place is protected.

2.SITE & LOCAL CONTEXT

2.1. SITE DETAILS

The subject site is located at 1 & 7 Gertrude Street, Highgate Hill formally described as Lots 15, 16 & 17 on RP12150. The site has a combined area of 1,029 square metres and features road frontages to Gertrude Street and West Street.

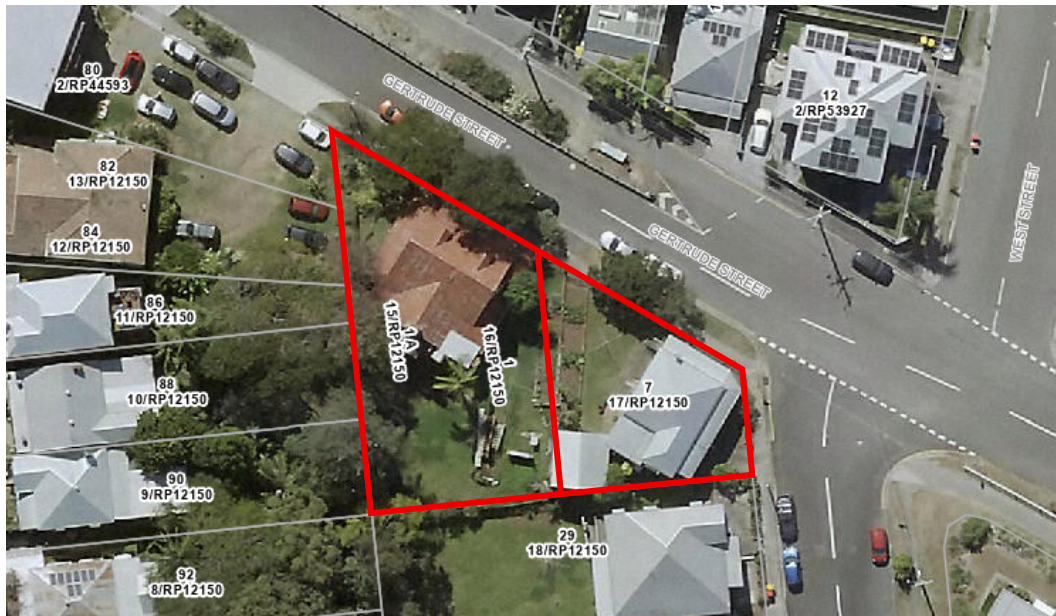


Figure 1: Aerial & Streetscape Photograph of Site (Source: BCC & Google Maps)

The following table provides an overview of the subject site in response to site investigations performed via various desktop analysis sources:

Table 1: Site Overview

Topography	The site slopes towards the rear of each allotment (south-west)
Vegetation	The removal of vegetation from the site is not proposed.
Flooding	A Brisbane City Council FloodWise Report confirms no flooding impacts the property.
Services	The site is serviced by water, sewerage, and stormwater.
Current Use / Improvements	Each property is currently improved with a dwelling house which will be retained with the development.

2.2. SURROUNDING LOCALITY

The site is located centrally within Highgate Hill. The surrounding area comprises of a combination of zones, including character residential, low-medium density residential, high density residential, and special purpose. Consequently, there is an assortment of established and emerging uses at varying scales and intensities within the surrounding locality.



Figure 2: Locality Map (Source: QLD Globe)



3.BACKGROUND

3.1. SITE APPROVAL HISTORY

Brisbane City Council's Development.i does not identify any development approvals over the subject site.

A Heritage Exemption Certificate (HEC) was issued by Brisbane City Council on 5 April 2023 for works associated with the Local heritage place at 1 Gertrude Street, Highgate Hill (Council ref. A006206489).

The HEC provides exemption for the following works:

1. Raise and restump property
2. Roof replacement
3. Remove contemporary cement sheet lined additions, and adjacent external landings to rear of property
4. Kitchen to be extended to right hand side of chimney stack
5. Reinstate bedroom VJ wall and door to original
6. Undertake timber repairs internally and externally where necessary
7. Asbestos decontamination
8. Restore currently derelict verandah to original
9. Reinstate utility and laundry rooms under house
10. Fencing
11. Removal of vegetation currently undermining the heritage place
12. Garden bed
13. Restoration of Fireplace
14. Painting schedule

Details (and plan drawings) of the above exemption works are included in **Appendix D**.

3.2. PRE-LODGE MENT MEETING

A pre-lodgement meeting has not been undertaken prior to the submission of this application.

4. PROPOSED DEVELOPMENT

4.1. OVERVIEW

In accordance with the attached proposal plans, the development seeks to renovate and extend the existing dwelling house at 1 Gertrude Street, Highgate Hill, which is identified as a Local heritage place.

