DELEGATED AUTHORITY REPORT FOR IMPACT ASSESSMENT DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING (45 UNITS) AT 122 MARINE PARADE, MIAMI
MCU/2025/155 **DIVISION NO. 12**

1 APPLICATION SUMMARY

Application information		
Address	122 Marine Parade, Miami	
Lot and plan	Lot 122 on SP284713	
Site area	7,284m^2	
Type of development and proposed use	Material change of use for Multiple dwelling (45 units)	
Categories of development and assessment	Impact assessment	
Properly made date	29 April 2025	
Decision due date	4 September 2025	
Applicant and Applicant's consultancy team	Monaco Property Group Pty Ltd – Applicant Urban Planning Services – Planning Consultant Koichi Takada & BDA – Architects LDG Landscape Architects – Landscape Architect Bitzios Consulting – Traffic Engineer MRA Environmental – Waste Management Consultant Arcadis – Civil Engineer Acoustic Works – Acoustic Consultant Jensen Bowers Surveying – Surveyor Mark Elliot Illustrations – Photomontages	
Owner details	Marsol Capital Pty Ltd	
City Plan version	Version 11	
Zone / Precinct	Medium density residential zone	
Overlays	Acid sulfate soils Airport environs Building height: 3 storeys & 15 metres Coastal erosion hazard overlay Dwelling house Environmental significance – vegetation management Landslide hazard Residential density: RD6 – 1 bed / 33m^2	
Submissions	**Objections**	**Support**

	9	21
Key matters raised by submitters	• Vehicle access from Fraser Avenue • Lack of street parking	
Referral agencies	Not applicable	
Officer's recommendation	Approval, subject to conditions	

2 PROPOSAL

The purpose of this report is to assess an application for a Development permit for a Material change of use for Multiple dwellings at 122 Marine Parade, Miami.

The City Plan defines the proposed Multiple dwelling as follows:

> *"A residential use of premises involving three or more dwellings, whether attached or detached, for separate households."*

Table 5.5.2 of the City Plan categorises the land use as subject to Impact assessment as the development which is proposed to have a building height of five storeys and 22.46 metres will exceed the mapped maximum building height of three storeys and 15 metres identified on the building height overlay map.

2.1 Brief description of proposed development

The development key details of the proposal are outlined in the table below:

<table>
<tr><th colspan="6">Development proposal</th></tr>
<tr><td>Height</td><td colspan="5">5 storeys and 22.46m</td></tr>
<tr><td>Density</td><td colspan="5">1 bed / 41.86m^2</td></tr>
<tr><td>Apartment yield</td><td colspan="5"><u>45 units and 174 beds:</u>
• 1 x 2 beds
• 25 x 3 beds
• 14 x 4 beds
• 1 x 7 beds
• 2 x 8 beds
• 2 x 9 bed
Note: the number of bedrooms also considers MPRs which could be converted to beds in the future.</td></tr>
<tr><td>Setbacks</td><td></td><td>Front (east)</td><td>Rear (west)</td><td>Side (north)</td><td>Side (south)</td></tr>
<tr><td></td><td>Ground</td><td>8.9m (wall)</td><td>4m (wall)</td><td>6.2m (wall)</td><td>5m (wall)</td></tr>
<tr><td></td><td>Levels 1-3</td><td>• 5.5m OMP (balcony)
• 8.9m (wall)</td><td>• 3.8m OMP (wall)
• 5m (wall)</td><td>• 3.4m OMP (planter)
• 3.5m (balcony)
• 5.7m (wall)</td><td>• 3.5m OMP (balcony)
• 5.7m (wall)</td></tr>
<tr><td></td><td>Level 4</td><td>• 4.3m OMP (balcony)
• 18.1m (wall)</td><td>• 3.8m OMP (wall)
• 5m (wall)</td><td>• 3.4m OMP (planter)
• 3.5m (balcony)</td><td>• 4.3m OMP (balcony)
• 5.7m (wall)</td></tr>
</table>

				• 5.7m (wall)	
	Rooftop	14.6m (planter)	• 3.8m OMP (planter) • 5.5m (wall)	• 3.5m (planter) • 10.2m (wall)	• 3.5m (planter) • 10.2m (wall)
Site cover	56.9%				
Car parking	147 spaces • 139 resident spaces • 8 visitor spaces				
Access	• Pedestrians: primary access obtained via Marine Parade (eastern frontage) • Vehicles: Fraser Avenue (northern frontage) • Service and waste collection vehicles: Nagel Avenue (southern frontage)				
Servicing	On-site standing area for a Medium rigid vehicle located at the southern side of the development from Nagel Avenue				
Waste management	• 1 x 1,100L general waste bulk bin and 1 x 1,100L recycling bulk bin • Bins are stored at the south-eaten corner of the site within a bin room • On-site waste collection to occur from the Nagel Avenue entrance from a temporary bin store • Bins are to be serviced one/two times per week as required by private waste collection • Provision for a rear lift waste collection vehicle				
Communal space	2,755m^2 comprising 2 pools, landscaped seating, gym areas, recovery pools and dining facility.				
Private open space	Each unit provided with large ground floor courtyards, balconies and private roof top terrace areas.				

The following perspectives, floor plans and elevations identify the proposed development.



Figure 1: Eastern frontage perspective - Marine Parade (Source: BDA/Koichi Takada Architects)



Figure 2: Northern frontage perspective - Fraser Avenue (Source: BDA/Koichi Takada Architects)



Figure 3: Southern side perspective - Nagel Avenue (Source: BDA/Koichi Takada Architects)



Figure 4: Perspective of communal open space (Source: BDA/Koichi Takada Architects)

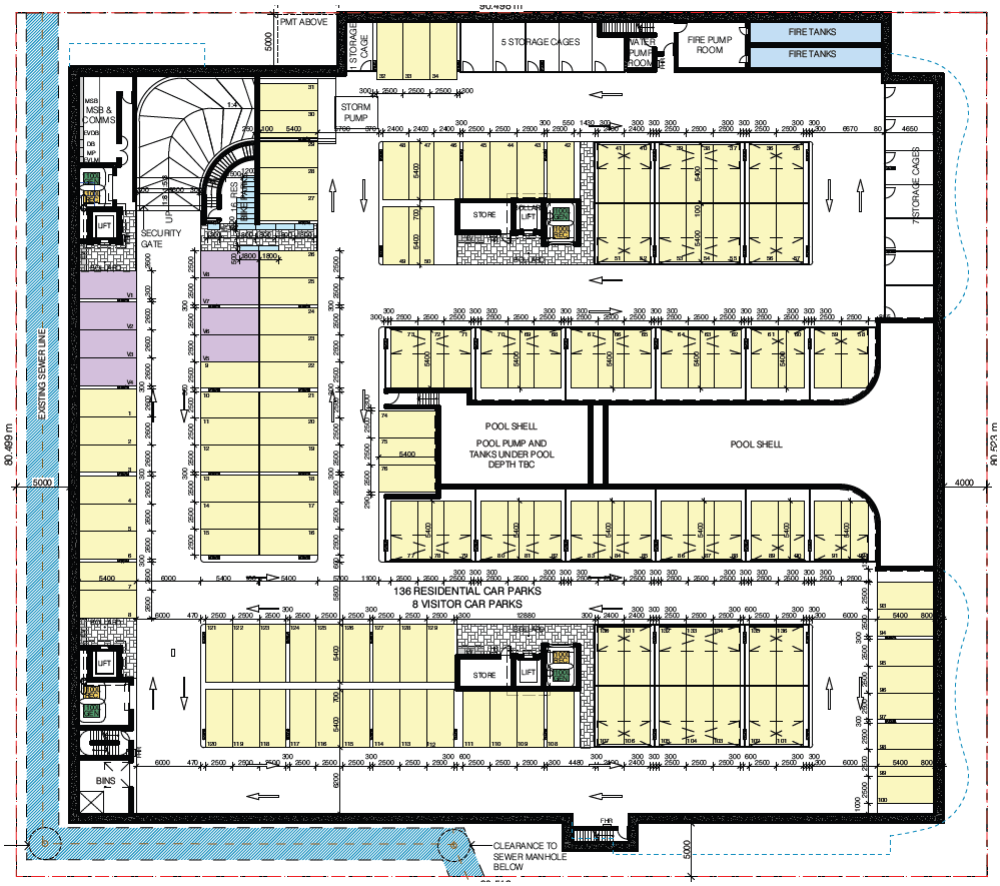


Figure 5: Basement plan (Source: BDA/Koichi Takada Architects)

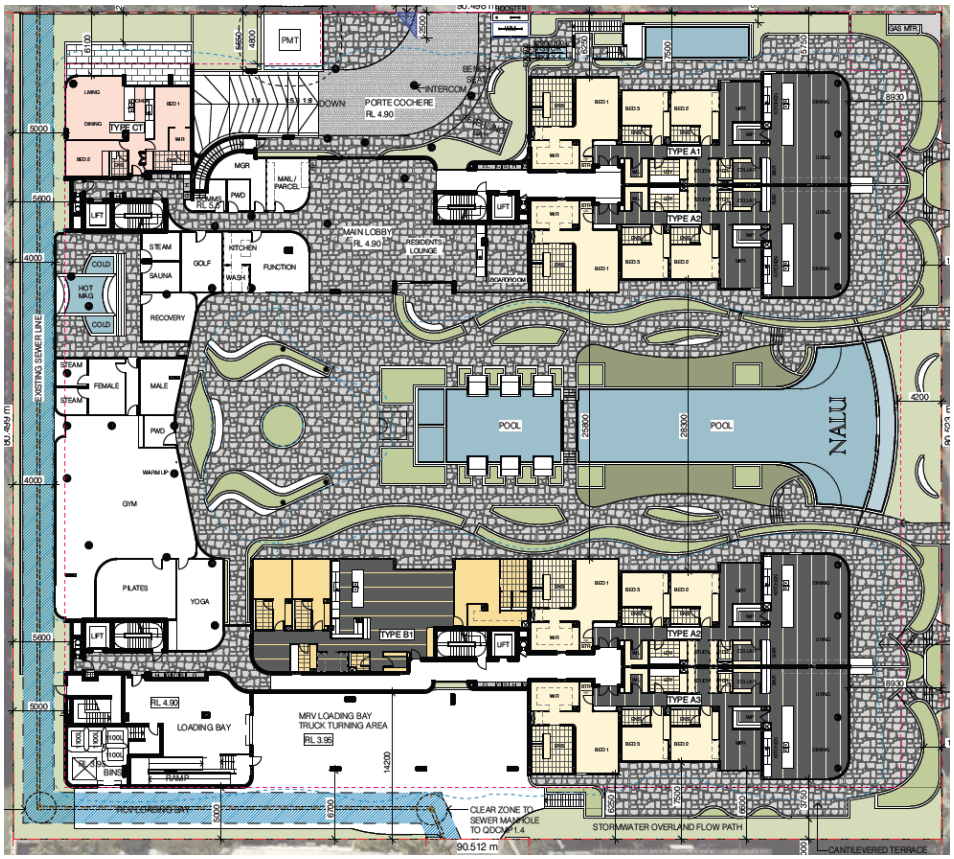


Figure 6: Ground floor plan (Source: BDA/Koichi Takada Architects)

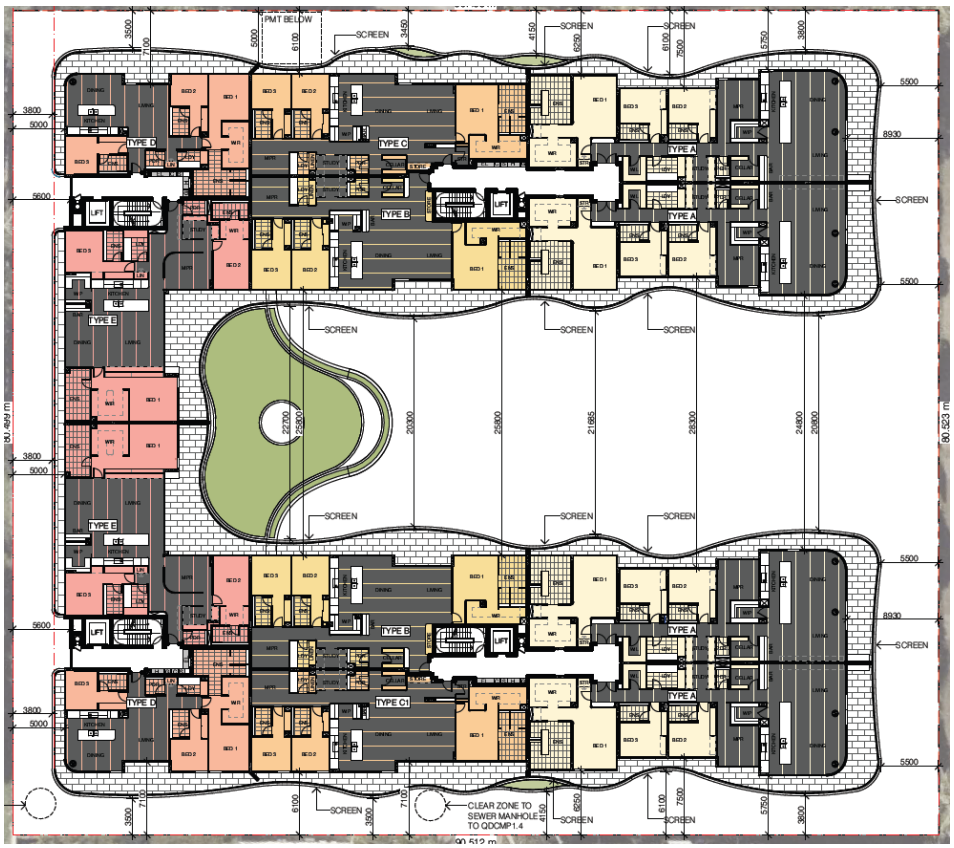


Figure 7: Level 1 floor plan (Source: BDA/Koichi Takada Architects)

