

6.4★ REPORT ON A DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE TO ESTABLISH MULTIPLE DWELLINGS (34 UNITS) AT 239-241 BOUNDARY STREET, COOLANGATTA (DIVISION 14)

Objective ID: A104311074
File Number: fA3808281
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Attachments: [1](#) Recommended Conditions and Property Notifications to be Included with Development Approval for Development Application - MCU/2023/15
[2](#) Proposed Drawings
[3](#) Draft ICN

1 BASIS FOR CONFIDENTIALITY

Not applicable.

2 APPLICATION SUMMARY

Application information	
Address	239 Boundary Street, COOLANGATTA 241 Boundary Street, COOLANGATTA
Lot and plan	Lot 6 on RP1777 Lot 7 on RP1777
Site area	Lot 6: 405m ² Lot 7: 405m ² Total: 810m ²
Type of development and proposed use	Development permit for a material change of use for Multiple dwellings (34 units)
Categories of development and assessment	Impact assessment
Properly made date	1 February 2023
Decision due date	30 September 2024
Applicant and Applicant's consultancy team	<ul style="list-style-type: none"> • Intrepid Developments (Qld) Pty Ltd - Applicant • Enhance Urban Planning - Planning Consultant • Trilogy Survey Solutions - Surveyor • Plus Architecture - Architect • Dunn Moran - Landscape Architect • Acoustic Works - Acoustic Consultant • Friends - Civil Engineer

	<ul style="list-style-type: none"> • TTM - Traffic Consultant 	
Owner details	Dale Owen Nicholls	
City Plan version	Version 9	
Zone / Precinct	High density residential zone	
Overlays	<ul style="list-style-type: none"> • Acid sulfate soils overlay; • Airport environs overlay; • Building height overlay; • Coastal erosion hazard overlay; • Flood overlay; and • Residential density overlay. 	
Submissions	Objections	Support
	91 properly made objections 8 not properly made objections	None received
Key matters raised by submitters	<ul style="list-style-type: none"> • Building height (general) • Building height uplift provisions • Loss of privacy • Density • Setbacks • Site cover • Traffic and pedestrian impacts • Lack of car parking • Inappropriate landscaping outcome • Shadowing • Impact on the capacity of infrastructure • Applicant information regarding building heights and demographics of surrounding units disingenuous • Amenity issues during building construction • Damage to neighbouring buildings during construction • Impact on property values and loss of views 	
Referral agencies	Not applicable	
Officer's recommendation	Approval	

3 PROPOSAL

The purpose of this report is to assess an application for a development permit for a material change of use for Multiple dwellings (34 units) at 239-241 Boundary Street, Coolangatta

The City Plan defines the proposed Multiple dwellings as follows:

“A residential use of premises involving three or more dwellings, whether attached or detached, for separate households.”

Table 5.5.3 of the City Plan categorises the land use as subject to code assessment. However, as the development proposes a building height that exceeds the code assessable height threshold within the building height overlay map, table 5.5.3 categorises the development as being subject to impact assessment.

3.1 Brief Description of proposed development

The development proposes to amalgamate 2 existing allotments to facilitate a residential development containing 34 units within 17 storeys. Vehicle access is taken from Ward Street with 4 visitor parking spaces provided on the ground floor. The remaining vehicle parking is provided within 3 levels of basement. The development includes a range of unit types and includes communal open space areas on the ground floor, first floor and roof level.

The development key details are outlined in the table below:

Development proposal					
Height	56.7m 17 storeys				
Dwelling mix	17 x 2 bedroom units 16 x 3 bedroom units 1 x 4 bedroom unit 34 units (86 bedrooms)				
Density	1 bed per 9.4m ²				
Setbacks		Front (Ward Street)	Front (Boundary Street)	Side (North)	Side (South)
	Ground	0m (booster) 5.6m (building)	1.6m	0m (booster) 1.5m (building)	1.3m
	Level 1	3.1 (slab) 3.9 (balcony)	2.8m (slab) 3.8 (wall)	3m (slab) 4m (wall)	3m (slab) 4m (wall)
	Level 2-6	3.4m (slab) 3.9m (balcony)	3.2m (slab) 3.8m (wall)	3.5m (slab) 4m (wall)	3.5m (slab) 4m (wall)
	Level 7-15	3.4m (slab) 3.9m (balcony)	3.2m (slab) 3.8m (wall)	3.8m (slab) 4.3m (wall)	4m (slab) 4.5m (wall)

	Roof terrace	3.4m (slab) 3.9m (planter)	3.2m (slab) 3.8m (wall)	3.8m (slab) 4.3m (wall)	4m (slab) 4.5m (wall)
Site cover	Ground: 55% Level 1-6: 49% Level 7-15: 48% Roof: 18%				
Car parking	48 resident 6 visitor				
Communal space	196m ²				
Private open space	12m ² -129.3m ²				

The following drawings identify the proposed development.



Figure 1: Perspective of the proposed development (Source: Plus Architecture)



Figure 2: Perspective of the proposed development (Source: Plus Architecture)



Figure 3: Perspective of the proposed development (Source: Plus Architecture)



Figure 4: Perspective of the proposed development (Source: Plus Architecture)



Figure 5: Perspective of the proposed development (Source: Plus Architecture)

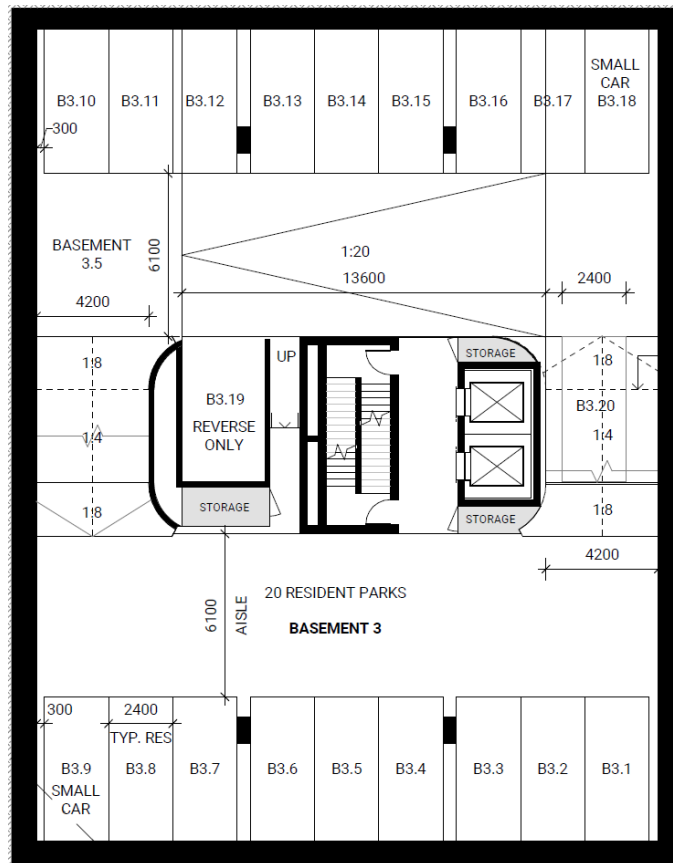


Figure 6: Proposed Basement 3 (Source: Plus Architecture)

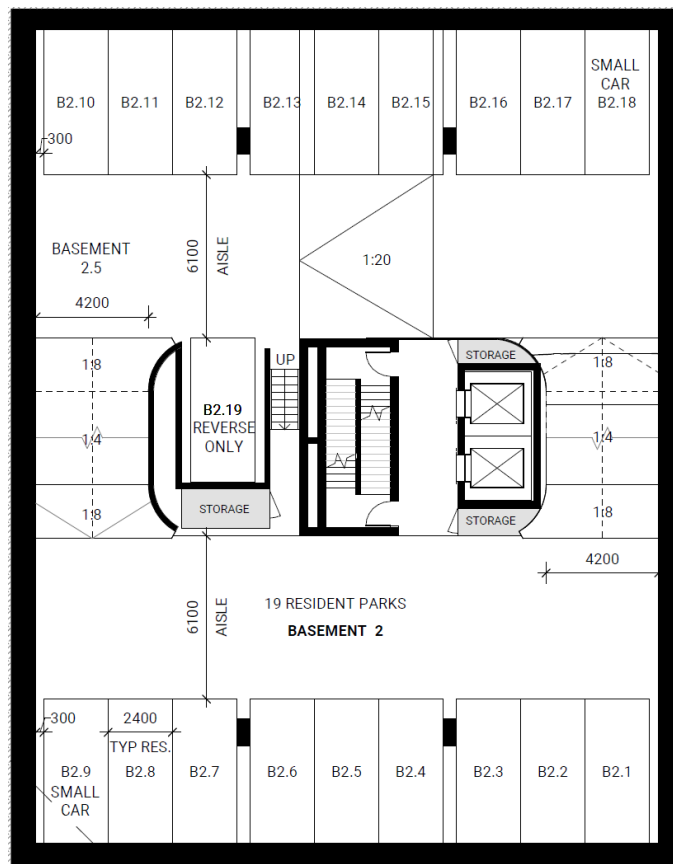


Figure 7: Proposed Basement 2 (Source: Plus Architecture)

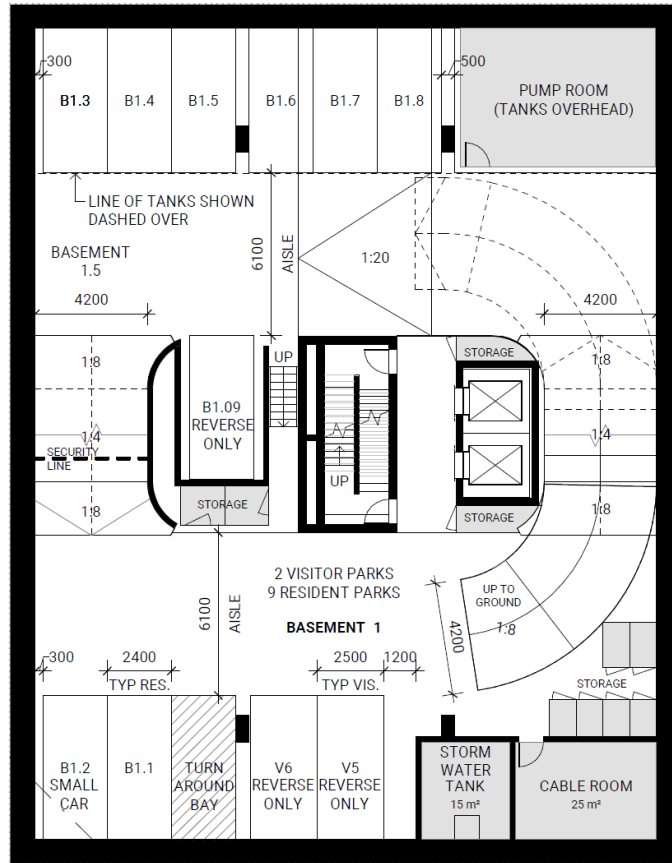


Figure 8: Proposed Basement 3 (Source: Plus Architecture)

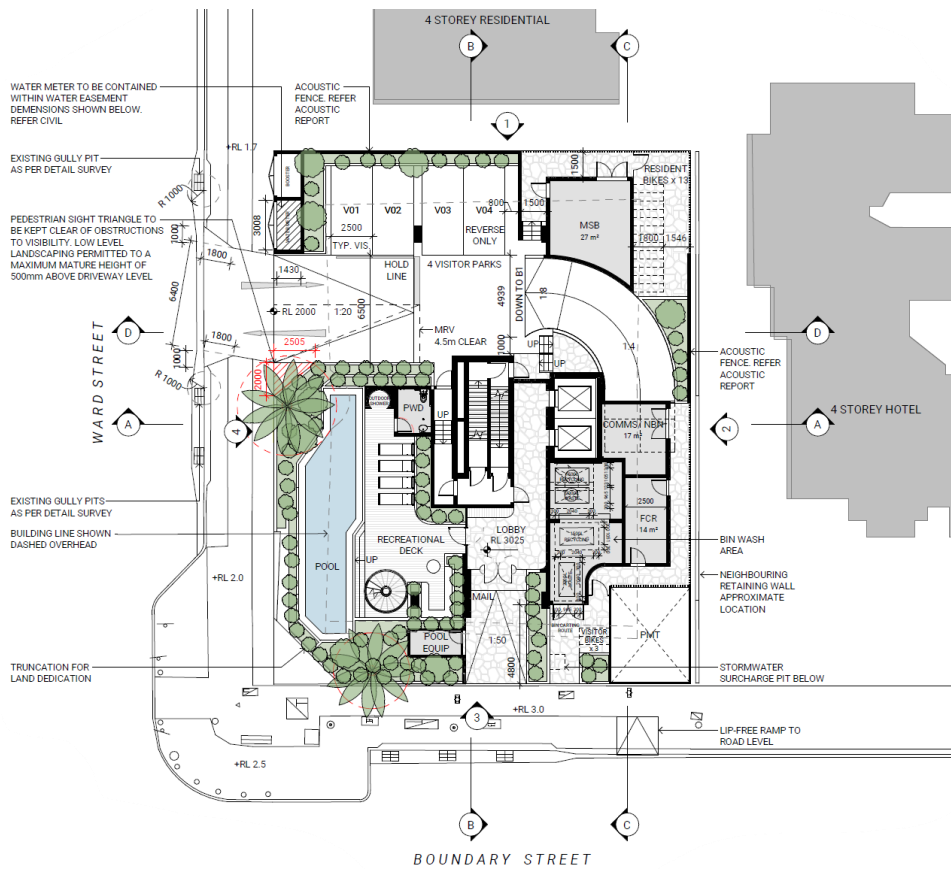


Figure 9: Proposed Ground Floor Plan (Source: Plus Architecture)



Figure 10: Proposed Level 1 Floor Plan (Source: Plus Architecture)

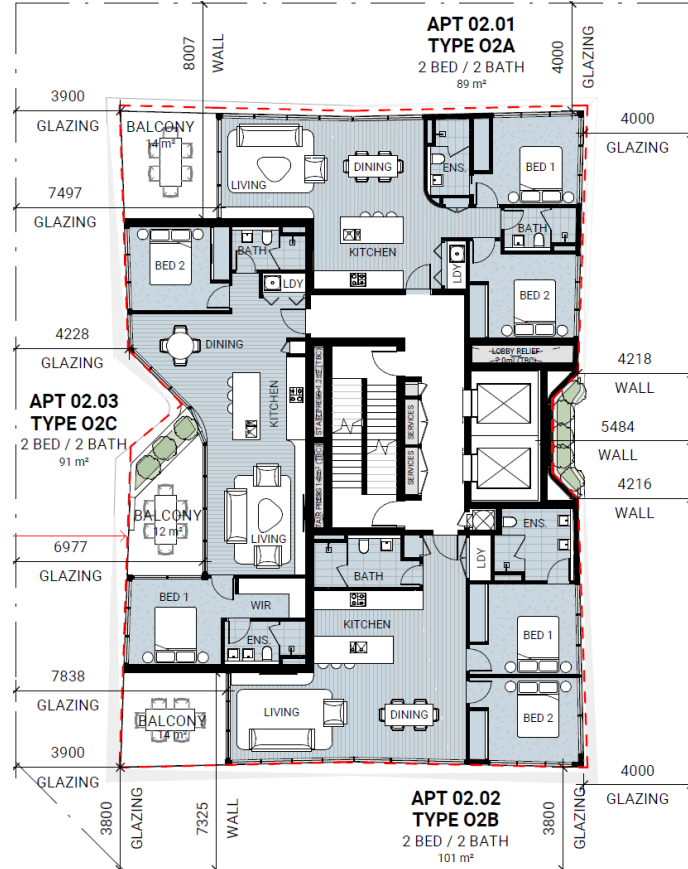


Figure 11: Proposed Level 2-6 Floor Plan (Source: Plus Architecture)

