

NOTICE ABOUT DECISION ASSESSMENT REPORT (s63 Development Application)

SUBMISSION BY Matthew Watt

SITE:

Address of Site:	102 LAMBERT ST KANGAROO POINT QLD 4169, 102A LAMBERT ST KANGAROO POINT QLD 4169, 104 LAMBERT ST KANGAROO POINT QLD 4169, 106 LAMBERT ST KANGAROO POINT QLD 4169, 108 LAMBERT ST KANGAROO POINT QLD 4169, 46 OCONNELL ST KANGAROO POINT QLD 4169, 94 LAMBERT ST KANGAROO POINT QLD 4169, 98 LAMBERT ST KANGAROO POINT QLD 4169
Real Property Description:	L5 RP.10951, L1 RP.900166, L2 RP.900166, L3 RP.900166, L1 RP.10951, L1 RP.79525, L3 RP.10951, L4 RP.10951
Area of Site:	5291 m ²
Zone:	HIGH DENSITY RESIDENTIAL (UP TO 15 STOREYS) ZONE
Name of Ward:	The Gabba

APPLICATION:

Aspects of Development:	DA - PA - Material Change of Use – Development Permit DA - PA - Material Change of Use – Development Permit DA - PA - Material Change of Use – Development Permit DA - PA - Reconfiguring a Lot – Development Permit
Description of Proposal:	Stage 1 of 3 - Tower 1, part of the central communal space, vehicle crossover on Lambert Street and driveway along the length of the southern boundary; Stage 2 of 3 -Tower 2, which includes the vehicle crossover and driveway off O'Connell Street; and Stage 3 of 3 - Tower 3, which includes the balance of the central communal space Subdivision 8 into 3
Applicant:	108 Lambert St S1 Unit Trust C/- Mewing Planning Consultants Pty Ltd GPO Box 1506 BRISBANE QLD 4001
Application Reference:	A005260505
Application Made Date:	20 August 2019

City Plan 2014

Zone:	HIGH DENSITY RESIDENTIAL (UP TO 15 STOREYS) ZONE
Neighbourhood plan:	KANGAROO POINT PENINSULA NEIGHBOURHOOD PLAN
Neighbourhood plan precinct:	KANGAROO POINT PENINSULA NP - RESIDENTIAL PRECINCT
Neighbourhood plan sub-precinct:	-
Overlays:	AIRPORT ENVIRONS OVERLAY POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY BICYCLE NETWORK OVERLAY COASTAL HAZARD OVERLAY CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN)

OVERLAY

COMMUNITY PURPOSES NETWORK OVERLAY

DWELLING HOUSE CHARACTER OVERLAY

PRE-1911 BUILDING OVERLAY

FLOOD OVERLAY

ROAD HIERARCHY OVERLAY

STREETSCAPE HIERARCHY OVERLAY

SIGNIFICANT LANDSCAPE TREE OVERLAY

WATERWAY CORRIDORS OVERLAY

Overlay Categories:

AIRPORT ENVIRONS OVERLAY - BIRD AND BAT STRIKE ZONE SUB-CATEGORIES

AIRPORT ENVIRONS OVERLAY - HORIZONTAL LIMITATION SURFACE BOUNDARY SUB-CATEGORY

AIRPORT ENVIRONS OVERLAY - OBSTACLE LIMITATION SURFACES (OLS) SUB-CATEGORIES

AIRPORT ENVIRONS OVERLAY - PROCEDURES AIR NAV SERVICES-AIRCRAFT OPS SURFACES SUB-CATEGORIES

AIRPORT ENVIRONS OVERLAY - BBS SUB-CATEGORIES - DISTANCE FROM AIRPORT 8-13KM SUB-CATEGORY

POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY - LAND AT OR BELOW 5M AHD SUB-CATEGORY

POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY - LAND ABOVE 5M AHD AND BELOW 20M AHD SUB-CATEGORY

POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY-POTENTIAL AND ACTUAL ACID SULFATE SOILS SUB-CATEGORY

COASTAL HAZARD OVERLAY - EROSION PRONE AREA - COASTAL EROSION SUB-CATEGORY

COASTAL HAZARD OVERLAY - MEDIUM STORM-TIDE INUNDATION AREA SUB-CATEGORY

COASTAL HAZARD OVERLAY - EROSION PRONE AREA - PERM INUNDATION SEA LEVEL RISE BY 2100 SUB-CATEGORY

CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY - CIMN PLANNING AREA SUB-CATEGORY

FLOOD OVERLAY - BRISBANE RIVER FLOOD PLANNING AREA 1 SUB-CATEGORY

FLOOD OVERLAY - BRISBANE RIVER FLOOD PLANNING AREA 3 SUB-CATEGORY

FLOOD OVERLAY - BRISBANE RIVER FLOOD PLANNING AREA 5 SUB-CATEGORY

SIGNIFICANT LANDSCAPE TREE OVERLAY - VEGETATION PROTECTION ORDER SUB-CATEGORY

WATERWAY CORRIDORS OVERLAY - BRISBANE RIVER CORRIDOR SUB-CATEGORY

The Council received a development application under the *Planning Act 2016* as detailed above.

1. INTRODUCTION

1.1 BACKGROUND / HISTORY

The subject site is comprised of 8 allotments:

Address	Lot description
102 LAMBERT ST	Lot 5 on RP10951
102A LAMBERT ST	Lot 1 on RP900166
104 LAMBERT ST	Lot 2 on RP900166
106 LAMBERT ST	Lot 3 on RP900166
108 LAMBERT ST	Lot 1 on RP10951
46 OCONNELL ST	Lot 1 on RP79525
94 LAMBERT ST	Lot 3 on RP10951
98 LAMBERT ST	Lot 4 on RP10951

- 94, 98, and 102 Lambert Street are improved by pre-1911 dwellings with frontage and access from Lambert Street.
- 102A, 104, and 106 Lambert St are improved by detached dwellings and are set behind the pre-1911 dwellings with access via easement from Lambert Street.
- 46 O'Connell Street is currently improved by 8 single bedroom units.
- 108 Lambert Street is a vacant lot, previously improved by a dwelling house.

The subject site gains access via 46 O'Connell Street and 108 Lambert Street. 108 Lambert Street is partially covered by an easement (Easement A), which is located adjacent to the adjoining properties and benefits the subject land for access purposes. 108 Lambert Street is burdened by an easement (Easement B) for access purposes in favour of the land at 102a, 104 and 106 Lambert Street. This easement extends to the river front.

Council granted approval on 15 February 2008 for a Multi-unit dwelling (7 units) (Ref: A001609628). Council granted a Permissible Change approval on 05 June 2008. The decision was appealed and then approved by the Planning and Environment Court on 19 November 2010.

An application to extend the currency period of the approval of 7 units (Ref: A001609628) was also granted on 13 October 2014 (Ref: A003958567). The extension of currency period was approved until 19 November 2015. The approval has not been enacted and has lapsed.

Council also granted approval for a Multiple Dwelling (21 units) approved on 14 July 2017 (Ref: A004461513) over 108 Lambert Street.

Council approved a cancellation request on 11 April 2019 for approval (Ref: A004461513).