The dwelling house was constructed circa 1887 for Ebenezer Thorne, a controversial journalist, politician and property investor. Initially known as 'Prospect Place', the dwelling featured six bedrooms, servant's rooms, stables and verandahs which took advantage of the site's elevated position on Gertrude Street. The dwelling was later obtained by Thorne's second wife Sarah in 1920, who renamed the house 'Carina' after her stepdaughter, Kate Carina (for whom the suburb or Carina is also believed to be named).

The dwelling house is currently a two-storey vernacular house with a tin roof and verandahs to the front and sides. The dwelling is an example of a Colonial style timber house that characterised Highgate Hill in the 1880s.

While minor works to the dwelling house have been historically approved by Council via a Heritage Exemption Certificate (including minor building works, conservation, restoration, repair and maintenance works, and landscape / garden works), this application seeks approval to extend the lower floor of the dwelling house and construct a new detached single car garage to the west of the dwelling house. Minor internal works are also proposed the dwelling house, including the construction of a new internal stair which will connect the lower level of the dwelling house with the ground level.

The development additionally includes a 2 into 2 lot reconfiguration, proposing to realign the boundary between lot 16 (1 Gertrude Street) & lot 17 (7 Gertrude Street). The purpose of the boundary realignment is to ensure the existing patio at the rear of lot 17 is contained entirely within the bounds of lot 17, noting the patio has been partially constructed within lot 16.

No changes are proposed to the lot sizes, ensuring the lot configuration remains closely aligned with the existing lot layout and character of the surrounding area.

Further details are provided in section 4.2 below.

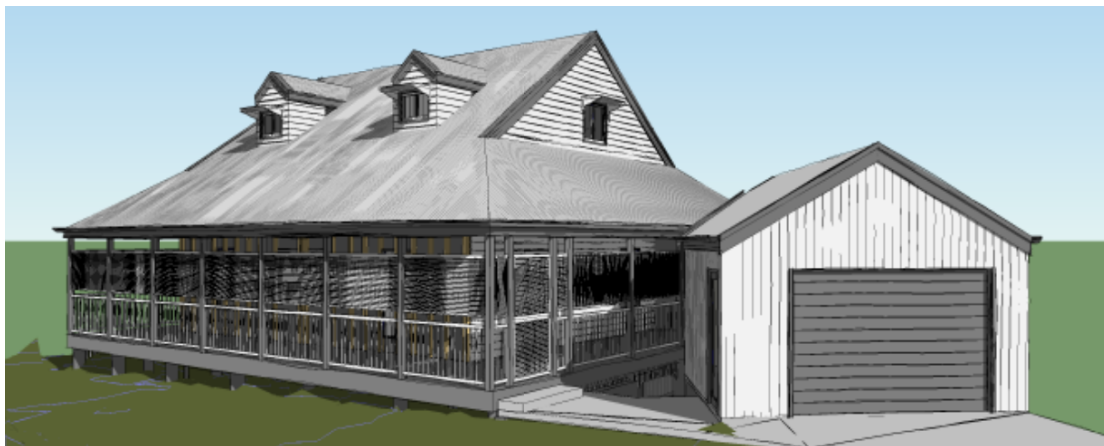


Figure 3: Proposed Streetscape Perspective

4.2. DEVELOPMENT SPECIFICS

Key planning issues are outlined below.

4.2.1. HERITAGE OVERLAY

As detailed in Council's online mapping system (below), 1 Gertrude Street is identified within the Local heritage place sub-category of the Heritage overlay, while 7 Gertrude Street is located within the Area adjoining heritage sub-category of the Heritage overlay.

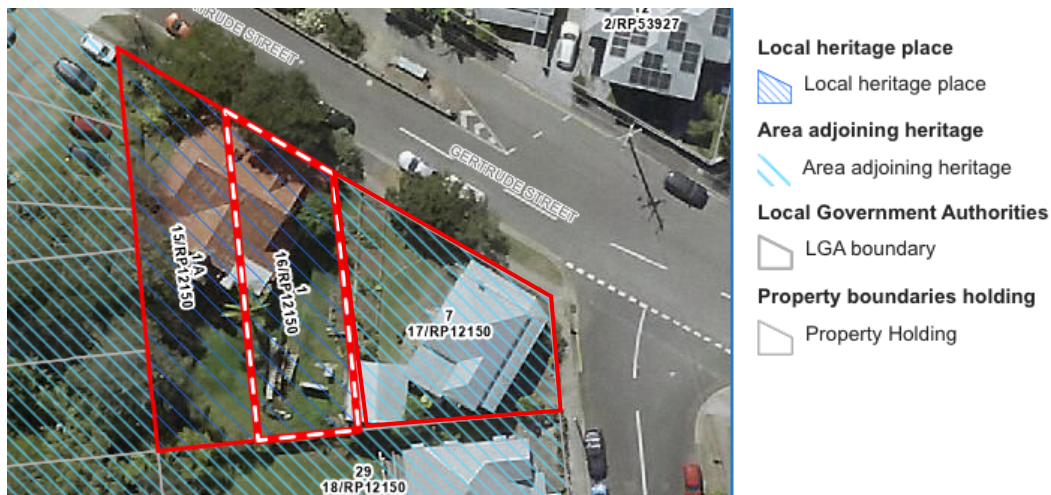


Figure 4: BCC Heritage overlay

In accordance with the purpose and overall outcomes of the Heritage overlay code, the development avoids adverse impacts on the cultural heritage significance of the local heritage place (being the existing Dwelling house at 1 Gertrude Street).