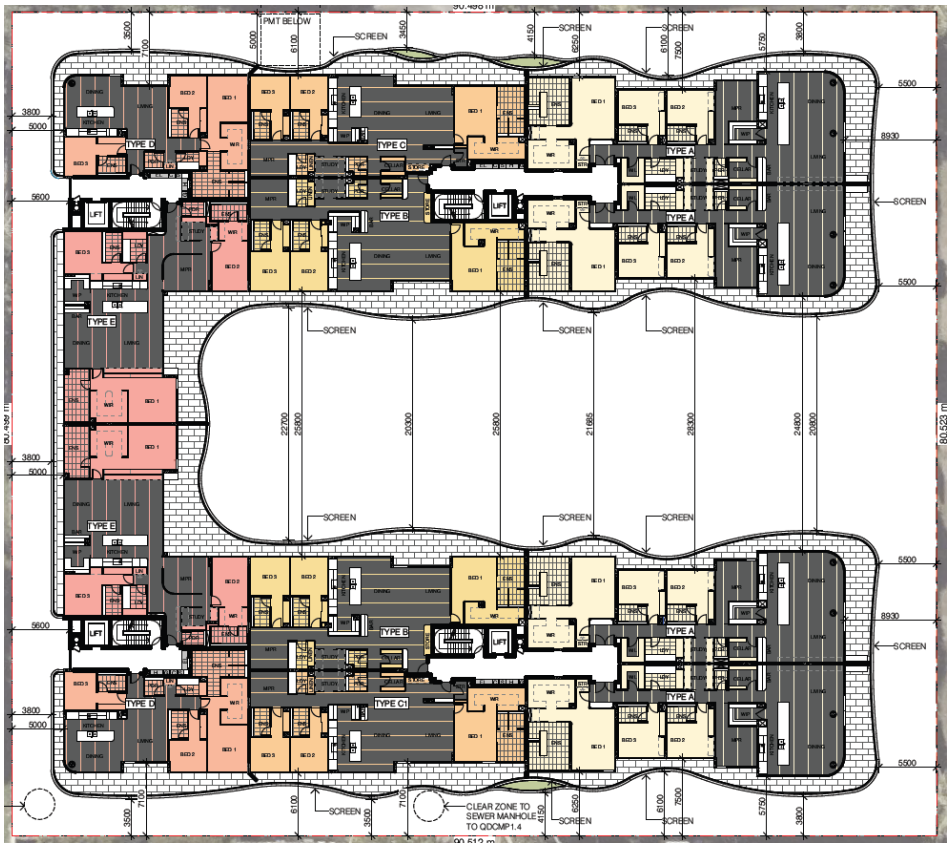


Figure 8: Level 2 floor plan (Source: BDA/Koichi Takada Architects)

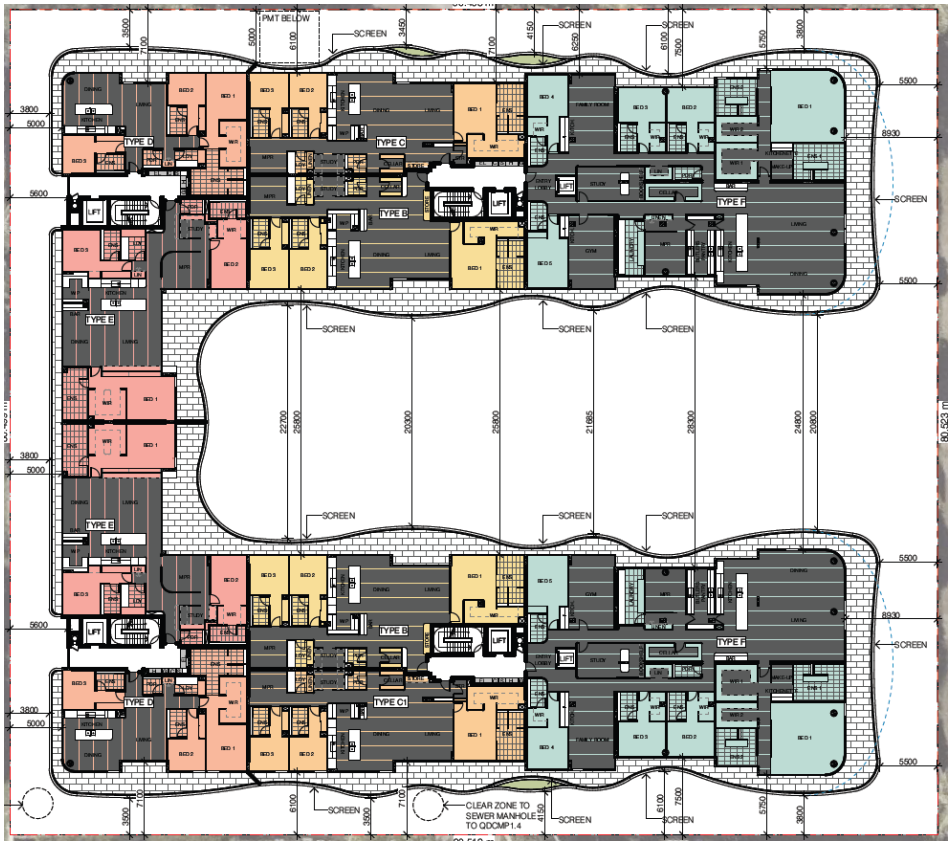


Figure 9: Level 3 floor plan (Source: BDA/Koichi Takada Architects)



Figure 10: Level 4 floor plan (Source: BDA/Koichi Takada Architects)

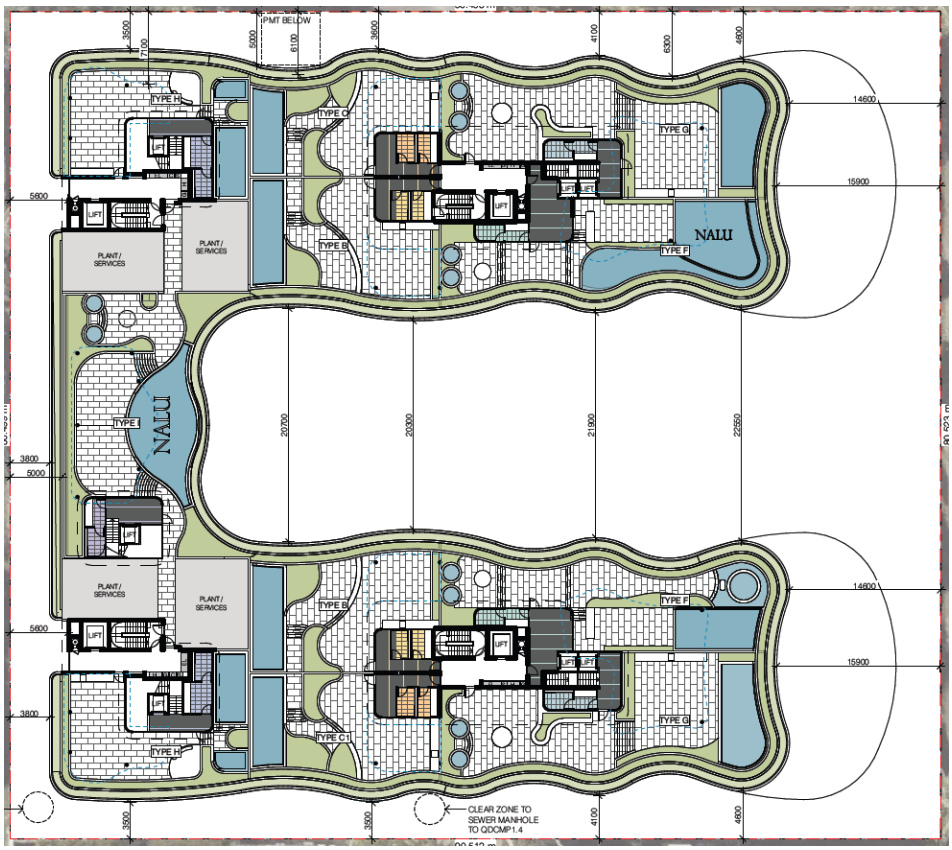


Figure 11: Roof top plan (Source: BDA/Koichi Takada Architects)



Figure 12: Eastern elevation (Source: BDA/Koichi Takada Architects)



Figure 13: Western elevation (Source: BDA/Koichi Takada Architects)



Figure 14: Northern elevation (Source: BDA/Koichi Takada Architects)



Figure 15: Southern elevation (Source: BDA/Koichi Takada Architects)

3 KEY CONSIDERATIONS

The key considerations of the proposal include:

Building height

The development application seeks to establish Multiple dwelling (45 units) with a building height of five storeys and 22.46 metres, exceeding the code building height of three storeys and 15 metres as identified by the Building height overlay map.

In Urban neighbourhoods, Specific outcome SO3.3.2.1(9) allows for increases in building height up to a maximum of 50% above the Building height overlay map in limited circumstances, subject to satisfying certain criteria. As the code height is three storeys and 15m, this would represent four storeys and 22.5 metres.

As the proposal seeks a building height which exceeds this threshold in storeys, the development represents a non-compliance with Specific outcome SO3.3.2.1(10) by virtue of the storeys proposed, though it remains compliant in respect to metres.

Notwithstanding, a unique combination of circumstances applicable to the site warrants a favourable outcome. The combination of such circumstances informs how this development outcome is unique and achieves a beneficial planning outcome that outweighs the impacts caused by the non-compliance with the City Plan.

Officers are satisfied that despite non-compliance with Specific outcome 3.3.2.1(10), the development is appropriate and warrants support as it:

- Makes efficient use of the site as envisaged by the City Plan within an established, well connected Urban neighbourhood to deliver a mix of housing.
- Is compatible with the local area as it represents a built form outcome that is consistent with older and newer development which are above the mapped height.
- Presents a lack of impact in respect to the amenity expectation of adjoining residents, the visual streetscape cadence, road network and infrastructure as the development proposes a compliant density in accordance with the Residential density overlay map.

Further discussion is provided in section 5.3.1 of this report.

4 SITE CONTEXT

4.1 Subject site and immediate context

The subject site:

- Is a large regular shaped allotment with a width of approximately 80 metres and a depth of approximately 90 metres.
- Has three frontages where vehicle access is gained from being Marine Parade to the east (primary frontage), Fraser Avenue to the north and Nagel Avenue to the south.
- Is improved by a two-storey apartment building comprising 45 units and a large open communal open space within the centre called ‘Nalu.’
- Is burdened by sewer infrstaure which traverses the western and south-western perimeters of the site.
- Is not burdened by any easements.

- Is connected to all urban services including electricity, telecommunications, reticulated water and sewerage.

The below figures provide an aerial view and street view of the site.



Figure 16: Aerial view of the site (Source: Nearmap)



Figure 17: Eastern street view - Marine Parade (Source: Officer site visit May 2025)

Immediately to the:

- North: the site adoins road reserve being Fraser Avenue, as well as Open space zoning comprising the southern end of Lions Head Park and Fraser Avenue Reserve which provides a pedestrian conneciton between Fraser Avenue and Marine Parade.
- South: the site adjoins road reserve being Nagel Avenue and Medium density residential zoned land comprising two storey dwellings.
- East: the site abuts road reserve being Marine Parade. Opposite is Thorn Park and the Gold Coast Oceanway and foreshore.
- West: the site adjoins Open space zoning compring Lions Head Park and Nobby's Bluff commonaly refered to as 'Magic Mountain' as a result of an amusement park which operated until the 1980s.

4.2 Local context

The site is in Miami to the east of the Gold Coast Highway, opposite the Oceanway and foreshore nestled in front of Nobby's Bluff and Lions Head Park. It is in a well-established residential neighbourhood comprising a mix of dwelling typologies that is made of both older and newer developments which range in scale and density. Notable features in the locality include:

- Nobby's Neighbourhood centre 850 metres to the north-west
- Miami State High School 1 kilometre to the west
- Gold Coast Highway to the west
- Pizzey Park further west of the Gold Coast Highway
- The future Nobby Beach light rail station and Miami North light rail station.

The below figures provide a snapshot of the site's local zoning context.

