Dear Mr Zhou,

RE: Application Reference: A007067229 - Development application for reconfiguring a lot (1 Lot into 2 Lots)

On behalf of the community of neighbours to the subject site, we are writing to formally lodge the groups opposition and strong objection to the proposed Reconfiguration of a Lot application at 17 Gunner Street, Kedron Qld 4031 (Reference A007067229).

For the reasons outlined in the attachment, the residents of the area request that the application be **refused**.

All parties to this submission respectfully request that all care is taken to redact the names and personal details of the signatories and that these details are not made public on the Developmenti platform in order to avoid any potential retribution from the applicant.

Due to the size of the file, we have had to compress it for it to successfully email.

If you require any further information, please don’t hesitate to contact

27 October 2026

Mr Steve Zhou
Development Assessment Branch
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Via Email: dalodgement@brisbane.qld.gov.au

RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 LOT INTO 2 LOTS)

Application Reference: A007067229
Subject Site: 17 Gunner Street, Kedron QLD 4031 (Lot 187 on RP45695)
Zoning Precinct: Character Residential (CR1 - Character Landscape) Zone Precinct

Dear Mr Zhou,

As a community of neighbours to the subject site, we are writing to formally lodge our opposition and strong objection to the proposed Reconfiguring of a Lot (ROL) application at 17 Gunner Street, Kedron (Reference: A007067229).

As impacted neighbours and members of the local community, we request that the Brisbane City Council **refuse this application** on the grounds that it is not supported by the relevant provisions of the **Brisbane City Council City Plan 2014**, specifically **Part 9.4.10 Subdivision code**, **Part 6.2.1.5 Character residential zone code**, and **Part 9.4.4 Infrastructure design code**. Aside from the non-compliance with the provisions of the planning scheme, the proposed development represents a gross overdevelopment of the site. The applicant completely fails to satisfy the necessary Acceptable Outcomes (AO) and Performance Outcomes (PO) required to protect our neighbourhood, as detailed below.

Executive Summary

Development Application A007067229 - Reconfiguring a Lot (1 Lot into 2 Lots) 17 Gunner Street, Kedron QLD 4031

Recommendation

The application should be **refused** as it fails to demonstrate compliance with multiple provisions of the Brisbane City Council City Plan 2014 and would result in significant adverse impacts on neighbourhood character, streetscape integrity, traffic safety, environmental assets, residential amenity, and stormwater management.

Key Concerns

1. Significant Non-Compliance with the Subdivision Code (Size and Frontage Mandates)

The proposal seeks to subdivide a 721 m^2 allotment into two lots of approximately 360 m^2 each within the Character Residential (CR1) Precinct. This falls substantially below the prescribed 450

m^2 minimum lot size and fails to achieve the minimum frontage and lot dimension requirements under the Subdivision code.

Key concerns include:

- Approximately 20% deficiency in minimum lot size requirements.
- Proposed frontage widths of 9.153 metre compared with the required average width of 15 metres.
- Ineligibility to rely on Small Lot provisions due to zoning and location constraints.
- Applicant's own assessment acknowledges non-compliance with relevant character outcomes.

2. Failure to Adequately Demonstrate a Lawful Point of Stormwater Discharge and Unresolved Downstream Risks

Council previously identified concerns regarding lawful stormwater discharge due to the site's topography.

Outstanding issues include:

- Lack of clear demonstration of a lawful point of discharge.
- Reliance on future engineering solutions not yet substantiated.
- Increased impervious surface area associated with two dwellings.
- Risk of directing stormwater impacts onto adjoining properties.

3. Factual Engineering Discrepancies and Inadequate Compliance

The application documentation contains inconsistencies regarding:

- Earthworks and retaining wall requirements.
- Extent of proposed retaining structures.
- Potential impacts on adjoining properties.
- Adequacy of supporting engineering assessments.

These discrepancies raise questions regarding the accuracy and reliability of the applicant's compliance assessment.

