Dear Mr Casey,

We are the owners and occupiers of .... , which .... of the above site. We lodged a properly made submission objecting to this application during the public notification period.

We have reviewed the applicant's response to Council's Further Advice letter of 8 June 2026, lodged on 15 October 2026 with Attachments A to G. Please find attached our supplementary submission commenting on that response.

In summary, we consider that four of the six matters Council identified as requiring resolution prior to decision (Items 1, 2, 4 and 5) have not been resolved, and that the response introduces a new matter affecting Victor Street — reliance on the private pedestrian gate at the end of our street as the

development's flood evacuation route — which has not previously been disclosed or assessed. The submission also identifies that the widened landscape buffer described in the applicant's cover letter is not provided at our boundary, and notes several inconsistencies between the architectural drawings.

We would be grateful if the attached could be placed on the application file and considered with our original submission before a decision is made. Our request that the application be refused is maintained; in the alternative, the submission sets out conditions we ask Council to impose.

We remain available to meet with you or your colleagues on site at any time. We also ask that we continue to be notified of the decision, any change to the application, and any appeal.

Thank you for your consideration.

Kind regards,

....

....

22 October 2026

Brisbane City Council
Development Services — Planning Services South
GPO Box 1434
Brisbane QLD 4001
By email: Ryan.Casey@brisbane.qld.gov.au

Attention: Ryan Casey, Senior Urban Planner

SUPPLEMENTARY SUBMISSION — FURTHER COMMENTS OF A SUBMITTER

on the Applicant's Response to Council's Further Advice (lodged 15 October 2026)

Council Reference: A006918986

Site: 221 and 235 Murarrie Road, Tingalpa QLD 4173

Proposal: Material Change of Use (Multiple Dwelling — 79 townhouses); Reconfiguring a Lot (3 into 24 lots); Operational Works (filling and excavation); and Building Work within the Flood Overlay

Dear Mr Casey,

We are the registered owners and occupiers of ....

. During the public notification period we lodged a properly made submission objecting to this application in accordance with sections 53 and 54 of the *Planning Act 2016* (Qld). That submission, and our request that the application be refused, is maintained in full.

We have now reviewed the applicant's response to Council's Further Advice letter dated 8 June 2026, lodged by Mewing Planning Consultants on 15 October 2026, together with Attachments A to G (Ellivo architectural plans DA-100 Rev 20 and DA-401 Rev 10; Place Design Group Landscape Concept Plan Rev 08; Water Engineering Partners Flood Risk Assessment R.30010.003 dated 15 October 2026; CMT Engineers RFI Response dated 7 October 2026; Urbis Traffic Response dated 13 October 2026; and the MNG revised survey plan).

Council's letter identified six matters "requiring resolution prior to decision". The purpose of this supplementary submission is to draw Council's attention, before it decides the application, to the fact that four of those six matters (Items 1, 2, 4 and 5) have not been resolved by the response; that the response introduces a new and significant impact on Victor Street that has never been assessed; and that the applicant's own documents now contain further admissions supporting the grounds of our original submission. We respectfully ask that these comments be placed on the file and considered by the assessment manager.

1. Summary

- **Victor Street is now relied upon as the development's flood evacuation route.** The Flood Risk Assessment concedes Vane Street will be closed for 7.5 hours in the extreme (0.05% AEP) event and states that "pedestrian access can be achieved via

Victor Street". The private pedestrian gate .... — which the applicant elsewhere describes as a convenience link of no transport function — becomes the sole emergency egress for 100 dwellings onto a residential cul-de-sac that sits at 4.66 m AHD against an extreme flood level of 4.67 m AHD — 10 mm of freeboard — in a pocket where the adjoining street (Vera Place) is under water for 5.6 hours in the same event (Flood Risk Assessment, section 4).

