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**FW: Addition to previous submission.**

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**From** dalodgement <dalodgement@brisbane.qld.gov.au>  
**Date** Tue 3/02/2026 8:45 AM  
**To** CPEDS-DS-PlanningSupport <CPEDS-DS-PlanningSupport@brisbane.qld.gov.au>  
**Cc** DA RECORDS <DA\_RECORDS@brisbane.qld.gov.au>

**SECURITY LABEL: OFFICIAL**

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**Sent:** Monday, 2 February 2026 7:14 PM  
**To:** dalodgement <dalodgement@brisbane.qld.gov.au>  
**Cc:** DA RECORDS <DA\_RECORDS@brisbane.qld.gov.au>  
**Subject:** Addition to previous submission.

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*This email originates from outside of Brisbane City Council.*

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Date: 2nd February 2026

The Assessment Manager Development Services, Brisbane City Council Via Email:  
[dalodgement@brisbane.qld.gov.au](mailto:dalodgement@brisbane.qld.gov.au)

Re:this is an addition to previous submission as listed below to my first original submission, dated and received by the BCC on the 29th of January /2026 17:03, it has been acknowledged as being received as being properly made. The Submission Reference Number, - 22881049 was given,

RE: Submission regarding Development Application A006774817

Address: 11 & 15 Swinburne Street Lutwyche

Proposal: Material Change of Use for Multiple Dwelling (18 Units)

Dear Sir/Madam,

RE: THIS is an addition to my PREVIOUS SUBMISSION – DEVELOPMENT APPLICATION A006774817 Property Located at 11-15 Swinburne Street Lutwyche, Brisbane, QLD. 4030

To the Assessment Manager, Located at 11-15 Swinburne Street Lutwyche, Brisbane, QLD. 4030

I am writing to provide an urgent amendment and additional grounds for my existing objection to Application A006774817. At 11-15 Swinburne Street Lutwyche, Brisbane, QLD. 4030

I wish to draw the Council's attention to a significant misinterpretation of the Brisbane City Plan 2014 by the applicant regarding the western boundary setbacks and Deep Planting requirements.

### 1. Structural Nature of "Planter Boxes"

The applicant's current footpath signage and plans state, Setback is "2.945m to western boundary on Ground Level." However, the inclusion of a structural elevated planter box along the boundary of 17 Swinburne Street effectively brings the building footprint much closer to the fence line than stated, in direct contradiction, with the information portrayed on his sign, this signage contains very deceptive information..

A planter box that is integrated into the building's foundation or sits atop a basement slab is not landscaping; it is a structural element of the building. Therefore, the building is infringing on the required setbacks. That is stated on the developer's sign as being 2.945m. I request that Council assess the setback from the outermost edge of the planter box structure, not the wall behind it.

### 2. Violation of Deep Planting Integrity

The applicant intends to construct an underground car park beneath the area designated for "deep planting." that this is a violation of Council's Deep Planting Area (DPA) regulations.

By definition, DPA must be natural ground to allow for deep-root growth and natural drainage.

Building a car park underneath makes this area a "structural garden," which does not meet the performance outcomes of the Landscape Code.

### 3. Prejudice Against Future Development (Equitable Development)

The most concerning aspect of this proposal is the disadvantage it places on the neighboring properties at 17 and 19 Swinburne Street. By attempting to push a basement structure so close to the boundary, the developer is "locking in" their advantage while compromising any future development

If this basement is permitted, it will become structurally difficult—if not impossible—for 17 or 19 Swinburne Street to undertake similar developments in the future, as excavation near their basement wall would be high-risk and prohibitively expensive. We are entitled to a "fair go." The developer must maintain a minimum 3-meter deep planting zone on natural ground, free of any basement encroachment, to ensure that the development potential of the entire street remains equitable.

### Conclusion

In summary, the current proposal is not a request for a minor variation; it is a fundamental breach of the City Plan and an infringement on the property rights of the residents of 17 and 19 Swinburne Street, Lutwyche

We maintain that the Council is legally and ethically bound to reject this configuration based on the following non-negotiable points:

The "Deep Soil" Violation: An elevated planter box over a concrete car park is a structure, not a deep planting area. By definition, deep planting requires an unobstructed 3-meter connection to natural ground. To label a concrete-based box as "Deep Planting" is a misrepresentation of the Planning Scheme. I demand the Council enforce the mandatory 3-meter natural soil setback to ensure the environmental and drainage integrity of the site.

**Site Sterilization and Property Rights:** The developer's proposal to excavate within 500mm of the western boundary creates a permanent structural barrier that prohibits the owners of No. 19 and No. 17 Swinburne Street from ever safely developing their own land in the future. By allowing this, the Council would be granting the developer preferential use of the boundary stability, effectively "sterilizing" This is a direct violation of the principle of equitable development.

**Duty of Care and Neutrality:** The Council has a statutory obligation to act as an impartial regulator. Approving a design that allows a building to encroach into the 3-meter setback while simultaneously preventing neighbors from exercising similar rights in the future would constitute administrative bias. The Council must not facilitate a private developer's profit at the expense of the structural viability and property values of long-term residents.

The developer can and must be required to:

Redesign the basement to sit outside the 3-meter setback zone.

Provide genuine deep soil that is free of all subterranean concrete or car park structures.

Respect the western boundary to ensure that No. 19 and No. 17 Swinburne Street maintain their own legal rights to future excavation and development.

Failure to uphold these regulations would demonstrate a neglect of the City Plan and a failure to protect the community from predatory development practices. We expect the Council to uphold the law and reject this proposal in its current form.

Please respond to this amendment to my previous submission and inform me ASAP that you have received it and you will act on my requests.