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APPLICATION REF
A007092095

**Our ref:** STP5157
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STEFFAN HARRIES

Wednesday, 21 October 2026

Chief Executive Officer
Brisbane City Council
GPO Box 1434,
Brisbane QLD 4001

**Attention:** **Nicholas Cudicio**
Via email: Nicholas.Cudicio@brisbane.qld.gov.au

# RE: RESPONSE TO INFORMATION REQUEST

**Reconfiguring a lot (2 into 2 lots)**
**COUNCIL REF:** A007092095
**39 & 41 Cavan Street, Annerley QLD 4103**
**Lot 128 on RP37541, Lot 129 on RP37541**

Dear Nicholas,

I refer to the Information Request received from Brisbane City Council dated 21 September 2026 in relation to the development application lodged for a Reconfiguring a lot (2 into 2 lots) at 39 & 41 Cavan Street, Annerley. On behalf of the applicant, Steffan Harries provides the following response in addition to the following attachments:

- **Appendix A** – Setback of pre-1947 Dwelling house
- **Appendix B** – Amended proposed plans

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**Matter Raised:**

**Repositioned 1946 or earlier dwelling**

1. The application material states that the 1946 or earlier dwelling is to be repositioned entirely within proposed Lot 1 as prescribed accepted development prior to plan sealing. However, the repositioned dwelling is to have an eastern-side setback of 0.9m to the wall and fails to achieve compliance with the setback requirements prescribed under QDC MP1.2. Accordingly, if the existing dwelling is to be repositioned with the proposed side setback prior to plan sealing of the subdivision, a siting variation would likely be required. Furthermore, insufficient information has been provided to demonstrate that the proposed front setback is within 20% of the setback of adjacent dwellings constructed in, or earlier than 1946 in accordance with AO1.2 of the Traditional building character (design) overlay code. Accordingly, the proposed development does not appear to meet the circumstances identified under Table 5.3.4.1 for Prescribed accepted development.

(a) Submit amended application material which demonstrates that the repositioned dwelling can meet the circumstances identified under Table 5.3.4.1 for Prescribed accepted development in relation to front and side setbacks.

(b) Alternatively, the application should seek to be amended to include the relevant development permits or siting variations for a repositioned dwelling in the Traditional building character overlay where not meeting the circumstances identified under Table

i. for Prescribed accepted development. Should this option be pursued, submit an amended town planning report, plans and relevant forms. The changed application would involve additional fees for the relevant permits.

*Note: It is expected that the proposal achieves a minimum side setback of 0.9m to the outer most projection from the common boundary of proposed Lots 1 and 2.*

**Response:**

A siting variation addressing the eastern side boundary setback of the repositioned dwelling is being finalised with the project's building certifier and will be provided to Council ahead of the decision. As a result, the moving of the house will occur as Prescribed accepted development prior to the ROL being undertaken (i.e. over the larger parcel) and therefore does not form part of this application.

For completeness, also see attached a streetscape plan demonstrating the front setback of the repositioned dwelling is within 20% of the average front setback of closest residential buildings constructed in 1946 or earlier fronting Cavan Street, in accordance with AO1.2 of the Traditional building character (design) overlay code. This is attached as **Appendix A**. Some notes:

- The plan demonstrates that the setback to the pre-1947 dwelling to the south is 7.923m
- The setback to the pre-1947 dwelling to the north is 8.316m.
- The average setback being: 8.11m
- 20% of this average setback gives a range of 6.49m-9.73m.
- The proposed setback is 7m, and is compliant.

Additionally, please find an updated set of plans attached as **Appendix B** that demonstrate all proposed demolition and new work associated with the house build to confirm that no assessable works are being proposed. That is, the demolition works is to post-war material, and the stairs (new and demolished) are Prescribed accepted development.

On the basis of the proposed works, new plans, and imminent siting variation, the repositioning satisfies the circumstances in Table 5.3.4.1 for prescribed accepted development and does not require a separate development permit for building work as part of this reconfiguring a lot application.

**Matter Raised:**

**Street trees**

2. A review of aerial mapping and streetscape imagery identifies several street trees fronting the subject site. In accordance with AO27.4 of the Subdivision code and AO2.1 of the Streetscape hierarchy overlay code, submit amended plans which accurately identify all existing street trees adjacent to the site. The amended plans with the location of street trees are required to enable assessment of potential impacts associated with future driveway crossover locations and future Dwelling House (small lot) development, in accordance with BSD-2022.

*Note: All new driveway crossovers are to be setback a minimum 2m from the trunk of any existing street tree.*

**Response:**

The amended plans in **Appendix B** accurately identify the existing street trees fronting the site on Cavan Street, satisfying AO27.4 of the Subdivision code and AO2.1 of the Streetscape hierarchy overlay code. The trees are shown as retained and protected, with the driveway and parking layout designed clear of them.

**Matter Raised:**

**Driveway crossovers and street trees**

3. In accordance with PO3 of the Subdivision code, the proposed development is required to provide access to each lot in compliance with the standards in the Transport, access, parking and servicing planning scheme policy (TAPS) PSP. The existing driveway crossover to proposed Lot 1 has car tracks in the verge which are not supported due to potential pedestrian safety issues. Accordingly, the existing driveway crossover will need to be removed as part of an approval of this application, with a new driveway crossover (of monolithic construction) being required for Lot 1 (to service the relocated Dwelling house).

   (a) Demonstrate, on amended drawing/s, the proposed Lots will be provided with a vehicle access (Single Dwelling Type) as per Council Standard Drawing BSD-2022.

      i. Demonstrate the proposed driveway crossover/s (particularly for proposed Lot 2) will achieve a minimum 2.0 metre clearance to existing street trees in the verge of Cavan Street.

      ii. Any Performance outcome/s (PO) regarding the proposed lot/s access will require justification and certification by a RPEQ to comply with the Transport, access, parking and servicing (TAPS) code PO1.

**Response:**

The amended plans in **Appendix B** show the proposed driveway crossovers for Lots 1 and 2 in accordance with Council Standard Drawing BSD-2022 (Single Dwelling Type), with the Lot 2 crossover achieving the required 2.0 metre clearance to the existing street trees in the Cavan Street verge. The existing non-compliant crossover to Lot 1, with car tracks in the verge, will be removed and reconstructed as a crossover servicing the repositioned dwelling. Please condition the crossover to Lot 1 accordingly.

We kindly request that Council leaves the construction of the crossover to Lot 2 for the time in which a Dwelling house is being constructed (i.e. not required as a condition of approval).

**Matter Raised:**

**Car parking**

4. The submitted plan of subdivision has not identified an off-street car parking space for proposed Lot 1 which is to retain the existing, repositioned dwelling house. To demonstrate compliance with AO13 of the Transport, access, parking and servicing code, proposed Lot 1 is required to accommodate at least one (1) standard car parking space within its boundaries.

   (a) Provide an amended plan of subdivision which identifies at least one (1) standard car parking space within proposed Lot 1.

**Response:**

The amended plan of subdivision in **Appendix B** identifies a standard car parking space within the boundary of proposed Lot 1, satisfying AO13 of the Transport, access, parking and servicing code.

As per section 13.2 of the DA Rules, this letter provides a response to:

all of the information requested~~; or~~
~~part of the information requested; or~~
~~a notice that none of the information will be provided.~~

Should Council have any outstanding issues associated with the information provided within this report, we formally request that Council informs us prior to making a decision.

We will now proceed with public consultation accordingly.

Kind regards,



Alexander Steffan | Director
**Steffan Harries**
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