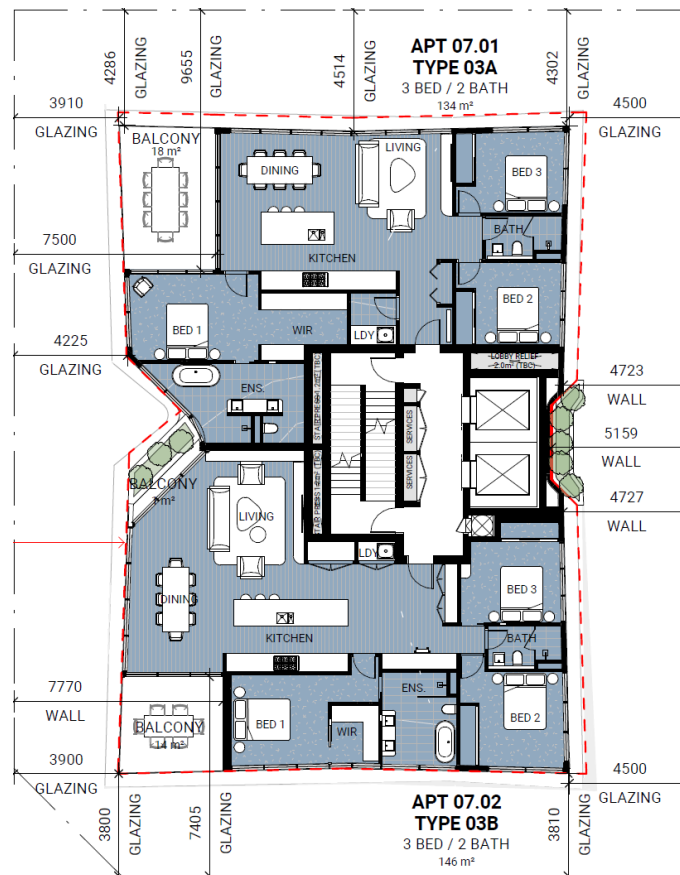


Figure 12: Proposed Level 7-14 Floor Plan (Source: Plus Architecture)

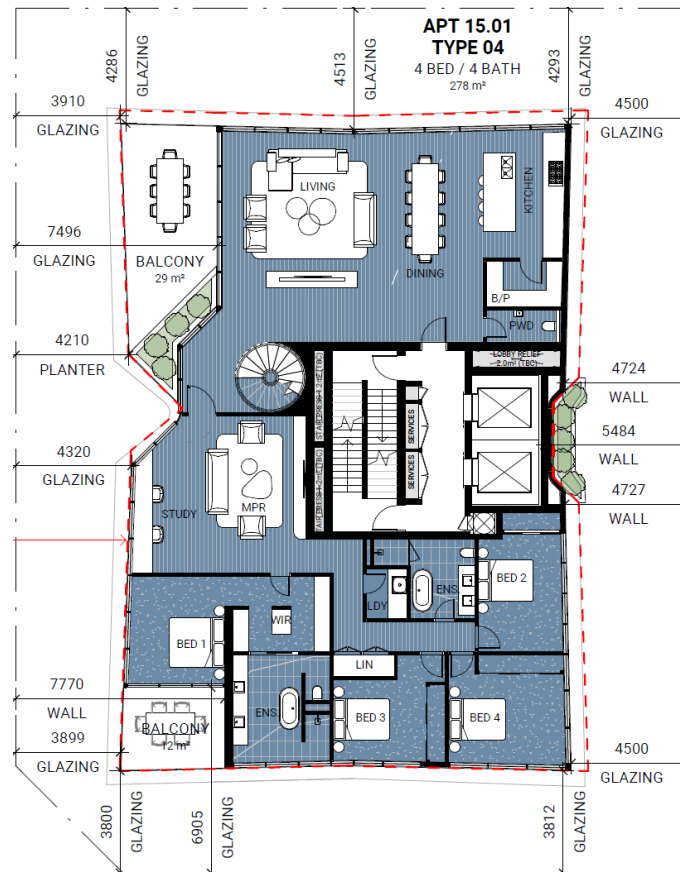


Figure 13: Proposed Level 15 Floor Plan (Source: Plus Architecture)

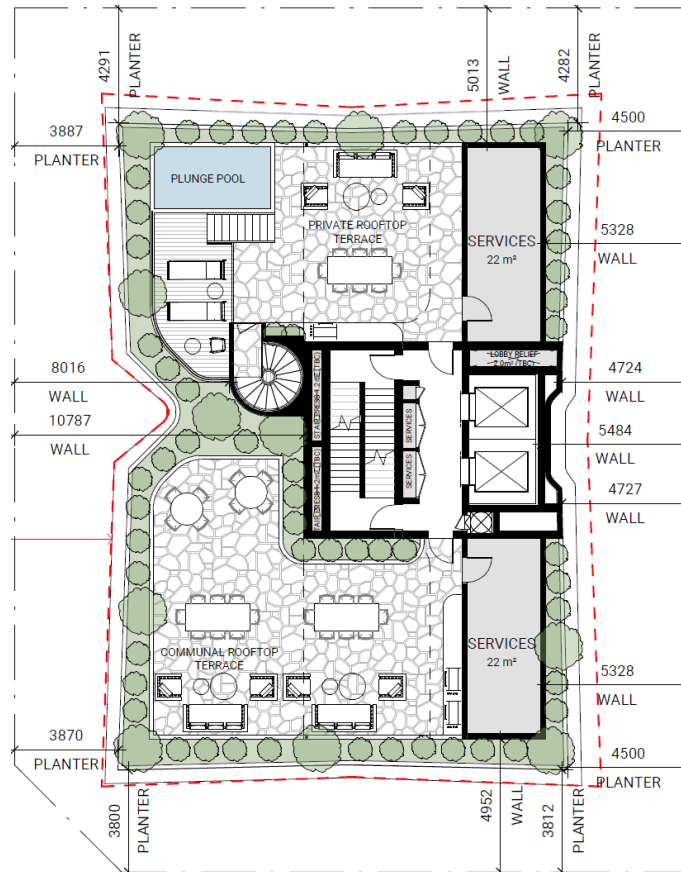


Figure 14: Proposed Roof Terrace Floor Plan (Source: Plus Architecture)

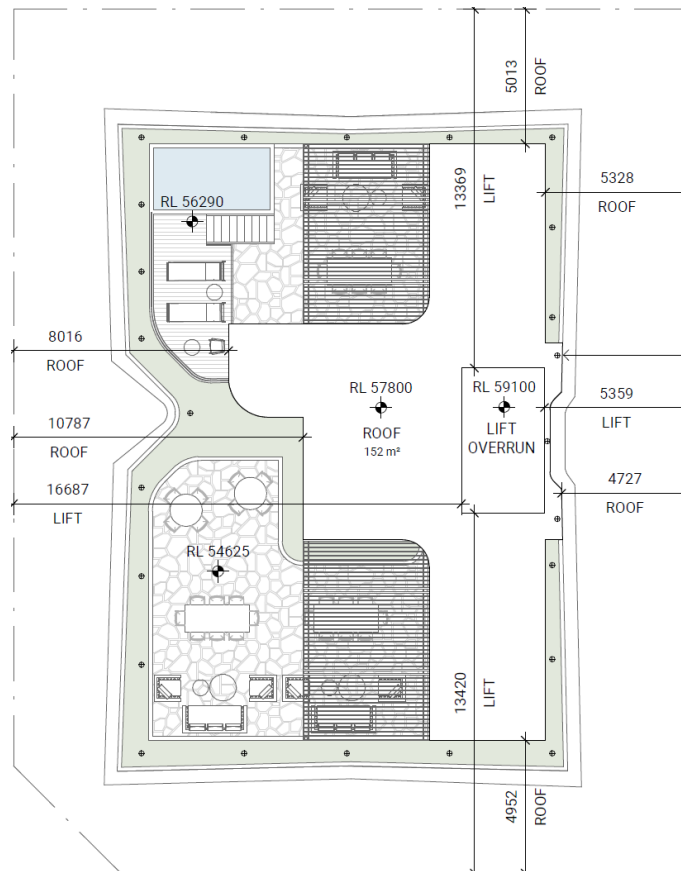


Figure 15: Proposed Roof Plan (Source: Plus Architecture)



Figure 16: Northern and Eastern Elevations (Source: Plus Architecture)



Figure 17: Southern and Western Elevations (Source: Plus Architecture)

4 KEY CONSIDERATIONS

The key considerations of the proposal include:

Building height

The development proposes a building height that exceeds the code assessable building height of 38 metres by 18.7 metres representing an increase of 49.2%.

As such, an assessment of the building height uplift provisions within specific outcome 3.3.2.1(9) of the strategic framework is required.

Residential density

The development proposes a residential density of 9.4m² while the subject site has a density designation of 25m² identified on the residential density overlay map.

The proposed development therefore requires assessment against the relevant overall outcomes of the High density residential zone code.

Setbacks

The setbacks of the proposed development do not comply with AO1 of the High density residential zone code. The proposal therefore requires assessment against PO1 of the High density residential zone code.

5 SITE CONTEXT

5.1 Subject site and immediate context

The site is located on the northern corner of the intersection of Boundary Street and Ward Street at Rainbow Bay (Coolangatta). It is a rectangular shaped lot comprised of two existing lots with a combined area of 810m². Boundary Street forms the state border with Boundary Street (Qld) located on the northern side of the border and Boundary Street (NSW) located on the southern side.

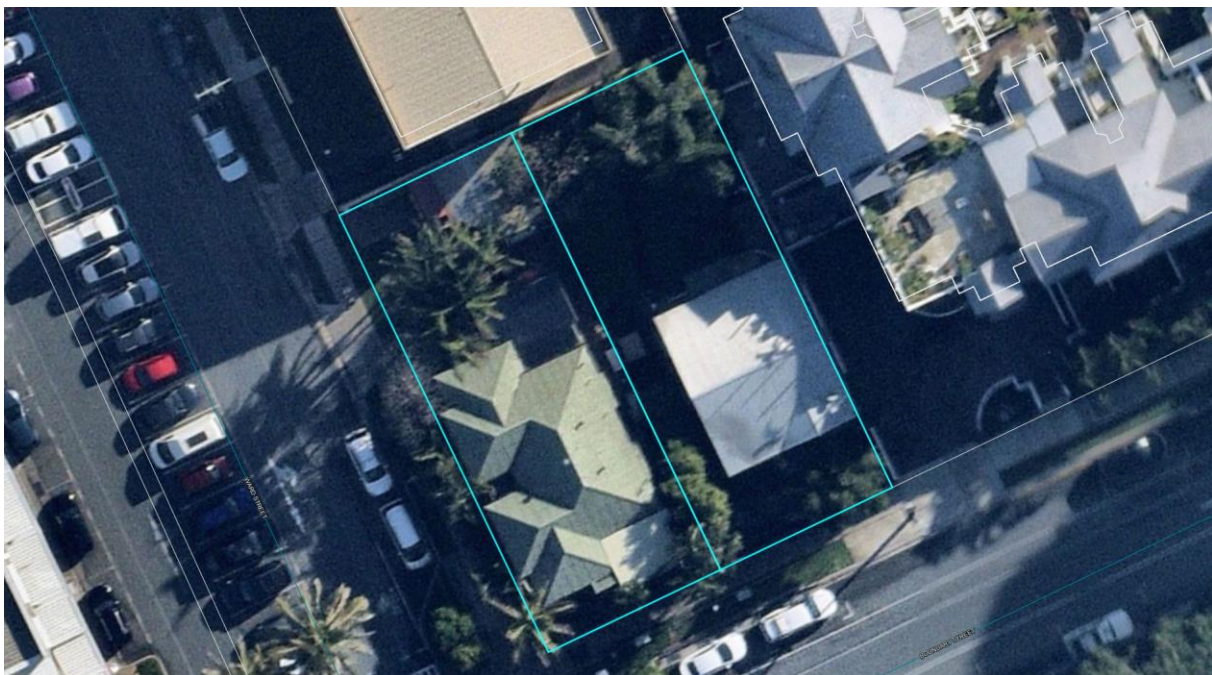


Figure 18: Aerial Photo of the subject site (Source: ArcGIS)



Figure 19: Photo of Subject Site

The subject site adjoins 2 allotments, shown below:



Figure 20: Aerial Photo of the subject site and the neighbouring allotments (Source: ArcGIS)

6 Ward Street

To the north, the site adjoins 6 Ward Street which contains a 4 storey unit building containing 9 dwellings which are oriented with balconies facing Ward Street. The entrance driveway is located adjacent to the common boundary with the building being setback 2.8 metres from the subject site with limited window openings.

243 Boundary Street

To the east, the site adjoins 243 Boundary Street which contains 36 units located within a 4 storey building. The units are a mix of permanent residents and holiday accommodation. These units are predominantly internally facing towards the central communal pool area.

5.2 Local context

The subject site is centrally located within the High density residential zoned land within Coolangatta that makes up the “Rainbow Bay” community. The entire area has a code assessable building height of 38 metres with a number of existing buildings close to or exceeding this height.



Figure 21: Aerial photo of the subject site and surrounding area showing zoning (Source: ArcGIS)

6 PLANNING ASSESSMENT

Section 45(5) of the *Planning Act 2016* identifies:

- (5) An **impact assessment** is an assessment that –
 - (a) must be carried out -
 - (i) against the assessment benchmarks in a categorising instrument for the development; and
 - (ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

The proposed development triggers impact assessment and has been assessed in accordance with Section 45(5) of the *Planning Act 2016*.

6.1 State Planning Instruments

The application has been assessed against the following instruments:

Instrument	Comment
State Planning Policy	The City Plan appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards). The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).
South East Queensland Regional Plan	The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).
<i>Planning Regulation 2017</i>	The proposal does not trigger assessment against any assessment benchmarks listed in a Schedule of the Planning Regulation 2017.

6.2 Local categorising instruments

The application has been assessed against the following instruments:

Local categorising instrument	Comment
Temporary Local Planning Instrument	The proposal does not trigger assessment against any temporary local planning instruments.
Variation approval	The proposal does not trigger assessment against a variation approval.
City Plan (Version 9)	The proposal is within the City Plan area of the City of Gold Coast. This is discussed in section 5.3 below. <u>Local Government Infrastructure Plan</u> There is no new trunk infrastructure required as part of this development.

6.3 City Plan

The following is an assessment of the application against the City Plan.

6.3.1 Assessment against the Strategic framework

The strategic framework requires balanced consideration of the provisions to best achieve the purpose and objectives of the City Plan. The strategic framework sets the policy direction for the City Plan and has a planning horizon of 2031.