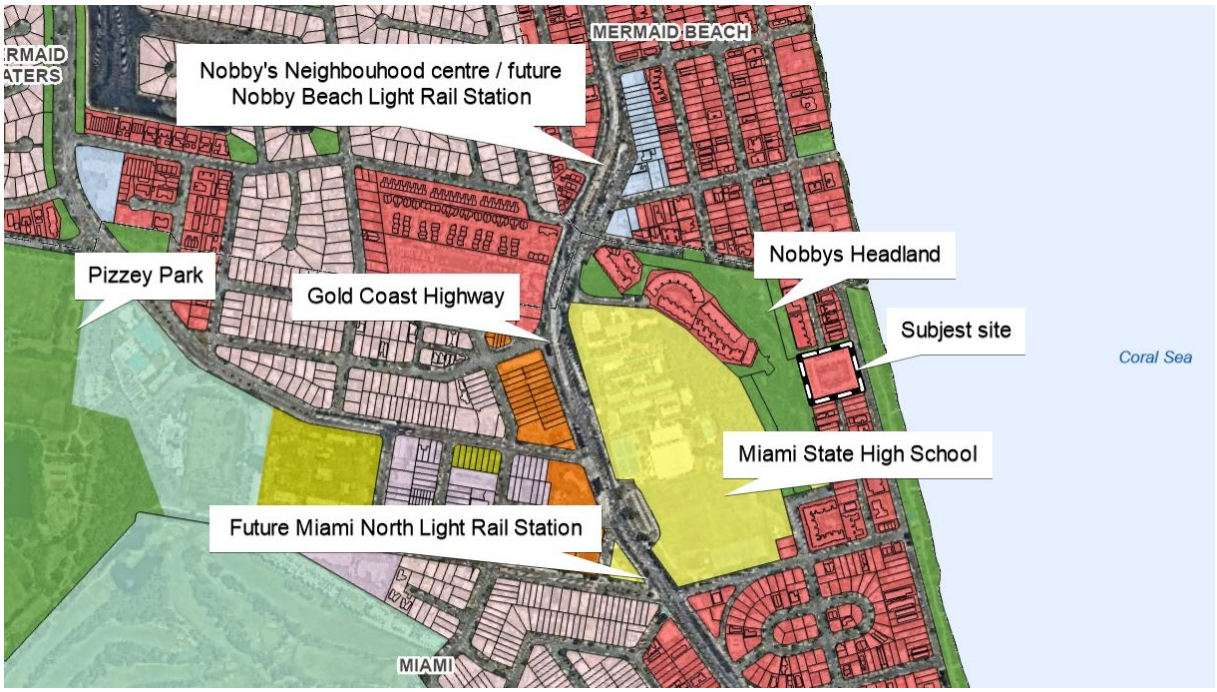


Figure 18: Local context (Source: COGC Mapping)

5 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.*

5.1 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 trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards). This is discussed in section 5.1.1 within this planning report.
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 2023 (ShapingSEQ).
Planning Regulation 2017	The proposal does not trigger assessment against any assessment benchmarks listed in a Schedule of the Planning Regulation 2017.

5.1.1 Assessment against the State Planning Policy

As shown in the below figure, the subject site is identified as an Erosion prone area as per State Planning Policy Mapping:

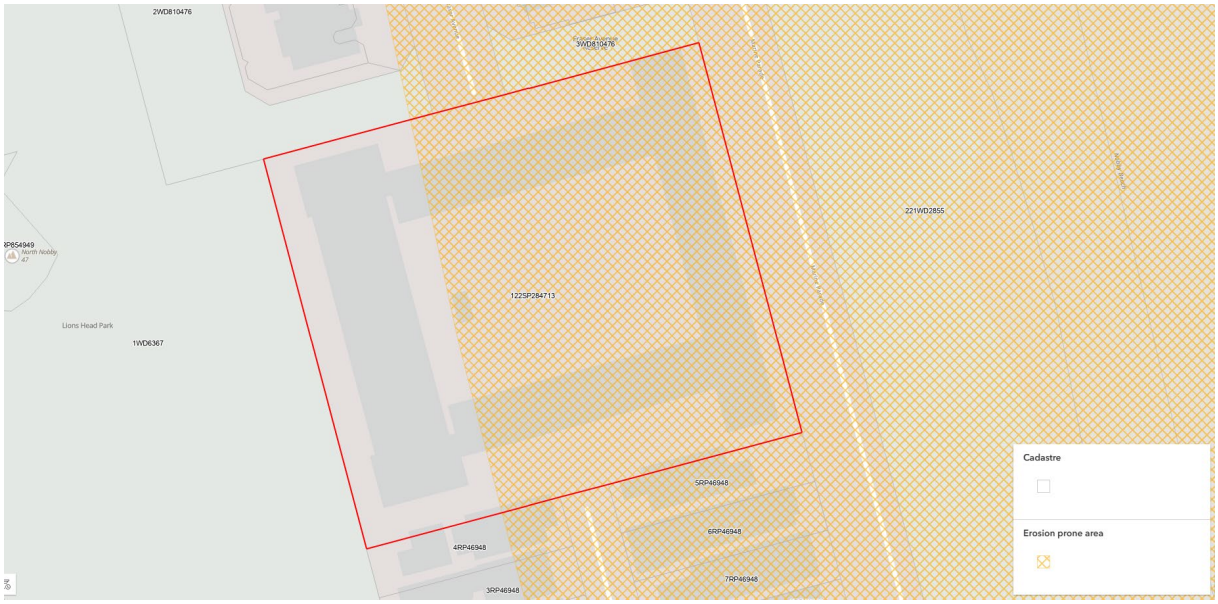


Figure 19: Subject site – Erosion prone area (Source: SPP Mapping)

The proposal has been assessed against the following assessment benchmarks in Part E – interim development assessment requirements of the State Planning Policy.

The following assessment has been provided by Hydraulics Assessment:

Assessment benchmark 3:
(3) Development…avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.
Officer's comment
The proposal mitigates the risks to people and property to an acceptable or tolerable level.

Assessment benchmark 4:
(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.
Officer's comment
The proposal does not hinder disaster management response or recovery capacity and capabilities.

Assessment benchmark 5:
(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.
Officer's comment
The proposal does not increase of severity of the natural hazard and the potential for damage on the site or to other properties.

Assessment benchmark 6:
(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.

Officer's comment
The proposal is for accommodation use. It is unlikely that the development will pose any risks to public safety and the environment from hazardous materials.

Assessment benchmark 7:
(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.
Officer's comment
The proposal will maintain the natural processes and the protective function of landforms and vegetation on site.

Having regard to the above assessment, it is considered that the proposal complies with the applicable assessment benchmarks of Natural hazard, risk and resilience section of the State Planning Policy.

5.2 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 11)	The proposal is within the City Plan area of the City of Gold Coast. This is discussed in section 5.3 below. Local Government Infrastructure Plan There is no new trunk infrastructure required as part of this development.

5.3 City Plan

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

5.3.1 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	Urban neighbourhood element	Strategic framework map 1 – designated urban area • Urban area Strategic framework map 2 – settlement pattern • Urban neighbourhood

The subject site is identified on the Strategic framework map 2 – settlement pattern as being within an Urban neighbourhoods area (refer to figure below). As such, the Creating liveable places and the Urban neighbourhood element are relevant to this application.

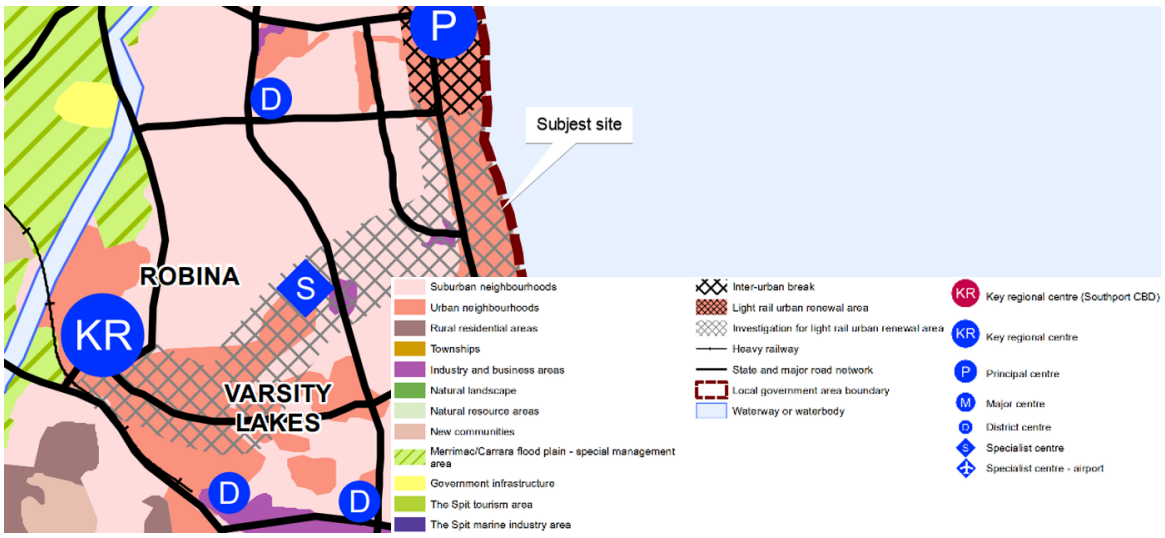


Figure 20: Strategic framework map 2 - settlement pattern (Source: City Plan)

The Building height overlay map identifies the subject site as having a mapped building height of three storeys and 15 metres.

The development is proposed to have a maximum building height of five storeys and 22.46 metres.

Given the proposed land use is a contemplated land use within the zone, assessment against the Strategic framework is focused on the proposed building height and related design criteria.

Assessment is provided as follows:

Strategic outcome 3.3.1 (3) – Creating liveable places

(3) Housing is provided in a form, height and scale consistent with the function, amenity and desired future character of local areas and centres, and promotes a sense of community cohesion and wellbeing. Housing is attractive and well-designed.

Strategic outcome 3.3.1(5) – Creating liveable places

(5) Varied building height and form throughout the city reinforces local identity, creates a sense of place and supports housing choice and affordability and the function and desired future appearance of each local area.

Specific outcome 3.3.2.1 (8) – Urban neighbourhoods

(8) 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.

Specific outcome 3.3.2.1 (9) – Urban neighbourhoods

(9) 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) the development is not located within The Spit Master Plan height sensitive area, as identified on the Building height overlay map;

(b) a reinforced local identity and sense of place;

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

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

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

(f) housing choice and affordability;

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

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

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

Note: Where the Building height overlay map shows both storeys and metres, the lesser of the two shall apply, and any fraction which results from the calculations shall be rounded down to the nearest floor or partial floor.

Specific outcome 3.3.2.1 (10) – Urban neighbourhoods

(10) Increases in building height, beyond 50% above the Building height overlay map, are not anticipated in urban neighbourhoods.

Note: No criteria have been identified for building heights which are more than 50% above the** Building height overlay map**, because such increases are in conflict with City Plan.

Note: Specific outcome (10) does not apply to the Urban neighbourhood within** The Spit Master Plan height sensitive area. This is because in this location increases beyond the Building height overlay map are in conflict with the City Plan**.

Specific outcomes 3.8.3.1 (1) - Urban design, character and community identity

(1) Development is cognisant of the function and desired future appearance of each individual area and reinforces or reinterprets the character of that area.

Officer's comment

In Urban neighbourhoods, specific outcome SO3.3.2.1(9) allows for increases in building height up to a maximum of 50% above the Building height overlay map in limited circumstances, subject to satisfying certain criteria. Therefore, the subject site could be afforded an increase in building height to four storeys and 22.5 metres. The proposed development seeks to increase the building height above the mapped building height of three storeys and 15 metres to five storeys and 22.46 metres which exceeds the 50% uplift in respect to storeys only.

Specific outcome SO3.3.2.1(10) provides that increases in building height beyond 50% above the Building height overlay map are not anticipated. Therefore, the development represents a non-compliance with Specific outcome SO3.3.2.1(10) by virtue of the storeys proposed, though it remains compliant in respect to metres.

Noting the non-compliance, a unique combination of circumstances applicable to the site support the proposed height. The combination of such circumstances informs how this development outcome is unique and achieves a beneficial planning outcome that outweighs the impacts caused by the non-compliance with the City Plan.

It is emphasised that consideration has been given to this proposal due to the site-specific circumstances applicable to the development and the subject site.

Despite the non-compliance with Specific outcome 3.3.2.1(10), support is warranted due to the unique site characteristics, the efficient use of land and the development providing an exemplar outcome which respects the character and amenity expectations of this locality.

The site is unique because:

- It presents a large developable site within an established urban area which is well serviced.
- The site has limited development constraints.
- The site has access to three separate road frontages.

The proposed development is considered to deliver housing in a form which respects the character and amenity of the immediate neighbourhood whilst ensuring a high quality residential outcome for future occupants. This is achieved by having a building height which does not exceed the 50% uplift in

metres, providing good building separation to adjoining development and achieving a high level of openness at the street edge as a result of the central communal open space.

The development will deliver 45 units, provides a surplus number of car parking spaces beyond what is required by Acceptable outcome AO1 of the Transport code, allows for on-site servicing and waste collection, provides generous landscaping at each interface and an exemplar communal open space outcome.

The development proposes a density of one bed per 41.86m^2, which does not exceed the prescribed density of one bed per 33m^2 as identified by the Residential density overlay mapping. In addition, the development has been reviewed by Water and Waste Assessment and Transport Assessment who are satisfied the surrounding water, sewer and road infrastructure has capacity to support the development.

Officers are satisfied that despite non-compliance with Specific outcome SO3.3.2.1(10), the development is appropriate and warrants support as it:

- Makes efficient use of the site as envisaged by the City Plan within an established, well connected Urban neighbourhood to deliver a mix of housing.
- Is compatible with the local area as it represents a built form outcome that is consistent with older and newer development which are above the mapped height.
- Presents a lack of impact in respect to the amenity expectation of adjoining residents, the visual streetscape cadence, road network and infrastructure as the development proposes a compliant density in accordance with the Residential density overlay map.