4. Non-Compliance with the Character Residencial Zone Code and Degradation of Neighbourhood and Traditional Built Form

The proposal is inconsistent with the fundamental intent of the Character residential zone to protect:

- Established subdivision patterns.
- Larger traditional residential lots.
- Mature landscaping and vegetation.
- Low-density residential character.
- Traditional building form and streetscape outcomes.

Approval may establish an undesirable precedent for further subdivision and fragmentation of similar allotments within this character precinct.

5. Conflict with Driveway Clearances and Council Street Tree Assets

The proposed subdivision relies on driveway arrangements that may conflict with Council street tree protection requirements and mandated driveway setback clearances.

Concerns include:

- Potential inability to achieve required crossover clearances from replacement street trees.
- Conflict with streetscape hierarchy objectives requiring retention and enhancement of urban tree canopy.
- Reduction in opportunities to maintain the established character landscape streetscape.

6. Compounding Traffic, Parking and Pedestrian Safety Risks in an Active Large Multi-School Precinct

The site is located within an established school precinct servicing several large educational facilities.

Potential impacts include:

- Additional vehicle crossovers and driveway conflict points.
- Increased risks for pedestrians and school children during peak periods.
- Further reduction in already constrained on-street parking supply.
- Conflict with broader objectives of the Kedron Safer School Precinct initiatives.

7. Severe Boundary Crowding, Overlooking, Traditional Backyards and Large-Tree Planting Impacts

The proposed narrow lots are likely to result in development outcomes inconsistent with the intent of the Character residential zone.

Likely impacts include:

- Increased boundary crowding and reduced separation between dwellings.
- Greater overlooking and loss of privacy for adjoining residents.
- Reduced capacity to accommodate traditional backyard areas and substantial landscaping.
- Erosion of established lot patterns, dwelling spacing, and landscape character.

8. Substandard Application Quality, Inaccuracies, and Irrelevant Legislation References

The application contains apparent inaccuracies and references to unrelated site information, including references to "York Street" within supporting documentation, raising concerns regarding the quality and site-specific nature of the assessment material.

Conclusion

The proposal has not sufficiently demonstrated compliance with key requirements of the Brisbane City Council City Plan 2014. It relies on substantial departures from prescribed lot dimensions, creates unresolved infrastructure and stormwater issues, adversely affects neighbourhood character and residential amenity, and introduces additional traffic and streetscape impacts within a sensitive school precinct.

Given the cumulative planning, engineering, environmental, and character concerns identified, Brisbane City Council is requested to **refuse Development Application A007067229** in order to maintain the integrity of the Character Residential Zone and uphold the intent of the Brisbane City Council City Plan 2014.

---

1. Gross Non-Compliance with the Subdivision Code (Size and Frontage Mandates)

The application relies on an aggressive reduction of fundamental lot size standards that threatens the stability of local planning controls.

- **Violation of Subdivision code Table 9.4.10.3.A AO1.1 & Table 9.4.10.3.B Part 1:** The Subdivision code explicitly mandates a minimum area of **450 m^2** for a standard front lot within the Character Residential (CR1) zone precinct. Splitting this 721 m^2 allotment into two results in an average lot size of **~360 m^2**. This creates a severe **90 m^2 deficit per lot,** falling significantly short of the council's threshold by **20%** on <u>each block</u>.

  Furthermore, **Table 9.4.10.3.B Part 1** mandates a minimum rectangular dimension of 14 metres x 20 metres and an average lot width of **15 metres.** The splitting of the block into two frontages of **9.153 metres** would drastically fall short of the council's threshold by **40%** on <u>each block</u>.

- **Ineligibility for Small Lot Provisions:** The applicant cannot seek compliance under "Small Lot" provisions (which lower the baseline to 300 m^2). To legally trigger these provisions under the Brisbane City Council City Plan 2014, the land must either be classified as an *Infill Housing (CR2) precinct* or sit strictly within *300 metres walking distance of a Centre Zone*. 17 Gunner Street satisfies neither spatial constraint, nor satisfy **9.4.10.2(b)(v)** requiring the reconfiguration of the lot to result in lots that *are arranged and configured to complement the pattern of development in the locality* rendering the 450 m^2 benchmark non-negotiable.