In doing so, the development retains all traditional features of the existing Dwelling house, including (but not limited to) verandahs to the front and sides, feature gable roof form, brickwork chimney, metal roof sheeting, vertical battened balustrade, and traditional style wall cladding.

The proposed garage and new building works to the lower floor similarly utilise traditional features and materials that seamlessly integrate with the character of the existing dwelling house, including a gable roof form (garage) and vertical wall cladding. In doing so, the heritage significance of the place is respected and conserved.

The proposed lot reconfiguration further ensures the cultural heritage significance of the heritage place is maintained, proposing a minor boundary realignment only.

4.2.2. BOUNDARY REALIGNMENT

A site survey has confirmed the existing patio historically constructed to the rear of 7 Gertrude Street (lot 17 on RP12150) has been partially constructed within the bounds of 1 Gertrude Street (lot 16 on RP12150) – the patio is identified in the below aerial image:



Figure 5: Aerial imagery - 1 & 7 Gertrude St, Highgate Hill

To ensure the structure is not located across the lot boundary, the development seeks to realign the boundary that divides lots 16 and 17, enabling the patio to be wholly contained within lot 17 (as intended when it was constructed).

The boundary realignment ensures no changes are proposed to the current lot sizes – lot 16 remains ~293m² in size, while lot 17 remains ~368m² in size. In doing so, each allotment continues to facilitate its current (and intended) use, being a single Dwelling house. The existing site density is also maintained by the development which aligns with the surrounding Character residential zone and that which predominates in the neighbourhood.



5. STATE PLANNING FRAMEWORK

5.1. PLANNING ACT 2016

The Planning Act is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by Local Governments.

This section provides an overview of the legislative context of the application under the provisions of the Planning Act 2016 and associated Planning Regulation 2017.

5.1.1. ASSESSABLE DEVELOPMENT

The proposed development is made assessable under section 45 of the Planning Act 2016 by either schedules 9 and 10 of the Planning Regulation 2017 or a Local Governments Planning Scheme. Furthermore, given the assessment manager for the application is the local government, the application is required to be assessed against the benchmarks identified within:

- The Regional Plan for the region and State Planning Policy – Part E (to the extent they are not identified within the scheme);
- Any temporary State Planning Policy applying to the premise; or
- The local governments Planning Scheme.

This development proposal involves assessable development under the City Plan and requires an Impact Assessable development application to be made to the assessment manager, in this case Council.

According to Section 45(5) of the Planning Act:

(5) An impact assessment is an assessment that —

(a) must be carried out –

(i) against the assessment benchmarks in a categorising instrument for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be varied out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Assessment benchmarks for Impact Assessment are described in Section 30 of the Planning Regulation 2017 (Planning Regulation):

(1) For section 45(5)(a)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—

(a) the assessment benchmarks stated in—

(i) the regional plan for a region; and



(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(iii) any temporary State planning policy applying to the premises;

(b) if the development is not in a local government area – any local planning instrument for a local government area that may be materially affected by the development;

(c) if the local government is an infrastructure provider – the local governments LGIP.

(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

At the time of the lodgement of this application, the common material comprises the application material only. The application material includes an assessment of the proposed development against the relevant assessment benchmarks. Information arising from the Information Request stage will also form part of the common material to be assessed by the Assessment Manager.

5.1.2. PUBLIC NOTIFICATION

Pursuant to Section 53 of the Planning Act, the notification stage of the development assessment process applies to an application if either of the following applies –

(a) any part of the application requires impact assessment; or

(b) the application includes a variation request.

This application requires impact assessment, and public notification will be undertaken in accordance with Part 4 of the Development Assessment Rules [DA Rules].

5.1.3. STATE PLANNING POLICY

The State Planning Policy was released on 3rd July 2017. It is a State planning instrument made under Chapter 2 Part 2, Section 10 of the Planning Act.

The SPP provides interim development assessment guidelines to ensure that State interests, that are not yet appropriately integrated in Local Government Planning Schemes, are properly considered in the assessment of development applications.