Notwithstanding the proposal not complying with the full requirements of Specific outcome SO3.3.2.1(10) in respect to storeys, the proposed building does achieve the specific outcome in respect to metres. On this basis, officers have considered the height proposed against the built form criteria of Specific outcome SO3.3.2.1(9) which allows for a 50% uplift above the mapped building height.

Assessment has been provided below.

(a) the development is not located within The Spit Master Plan height sensitive area, as identified on the Building height overlay map

Not applicable – the subject site is located outside of The Spit Master Plan area.

(b) a reinforced local identity and sense of place

In the urban context, this portion of Miami on the eastern side of the Gold Coast Highway is distinguished by an amalgam of residential land uses in varying scale and intensity. The broader neighbourhood is currently in a transitional state, with a recent pattern of redevelopment resulting in the replacement of older housing with contemporary built form outcomes. It is noted that the intensity of residential development within the local area is typically at its greatest along the foreshore area and Gold Coast Highway corridor, where apartment buildings and luxury houses are common.

For this assessment, the local area is defined as the stretch of coastal blocks between the Gold Coast Highway to the west, Albatross Avenue and The Esplanade to the east, Seashell Avenue to the north and Santa Monica Road the south. The area is identified within the yellow dashed line in the figure below and represents predominantly Medium density residential zoned land which is mapped by the Building height overlay map with a height of three storeys and 15 metres.



Figure 21: Local area context (Source: CoGC Mapping)

The local area surrounding the subject site comprises a mix of buildings ranging between one to three storey detached dwellings, low rise apartments, with a predominate medium rise Multiple dwelling scale of three storeys. While it is acknowledged that the building height designation applicable to this area is three storeys and 15m, there are several local existing and approved examples proximate to the subject site that exceed the prescribed height limit.

The below table identifies some of these recent approvals.

MCU/2021/701 **2265-2269 Gold Coast Highway** **7 storeys and 22.07m** 	**MCU/2021/202** **77-79 Albatross Avenue** **4 storeys and 22.5m** 
MCU/2022/178 **4-6 Lavarack Road, Mermaid Beach:** **4 storeys and 21.65m** 	**MCU/2022/108** **33 Albatross Avenue** **4 storeys and 21.65m** 

Figure 22: Recent approvals exceeding three storeys / 15 metres (Source: CoGC records

In addition to the above, there are several older developments in the local area which exceed the mapped height. The below figures which have been provided by the applicant, provides a snapshot of building heights in storeys which are approved / constructed in the local area as well as a streetscape elevation showing building heights on this street. Of note, there is an existing five-storey building and nine storey building located on Marine Parade, both within 175 metres of the subject site.



Figure 23: Context analysis (Source: Urban Planning Services / BDA)

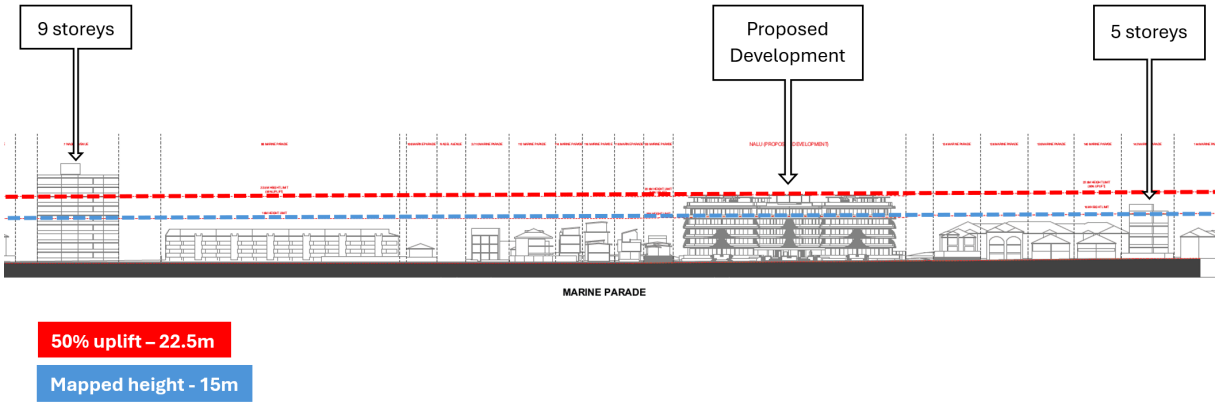


Figure 24: Streetscape elevation (Source: BDA / Koichi Takada Architects)

As made evident by the above, there is a pattern of development which exceeds the mapped height. Officers are satisfied the proposed development, despite exceeding the 50% uplift in storeys, maintains the local built form identity.

Further to the above, the development design and shape ensures that the combined height and scale does not dominate the streetscape given the site's unique frontage length which is approximately 80 metres. The development incorporates a 'U' shape centred around the communal open space. As a result, the building includes a large internal building separation at the eastern interface viewed from Marine Parade. As shown in the below figure, the design creates a sense of openness at the street edge and reduces any perceived built form intensity resulting from the additional height. In combination with the landscaping at the street edge, the development contributes to the envisaged built form character and streetscape appearance.



Figure 25: Eastern perspective (Source: BDA / Koichi Takada Architects)

As shown in the below figures, photomontages prepared by the applicant further strengthens officers' position that the developments scale and design reinforce the local built form identity by contributing to the varying scale and intensity of built form.



Figure 26: Photomontage of the development viewed from the north (Source: Mark Elliot Illustrations)



Figure 27: Photomontage of the development viewed from the south (Source: Mark Elliot Illustrations)



Figure 28: Photomontage of the development viewed from the south (Source: Mark Elliot Illustrations)

Beyond the dimensional characteristics of the proposal, the architectural expression is also a reflection of the local context and identity. The curvilinear slab projections, screening elements and natural colours contribute to the coastal vernacular of the local area. The architectural appearance of the development is further discussed against point (e) below.

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

The proposal is considered to result in a well-managed interface with adjoining development.

The development form proposes setbacks of 3.4 metres from the balconies and 5.7 metres from the wall lines at the northern and southern sides.

Having regard to:

- the site-specific circumstances,

- the lack of impact to adjoining development resulting from the additional height, and
- privacy and amenity protection

Officers consider the proposal to maintain a reasonable amenity outcome for surrounding residents.

Officers note the following adjoining site circumstances:

Northern side:

The development will directly adjoin road reserve and parkland. Further north are three storey residential uses as shown in the below figures.



Figure 29: Aerial view - northern interface (Source: CoGC Mapping)



Figure 30: Streetscape view - northern interface (Source: Officer site visit May 2025)

The development as this interface will provide setbacks of 3.5 metres from the balconies and 5.7 metres from the wall lines. These setbacks coupled with the parkland separating the subject site from the residential developments along Fraser Avenue, allows for generous building separation of at least 13.5m, in the context of this Urban neighbourhood.

The development at this side also provides curved balconies, areas of glazing, screening elements and integrated landscaping which provide an attractive, modulated design outcome.

It is not anticipated the proposal will impact upon nearby development at the northern side.

Southern side

At the southern side the development adjoins road reserve and two storey Dwelling houses as shown in the below figures.

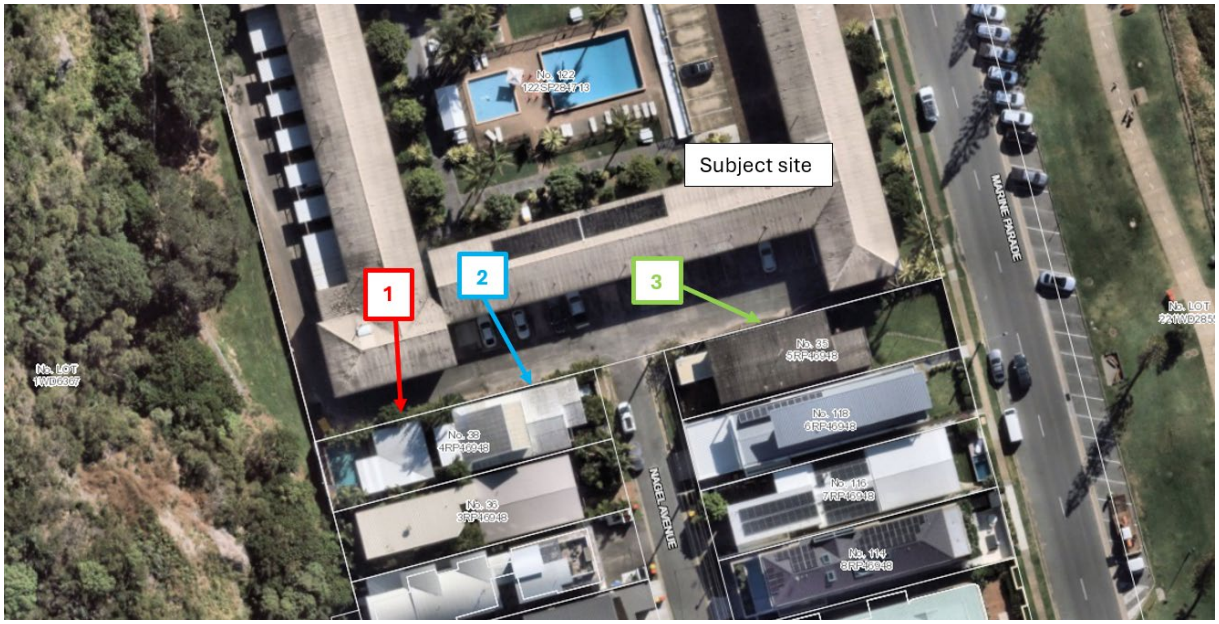


Figure 31: Aerial view - southern interface (Source: CoGC Mapping)



Figure 32: Southern side interface - Image 1 (Source: Officer site visit May 2025)



Figure 33: Southern side interface - Image 2 (Source: Officer site visit May 2025)



Figure 34: Southern side interface - Image 3 (Source: Officer site visit May 2025)

The development at this interface proposes setbacks of 3.5 metres from the balconies and 5.7 metres from the wall lines, providing appropriate building separation to the adjoining Dwelling houses.

Officers acknowledge that the balconies at this side have the potential for overlooking opportunities, however, as noted in the above figures, all windows and openings of the adjoining houses are either screened or include opaque glazing for privacy protection from the existing dwellings on the subject site.

As also noted in the above aerial image, the dwelling house adjoining the western portion of the site features private open space at the rear of the site. Officers consider the large setbacks and primary orientation of units towards the east to maximise view sheds, to provide a typical outcome which is not considered to result in any undue privacy impacts. Furthermore, the built form typology within the lots to the south consists of narrow lots and tight setbacks between dwellings, while this development results in a closer setback than the current built form, it still provides a significantly larger setback than is typical in the local context.

Servicing and waste collection will occur at the ground floor from the southern side of the development. Officers note that this location is also where the bins of the existing development are serviced for all 45 units.

The submission of an Acoustic Report has demonstrated that these activities will not result in undue amenity impacts to surrounding development. Section 8 of the Acoustic Report includes the following recommendations:

- The loading bay is recommended to be limited to daytime use between 7:00am and 6:00pm only.
- Carpark finished surfaces should consist of materials which provides low tyre squeal characteristics.
- Acoustic treatments should be applied to the underside of any roof/ceiling area of the servicing area as shown in the below figure.

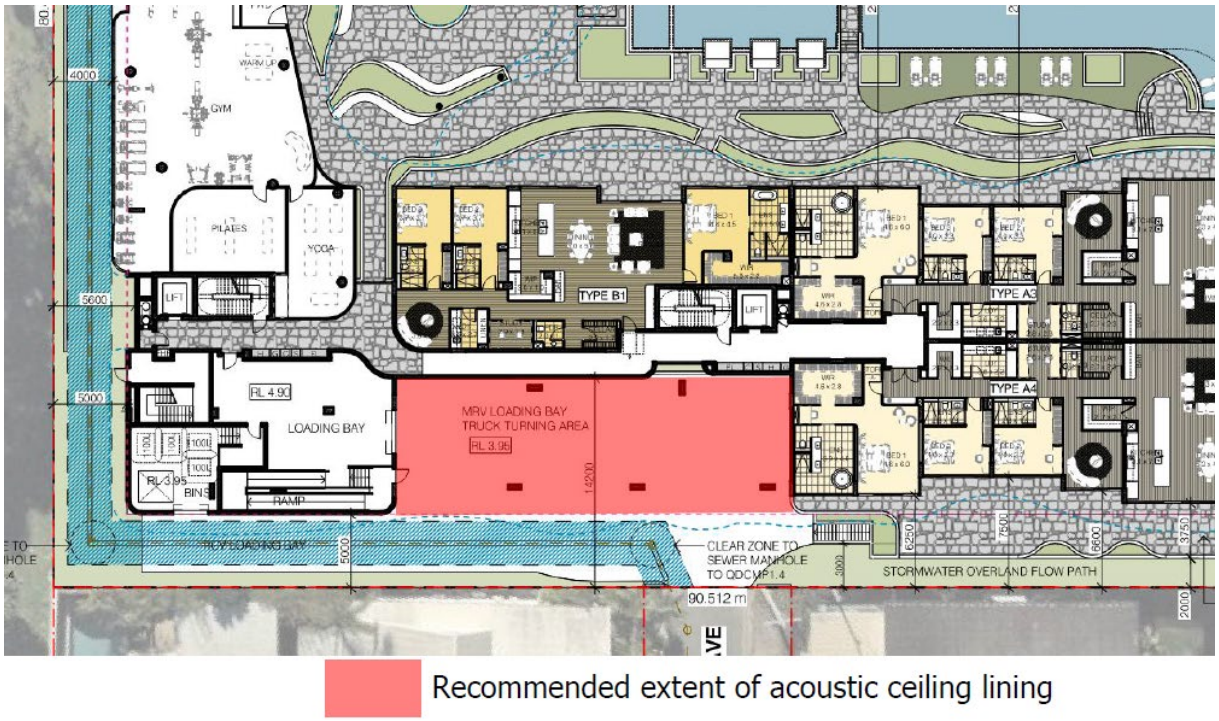


Figure 35: Recommended loading bay ceiling acoustic lining (Source: Acoustic Works)

To ensure the above recommendations are incorporated, the submitted Acoustic Report is recommended to form part of the approved plan set within the conditions of approval.