Council granted approval for a Multiple dwelling (74 units) and Filling and excavation on 25 January 2019 (Ref: A004914628), which included:

- 2 x towers of 10 storeys
- Unit configuration 27 x 1 bedroom units; 10 x 2 bedroom units; 37 x 3 bedroom units
Total: 74 units
- Deep planting (functional) Approx. 9.5% of the site area
- Car parking 106 spaces including 11 visitor spaces
- Communal open space 16% (Total 443m² including rooftop recreation area)

- Access gained via crossover from O’Connell Street
- Front setback: 6.46m
- All side boundary setbacks: 5m

1.2 PROPOSAL

The development application seeks approval for the following elements:

- Development permit - Material change of use - Multiple dwelling (200 units*) over 3 stages (*reduced to 199 units during progression of assessment);
- Development permit - Reconfiguration of a Lot (8 into 3 lots).
 - Proposed lot 1: 2,402.4m²
 - Proposed lot 2: 1,192.2m²
 - Proposed lot 3: 1,687.2m²

The Material change of Use permits for the Multiple dwelling component of the application is divided into the following 3 stages:

- Stage 1- Tower 1 consisting of 61 units (1x 2 bedroom, 58x 3 bedroom, 2x 4 bedroom units), part of the central communal space, vehicle crossover on Lambert Street and driveway along the length of the southern boundary;
- Stage 2 - Tower 2, consisting of 47 units (9x 1 bedroom, 9x 2 bedroom, 28x 3 bedroom, 1x 4 bedroom units) which includes the vehicle crossover and driveway off O’Connell Street; and
- Stage 3 – Tower 3, consisting of 91 units (39x 1 bedroom, 50x 2 bedroom, 2x 4 bedroom units) which includes the balance of the central communal space.

It is noted, the proposed stages do not rely on each other and are not required to occur sequentially.

The table below details the design parameters for the proposal:

Height	10 storeys with penthouse level* *Per Note item (2) of the Kangaroo Point peninsula neighbourhood plan code Maximum building height <u>excludes</u> lift towers and other roof plant rooms and a penthouse storey where not exceeding 50% of the average area of typical floors of a tower.
Site cover	48%
Deep planting (functional)	666m ² (12.6%)
Car parking	Basement tower 1: 131 Basement tower 2: 84 Basement tower 3: 112 Total car parking spaces: 327
Communal open space	1,906m ² (36.0%)
Setbacks	T1 to Brisbane River – 20m T1 to southern side – variable 5m to 6.9m T1 to northern side – variable 5m to 7.2m T2 to O’Connell St frontage – 8.695m

	T2 to south-western side boundary – 5m T3 to Lambert Street – 6m T3 to southern side boundary – 6m T3 to northern side boundary – 6m
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1.3 MATERIAL PROVIDED WITH THE APPLICATION

- DA forms
- Applicant assessment report and code assessment
- Applicant traffic report (Q Traffic)
- Applicant landscape concept plan
- Applicant Site Based Stormwater Management Plan (Inertia)
- Applicant engineering report (Q Traffic)
- Applicant letter
- Easement documents
- Title and property searches
- Prelodgement minutes - A005123459

1.4 ZONING AND LAND USE IN THE LOCALITY

The site is located within the High Density Residential (up to 15 storeys) zone under the Brisbane *City Plan 2014*. The site is also within the bounds of the Kangaroo Point Peninsula neighbourhood plan, Residential precinct.

The land surrounding the subject site is included in the following zones and occupied by the land uses shown in the table below:

Adjoining land	Zone	Land use
North	High Density Residential (up to 15 storeys)	Multiple dwellings at 40 and 44 O'Connell Street
South	High Density Residential (up to 15 storeys) Partially adjoins Open space zone along Brisbane River	Multiple dwellings at 39 and 40 Castlebar Street
East	Brisbane River	Brisbane River
West	High Density Residential (up to 15 storeys) and Lambert Street road reserve	Multiple dwelling at 90 Lambert Street

2. THE *Planning Act 2016*

The application has been assessed in accordance with the *Planning Act 2016* for code assessment.

3. ASSESSMENT BENCHMARKS AND COMPLIANCE

3.1 SEQ REGIONAL PLAN

The site is located within the Urban Footprint under the South East Queensland Regional Plan and is not in a defined major development area. The intent of the Urban Footprint is to accommodate a range of urban uses in the forms of housing, industry, businesses infrastructure, community facilities and urban open space. The proposal is consistent with the intentions of the Urban Footprint.

3.2 STATE PLANNING POLICY

Section 27(1) (b) (iv) of the Planning Regulation 2017 requires an assessment manager to assess an application against the Parts C and D of the State Planning Policy (SPP), to the extent it is not appropriately integrated in the planning scheme.

Applicable assessment benchmarks in the SPP are for the following state interests:

- natural hazards, risk and resilience
- strategic airports and aviation facilities

The proposal is considered to comply with the applicable assessment benchmarks within the SPP.

3.3 TEMPORARY LOCAL PLANNING INSTRUMENTS

The Assessment Manager has viewed current and former Temporary Local Planning Instruments (TLPI) per <https://www.brisbane.qld.gov.au/planning-and-building/planning-guidelines-andtools/temporary-local-planning-instrument-tlpi> and it is noted that the site is not impacted by a TLPI.

3.4 PLANNING SCHEME AND PLANNING SCHEME POLICIES

Brisbane *City Plan 2014* v16.00/2019 is the version of City Plan that was adopted at the time the development application was lodged and properly made. The following *City Plan 2014* codes were identified as assessment benchmarks for the application:

- High density residential zone code;
- Kangaroo Point Peninsula neighbourhood plan code;
- Multiple dwelling code;
- Airport environs overlay code;
- Road hierarchy overlay code;
- Streetscape hierarchy overlay code;
- Filling and excavation code;
- Infrastructure design code;
- Landscape works code;
- Outdoor lighting code;
- Park code;
- Park planning and design code;
- Stormwater code;
- Potential & actual acid sulfate soils overlay code;
- Transport, access, parking and servicing code; and
- Wastewater code

3.4. NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

In accordance with section 45(7) of the *Planning Act 2016*, regard has been given to version 16.00/2019 of the *Brisbane City Plan 2014*, as this version was in effect when the development application was made to Council.

The following outlines the applicable Acceptable outcomes that were not met under the *Brisbane City Plan 2014*, and describes the manner by which the development satisfied corresponding performance outcomes.

Code	Reasons for the approval despite non-compliance with the assessment benchmark
<p>Kangaroo Point peninsula neighbourhood plan code</p>	<p>AO3(b)/PO3 – Gross floor area The development does not meet AO3(b) of the code, where a maximum gross floor area 125% of the site area is exceeded and a performance outcome has been sought relative to PO3 which requires development to ensure building size and bulk are consistent with the high density of the locality and retain an appropriate residential scale and relationship with other buildings on the city skyline. The size and bulk of the building are comprised of build form parameters such as height, site cover, setbacks, building length and articulation.</p> <p>The development achieves an acceptable-outcome compliant building height. Rather than a singular building mass, the development is structured as 3 separate towers which would be comparatively more slender and modulated comparative to a singular built form on the site. It is acknowledged that building setbacks less than the acceptable outcome are also proposed (as detailed in the following response to PO6), however the boundary setback performance outcomes are in turn supportable where proportional to structural form and screening of balconies and habitable rooms as is illustrated on the submitted drawings.</p> <p>The building facades for each of the three towers are modulated and articulated; evidenced from recesses, balcony insets, and variety of materials and cladding. Performance Outcome PO3 is satisfied where the development has ensured building size and bulk are consistent with the high density of the locality and retain an appropriate residential scale and relationship with other buildings on the city skyline. It is notable that the Surrounding Context diagram submitted as part of the Information Response material has illustrated at a suburban-level that the proposed towers are of size and bulk are consistent with the high density of the locality.</p> <p>AO6/PO6 – Boundary setbacks The development does not meet AO6 of the code, where the development includes parts of buildings closer than 10m to a side boundary of a site. Side setbacks proposed are a minimum of 5m to side boundaries (including southern side boundary of Tower 1, and side boundary setbacks to Tower 2). Further, stringent adherence to the 10m acceptable outcome would notably restrict ability to achieve a functional development floorplate, especially for tapering parts of the site. Applying acceptable outcome side setbacks to Tower 3 fronting Lambert Street would restrict the tower width to 14m, and substantially reduce ability to site functional built form in the tapering O'Connell and Brisbane River parts of the site.</p> <p>Notwithstanding, the reduced side boundary setbacks are not uniform along the building façade. Modulation in built form shows the Tower 1 and Tower 2 side boundary facades is observed, including indentation of walls between</p>

balcony locations, creating improved boundary clearance (up to 6.9m on southern boundary and 7.2m for north-eastern boundary for Tower 1). The side boundary setbacks are supported, where building height remains compliant with the prescribed acceptable outcome, and a suitable balance of landscaping is achieved on the site proportional to structural form (including compliant deep planting).