- **The Flood Risk Assessment contains no new modelling.** It states expressly that "there is no need to complete flood modelling", relies on the 2021 Bulimba Creek Flood Study, makes no reference to the observed flooding of March 2017 or March 2025, and devotes a single page to the extreme events Council asked to be assessed.
- **On the applicant's own figures, Vane Street does not remain trafficable in the 1% AEP event.** At Council's nominated 1% AEP level of 3.9 m AHD the depth over the proposed 3.5 m AHD crown is 400 mm — above the 300 mm closure threshold in the Flood planning scheme policy that the report itself cites.
- **The landscape buffer at our boundary remains 4.0 metres.** The "4 m to 5.47 m" buffer described in the cover letter is not provided at Lot 5. Drawing DA-401 Section 2 ("Lot 59 / Lot 5 rear boundary section") shows 4,000 mm, a two-storey townhouse wall at the buffer edge, and a building pad 0.6–0.8 m above our ground level.
- **Council's Items 2 and 4 have been answered with a different outcome from the one Council required** (Lot 801 retained as a separate 18.14 ha freehold lot rather than incorporated in the community titles scheme; the Victor Street turnaround refused outright).
- **Nothing in the response addresses density, traffic generation, car parking or overshadowing.** Those grounds of our original submission stand undiminished.

2. Council Item 1 — Flood Risk Assessment (Attachment D)

2.1 Council asked for an assessment; it received a restatement

Council's Item 1 required a Flood Risk Assessment by an RPEQ that "must consider extreme flood events as per Council's Flood Planning Scheme Policy (PSP) and the filling implications on flood risk", noting that "given the site is lower than the 1 in 2000 AEP flood level, there is no ability to evacuate in larger floods, and the development needs to be designed so that it would not be isolated in a foreseeable flood event."

The Flood Risk Assessment responds at page 4:

> *"As any filling associated with the development will be completed on the filled area (i.e. in an area already filled above the 1% AEP event flood level), the proposed development will not impact on the 1% AEP flood level in Bulimba Creek and consequently there is no need to complete flood modelling of the proposed development."*

No model run, flood surface, depth or velocity mapping, or sensitivity analysis accompanies the report for any event. The only levels used are FloodWise nominated levels derived from the September 2021 Bulimba Creek Flood Study. The report does not mention the observed inundation of this locality during Ex-Tropical Cyclone Debbie (March 2017) or Ex-Tropical Cyclone Alfred (March 2025), which we documented photographically in Attachments A and B to our original submission. Council asked for the filling implications to be assessed; the report

instead assumes the filling has already occurred, when Council itself noted in Item 1 that “filling work has not yet commenced onsite”.

2.2 Isolation in a foreseeable flood event is conceded, not designed out

Section 4 of the Flood Risk Assessment states that in the 0.05% AEP event “Vane Street would be inundated for a period of 9 hours and closed for a period of 7.5 hours”, and characterises this as “a relatively short period of isolation given the magnitude of the event”. Council’s direction was that the development “needs to be designed so that it would not be isolated”. No design change has been made in response. The report simply asserts that the isolation is acceptable. A development of 100 dwellings with a single vehicular access that is conceded to be cut for most of a day is not consistent with PO3(b) and (c) of the Flood overlay code (minimising risk to people; not reducing the ability of emergency services to access and evacuate the site).

2.3 Victor Street has become the evacuation route — a new and unassessed impact

The only answer offered to isolation is this (Flood Risk Assessment, section 4 and section 5):

> *“Further, pedestrian access can be achieved via Victor Street. The lowest level in Victor Street is 4.66 mAHD, at the Site boundary, decreasing to about 4.08 mAHD at the low point near Vera Place. In comparison, the 0.05% AEP flood level including climate change at this location is 4.67 mAHD. The low point would be inundated for a period of 5.6 hours in a 1 in 2,000 year AEP event.”*

Three points follow:

- The applicant’s evacuation route for several hundred residents is a private pedestrian gate opening onto a quiet dead-end residential street .... .
  This function has never been disclosed, assessed or notified. The Traffic Impact Assessment (Sections 2.1 and 4.3) described the Victor Street connection as a resident convenience link only, and the Urbis Traffic Response now before Council describes it as having no transport function (“Victor Street functions as a pedestrian connection only”; a turnaround “would not deliver a necessary transport function”).
- **The route has no margin and no destination.** By the applicant’s own figures, the Victor Street carriageway at the site boundary — the point where evacuees would step through the gate — is at 4.66 m AHD against an extreme flood level of 4.67 m AHD: 10 mm of freeboard, before any allowance for debris, wave action, local runoff or the uncertainty the applicant applies to its own climate-change figures elsewhere in the report. The same paragraph records the adjoining Vera Place low point at about 4.08 m AHD, inundated for 5.6 hours, which confirms that this is a flood-affected residential pocket rather than a place of safety. The report identifies no destination, assembly point or place of refuge beyond the gate, and no assessment of the route from the gate to Wynnum Road. Moving several hundred people on foot, in darkness and heavy rain, through a private gate onto a street at the flood level, with nowhere identified to go, is not an evacuation strategy; it is the absence of one.
- The Flood Emergency Management Plan on which the applicant relies has not been prepared. It is offered only as a future condition. Council cannot be satisfied that PO3(c) and PO17(c) are met on the basis of a document that does not exist and whose central assumption — evacuation through our street — is unsound.

If the application is approved notwithstanding this submission, any Flood Emergency Management Plan must be prepared and approved before the use commences, must not rely on Victor Street for evacuation, and must be prepared in consultation with adjoining owners.

2.4 Vane Street is not trafficable in the defined flood event on the applicant's own numbers

The report (section 3.4(b)) proposes raising Vane Street at the site boundary to a crown level of 3.5 m AHD (maximum 3.55 m AHD at the high side of the one-way crossfall) and then states that "as the depth of flooding is less than 300 mm in the 1% AEP defined flood event" trafficable egress is available. The same report (section 3.4(a)) records the 1% AEP level "nominated in FloodWise" as 3.9 m AHD, with a modelled peak of 3.82 m AHD. The arithmetic is:

- At the crown (3.5 m AHD) against the nominated level (3.9 m AHD): 400 mm.
- At the crown against the modelled peak (3.82 m AHD): 320 mm.
- Only at the highest edge of the carriageway (3.55 m AHD), and only against the lower modelled figure, does the depth fall to 270 mm.

Section 6.3 of the Flood planning scheme policy, which the report cites, treats a road as closed when depth exceeds 300 mm. The claim of trafficable egress in the defined flood event therefore depends on choosing the most favourable combination of level and location. AO17.2(a) is not demonstrated. Raising the crown only to the 2% AEP level (3.5 m AHD) also means that a 1-in-50-year event, not a 1-in-100-year event, is the practical limit of access to a development housing several hundred people.

2.5 The "Flood Planning Area 5" compatibility argument

The report's conclusion that the development is "compatible" under Table 8.2.11.3.C rests on the applicant reclassifying the filled area as Flood Planning Area 5 by its own reasoning. Council's mapping places the site in Flood Planning Areas 1–3 and Council's Item 1 made clear that approved or proposed fill "does not negate this trigger". A self-assessed re-mapping is not a flood risk assessment of the whole of the land affected by the subdivision, which is what Council asked for.

3. Council Item 2 — Lot 801 (Attachments D and G)

Council's required outcome was explicit: "incorporate the Lot 801 area within the community title scheme (Lot 901) with appropriate provision for ongoing flood and overland flow management, including an easement in favour of Council for overland flow purposes, and provide suitable maintenance access."

The applicant has instead amalgamated Lots 801 and 802 into a separate 18.14 hectare freehold balance lot, outside the community titles scheme, with an easement in favour of Council and maintenance by "the easement owner". This separates the flood mitigation and nuisance-drainage infrastructure from the body corporate whose development depends on it, and places the maintenance obligation on whoever owns the balance lot from time to time. The easement terms have not been provided. Council identified in Item 2 that Lot 801 "contains infrastructure that will require ongoing maintenance" and receives nuisance flows from the development. The applicant's arrangement does not deliver the certainty of funding, access and enforcement that incorporation in the scheme would have provided, and should not be accepted as compliance with PO18.

4. Council Item 4 — Victor Street (Attachment F)

4.1 Council's requirement has been refused

Council required permanent turnarounds "for both Vane Street and Victor Street" and stated that "reliance on an informal arrangement of vehicles using the entry of the site with no right of access is not supported". The Urbis response provides a turnaround at Vane Street and declines to provide one at Victor Street. Council's concern that vehicles entering Victor Street will informally use the gated entry area to turn is not answered; the response simply says the existing geometry is unchanged. Whether Victor Street should be left as it is, or whether the existing informal arrangement is acceptable, is a matter for Council — but Item 4 has not been resolved as Council framed it.