In the context of this locality, the building has a significant length at the northern and southern elevations which is a direct result of the proportions of the site. Officers are satisfied the development has been designed to ensure that the overall length is appropriately broken up to reduce any perceived built form intensity. The modulation of the curved balconies, soft finishes, neutral colour palette, screening elements and integrated landscaping ensure an attractive façade that is not anticipated to result in an overbearing or bulky form.

These design elements are shown in the below figures, as well as the floor plates which emphasize the curvilinear form.



Figure 36: Southern side perspective (Source: BDA / Koichi Takada Architects)



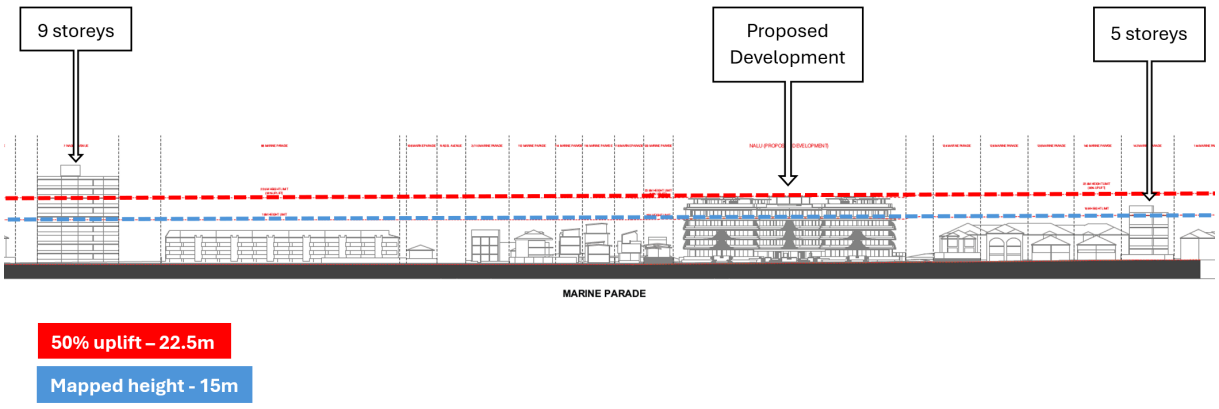
Figure 37: North-eastern perspective (Source: BDA / Koichi Takada Architects)

In addition, perimeter landscaping has been proposed at each side that will accommodate screening shrubs that will assist to soften the development and improve the amenity outcome for adjoining residents.

Based on the above assessment, the development achieves a well-managed interface to nearby development.

(d) a varied, ordered and interesting local skyline

It is considered the proposed development will contribute positively to the city's skyline. As shown in the below figure, the development contributes to a varied skyline, that maintains the predominate medium rise building height.



The roof form of the proposed development is varied when compared to the roof forms of the surrounding buildings. The roof top includes private recreational areas that are largely open with

layered landscaping at each perimeter edge and recessive rooftop structures which assist in reducing the perceived bulk of the upper levels.

In limited circumstances the City Plan contemplates a 50% building height uplift, subject to satisfying all applicable criteria. In this regard, a 50% uplift would represent a maximum height of four storeys and 22.5 metres.

Officers acknowledge that the development exceeds this provision in terms of the storeys however consider there to be specific circumstances which combine to achieve a beneficial planning outcome that outweighs the impacts caused by the non-compliance with the City Plan. In metres, the building height of the proposed development does not exceed the contemplated 50% increase and will assist in the objective of maintaining an ordered local skyline.

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

The development incorporates a quality appearance, utilising a visually pleasing composition of materials and finishes. In addition to architectural treatments, the built form includes an appropriate degree of articulation and modulation, and integrated landscaping embellishments.

To the Marine Parade frontage, the proposal presents a high-quality outcome with the visual appearance of two slender forms at the street edge with a deep central recess incorporating a central communal open space courtyard, which references the design of the existing buildings on site.

As vehicle access is gained from the northern and southern road frontages, Marine Parade, being the site's primary frontage, achieves a generous landscaping outcome which enhance the attractiveness of the development. This includes deep landscaping to accommodate tree planting and raised planter beds that will provide layering and greenery.

As discussed, at the northern and southern sides, the development includes curved balconies that assist to soften the built form and provide a high degree of modulation within the façade. The use of a neutral colour palette, variation in textures including crazy pave and travertine tiling, fluted wall features and popcorn render, integrated landscaping, and curved screening elements result in a high-quality design that contributes to the coastal vernacular of this neighbourhood.

(f) housing choice and affordability

The proposal includes 45 units that vary in typology and configuration, providing a mix of housing form, sizes and affordability relative to the local area. While officers note that the development is a high-end product, it does supply a greater variation in the mix of unit types in comparison to the existing units. The development is considered to contribute to the housing options in the local area.

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

The proposed development will be situated along the western side of Marine Parade and will not disrupt any popular public views. Officers note that the site is in front of Nobbys Bluff, however the proposal does not block any views from any public outlook.

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

The subject site is not identified as a location where building heights are intended to abruptly change.

This is evident when observing the Building height overlay map which identifies the subject site, as well as the surrounding streets, as having a mapped building height of 15 metres and three storeys.

The subject site is identified within area envisaged to support medium rise buildings which, in limited circumstances, can reach a maximum height of 22.5 metres. The proposed development supports the deliberate and distinct medium-rise character of immediate locale.

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

The height of the development will not interfere with the function of the Gold Coast Airport or any other aeronautical facilities.

Based on the above assessment, the proposed development is considered to comply with Specific outcome SO3.3.2.1(9) which allows for a 50% uplift above the mapped building height.

Notwithstanding the development presents a non-compliance with Specific outcome SO3.3.2.1(10), officers have considered the relevant site-specific circumstances and height in metres being within the 50% uplift, as reasons which warrant a favourable outcome.

Summary of the Strategic framework

Officers acknowledge there is a non-compliance with the City Plan arising from the proposed development, however, the proposal is considered to support and promote the Strategic framework.

The circumstances affording the site are relevant in providing the context on why the height proposed is appropriate in this instance. Such combined circumstances inform how this development outcome is exceptional and achieves a beneficial planning outcome that outweighs the non-compliance with the City Plan.

These circumstances relate to the unique large site characteristics and efficient use of land. More specifically the development:

- Makes efficient use of the site as envisaged by the City Plan within an established, well connected Urban neighbourhood to deliver a mix of housing.
- Is compatible with the local area as it represents a built form outcome that is consistent with older and newer development which are above the mapped height.
- Presents a lack of impact in respect to the amenity expectation of adjoining residents, the visual streetscape cadence, road network and infrastructure.
- The development proposes a density of one bed per 41.86m^2, which does not exceed the prescribed density of one bed per 33m^2 as identified by the Residential density overlay mapping.

While assessments may not otherwise support such exceedance of building height in respect to storeys, this specific collection of circumstances combine to achieve a beneficial planning outcome that outweighs the non-compliance with the City Plan.

Despite the proposal not complying with the full requirements of Specific outcome SO3.3.2.1(10) in respect to storeys, the proposed building does achieve the specific outcome in respect to metres. This establishes an ability to consider the height proposed against the built form criteria Specific outcome SO3.3.2.1(9).

The proposed development is considered to uphold the intent of the City Plan as follows:

- The proposed building height is reflective of the existing and intended character of the local area, maintaining varied building heights within this locality which reinforces the local identity.

- The proposal provides a well-managed interface to surrounding properties, as well as the public realm, maintaining appropriate setbacks and site cover to ensure the resultant built form does not appear bulky or dominant and maintains neighbouring amenity.
- The Multiple dwelling has been treated with high quality materials and landscaping treatments to enhance the visual appearance of the proposal and positively contribute to the character of the area.

Based on the above assessment officers are satisfied the benefits of delivering the proposed development and merits of the site-specific circumstance outweigh the non-compliance with Specific outcome SO3.3.2.1(10) and therefore support the proposed development.

5.3.2 Zone

The site is located within the Medium density residential zone.

The purpose of the zone code is to:

> *"Provide for a range and mix of dwelling types including Dwelling houses and Multiple dwellings supported by Community uses and small-scale services and facilities that cater for local residents."*

The proposal is for a Multiple dwelling (45 units) and subject to meeting the outcomes of the zone code, is an envisaged development for the zone.

Overall outcome OO6.2.2.2(2)(d)(i) states Built form:

> *"Has a building height that does not exceed that indicated on the Building height overlay map."*

As the development proposes a building height of five storeys and 22.46 metres which exceed the mapped height of three storeys and 15 metres, the development presents a non-compliance with OO6.2.2.2(2)(d)(i). Despite this, the proposal maintains a medium rise form as intended by the code. As discussed in section 5.3.1, the unique site circumstance, efficient use of land, and the proposal providing a high-quality character and amenity outcome are matters which officers have considered to outweigh any non-compliance with City Plan and therefore warrants support.

5.3.3 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
• Medium density residential zone code	• Acid sulfate soils overlay code • Airport environs overlay code • Coastal erosion hazard overlay code • Environmental significance overlay code	• Driveways and vehicle crossings code • General development provisions code • Healthy waters code • Multiple accommodation code • Transport code

Zone code	Overlay / Overlay codes	Development codes
	• Landslide hazard overlay code	• Solid waste management code • Vegetation management 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
Medium density residential zone code	Performance outcome PO1	Setbacks
	Performance outcome PO2	Site cover
	Performance outcome PO3	Height
Acid sulfate soils overlay code	Performance outcome PO1	Acid sulfate soils
	Performance outcome PO2	
Landslide hazard overlay code	Performance outcome PO5	Slope constraints and stability
General development provisions code	Performance outcome PO1	Amenity protection
	Performance outcome PO2	
	Performance outcome PO6	Casual surveillance and lighting
Healthy waters code	Performance outcome PO7	Overland flow paths
Multiple accommodation code	Performance outcome PO4	Design and appearance
	Performance outcome PO6	Ground floor entry
	Performance outcome PO7	Privacy
	Performance outcome PO12	Car park areas
	Performance outcome PO15	Housing need and choice
Transport code	Acceptable outcome AO1	Car parking and travel demand
	Performance outcome PO2	
	Performance outcome PO7	Active transport network

5.3.3.1 Assessment against the Medium density residential zone code

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

PO1 Setbacks – Medium density residential zone code

Performance outcome	Acceptable outcome
PO1 Setbacks:	**AO1** **SETBACKS ARE AS FOLLOWS:**

(a) Assist in the protection of adjacent amenity;
(b) Allow for access around the building;
(c) Contribute to the streetscape character; and
(d) Allow for on-site car parking.

Setback	**Minimum distances measured in metres (m)**	
	Height	
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 proposed development includes alternative outcomes to the prescribed setback requirements of Acceptable outcome AO1. These alternative outcomes, which are identified in bold in the below table, have been assessed against the corresponding Performance outcome PO1.

	Front (east)	**Rear (west)**	**Side (north)**	**Side (south)**
Ground	8.9m (wall)	4m (wall)	6.2m (wall)	5m (wall)
Levels 1-3	• 5.5m OMP (balcony) • 8.9m (wall)	• 3.8m OMP (wall) • 5m (wall)	• 3.4m OMP (planter) • 3.5m (balcony) • 5.7m (wall)	• 3.5m OMP (balcony) • 5.7m (wall)
Level 4	• 4.3m OMP (balcony) • 18.1m (wall)	• 3.8m OMP (wall) • 5m (wall)	• 3.4m OMP (planter) • 3.5m (balcony) • 5.7m (wall)	• 4.3m OMP (balcony) • 5.7m (wall)
Rooftop	14.6m (planter)	• **3.8m OMP (planter)** • 5.5m (wall)	• **3.5m (planter)** • 10.2m (wall)	• **3.5m (planter)** • 10.2m (wall)

Setback encroachments are limited to minor slab edges at the perimeter planters located at the rooftop terrace level as shown in the below figure.