Screening of balconies and habitable rooms is illustrated on the submitted drawings (refer to elevations for each tower), to suitably ameliorate direct overlooking from the development to adjoining properties, and has been duly conditioned to ensure screening is installed and maintained in the interests of residential amenity. With respect to the southern side setbacks of Tower 1 and 3, it is noted the side setback contains the primary site access drive and side landscaping and trellis assisting in achieving visual separation within this setback.

It is noted the placement of Towers 1 and 3 is such that it is recognising of the footprints of established buildings adjoining to the south, siting the majority of the T1 and T3 footprints either east or west of the 39 Castlebar Street tower (as opposed to a singular, linear built form alternative development scenario), which in turn means that while the side boundary setbacks are reduced, the parts of the site accommodating structures is (generally) located on a part of the site which doesn't immediately interface with the location of adjoining towers to the south, in full. That is to say, the area of separation between T1 and T3 is the part of the site generally aligning with the location of the 39 Castlebar Street tower adjoining to the south (which in itself has side setbacks less than 10m).

PO6 has been satisfied where the development ensures building setbacks ameliorate amenity impacts on adjacent buildings and maintain high levels of amenity for proposed dwelling units on a site, buildings on adjoining sites, and the public domain. In providing the performance outcome, the development gives suitable regard to the level of comfort, quiet, privacy and safety (including impacts of glare, odour, light, noise, traffic, parking, servicing and hours of operation) reasonably expected within a high density predominantly permanent residential environment.

AO7/PO7 – Park at river frontage

AO7 requires development along the riverfront to provide public access and park along the entire frontage to the river. Under previous development approvals on the subject site (such as A004914628) this area was nominated as item Local Government Infrastructure Plan ID KAN-RW-002 in the Local Government Infrastructure Plan 2014 to accommodate river walk infrastructure. However, at the time of the current application was made, the subject site is no longer identified as containing the LGIP item (it is now rather a Long Term Infrastructure Item). Accordingly, the development has been conditioned to preserve the area along the riverfront as a Future Park Dedication.

The proposed development must not prejudice the future land dedication along the Brisbane River frontage of the site by keeping the area clear of permanent improvements and structures associated with the approved development. The extent of the land to be set aside for a future land

	<p>dedication is 148m², 4.5m from Brisbane River MHWS for the full Brisbane River frontage of the site. PO7 is achieved where the development has been conditioned to preserve a defined area for riverfront park and public access.</p>
<p>Multiple dwelling code</p>	<p>AO5/PO5 – setbacks and separation (building envelope) AO8.1/PO8 – building separation AO11/PO11 – side boundary setbacks</p> <p>*These items are described jointly, where each built form parameter is interrelated (side setbacks and separation).</p> <p>The proposed development does not meet the acceptable outcome AO5 of the Multiple dwelling code, which states that development is contained within the building envelope for the site created by applying (b) front, rear and side boundary setback requirements in Table 9.3.14.3.C and (d) building separation requirements in Table 9.3.14.3.F. Where not complying with the acceptable outcome setbacks prescribed, the development does not achieve compliance with all minimum building separation requirements prescribed by Table 9.3.14.3.F referenced in AO8.1 of the code. Further, AO11 stipulates that development provides a side boundary setback that complies with a neighbourhood plan; or if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.14.3.C.</p> <p>In addressing these built form outcomes the applicant has submitted for assessment a site context plan, as well as floor plans and building renders which convey a clear understanding of the relationship between the development and established dwellings on surrounding sites. Per typical floor levels, the following setbacks and separation is achieved:</p> <p><u>Minimum Setbacks</u></p> <p>T1 to Brisbane River – 20m T1 to southern side – variable 5m to 6.9m T1 to northern side – variable 5m to 7.2m</p> <p>T2 to O’Connell St frontage – 8.695m T2 to south-western side boundary – 5m</p> <p>T3 to Lambert Street – 6m T3 to southern side boundary – 6m T3 to northern side boundary – 6m</p> <p><u>Minimum Separation</u></p> <p>T1 – 10.85m to adjoining building to south T2 - 9.355m to adjoining building to north, 9.774m to building to west T3 – 16.942m, 16.992m to adjoining buildings to south</p> <p>It is evident that examples of adjoining Multiple dwelling developments, at times, achieve similar side boundary setbacks. The three towers have given regard to the position of adjoining developments, which has beneficially influenced the chosen placement of buildings. Reduced side boundary setbacks are not uniform along the building façade. Modulation in built form shows the Tower 1 and Tower 2 side boundary facades is observed, including indentation of walls between balcony locations, creating improved</p>

boundary clearance (up to 6.9m on southern boundary and 7.2m for north-eastern boundary for Tower 1). The side boundary setbacks are supported, where building height remains compliant with the prescribed acceptable outcome, are proportional to structural form and where screening of balconies and habitable rooms has been illustrated on the submitted drawings.

Screening of balconies and habitable rooms is illustrated on the submitted drawings (refer to elevations for each tower), to suitably ameliorate direct overlooking from the development to adjoining properties, and has been duly conditioned to ensure screening is installed and maintained in the interests of residential amenity. With respect to the southern side setbacks of Tower 1 and 3, it is noted the side setback contains the primary site access drive and side landscaping and trellis assisting in achieving visual separation within this setback.

It is noted the placement of Towers 1 and 3 is such that it is recognising of the footprints of established buildings adjoining to the south, siting the majority of the T1 and T3 footprints either east or west of the 39 Castlebar Street tower (as opposed to a singular, linear built form alternative development scenario), which in turn means that while the side boundary setbacks are reduced, the parts of the site accommodating structures is (generally, but not completely) located on a part of the site which doesn't immediately interface with the location of adjoining towers to the south, in full. That is to say, the area of separation between T1 and T3 is the part of the site generally aligning with the location of the 39 Castlebar Street tower adjoining to the south (which in itself has side setbacks less than 10m).

Where building aspect has allowed, the development has orientated dwelling's private open space (balconies) to the Brisbane River, streetscapes, or internal to the site's internal common areas. It is acknowledged that side boundary-facing units are present in the development. Screening has been applied to these balconies responsive to AO28.2 of the Multiple dwelling code, in the interest of providing an attractive and functional private open space for residents and AO35.1/PO35 to limit overlooking between residences.

By adopting a built form comprised of 3 towers, internally separated by up to 10.1m between buildings 2 and 3, and up to 18.94m between buildings 1 and 3, as opposed to one continual building mass, consideration has been afforded in the design to allow for through access of air and breezes and for sunlight to penetrate through the site (from a generally northerly prevailing solar arc).

PO5 of the code is satisfied where the development is of a bulk and scale that is consistent with the intended form and character of the local area having regard to existing buildings that are to be retained. The site is not impacted by significant infrastructure or service constraints such as tunnels, respects existing and proposed building heights in the local area and street (by providing a compliant building height), and achieves position, siting and layout which is considerate of adjoining buildings, affording adequate separation of buildings necessary to ensure impacts on residential amenity and privacy are minimised.

PO8 is satisfied where development separates buildings from existing or future buildings within a site and to adjoining sites to be consistent with the form and character intent for the local area (noting presence of similar side setbacks achieved on adjoining sites), protects residential amenity including access to natural light, sunlight and breeze provide visual privacy to reduce the need for fixed screening*.