This Policy direction is structured in the following way:

- (a) The strategic intent describes the planning vision for the Gold Coast over the coming decades; in particular, what our city will look like and how it will function, potential for major development over the next 20 years and areas for growth and protection.
- (b) The following six city shaping themes play an important role in shaping future growth and managing change across the city, and collectively represent the policy intent of the City Plan:
 - (i) Creating liveable places;
 - (ii) Making modern centres;
 - (iii) Strengthening and diversifying the economy;
 - (iv) Improving transport outcomes;
 - (v) Living with nature; and
 - (vi) A safe, well designed city.
- (c) Strategic outcomes for each theme.
- (d) Elements that refine and further describe the strategic outcomes.
- (e) Specific outcomes sought for each of the elements.

Strategic intent

The strategic intent flows through to the themes (strategic outcomes), elements (specific outcomes) and applicable codes. The strategic intent is achieved through assessment against these outcomes.

Theme/s and Elements

The following is an assessment of the application against the relevant theme/s and elements of the strategic framework identified in the table below:

Theme/s	Related element	Maps
Creating liveable places	<ul style="list-style-type: none"> • Urban neighbourhoods 	Strategic framework map 1 – designated urban area <ul style="list-style-type: none"> • Urban area Strategic framework map 2 –

<p>A safe, well designed city</p>	<ul style="list-style-type: none"> • Urban design character and community identity • Safe, healthy and cohesive communities 	<p>settlement pattern</p> <ul style="list-style-type: none"> • Urban neighbourhood <p>Strategic framework map 5 – focus areas for economic activity</p> <ul style="list-style-type: none"> • Coastal tourism/urban strip
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The subject site is conceptually shown on Strategic framework map 2 – settlement pattern as being within an Urban neighbourhood. The applicable theme ‘Creating liveable places’ identifies ‘Urban neighbourhoods’ as a related element.

The approximate location of the subject site is shown on Strategic framework map 2 – settlement pattern below.

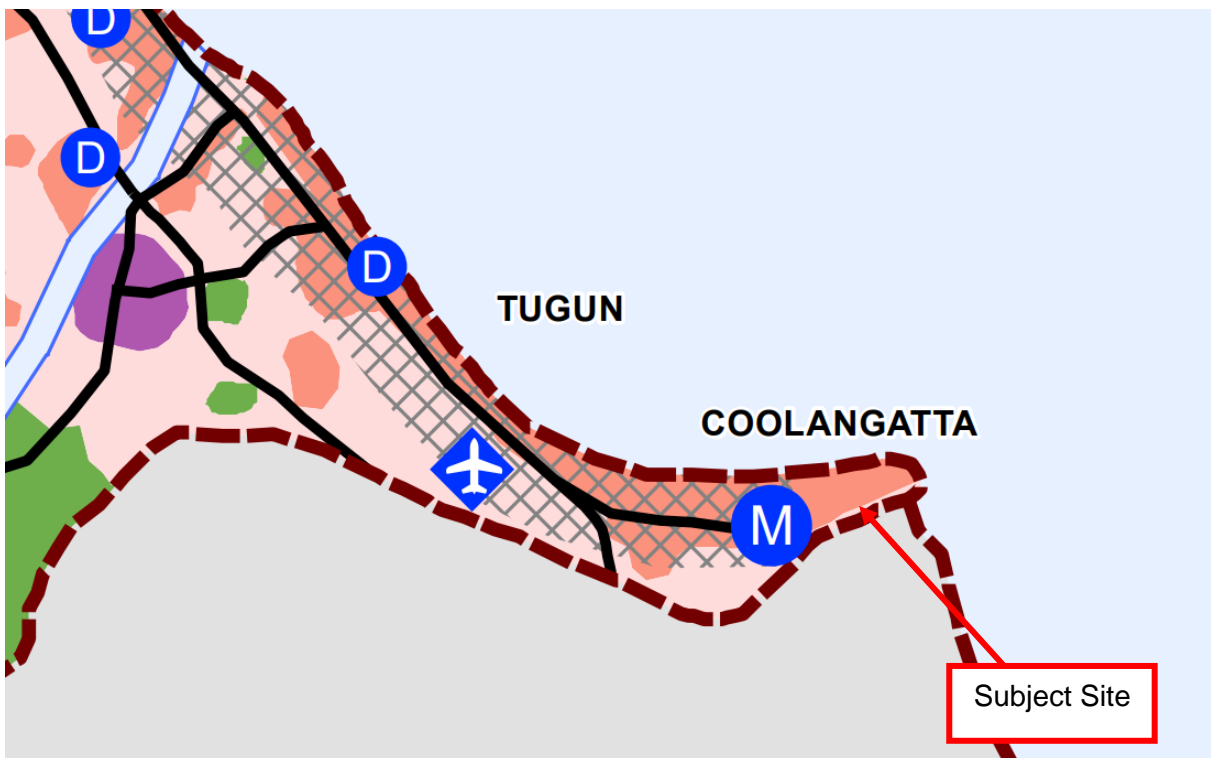


Table 5.5.3: MCU – High density residential zone of the City Plan categorises the land use as code assessment; however, the proposal is triggered to Impact assessment because the proposed building height exceeds the Building height overlay map (38 metres), with an overall building height of 56.7 metres.

The following provides the building height, building design and appearance related outcomes applicable to the proposed development, as follows:

Creating liveable places Theme

Urban neighbourhoods Element

Specific outcome 3.3.2.1(1) of the Urban neighbourhoods Element states:

“Urban neighbourhoods are compact, well-designed and pedestrian-friendly, offer housing choice and high amenity and provide access to facilities, services, public transport, employment and essential infrastructure.”

Specific outcome 3.3.2.1(2) of the Urban neighbourhoods Element states:

“Urban neighbourhoods are generally located on or near high frequency public transport corridors served by light rail or high frequency bus.”

Specific outcome 3.3.2.1(3) of the Urban neighbourhoods Element states:

“Certain locations not within or near high frequency public transport corridors reflect long-term locations of medium and high intensity development and have the potential for increased public transport services.”

Officers comment

The local area contains an interconnected network of footpaths providing access to the surrounding centres and recreational areas. While the site is not with 400 metres walking distance of high frequency public transport, the nearest bus stop is located 560 metres walking distance from the subject site which is still considered to be within a reasonable walking distance.

Specific outcome 3.3.2.1(4) of the Urban neighbourhoods Element states:

“Urban neighbourhoods vary from pockets of detached housing on smaller lots to medium or higher-intensity places containing medium or high-rise buildings.”

Specific outcome 3.3.2.1(5) of the Urban neighbourhoods Element states:

“Housing includes a mix of tenure, size and type to assist with affordability and location options, and to support occupants from various social and cultural backgrounds including key workers.”

Officers comment

The subject site is considered to be within a higher-intensity Urban neighbourhood given it is within the High density residential zone and there are a number of existing and emerging high-rise buildings. Officers consider that the development supports the above outcomes as a high-rise building form has been provided which contains a mix of unit sizes.

Specific outcome 3.3.2.1(6) of the Urban neighbourhoods Element states:

“Urban neighbourhoods have a public transport hub, community facility, park or mixed use centre, specialist centre or neighbourhood centre as their focal point.”

Officers comment

While the surrounding area contains two neighbourhood centres (one is immediately opposite the site) and is in proximity to a higher order mixed use centre, the focal point of this community is the beach and adjoining open space areas, evidenced by the surrounding buildings orientation maximising ocean views where possible.

Specific outcome 3.3.2.1(7) of the Urban neighbourhoods Element states:

“Streets are characterised by high-quality walking and cycling paths, street trees and local streets for shared car and bike use. A legible built form and network of interconnected thoroughfares make it easy to get around.”

Officers comment

The surrounding area provides for a high quality walking environment through the existing footpaths, cycleways and street trees that create a highly utilised pedestrian friendly environment.

Specific outcome 3.3.2.1(8) of the Urban neighbourhoods Element states:

- *“The Building height overlay map shows the building height pattern and desired future appearance for local areas within urban neighbourhoods. This map also shows areas where building heights change abruptly to achieve a deliberate and distinct contrast in built form within and between low, medium or high-rise areas.”*

Officers comment

The High density residential zoned area surrounding the subject site is identified within the 38 metre building height overlay. The subject site is not in a location where abrupt changes in building heights are anticipated by the Building height overlay map.

The site is within an area that anticipates high-rise development and given a high-rise development is proposed, officers consider the proposal complies with the above provisions.

Specific outcome 3.3.2.1(9) of the Urban neighbourhoods Element states:

- *“Increases in building height up to a maximum of 50% above the **Building height overlay map** may occur in limited circumstances in urban neighbourhoods where all the following outcomes are satisfied:*
 - *(a) a reinforced local identity and sense of place;*
 - *(b) a well managed interface with, relationship to and impact on nearby development, including the reasonable amenity expectations of nearby residents;*
 - *(c) a varied, ordered and interesting local skyline;*
 - *(d) an excellent standard of appearance of the built form and street edge;*
 - *(e) housing choice and affordability;*
 - *(f) protection for important elements of local character or scenic amenity, including views from popular public outlooks to the city’s significant natural features;*
 - *(g) deliberate and distinct built form contrast in locations where building heights change abruptly on the Building height overlay map; and*
 - *(h) the safe, secure and efficient functioning of the Gold Coast Airport or other aeronautical facilities.”*

Officer’s comment

The site is located within an Urban neighbourhood where, in limited circumstances, building heights can exceed the mapped height up to 50% (Urban Neighbourhoods Element - Specific outcome 3.3.2.1(9) of the Strategic Framework). The proposed development includes a maximum building height of 56.7 metres at the highest point which exceeds the code assessable building height by a total of 18.7 metres, representing an increase of 49.2% above the code assessable building height.

It is noted that submissions objecting to the proposed development contended that the proposed development did not comply with the provisions of specific outcome 3.3.2.1(9). Where applicable, these submissions have been taken into account within the below assessment.

The proposal has been assessed against Specific outcome 3.3.2.1(9) as follows:

- (a) a reinforced local identity and sense of place;*

Officers note submitters have specifically raised concerns with this provision of specific outcome 3.3.2.1(9) given the existing building height character within the surrounding area.

The expressions “local identity” and “sense of place” are broad concepts not defined within the City Plan. In this instance, officers consider that there is a clearly defined local area within the “Rainbow Bay” neighbourhood of Coolangatta which is outlined in red in the following figure:



Figure 22: Annotated aerial photo of the subject site showing the local area (Source: ArcGIS)

Within this local area there is a varied building typology which contains 1-2 storeys dwelling houses and Multiple dwellings contained in medium to high-rise building forms, with the tallest buildings within the surrounding area having a building height of 15-17 storeys.

The local area is also characterised by a varied topography that results in the sites to the east and west being higher than the subject site. In order to determine the established building height character within the local area, the applicant provided an analysis of the surrounding building heights and in particular, demonstrated the perceived height of each building given the varied topography in the locality.

The applicant provided a detailed analysis of the surrounding building RL's which has been annotated in order to demonstrate the tallest buildings within the local area and to include the relevant number of storeys, with the proposed development shown in red.

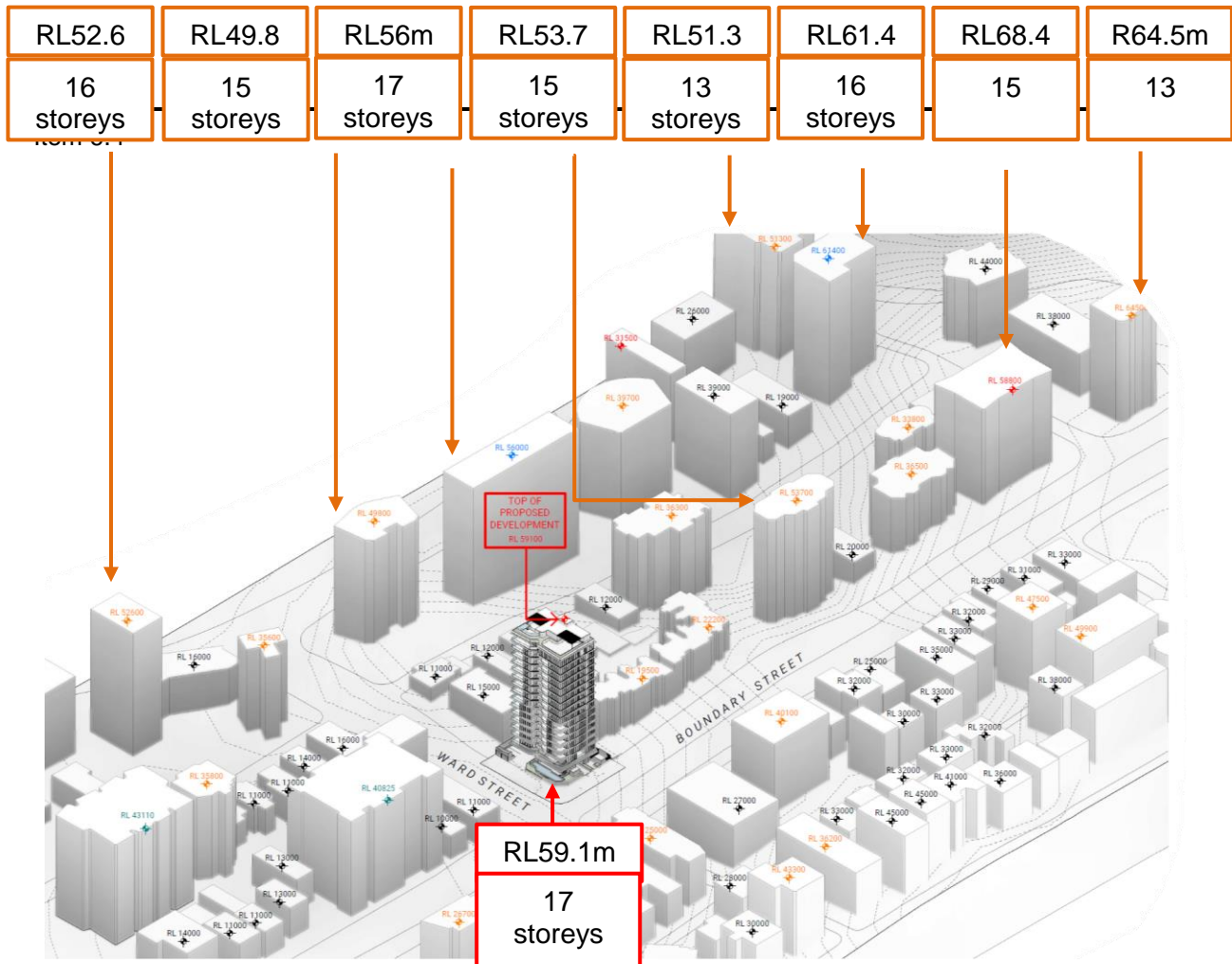


Figure 23: Annotated height diagram (Source: Plus Architecture)

What is immediately clear from the above figure is the strong presence of tower forms within the locality. Multiple high-rise tower forms are generally visible as you move through the area, including several buildings of aged construction, indicating that for a considerable period of time, this area of Coolangatta has accommodated high-density, high rise buildings for both permanent residents and tourists to the City. Furthermore, the varied topography of the surrounding area results in a range of perceived building heights with the tallest buildings typically containing 13-17 storeys.

The annotations on the above figure demonstrate that the proposed development reinforces this established building height character, both from the actual building height and the perceived height of the surrounding buildings, noting that the proposal is perceived to be lower than several other buildings within the locality when viewed from surrounding vistas.