4.2 The pedestrian gate cannot be both a convenience link and the emergency exit

We acknowledge, and welcome, the applicant's confirmation that Victor Street will not be used for vehicular access, servicing or waste collection, and its statement that "this was a conscious design decision as the local residents were not in support of allowing additional traffic from the subject site along Victor Street." That statement is an express acknowledgement of the weight of the community's submissions on this street.

However, the Victor Street gatehouse remains (DA-003 "Victor Street Gatehouse (Private Access Only)"; DA-105; Landscape Concept Plan sheet 10), and the Flood Risk Assessment has now recast it as the development's flood evacuation route. The applicant cannot maintain in its traffic response that the connection serves no necessary transport function and warrants no infrastructure, while maintaining in its flood response that it is the means by which several hundred people will leave the site in an emergency. The grounds of our original objection to the gate — noise, pedestrian traffic past our home at all hours, loss of the quiet dead-end character of the street, and security — are now joined by a further and more serious one: that in the event the gate is actually needed, it will deliver several hundred people onto a street with 10 mm of freeboard to the flood level, with no identified destination.

The gate and gatehouse should be deleted. If Council is minded to retain a pedestrian connection, it should not be relied upon for emergency egress, should be located as far as practicable from existing dwellings, and should be subject to conditions limiting hours of operation and prohibiting intercom, visitor-waiting and parcel facilities on the Victor Street frontage.

5. Council Item 5 — Southern boundary buffer at our property (Attachments B and C)

5.1 The additional two metres is not provided at Lot 5

The cover letter states that an additional 2 m wide landscape area has been introduced "along the southern and south-eastern boundaries of the site, resulting in a deep planting and landscape buffer that ranges from 4 metres to 5.47 metres in width." The applicant's drawings show that the widened buffer along the southern boundary is confined to the frontage of Units 63–68 (5,477 mm on DA-100; 5,393 mm, 5,447 mm and 5,345 mm on DA-401 Sections 3, 4 and 5). Elsewhere along the southern boundary — at Units 58–62 opposite Lots 4 and 5, and at Units 75–76 opposite Lots 14 and 15 — the buffer remains 4,000 mm (DA-401 Sections 1, 2, 6 and 7). The additional 2 m of landscaping is therefore not provided .... ,
as the applicant's own drawings show:

- **Drawing DA-401 Rev 10, Section 2 — "Lot 59 / Lot 5 rear boundary section"** (reproduced as Attachment A to this letter) dimensions the landscape buffer at **4,000 mm**.
- **Drawing DA-100 Rev 20** (extract at Attachment B) dimensions the buffer at **4000** adjacent to Units 60–62. The only wider buffer dimension on that plan, 5477, is at Units 63–68. The 9083 and 6790 figures on the same plan are setbacks from the boundary to the walls of Units 63–68 and Unit 75 respectively, not buffer widths. By comparison the wall of Unit 60 is dimensioned **5,821 mm** from our boundary. Only Unit 76, at 5,114 mm opposite Lot 15, is closer; every other townhouse along the southern boundary is set back further (Units 63–68 at 9,083 mm, Unit 75 at 6,790 mm). The two closest walls on the southern boundary are therefore both behind the minimum 4 m buffer, not the widened one.

We also note that Section 2 is titled "Lot 59 / Lot 5" but depicts "Townhouse Lot 60", and that the widened buffer at Units 63–68 is dimensioned 5,477 mm on DA-100 (and 5.47 m in the cover letter) but 5,447 mm on DA-401 Section 4. The drawings should be corrected, and any approved plans made internally consistent, so that Council and the adjoining owners can be certain which building is proposed opposite each boundary and what buffer width the developer is bound to.