*It is acknowledged fixed screening is present on side facing balconies, but the assessment recognises the orientation of balconies to street, internal and river vantages where it has been practically possible. The extent of screening used through the development is lessened following these design considerations.

PO11 of the code is satisfied where development provides side boundary setbacks that minimises the impact of development on the amenity and privacy of neighbouring existing residents (through a combination of building location within the site, on-site landscaping, unit aspect orientation away from side boundaries where achievable, and application of fixed screening to side balconies and habitable rooms). The development contributes to the rhythm and pattern of the streetscape in keeping with the intended neighbourhood character (as evidenced by examining the site context plan, depicting existing built form siting and positioning surrounding the development site); provides for landscaping, natural light, sunlight and breezes and considers future development.

AO14/PO14 – site cover

The development has a site cover of 48%, which exceeds the acceptable outcome of 40% for High density residential zoned land. However, the development has demonstrated proportional on-site landscaping (ground level landscaping of 1,140m² (21.5%) of which 666m² is deep planting (12.6% site area), and proportionally larger ground level open space 2,613m² (49.4%). Furthermore, substantial communal open space is included in the development (internal and external, including roof top, attaining 1,906m² (36.0% of site are). The site cover is not disproportional to the utility of the large 5,291 m² site. Consideration of site cover has been undertaken with awareness of residential amenity (both internal and external to the site), management of side setbacks and building separation (see commentary regarding PO5, PO8 and PO11 above).

PO11 has been addressed where the development has ensured that the proportion of buildings to open space and landscaping on a site is in keeping with the intended form and character intensity of the local area and immediate streetscape. The development achieves modulation of the building form (evidenced in part by the presence of three discrete towers rather than a singular tower form). The development beneficially internalises car parking and much of the manoeuvring space inside the building footprint, in the interests of achieving efficient use of site area. The development supports residential amenity including access to natural light, sunlight and breeze (in part, via the separate buildings proposed, but also internal and external separation and structural and façade recesses). The generous provision of communal and private open space supports private outdoor subtropical living. The submitted landscape plans show the development provides for deep-planting areas to establish large subtropical shade trees throughout the site.

	<p>PO28 – sized of private open space Acceptable outcome AO28 is not met in select occurrences, with reference to corner units present in tower 1 in which some units have a 10m² or 11m² balcony where 12m² is the acceptable outcome balcony size. It is apparent that the large majority of units are provided with private open spaces beneficially exceeding the acceptable outcome. The development meets PO28 where each dwelling is afforded attractive and functional private open space for residents, noting that the residents of the unit complex are additionally afforded access to communal open spaces with a range of adaptable and functional recreation uses.</p> <p>PO29 – north-easterly aspect of units AO29 of the Multiple dwelling code details that development provides a minimum of 75% of a dwelling’s outdoor living area positioned to the north or north-east. The site is positioned with its longest axis along a generally East-West alignment, meaning the northern aspect of each of the towers is to the side. Balconies have been positioned to benefit from street (western) and river (eastern) aspects, as well as internal to the site. Giving regard to the aspect of all 199 dwellings, there is variability in access to a north-easterly aspect from direct to indirect. Nevertheless, the development provides residents with functional outdoor living space that receives natural light but is shaded to protect from the resident from direct sunlight responsive to PO29.</p>
<p>Subdivision code</p>	<p>PO2 – cut, fill and retaining walls The development will result in cutting, filling, retaining walls and earthworks that will have greater than a maximum vertical and horizontal dimensions of 1m, which does not meet the requirements of AO2.1 of the Subdivision code. However, it is recognised that the extent of cut and fill is generally associated with the combined Material change of use (for example, basement excavation). The Material change of use permits has been conditioned to require the applicant to design and construct all retaining walls and associated fences, in accordance with the relevant Brisbane Planning Scheme Codes. Retaining walls in excess of 1.0m in height must be designed and certified by a Registered Professional Engineer Queensland. The development satisfies PO2 of the code where it ensures that the lot size and layout minimises impacts from cutting, filling, retaining walls and earthworks, and those areas of cut, fill and retaining walls are suitably managed via condition compliance.</p>
<p>Stormwater code</p>	<p>PO9 – management of run-off and peak flows There is no Acceptable Outcome prescribed for AO9, therefore the development must meet PO9 which states the development must be designed to manage run-off and peak flows by minimising large areas of impervious material and maximising opportunities for capture and re-use. The development complies with this performance outcome, where landscaping provided where possible to minimise impervious area and allowed for stormwater re-use where appropriate. The approval has been conditioned to manage run-off and peak flows.</p> <p>PO10 – effective stormwater management There is no Acceptable Outcome prescribed for AO10, therefore the development must meet PO10 which states the development must ensure</p>

that there is sufficient site area to accommodate an effective stormwater management system. The proposal provides an acceptable onsite stormwater management system as evidenced by the reports and drawings submitted (refer to Inertia engineering reporting). The approval has been conditioned to manage and control stormwater effectively.

PO13 – management of erosion, turbidity, sediment

There is no Acceptable Outcome prescribed for AO13, therefore the development must meet PO13 which states the development must ensure that all reasonable and practicable measures are taken to manage the impacts of erosion, turbidity and sedimentation, both within and external to the development site from construction activities, including vegetation clearing, earthworks, civil construction, installation of services, rehabilitation, revegetation and landscaping to protect; the environmental values and water quality objectives of waters; waterway hydrology; the maintenance and serviceability of stormwater infrastructure. The development will adhere to these requirements with the conditioning of appropriate erosion and sediment control measures. The applicant must prepare an Erosion and Sediment Control (ESC) Plan(s), and provide design certificates for the site in accordance with the relevant Brisbane Planning Scheme Codes. The plan(s) and design certificates must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) or a Registered Professional Engineer Qld (RPEQ) with suitable qualifications and experience in erosion and sediment control.

PO14 – stabilisation against erosion

There is no Acceptable Outcome prescribed for AO14, therefore the development must meet PO14 which states the development ensures that; unnecessary disturbance to soil, waterways or drainage channels is avoided, and all soil surfaces remain effectively stabilized against erosion in the short and long term. As referenced above, the development will adhere to these requirements with the conditioning of appropriate erosion and sediment control measures. The applicant must prepare an Erosion and Sediment Control (ESC) Plan(s), and provide design certificates for the site in accordance with the relevant Brisbane Planning Scheme Codes. The plan(s) and design certificates must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) or a Registered Professional Engineer Qld (RPEQ) with suitable qualifications and experience in erosion and sediment control.

PO15 – management of suspended solids in run-off

There is no Acceptable Outcome prescribed for AO15, therefore the development must meet PO15 which states the development must not increase the concentration of total suspended solids or other contaminants in stormwater flows during site construction, and run-off which causes erosion either on site or off site. The applicant must prepare an Erosion and Sediment Control (ESC) Plan(s), and provide design certificates for the site in accordance with the relevant Brisbane Planning Scheme Codes. The plan(s) and design certificates must be certified by a Certified Professional in Erosion and Sediment Control (CPESC) or a Registered Professional Engineer Qld (RPEQ) with suitable qualifications and experience in erosion and sediment control.