Based on the above, officers are satisfied that the proposed tower form will comfortably sit within the local context which is reinforced through the photomontages provided by the applicant below:



Figure 24: Photomontage from Marine Parade (Source: Plus Architecture)



Figure 25: Photomontage from Boundary Street (Source: Plus Architecture)

Officers consider that the above analysis demonstrates that the building height character of the locality while varied, has a strong tower character with a range of building forms that are very visible from surrounding streets and public spaces. This assessment has determined that the proposed building will reinforce the local identity and sense of place through the residential tower from being provided, the subtropical building design which includes large feature balconies on the building façade and a perceived and actual building height that is similar to a number of existing buildings within the surrounding area.

This is reinforced through the photomontages provided which demonstrate that the building sits comfortably in the context of the surrounding building forms.

- (b) *a well managed interface with, relationship to and impact on nearby development, including the reasonable amenity expectations of nearby residents;*

Submitters objecting to the application raised concerns with the potential future tower separation and the impact on the adjoining dwellings to the east. Officers consider that the proposal complies with this provision based on the below assessment.

The subject site is adjacent to 2 neighbouring allotments, the proposed interface to each of these lots is discussed below:



Figure 26: Aerial Photo of the subject site and the neighbouring allotments (Source: ArcGIS)

6 Ward Street

To the north, the site adjoins 6 Ward Street which contains a 4 storey building containing 9 dwellings which are oriented with balconies facing Ward Street. The entrance driveway is located adjacent to the common boundary with the building being setback 2.8 metres from the subject site with limited window openings.



Figure 27: Photo of neighbouring building at 6 Ward Street

On the ground level, the development proposes the booster cabinet to be built on the boundary with an acoustic barrier shielding the ground floor parking. This results in a portion of built to boundary wall with a height ranging from 2.6 to 3.1 metres. The remainder of the ground floor is setback a minimum of 1.5 metres including a batten fence with a maximum height of 2.3 metres proposed.

Officers consider that this provides a well managed ground floor interface to the building on the adjoining lot given the context of the adjoining site being adjacent to the driveway.

Above the ground floor, the development proposes a varied setback of 3.5m to the OMP and 4 metres to the wall, that increases to 3.8m to the OMP and 4.3m to the wall from level 7. Officers consider that this setback provides a good separation distance between the existing neighbouring development and the proposal and any future development on the neighbouring site. In addition, the façade of the building has been well designed to provide for an attractive interface.

243 Boundary Street

To the east, the site adjoins 243 Boundary Street which contains 36 units located within a 4 storey building. The units are a mix of permanent residents and holiday accommodation. These units are predominantly internally facing towards the central communal pool area.



Figure 28: Photo of neighbouring building at 243 Boundary Street

For a portion of the interface the site directly adjoins the vehicle access area, for the remainder there are a number of private open space courtyards located on the ground floor. The neighbouring building form is setback between 2.8 to 5.7 metres with the interface containing a number of windows and a private open space terrace located on the roof (setback 5.7 metres)

On the ground floor, no built to boundary structures are proposed with all fencing to this lot having a maximum height of 2 metres.

Above the ground floor, the development proposes a setback of 3 metres to OMP and 4 metres to wall which increases to 4 to 4.5 metres from level 7 upwards. While the development includes windows to this façade, officers consider that within the context of the high density residential zone, that an anticipated privacy outcome has been provided.

As mentioned above, officers consider that the development has provided a well managed interface with the surrounding lots by limiting the height of built to boundary structures, incorporating landscaping on all boundaries and providing good tower separation.

Based on the above, officers consider that the development provides a well managed interface with the neighbouring lots thereby satisfying criterion (b)

(c) a varied, ordered and interesting local skyline;

The existing skyline within Rainbow Bay currently contains a varied building height with low, medium and high rise buildings as demonstrated within figure 21. Officers consider that the high rise building proposed will continue to contribute to this varied local skyline.

(d) an excellent standard of appearance of the built form and street edge;

Submitters objecting to the development do not consider that the appearance of the development is excellent. Officers consider that the proposal complies with this provision as follows:

Since lodgement, the development has been refined through the information request and further advice requests from officers in order to achieve a building form that can be considered excellent while still providing for appropriate setbacks and ground floor interfaces. The resulting appearance provides a unique building form with large open balconies on the corners to the Ward Street frontage while also including recesses to allow for landscaping on the building façade. The resulting appearance can be seen in the renders shown below:



Figure 29: Perspective of the proposal from Ward Street (Source: Plus Architecture)



Figure 30: Perspective of the proposed development from Boundary Street (Source: Plus Architecture)



Figure 31: Perspective of the proposed development from Boundary Street (Source: Plus Architecture)



Figure 32: Perspective of the proposed development from Ward Street (Source: Plus Architecture)

The final design demonstrates an excellent standard of appearance as summarised by officers within the Architectural assessment team:

- *The development achieves a distinct architectural appearance that results in a desirable built form outcome.*
- *The ground level provides an open and landscaped communal recreational area which provides space back to the public realm, while supporting activation of the coastal location.*
- *The tower form above provides a modulated and angular movement (in the horizontal) in the glazed form which is softened with projecting awning projections and integrated feature screening elements.*
- *Balconies are provided to the west frontage which support reducing the perceived mass of the building form. The proposal provides a unique awning & screening design through variation in battening placement to support interest, shading and privacy.*
- *The roof top is characterised by extensive landscaping, enclosed circulation areas and open pergolas which contributes to a distinct Gold Coast Skyline.*
- *The proposal's inclusion stonework, concrete textured finish, glazed balconies, feature projections with varied screen designs, timber soffits, open balconies and elevated landscaping contributes to a high-quality appearance.*
- *The development is considered to provide an excellent standard of appearance of the built form and street edge.*

Officers conclude that a high quality design has been provided that meets criterion (d).

(e) *housing choice and affordability;*

The development proposes 34 units containing a mix of 2, 3 and 4 bedrooms units. Officers consider that this unit mix located within the high density residential zone provides a sufficient mix of housing form to provide for housing choice and the increased dwelling supply on the subject site is considered to contribute to intended wider housing affordability outcomes.

- (f) *protection for important elements of local character or scenic amenity, including views from popular public outlooks to the city's significant natural features;*

Strategic framework map 4 – greenspace network identifies the city's significant natural features including key areas of Landscape character along the coastal strip. The site is located in close proximity to a number of these natural features including the Greenmount Headland, Snapper Rocks and Point Danger.

The analysis of the actual and perceived heights of the surrounding buildings demonstrated that the development is of a consistent scale with the surrounding area and therefore, is not considered to dominate these natural features.

- (g) *deliberate and distinct built form contrast in locations where building heights change abruptly on the Building height overlay map; and*

The subject site is within a 38 metre mapped building height overlay and is not within an area where a distinct built form contrast is anticipated.

Noting this, officers do not consider that the location of the subject site will detract from the deliberate and distinct contrast in built form anticipated by the Building height overlay map.

- (h) *the safe, secure and efficient functioning of the Gold Coast Airport or other aeronautical facilities.*

The proposed height does not adversely impact upon the safe, secure or efficient function of the Gold Coast Airport or other aeronautical facilities.

A detailed assessment of the proposal against the building height uplift provisions within the Urban neighbourhoods element has determined that the proposed development complies with Specific outcome 3.3.2.1(9) warranting the increase in building height of an additional 18.7 metres.

Urban design, character and community identity Element

Specific outcome 3.8.3.1(1) of the Urban design, character and community identity Element states:

“Development is cognisant of the function and desired future appearance of each individual area and reinforces or reinterprets the character of that area.”

Officers comment

The assessment provided above against specific outcome 3.3.2.1(9) determined that the development suitably reflects the desired future appearance of the area under the City Plan and reinforces the character of the area.

Summary of the Strategic framework

Based on the above assessment it is considered that:

- The proposal achieves compliance with Specific outcomes 3.3.2.1(1)&(2) as the site is within a pedestrian friendly environment providing access to high frequency public transport options.
- The proposal achieves compliance with Specific outcomes 3.3.2.1(3)&(4) as a high rise building is proposed that contains a mix of unit configurations.

- The proposal achieves compliance with Specific outcomes 3.3.2.1(8) as the subject site is not in a location where abrupt changes in building height are anticipated, and subject to meeting the provisions of 3.3.2.1(9), high rise building height is anticipated.
- The proposal complies with specific outcome 3.3.2.1(9)(a) as follows:
 - The proposal provides a land use and building typology that is consistent with the surrounding area.
 - The existing local identity of the area is made up of a mix of building heights ranging from low rise to high rise buildings with a strong tower character.
 - The height proposed is consistent with a number of existing and approved buildings within this local area.
- The proposal complies with specific outcome 3.3.2.1(9)(b) as the development has provided a well managed interface with the adjoining dwellings and any future adjoining developments as follows:
 - On the ground floor an appropriate interface has been provided that is consistent with the expectations for the High density residential zone.
 - Above the ground floor, a varied tower form provides for an interesting and attractive façade while still maintaining sufficient setbacks for future tower separation.
- The proposal complies with specific outcome 3.3.2.1(9)(c) as the building height contributes to the varied building heights within the Rainbow Bay area.
- The proposal complies with specific outcome 3.3.2.1(9)(d) as the development reflects high quality architectural design.
- The proposal complies with specific outcome 3.3.2.1(9)(e) as the development will provide an increased housing supply with a mix of housing types.
- The proposal complies with specific outcome 3.3.2.1(9)(f) as the development will not adversely impact on any elements of the local character or scenic amenity.
- The proposal complies with specific outcome 3.3.2.1(9)(g) as the subject site is not within an area where the Building height overlay map anticipates abrupt changes; and
- The proposal complies with specific outcome 3.3.2.1(9)(h) as the maximum building height of the development is below the relevant overlays that may impact on the safe and efficient operations of the Gold Coast Airport.
- The proposal complies with 3.8.3.1(1) as the development suitably reflects the desired future appearance of the area under the City Plan and reinforces the character of the area.

6.3.2 Zone

The site is located within the High density residential zone.

“The purpose of the High density residential zone code is to provide for higher density multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.”

The proposal is for Multiple dwellings and subject to meeting the outcomes of the zone code, is an envisaged development for the zone.

6.3.3 Assessment against the codes

Under the City Plan, compliance with a code can be achieved by either compliance with the purpose and overall outcomes of the code, or, compliance with either the performance outcomes or acceptable outcomes. Acceptable outcomes are generally quantifiable provisions, with the performance and overall outcomes generally qualitative and performance based.

The following assessment benchmarks identified in the City Plan for the site are listed below.

Zone code	Overlay / Overlay codes	Development codes
<ul style="list-style-type: none"> High density residential zone code 	<ul style="list-style-type: none"> Acid sulfate soils overlay code; Airport environs overlay code; Coastal erosion hazard overlay code; and Flood overlay code. 	<ul style="list-style-type: none"> Driveways and vehicular crossings code; General development provisions code; Healthy waters code; High-rise accommodation design code; Solid waste management code; and Transport code

This is a 'report by exception' and only discusses issues where the development does not meet the relevant acceptable outcomes or where a relevant performance outcome does not have a stated corresponding acceptable outcome. This is outlined in the table below:

Code	Acceptable / Performance Outcome	Subject matter
High density residential zone code	AO1	Setbacks
	AO2	Site cover
	PO3	Height
	PO4	Density
Flood overlay code	AO5	Flooding risk
	AO11	Access with respect to hazard
High-rise accommodation design code	PO9	Tower cap design
	PO10	Housing need and choice
	AO11.1	Communal and private space areas
	PO15	Services
General development provisions code	PO1	Amenity protection
	PO2	Amenity protection
	PO6	Casual surveillance and

Code	Acceptable / Performance Outcome	Subject matter
		lighting
Transport code	AO1	Car parking
	AO5	Servicing
	AO6	Servicing
	AO10	Active transport network
	AO11	Active transport network

6.3.3.1 Assessment against the High density residential zone code

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

High density residential zone code – Setbacks

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome																				
<p>PO1 Setbacks: (a) assist in the protection of adjacent amenity; (b) allow for access around the building; (c) contribute to streetscape character; (d) allow for on-site car parking; and (e) provide separation between buildings to maintain view corridors. Note: Building setbacks may also be influenced by the shadow provisions in 9.4.4 General development provisions code.</p>	<p>AO1 Setbacks are as follows:</p> <table border="1"> <thead> <tr> <th rowspan="2">Setback</th> <th colspan="2">Minimum distances measured in metres (m)</th> </tr> <tr> <th>Height</th> <th>Setback</th> </tr> </thead> <tbody> <tr> <td>Front for covered car parking (excluding a basement)</td> <td>all</td> <td>6m</td> </tr> <tr> <td rowspan="2">Front (excluding covered car parking)</td> <td>up to 23m</td> <td>4m</td> </tr> <tr> <td>for that part exceeding 23m</td> <td>6m</td> </tr> <tr> <td rowspan="3">Side and rear</td> <td>up to 4.5m</td> <td>1.5m</td> </tr> <tr> <td>for that part between 4.5m – 7.5m</td> <td>2m</td> </tr> <tr> <td>for that part exceeding 7.5m</td> <td>an extra 0.5m is added for every 3m in height or part thereof over 7.5m</td> </tr> </tbody> </table>	Setback	Minimum distances measured in metres (m)		Height	Setback	Front for covered car parking (excluding a basement)	all	6m	Front (excluding covered car parking)	up to 23m	4m	for that part exceeding 23m	6m	Side and rear	up to 4.5m	1.5m	for that part between 4.5m – 7.5m	2m	for that part exceeding 7.5m	an extra 0.5m is added for every 3m in height or part thereof over 7.5m
	Setback		Minimum distances measured in metres (m)																		
		Height	Setback																		
	Front for covered car parking (excluding a basement)	all	6m																		
	Front (excluding covered car parking)	up to 23m	4m																		
		for that part exceeding 23m	6m																		
	Side and rear	up to 4.5m	1.5m																		
for that part between 4.5m – 7.5m		2m																			
for that part exceeding 7.5m		an extra 0.5m is added for every 3m in height or part thereof over 7.5m																			

Officer’s comment

The development proposes the following setbacks:

	Front (Ward Street)	Front (Boundary Street)	Side (North)	Side (East)
Ground	0m (booster) 5.6m (building)	1.6m	0m (booster) 1.5m (building)	1.3m
Level 1	3.1 (OMP) 3.9 (balcony)	2.8m (OMP) 3.8 (wall)	3m (OMP) 4m (wall)	3m (OMP) 4m (wall)
Level 2-6	3.4m (OMP) 3.9m (balcony)	3.2m (OMP) 3.8m (wall)	3.5m (OMP) 4m (wall)	3.5m (OMP) 4m (wall)
Level 7-15	3.4m (OMP) 3.9m (balcony)	3.2m (OMP) 3.8m (wall)	3.8m (OMP) 4.3m (wall)	4m (OMP) 4.5m (wall)
Roof terrace	3.4m (OMP) 3.9m (planter)	3.2m (OMP) 3.8m (wall)	3.8m (OMP) 4.3m (wall)	4m (OMP) 4.5m (wall)

As shown in the above table, the development does not comply with acceptable outcome 1. Officers consider that the proposal complies with performance outcome 1 as follows:

(a) assist in the protection of adjacent amenity;

Within the assessment of specific outcome 3.3.2.1(9) of the urban neighbourhoods element of the strategic framework, officers undertook a detailed assessment of the amenity impacts to the developments neighbouring properties.