The applicant's own revised Code Assessment Report ("Effective date: 12/06/2026", Developmenti document date 24/09/2026) expressly identifies the proposal as **"Does not comply"** with Overall Outcomes (6)(d), on page 21. The applicant seeks to justify this departure by referring to smaller existing lots in the locality and asserting that the proposal complies with the Subdivision code. However, the existence of smaller lots in the surrounding area does not, by itself, establish that additional fragmentation of land within the Character residential zone precinct is appropriate.

Council's Information Request expressly identified concerns that the subdivision would not maintain the established block pattern or character of the precinct, nor provide an appropriate transition between the Low-density residential zone and Character residential zone.

2. Failure to Adequately Demonstrate a Lawful Point of Stormwater Discharge and Unresolved Downstream Risks

Council's Information Request (20/08/2026) expressly identified that the land falls away from Gunner Street and that runoff would naturally be directed towards adjoining properties. Council required engineering drawings demonstrating how stormwater from both proposed lots could be conveyed to a lawful point of discharge at Gunner Street, or alternatively through adjoining properties with the necessary consent. The applicant has responded by submitting concept stormwater and earthworks drawings that propose redirecting stormwater towards Gunner Street. However, the supplied information does not conclusively establish the hydraulic adequacy or practical implementation of that solution.

Lawful stormwater discharge is a fundamental servicing requirement for the proposed subdivision. Where the proposed solution depends on substantial changes to ground levels and retaining walls,

the stormwater and earthworks arrangements should be assessed together. The information provided by the applicant does not demonstrate that the drainage system will *have sufficient capacity to safely convey runoff* and that the two lots will *have suitable stormwater infrastructure with sufficient capacity to support their intended use* as mandated by the Stormwater code PO4 / AO4.1 and Subdivision code PO4 / AO4.2 respectively.

- Active External Investigations and Procedural Deficiencies: Based on the outcome of the applicant's development at 15 Gunner Street, the proposed earthworks of over 1 metre in height are expected to severely impact many of the adjoining lots in relation to water runoff. Impacts of the applicant's development at 15 Gunner Street have triggered formal regulatory intervention with the development currently the subject of an investigation by the Queensland Building and Construction Commission. The investigation is the result of altered water flow and alleged defective drainage work resulting in excessive water runoff affecting adjacent lots.

  Subdivision of the lot would necessitate increasing the high-density impervious concrete footprint to accommodate two separate homes thereby reducing deep-soil infiltration zones and creating an immediate surcharge risk. The proposal fails to account for the natural overland flow topography of this pocket of Kedron, risking high-velocity stormwater runoff being directed onto adjoining allotments, failing the core requirements of a lawful point of discharge as per the erosion and sediment control measures required to protect adjoining properties from damage caused by redirected stormwater under the **Environmental Protection Act 1994**.

Based on the conduct and unresolved issues with the applicant's development at 15 Gunner Street, the Council should not rely solely on an undertaking that these matters can be resolved during subsequent engineering design where the feasibility and planning impacts of the proposed solution remain insufficiently demonstrated. There is immense concern that the applicant again intends to repeat the build pattern used at 15 Gunner Street including excessively high retaining walls with a large volume of fill without adequate drainage, further exacerbating the unresolved water runoff issues.

3. Factual Engineering Discrepancies and Inadequate Compliance

The applicant's response (23/09/2026) fails to resolve the underlying environmental and structural risks highlighted in the Council's Assessment Report.