As prescribed in Section 26(2)(a)(ii) of the Planning Regulation, the State Planning Policy represents an assessment benchmark and the assessment manager must have regard to State Planning Policies, if it is not identified as being appropriately reflected in the planning scheme.

Part 2 of the City Plan identifies the State Planning Policy as being appropriately reflected in the planning scheme. The State Planning Policy is therefore not directly applicable to the development of the site.



5.1.4. REFERRAL AGENCIES AND STATE DEVELOPMENT ASSESSMENT PROVISIONS

Section 55(2) of the Planning Act states that:

For any other referral agency, a regulation may prescribe the matters the referral agency—

- (a) may, must or must only assess a development application against; and*
- (b) may, must, or must only have regard to for the assessment.*

Part 4, Section 22(1) of the Planning Regulation states that:

Schedules 9 and 10 prescribe—

- (a) for section 54(2)(a) of the Act, the referral agency for the development applications stated in the schedules; and*
- (b) for section 55(2) of the Act, the matters the referral agency—
 - (i) may or must assess the development application against; and*
 - (ii) may or must assess the development application having regard to.**

The development has been reviewed in light of Schedule 10 of the Planning Regulation 2017. The application does not require referral to the State Assessment and Referral Agency, therefore no assessment is required of the SDAP provisions.

5.1.5. SOUTH EAST QUEENSLAND REGIONAL PLAN

The South East Queensland Regional Plan 2023 [the Regional Plan] is the Queensland Government long-term vision for added growth in the South East Queensland region. It is a plan to ensure that the region can accommodate future population growth while sustainably enhancing communities.

As prescribed in Section 26(s)(a)(i) of the Planning Regulation, the regional plan represents an assessment benchmark and the assessment manager must have regard to regional plan, if it is not identified as being appropriately integrated in the planning scheme.

Shaping SEQ 2023 has only recently been released and is not yet integrated in the planning scheme. Regardless, the proposed development is consistent with the intended outcomes of the Regional Plan.



6. LOCAL PLANNING FRAMEWORK

6.1. BRISBANE CITY PLAN 2014

The City Plan commenced on 30 June 2014 and is the relevant planning scheme for the assessment of development proposals within the City of Brisbane.

The City Plan version applicable at the time of this development application is v35.

6.2. LAND USE DEFINITION

Pursuant to the defined uses in Schedule 1 of the City Plan, the proposed development is defined as per the following:

Dwelling House

Dwelling house means a residential use of premises involving—

- a. *1 dwelling and any domestic outbuildings associated with the dwelling; or*
- b. *2 dwellings, 1 of which is a secondary dwelling, and any domestic outbuildings associated with either dwelling.*

6.3. LEVEL OF ASSESSMENT

The level of assessment tables identify the following applicable triggers for the proposed development:

Table 5.6.1 – Reconfiguring a lot

- Reconfiguring a lot in the Character residential zone is assessable development (impact assessment) if a reconfigured lot is less than 450m².

Table 5.10.12 – Heritage overlay

- ROL in the Local heritage place sub-category is assessable development (impact assessment) if not in the City centre neighbourhood plan area of Yeerongpilly TOD neighbourhood plans area
- ROL in the Area adjoining heritage sub-category, if adjoining a local heritage place is assessable development (code assessment)
- Building work for removal, demolition or demolition of a component of a local heritage place where not accepted development or an exemption certificate has not been issued for the work under section 74 or section 75 of the *Queensland Heritage Act 1992* is assessable development (impact assessment) if not in the Howard Smith Wharves precinct in the City Centre neighbourhood plan area or not in the Yeerongpilly TOD neighbourhood plan area
- Building work under the Act in relation to a local heritage place in the Local heritage place sub-category, where an exemption certificate has not been issued under section 74 or section 75 of the *Queensland Heritage Act 1992* is assessable development (code assessment)



6.4. STRATEGIC FRAMEWORK

The City Plan includes a Strategic Framework which sets the policy direction for the planning scheme. The Strategic Framework includes five themes, the most relevant of which are outlined below:

- Theme 2: Brisbane's outstanding lifestyle
 - Element 2.1: Brisbane's identity
- Theme 5: Brisbane's CityShape
 - Element 5.5: Brisbane's Suburban Living Areas

Assessment of the relevant themes/elements is provided below –

Theme 2: Brisbane's outstanding lifestyle

Element 2.1: Brisbane's identity

- The specific outcomes of Element 2.1 seek to ensure heritage places of important local (city-wide) or State cultural heritage significance are identified and protected. The element also supports the adaptation or re-use of a heritage place where it is demonstrated that the cultural heritage significance of the place is conserved.

The proposed development achieves the above outcomes, ensuring all culturally significant features of the Local heritage place are retained, including (but not limited to) verandahs to the front and sides, feature gable roof form, brickwork chimney, metal roof sheeting, vertical battened balustrade, traditional style wall cladding and ornamental detailing.