PO17 – discharge of wastewater

There is no Acceptable Outcome prescribed for AO17, therefore the

	<p>development must meet PO17 which states the Development ensures that the discharge of wastewater to a waterway or external to the site is avoided; or if the discharge cannot practicably be avoided, the development minimises wastewater discharge through re-use, recycling, recovery and treatment. The approval has been conditioned with advice regarding services for water and wastewater (sewerage, a QUU matter).</p>
<p>Transport, access, parking and servicing (TAPS) code</p>	<p>PO2 – integration with transport network</p> <p>There is no Acceptable Outcome prescribed for AO2 of the TAPS Code, therefore the development must meet PO2 which states that where the proposal is of a major size, it must incorporate on-site provision for integration with the public transport network and the management of vehicles, public transport, pedestrians and cyclists, including providing appropriate pedestrian and cyclist linkages to adjoining uses, public areas and the transport network consistent with the planning by the Queensland Government and Council. The development complies with PO2, as it is situated in close proximity to the CBD with excellent integration opportunity with the local public and active transport networks. The development has been conditioned to ensure it must not prejudice the future land dedication along the Brisbane River frontage of the site by keeping the area clear of permanent improvements and structures associated with the approved development. The extent of the land to be set aside for a future land dedication is 148m², 4.5m from Brisbane River MHWS for the full Brisbane River frontage of the site.</p> <p>PO8 – pedestrian and cyclist access</p> <p>There is no Acceptable Outcome prescribed for AO8 of the TAPS code, therefore the development must meet PO8 which states the development must provide pedestrian and cyclist access to and from the site which is located to take advantage of safe crossing points of the adjacent road system, key destinations and public transport facilities.</p> <p>The development complies with PO8 where it is sited in an inner city location near convenient bus and ferry services, pedestrian and cyclist facility in the suburban area. As stated above, the development has been conditioned to ensure it must not prejudice the future land dedication along the Brisbane River frontage of the site by keeping the area clear of permanent improvements and structures associated with the approved development. The extent of the land to be set aside for a future land dedication is 148m², 4.5m from Brisbane River MHWS for the full Brisbane River frontage of the site.</p> <p>PO10 – closure of redundant driveways</p> <p>There is no Acceptable Outcome prescribed for AO10 of the TAPS Code, therefore the development must meet PO10 which states the proposed redevelopment must provide for the closure of all access driveways in the road area that no longer comply with the standards in the TAPS PSP and the reinstatement of adjacent footpaths. The development satisfies this performance outcome where conditions have been imposed to remove redundant crossovers, relevant to each applicable stage.</p>
<p>Filling and excavation</p>	<p>PO1 – retaining walls</p>

code	The development does not meet AO1 of the code where the total height of cut and fill exceeds 1m (noting that the Multiple dwelling requires basement excavation). However, the development satisfies PO1 of the code where proposed retaining walls and earthworks will not create adverse visual impacts to the surrounding properties. Some examples of higher walls are present, and are not terraced, however these walls are internal and inward facing that won't create undue visual impacts to surroundings. On-site landscaping as shown on the submitted landscape drawings further minimise visual impacts.
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3.5 LOCAL GOVERNMENT INFRASTRUCTURE PLAN

There are no requirements for trunk infrastructure identified in the plan relevant to the application.

Note: Under previous development approvals on the subject site (such as A004914628) this area was nominated as item Local Government Infrastructure Plan ID KAN-RW-002 in the Local Government Infrastructure Plan 2014 to accommodate river walk infrastructure. However, at the time of the current application was made, the subject site is no longer identified as containing the LGIP item (it is now rather a Long Term Infrastructure Item). Accordingly, the development has been conditioned to preserve the area along the riverfront as a Future Park Dedication.

The proposed development must not prejudice the future land dedication along the Brisbane River frontage of the site by keeping the area clear of permanent improvements and structures associated with the approved development.

The extent of the land to be set aside for a future land dedication is 148m², 4.5m from Brisbane River MHWS for the full Brisbane River frontage of the site.

An infrastructure charges notice is attached.

4. MATTERS RAISED IN SUBMISSIONS

Under the *Planning Act 2016* public notification of the proposal was not required, however, comments were received during the assessment of the application.

A summary of the comments received is provided in the table below.

It should be noted that *Brisbane City Plan 2014* is a performance based planning scheme where the applicant can either comply with the acceptable outcomes or put forward alternative solutions to address the performance outcomes for their proposal. Each application is assessed and decided based on its individual merits taking into consideration the provisions of the City Plan, site context and community feedback.

No. of submissions received:	Valid – 0	Invalid – 21
Nature of submissions:	Support – 0	Object – 21

Matters raised in submissions	How the matter was dealt with
Proposal is contrary to Brisbane Future Blueprint	Brisbane's Future Blueprint document provides a plan with eight principles and 40 actions to guide decisions. The development displays incorporation of beneficial design attributes described by the blueprint, including building aspect, orientation, use of landscaping and promoting subtropical living. Notwithstanding, the Blueprint document is not in itself a statutory planning instrument. The application has demonstrated compliance with the applicable assessment benchmarks of <i>City Plan 2014</i> .

Pre-1911 removal should be impact assessable.	Under <i>City Plan 2014</i> , Table 5.10.16 stipulates the relevant category of assessment for development concerning Pre-1911 building overlay. Demolition of pre-1911 buildings can be code or impact assessable depending on the underlying zoning of a site and the ability of the development to comply with particular acceptable outcomes of the code. Nevertheless, the approved development retains the pre-1911 dwellings on the site, facing Lambert Street. The buildings are incorporated as two dwellings and the third (middle) pre-1911 building is retained as a communal space for residents of the complex.
The whole application should be impact assessable. Code assessment is incorrect.	In accordance with the City Plan 2014, the development application was accurately subject to code assessment.
<p>Opposed to removal/demolition of pre-1911 buildings. Other local examples where pre 1911 homes have been successfully preserved or incorporated into development. This proposal (should be) modified and these houses protected.</p> <p>Kangaroo Point is losing its character.</p> <p>Reference to the Thorncliffe site (162 Lambert Street, Kangaroo Point) should as 'a benchmark for successfully incorporated design and history'.</p>	This concern is noted. As the assessment of the application progressed, Council requested the applicant revise the design to retain the pre-1911 dwellings. The final plans show the beneficial incorporation of the pre-1911 houses into the development; two of which will function as units and the other repurposed as a communal space for the residents of the Multiple dwelling.
The revised plans showing the retention of the pre-1911 dwellings is overbearing.	The retention of the pre-1911 dwellings fronting Lambert Street is beneficial and contributes positively to the streetscape. The design of the tower floor plates situated partially above the retained pre-1911 buildings has been revised through the provision of successive plan versions in the interest of providing visual relief and context of the retained dwellings and their relationship to the streetscape. It should be distinguished that the retained dwellings are not mapped under <i>City Plan 2014</i> as Local or State Heritage places and are not subject to the same planning controls as heritage places concerning cultural heritage significance.
Submitter opposes lack of mixed-uses integrated in the development (entirely residential)	The site is zoned High density residential and the land is anticipatory of high density residential development in high-rise form. It is notable that areas south of the site, including Main Street, are identified in the Kangaroo Point South neighbourhood plan area in the southern part of the suburb as containing sites suitable for commercial purposes.
Lack of street interaction	The approved development retains the pre-1911 dwellings on the site, facing Lambert Street, affording/continuing a beneficial contribution to the streetscape. The site is zoned High density