- **Factual Discrepancy in Earthworks Execution:** The engineering drawings (4/09/2026) in the applicant's response contradicts the revised Code Assessment Report ("Effective date: 12/06/2026", Developmenti document date 24/09/2026). Under the **Filling and excavation code PO2/AO2.1**, the applicant states that no retaining structures are proposed. However, the accompanying bulk earthworks plans expressly identifies proposed retaining walls. Similarly, the Subdivision code assessment under PO2/AO2.1 asserts that the proposed subdivision does not rely on substantial earthworks, notwithstanding the proposed regrading and retaining structures required to direct stormwater towards Gunner Street. These inconsistencies call into question the reliability of the applicant's compliance assessment and therefore fails to satisfy the relevant Performance and Acceptable Outcomes including **9.4.3.3.A PO5/AO5**.
- **Unacceptable Structural Scale of Boundary Retaining Walls:** A review of the alternative plans submitted across the application documentation reveals that retaining walls are proposed to reach heights of up to 1.2 metres. Positioning massive 1.2 metre retaining

structures immediately adjacent to property lines directly contradicts the applicant's claims of minimizing visual impacts. Without detailed engineering verification, there is significant concern that these walls will compromise the structural integrity of neighbouring fence lines, disrupt established residential root zones, and present significant unmitigated land stability risks.

The applicant has failed to clarify the exact volume of earthworks or prove that perimeter changes will not compromise structural zones of influence or cause boundary land slippage to adjoining neighbours. There is immense concern that the applicant intends to repeat the build pattern used at 15 Gunner Street, resulting in excessive overall fence heights as can be seen by the rear and side boundary with retaining wall heights exceeding 1 metre in height above natural ground level, subsequently resulting in a fence and retaining wall height of approximately 3 metres.

4. Non-Compliance with the Character Residential Zone Code and Degradation of Neighbourhood and Traditional Character Built Form

While the existing 1970s built structure on 17 Gunner Street does not carry structural character protections, the land itself is strictly governed by the **Character residential zone code.** The proposed subdivision layout directly conflicts with the code's structural intent.

- **Violation of Character residential zone code Overall Outcome 6.2.1.5(4)(b)(ii):** The Character residential zone code commands that *a low density and intact suburban identity to be maintained in which multiple dwellings and dual occupancy are not accommodated.* A subdivision of the block would violate this Overall Outcome as in effect it would result in two dwellings on one lot – when the intent of the Overall Outcome is to maintain a low-density residential environment characterized by predominantly larger, generous family lots. A physical audit of Gunner Street confirms it is a highly intact streetscape dominated by large, traditional, wide frontage lots with deep backyards. Subdividing the subject site into two highly constrained, narrow slice lots introduces an uncharacteristic, fragmented layout that is profoundly at odds with the local environment.
- **Unacceptable Planning Precedent:** Approving 360 m^2 standard lots in this specific pocket of Kedron sets a highly destructive planning precedent. While it would be a single subdivision, it may be relied on as precedent to obtain repeated approvals which would significantly change the established streetscape, building separation, landscaping and backyard character. By inviting piecemeal fragmentation of neighbouring properties, the Council would be cumulatively altering and eroding the distinct suburban landscape the Character residential zone was specifically enacted to safeguard.
- **Traditional building character overlay code (Part 8.2.22):** The property sits within this overlay. The applicant fails to prove how future development on these sub-standard ~360 m^2 lots will satisfy the design criteria (including timber-and-tin materials, traditional window detailing, roof forms, and maximum 9.5 metre building envelopes) required to protect streetscape integrity.

Inadequate Assessment Against Character Residential Zone Code – Overall Outcome (3)(a)

The applicant's revised Code Assessment Report ("Effective date: 12/06/2026", Developmenti document date 24/09/2026) identifies Overall Outcome (3)(a) of the Character residential zone code as complying, referring Council to Section 5.3 of the original Planning Report dated 13 July

2026. While Section 5.3 discusses the Strategic Framework, the assessment primarily relies on the site's proximity to the future Kedron growth node and the desirability of incremental residential intensification. The **Brisbane Sustainable Growth Strategy** focusses on population growth out to 2041, housing supply, housing diversity and affordability, right housing in the right locations, and sustainable, liveable and well-designed subtropical homes. The Council's determination of the appropriate land area for inclusion in the Kedron growth node does not come close to the subject site. The applicant's reliance on 'nearby' growth opportunities does not adequately explain how the proposed subdivision will maintain the established subdivision pattern and character of the precinct.

