



RESPONSE TO SUBMISSIONS AND FURTHER ADVICE LETTER - PROPOSED MULTIPLE DWELLING (34 DWELLINGS)

239 & 241 Boundary Street, Coolangatta

Council ref: MCU/2023/15



Revision Status

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Draft	31-Jul-24	Response to Submissions and Further Advice Letter – Proposed Multiple Dwelling (34 Dwellings) 239 & 241 Boundary Street, Coolangatta (Draft)	Chris Goold	Hayden Parker
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Table of Contents

1	Introduction	2
2	Response to Submissions	3
2.1	Discussion	5
3	Response to Further Advice Letter	8
4	Conclusion	12

List of Figures

Figure 2.1: Map of Submitter Location (Adapted from Google Maps)	3
Figure 2.2: Submitter Location Map (Adapted from Google Maps)	4
Figure 2.3: Submitter Location Chart	4

Appendices

Appendix A.	Submitter Table
Appendix B.	Submitter Maps
Appendix C.	Council's Further Advice Letter dated 23 May 2024
Appendix D.	Amended Architectural Plans
Appendix E.	Amended Landscape Plans
Appendix F.	Conceptual Corner Truncation Plan
Appendix G.	Traffic Response Letter



1 Introduction

This report relates to a Development Application (the '**Development application**') seeking approval from the City of Gold Coast Council (the '**Council**') for a Development Permit for a Material Change of Use for a Multiple Dwelling involving 34 dwellings in a 16-storey high-rise building (the '**development**'). The development is proposed at 239 & 241 Boundary Street, Coolangatta (formally described as Lots 6 & 7 on RP1777) (the '**site**').

The Development application was properly-made on the 1st of February 2023, an Information request was issued by Council on the 28th of February 2023, and a response to the Information request was lodged by *Enhance Urban Planning* ('**EUP**') on behalf of *Intrepid Developments (Qld) Pty Ltd* (the '**Applicant**') on the 11th of March 2024. Public notification was undertaken between the 15th of March and the 9th of April 2024. After reviewing the Applicant's response to Council's Information request and the content of the submissions received during public notification, Council issued a 'Further Advice Letter' on the 23rd of May 2024.

EUP has been engaged by the Applicant to review and respond to the submissions and Council's Further Advice Letter.

With regard to public notification, a total of ninety-two (92) submissions were made during the Public Notification Period. All were properly-made. An additional five (5) submissions were made after public notification had ended and three (3) submissions were submitted twice (not properly-made submissions).

An analysis of the 'properly made' submissions to the development has been undertaken to identify and consider the key grounds of objection. The key grounds of objection have generally related to the proposed Building Height, Residential Density, Parking and Potential Traffic Congestion, Setbacks, Site Cover and Building Bulk, Insufficient Landscaping, Loss of Privacy, and Increased Shadowing.

With regard to Council's Further Advice Letter, Council requested amendments to the building to comply with Specific outcome 3.3.2.1(e) of the *Gold Coast City Plan* ('**City Plan**') relating to 'building height and excellent standard of building appearance', minor amendments relating to landscaping and car parking design, and further information relating to the corner truncation and site servicing.

Amended Architectural Plans and Amended Landscape Plans have been prepared and are provided as part of this response.

It is our opinion that the key grounds of objection within the submissions were previously considered and appropriately addressed prior to the public notification of the Development application including through changes to the design as part of the Information Request response or are otherwise appropriately addressed as part of the amendments to the design in response to Council's Further Advice Letter as reflected in the accompanying amended plans.

Any queries arising during the remaining assessment of this Development application should be directed to Chris Goold or Brendon Walkinshaw on (07) 5592 4663 or by email: chris@enhanceup.com / brendon@enhanceup.com.



2 Response to Submissions

The proposed development has recently undergone Public Notification in accordance with the requirements of the *Planning Act 2016* (the 'Act'). The notification period took place over a 15-business day period between the 15th of March and the 9th of April 2024. Land Owners of the adjoining properties were notified of the development application via registered letter on 11th March 2024, and a notice was published in the Gold Coast Bulletin on 12th March 2024.