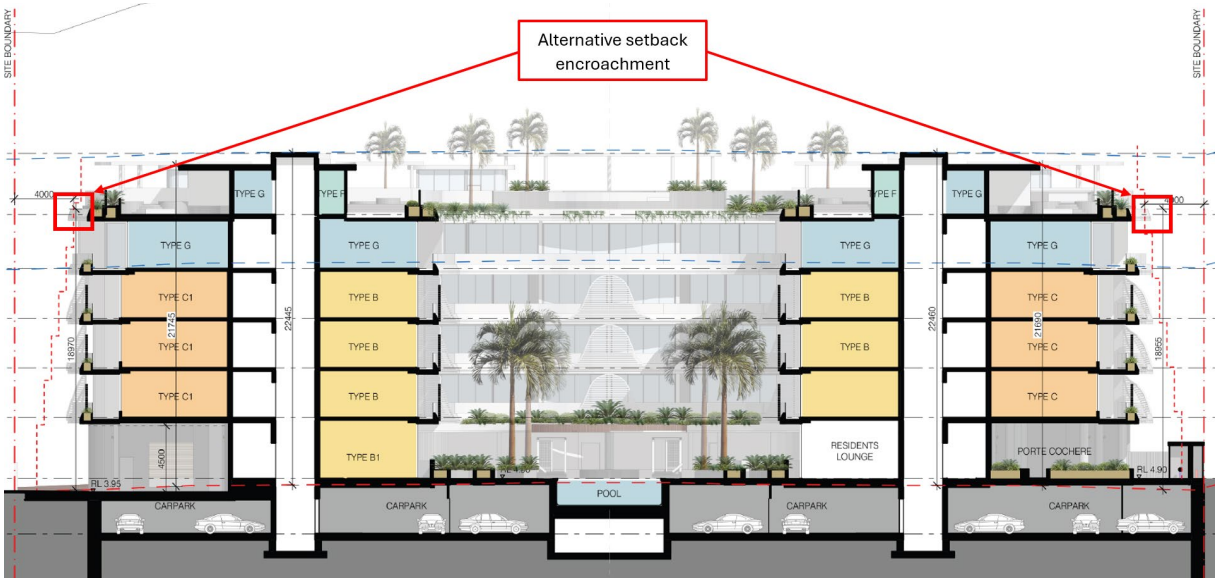


Figure 38: Minor setback encroachments (Source: BDA / Koichi Takada Architects)

These encroachments are very minor in nature and considered to be insignificant in terms of any impacts. They are considered to contribute to the development's overall articulation and are not considered to produce any hard impacts. Nevertheless, assessment has demonstrated the development complies with Performance outcome PO1 as follows:

- The setbacks assist in the protection of adjacent amenity as they allow for a good level of building separation to adjoining development that maintains a sense of openness at the side and street edge and privacy protection.
- The setbacks ensure the development does not present as dominant or overbearing to other developments or at the streetscape.
- The development's interface with Marine Parade is well-managed, maintaining compliant front setbacks which allow for the provision of deep planting areas along the site's frontage.
- The setbacks allow for full access around the building for maintenance to occur.
- The setbacks allow for all car parking to be accommodated on site in accordance with the Transport code.

Based on the above assessment, officers are satisfied the development complies with Performance outcome PO1 of the Medium density residential zone code.

PO2 Site cover – Medium density residential zone code

Performance outcome	Acceptable outcome
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.	**AO2** Site cover does not exceed 50% for Dwelling houses on lots with areas equal to or greater than 400m^2 and Dual occupancies. OR Site cover does not exceed 60% for Dwelling houses on lots less than 400m^2. OR 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.

Officer's comment:

Acceptable outcome AO1 prescribes a site cover of 50% for the proposed development. The development proposes a maximum site cover of 56.9%, therefore assessment against the performance outcome has been provided as follows:

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

The development includes landscaping embellishments throughout which assist in softening the built form. This includes areas of deep planting at the site's frontage, perimeter planting, roof top terrace planter boxes and integrated planters at the northern and southern flanks.

The below figure provides a snapshot of the ground floor landscaping embellishments which shows a good balance of green areas at each interface.

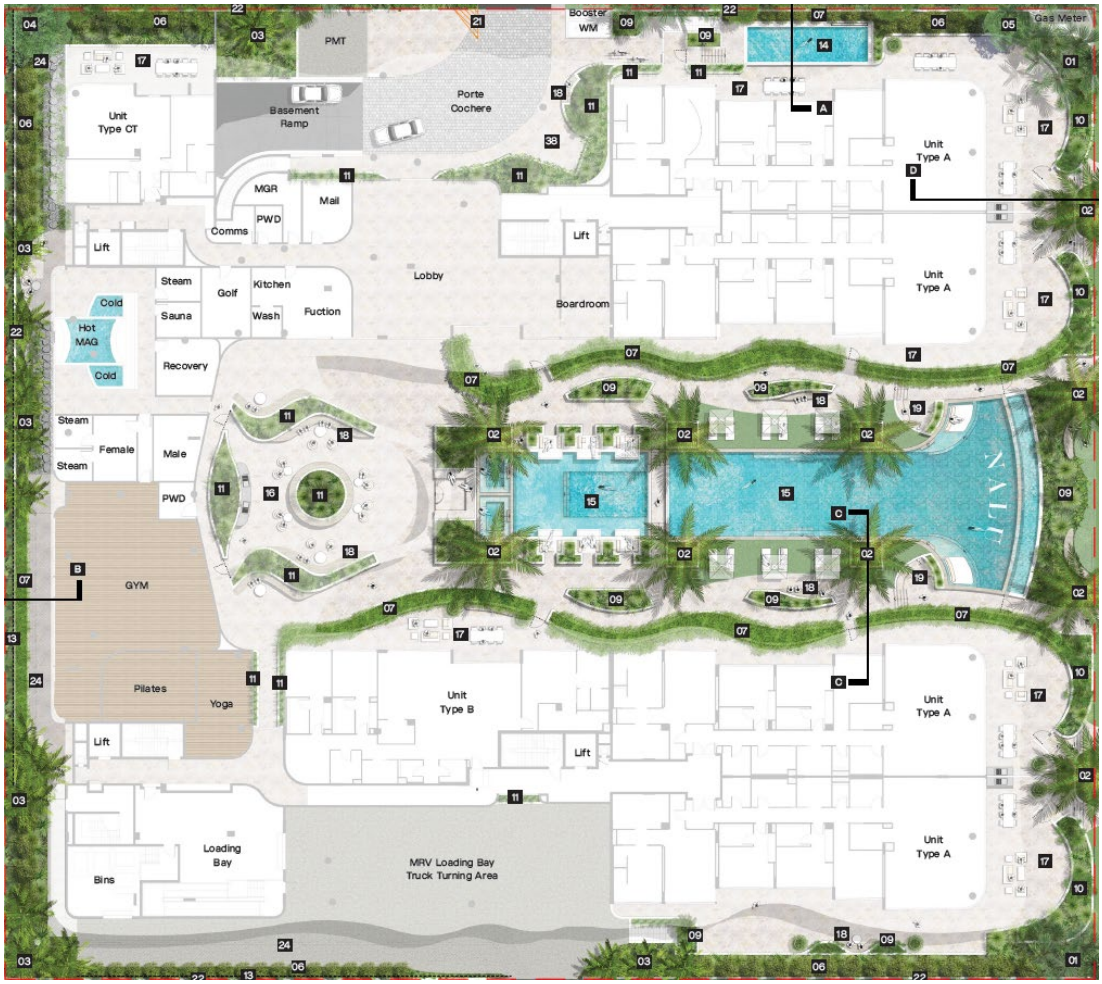


Figure 39: Ground floor landscaping embellishments (Source: LDGLA)

Landscape Assessment have reviewed the submitted Statement of Landscape Intent and are satisfied all garden beds and raised planters achieve a sufficient width and depth to accommodate proposed planting to ensure the long-term health of the selected species.

The site cover is appropriately balanced between built form and landscaped private open space.

(b) Site cover contributes to neighbourhood character and amenity

The character of the surrounding neighbourhood is distinguished by Dwelling houses, Dual occupancies and Multiple dwelling developments varying in scale and intensity. The proposal has been designed to include variation in materials, has been softened by ground level landscaping and has an architectural expression which is consistent with the emerging redevelopment pattern in this locality. The balconies and curved forms are considered to create a sense of openness and contribute to the predominate coastal vernacular of this area. The development contributes to neighbourhood character and amenity.

(c) Site cover promotes slender bulk form

Officers acknowledge the scale of the building is large in comparison to some other developments resulting from the sites large 80 metres frontage width. However, it is noted the development achieves setbacks that are close to the acceptable outcome and there is a large break at the Marine Parade frontage which appears as two slender forms. When viewed in combination with the overall height, the building consequently presents as wholly proportionate to the size of the site.

Overall, these aspects combine to achieve a slender bulk form in the context of the site and the surrounds.

(d) Site cover promotes an open, attractive and distinct skyline

The development is considered to promote an open, attractive and distinct skyline by including a range of quality architectural elements and appropriate building separation to adjoining developments. The Multiple dwelling's façade is distinctive, contributing to the overall architectural language of the proposal. This is achieved by the use of large front facing balconies, vertical batten screening which are curved, and integrated and ground floor landscaping which contribute to a high level of articulation and visual interest.

The rooftop elements which are mostly open and the large internal building break also promote an open and attractive skyline.

(e) Site cover facilitates small, fast moving shadows

The applicant has submitted shadow diagrams which show that the development will not result in unreasonable cumulative impacts as the building facilitates small, fast-moving shadows. The development complies with the shadow provisions in accordance with Acceptable outcome AO8 of the General development provisions code.

As a result, officers consider the proposed development to demonstrate compliance with Performance outcome PO2 of the Medium density residential zone code.

PO3 Building height – Medium density residential zone code

Performance outcome	Acceptable outcome
PO3 Building height and structure height does not exceed that shown on the Building height overlay map. OR Where not identified on the overlay map building height and structure height does not exceed: a) 2 storeys with a maximum of 9m; or b) a partial third storey if within 9m.	**AO3** No acceptable outcome provided.

Officer's comment

As there is no Acceptable outcome provided, assessment must be provided against Performance outcome PO3. The proposed development includes a fifth storey and roof terrace which reaches a maximum height of 22.46 metres Consequently, the proposal's height has been considered against the overall outcome of the Medium density residential zone code.

Overall outcome 6.2.2.2(2)(d)(i) states that built form:

> *"…has a building height that does not exceed that indicated on the Building height overlay map"*

The proposed development does not comply with Overall outcome OO6.2.2.2(2)(d)(i) as the development exceeds the Building height overlay map designated height.

As discussed in section 5.3.1 and 5.3.2, the unique site circumstance, efficient use of land, and the proposal providing a high-quality character and amenity outcome are matters which officers have considered to outweigh any non-compliance with City Plan and therefore warrants support.

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:

Acid sulphate soils overlay code

PO1 & PO2 Acid sulfate soils – Acid sulfate soils overlay code

Performance outcome	Acceptable outcome
PO1 The extent and severity of the acid sulfate soils risk is accurately characterised.	**AO1** Acid sulfate soils are identified through an acid sulfate soils investigation, carried out in accordance with SC6.2 City Plan policy – Acid sulfate soils management.
PO2 The natural environment, built environment and/or infrastructure is protected by ensuring that soil disturbance or development of land does not result in the release of acid and metal contaminants.	**AO2** Development does not: (a) excavate or otherwise remove soil or sediment identified as containing acid sulfate soils; (b) permanently or temporarily extract groundwater resulting in aeration of previously saturated acid sulfate soils; or (c) fill land (where at or below 5m AHD) that results in: (i) actual acid sulfate soils being moved below the watertable; or (ii) previously saturated potential acid sulfate soils being aerated. OR Where acid sulfate soils are disturbed, building design, infrastructure and filling/excavation works are managed in accordance with an acid sulfate soils management plan to: (a) protect the natural environment, buildings and infrastructure; and (b) neutralise existing acidity and ensure the release of acid and metal contaminants does not occur.

	The Acid sulfate soils management plan is to be prepared in accordance with SC6.2 City Plan policy – Acid sulfate soils management. Note: A condition will be included on any approval requiring certification from a suitably qualified and experienced professional. This certification must be submitted to Council confirming that the management of the acid sulfate soils has complied with the approved management plan.

Officer's comment

The applicant did not submit an Acid sulfate soils management plan and therefore does not comply with Acceptable outcomes AO1 and AO2.

A condition has been recommended for an Acid sulfate soils investigation report and subsequent management report to be submitted prior to the commencement of use. This is considered to satisfy the requirements of Performance outcomes PO1 and PO2 of the Acid sulfate soils overlay code.

Landslide hazard overlay code

PO5 Slope constraints and stability – Landslide hazard overlay code

Performance outcome	Acceptable outcome
PO5 Development on any lot partially or completely mapped as moderate, high or very high landslide hazard, as identified on the **Landslide hazard overlay map,** is supported by an RPEQ certified geotechnical report, which adequately assesses and documents the site's geotechnical stability and constraints, and incorporates necessary mitigation measures so that the level of landslide risk to property and persons is low. .	**AO5** A geotechnical stability assessment report, which is prepared and certified by an RPEQ, includes: (a) the following information: (i) boundary dimensions; (ii) location of easements; (iii) existing and proposed services, such as sewer, stormwater, gas, electricity, telephone, and other utility services; (iv) contour lines to AHD (500mm vertical intervals); (v) street front kerb locations, crossovers, side gully pit locations, driveway locations and slope; (vi) off-street parking locations, building locations and setback dimensions; (vii) earthwork details and building pad levels; (viii) retaining wall locations, type, extent, height, and offset from boundaries; (ix) existing and proposed onsite drainage systems; (x) identification of trees to be removed or retained; (xi) fencing extent, location, height and depth; (xii) swimming pool location, level and depth; (xiii) ancillary structures, such as pergolas and sheds; (xiv) landscaping, lawn areas, paved areas, mass planting areas and trees;

	(xv) slope angles; (xvi) slope shape and features; (xvii) parent rock type/soil type; (xviii) engineering properties of sub-surface materials; (xix) concentration of surface water; (xx) concentration of ground water; (xxi) evidence of instability on the site and adjoining areas; (xxii) history of instability on the site and adjoining areas; and (xxiii) geotechnical model of the site. (b) a site-specific landslip susceptibility frequency analysis, including analysis of each proposed lot; (c) if the outcome of the landslip susceptibility frequency analysis is moderate or higher, a risk assessment in accordance with the *AGS Landslide Risk Management 2007 Guidelines*; (d) an assessment of the suitability of the site for the proposed development having regard to (a) – (c); (e) a foundation investigation report that determines the site classification for the lot/each proposed lot in accordance with *AS 2870–2011 Residential slabs and footings* and provides recommendations for foundation design; (f) identification of any areas on the lot/within proposed lots where development must not occur; (g) certification from the RPEQ confirming that the site (and for subdivisions, each proposed lot) achieves a landslide risk rating of 'low' or better and the site/lot is suitable for its intended use; and (h) recommendations for any necessary mitigation measures, construction measures and design changes to be implemented to ensure the stability of the site and adjoining areas is not adversely affected and to ensure long-term stability of the site.