	<p>residential and the planning scheme does not require introduction of commercial uses at the streetscape (active uses). However, Tower 3 appropriately addresses Lambert Street, with passive surveillance of the streetscape, and landscaping.</p>
<p>Development will place strain on local traffic. Increasing traffic experienced in Kangaroo Point (exacerbated by the proposed development).</p> <p>Lack of parking. Impacts on on-street parking. Incremental decline in availability of on-street parking over time</p> <p>Council's planners did not contemplate that this site would be developed as high-density residential due to the presence of pre-1911 buildings, so no-one ever imagined that this many additional cars would use this street</p> <p>Submitted traffic report severely underestimates the number of trips this DA will generate.</p> <p>Submitted reporting underestimates frequency of site servicing/delivery vehicles/removalists visiting the site.</p> <p>Engagement of traffic engineer to review proposal, including findings of possible operational, safety and amenity issues, narrow driveways, grades, access and servicing conflicts, traffic volumes potentially exceeding traffic thresholds anticipated in the area. Reporting advocates design amendments.</p>	<p>Traffic reporting submitted by QTraffic has appropriately reviewed the parking and traffic circumstances relating to this development, concluding traffic functionality is satisfactory. Assertion that the submitted reporting underestimates trip generation/frequency of site servicing is not accepted. The site achieves accessibility to the established road network and the streets in the vicinity of the site can appropriately accommodate the vehicle movements commensurate with the development.</p> <p>The development provides a greater number of car parking spaces than is required by the Transport, parking, access and servicing planning scheme policy. Assertion that the development does not accommodate appropriate parking quantity or may (in turn) negatively impact on on-street parking availability is not agreed.</p> <p>The site is zoned High density residential and the roads the site borders are assigned a defined Road hierarchy. Commentary suggesting the local planning framework is not anticipatory of number of dwellings or associated vehicle movements in this location is not supported.</p> <p>Submission inclusive of Bitzios Consulting commentary is noted.</p> <p>The approval has been conditioned to achieve appropriate access, grades, manoeuvring, carparks, signs and line marking. Traffic reporting submitted by QTraffic has appropriately reviewed the parking and traffic circumstances relating to this development, concluding traffic functionality is satisfactory and was suitable to inform the assessment and decision making of this development application.</p>
<p>The location and width of driveway crossovers is likely to create excessive and undesirable conflicts with pedestrians and cyclists moving along Lambert St.</p> <p>Width of driveway should be reduced in the interest of streetscape and safety.</p>	<p>The driveways are proportional to the size and dimensions of the site, and are of widths suitable to accommodate necessary vehicle access, including that of attending refuse collection vehicles. It is notable that the Lambert Street frontage is presently bisected by multiple driveway crossovers for the existing pre-1911 dwellings, which will be beneficially rationalised into a single crossover. It is considered this is a more defined outcome and achieves a superior pedestrian experience.</p>
<p>Planning framework/community never envisaged that this site would have room for three high-rise towers due to presence of existing pre-1911</p>	<p>The site is zoned High density residential and the land is anticipatory of high density residential development in high-rise form. The presence of the pre-1911 dwellings is noted, but these buildings in themselves do not preclude the site from</p>

<p>dwellings.</p>	<p>accommodating further development potential, having regard to their ability to be suitably integrated within the development or arranged to be relocated to suitable recipient sites. This development has progressed to retain the pre-1911 buildings on the site.</p>
<p>Development is 'over height' The non-standard floor-to-ceiling heights mean that although these towers are described as '10 storeys', they are arguably closer in height to 13-storey buildings.</p> <p>Excessive ground storey heights contribute to overall building height.</p> <p>Penthouse should be counted as a storey.</p>	<p>The development achieves the acceptable outcome building height prescribed by the Kangaroo Point Peninsula neighbourhood plan code. The floor to ceiling heights are proportional and accommodate functional unit layouts.</p> <p>It is recognised that the ground storeys of the towers have floor-to-ceiling heights that are greater than those of the floors above, however the planning scheme does not introduce criteria which limits the ground floor heights in metres, for this location.</p> <p>The Kangaroo Point Peninsula neighbourhood plan code states that '<i>Maximum building height excludes lift towers and other roof plant rooms and a penthouse storey where not exceeding 50% of the average area of typical floors of a tower</i>'. The applicant has correctly described the penthouse level as not being defined as a storey.</p> <p>Note also that AO20.1 of the Multiple dwelling code advocates for floor-to-ceiling heights greater than 2.4m to support Brisbane's subtropical design character and sustainable subtropical living.</p>
<p>Lack of deep planting provision</p> <p>Land which is identified as part of the future river walk should not be counted as part of the calculation of deep planting.</p>	<p>The development provides 666m² (12.6% of site area) as deep planting provision, beneficially exceeding the 10% site area acceptable outcome. The submitted plans include a key which colours verified deep planting areas as dark green. Even when subtracting areas which may, at a time in the future, accommodate riverfront pedestrian movement the site accommodates sufficient deep planting open to the sky and serving to shade hardstand areas and structures.</p>
<p>Lack of building façade detail and articulation</p> <p>Specific facades presenting as blank and overbearing.</p> <p>Dominant use of glazing and concrete.</p>	<p>The approved plans set includes many plans which detail façade articulation and materiality. In particular, the elevations show articulation is achieved where incorporating split-face masonry, vertical trellis, stamped concrete, planter boxes, operable privacy screens, sunhoods, architectural cladding and glass balustrades. It is evident that these features are introduced in the interest of reducing façade uniformity and adding appropriate visual interest. The façades are recognising of the direction of prevailing sunlight and incorporate shading devices in appropriate locations. The use of glazing and concrete is proportional. The assessment of the application determined no facades appear dominant, where the use of materials, vertical and horizontal design features, placement of windows and balconies assist in adding variety to the faces of each tower, while maintaining an acceptable outcome building height.</p>

<p>Additional apartments will/may result in reduced property prices (of established units) in the area.</p> <p>Development approvals increase land values, making it significantly harder to deliver public housing or community housing in the local community.</p> <p>There are already too many apartments in Kangaroo Point.</p>	<p>Under <i>City Plan 2014</i>, Table SC3.1.1, existing and projected population is documented, noting anticipated growth in inner city Brisbane including Kangaroo Point. Brisbane is a growing city and <i>City Plan 2014</i> is an instrument which guides how this development takes place through zoning and land use controls. The planning scheme does not prohibit residential development in residential zones.</p> <p>Changes in property prices experienced over time is a commercial/market-driven matter and in turn is not a planning consideration or relevant to <i>City Plan 2014</i> assessment criteria.</p>
<p>Poor public transport services available in Kangaroo Point.</p> <p>No increase in ferry services to the suburb despite increased number of new developments</p>	<p>The assessment of this application is limited to the subject site and the proposal's ability to satisfy the relevant acceptable and performance outcomes of <i>City Plan 2014</i>. The development in itself does not require further embellishment or changes to public transport infrastructure in the vicinity of the development. The site is zoned High density residential and this is recognised when considering suburban transport outcomes. Notwithstanding, the submitter may be interested that Brisbane City Council has developed the Transport Plan for Brisbane - Strategic Directions (Transport Plan). This is a guide to the evolution of our city's transport network over the next 25 years as Brisbane grows and evolves. Further information can be viewed at https://www.brisbane.qld.gov.au/traffic-and-transport/transport-plan-for-brisbane</p>
<p>No additional infrastructure in place commensurate with the new development.</p> <p>No public benefit.</p> <p>The suburb lacks services for residents, such as supermarket, medical centre or chemist, and Council should give regard to this before endorsing further (residential) development.</p> <p>Council should reject any further Kangaroo Point developments until the developers agree to build the desperately needed section of the River walk from Mowbray Park to Dockside to increase connectivity to faster and more frequent City at transport and provide more active transport (cycling/walking) options.</p> <p>There is not enough green space or community facilities to support the proposed population</p>	<p>As described above, the assessment of this application is limited to the subject site and the proposal's ability to satisfy the relevant acceptable and performance outcomes of <i>City Plan 2014</i>. The development in itself does not require further embellishment or changes to services, or introduce or incorporate commercial land uses or new parks in the vicinity of the development. The development is located upon High density residential zoned land, and the approved development achieves a high density residential outcome. It is notable that areas south of the site, including Main Street, are identified in the Kangaroo Point south neighbourhood plan area in the southern part of the suburb as containing sites suitable for commercial purposes.</p> <p>The approval is subject to a condition which requires the Brisbane River frontage of the site to be clear of permanent improvements and structures associated with the approved development with the extent of the land to be set aside for a future land dedication in the interest of future pedestrian movement along the river.</p>
<p>The development is too dense for the locality.</p>	<p>The site is located in the High density residential zone. The overall outcomes of this zone code and precinct states that development</p>