The assessment does not adequately address the specific character protection outcomes of the Strategic Framework, particularly **Element 5.5, Specific Outcome SO4**, concerning the retention of established consistent block sizes, house spacing, mature vegetation, gardens and maintaining local topography.

These matters are directly relevant to the proposed subdivision because the applicant seeks to create two lots of approximately 360 m^2, substantially below the 450 m^2 minimum contemplated by Overall Outcome (6)(d) of the Character residential zone code. Furthermore, Acceptable Outcome AO1.1 of the subdivision code states that development provides lots with minimum dimensions in compliance with table 9.4.10.3.B. This also including a minimum rectangle dimension of 14 metres x 20 metres and an average lot width of 15 metres.

Based on the facts above, the applicant's conclusion of compliance with Overall Outcome (3)(a) is not substantiated and therefore cannot be supported.

5. Conflict with Driveway Clearances and Council Street Tree Assets

The application directly violates **8.2.20.2.2(b) Streetscape hierarchy overlay code** mandating *that existing street trees are retained and new subtropical tree species in the verge make a significant contribution to shade tree cover and carbon sequestration*. The immediate frontage of this block features a documented pattern of street tree loss corresponding with development activity.

- **15 Gunner St Footpath History:** During construction, formal complaints were made to Council regarding the storage of materials and amenities over the verge. The established 30+ year-old street tree subsequently died during the construction phase, and physical evidence confirms the trunk was targeted with drilled interference holes at its base.





- **17 Gunner St Frontage:** Just prior to the submission of application A007067229, the healthy, mature street tree directly in front of the subject site died following similarly observed drilled interference holes at its base with mounds of grass being placed around the base of the tree to obscure holes.



Council requested amended plans showing the proposed Lot 1 driveway crossover and demonstrating the required clearance from the existing street tree. The applicant responded that it understands the tree is no longer present and offered to provide amended crossover plans before Council's decision. In accordance with the **Natural Asset Local Law 2003 Section 7.1**, *a person must not interfere with, or cause or permit, interference with a tree on the footpath of any Council controlled road.* Council has formally recognized these assets by placing blue replacement markers on the verge in front of both sites and have replanted the trees in the original position of the deceased trees.

- **Statutory Clearance Impossibility:** Under Council's **Residential driveway permit requirements**, Standard Drawing BSD-2022, any new driveway crossover must maintain a strict minimum distance of 2.0 metres from the trunk of a cylindrical form (extending to 5.0 metres for buttress varieties).
- **Mathematical Infeasibility:** On constrained 9.153 metre frontages, it is mathematically impossible to construct side-by-side driveway crossovers while honouring these mandatory 2.0 metre to 5.0 metre buffer zones around the replaced trees. In response to community requests for the trees to be replanted, the Council has restored its infrastructure assets and remedied the stripping of the street's character canopy in time. The applicant has not provided a dimensioned crossover plan showing actual tree position, setbacks, driveway widths and available frontage. Doing so would prove that it is not possible to comply with all of the requirements for crossovers for two driveways.

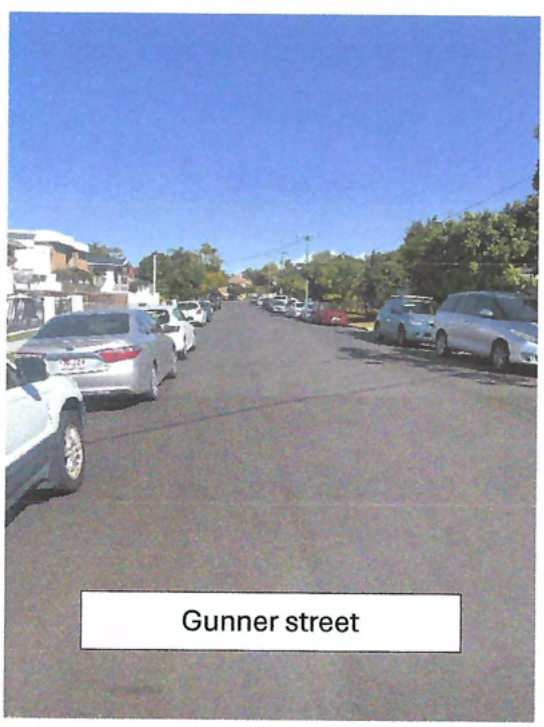
6. Compounding Traffic, Parking, and Pedestrian Safety Risks in an Active Large Multi-School Precinct

The applicant's traffic assessment completely fails to account for the cumulative street activity and heightened pedestrian vulnerability associated with the immediate school precinct, causing a direct conflict with the explicit safety objectives of the **9.4.11 Transport, access, parking and servicing code**.