Officer's comment

The following comment has been provided by Geotechnical Assessment:

> *"The submitted Geotechnical Report prepared by Pacific Geotech, is RPEQ signed and recommends mitigation measures so that the level of landslide risk to property and persons results in a 'low' risk. The report is site specific.*
>
> *Based on the above assessment it is considered it is considered the development complies with PO5 of the Landslide Hazard overlay code."*

Based on the above, the development is considered to comply with Performance outcome PO5 of the Landslide hazard overlay code.

5.3.3.3 Assessment against development codes

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

General development provisions code

PO1 Amenity protection – General development provisions code

Performance outcome	Acceptable outcome
PO1 Development mitigates any negative effects to amenity, health and safety from existing surrounding activities having regard to: (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.	**AO1** No acceptable outcome is provided.

Officer's comment

As no acceptable outcome is provided, assessment is elevated to the performance outcome. The development is considered to mitigate any negative effects to amenity, health and safety from existing surrounding activities as follows:

Noise:

The surrounding area primarily comprises residential development where any noise generated will be softened via the glazing treatments.

Traffic:

The development generated traffic is expected to be low in the context of the surrounding road network. This additional traffic volume is not considered to impact the road network and will not cause impacts to amenity.

Visual amenity:

The surrounding area does not contain any visually offensive activities that require mitigation measures.

Wind effects:

Due to the proximity to the beachfront, the proposed development may be impacted by wind effects, however, this is an impact of the coastal location and is has been accounted for in the design outcome.

Privacy:

The site is bounded by existing residential uses. It is not expected that the design of the development would result in any privacy impacts to future residents.

Safety:

The surrounding uses are not anticipated to impact the health and amenity of the development in respect to safety.

Based on the above assessment, officers are satisfied the development complies with Performance outcome PO1 of the General development provisions code.

PO2 Amenity protection – General development provisions code

Performance outcome	Acceptable outcome
PO2 The proposed development prevents loss of amenity and threats to health and safety, having regard to: (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.	**AO2** No acceptable outcome is provided.

Officer's comment

As no acceptable outcome is provided, assessment is elevated to the performance outcome. The development is considered to prevent any negative effects to amenity, health and safety to existing surrounding activities as follows:

Noise and hours of operation:

Environmental Health Assessment officers have reviewed the Acoustic Report which was submitted to support the proposal. The acoustic attenuation measures recommended within the report ensure compliance with legislative noise criteria as set out within the *Environment Protection Policy 2008.* The following comment has been provided by Environmental Health Assessment:

> *"In response to Council's information request, an amended Acoustic Report has been submitted, prepared by 'Acoustic Works' (dated 19 June 2025, reference 2025024 R01H 122 Marine Parade, Miami ENV.docx).*
>
> *The report is summarised below:*
>
> - *Background noise monitoring was undertaken on site between 30 January and 12 February 2025.*
> - *'Environmental Protection (Noise) Policy' acoustic quality objectives and background creep criteria was used, as well as the World Health Organisation sleep disturbance criteria.*
> - *Noise sources assessed include car movements including car door closure, car pass by, car start, car on ramp, the recreation area including pool, gym, and the loading dock area.*

- *Noise from the proposed waste collection operations has also been assessed, due to the close proximity of this area to the adjacent residences to the south.*
    - *The waste collection is to be located in the same location as the current waste collection. Current waste collection is undertaken between 7am and 8am.*
    - *Plastic bins are proposed which generate noise levels approximately 5dB(A) lower for the L_{eq} (1min) and with the L_{max} noise level approximately 20 dB(A) lower when comparing measured noise levels to the existing metal bins.*
    - *A letter has been provided by private waste collection company 'Veolia' which states that it can service the proposed development using a rear lift truck between the general hours of 9.30am to 2.30pm weekly.*

Based on the predicted noise levels of the site and surrounds for all time periods, noise impacts at the residential receiver locations are predicted to comply on the condition the following acoustic treatments are implemented:

- *Loading bay is recommended to be limited to daytime use only (7am to 6pm).*
- *Acoustic treatments to be incorporated onto the roof surfaces of the MRV loading bay to the underside of any roof/ceiling area. The treatment is to cover all available surface area of the ceiling of the MRV loading bay.*
- *Waste collection to occur during the daytime period (as confirmed in the waste management report and supporting letter from Veolia).*
- *Carpark finished surfaces to consist of materials which provides low tyre squeal characteristics.*
- *Any traversable drainage grates must be securely fastened.*
- *Pool and recreation areas are compliant for all time periods (due to them being centrally located within the development).*
- *Onsite mechanical plant and equipment to be designed to comply with the noise criteria within section 6.1.2 of the Report.*

Based on the above assessment it is considered the development complies with Performance outcome 2 of the General development provision code."

Traffic:

To demonstrate the development will not result in any undue traffic impacts, the applicant has submitted a Traffic Impact Assessment which shows there is sufficient capacity within the surrounding intersections to accommodate the proposed residential density.

Officers note and acknowledge that traffic on Fraser Avenue resulting from the development and lack of street parking were key concerns raised in the properly made submissions objecting to the proposed development.

Officers note that the proposed development provides compliant visitor spaces and a surplus of resident spaces in accordance with Acceptable outcome AO1 of the Transport code. The proposal is not considered to worsen street parking.

Regarding residential vehicles gaining access via Fraser Avenue to the north, the following assessment has been provided by Transport Assessment in regard to demonstrating compliance with Performance outcome PO16 the Transport code:

- *"The development is expected to generate up to an additional 31 vehicle trips in the AM peak hour and up to an additional 19 vehicle trips in the PM peak hour, when compared to the existing development. A further 9 vehicle trips will be added to Fraser Avenue in each peak hour, because of the vehicle access consolidation to Fraser Avenue (i.e. 40 trips in the AM peak hour and 28 trips in the PM peak hour).*
- *The development is expected to generate an additional 234 daily vehicles trips, when compared to the existing development. A further 127 daily vehicle trips will be added to Fraser Avenue, because of the vehicle access consolidation to Fraser Avenue (i.e. 361 daily vehicle trips will be added to Fraser Avenue).*
- *Note: The above vehicle trip numbers are conservative as it is based on the number of car parking spaces (rather than the number of units). The development provides double the number of required resident car spaces, with each unit being afforded a minimum of 3 spaces. In practice, many of the car spaces are not expected to store cars utilised for everyday use.*
- *Fraser Avenue has capacity to accommodate the additional traffic volumes in accordance with Council's Land development guidelines thresholds.*
- *It has been demonstrated, via vehicle swept path analysis, that two-way vehicle movement is achieved on Fraser Avenue with kerbside parking occupied (i.e. no on-street parking is required to be removed to accommodate vehicle access).*
- *Surrounding intersections have capacity to accommodate the expected increase in vehicle trips."*

Visual amenity:

As discussed, the development is considered to provide a high-quality architectural outcome. At each side, the movement of the curved balconies, variation in texture and integrated landscaping will provide an attractive outcome for the site, which is not is expected to provide negative visual amenity impacts.

Wind effects:

The proposal may generate wind impacts due to the size of the building and beachfront location. The wind impact is considered a product of taller buildings along the coastline of which is sought by the subject site as identified in the City Plan.

Privacy:

As discussed, the privacy of future occupants and nearby residents is protected resulting from appropriate building separation.

Vibration:

A Construction and vibration management plan has been conditioned to be provided. This plan will require measures and procedures to be put into place to limit the potential for vibration impacts to arise. The surrounding area does not comprise activities that would generate vibration impacts.

Safety:

The proposal is not considered to result in safety impacts. The development provides safe vehicle and pedestrian access. The conditioned Construction management plan will ensure that the development remains a safe site to any persons on or surrounding the subject site during construction.

Based on the above assessment, officers are satisfied the development complies with Performance outcome PO2 of the General development provisions code.

PO6 Causal surveillance and lighting – General development provisions code

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

Acceptable outcome AO6 does not provide an outcome and therefore assessment against Performance outcome PO6 is required.

The development includes communal open space, and the units include private open space balconies and windows which provide for passive surveillance to each road frontage and the northern adjoining park land.

The proposed development is considered to achieve compliance with Performance outcome PO6 of the General development provisions code.

Healthy waters code

Performance outcome	Acceptable outcome
PO7 Development must not obstruct free open surface flow of stormwater through a site.	**AO7** Overland flowing stormwater is allowed free open surface flow between the street and any waterway at the rear or sides of a property, in accordance with the provisions of the Building Code of Australia.

Officer's comment

The following comment has been provided by Hydraulic Assessment in assessing the development against the Performance outcome PO7:

> *"The applicant's revised stormwater management response addresses the matters raised in the Information Request regarding potential hydraulic impacts associated with the proposed development, particularly in relation to overland flow from Fraser Avenue and Nagel Avenue. The explanations provided demonstrate that the proposal maintains or improves existing drainage conditions and is therefore considered to comply with the Performance outcome PO7.*
>
> *Specifically:*
>
> - *Fraser Avenue:*
>
> *The existing drainage regime is preserved through the retention of the current weir control at the cul-de-sac head, which ensures that upstream drainage conditions remain unaffected. The proposed works maintain or improve overland flow paths leading to the existing drainage infrastructure and onward to Marine Parade. Additionally, the removal of existing obstructions (retaining wall and fence) near the drainage pit enhances safety and access, supporting proper conveyance of surface water.*
>
> - *Nagel Avenue:*
>
> *Drainage characteristics are maintained through the retention of existing road controls and levels. The proposal includes upgrades to pit and pipe capacity and the widening of a downstream choke point, which reduces both the frequency and severity of overland*

flow. The applicant has also indicated additional drainage improvements are under review within landscaped areas, further supporting flow control.

Collectively, these measures indicate that:

- *The proposal does not result in adverse impacts to adjacent properties, and*
- *The design outcome is consistent with PO7, ensuring that the development does not worsen flood risk to people, property, or infrastructure and that overland flow paths are appropriately managed."*

Based on the above comment, the proposed development is considered to comply with Performance outcome PO7 of the Healthy waters code.

Multiple accommodation code

PO4 Design and appearance – Multiple accommodation code

Performance outcome	Acceptable outcome
PO4 Building form, orientation and articulation promotes sub-tropical design excellence and innovation, through: (a) optimising orientation to the north; (b) incorporation of generous outdoor living spaces; (c) privacy and utility of open space; (d) building articulation and ventilation; and (e) shading and climate protection.	**AO4** No acceptable outcome provided.

Officer's comment

As no acceptable outcome is provided, assessment is elevated to the performance outcome.

The development is able to comply with Performance outcome PO4 as it contributes to the envisaged urban character for this area, adds visual interest to the streetscape, and promotes a sub-tropical design excellence.

The following comment has been provided by Architecture Assessment:

"The proposed building has been designed to incorporate generous outdoor living spaces, with the inclusion of the large central communal open space recreation area at ground level, balcony spaces for each dwelling in addition to a large rooftop area.

The open space areas are accessible and contribute to the subtropical elements of the building with landscaping both in ground and within the building. Generous overhangs, screens elements and open rooftop pergolas provide shading and weather protection, and large areas of glazing allow for sunlight ingress and cross ventilation within the dwellings.

In this way the proposal does meet PO4 of the Multiple accommodation code."

Based on the above comment, officers are satisfied the development complies with Performance outcome PO4 of the Multiple accommodation code.

PO6 Ground floor requirements and entry requirements – Multiple accommodation code

Performance outcome	Acceptable outcome
PO6	**AO6**

The ground floor entrance area is easily identifiable and built to a human scale.	No acceptable outcome provided

Officer's comment

As no acceptable outcome is provided, assessment is elevated to the performance outcome.

As discussed, the development features three frontages where access is gained from. At the northern and southern frontages, where vehicle and service vehicle access is gained from, Fraser Avenue and Nagel Avenue both terminate at the subject site. The entrance points are easily identifiable and built to human scale. While it is noted that the southern access point- used for servicing and waste collection only, may not be as evident, it acts as a secondary frontage / back of house. At the site's eastern frontage being Marine Parade, footpaths clearly delineate pedestrian access points.

Based on the above assessment it is considered the development complies with Performance outcome PO6 of the Multiple accommodation code.