A total of 100 submissions were received in relation to the development. Review of the submissions determined the below –

- 92 submissions are Properly-made with appeal rights
- Eight (8) are Not properly-made, with no appeal rights
 - Three (3) were repeated or additional submissions from the same individual
 - Five (5) submissions were received outside of the notification period

The **92 Properly-made submissions** form the basis of the remainder of this review. A vast majority of the submissions (78, equivalent to 85%) comprise 1 of 2 proformas.

The location of submitters is shown in **Figures 2.1 and 2.2** below / overleaf and a general summary is provided below –

- 30 are from Coolangatta
- 10 are from other parts of the Gold Coast
- 44 are from Queensland outside of the Gold Coast
- 3 are from Tweed Heads
- 4 are from NSW outside of Tweed Heads (all Sydney area)
- 1 is from overseas (Canada)

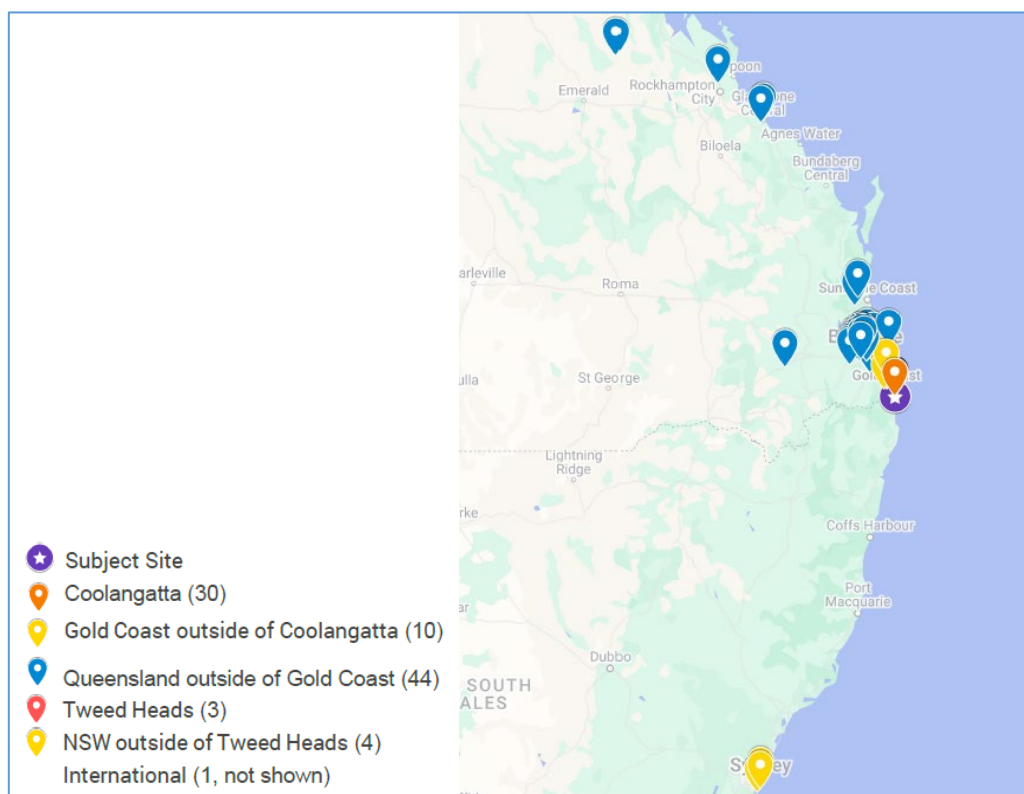


Figure 2.1: Map of Submitter Location (Adapted from Google Maps)