- **Precinct Infrastructure Overload:** Gunner Street operates under heightened traffic stress due to its immediate proximity to major educational institutions, including Padua College, Mt Alvernia College, and St Anthony's Primary School, which accommodate a combined student body of over 3,200 students along with more than 340 staff members. Council's active focus on this area through initiatives like the Brisbane City Council Kedron Safer School Precinct plan explicitly acknowledges the high volume of vulnerable student pedestrians and severe localized peak-hour drop-off congestion already impacting Gunner and other local streets.

- **Hazardous Access Multiplication:** Slicing this single lot into two narrow lots mandates two separate driveways, introducing an additional vehicle crossover and doubling driveway conflict points on an already constrained street segment. During peak school drop-off and pick-up hours, the addition of reversing vehicles from narrow, vision-obscured driveways presents an unacceptable, factually verified safety risk to passing school children. This is in direct contradiction to one of the key outcomes sought by the Kedron Safer School Precinct plan - being to *make all travel modes easier and more attractive ... upgrading footpath ... ensuring safer travel for pedestrians.*

- **On-Street Parking Displacement:** It has been estimated that the Kedron Safer School Precinct plan to be completed by early 2027 will remove approximately 80 kerb car parks, directing more cars to surrounding streets such as Gunner Street. Existing residents currently experience difficulty parking in front of their homes. The removal of available curb space caused by doubling the required driveway crossovers permanently removes vital on-street resident and community parking. This severely exacerbates the overflow parking issues already experienced by local residents due to daily school operations and large-scale weekend sporting events in the immediate vicinity.



Gunner street



Example of surrounding streets

7. Severe Boundary Crowding, Overlooking, Traditional Backyards and Large-Tree Planting Impacts

The severe spatial limitations of the proposed 9.153-metre-wide allotments will directly compromise the acoustic, visual, and spatial privacy of all adjacent properties, violating the **Overall Outcomes (5)(a) and (6)(d)) of the Character residential zone code.**

- **Severe Boundary Crowding:** The development at 15 Gunner Street by the applicant already impacts neighbouring residents who now suffer from an extreme loss of open-space amenity due to the 2.6 metre to 3.0 metre over-height boundary walls. If Council permits 17 Gunner Street to construct long, narrow, multi-story profiles built to minimum 1.0 metre to 1.5 metre side setbacks right alongside these soaring walls, it will create an oppressive, concrete 'canyon effect' – loss of natural light, trapped heat, altered wind dynamics and poor pollutant and noise dispersion – and not in keeping with the legislative intent of the Character residential zone code.

- **Elevated Privacy Infringement:** The applicant has not demonstrated how the proposed lot dimensions can accommodate compliant future dwelling envelopes. Forcing dense, multi-level building footprints onto these narrow slices guarantees direct, un-screened overlooking angles into neighbouring backyards, outdoor living areas, and internal living spaces. Surrounding long-term neighbours will be completely stripped of their basic residential amenity and visual privacy.

- **Traditional Backyards**: The applicant proposes a potential 6 metre front setback and 8 metre rear setback for future dwellings, claiming that each lot could accommodate approximately 73 m^2 of rear yard. The applicant relies on architectural plans for the neighbouring dwelling at 15 Gunner Street which are not relevant being on a lot size of 622 m^2 and not the 360 m^2 being proposed. The applicant's response does not establish that the proposed subdivision can accommodate traditional backyard spaces and large trees when all relevant site constraints are considered. In particular:

    - The proposed building envelopes have not been demonstrated through a complete, dimensioned development footprint plan.
    - The applicant has not provided a detailed landscape assessment demonstrating adequate space and soil conditions for large-tree establishment.
    - The interaction between future dwellings, retaining walls, drainage infrastructure and tree planting has not been adequately demonstrated.
    - The comparison with 15 Gunner Street does not establish that further subdivision of the subject land maintains the established block pattern.