PO7 Privacy – Multiple accommodation code

Performance outcome	Acceptable outcome
PO7 The building is designed to achieve an acceptable level of privacy for the occupants of the dwelling and neighbouring dwellings.	**AO7.1** Habitable room windows do not directly face: a) a habitable room window of another building within 10m; and b) an access way, footpath or communal open space area within 3m. OR Habitable room windows: a) have a fixed obscure glazing in any part of the window below 1.5m above floor level; b) have privacy screens that cover a minimum of 50% window view.
	AO7.2 Where a direct view exists into the private open space of an adjoining dwelling, the outlook from windows, stairwells, terraces, decks and other private, communal or public areas, is obscured or screened by privacy screens.

Officer's comment

The proposed development is considered to provide an appropriate outcome in respect to privacy as discussed in Section 5.3.1.

To the north, the development directly adjoins Lions Head Park and Fraser Avenue Reserve providing a large buffer between the development and the neighbouring units.

To the south, both directly adjoining Dwelling houses include screening or obscure glazing on all windows that interface with the proposed development.

As also noted, the Dwelling house adjoining the western portion of the site features private open space at the rear of the site. Officers consider the large setbacks and primary orientation of units towards the east to maximise view sheds, to provide a typical outcome which is not considered to result in any undue privacy impacts.

The building is designed to achieve an acceptable level of privacy for the occupants of the dwelling and neighbouring dwellings therefore is considered to comply with Performance outcome PO7 of the Multiple accommodation code.

PO12 Car park areas – Multiple accommodation code

Performance outcome	Acceptable outcome
PO12 The car parking area and associated structures do not dominate the street frontage of the development.	**AO12** No acceptable outcome is provided.

Officer's comment

As no acceptable outcome is provided, assessment is elevated to Performance outcome PO13. The resident and visitor parking in contained to the single basement level which will not be visible from the site's frontage. The serving area at the south is located in the south-western corner of the site which is mostly concealed from view form the streetscape of Nagel Avenue. Compliance with Performance outcome PO13 is therefore achieved.

PO15 Housing need and choice - – Multiple accommodation code

Performance outcome	Acceptable outcome
PO15 Development provides a mix of housing sizes and affordability outcomes to meet housing needs.	**AO15** No acceptable outcome is provided.

Officer's comment

As no acceptable outcome is achieved, assessment is elevated to Performance outcome PO16. The development proposes 45 units comprising a varied unit typology. The development is considered to provide a mix of housing sizes and affordability outcome to meet housing needs. While officers note and acknowledge that the development represents a high-end product, it does increase the number of beds on site to replace older units. As such, the proposal is considered to comply with Performance outcome PO15 of the Multiple accommodation code.

Transport code

AO1 Car parking and travel demand – Transport code

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: Multiple dwelling: (a) 1 per 1 bedroom unit or dwelling (b) 1.25 per 2 bedroom unit or dwelling (c) 1.5 per 3 bedroom unit or dwelling (d) 2 per 4 bedroom unit or dwelling (e) *2 plus 1 per 10 units or dwellings for visitors

Officer's comment

The proposed development complies with Acceptable outcome AO1 of the Transport code. The following table provide a breakdown of the required and supplies number of car parking spaces:

Component	AO requirement	Required spaces	Proposed
Resident	1 per 1-bedroom unit 1.25 pre 2-bedroom unit 1.5 per 3-bedroom unit 2 per 4-bedroom unit	77 spaces	139 spaces
Visitor	Where 10 or more dwellings, 3 plus 1 per 10 dwellings for visitor parking thereafter	7 spaces	8 spaces
TOTAL		84 spaces	147 spaces

The proposed development therefore complies with Acceptable outcome AO1 of the Transport code.

PO2 Car parking and travel demand – Transport code

Performance outcome	Acceptable outcome
PO2 Car parking spaces for employees and visitors to the development are maximised and allow for efficient functioning of the site and surrounding traffic network.	**AO2** Car parking spaces for employees and visitors to the development are accessible at all times and not restricted by allocation of spaces, gateways, doors or similar devices.

Officer's comment

The following comment has been provided by Transport Assessment:

> *"To comply with Acceptable outcome AO2 of the Transport code, car parking spaces for visitors must not be restricted by security gates. The visitor parking spaces are proposed behind the security gate; therefore, compliance with AO2 is not achieved.*
>
> *The development includes an intercom, which will allow residents to open the gate remotely from their respective unit. This arrangement is deemed to comply with Performance outcome PO2."*

Based on the above comment, the proposed development is considered to comply with Performance outcome PO2 of the Transport code.

PO7 Active transport network – Transport code

Performance outcome	Acceptable outcome
PO7 Off-street bicycle parking and off-street end-of-trip facilities are provided to encourage active transport and are: (a) designed to meet the needs and volumes of pedestrians and cyclists; and (b) located in safe, convenient and highly accessible areas.	**AO7.1** Development provides off-street bicycle parking and off-street 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.

Officer's comment

The following comment has been provided by Transport Assessment:

> *"To comply with Acceptable outcome AO7.1 of the Transport code, the development must provide a minimum of 45 resident and 4 visitor bicycle parking spaces. The development provides 16 resident and 4 visitor bicycle spaces; therefore, compliance with AO7.1 is achieved with respect to visitors but not for residents, requiring consideration against Performance outcome PO7.*
>
> *The provision of 16 resident spaces complies with Austroads rates (1 space per 3 units). Austroads is the apex organisation of road transport and traffic agencies in Australia and New Zealand. Austroads guidelines and codes of practice promote best practice and are typically based on extensive research and input from industry experts. It is considered that the provision of bicycle parking spaces in accordance with Austroads rates will meet the expected needs and volumes of cyclist users. Compliance with PO7 is achieved.*"

Based on the above assessment, officers are satisfied the development complies with Performance outcome PO7 of the Transport code.

6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is $392,898.60.

Charges Resolution No. 1 of 2025

	Qty			Rate	Gross Charge Amount
Residential uses 2 bedroom	1	Dwellings	@	$ 26,193.40	$ 26,193.40
Residential uses 3+ bedroom	44	Dwellings	@	$ 36,670.70	$ 1,613,510.80
					$ 1,639,704.20

Net Charge Summary

Gross Charge Amount	Applied Credit Amount	Net Charge Amount
$ 1,639,704.20	$ 1,246,805.60	$ 392,898.60

Applied credit details	*Credit applied for existing /previous Multiple Dwellings (42 x 2bed, 4 x 3bed) on LOT122 SP284713.*

Office Use Only	
$ 218,058.26	DC011
$ 132,014.22	DC013
$ 42,826.12	DC020
$ 392,898.60	

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.

7 REFERRALS

7.1 Technical advisors

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

Technical advisor area	Conditions/Comments (if not included within report)
Planning Assessment	Conditions: • Approved drawings • Construction management plan • Vibration management plan

	• Dust management plan • Noise management plan • Transport of soil/fill/excavated material
Architecture Assessment	Conditions: • Construction documentation drawings – City Design-Architecture Assessment (specific condition) • Pre-start meeting – Architecture Assessment
Environmental Assessment	Conditions: • Certification of works – Acid sulfate soils • Acid sulfate soils management plan
Geotechnical Engineering	Conditions: • Approved Plans – Geotechnical Report • Certification of works - Geotechnical Engineering • Supervision of works Advice notes: • Basement Construction
Health and Regulatory Services	Conditions: • Apporved plan – Acoustic Report • Loading and unloading • Waste collection • Certification of works – Environmental Health
Hydraulics and Water Quality	Conditions: • Approved plans – Stormwater management plan • Private infrastructure • Gross Pollutant Traps (GPTs) • Overland flow paths and hydraulic alterations • Maintenance of stormwater proprietary treatment devices (specific condition) • Certification of works - Hydraulics and Water Quality • Erosion and sediment control • Sand management plan • Dewatering management plan Advice notes: • Stormwater Property notifications: • Stormwater
Landscape and Open Space Assessment	Conditions: • Landscaping works on private land • Maintenance of planter boxes (specific condition) • Landscaping works within public open spaces • Maintenance management agreement • Works/access within public open space land • Existing structures and services • Pre-start inspection

	• Certification of works – Landscape Assessment Advice notes: • Further development permits / compliance permits
Operational Works	Conditions: • Rectification of Council's infrastructure • Existing infrastructure, structures and services • Vehicle crossing- Fraser Avenue • Construction of vehicle crossing Advice notes: • Further development permits / compliance permits • Connections to, alteration or realignment of Council infrastructure
Plumbing and Drainage	Conditions: • Plumbing and drainage works
Subdivision Engineering	Conditions: • Electrical reticulation • Telecommunications network • Certification of works - Subdivision Engineering
Transport Assessment	Conditions: • Off street vehicle and car parking facilities • Off street bicycle parking and end of trip facilities • Loading and unloading (excluding waste collection vehicles) • Intercom system • Footpaths • Advice notes: • Development infrastructure • Further development permits / compliance permits
Water and Waste	Conditions: • Approved Plans – Waste Management Plan • Requirement to register easements – Sewerage • Restrictions regarding Council easements and sewer and water supply infrastructure • Screening of visually offensive components • Rectification of Council's infrastructure • Sewer connection - reuse existing sewer connection • Water connection • Sub-metering • Fire loading • Bin type, storage capacity and storage points • Solid waste collection arrangement • Waste room – Bulk bins • Servicing point – Bulk bins • Waste chute • Certification of works - Water and Waste • Certification of works – Solid Waste Management

	• Pre-start inspection • Hold point inspection – Solid Waste <u>Advice notes:</u> • Council water, sewer and stormwater infrastructure to be protected during site works • Connections and disconnections • No open trenching of the road pavement for water connections across / in roadways • Water meter sizing • Further development permits / compliance permits • Connections to, alteration or realignment of Council infrastructure • Design, Constructability and Minor change applications

7.2 External referrals

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

8 PUBLIC NOTIFICATION

8.1 Overview

In response to public notification:

- 30 properly made submissions were received, consisting of 9 objections and 21 in support; and
- 2 submissions were received that were not properly made, both in support.

8.2 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*.

Public notification commenced on 24 June 2025 and was completed on 15 July 2025.

Council has reviewed the public notification material and considers the applicant has complied with the requirements of the Development Assessment Rules.

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.

The submissions raised related to traffic and car parking matters only. The following comments in the below table have been provided by Transport Assessment officers.

Submissions in objection

Matters	Transport Assessment comment
The existing building has three access points. The proposed development has only one (1) access point to Fraser Avenue. This will increase congestion for residents of Fraser Avenue.	Fraser Avenue and surrounding intersections have capacity to accommodate additional traffic with no upgrades required.

Additional access points should be explored.	Nagel Avenue reduces to single lane when vehicles are parked on-street; therefore, access from Nagel Avenue is not preferred. Marine Parade carries a high volume of traffic; therefore, access from Marine Parade is not preferred.
Fraser Avenue is a narrow street with parking allowed on only one side.	Two-way vehicle movement is maintained on Fraser Avenue with no loss of on-street parking.
The development will reduce available parking for residents and visitors of properties in the vicinity.	The development provides an oversupply of resident and visitor car parking. The development is not expected add to existing on-street parking demand.

Submissions in support

Matters	Officer's comment
High-quality design which considers neighbouring development and improved landscaping outcome.	Noted.
Secure on-site car parking important in this community.	
Maintaining same number of dwellings as exiting development.	
Positive contribution to the areas character and property values.	

9 CONCLUSION

Council is in receipt of an application for a Development permit for a Material change of use (Impact assessment) to establish Multiple dwelling (45 units) at 122 Marine Parade, Miami.

After a detailed assessment, it has been determined that, despite the proposal not meeting the purpose of the Creating living places theme of the Strategic framework and the Medium density residential zone code due to the building height non-compliance, the proposed height can be supported.

Officers have determined that the proposal warrants a favourable outcome due to the unique site circumstances as a large, unconstrained site in a well-serviced urban area with access to three separate road frontages. The combination of unique site circumstances informs how this development outcome is exceptional and achieves a beneficial planning outcome that outweighs the non-compliance with the City Plan.

Officers are satisfied that despite non-compliance with Specific outcome 3.3.2.1(10), the development is appropriate and warrants support as follows:

- The development makes efficient use of the site as envisaged by the City Plan within an established, well connected Urban neighbourhood to deliver a mix of housing.
- The proposed scale is compatible with the local area as it represents a built form outcome that in consistent with older and newer development which are above the mapped height.
- Overall, the development presents a lack of impact in respect to the amenity expectation of adjoining residents, the visual streetscape cadence, road network and infrastructure.
- The development proposes a density of one bed per 41.86m^2, which does not exceed the prescribed density of one bed per 33m^2 as identified by the Residential density overlay mapping.

- The proposed building height is reflective of the existing and intended character of the local area, maintaining varied building heights within this locality which reinforces the local identity.
- The proposal provides a well-managed interface to surrounding properties, as well as the public realm, maintaining appropriate setbacks and site cover to ensure the resultant built form does not appear bulky or dominant and maintains neighbouring amenity.
- The Multiple dwelling has been treated with high quality materials and landscaping treatments to enhance the visual appearance of the proposal and positively contribute to the character of the area.

Officers therefore recommend the application be approved subject to conditions.

10 NOTIFICATIONS

The following property notifications will be applied:

- Stormwater

11 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Manager Major Assessment of the City Development Branch of Council approves (with conditions) the issue of a Development permit for a Material change of use (Impact assessment) for Multiple dwelling (45 units), in accordance with the Attachment entitled: Decision notice– approval (with conditions).

Author:	*Authorised by:*
Jusmeet Atwal	Lara Dawes
Senior Planner	Manager Major Assessment
August 2025	