5.2 Levels, bulk and overlooking at our boundary

Section 2 of DA-401 shows the townhouse pad at RL 4.50–4.70 m AHD against ....
fill of 0.6 to 0.8 metres — with a retaining wall at the edge of the buffer, a 1.2 m pool-style fence above it (Landscape Concept Plan Sections B and C), and the side wall of a two-storey Type A townhouse at the inside edge of the 4 m buffer. Level 1 windows of that dwelling will ....
. This reinforces, rather than answers, the overlooking and visual bulk grounds in our original submission (Multiple dwelling code PO9/AO9.4 and the code's privacy and overlooking outcomes). No overshadowing analysis has been provided at any stage of the application.

5.3 The applicant concedes the deep planting does not meet the 4 m minimum

Council's Item 5 found that the deep planting was "only 3m wide once the retaining wall and the non-contiguous soil area behind it are factored in" and was "too constrained to support the growth of large subtropical shade tree species to maturity given the narrow planting area and the combined height of the retaining wall and fences conflicting with future tree canopies." The response states:

> *"Whilst the proposed deep planting area does not strictly achieve a minimum unobstructed width of 4 metres due to variation in levels …"*

That is an admission that the deep planting acceptable outcomes of PO29 of the Multiple dwelling code are not met. The Landscape Concept Plan (sheets 12–15, "Landscape Buffer to Overland Flow", Sections A–C) also confirms that the buffer doubles as a stormwater swale conveying development runoff along our boundary, with "tree planting in swale". Council's observation that "it is not substantiated that a suitable landscape screening outcome can be provided in the swales" has not been answered with anything other than illustrative sections.

5.4 Matters we support

We acknowledge the applicant's confirmation that the landscape buffer and swales will be held in common property (Item 5(iii)) and that maintenance access points are now shown (Item 5(iv)). Both are consistent with the fallback condition in Section 7 of our original submission. If the application is approved, the maintenance obligations set out in that section must be imposed by condition and embedded in the community management statement.

6. Matters not addressed by the response

The response does not touch the following grounds of our original submission, each of which remains unanswered on the file:

- Density of 31.5 dwellings per hectare, 75% above the 18 dwellings per hectare outcome of the Emerging community zone code, acknowledged by the applicant as an alternative outcome;
- The eight-fold increase in traffic on Vane Street (49 to 429 vehicles per day) now concentrated on a single access that the applicant concedes is cut in larger floods;
- The shortfall of 35 car parking spaces against the Transport, access, parking and servicing planning scheme policy;
- The absence of any overshadowing analysis of adjoining dwellings;
- Waterway corridor, acid sulfate soil and cumulative impact matters.

Council's Further Advice letter was directed to the matters Council considered outstanding at that time. The fact that it did not repeat these matters does not mean they have been resolved; they remain live grounds in a properly made submission and must be weighed in the decision.

7. What we ask Council to do

Our primary request is unchanged: that the application be refused. The applicant has now had two opportunities to demonstrate compliance with the Flood overlay code and has instead confirmed that the development will be isolated by road for the better part of a day in a foreseeable event, that its only alternative is an unassessed pedestrian route through a private gate onto a residential cul-de-sac that is itself at the flood level, and that the landscape interface with the nearest existing dwellings does not meet Council's own minimum. The conflicts with PO3 and PO17 of the Flood overlay code, with the density and character outcomes of the Emerging community zone code, and with PO9 and PO29 of the Multiple dwelling code are not outweighed by any demonstrated planning need.

In the alternative, and without derogating from that request, if Council is minded to approve the application, we ask that the following conditions be imposed in addition to those sought in Section 7 of our original submission:

(a) Delete the Victor Street pedestrian gate and gatehouse. If a pedestrian connection is retained, it must not be relied upon for emergency egress, must be relocated away from existing dwellings, and must be subject to conditions limiting hours of operation and prohibiting intercom, visitor-waiting, parcel and mailbox facilities on the Victor Street frontage.

(b) A Flood Emergency Management Plan is to be prepared by an RPEQ, approved by Council and implemented before the use commences; it must not rely on Victor Street for evacuation and must be prepared in consultation with adjoining owners.

(c) Vane Street is to be raised and the internal road designed so that depth of inundation over the crown at Council's nominated 1% AEP level (including climate change) does not exceed 300 mm, demonstrated by RPEQ certification before operational works approval.