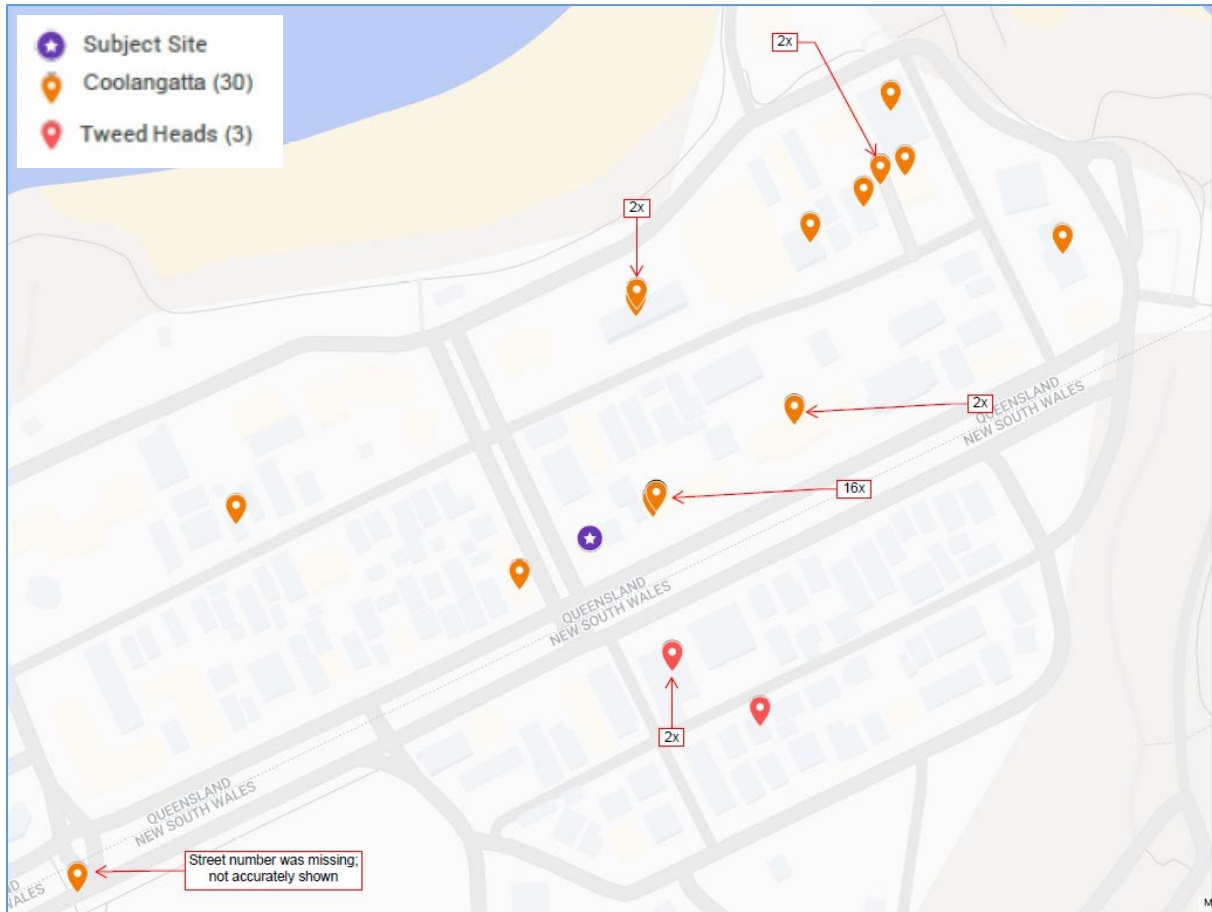


Figure 2.2: Submitter Location Map (Adapted from Google Maps)