Officers consider that the development protects adjacent amenity by providing a well managed interface as follows:

- The ground floor of the development contains limited built to boundary structures (consisting only of a booster cabinet) while the remainder of the building is setback between 1.3-1.6 metres.
- Above the ground floor, varied setbacks are provided, increasing from level 7 which include a mix of recesses, slab edge projections and landscaping to provide for an interesting and attractive façade.
- The setbacks allow for future tower separation, should the neighbouring allotments be redeveloped.

(b) allow for access around the building;

The proposed development has been suitably designed to ensure access around the building is maintained.

(c) contribute to streetscape character;

On the ground floor the development includes landscaped garden beds that address both frontages, providing an attractive interface at the street level.

Above the street level, an attractive tower form has been provided utilising a range of features including building recesses, slab edge projections and timber battening that provide a positive contribution to the streetscape character.

(d) allow for on-site car parking; and

The development has included visitor parking on the ground level with the remaining parking provided within 3 levels of basement in accordance with the Transport code.

(e) provide separation between buildings to maintain view corridors.

While the development is not adjacent to any existing or approved towers, officers consider that the setbacks proposed would allow for future tower separation to maintain view corridors.

High density residential zone code – Site cover

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO2 Site cover: (a) is balanced between built form and green areas for landscaped private open space; (b) contributes to neighbourhood character and amenity; (c) promotes slender bulk form; (d) promotes an open, attractive and distinct skyline; and (e) facilitates small, fast moving shadows.</p>	<p>AO2 For all other uses, site cover does not exceed a cumulative total of: (a) 50% of net site area up to 8 storeys; (b) 40% of net site area from 9 to 15 storeys; and (c) 30% of net site area or 750m² per building, whichever is the lesser, above 15 storeys.</p>

Officer’s comment

The development proposes the following site cover:

	AO2	Proposed
Ground:		55%
Level 1-6:	50%	49%
Level 7:		48%
Level 8-14:	40%	48%
Level 15:		48%
Roof:	30%	18%

As shown in the above table, the development does not comply with AO2.

Notwithstanding this, officers consider that the proposal complies with the performance outcome as:

(a) is balanced between built form and green areas for landscaped private open space;

The development includes a range of landscaping including larger garden beds located on the ground and first floors in addition to planters located within the facade of the tower form providing an adequate balance between the built form and landscaping.

(b) contributes to neighbourhood character and amenity;

The building form includes large balconies and recesses providing for a distinctly residential building, therefore providing a consistent residential appearance to the surrounding area.

(c) promotes slender bulk form;

The development proposes a tower floor plate less than 400m². Of note, the High-rise accommodation code provides an acceptable outcome for tower floor plate of 750m². Officers consider that this demonstrates that a slender tower has been proposed in the context of what is considered to be acceptable for a high-rise building height.

(d) promotes an open, attractive and distinct skyline; and

The development has been suitably designed to provide an attractive façade through the use of various architectural features which also contribute to a distinct local skyline.

(e) facilitates small, fast moving shadows.

Acceptable outcomes 8.1-8.5 of the General development provisions code specify the acceptable shadow outcomes for buildings containing 3 or more storeys. The applicant has provided the following shadow diagrams which demonstrate that the development complies with these acceptable outcomes (where relevant):

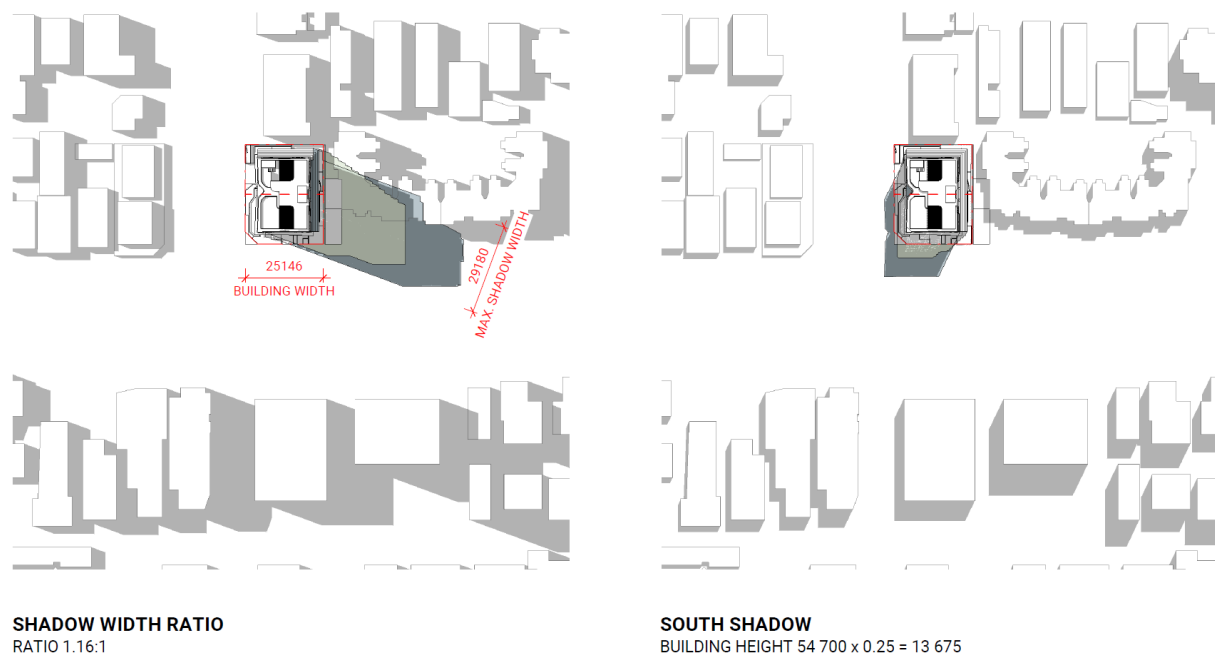


Figure 33: Shadow analysis (Source: Plus)

Based on the above, officers are satisfied that a small, fast moving shadow will be provided as anticipated by the City Plan.

High density residential zone code – Height

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO3 Building height and structure height does not exceed 9m or that shown on the Building height overlay map.	AO3 No acceptable outcome provided.

Officer’s comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required. The subject site is identified on the Building height overlay map as having a code assessable building height of 38 metres.

PO3 specifies that development should not exceed that shown on the building height overlay map which in this instance affords the subject site a building height of 38 metres. The development proposes a building height of 17 storeys at 56.7 metres which exceeds the building height overlap map provision. The development therefore does not meet PO3 of the High density residential zone. The relevant overall outcome has been provided below:

Overall outcome 6.2.3.2(2)(d) states:

Built form (excluding Dwelling houses on small lots) –

- (i) *has a building height that does not exceed that indicated on the Building height overlay map;*

As noted above, the development has proposed to exceed the building height identified on the building height overlay map and as such, does not comply with the above overall outcome. Notwithstanding this, the assessment against specific outcome 3.3.2.1(9) of the Strategic Framework has determined that the additional building height is appropriate.

High density residential zone code – Density

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO4 Density does not exceed that shown on Residential density overlay map.	AO4 No acceptable outcome provided.

Officer’s comment

As the City Plan provides no acceptable outcome relating to density, assessment has been elevated to the corresponding performance outcome. The development proposes a residential density of one bedroom per 9.4m² which exceeds the provisions nominated for the subject site by the Residential density overlay map (one bedroom per 25m²). As such, the development does not meet the performance outcome and has been assessed against the corresponding Overall outcomes of the high density residential zone code below.

- (b) *Housing is provided at a form, scale and intensity that is appropriate for the zone and each particular locality it is in where the following outcomes are satisfied:*

Orderly and economically efficient settlement pattern

- (i) *degree of public transport service within a 400 metre walking distance, being the most desirable distance for pedestrian access, and the ease and safety of pedestrian access to that service;*

- (ii) proximity to major employment concentrations, centres, social and community infrastructure facilities and important amenity features, including the coast, recreational waterways and parkland;*
- (iii) capacity of available infrastructure to support the development, including water, sewer, transport and social and community facilities;*
- The nearest high frequency bus stop to the site is 560 metres walking distance to the west. While it is not within 400 metres walking distance of the site, officers consider that 560 metres is still within a reasonable walking distance of the subject site.
- The Coolangatta Major Centre is located 500 metres to the west of the subject site which is a large retail and tourism hub, containing employment opportunities as well as social and community infrastructure.
- There is a neighbourhood centre located on the opposite corner of Ward Street containing a number of small scale tenancies containing a mix of Shops and Food and drink outlets.
- The site is within walking distance of a number of beaches and parklands providing for a range of recreational opportunities to residents.
- Officers have confirmed with Councils Water and Waste section that there is sufficient capacity within the sewer and water networks to facilitate the development.
- The applicant provided officers with a Traffic Impact Assessment (TIA) that quantified the additional traffic impacts as a result of the proposed development. This was reviewed by Council's Transport Assessment team who determined that there was sufficient capacity within the surrounding road network to cater for the development.

Housing needs

- (iv) delivery of a generous mix of housing form, sizes and affordability outcomes that meet housing needs (including housing needs of the future) for the locality;*

The development proposes 34 units containing a mix of 2, 3 and 4 bedrooms units. Officers consider that this unit mix located within the high density residential zone provides a sufficient mix of housing form and size.

Design and amenity

- (v) whether intended outcomes for building form/city form and desirable building height patterns are negatively impacted, including the likelihood of undesirable local development patterns to arise if the cumulative effects of the development are considered;*
- (vi) retention of important elements of neighbourhood character and amenity, and cultural heritage;*
- (vii) whether adjoining residential amenity is unreasonably impacted;*
- (viii) achievement of a high quality urban design through highly functional, accessible, attractive, memorable and sustainable buildings and public spaces;*

Officers have undertaken an assessment of the built form against the provisions of the Strategic Framework and the relevant performance outcomes of the High density residential zone code which have considered points (v)-(viii) above. This assessment has determined that an appropriate building form and scale have been proposed that will positively contribute to neighbourhood character and maintain an appropriate amenity outcome that affords additional height above the Building height overlay map.

Environment

- (ix) *the impacts of any site constraints, including natural hazard and environmental-based constraints; and*

The subject site is identified as being subject to flood inundation on the Flood overlay map. The applicant has suitably designed the development to respond to the site constraint which has been discussed further within the assessment against the Flood overlay code.

Community Benefit

- (x) *where the development:*
- (A) *is appropriate having regard to overall outcome (b) (i) to (ix);*
 - (B) *meets all other overall outcomes for the zone; and*
 - (C) *incorporates community benefits in addition to those that could be lawfully conditioned to be provided (i.e. that are required to be provided by this City Plan or reasonably required in relation to the development or use of premises as a consequence of the development), development bonuses are applied in accordance with the SC6.5 City Plan policy – Community benefit bonus elements.*

Note: SC6.5 City Plan policy – Community benefit bonus elements provides guidance on what might constitute additional community benefits and the supporting material that may be required to demonstrate the degree of benefit.

Note: Development is not required to incorporate community benefits in order to demonstrate that housing has been provided at a form, scale and intensity that is appropriate having regard to overall outcome (b) (i) to (ix).

The seeking of development bonuses where a proposal exceeds density is optional. As the applicant has not sought any development bonuses, assessment against these overall outcomes is not required.

5.3.3.2 Assessment against the overlay codes

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

Flood overlay code – Flooding risk

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO5 Development in flood affected areas must not cause, or have the cumulative potential to</p>	<p>AO5 Development does not: (a) increase the number of people calculated</p>
<p>cause, damage, must not increase the level of risk to life, or be to the detriment of flood evacuation procedures.</p>	<p>to be at risk from flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes, or as identified within Council's Counter Disaster Plan (flooding); (e) place additional burdens on Council's resources or emergency services; (f) increase the duration of flooding, unless that increase is part of a Council approved flood mitigation strategy.</p>

Flood overlay code – Access with respect to hazard

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO11 All proposed development must demonstrate that sufficient access or egress will be available to enable evacuation during a range of floods, up to and including the designated flood.</p>	<p>AO11 Development, not including underground car parks, must ensure that evacuation opportunities exist in accordance with the minimum levels of exposure outlined in Table 8.2.8-5: Table to acceptable outcome AO11, where means of access or egress may be:</p> <ul style="list-style-type: none"> (a) an access route that is below the level of the designated flood, provided that route is classed as a low hazard, as defined in Table 8.2.8-5: Table to acceptable outcome AO11; or (b) an access route that is not the main access route. However, it must remain effective for the duration of a range of flood events, up to and including the designated flood; or (c) a temporary access arrangement, provided that access can be gained without significant preparation time being required. <p>The access or egress must:</p> <ul style="list-style-type: none"> (a) in the event of a designated flood: <ul style="list-style-type: none"> (i) not expose users to undue risk; (ii) not cause, or have the cumulative potential to cause, real damage to land and/or premises; (iii) not interrupt or materially change the surface water drainage from or onto adjoining land; (b) not create, in the event of a flood, a sudden change in flow distributions, flood level or velocity that could result in: <ul style="list-style-type: none"> (i) the breaking of a levee; or (ii) the establishment of blockage of a breakout; or (iii) excessive scour; or (iv) sedimentation; or (v) increased flood hazard.

Officer’s comment

The site is marginally flood affected considering the designated flood level of 2.28m AHD, noting that the driveway level varies from 2m AHD to 2.3m AHD, with the lobby and recreational deck being at 3m AHD. The site does not have flood free access/egress for vehicles during 1% AEP flood events, however in a 1% AEP flood event, there is still flood free access and egress for pedestrians via the Boundary Street frontage. Based on the

above, officers are satisfied that the proposed development complies with the above acceptable outcomes.

6.3.3.2 Assessment against the overlay codes

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

Flood overlay code – Flooding risk

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO5 Development in flood affected areas must not cause, or have the cumulative potential to cause, damage, must not increase the level of risk to life, or be to the detriment of flood evacuation procedures.</p>	<p>AO5 Development does not:</p> <ul style="list-style-type: none"> (a) increase the number of people calculated to be at risk from flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes, or as identified within Council's Counter Disaster Plan (flooding); (e) place additional burdens on Council's resources or emergency services; (f) increase the duration of flooding, unless that increase is part of a Council approved flood mitigation strategy.

Flood overlay code – Access with respect to hazard

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO11 All proposed development must demonstrate that sufficient access or egress will be available to enable evacuation during a range of floods, up to and including the designated flood.</p>	<p>AO11 Development, not including underground car parks, must ensure that evacuation opportunities exist in accordance with the minimum levels of exposure outlined in Table 8.2.8-5: Table to acceptable outcome AO11, where means of access or egress may be:</p> <ul style="list-style-type: none"> (a) an access route that is below the level of the designated flood, provided that route is classed as a low hazard, as defined in Table 8.2.8-5: Table to acceptable outcome AO11; or (b) an access route that is not the main access route. However, it must remain effective for the duration of a range of flood events, up to and including the designated flood; or

	<p>(c) a temporary access arrangement, provided that access can be gained without significant preparation time being required.</p> <p>The access or egress must:</p> <p>(a) in the event of a designated flood:</p> <ul style="list-style-type: none"> (i) not expose users to undue risk; (ii) not cause, or have the cumulative potential to cause, real damage to land and/or premises; (iii) not interrupt or materially change the surface water drainage from or onto adjoining land; <p>(b) not create, in the event of a flood, a sudden change in flow distributions, flood level or velocity that could result in:</p> <ul style="list-style-type: none"> (i) the breaking of a levee; or (ii) the establishment of blockage of a breakout; or (iii) excessive scour; or (iv) sedimentation; or (v) increased flood hazard.
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Officer’s comment

The site is marginally flood affected considering the designated flood level of 2.28m AHD, noting that the driveway level varies from 2m AHD to 2.3m AHD, with the lobby and recreational deck being at 3m AHD. The site does not have flood free access/egress for vehicles during 1% AEP flood events, however in a 1% AEP flood event, there is still flood free access and egress for pedestrians via the Boundary Street frontage. Based on the above, officers are satisfied that the proposed development complies with the above acceptable outcomes.