(d) Lot 801 is to be incorporated within the community titles scheme as required by Council's Item 2. If it is not, the easement terms, a maintenance management plan and an appropriate security for the flood mitigation works are to be approved by Council before plan sealing.

(e) The landscape buffer along the entire southern boundary, including the frontage to Lot 5 on SP214586, is to be a minimum of 5.5 metres wide, of which not less than 4 metres is deep planting unobstructed by retaining walls, swale batters, fences or footings.

(f) All Level 1 openings on the southern and south-facing elevations of Units 58 to 68 inclusive are to be provided with fixed privacy screening or obscure glazing to a height of 1.5 metres above finished floor level, in accordance with the Multiple dwelling code.

(g) No retaining wall exceeding 1.0 metre in height is to be constructed within 4 metres of the southern boundary; the finished ground level within 4 metres of the boundary is to match existing natural ground level.

(h) A 1.8 metre solid acoustic fence is to be erected on the development side of the buffer prior to the commencement of any building work, with any existing boundary fences retained.

(i) Before any filling, excavation or retaining works commence, a dilapidation survey of all dwellings adjoining the southern and eastern boundaries of the development area, including Lots 1 to 8 and 13 to 17 on SP214586 and the Vane Street lots, is to be undertaken at the applicant's cost and provided to the owners, with construction hours, dust, vibration and sediment controls secured by a Construction Management Plan.

(j) The buffer maintenance obligations set out in Section 7 of our original submission are to be embedded in the community management statement and be enforceable by Council and by adjoining owners.

We ask that this letter be placed on the application file and considered with our properly made submission, and that we continue to be notified in writing of the assessment manager's decision, any change to the application, and any appeal.

We remain available to meet with Council officers on site. From our property the levels, and the relationship between the proposed Units 60 to 62 and our home can be seen directly, and we would welcome the opportunity to show them.

Thank you for your careful consideration of these further comments.