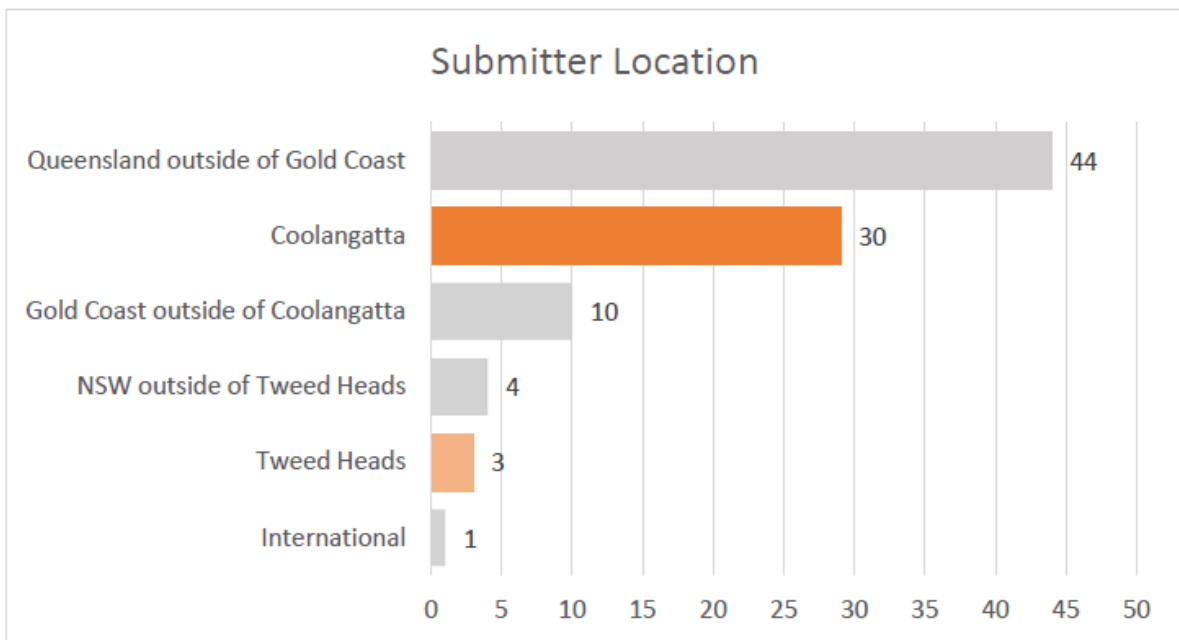


Figure 2.3: Submitter Location Chart



While all submissions are to be considered as part of the assessment, it is notable that of the 92 submissions, 33 (36%) were from submitters with Coolangatta / Tweed addresses while the remaining 59 (64%) were from outside of the area (likely owners of holiday units or visitors to the area). 16 (48.5%) of the 33 local submissions were addressed from 'The Bay' residential / holiday unit complex (243-251 Boundary Street) directly adjoining to the east of the subject site. These represented 11 (30.5%) of the 36 units in this complex (due to more than one resident of some units making a submission).

Of the 33 local submissions 4 were on behalf of Body corporates in the area as follows –

1. 'Carool Apartments' at 3 Eden Avenue;
2. 'Columbia Apartments' at 190 Marine Parade;
3. 'Rainbow Commodore Apartments' at 255 Boundary Street; and
4. 'Cobden Court' at 7 Eden Avenue.

Of note, the Body corporate of 'The Bay Apartments' unit complex directly adjoining to the east of the subject site did not make a submission (although individual members of the Body corporate committee have made submissions).

While submissions received are certainly important in the assessment of the application, it is important to note that public notification of any Development application tends to attract a disproportionate number of objections, and supporting submissions are generally rare. In this regard, it is important to consider the nearest owners / tenants who will be impacted by the proposal but did not object. For example, none of the four (4) unit owners / residents or the body corporate of the 'Maybury' unit complex (6-8 Ward Street) directly adjoining to the north made submissions objecting to the application. Further, no submissions were received from owners / residents or the body corporates (where relevant) of the properties to the north and north-east on the nearest portion of Eden Avenue, and a single submission was received from the properties directly west on the opposite side of Ward Street (although it is possible that this submission is a subsequent submission from a resident of The Bay Apartments given it was made by a person of the same name as another submission).

2.1 Discussion

The key grounds of submission generally relate to the proposed Building Height, Residential Density, Parking and Potential Traffic Congestion, Setbacks, Site Cover and Building Bulk, Insufficient Landscaping, Loss of Privacy, and Increased Shadowing.

Multiple submissions appear to conclude that the proposal is non-compliant with the Gold Coast City Plan because it exceeds the specified 38 metre height designation on the Building Height Overlay Map; however, the building height designation is the 'Code assessable' building height. Exceeding the building height does not conclude that a development does not comply with the City Plan, however it does require a more detailed assessment against the higher order elements of the City Plan. With specific regard to building height, an 'up-lift' of up to 50% above the building height on the overlay map is possible subject to compliance with the criteria listed in Specific Outcome (SO) 3.3.2.1(9). This is identified in both proformas.