- Element 2.1 further seeks to ensure development on or adjoining a heritage place protects the cultural heritage significance of the place.

The proposed extensions to the Local heritage place (including a new detached garage and lower floor extensions) utilise traditional features and materials that seamlessly integrate the Local heritage place, including lightweight construction, a gable roof form (proposed to the new garage) and vertical wall cladding. In doing so, the heritage significance of the place is respected and conserved.

No new building or structures are proposed on the property directly adjoining the Local heritage place (7 Gertrude Street) – a minor boundary realignment is proposed with this property only, ensuring the cultural heritage significance of the place remains unimpacted by the development.

Theme 5: Brisbane's CityShape

Element 5.5: Brisbane's Suburban Living Areas

- The specific outcomes of Element 5.5 seek to ensure development for housing is restricted to detached housing and any on-site secondary dwelling in the majority of Suburban Living Areas. The element also supports a high level of local amenity and character which is typically defined by features such as consistent block size and house spacing, an established road pattern, and the presence of mature vegetation and gardens.

The proposed development achieves the above outcomes, ensuring a single detached Dwelling house is retained on each property. The proposed boundary realignment further ensures block sizes are maintained that are consistent with the existing character of the neighbourhood and that a large area of private open space is maintained on each property that supports the establishment (and retention) of trees and gardens.

6.5. ZONE

City Plan 2014 includes the site within the Character Residential Zone, as illustrated below.



Figure 6: Zone Mapping Extract

An assessment of the zone code has been provided in **Appendix A**, demonstrating the development’s compliance with the purpose and overall outcomes of the zone code.

6.6. NEIGHBOURHOOD PLAN

The site is located within the West End-Woolloongabba District Neighbourhood Plan area, and as such, the West End-Woolloongabba District Neighbourhood Plan Code is the applicable assessment benchmark for the proposed development, as outlined in City Plan.


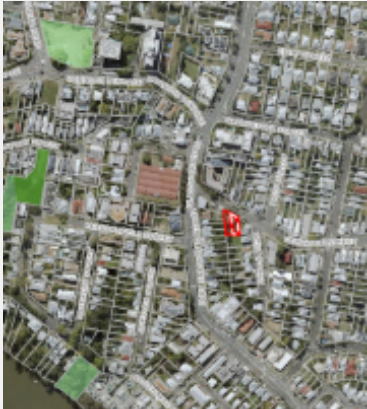

Noting the subject site is not located within sub-precinct of the neighbourhood plan area, the acceptable outcomes of the neighbourhood plan code are not applicable to the proposed development.

6.7. OVERLAYS

The applicable Overlay Mapping and associated codes applying to the site are summarised as follows.

Please refer to **Appendix A** for assessment of the development against the required benchmarks of these codes.

Table 2: Overlays

Overlay Map	Overlay Code / Sub-Category	Comment
	<p>Airport Environs Overlay</p> <ul style="list-style-type: none"> • Procedures for air navigation surfaces (PANS) • BBS Zone – Distance from airport 8-13km 	<p>The overlay nor sub-categories trigger assessment for the proposed development.</p>
	<p>Community purposes network overlay</p>	<p>Refer to Appendix A for a detailed response to the Community purposes network overlay code.</p> <p>The proposed development has been carefully designed to align with and meet the intended outcomes of the code, ensuring compliance with all relevant provisions.</p>
	<p>Critical infrastructure and movement network overlay</p> <ul style="list-style-type: none"> • Critical infrastructure and movement planning area sub-category 	<p>The overlay nor sub-categories trigger assessment for the proposed development.</p>



	<p>Dwelling house character overlay</p>	<p>Refer to Appendix A for a detailed response to the Dwelling house code.</p> <p>The proposed development has been carefully designed to align with and meet the intended outcomes of the code, ensuring compliance with all relevant provisions.</p>
	<p>Heritage overlay</p> <ul style="list-style-type: none"> Local heritage place sub-category (1 Gertrude St) Area adjoining heritage sub-category (7 Gertrude St) 	<p>Refer to Appendix A for a detailed response to the Heritage overlay code.</p> <p>The proposed development has been carefully designed to align with and meet the intended outcomes of the code, ensuring compliance with all relevant provisions.</p>
	<p>Road Hierarchy Overlay</p>	<p>Refer to Appendix A for a detailed response to the Road hierarchy overlay code.</p> <p>The proposed development has been carefully designed to align with and meet the intended outcomes of the code, ensuring compliance with all relevant provisions.</p>
	<p>Streetscape Hierarchy Overlay</p>	<p>Refer to Appendix A for a detailed response to the Streetscape hierarchy overlay code.</p> <p>The proposed development has been carefully designed to align with and meet the intended outcomes of the code, ensuring compliance with all relevant provisions.</p>

	<p>Traditional building character overlay</p> <ul style="list-style-type: none"> Neighbourhood character sub-category 	<p>The overlay nor sub-categories trigger assessment for the proposed development.</p>
	<p>Transport noise corridor overlay</p> <ul style="list-style-type: none"> Noise corridor - Brisbane: Queensland Development Code MP4.4 Noise Category 1 sub-category 	<p>The overlay nor sub-categories trigger assessment for the proposed development.</p>

6.8. APPLICABLE CODES AND PLANNING SCHEME POLICIES

The following section comprises a summary of compliance against the assessment benchmarks of the applicable codes that applied to the proposed development.