6.3.3.3 Assessment against development codes

Assessment has been undertaken against the applicable Performance outcome or Overall outcome and Purpose for each subject matter as follows:

High-rise accommodation code – Tower cap design

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO9</p> <p>Tower cap design attractively integrates all signage, telecommunications, service structures, lift motor rooms and mechanical plants.</p>	<p>AO9</p> <p>No acceptable outcome provided.</p>

Officer’s comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required.

The roof top is characterised by extensive landscaping, enclosed circulation areas and open pergolas which contributes to a distinct Gold Coast Skyline.

Therefore, the proposal is considered to provide a roof cap arrangement which reinforces the Coolangatta skyline to meet the desired provisions of PO9 of the High-rise accommodation code.

High-rise accommodation code – Housing need and choice

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO10 Development provides a mix of housing sizes and affordability outcomes to meet housing needs.</p>	<p>AO10 No acceptable outcome provided.</p>

Officer’s comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required.

The development proposes 34 units containing a mix of 2, 3 and 4 bedrooms units. Officers consider that this unit mix located within the high density residential zone provides a sufficient mix of housing form and size.

High-rise accommodation code – Communal and private space areas

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO11 Communal space areas: (a) are accessible, useable and safe; (b) are designed for the subtropical climate, maximising outdoor living opportunities and enhancing amenity for residents; (c) enhance the attractiveness of the development; (d) provide opportunities for social interaction; and (e) create pleasantly shaded outdoor areas.</p>	<p>AO11.1 Communal space is provided at a rate of 6.5m² per dwelling and is designed for simultaneous use by individuals and groups.</p>

Officer’s comment

To comply with AO11.1, the development would be required to provide 221m² of communal open space. As the development provides 196m², the development does not comply with the acceptable outcome. Notwithstanding the above noncompliance with the acceptable

outcome, officers consider that the proposal complies with the performance outcome as follows:

The development includes 3 distinct communal open space areas as follows:

Ground Floor:

The ground floor area contains a pool and recreation deck.

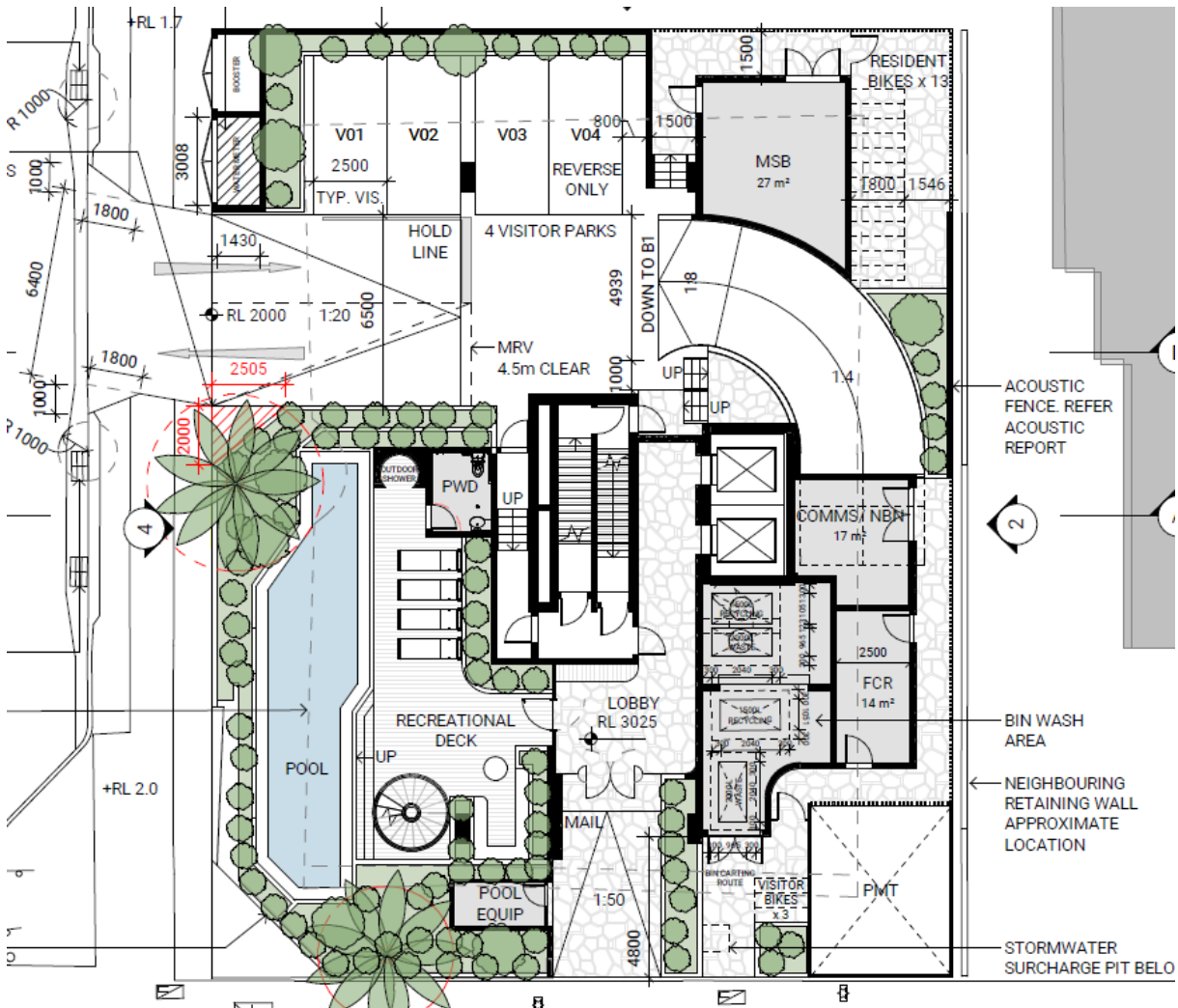


Figure 34: Proposed Ground Floor Plan (Source: Plus Architecture)

First Floor:

On the first floor, an indoor wellness/gym area is provided with a yoga/stretch balcony.



Figure 35: Proposed Level 1 Floor Plan (Source: Plus Architecture)

Roof Top:

The Roof level has been split into 2 open space areas with the northern portion being private open space for the exclusive use of the penthouse. The southern portion contains a large outdoor dining areas and BBQ that are provided as communal open space.

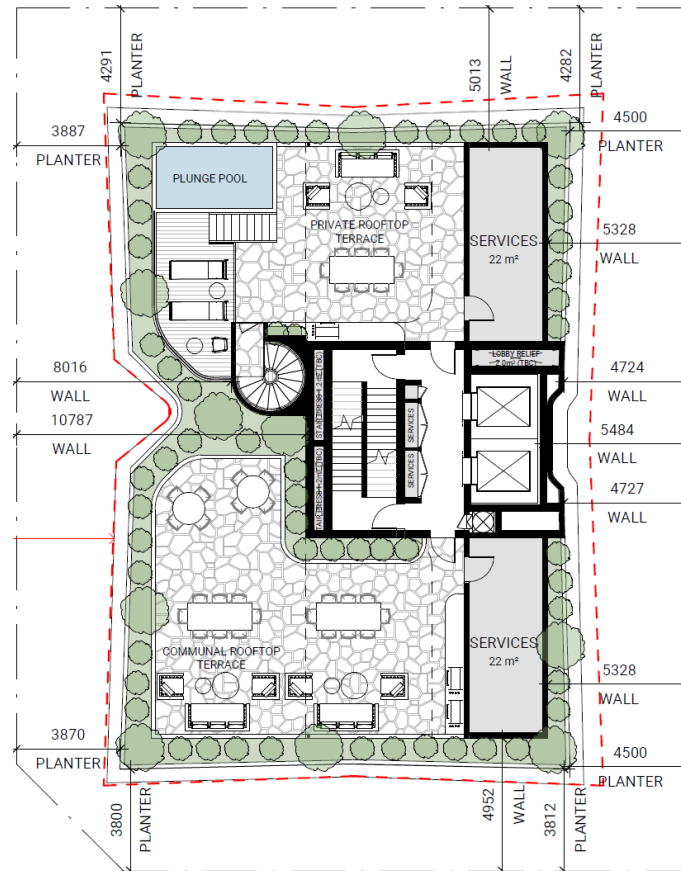


Figure 36: Proposed Roof Terrace Floor Plan (Source: Plus Architecture)

The above spaces are considered to provide usable areas that provide outdoor living opportunities for all residents that provide opportunities for social interaction to service the recreational needs of the residents.

High-rise accommodation code – Services

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO15 Servicing, utilities, loading and other ‘back of house’ activities are either located underground, screened or hidden away from public view.</p>	<p>AO15 No acceptable outcome provided.</p>

Officer’s comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required.

The applicant has sufficiently screened the utility areas from the frontage through the use of landscaping and architectural screening.

General development provisions code – Amenity protection

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO1 Development mitigates any negative effects to amenity, health and safety from existing surrounding activities having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) signage; (e) visual amenity; (f) wind effects; (g) privacy; (h) vibration; (i) contaminated substances; (j) hazardous chemicals; (k) odour and emissions; and (l) safety. 	<p>AO1 No acceptable outcome provided.</p>

Officer’s comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required.

The site is located within an established high density residential zone with the surrounding land uses predominantly consisting of short and long term accommodation with a limited number of small scale non residential uses. Given a residential use is proposed, officers consider that there are no negative amenity impacts with respect to the above.

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO2 The proposed development prevents loss of amenity and threats to health and safety, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) signage; (e) visual amenity; (f) wind effects; (g) privacy; (h) vibration; 	<p>AO2 No acceptable outcome provided.</p>

- | | |
|--|--|
| (i) contaminating substances;
(j) hazardous chemicals;
(k) odour and emissions; and
(l) safety. | |
|--|--|

Officer's comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required.

Officers consider that the proposal complies with the performance outcome as follows:

(a) noise;

An acoustic assessment has been undertaken, with assessment undertaken of noise emanating from the proposed development to the nearest sensitive receivers

The acoustic quality objectives and background creep criteria from the 'Environmental Protection (Noise) Policy' were used, as well as the World Health Organisation sleep disturbance criteria

Onsite noise sources assessed include car door closures, car pass-bys, car starts, car on ramp, noise from the recreation area, pool and level 1 gym, and the communal roof top recreational area and pool.

Results indicate that minor non-compliance is predicted at the residential receiver to the immediate north of the site. The following attenuation measures have been recommended to reduce noise levels to within the legislative criteria:

- Two metre high acoustic barriers are recommended to be constructed along the side boundaries of the development on the ground floor.
- Pools on the ground level and rooftop terrace hours of operation are to be between 7am to 10pm.
- Acoustic floor material is required for the gym, as well as provision of air conditioning and specific gym glazing.
- Deliveries are recommended to be conducted during the daytime only (7am to 6pm).
- New mechanical plant to be designed to comply with the legislative criteria.

(b) hours of operation;

Officers consider that the only potential amenity impacts from hours of operation would be from the communal open space areas. As such, a condition has been recommended limiting the operating hours of the communal open space from 7am to 10pm.

(c) traffic;

The applicant provided officers with a Traffic Impact Assessment (TIA) that quantified the additional traffic impacts as a result of the proposed development. This determined that the additional traffic would not have a significant impact on the surrounding road network.

(d) signage;

The development does not propose any signage.

(e) visual amenity;

As discussed earlier within this report, the proposed development achieves a high quality visual amenity outcome, providing for an attractive built form positively contributing to the visual amenity of the surrounding area.

(f) wind effects;

While officers are not anticipating any negative amenity impacts resulting from wind effects, a condition of approval requires the applicant to provide certification that demonstrates there are no negative wind impacts to pedestrians.

(g) privacy;

Given the orientation of the surrounding buildings, officers consider that the only potential privacy impacts would be to the adjoining property to the east of the subject site as a number of those units have either ground floor courtyards adjacent to the site or balconies/roof terraces in close proximity to the development.

Notwithstanding this, the development has been oriented so the living areas and balconies address Ward Street, with the windows on this façade of the development limited to bedroom windows. While this does not remove opportunities for overlooking, officers consider that it does reduce potential privacy impacts. Furthermore, in the context of the High density residential zone with an anticipated 38 metre code assessable building height, officers do not consider that it would be reasonable to screen the entire façade or to remove the windows entirely.

(h) vibration;

Officers acknowledge that there may be some vibrations generated during the construction phase of the proposed basement. This will be appropriately managed by a Vibration Management Plan which is recommended to be conditioned.

The management plan is required to be prepared in accordance with Council's Basement Construction Vibration Management Guideline which specifies vibration limits to surrounding buildings and requires the applicant to provide a basement construction methodology to council prior to any works commencing. During construction the applicant is also required to undertake monitoring to ensure that vibrations produced are consistent with the approved vibration management plan.

(i) contaminating substances;

The site is not contaminated and the proposal does not seek to introduce any contaminated substances.

(j) hazardous chemicals;

The proposal does not seek to introduce any hazardous chemicals to the site.

(k) odour and emissions; and

It is not anticipated that the proposed development would generate external emissions.

(l) safety.

Officers have recommended conditioning a Construction Management Plan to be submitted and approved by Council to ensure the site will be a safe environment for workers and pedestrians and that the proposed development will be constructed to meet all safety standards.

General development provisions code – Casual surveillance and lighting

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO6 Development facilitates casual surveillance of public areas and incorporates lighting to reduce opportunities for crime.	AO6 No acceptable outcome provided.

Officer's comment

As the City Plan does not provide an acceptable outcome, an assessment of the performance outcome is required.

The development includes balconies and a number of large windows to living areas providing for casual surveillance to each frontage.

Transport code – Car parking

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome	
PO1 Development provides off-street car parking to accommodate the parking demand.	AO1 Off- street car parking spaces are provided in accordance with the identified relevant table as follows:	
	Location	Off-street car parking rate
	All zones except: (a) Centre zone; (b) High density residential zone (where located in the Transport hub area in Figure 9.4.13-1); or (c) Special purposes zone – Special development area precinct – Southport Priority Development Area	Table 9.4.13-3

Officer’s comment

The development that proposed car parking in accordance with the following:

Component	AO requirement	Required spaces	Proposed
Resident	1.25 per 2 bedroom unit or dwelling	21.25 spaces	48
	1.5 per 3 bedroom unit or dwelling	24	
	2 per 4 bedroom unit or dwelling	1.5 spaces	
Visitor	2 plus 1 per 10 dwellings for visitors	6 spaces	6 spaces
TOTAL		52.75 spaces	54 spaces

Based on the above assessment it is considered the development complies with AO1 of the Transport code.