Given that assessment against the provisions of SO3.3.2.1(9) (and other relevant parts of the City Plan) has been provided as part of the previously submitted Planning Assessment Report, there is little utility in reiterating this assessment; however there are several salient points which should be considered and reaffirmed as follows –



- The City Plan, by virtue of the High density residential zoning of this property, anticipates and encourages the uptake of infill development opportunities including significant increases in residential density and built form intensity and does not intend to maintain historic development patterns of low and mid-rise buildings. The very intention of the code is to provide for 'higher intensity multiple dwellings'. Infill development to accommodate for the required housing supply and in accordance with the High density residential code cannot occur without some localised impacts.
- With specific regard to the built form, while it is noted that the officers initially requested an increase in setbacks to '4.0m to outermost projection (slab / balcony / screen edge) and 4.5m to the wall line', subsequent consultation with officers determined that such setbacks unreasonably affect the floor plates and unit sizes. Moreover, this impact would significantly compromise the feasibility of delivering this important infill development opportunity. Notwithstanding, substantial increases in setbacks and other improvements to the facades were made to assist in breaking up the built form, and achieving a high-quality presentation to the street and adjoining properties.
- Submissions specially reference a perceived non-compliance with part (b) of SO3.3.2.1(9) which is as follows –

“a well managed interface with, relationship to and impact on nearby development, including the reasonable amenity expectations of nearby residents;”

As noted above, and explored further below, localised impacts are unavoidable in the context of the High density residential zoned property irrespective of the building height, and the 'reasonable expectations' of the general public must be considered in context with the zoning and the intended development of the area.

- Regarding the proposed setbacks, submissions rely on identified non-compliances with the quantitative Acceptable Outcome of the High density residential zone code. Reliance on the AO is problematic as it is well-recognised that the 'tiered wedding cake' style design which results from compliance cannot practically be applied to a high-rise contemporary infill development nor does it redeem the greatest response to the site and its surrounding interfaces. The previously submitted Planning Assessment Report and Information Request Response demonstrates compliance with the higher order Performance Outcomes, Overall Outcomes, and Strategic Framework where relevant.

Submissions noted that the comparative shadow diagrams for a Code assessable built form should be based on a design that complies with the Acceptable Outcomes for Setbacks and Site cover, however this an unrealistic approach and an unreasonable comparison given that compliance with the Acceptable Outcomes for a feasible high-rise building is not possible. Notwithstanding, compliance with the AOs is not a requirement as these represent a standard assessment measure and are simply one example of complying with the Performance and Overall Outcomes of the relevant code. In this case (and as is the case for virtually every apartment development), assessment against the Performance and Overall Outcomes is sought.

- The most significant impacts of the development will be to the residents directly adjoining the development to the east, north, and north east. As noted in Section 2.1, based on the provided submitters' addresses of these residents, no submissions were received from residents to the north or north-east and 16 submissions representing 11 units were received from The Bay Apartments adjoining to the east.
- Common concerns in terms of direct impacts from the proposal include overshadowing, loss of privacy, interface and landscaping, construction impacts, etc. However, were a Code assessable 38 metre high building to be constructed in this location, the direct impacts on immediately adjoining properties would be very similar to those presented by the proposed 56.7 metre high building. For example, a 38 metre high building comprising 11-12 storeys, would likely have an identical ground floor and basement arrangement, have identical shadowing impacts on the nearest properties, and



very similar impacts on privacy. Such localised impacts are unavoidable to realise an infill development irrespective of a 38 metre high-rise or a 56.7 metre high-rise pursuant to the opportunities afforded by the City Plan.

- Submissions also raised concerns that the comparative building height analysis was misleading, however this is not the case. The building height analysis involved the physical survey of existing building heights by a suitably qualified surveyor, with the height measured in Reduced Level (RL) which is a common measurement used by surveyors. Similar approvals and applications in the area were also analysed and represented on the analysis plan using RL to allow a direct comparison. The height of the subject proposal was also shown in RL to ensure consistency. Notably, measuring the building heights in RLs was specifically requested by Council officers.