	<p>in this zone precinct provides a <i>residential building has the greatest height and density in the city outside of the Principal centre zone</i>. The density is commensurate with the site area.</p>
<p>Tall towers, such as included in the proposal have the potential to overshadow established dwellings and streets.</p>	<p>The development complies with the acceptable outcome building height requirements of the neighbourhood plan applicable at the time the application was made. It is recognised that this building height is anticipated by the community at this location. The towers may result in areas of shadowing occurring throughout parts of the day, and subject to seasonal variation. However, the residential towers are located in a setting in which high-rise developments are both commonly established and observed as the predominant building form in the locality. The development has achieved a built form which arranges three separate towers over 5,291m² of site area, with open separation between towers. The spacing between towers benefits the through-passage of light and daylighting. Therefore, the shadowing is appropriately managed and is not anticipated to unreasonably result in adverse amenity impacts.</p>
<p>The development should be made to comply with the acceptable outcomes of the planning scheme.</p> <p>Performance outcomes accepted only where it (can be) proven how the wider public benefits from those performance outcomes</p> <p>Subject site has a site area which could accommodate acceptable outcome setbacks of 10m.</p>	<p>Brisbane <i>City Plan 2014</i> is a performance-based planning scheme. State legislation, including the <i>Planning Act 2016</i> and repealed <i>Sustainable Planning Act 2009</i> require local planning instruments (such as City Plan) to be structured to include acceptable and performance outcomes. This means that development applications can demonstrate that they meet prescribed acceptable outcomes, or with suitable justification and design consideration demonstrate performance outcomes.</p> <p>This development has demonstrated compliance with a combination of applicable acceptable and performance outcomes.</p>
<p>New Kangaroo Point Urban Renewal Strategy contemplates the creation of a pocket park on Lambert St near this site. Council officers should discuss this with Urban Renewal Team.</p>	<p>This comment is noted. Notwithstanding, the subject site is zoned High density residential and is anticipatory of residential development, as has been achieved in the submitted development application.</p>
<p>Inadequate side boundary setbacks (particular reference to that addressing 39 Castlebar Street)</p> <p>Reduced side setbacks will result in overshadowing, reduced access to light and breezes, and result in reduced visual and acoustic privacy</p> <p>Inadequate building separation.</p> <p>Private open spaces, balconies orientated to side boundaries.</p> <p>Reliance on screening inappropriate.</p>	<p>The applicant has submitted for assessment a site context plan, as well as floor plans and building renders which convey a clear understanding of the relationship between the development and established dwellings on surrounding sites.</p> <p>Screening of balconies and habitable rooms is illustrated on the submitted drawings (refer to elevations for each tower), to suitably ameliorate direct overlooking from the development to adjoining properties, and has been duly conditioned to ensure screening is installed and maintained in the interests of residential amenity. With respect to the southern side setbacks of Tower 1 and 3, it is noted the side setback contains the primary site access drive and side landscaping and trellis assisting in achieving visual separation within this setback.</p> <p>It is noted the placement of Towers 1 and 3 is such that it is recognising of the footprints of established buildings adjoining to</p>

<p>Adverse impacts on residential amenity.</p>	<p>the south, siting the majority of the T1 and T3 footprints either east or west of the 39 Castlebar Street tower (as opposed to a singular, linear built form alternative development scenario), which in turn means that while the side boundary setbacks are reduced, the parts of the site accommodating structures is (generally) located on a part of the site which doesn't immediately interface with the location of adjoining towers to the south, in full. That is to say, the area of separation between T1 and T3 is the part of the site generally aligning with the location of the 39 Castlebar Street tower adjoining to the south (which in itself has side setbacks less than 10m).</p> <p>Where building aspect has allowed, the development has orientated dwelling's private open space (balconies) to the Brisbane River, streetscapes, or internal to the site's common areas. It is acknowledged that side boundary-facing units are present in the development. Screening has been applied to these balconies responsive to AO28.2 of the Multiple dwelling code, in the interest of providing an attractive and functional private open space for residents and AO35.1/PO35 to limit overlooking between residences.</p> <p>The development gives suitable regard to the level of comfort, quiet, privacy and safety (including impacts of glare, odour, light, noise, traffic, parking, servicing and hours of operation) reasonably expected within a high density predominantly permanent residential environment.</p>
<p>Excessive gross floor area. Gross floor area of 20,907m² equates to 395% GFA, exceeding 125% acceptable outcome (Kangaroo Point Peninsula neighbourhood plan code)</p> <p>Bulk and scale is not consistent with the intended outcomes of the Kangaroo Point Peninsula area, resulting from reduced setbacks and separation.</p>	<p>The submissions are noted. The development does not meet AO3(b) of the code, where a maximum gross floor area 125% of the site area is exceeded and a performance outcome has been sought relative to PO3 which requires development to ensure building size and bulk are consistent with the high density of the locality and retain an appropriate residential scale and relationship with other buildings on the city skyline.</p> <p>The size and bulk of the building are comprised of built form parameters such as height, site cover, setbacks, building length and articulation. The development achieves an acceptable-outcome compliant building height. Rather than a singular building mass, the development is structured as 3 separate towers which would be comparatively more slender and modulated comparative to a singular built form on the site. The boundary setback performance outcomes are in turn supportable where proportional to structural form and screening of balconies and habitable rooms is illustrated on the submitted drawings.</p> <p>The building facades for each of the three towers are modulated and articulated; evidenced from recesses, balcony insets, and variety of materials and cladding. Performance Outcome PO3 is satisfied where the development has ensured building size and bulk are consistent with the high density of the locality and retain an appropriate residential scale and relationship with other buildings on the city skyline.</p> <p>It is notable that the Surrounding Context diagram submitted as part of the Information Response material has illustrated at a suburban-level that the proposed towers are of size and bulk are consistent with the high density of the locality.</p>

<p>Excessive site cover</p>	<p>The development has ensured that the proportion of buildings to open space and landscaping on a site is in keeping with the intended form and character intensity of the local area and immediate streetscape. The development achieves modulation of the building form (evidenced in part by the presence of three discrete towers rather than a singular tower form). The development beneficially internalises car parking and much of the manoeuvring space inside the building footprint, in the interests of achieving efficient use of site area. The development supports residential amenity including access to natural light, sunlight and breeze (in part, via the separate buildings proposed, but also internal and external separation and structural and façade recesses). The generous provision of communal and private open space supports private outdoor subtropical living.</p>
<p>Applicability of draft Kangaroo Point neighbourhood plan.</p> <p>Applicant heavily references (then) yet-to-be adopted draft Kangaroo Point Peninsula Neighbourhood Plan.</p> <p><i>Reference to Section 45(7) of the Planning Act 2016, and Klinkert case law.</i></p>	<p>The application was assessed against the applicable assessment benchmarks in effect at the time the development application was properly made. This does not preclude the applicant from making reference to draft or subsequently adopted versions of the planning scheme by way of general comparison.</p>
<p>Comparison to existing development approval A004914628 is not appropriate in seeking performance outcomes.</p> <p>Each application should/must be assessed on its own merits.</p>	<p>Each development application is assessed upon its own merits, against the relevant assessment benchmarks applicable the time the application was made. The applicant's reference to existing development approvals on part of the subject site were descriptive and intended to inform the reader of existing approved layout. Reference to existing approvals does not in itself replace assessment against the applicable assessment benchmarks, but illustrates an awareness of the development history and layout of the site. The existing development approval has not been relied upon as justification for select non-compliance with the acceptable outcome assessment benchmarks.</p>
<p>Recognises the relevant assessment criteria does not control impacts on views, but laments potential impacts upon existing views. Impact on views exacerbated by reduced setbacks, increased site cover.</p>	<p>Maintaining or establishing view corridors is applicable assessment criteria only within select, mapped locations in Brisbane, as is depicted in specific neighbourhood plan precincts. The subject site is not located in a defined view corridor and preservation of existing views is not a planning scheme consideration at this location (see figure g of Kangaroo Point peninsula neighbourhood plan code).</p>
<p>Inappropriate residential scale, poor relationship with established buildings in the area.</p> <p>Development is an overdevelopment of the site</p>	<p>The development satisfies the acceptable outcome for building height at this location, and design measures such as the arrangement of three towers (as opposed to perhaps a singular built form) have assisted in achieving improved passage of light and air though and within the site. The applicant has submitted for assessment a site context plan, as well as building renders which do convey a clear understanding of the relationship between the development and established dwellings on surrounding sites.</p>
<p>Examples of private open spaces</p>	<p>The development provides a range of different private outdoor</p>