Transport code – Servicing

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO5 Development accommodates for the required design service vehicle, including waste collection vehicles to service the development.</p>	<p>AO5 Development is designed to cater for the largest service vehicle in accordance with Table 9.4.13-9: Minimum class of service vehicle.</p>
<p>PO6 Development is designed to ensure: (a) that areas are provided for loading and unloading of service vehicles; (b) that loading operations are contained wholly within the site; and (c) that pathways from service areas to tenancies are an appropriate width to allow for pallets and trolleys to manoeuvre without conflicting with doors, gates or landscaping.</p>	<p>AO6.1 Development is designed to provide for the design service vehicle in accordance with Table 9.4.13-8: Service vehicle requirements.</p>
	<p>AO6.2 Service areas are designed in accordance with AS 2890.2-2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</p>

Officer’s comment

AO5 of the Transport code requires that a Medium Rigid Vehicle (MRV) is accommodated on site in a standing area. While an MRV bay is proposed in the architectural drawings, the applicant has indicated that they cannot maintain 600mm clearance for a B99 vehicle when a MRV is standing on the site.

The applicant has therefore proposed to accommodate a smaller Small Rigid Vehicle (SRV) on the site. Under this proposal, larger MRVs must service the development from the street. There are two loading zones on street which can accommodate an MRV when required. Since the proposal relies in part upon on-street servicing to accommodate its servicing demand, compliance with AO5 and PO5 is not achieved. An assessment is therefore required against the Overall outcomes of the Transport code.

Overall outcome 9.4.13.2(2)(a)(ii) states:

ensures that onsite access and parking, manoeuvring and servicing areas are designed to result in a functional and efficient site layout that minimises impacts on surrounding areas and traffic movement.

The applicant has demonstrated via a swept path analysis that an SRV can stand on the driveway without compromising the function of the driveway and ramp signal management system operation. When an SRV is standing on the site, the driveway will operate as follows:

- An entering driver will stand their vehicle at the signal hold line as normal if there is a red signal.
- The exiting driver will pull their vehicle in behind the SRV, which will trigger the inbound signal to turn green.
- The entering driver will then proceed down to Basement 1.
- With the hold bay now clear, the exiting driver can then manoeuvre their vehicle around the SRV to depart the site.

The swept path analysis submitted by the applicant demonstrates that a B99 vehicle can pass the SRV in both directions as described above, thereby achieving compliance with AS2890.1. It is therefore considered that the proposed arrangement achieves a functional layout. However, to ensure an MRV does not attempt to access the site, Officers recommend a condition of approval which limits the largest service vehicle allowed to park on-site to an SRV. Additionally, Officers recommend the ground floor plan is amended in red to show a SRV standing area instead of a MRV standing area as currently shown.

While it is considered that an SRV will aid the servicing needs of the development, officers still consider that an MRV will be required to attend the site in a limited number of circumstances. As it cannot be accommodated on the subject site, officers have assessed the relevant overall outcome below:

Overall outcome 9.4.13.2(2)(e)(ii) states:

ensures development impacts on amenity caused by traffic and parking is consistent with the community's reasonable expectations for the intended use;

The applicant has indicated that when required an MRV can utilise the two existing loading bays on street as demonstrated in the Figure below:

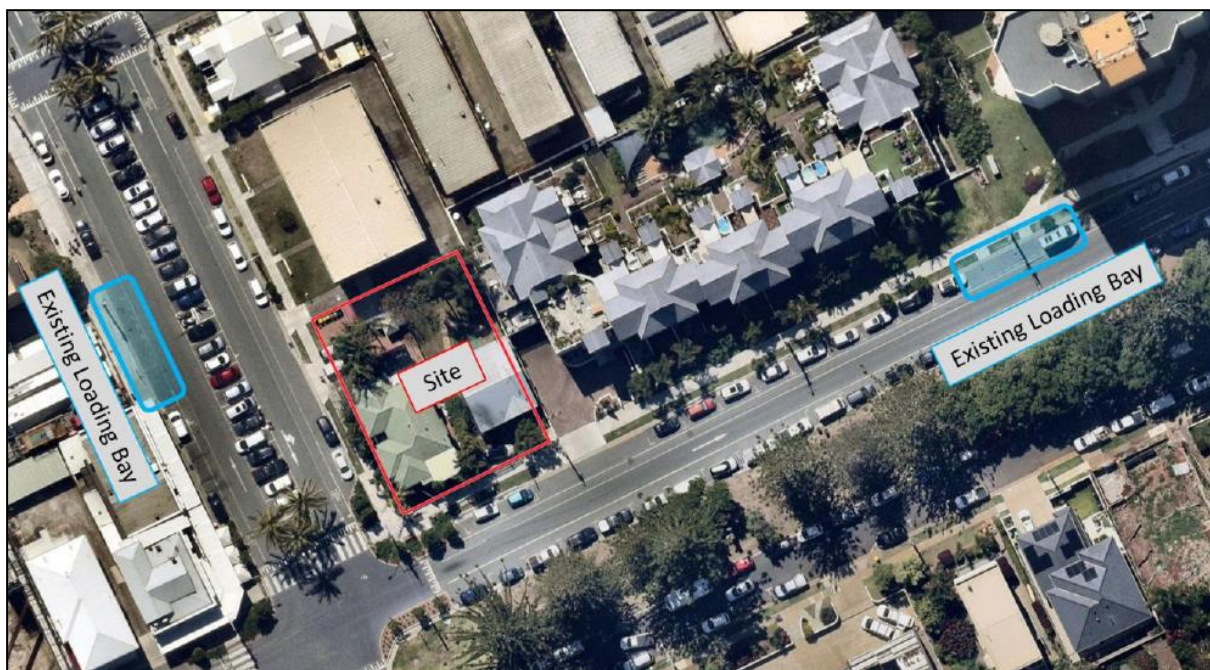


Figure 37: Locations of Existing Loading Bays (Source: TTM Consulting)

Officers note that:

- Both bays are suitable size to accommodate an MRV
- Both bays do not prescribe time limits

Based on the above, officers are satisfied that any service vehicle attending the site larger than an SRV can utilise loading bays within the surrounding road network in order to service the site which is considered within the communities reasonable expectations. Therefore the development complies with the relevant overall outcome.

Transport code – Active transport network

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
<p>PO10 Development ensures that adequate off-street bicycle parking and end-of-trip facilities are provided to encourage use and meet the needs and volumes of predicted pedestrian and cyclist users.</p>	<p>AO10.1 Development provides off-street bicycle parking and end-of-trip facilities in accordance with Table 9.4.13-10: Bicycle parking rates and Table 9.4.13-11: End-of-trip facilities for active travel users. Note: This AO does not apply to the following uses:</p> <ul style="list-style-type: none"> • Dwelling house; • Secondary dwelling; • Dual occupancy; or • Multiple dwelling (where there are 3 dwellings or less).
	<p>AO10.2 Development locates end-of-trip facilities within the site in close proximity to areas of bicycle parking and entrances to the site and/or building.</p>
	<p>AO10.3 Signage for end-of-trip facilities and bicycle parking areas is provided within the site at:</p> <p>(a) ground level, external to buildings, identifying the location of bicycle parking areas; and</p> <p>(b) at bicycle parking areas, indicating the location of end-of-trip facilities.</p>

Officer’s comment

To comply with AO10.1, the proposed development is required to provide 34 resident bicycle spaces and 14 visitor spaces. The submitted drawings show a total of 22 resident spaces and 3 visitor spaces. Compliance AO10.1 is not achieved, and assessment is required against PO10.

The proposed bicycle parking provided is considered to be in accordance with the Austroads requirements for Multiple residential dwellings. The proposed development is considered to comply with PO10.

7 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is \$825,453.48.

For further information on this matter, refer to the draft notice attached to this report entitled as Attachment: Infrastructure charges notice for the approved development.

Charges Resolution No. 1 of 2023

	Qty			Rate	Gross Charge Amount
Residential uses 2 bedroom	17	Dwellings	@	\$ 25,013.74	\$ 425,233.58
Residential uses 3+ bedroom	17	Dwellings	@	\$ 35,019.24	\$ 595,327.08
					\$ 1,020,560.66

Net Charge Summary

Gross Charge Amount	Applied Credit Amount	Net Charge Amount
\$ 1,020,560.66	\$ 195,107.18	\$ 825,453.48

Applied credit details

Credits applied for existing/ previous uses:
 Lot 6 RP1777 - 5 x 2bed Multiple Dwellings
 Lot 7 RP1777 - 2 x 3bed Dual Occupancy

8 REFERRALS

8.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions. If not previously included, internal referral comments and an overview of the recommended conditions are provided in the table below:

Technical advisor area	Conditions/Comments (if not included within report)
Architecture Assessment	Conditions: <ul style="list-style-type: none"> • Screening of visually offensive components • Certification of works • Construction documentation drawings – Architecture and Urban Design • Pre-start inspection
City Assets	Conditions: <ul style="list-style-type: none"> • Rectification of Council’s infrastructure • Existing infrastructure, structures and services • Driveways and vehicular crossings Advice Notes: <ul style="list-style-type: none"> • Development infrastructure • Further development permits / compliance permits • Connections to, alteration or realignment of Council infrastructure
Environmental Assessment	Conditions: <ul style="list-style-type: none"> • Acid sulfate soils management plan • Certification of works
Geotechnical Engineering	Conditions: <ul style="list-style-type: none"> • Certification of works - Geotechnical Engineering • Supervision of works
Health and Regulatory Services	Conditions: <ul style="list-style-type: none"> • Approved Plans

	<ul style="list-style-type: none"> • Hours of operation and loading and unloading • Certification of works - Health and Regulatory Services
<p>Hydraulics and Water Quality</p>	<p>Conditions:</p> <ul style="list-style-type: none"> • Approved plans • Private infrastructure • Flood emergency management plan (FEMP) • Gross Pollutant Traps (GPTs) • Amended SQIDEP stormwater quality proprietary treatment device • Overland flow paths and hydraulic alterations • Maintenance of stormwater quantity and proprietary treatment devices • Certification of works - Hydraulics and Water Quality • Erosion and sediment control • Sand management plan • Dewatering management plan <p>Advice Notes:</p> <ul style="list-style-type: none"> • Stormwater • Flood • No flood free access / egress • Flood inundation <p>Property Notifications:</p> <ul style="list-style-type: none"> • Stormwater • Flood • No flood free access / egress • Flood inundation
<p>Landscape Assessment</p>	<p>Conditions:</p> <ul style="list-style-type: none"> • Approved drawings • Landscaping works on private land • Maintenance of planter boxes & tree pruning • Existing structures and services • Hold point inspection • Certification of works – Landscape Assessment <p>Advice Notes:</p> <ul style="list-style-type: none"> • Further development permits / compliance permits
<p>Plumbing and Drainage</p>	<p>Conditions:</p> <ul style="list-style-type: none"> • Plumbing and drainage works
<p>Subdivision Engineering</p>	<p>Conditions:</p> <ul style="list-style-type: none"> • Amended drawings • A Volumetric Road Opening • Electrical reticulation • Telecommunications network

<p>Transport Assessment</p>	<ul style="list-style-type: none"> • Certification of works - Subdivision Engineering <p>Conditions:</p> <ul style="list-style-type: none"> • Amended drawings • Off street vehicle and car parking facilities • Off street bicycle parking and end of trip facilities • Loading and unloading (excluding waste collection vehicles) • Off street ramp signal management system • Footpaths • Certification of works <p>Advice Notes:</p> <ul style="list-style-type: none"> • Development infrastructure • Further development permits / compliance permits
<p>Water and Waste</p>	<p>Conditions:</p> <ul style="list-style-type: none"> • Approved Plans • Requirement to register easements – Water Supply • Restrictions regarding Council easements and sewer and water supply infrastructure • Screening of visually offensive components • Rectification of Council’s infrastructure • Sewer connection • Water connection • Sub-metering • Fire loading • Solid waste collection arrangement • Bin type, storage capacity and storage points • Storage point / waste room – bulk bins • Servicing point – bulk bins • Waste chute • Certification of works - Water and Waste • Certification of works – Water and Waste (Solid Waste Management) • Pre-start inspection • Hold point inspection – Solid Waste <p>Advice Notes:</p> <ul style="list-style-type: none"> • Works in properties other than the development land • Council water and sewer mains to be protected during site works • Connections and disconnections • Water meter sizing • Further development permits / compliance permits • Connections to, alteration or realignment of Council infrastructure • Operational Works meeting prior to lodgement

	<ul style="list-style-type: none">• Design, Constructability and Minor change applications
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8.2 External referrals

There is no concurrence or advice agency(s) triggered by this development application.

9 PUBLIC NOTIFICATION

9.1 Overview

In response to public notification:

- 91 properly made submission/s were received, consisting of 91 objections, and
- 8 submission/s were received that were not properly made, consisting of 8 objections.

Officers have provided the below map showing the location of the submitters within the surrounding area. It should be noted that there were 17 submissions received from the adjoining unit building to the east however this only appears as 1 on the below map.