The purpose of the height analysis was to consider the development in the context of the broader area rather than immediate area. The use of RLs allowed for ease of comparison to more suitably consider the impact on the broader area by reflecting the varying topography and demonstrating that despite the building height it fits within the broader skyline due to being located at a relative low area of Coolangatta. This is particularly relevant when compared to buildings located on higher properties to the east. While the buildings on these properties may have a lower building height when measured from the ground level, in the context of the broader area they result in a similar relative height. As noted in the Information Request response, the proposed building is of a lesser relative height than other buildings in the area as demonstrated below –

1. 64.5m RL – 275 Boundary Street (existing)
2. 61.4m RL – 3 Eden Avenue (existing)
59.1m RL – 239 & 241 Boundary Street (Subject proposal)
3. 58.8m RL – 271 Boundary Street (approved)
4. 56.0m RL – 184-190 Marine Parade (existing)
5. 53.7m RL – 255-261 Boundary Street (existing)
6. 52.6m RL – 166-170 Marine Parade (existing)

The proposed building has a maximum height of 59.1m RL (56.7m above natural ground level) which is less than existing buildings located at 275 Boundary Street and 3 Eden Avenue; and is comparable to several other existing buildings in the immediate area. It is only marginally higher than the proposal approved at 271 Boundary Street.



3 Response to Further Advice Letter

On the 23rd of May 2024, after reviewing the Applicant's response to Council's Information request and the content of the submissions received during public notification, Council issued a 'Further Advice Letter'.

Each of the items and suitable response thereto are provided below.

PLANNING ASSESSMENT AND ARCHITECTURE ASSESSMENT

1. Building height and excellent standard of building appearance

The response to the information request included updated perspectives which officers consider do not demonstrate an excellent standard of building appearance and as such, does not comply with specific outcome 3.3.2.1(e).

Officers seek further clarification with regard to the building design and appearance as there are inconsistencies between the previously proposed perspectives and the current perspectives and the proposed floor plans and elevations. In addition, whilst officers note that the proposed floor plate setbacks have been increased at the upper levels, the removal of the planters to the north-east elevation and the lack of recesses in the glazing line to the north-west and south-east elevations results in an overly commercial glazed façade appearance, that does not reinforce local identity and sense of place. Officers request the following items are reinstated and introduced to ensure that the proposal achieves the Strategic framework provisions 3.3.2.1(e) with an excellent standard of appearance – please see mark-up perspectives below:

- a. The current proposal includes what appears to be sheer glazing for the full extent of the Level 7 to level 14 facades where previously solid concrete vertical textured panels were proposed which provided a balance to the composition, additional visual interest and a break in the extent of sheer glazed façade. Officers recommend that these solid textured panels are retained (shown on the elevations, not perspectives) to reduce the commercial glazed appearance and reinforce local identity and sense of place with a residential appearance (north-west, north-east, south-east elevations).*
- b. The previous proposal included solid concrete vertical textured panels to the north-east elevation to both the recess and either side of the lift core. Officers recommend that these solid textured panels are retained (shown on the elevations, not perspectives).*
- c. The previous proposal included planters for the full height of the tower to the north-east elevation. Officers recommend that these planters are reinstated.*
- d. The previous proposal included corner glazing with no mullions which reduced the boxy, rectilinear appearance of the upper levels where there is no balcony to lighten the appearance of the building edges. Officers recommend re-introducing this high-quality detail.*
- e. The previous proposal included texture to the balcony soffits (timber look or similar) however the proposal now appears to include a flat paint finish. Officers recommend re-introducing this high-quality detail.*



Figure 1: Annotated Perspective

- f. To further assist with the reduction in the extent of sheer glazing, noting that building recesses are unlikely to be achievable due to the tight floor plates, officers recommend emphasising the batten feature screen to the south-east elevation and shading feature to the north-west elevation, for movement, shadow play and visual interest. This may be achieved by accentuating the depth of the vertical point as it moves across the façade at each floor level as per the mark up below.