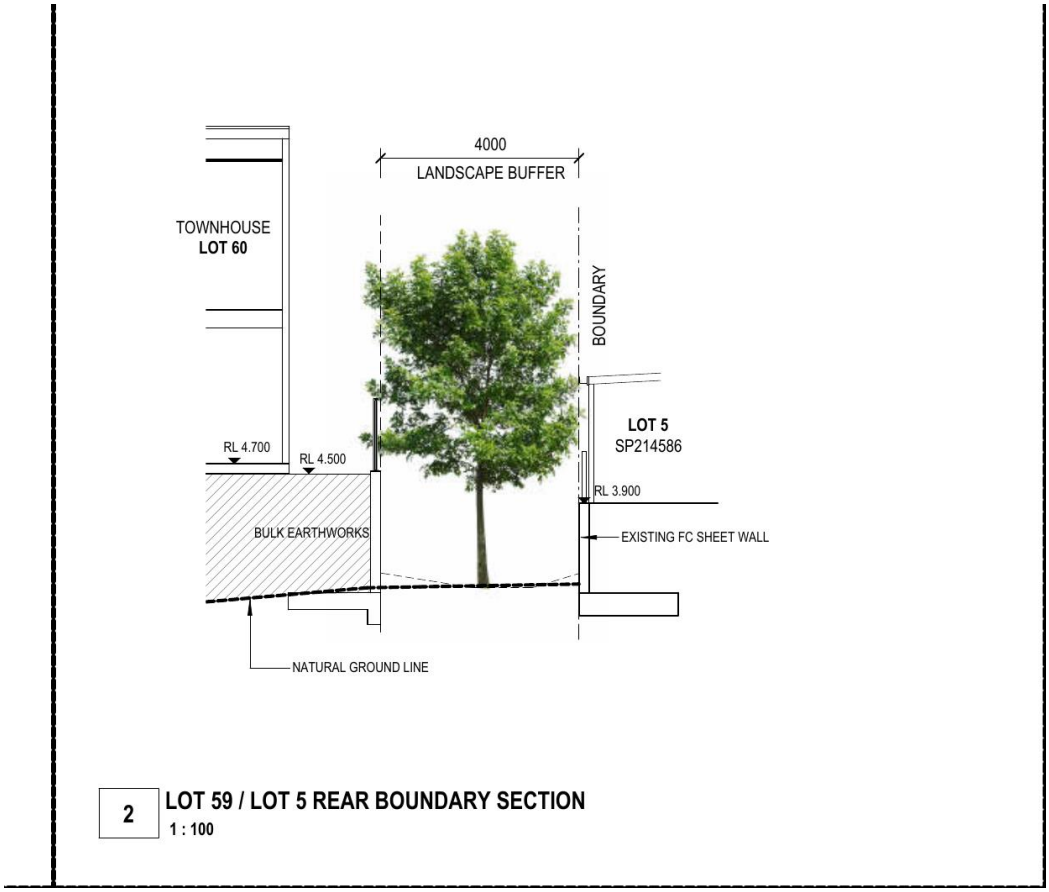
Yours sincerely,

Attachments:

- Attachment A — Extract, Ellivo drawing DA-401 Rev 10 (13 October 2026), Section 2 “Lot 59 / Lot 5 Rear Boundary Section”;
- Attachment B — Extract, Ellivo drawing DA-100 Rev 20 (13 October 2026), southern boundary buffer dimensions.
- Copy to: Cr Lisa Atwood, Councillor for Doboy Ward.

ATTACHMENT A

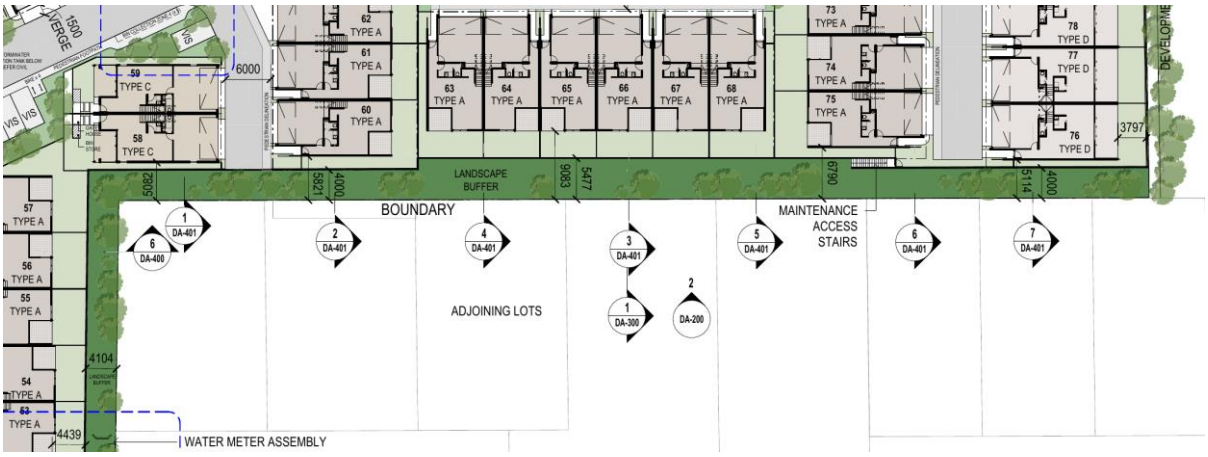
Ellivo Architects, drawing DA-401 Rev 10 “Site Boundary Sections”, 13 October 2026 — Section 2



Source: Attachment B to the applicant’s Further Advice Response, lodged 15 October 2026. Note the 4,000 mm landscape buffer, the townhouse pad at RL 4.50–4.70 against RL 3.90 on Lot 5, and the two-storey wall at the inside edge of the buffer.

ATTACHMENT B

Ellivo Architects, drawing DA-100 Rev 20 “Ground Level Masterplan”, 13 October 2026 — southern boundary extract



Source: Attachment B to the applicant’s Further Advice Response. The buffer is dimensioned 4000 at Units 60–62 (Section 2 location, adjoining Lot 5) and 5477 at Units 63–68. The 5821, 9083, 6790 and 5114 dimensions are setbacks from the boundary to the walls of Unit 60, Units 63–68, Unit 75 and Unit 76 respectively.