Table 3: Applicable Codes and Policies

Code / Planning Scheme Policy	Comment
<p>Community purposes network overlay code</p>	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
<p>Road Hierarchy Overlay Code</p>	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>



Streetscape Hierarchy Overlay Code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Heritage Overlay Code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
West end-woolloongabba district neighbourhood plan code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Character residential zone code	<p>The proposed development complies with the purpose and overall outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Dwelling House Code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Subdivision code	<p>A Performance Outcome has been provided regarding AO2.1. The proposal is generally compliant with all other provisions of this code.</p> <p>For a detailed assessment of this code, please refer to Appendix A.</p>
Filling and excavation code	<p>A Performance Outcome has been provided regarding AO1. The proposal is generally compliant with all other provisions of this code.</p> <p>For a detailed assessment of this code, please refer to Appendix A.</p>
Infrastructure design code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Landscape work code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>



Outdoor lighting code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Stormwater code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Transport, access, parking and servicing code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
Wastewater code	<p>The proposed development complies with the relevant Acceptable Outcomes of this code.</p> <p>For a detailed assessment of the code, please refer to Appendix A.</p>
QDC MP1.2	<p>Performance Outcomes have been provided regarding front and side boundary setbacks, as well as a wall requiring maintenance within 750mm of a side boundary. The proposal is generally compliant with all other provisions of this code.</p> <p>For a detailed assessment of this code, please refer to Appendix A.</p>

6.9. INFRASTRUCTURE CHARGES

Based on Council's adopted Infrastructure Charges Resolution (No. 14) 2025, which commenced on 1 July 2025, infrastructure charges are not applicable to the proposed development.



7. KEY PLANNING MATTERS

As demonstrated in sections 5 & 6 of this Town Planning Assessment, the proposed development achieves compliance with the relevant planning framework, in particular with the Planning Act, relevant parts of State Planning Framework, and the assessment benchmarks of City Plan 2014.

This section provides an explanation of key planning matters for the proposed development, being the occasions where alternative solutions are provided to the acceptable outcomes within the applicable assessment codes.

7.1. SUBDIVISION CODE

AO2.1

Development ensures that any cutting, filling, retaining walls and earthworks:

- a. *result in a maximum vertical dimension or minimum horizontal dimension of 1m for either:*
 - i. *a single level change; or*
 - ii. *any step in a series of level changes.*
- b. *locates the crest of any cut or toe of any fill no closer than 0.6m to any lot boundary;*
- c. *limits cut and fill to less than 1m in height for construction of transport network elements.*

Note—Development may be required to accommodate cutting, filling, retaining walls and earthworks by providing larger lot dimensions than those stated in Table 9.4.10.3.B.

Note—The transport network is any element that provides for the movement of vehicles, pedestrians or cyclists other than the internal function and operation of a site and may include public space, publicly accessible private space or private space if through movement or public access is intended.

PO2

Development creates useable lots that:

- a. *do not rely on excessive cut and fill;*
- b. *do not intrude into areas of waterway and environmental significance;*
- c. *ensure any cutting, filling, retaining walls and earthworks:*
 - i. *minimise adverse impacts to vegetation, natural features and topography;*
 - ii. *avoid adverse impacts on coastal resources and processes where for development of canals and artificial waterways;*
- d. *minimise adverse impacts to the utility of existing or proposed transport network elements.*

Comment

Due to the sloping nature of the subject site, the development proposes minor earthworks and retaining to the underside of the existing dwelling house at 1 Gertrude Street to facilitate construction on the new lower floor. Retaining walls are additionally proposed to the underside of the new garage located at 1 Gertrude Street.

Earthworks are not required to facilitate the proposed boundary realignment, instead associated with the proposed building works at 1 Gertrude Street only.



The development does not propose unnecessary cut/ fill, ensuring earthworks are only proposed where required to ensure compliant verges and level building pads are provided to the dwelling houses.

The proposed earthworks do not intrude into areas of waterway and environmental significance – the development proposes the retention of Council street trees.

The development does not result in adverse impacts to the utility of existing or proposed transport network elements.