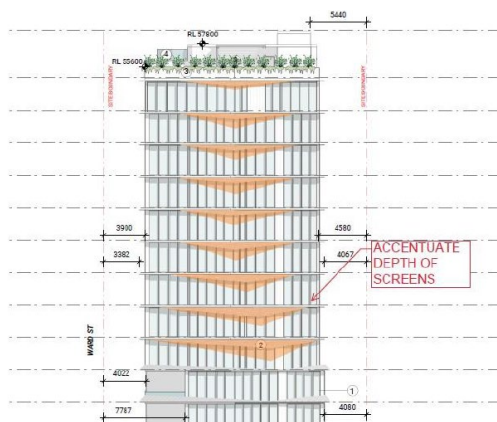


Figure 2: Annotated Elevation

- g. In addition to the above please provide further details of the following to ensure an excellent standard of appearance:
- All proposed screening elements including size, type, spacing and finish.
 - Confirm colours of glazing (ie: tinted etc.)
 - Confirm all colours for the timber look cladding, battens, screens, coloured concrete, vertical ribbed concrete, render, soffits etc. and note these on the coloured elevations or perspectives.



RESPONSE: As discussed, and previously presented to officers, items ‘a’ through ‘f’ have all been addressed and the requested changes are reflected on the **Amended Architectural Plans (Appendix D)**.

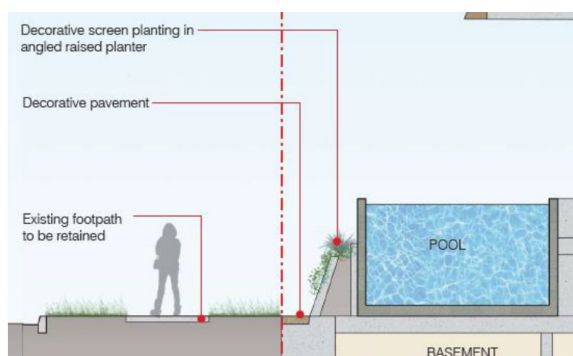
With regard to Item ‘g’ the Amended Architectural Plans include details of the screening elements (refer to DA410), glazing (refer to the ‘Elevations’ and ‘Materiality’), and colours of feature elements and materials (refer to ‘Materiality’).

The Applicant confirms that they have adequately responded to this item

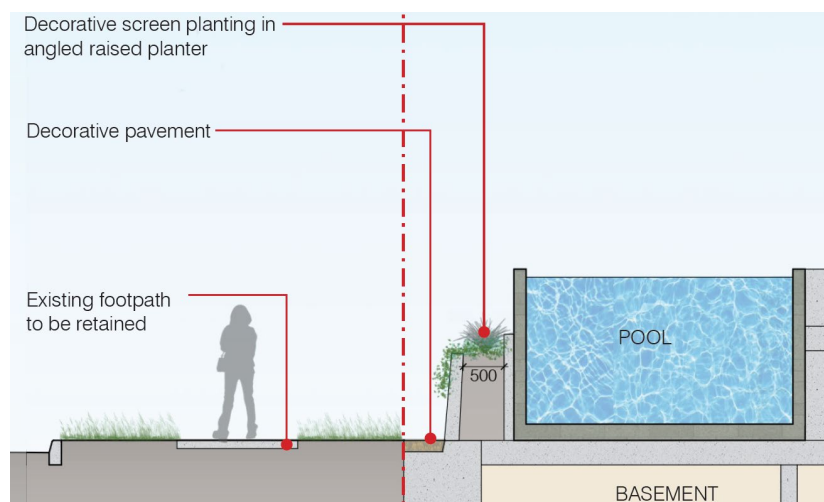
LANDSCAPE ASSESSMENT

2. Ward Street frontage

The applicant has provided amendments to the frontage landscaping beds to provide a consolidated planting area. Officers note that the decorative paving on the south western boundary adjacent the pool results in a planter width pinch-point of less than 400mm (below image). The applicant is requested to adjust the angle of the angled raised planter to provide a wider planting surface area with a minimum width of 400mm excluding the planter box walls.



RESPONSE: As shown in the **Amended Landscape Plans (Appendix E)**, the identified planter has been adjusted to achieve a width of 500mm not including the planter box walls.



The Applicant confirms that they have adequately responded to this item



SUBDIVISION ENGINEERING

3. Corner truncation

The applicant's response states that "IR Plans include a volumetric concept plan for a 'road opening' providing the tangent required by officers, whilst maintaining the full extent of the allotment for the basement levels". The updated drawings do not include sufficient information of the proposed volumetric concept plan and the proposed elevations do not clearly show information of finish level for proposed volumetric road opening area.