Figure 38: Submitter map showing local submissions

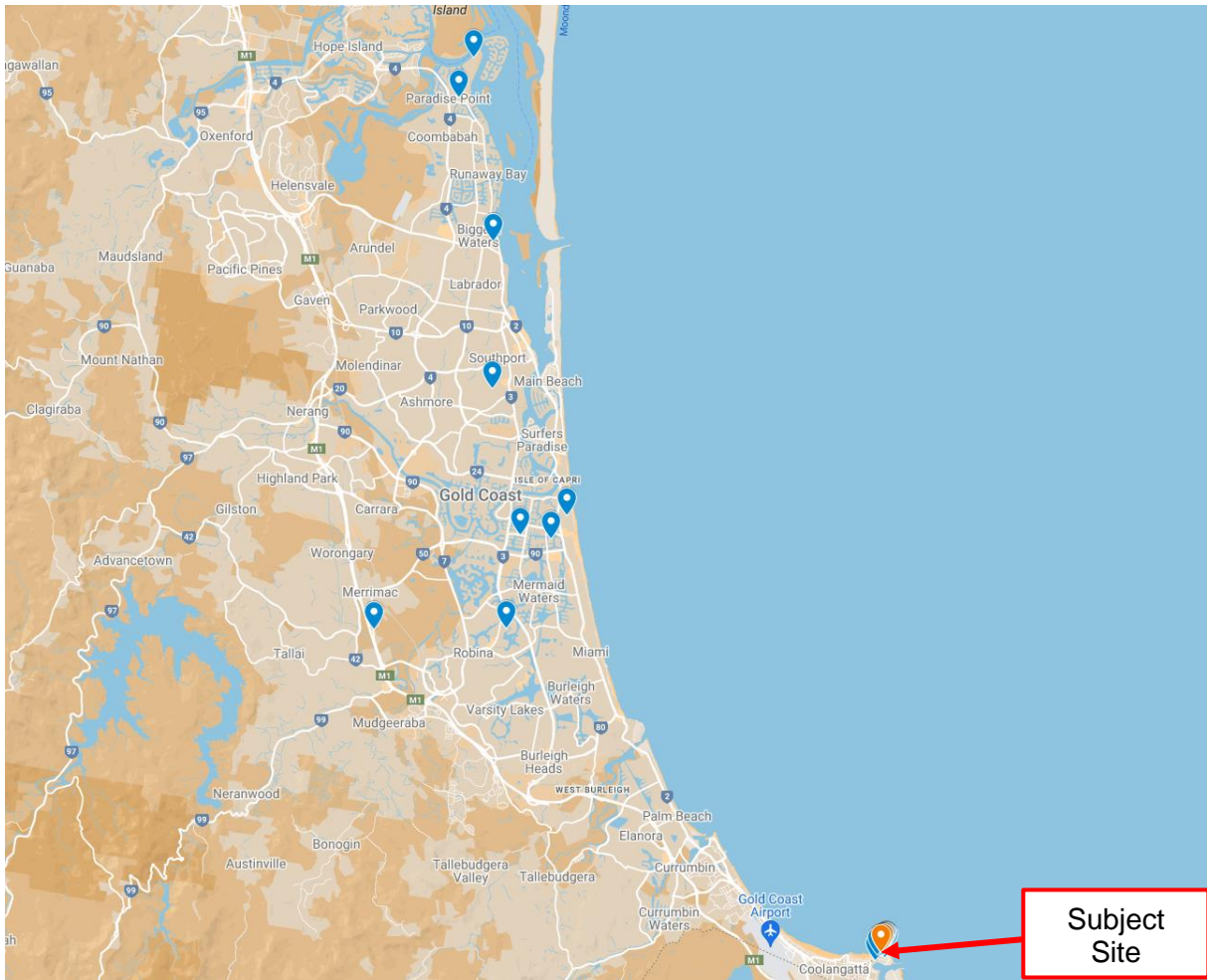


Figure 39: Submitter map showing wider context

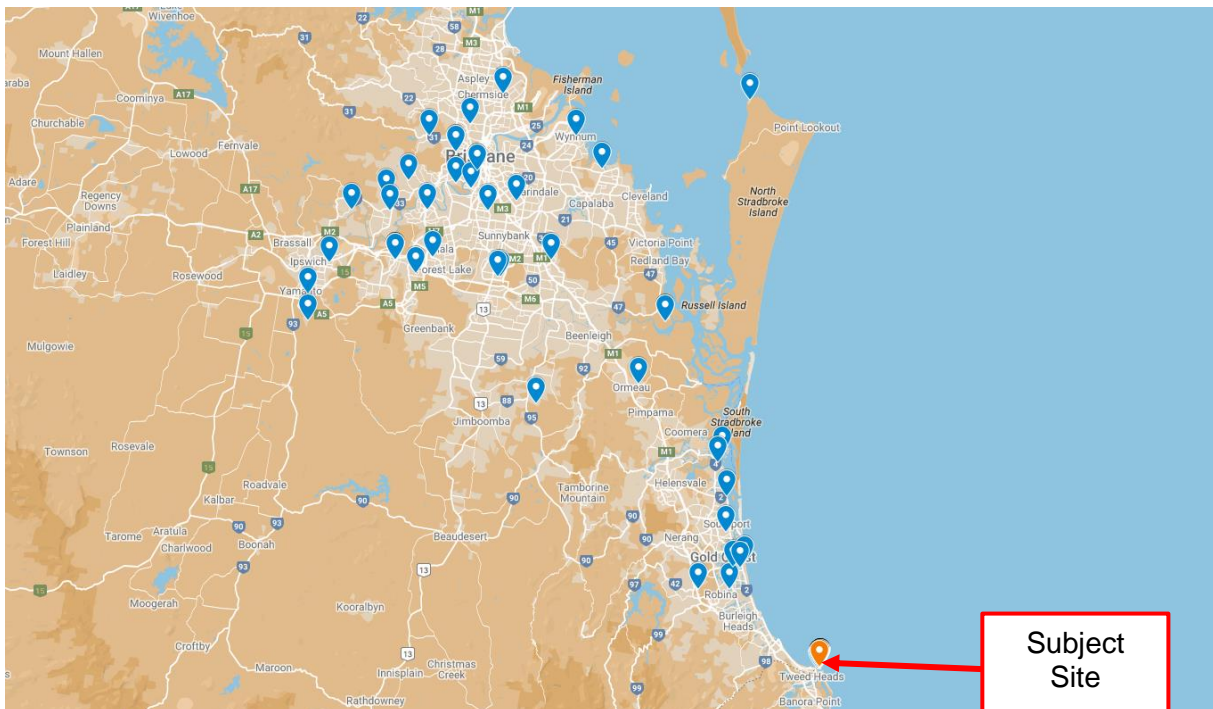


Figure 40: Submitter map showing wider context

8.1 Compliance with public notification requirements

The applicant has submitted a notice of compliance stating public notification has been completed in accordance with the requirements of the Development Assessment Rules under the *Planning Act 2016*.

8.2 Accepted submissions

Clause 19.1(b) of the Development Assessment Rules allows the assessment manager to accept a submission even if the submission is not a properly made submission.

In order for a submitter to have appeal rights under Schedule 1 of the *Planning Act 2016*, the submission must be a properly made submission.

In this instance, the assessment manager accepts the submissions in accordance with Clause 19.1(b), however the submitter does not have appeal rights.

8.3 Matters raised in submissions

The matters raised by submitters who made a properly made submission or a submission that has been accepted by the assessment manager are discussed below.

Matters	Officer's comment
<p><u>Building height (general)</u> Submitters raised general concerns with the proposed height of the building.</p>	<p>While this site is mapped with a code assessable building height of 38 metres, the City Plan provides provisions within the strategic framework (Specific outcome 3.3.2.1(9)) that afford additional building height of up to 50% above the Building height overlay map when the specific criteria within the specific outcome are complied with. Officers assessment of these provisions has determined that the proposal complies with specific outcome 3.3.2.1(9) and as such, is afforded additional building height.</p>
<p><u>Building height uplift provisions</u></p>	<p>Within a number of the submissions, submitters did not consider that the proposed development complied with the building height uplift provisions within specific outcome 3.3.2.1(9), with specific mention of the following points:</p>
<p><i>a reinforced local identity and sense of place</i></p>	<p>Officers have undertaken a detailed assessment of the locality with regard to building height, building appearance and land uses. This assessment has determined that the proposal will reinforce the local identity through a consistent building height while also providing an appropriate land use and building form that is typical of the surrounding locality.</p>
<p><i>a well managed interface with, relationship to and impact on nearby development,</i></p>	<p>Officers assessment has considered that a well managed interface has been provided</p>

<p><i>including the reasonable amenity expectations of nearby residents;</i></p>	<p>for both adjoining allotments through the use of setbacks and building features.</p>
<p><i>a varied, ordered and interesting local skyline</i></p>	<p>The building height assessment determined that a range of heights currently exist within the locality. The development contributes to this varied building height while also providing a building that does not exceed the highest building and has been well designed the provide for an interesting an attractive building.</p>
<p><i>an excellent standard of appearance of the built form and street edge;</i></p>	<p>Council's Architecture Assessment team have reviewed the proposed building and consider that it provides an excellent standard of appearance.</p>
<p><i>deliberate and distinct built form contrast in locations where building heights change abruptly on the Building height overlay map;</i></p>	<p>Officers do not consider that the site is within a location where the Building height overlay anticipates a deliberate built form contrast.</p>
<p><u>Loss of privacy</u> Submitters adjoining the development expressed concerns with the loss of privacy from the development.</p>	<p>The development has been oriented so the living areas and balconies address Ward Street, with the windows on this façade of the development are limited to bedroom windows. While this does not remove opportunities for overlooking, officers consider that it does reduce potential privacy impacts. Furthermore, in the context of the High density residential zone with a code assessable 38 metre building height, officers do not consider that it would be reasonable entirely screen the façade or to remove the windows entirely.</p>
<p><u>Density</u> Submitters contended that the density for the development was not appropriate for the location.</p>	<p>Officers assessment of the relevant overall outcomes of the High density residential zone code determined that the density is appropriate as follows:</p> <ul style="list-style-type: none"> • The nearest high frequency bus stop is located 550 metres away from the subject site, providing access to public transport. • The site is located 475 metres from the Coolangatta major centre, providing a range of employment opportunities as well as amenities that include social and community infrastructure. • Officer have confirmed with Councils Water and Waste section that there is sufficient capacity within the sewer and water networks to facilitate the

	<p>development.</p> <ul style="list-style-type: none"> • The applicant provided officers with a Traffic Impact Assessment (TIA) that quantified the additional traffic impacts as a result of the proposed development. This determined that the additional traffic would not have a significant impact on the surrounding road network. • The development provides a mix of dwelling types that include 2, 3 and 4 bedroom units. Officers consider that this mix of dwellings provides a sufficient mix of housing form. • While the proposal exceeds the code assessable building height identified within the Building height overlay map, officers assessment of the relevant uplift provisions within specific outcome 3.3.2.1(9) of the strategic framework have determined that the building height, appearance and form is appropriate.
<p><u>Setbacks</u> Submitters considered that the setbacks of the development did not meet the relevant provisions of the High density residential zone code.</p>	<p>Officers assessment of the performance outcome considered that it is appropriate as follows:</p> <ul style="list-style-type: none"> • The side setbacks proposed allow for a sufficient separation to the adjoining properties. • The units have been oriented to the street frontages resulting in only bedroom and bathroom windows facing the adjoining property to the east, which is considered to reduce potential privacy impacts to this neighbour. • On the ground floor the development includes landscaped garden beds that addresses both frontages, providing an attractive interface at the street level. • Above the street level, an attractive tower form has been provided utilising a range of features including building recesses, slab edge projections and timber battening that provide a positive contribution to the streetscape character. • Car parking has been provided in accordance with the transport code. • The setbacks provided allow for future

<p><u>Site cover</u> Submitters considered that the site cover of the development is too high and did not meet the relevant provisions of the High density residential zone code.</p>	<p>tower separation.</p> <p>Officers assessment of the performance outcome considered that it was appropriate as follows:</p> <ul style="list-style-type: none"> • The development includes a range of landscaping including larger garden beds located on the ground and first floors in addition to planters located within the facade of the tower form providing an adequate balance between the built form and landscaping. • The building form includes large balconies and recesses providing for a distinctly residential building. • The dimensions of the site and the building provide for a sufficiently slender building that is accentuated through recesses in the building form. • Due to the dimensions of the building, it results in a shadow that does not restrict sunlight to any of the surrounding dwellings for long periods of the day.
<p><u>Traffic and pedestrian impacts</u> Submitters have raised concerns with the impact the development will have to the traffic and pedestrian safety.</p>	<p>With regard to Traffic, the applicant has provided a Traffic Impact Assessment (TIA) that has determined the likely traffic impacts from the development on the surrounding road network. This has been reviewed by Council’s Transport Assessment team who have determined that there will be no adverse traffic impacts from the development.</p> <p>With regard to pedestrian safety, the vehicle crossover has been suitably designed to provide the required pedestrian sightlines to ensure pedestrian safety is maintained.</p>
<p><u>Lack of car parking</u> Submitters have considered that the development does not provide adequate car parking.</p>	<p>The applicant has provided car parking in accordance with the rate specified within the Transport code of the City Plan. As such, officers consider that sufficient car parking has been provided.</p>
<p><u>Inappropriate landscaping outcome</u> Submitters did not agree with the applicant that an appropriate landscaping outcome has been provided.</p>	<p>The applicant has provided a range of landscaping within the ground floor of the development which is able to support a range of planting and a feature tree. Furthermore, planters are provided on the façade of the development for its entire</p>

	<p>height. In the context of the high density residential zone, officers are satisfied that an appropriate landscaping outcome has been provided.</p>
<p><u>Shadowing</u> Submitters raised concerns with the shadow impacts of the proposed development.</p>	<p>The shadowing of the development achieves compliance with the relevant acceptable outcomes of the General development provisions code.</p> <p>Further to this, the applicant provided a shadow analysis that has shown there are limited shadow impacts external to the site given the orientation of the site and the large road verge to the south.</p>
<p><u>Impact on the capacity of infrastructure</u> Submitters contended that there is not sufficient capacity within the surrounding infrastructure to cater for the additional density proposed.</p>	<p>Officers have been provided with a number of specialist reports from the applicant and advice from Council’s internal sections that demonstrate there is sufficient capacity within the surrounding infrastructure networks to cater for the proposed development.</p>
<p><u>Applicant information regarding building heights and demographics of surrounding units disingenuous</u> Submitters raised concerns with the accuracy of some of the information provided by the applicant particularly with the surrounding building heights and the demographics within the adjoining unit complex.</p>	<p>Officers acknowledge the concerns provided by submitters however consider that the building height information is accurate enough to make a valid assessment.</p> <p>With regard to the tenures within the neighbouring unit complex, this has not impacted on officers assessment.</p>
<p><u>Amenity issues during building construction</u> Residents of the area provided concerns that the construction of the development will impact on the amenity of the surrounding area.</p>	<p>Officers have recommended a condition that requires a construction management plan to be provided prior to any works commencing to ensure that impacts to amenity to the surrounding area are minimised.</p>
<p><u>Damage to neighbouring buildings during construction</u> Surrounding residents provided concerns that the development will cause construction to neighbouring dwellings during the construction works.</p>	<p>Officers seek to include conditions that require a construction management plan, vibration management plan and dewatering management plan.</p> <p>These management plans are required to be provided to Council prior to any works commencing which demonstrate the construction methodologies to be used during construction and how this will be carried out to mitigate any impacts to surrounding buildings.</p>

<p><u>Impact on property values and loss of views</u> Submitters surrounding the development expressed concerns that the development would restrict their views and impact on the property values.</p>	<p>The City Plan does not provide benchmarks that protect the view of surrounding dwellings nor the impact of property values.</p>
<p><u>Impact on the development from Electromagnetic Energy (EME) produced from a nearby telecommunications facility</u> A submitter expressed concerns with potential impacts from a nearby telecommunications facility on the proposed development.</p>	<p>The City Plan does not require an assessment of EME emissions on future developments. Furthermore, this is specifically controlled by the Federal Government rather than Council.</p>

10 BRISBANE 2032 OLYMPIC AND PARALYMPIC GAMES IMPACT

Not relevant or applicable to the assessment of this application.

11 CONCLUSION

Council is in receipt of an application for a development permit for a Material change of use for Multiple dwellings (34 units) at 239-241 Boundary Street, Coolangatta.

Officers' assessment of the relevant provisions within the strategic framework, High density residential zone code and relevant overlay and development codes consider that the development complies with the City Plan.

With reference to specific outcome 3.3.2.1(9) of the Urban neighbourhoods element of the strategic framework has determined that the building has been suitably designed to support an increase in building height above the height identified on the building height overlay.

It is recommended the application be approved, subject to conditions.

12 NOTIFICATIONS

The following property notifications will be applied:

<p>Stormwater</p> <p>There are development approval conditions applicable in relation to stormwater management on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice MCU/2023/15. A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline</p>
<p>Flood</p> <p>There are development approval conditions applicable in relation to flooding impacts on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice MCU/2023/15.. A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline</p>
<p>No flood free access/egress</p> <p>Owners and intended purchasers are advised the property does not have flood free access/egress during 1% AEP (Annual Exceedance Probability) flood event. Refer to Council of the City of Gold Coast's Decision Notice MCU/2023/15. A copy of Council's</p>

Decision Notice is available for viewing on Council's website
www.goldcoastcity.com.au/pdonline

Flood inundation

Owners and intending purchasers are advised that the basement and/or property is subject to inundation during extreme flood events. Refer to Council of the City of Gold Coast's Decision Notice MCU/2023/15. A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline

13 RECOMMENDATION

It is recommended that Council resolves as follows:

That Council approves (with conditions) the issue of a development permit for a material change of use for Multiple dwellings (34 units), in accordance with the conditions and property notifications set out in Attachment 1.