<p>with dimensions less than acceptable outcome (balcony sizes)</p> <p>Inadequate open space (general)</p>	<p>spaces for residents (in addition to large areas of communal open space at the base of and on the roof top of the towers). The private open space dimensions have been assessed as part of the review of this application and have demonstrated that they provide attractive and functional private open space for residents. The significant majority of dwellings achieve or exceed a minimum private open space of 12m², and the smallest private open spaces of 10m² are limited to select 1 bedroom units.</p> <p>The development incorporates ground level open space totalling 2,613m² (49.4%) of which ground level landscaping totals 1,140m² (21.5%). This open space and landscaping provision assists in achieving a balance between built form and site cover, and ensures areas of structural form and hardstand are softened by planting and establishment of vegetation.</p>
<p>Poor interface with Brisbane River, does not promote/achieve view lines/corridor to the River. Lack of visual permeability.</p> <p>Tower 1 projects unreasonably further towards the river than other buildings in the area.</p>	<p>The approval is subject to a condition which requires the Brisbane River frontage of the site to be clear of permanent improvements and structures associated with the approved development with the extent of the land to be set aside for a future land dedication in the interest of future pedestrian movement along the river.</p> <p>Tower 1 has living spaces (internal and external) orientated towards the river, affording passive outlook and surveillance of the river's edge. The tower is set 20m back from the lot boundary with the Brisbane River.</p> <p>The tower is adequately and proportionally set-back from the river, and the easternmost boundary of the site. The area accommodates landscaping and open space. The applicant submitted a site context plan, which shows the development situated in context with surrounding properties. It also shows that established buildings adjoining on lands located to the north of the site are positioned closer to the river.</p>
<p>Lack of pedestrian through-permeability.</p>	<p>The approval is subject to a condition which requires the Brisbane River frontage of the site to be clear of permanent improvements and structures associated with the approved development with the extent of the land to be set aside for a future land dedication in the interest of future pedestrian movement along the river.</p> <p>The subject site affords residents and visitors legible access from the site frontage and internal parking areas to all other residential and on-site recreational spaces.</p>
<p>Opposed to refuse collection location/route and access, in proximity to established dwellings resulting in visual and noise amenity impacts.</p>	<p>The refuse storage, collection and access locations have been located in a manner which is safe, accessible and functional, as confirmed by the submitted QTraffic Engineering Consultant traffic and engineering documentation. The site can be attended by a Large Rigid Vehicle to service the development, and swept path analysis show the refuse collection vehicles and travel within the site without obstruction. Bin bay storage and collection areas are sensibly located in a part of the site which is internalised, and screened with side boundary vegetation (and trellis above), in the interests of reducing visual and noise amenity. The proper use and maintenance of bins, which are enclosed, is expected to successfully manage odour.</p>

<p>Poor town planning outcomes exacerbate climate change impacts.</p>	<p>The development appropriately addresses the relevant assessment benchmarks prescribed under <i>City Plan 2014</i>. The design includes external private and communal living spaces to benefit from Brisbane's subtropical climate. It is also considered that number of dwellings included in the development serves to efficiently use accessible inner-city land intended for high density living, affording future residents of the complex access to local goods and services available in the inner city, reducing the need for lengthy vehicle trips, and reducing urban sprawl.</p>
<p>Residents concerned with continual construction activity in the suburb experienced over many years, referencing construction impacts, delays and inconveniences, construction noise, footpath closures.</p>	<p>The assessment of this application is limited to the site-specific development. It is recognised that residents in Kangaroo Point have experienced ongoing construction activity over time, as Brisbane grows and new dwellings are established in the area. Notwithstanding, it is important to recognise the approval has been conditioned to appropriately manage construction noise and dust emissions, and will be subject to the provision of a construction management plan (major), managing the logistics of construction activity and matters such as any short-term lane or footpath closures.</p>
<p>Other developments in the area are of unappealing colour/design.</p>	<p>The assessment of this application is limited to the site-specific development. The planning scheme does not restrict building colour.</p>

5. MATTERS PRESCRIBED BY REGULATION

There were no further matters prescribed by regulation.

6. ADVICE FROM REFERRAL AGENCIES

The application as referred to the Department of State Development Manufacturing, Infrastructure and Planning on 26 September 2019.

Referral trigger: Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Part 1. (Planning Regulation 2017) – Infrastructure – state transport infrastructure.

A response was received on 11 October 2019 stating 'no requirements'.

7. STATEMENT OF REASONS FOR DECISION

The following reasons are given for the approval:

1. The development, within the Kangaroo Point peninsula neighbourhood plan area is positioned in a convenient and well positioned residential area where higher density living is more prominent than in many other parts of Brisbane.
2. The development of the Multiple dwelling positively contributes to the immediate streetscape and pedestrian environment with articulated building facades and varied roof form elements.
3. The development provides communal open space and covered outdoor private open spaces provided for each Multiple dwelling capitalise on Brisbane's subtropical climate, maximise outdoor living opportunities and enhance amenity for residents.
4. The development provides on-site landscaping that accentuates Brisbane's subtropical landscape character and contributes to the microclimate of the neighbourhood and site,

supports outdoor living and subtropical planting, and assists in reducing urban heat island effects, with deep-planting areas for the protection or establishment of large, subtropical shade trees.

5. The development provides parking which is integrated into the site and building and does not negatively impact on the site or adjoining sites or the quality and amenity of the streetscape.
6. The development interfaces with adjoining residential uses in a manner which is managed to mitigate amenity impacts including protecting visual privacy through appropriate separation of buildings and screening.
7. The development provides design elements that retain and support local character identity and strengthens site features, including the retention of pre-1911 buildings on the site. The development ensures that a building constructed prior to 1911 is protected and retained.
8. The development for reconfiguring a lot facilitates the creation of suitable lots for their intended use while not adversely impacting on the lawful use or identified values of other premises.
9. The development provides for a range of well-designed, location-responsive, high density, medium to high rise multiple dwellings to predominate in the High density zoning of the land.
10. The development facilitates intensive urban consolidation and the highly efficient use of physical and social infrastructure in well-located parts of the city, capitalising on the High density residential zone's strategic location and amenity and proximity to key destinations.
11. The development creates a wide choice in housing form and size suited to a diverse community, providing housing adaptability to meet the needs of a diverse population and respond to residents' changing life-cycle needs.
12. The development meets the building height requirements of the Multiple dwelling code or and in particular the applicable neighbourhood plan.
13. The development provides extensive, quality, private and communal open space and landscaping, including deep planting, that soften the dominance of buildings, provide breathing space and encourage outdoor living.
14. The development has been conditioned to preserve the area along the riverfront as a future park dedication.

8. **RECOMMENDATION**

After considering the proposal, the relevant provisions of the *Planning Act 2016*, the assessment benchmarks and the submissions received, I recommend that:

1. the application be approved in accordance with the attached development approval package
2. an Infrastructure Charges Notice for Community Purposes, Stormwater and Transport be given.



Matthew Watt
Senior Urban Planner
Planning Services East
Phone: 3178 8877
Email: Matthew.Watt@brisbane.qld.gov.au
Development Services
Brisbane City Council