The applicant is required to submit an elevation plan showing proposed finish level of the proposed volumetric road opening area.

RESPONSE: The **Concept Truncation Plan (Appendix F)** has been amended to include an elevation view including proposed finish levels.



The Applicant confirms that they have adequately responded to this item

TRANSPORT PLANNING

4. Servicing

The proposed servicing arrangement is not supported by Council officers on the basis that:

- a. It requires cars reversing on the ramp when an MRV is servicing on site;*
- b. The required 600mm clearances cannot be maintained to opposing vehicles; and*
- c. The required clearances cannot be maintained to the kerb.*

The applicant is therefore requested to redesign the frontage of the development to accommodate on-site servicing for an MRV while allowing ingress and egress vehicles to pass simultaneously at the hold line while maintaining the required circulation clearances around the vehicles at all times in accordance with AS2890.1:2004.

RESPONSE: The project traffic engineer, TTM, has addressed this item in their response letter. Please refer to **Appendix G**.



The Applicant confirms that they have adequately responded to this item

5. Design of parking facilities

- a. The applicant is requested to clarify and demonstrate that the swept path analysis show 600mm clearance on the outside to any obstructions including kerbs.*
- b. Show the width of visitor parking spaces on the ground level.*
- c. Remove 'Street Carpark 01' and 'Street Carpark 02' from Ground Level Floor Plan*

RESPONSE: The project traffic engineer, TTM, has addressed this item in their response letter. Please refer to **Appendix G** for the letter, and also **Appendix D** for the Amended Architectural Plans addressing the changes.



The Applicant confirms that they have adequately responded to this item



4 Conclusion

This review has considered submissions made to the City of Gold Coast Council during the Public Notification Period and responded to Council's Further Advice Letter dated the 23rd of May 2024 relating to a Development Application for a Material Change of Use for a Multiple Dwelling (34 dwellings) on land at 239 & 241 Boundary Street, Coolangatta MCU/2023/15.

With specific regard to the submissions, based on our observations the key grounds of submission generally relate to the proposed building height, residential density, parking and potential traffic congestion, setbacks, site cover and building bulk, insufficient landscaping, loss of privacy, and increased shadowing.

Council's Further Advice Letter, which we understand was based on consideration of the Applicant's response to Council's Information Request and the content of the submissions, requested various changes to the plans in order to demonstrate compliance with Specific outcome 3.3.2.1(e) of the City Plan relating to 'building height and excellent standard of building appearance' (as well as other minor amendments / queries relating to landscaping and car parking design, corner truncation, and site servicing).

The development as shown on the accompanying amended plans, which address Council's Further Advice Letter, has been designed in a manner appropriate to the locality and City Plan provisions, and to ensure that the operational impacts are minimised. The following key aspects of the development are noted:

- The development is for a 16-storey building with an overall building height of 56.7m;
- It comprises 34 units varying from 2-bedroom apartments to a 4-bedroom penthouse;
- The development provides an attractive built form that is appropriate for the context of the site. The primary living spaces of each unit are generally located facing either Ward or Boundary Streets which minimise perceived privacy impacts on the adjoining properties.
- A variety of on-site landscaping is proposed on the site, with canopy tree planting within Ward Street and Boundary Street frontages;
- In addition to the changes to the design as part of the response to Council's Information Request which included increased setbacks, the façade of the building has been amended to present a softer appearance with additional planters provided to the upper levels of the eastern elevation, and to reposition the balconies on the upper levels of the building away from the southwest corner. The changes address Council's requests and present a more cohesive built form more reflective of the character of the area and importantly in compliance with Specific outcome 3.3.2.1(e) of the City Plan
- The proposal complies with the intention of the City Plan (including the uplift provisions) to facilitate an important infill development opportunity in a suitable location whereby the direct localised impacts of the building height over the Code assessable 38m designation are not significantly different to a 38m high building.

Any further queries should be directed to Chris Goold or Brendon Walkinshaw on (07) 5592 4663 or by email: chris@enhanceup.com / brendon@enhanceup.com.