7.2. FILLING AND EXCAVATION CODE

AO1

Development ensures that the total height of any cut and fill, whether or not retained, does not exceed:

- a. 2.5m in a zone in the Industry zones category;
- b. 1m in all other zones, or if adjoining a sensitive zone.

PO1

Development for filling or excavation minimises visual impacts from retaining walls and earthworks.

Comment

Due to the sloping nature of the subject site, the development proposes minor earthworks and retaining to the underside of the existing dwelling house at 1 Gertrude Street to facilitate construction on the new lower floor. Retaining walls are additionally proposed to the underside of the new garage located at 1 Gertrude Street.

Noting the location and scale of the proposed retaining walls, which remain predominantly less than 1m in height above the natural ground level, visual impacts are not anticipated to result from proposed earthworks.

7.3. QDC MP1.2

A1

1. For a detached dwelling, garage or a carport the minimum road setback is –
 - a. 6m; or
 - b. where there are existing detached dwellings on both adjoining lots and at least one of the detached dwellings is setback from the road between 3m and 6m, and the difference between their road setbacks is-
 - i. not more than 2m- a distance between the two buildings (**Figure 1**); or
 - ii. more than 2m- the average of the road setbacks of the adjacent buildings (**Figure 2**);
and
2. For a corner lot, the minimum road setbacks are-
 - a. as for A1(a)(i); or
 - b. where the lot has an average depth of 24 m or less –
 - i. for the nominated road frontage – as in **Table A1**; and
 - ii. for the other road frontage - as for A1(a)(i); and

- iii. no building or structure over 2m high is built within a 9m by 9m truncation at the corner of the 2 road frontages (**Figure 3**).
3. For **open carports**, the minimum road setback may be less than required by A(i)(a) if –
- a. the aggregate perimeter dimension of walls, solid screens, and supports located within the setback does not exceed 15% of the total perimeter dimension (along the line of supports) of that part of the carport within the same setback (**Figure 4**); and
 - b. there is no alternative on-site location for a garage or carport that
 - i. complies with A(i)(a); and
 - ii. will allow vehicular access having a minimum width of 2.5m; and
 - iii. has a maximum gradient of 1 in 5.
4. For **structures** the minimum road setbacks are as for A1(a),(b), and (c) except for –
- a. **swimming pools**, where the minimum distance from the water to the road frontage is
 - i. where the vertical distance to the coping above the finished ground level is not more than 1.2m – 1.5m; or
 - ii. where a solid wall or fence at least 1.8m high above finished ground level is constructed between the water and the road frontage and the top of the wall or fence is at least 1.0m above the top of the coping of the pool – no requirement; and
 - b. **screens, fences, retaining walls or a combination of screens, fences or retaining walls** not more than 2m in height; and
 - c. roofed **gatehouses and arches** having –
 - i. a maximum area of 4m²; and
 - ii. not more than 2m wide elevation to street; and
 - iii. not more than 3m in height.

P1

The location of a building or structure facilitates an acceptable streetscape, appropriate for –

- a. the bulk of the building or structure; and
- b. the road boundary setbacks of neighbouring buildings or structures; and
- c. the outlook and views of neighbouring residents; and
- d. nuisance and safety to the public.

Comment

The development proposes a new single car garage that is setback 952mm (worst case) from the front boundary of 1 Gertrude Street. Noting the proposed setback does not meet the accepted outcome nominated in A1, assessment against the PO is therefore required.

In demonstrating compliance with the intended outcomes of P1, the following is noted:

- The proposed garage is single storey in height and remains subordinate in size and scale to the existing dwelling house on the site, which is 2 storeys and located forward of the proposed garage. The garage therefore provides an acceptable streetscape that is appropriate for (& in proportion to) the existing built form of the property.
- Noting the existing dwelling house on the site (1 Gertrude St) is built to the front boundary, the proposed garage provides a front boundary setback that aligns with the existing setting of this dwelling house.

The adjoining properties to the east and west similarly contain buildings that are built within the accepted front setback – the existing dwelling house to the east (7 Gertrude Street) contains a front setback of ~800mm while the existing building to the west (80 Gertrude Rd) contains a



0m setback. The proposed garage therefore provides a front setback that aligns with the existing character of Gertrude Street, ensuring an acceptable streetscape is maintained.

- The proposed garage is not located within a position that would impact the outlook or views of neighbouring residents.
- The proposed garage is located entirely within the bounds of the site, ensuring the structure does not provide a nuisance, nor impact the safety of the public.