  The applicant's reliance on a minimum 16 m^2 principal private open space outcome for 'small lots' is flawed - as established previously, 'small lots' is not applicable to the subject site. Therefore, the applicant has not demonstrated compliance with the intended development form, the separate planning objective of maintaining traditional backyards and large trees within the Character residential zone precinct.

8. Substandard Application Quality, Inaccuracies, and Irrelevant Legislative References

A critical review of the applicant's documentation reveals a profound lack of site-specific diligence, professional care, and accuracy. The submission relies on erroneous data and references entirely irrelevant planning frameworks, demonstrating that the application has not been properly tailored to the constraints of the subject site. Points of concern include:

- Original application (Document date 14/07/2026), p2 – Stormwater can reach Gunner Street with minimal earthworks.
  Concern: Council subsequently identified that the site falls away from Gunner Street.
- Original application (Document date 14/07/2026), p12 – No significant earthworks are required to achieve a Lawful Point of Stormwater Discharge.
  Concern: Subsequent engineering material proposes earthworks and retaining walls.
- Original application (Document date 14/07/2026), p13 - No major regrading is required.
  Concern: Requires reconciliation with the proposed bulk earthworks design.
- Original application (Document date 14/07/2026), p13 - Detailed earthworks design will be finalised at operational works stage.
  Concern: Acknowledges detailed design had not been finalised.
- Revised Code Assessment Report ("Effective date: 12/06/2026", Developmenti document date 24/09/2026), Filling and excavation code PO2 - No retaining structures are proposed.
  Concern: Appears inconsistent with the engineering proposal.
- Revised Code Assessment Report ("Effective date: 12/06/2026", Developmenti document date 24/09/2026), Stormwater code AO3.3 – A lawful point of discharge will be obtained.
  Concern: Future-tense assertion; does not independently demonstrate that a Lawful Point of Stormwater Discharge is achievable.

  The inconsistency between the applicant's written code assessment and engineering drawings concerning the extent of earthworks and the existence and height of retaining structures is extremely concerning and material because the feasibility of achieving lawful stormwater discharge towards Gunner Street appears to depend upon the proposed earthworks and associated changes to site levels.
- Applicant's Information Request Response (Document date 24/09/2026) to Council - Retaining walls will be limited to a maximum height of 1 metre.
  Concern: Confirms retaining walls are contemplated, contrary to the revised code response.
- The original Code Assessment Report ("Effective date: 12/06/2026", Developmenti document date 24/09/2026) contained references to the Sunshine Coast Planning Scheme, requiring correction.
- In Attachment C (Layout Plan / Supporting Documents) (Document date 24/092026), the applicant explicitly references a "York Street" - a completely different roadway located in a different or another part of the municipality. Blatantly inserting an unrelated street location into the primary layouts highlights a careless "cut-and-paste" approach, invalidating the contextual integrity of the architectural and engineering data presented to Council for assessment and decision.

Conclusion

The submitters are concerned that the applicant's revised planning assessment does not provide a sufficiently integrated and site-specific demonstration that the proposed reconfiguration satisfies the applicable assessment benchmarks of Brisbane City Council City Plan 2014.

The proposal must be assessed having regard to the relevant provisions of the Character residential zone code, Subdivision code and other applicable development and overlay codes, together with relevant supporting planning scheme policies.

Under the *Planning Act 2016 (Qld)*, the burden of proof rests entirely on the applicant to demonstrate that a proposed development successfully addresses the planning scheme. The applicant has failed to provide any valid justification as to why the numerical thresholds of the Subdivision code should be set aside for their private financial gain. It should be noted that the applicant sought a change in approved plans deviating from character features for 15 Gunner Street due to it being financially unviable. Based on this experience, the developers had knowledge of what would be required to develop a compliant building on the neighbouring 17 Gunner Street, and the neighbours and local community should not have to bear the long-term impacts for the short-term financial gain of developers that have no long-term commitment to the area and community.