A2

1. *The side and rear boundary clearance for a part of the building or structure is –*
 - a. *where the height of that part is 4.5m or less - 1.5m; and*
 - b. *where the height of that part is greater than 4.5m but not more than 7.5m - 2m; and*
 - c. *where the height is greater than 7.5m - 2m plus 0.5m for every 3m or part exceeding 7.5m.*
2. *For a rectangular or near rectangular narrow lot with a 15m or less frontage, the minimum side and rear setbacks for that part are –*
 - a. *where the height is not more than 7.5m – in accordance with Table A2; and*
 - b. *where the height is more than 7.5m – 2m plus 0.5m for every 3m or part of 3m by which the height exceeds 7.5m.*
3. *Structures may be exempted from A2 (a) and (b) where –*
 - a. *the structure is not a deck, patio, pergola verandah, gazebo or the like other than one permitted under A2 (c) (v)*
 - b. *the structure is not used for entertainment, recreational purposes or the like*
 - c. *a screen, fence or retaining wall or a combination of screens, fences or retaining walls is not more than 2m in height or*
 - d. *a rainwater tank, including any supporting structure such as a stand, is not more than 2.4m high.*
 - e. *subject to (ii), it is a pergola or other structure which is-*
 - i. *not enclosed by walls or roofed; and*
 - ii. *not more than 2.4m in height at the boundary; and*
 - iii. *primarily ornamental or for horticultural purposes.*
4. *Subject to A2(c), class 10a buildings or parts may be within the boundary clearances nominated in A2(a) and (b) where –*
 - a. *the height of a part within the boundary clearance is not more than 4.5m and has a mean height of not more than 3.5m; and*
 - b. *the total length of all buildings or parts, of any class, within the boundary clearance is not more than 9m along any one boundary; and*
 - c. *the class 10a buildings or parts within the boundary clearance are located no closer than 1.5m to a required window in a habitable room of an adjoining dwelling.*
5. *Swimming pools may be within the boundary clearances nominated in A2(a) and (b) where –*
 - a. *a solid wall or fence, constructed to prevent water entry onto adjoining lots, at least 1.8m high above finished ground level, is erected between the swimming pool and the boundary of the lot; and*
 - b. *the top of the wall or fence is at least 1.0m above the top of the coping of the pool.*



P2

Buildings and structures –

- a. *provide adequate daylight and ventilation to habitable rooms; and*
- b. *allow adequate light and ventilation to habitable rooms of buildings on adjoining lots.*
- c. *do not adversely impact on the amenity and privacy of residents on adjoining lots.*

Comment

The development proposes a new patio to the rear of the existing dwelling house a 1 Gertrude St that is set back 814mm from the western side boundary of the site. Noting the setback does not meet the minimum 1.5m side boundary setback for habitable spaces outlined in A2, assessment against the PO is required.

In demonstrating compliance with the intended outcomes of P2, the following is noted:

- The proposed non-compliance is limited to the corner of the proposed patio roof only. The patio remains open on all sides, ensuring access to light and ventilation is maintained to the space.
- The proposed patio adjoins the rear yard space of the adjoining property to the west (88 Gladstone Road, Highgate Hill). Greater than 20m separates the corner of the proposed patio from the building on this adjoining lot, ensuring access to light and ventilation is maintained to all habitable rooms.
- An established garden on the adjoining lot to the west further serves to screen the proposed patio from view, ensuring the amenity and privacy of residents on the adjoining lot is maintained by the development.

A6

A wall is –

- a. *set back a minimum of 750mm from the side or rear boundary; or*
- b. *where less than 750mm to the boundary, maintenance free, such as unpainted or untreated masonry or prefinished steel sheeting.*

P6

The location of a building or structure facilitates normal building maintenance.

Comment

The development proposes a new garage that is setback 200mm from the western side boundary of the site. The garage wall is constructed with Axon wall cladding, which will be painted.

Noting the selected wall finish is not considered to be a maintenance-free material, assessment against the PO is required.

In demonstrating compliance with the intended outcomes of P6, the following is noted:

- The wall is associated with non-habitable areas only, being the proposed garage.

- The wall material has been selected to reflect the materiality of the existing pre-1947 dwelling house on the site, which is identified as a Local heritage place. A maintenance free material, such as unpainted blockwork would not be in keeping with the traditional character of the existing dwelling house.
- The proposed painted cladding is a conventional external wall finish for residential development and is considered to have standard maintenance requirements. The material does not give rise to any unusual or unreasonable maintenance burden beyond that ordinarily expected for a detached dwelling house.



8. CONCLUSION AND RECOMMENDATIONS

This report accompanies an application seeking approval of a Development Permit for Building Works associated with a Local heritage place in the Local heritage place sub-category & a Development Permit for Reconfiguring a Lot at 1 & 7 Gertrude Street, Highgate Hill.

The development has been assessed against the applicable assessment benchmarks, including relevant State and City Plan codes.

The information provided in this town planning report and accompanying material demonstrates that the proposed development complies with all relevant and applicable provisions of the statutory town planning framework.

We therefore recommend that Council favourably consider the proposal and impose reasonable and relevant conditions as part of its approval.

Rhianna Murphy

Town Planner
Doyen Planning & Development



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