By the applicant's own admission, the application is not compliant with the requirements stating:

- Page 5, Section 3 "The proposed lots do not comply with the acceptable outcomes of the Character residential zone"
- Page 12, Section 5.6.2 "Although the proposed lots do not meet the Character residential zone (Character precinct) acceptable outcomes for minimum lot size (450m^2) or the 14 m × 20 m minimum rectangle"
- Page 12, Section 5.6.2 "Although the lots cannot accommodate the strict 14m × 20 m rectangle"
- Page 13, Section 5.6.3 "Although the proposed development does not comply with AO2.3 of the Subdivision Code".

In addition, the applicant further acknowledges non-compliance in the revised Code Assessment Report (("Effective date: 12/06/2026", Developmenti document date 24/09/2026) recording "**Does not comply**" against Character residential zone code Overall Outcome (6)(d), which concerns the 450 m^2 minimum lot size and maintenance of the established block pattern. This is particularly significant because it is an acknowledgement concerning an **Overall Outcome**, rather than simply a failure to satisfy an Acceptable Outcome.

The principal concern is not confined to the proposed reduction in lot area. Rather, the combined effect of the proposed lot dimensions, narrow frontages, altered ground levels, retaining walls, stormwater servicing requirements, vehicle access arrangements and reduced opportunities for substantial landscaping raises a material question as to whether the resulting lots can achieve the intended development outcomes of the Character residential zone precinct.

Request for Refusal of Application

Because this application completely fails to meet any applicable Acceptable Outcomes for lot sizing, relies on intrusive 1.2 metre retaining wall structures, further exacerbates systemic traffic, parking, and pedestrian safety hazards adjacent to a 3200+ student school zone, accelerates an oppressive boundary effect, disrupts the traditional streetscape rhythm, fails the structural character dimension test, triggers active Queensland Building and Construction Commission structural investigations, features clear factual inaccuracies regarding York Street in Attachment C and non-applicable neighbourhood codes, and violates the core Performance Outcomes of the Character residential zone code, we respectfully urge the Brisbane City Council to uphold the integrity of the Brisbane City Council City Plan 2014.

Such departures from Acceptable Outcomes in the planning scheme require a properly substantiated assessment of the corresponding Performance Outcomes and other applicable assessment benchmarks. The information presently identified in the application raises substantial concerns as to whether that assessment has been satisfactorily undertaken.

The submitters therefore request that Council:

1. Identify the applicable version of Brisbane City Council City Plan 2014 and all assessment benchmarks relevant to the proposed reconfiguration, including applicable overlays and neighbourhood-plan provisions.
2. Require the applicant to provide a consolidated assessment addressing each relevant Performance Outcome and Overall Outcome where the corresponding Acceptable Outcome is not achieved.
3. Require reconciliation of all proposed earthworks and retaining-wall drawings, including existing ground levels, proposed finished levels, wall heights and effects on adjoining properties.
4. Require sufficient engineering information to demonstrate the feasibility of lawful stormwater discharge from both proposed lots, including the proposed discharge connection, drainage capacity and management of overland flow.
5. Require a dimensioned access and development-envelope assessment demonstrating that both proposed lots can reasonably accommodate future residential development consistent with the applicable planning requirements.
6. Consider the cumulative effect of the subdivision on the established lot pattern, traditional backyard character, landscaping opportunities, streetscape and residential amenity.

Where the applicant has not demonstrated that the relevant Performance Outcomes and Overall Outcomes can be achieved, the submitters request that Council **refuse the application** rather than defer resolution of fundamental planning constraints to subsequent development stages.

Thank you for considering this submission. We look forward to receiving confirmation of its lodgement and tracking the council's subsequent Request for Information or decision notice.

Yours faithfully,

....

Name	Residential address	Mailing address or email	Signature	