

Refer 30 page attachment

1 APPLICATION SUMMARY

Application information	
Address	99 – 101 Old Burleigh Road, BROADBEACH QLD 4218
Lot and plan	Lot 0 - 5 BUP104138 and Lot 70 B8383.
Site area	1,283m ²
Type of development and proposed use	Multiple dwelling (59 units); and Food and drink outlet (1 tenancy).
Categories of development and assessment	Code Assessment
Properly made date	16 November 2021
Decision due date	13 September 2022
Applicant and Applicant's consultancy team	• BAM Property Group (Australia) Pty Ltd ATF FMF Property Trust – Applicant; • Urbis – Planning Consultant and Landscape design; • Ferrowchow – Architect; • Cardno – Traffic Engineer; • Burchills – Hydraulic and Civil Engineer; and • Acoustic works – Acoustic Consultant.
Owner details	• Body Corporate for Casa Del Mar CTS 16153; and • North Point Holdings No.3 Pty Ltd.
City Plan version	Version 8
Zone	High density residential zone
Overlays	• Acid sulfate soils; • Airport environs; • Building height (HX); • Coastal erosion hazard; • Dwelling house; • Light rail urban renewal area (Frame area); and • Residential density (RD8 – 1 bed / 13m²).
Referral agencies	Not applicable
Officer's recommendation	Approval

2 PROPOSAL

The purpose of this report is to assess an application for a Development permit for a Material change of use to establish a Multiple dwelling (59 Units) and Food and drink outlet (1 tenancy) at 99-101 Old Burleigh Road, Broadbeach.

The City Plan defines the proposed Multiple dwelling as follows:

“Premises containing three or more dwellings for separate households.”

The City Plan defines the proposed Food and drink outlet as follows:

“The use of premises for:

- a. preparing and selling food and drink for consumption on or off the premises; or*
- b. providing liquor for consumption on the premises, if the use is ancillary to the use in (a).”*

Table 5.5.3: MCU – High density residential zone of the City Plan categorises the land uses as subject to Code assessment.

2.1 Brief description of proposed development

The proposed high-rise residential tower includes three (3) basement levels and 2 podium levels which contain all of the car parking spaces required for the development. Above the podium the tower reduces in scale at the mid portion of the tower (level 22), effectively reducing bulk as height increases.

The proposed unit mix includes 36 x 3 bed, 22 x 4 bed and 1 x 5 bed units.

The proposed food and drink outlet has a Gross Floor Area of 75m².

The proposal includes communal areas totalling 864m² atop the podium level 2 and at level 44. The facilities include a gym, dining room, swimming pool, kitchen and bbq area, steam room, lounge areas, wine bar, cinema amongst a landscape setting.

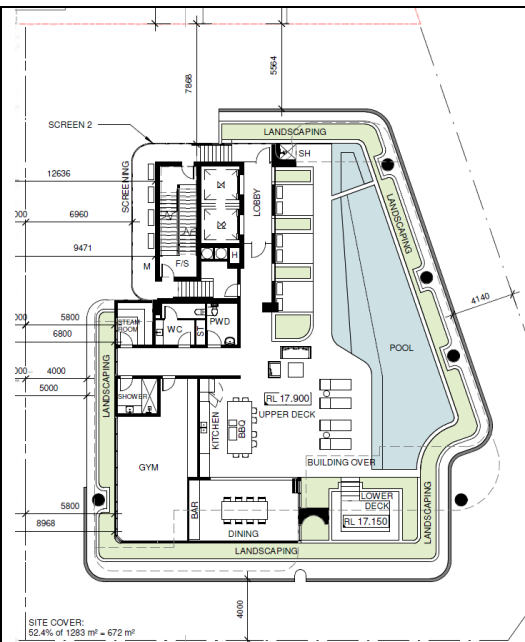
The key details of the proposal are outlined in the table below:

Development proposal					
Height	46 storeys / 159m.				
Density	1 bed / 6.4m ² .				
Yield	• 59 units and 201 bedrooms as follows: ○ 36 x 3-bedroom units; ○ 22 x 4-bedroom units; and ○ 1 x 5-bedroom units.				
Setbacks		North (side)	East (front)	South (front)	West (side)
	Podium (G)	- 0.6m – 1.8m building line	- 0m services; 4.4m building line	- 0m services; - 4.6m building line	- 0m services; - 1.2m building line.

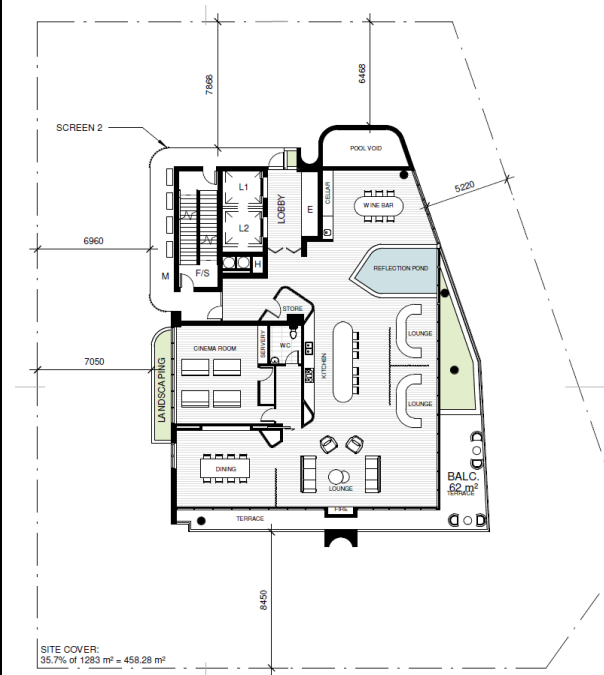
**DELEGATED AUTHORITY REPORT FOR DEVELOPMENT APPLICATION FOR
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	Podium (L1)	- 1.4m building line	- 3m landscape planter; - 4m – 5.3m building line	- 2.5m landscape planter - 4m building line	- 1.2m - 1.49m building line
	Podium (L2)	- 1.4m building line	- 4m building line	- 4m building line	- 1.2m - 1.49m building line
	Tower (L3) – Communal open space	- 5.5m – 7.8m glazing line	- 4m landscape planter; - 12m building line	- 4m building edge; 6m building line	- 4m – 5.8m building line
	Tower (L4-22)	- 6.4m balcony - 7.8m building line	- 4.2m building line	- 4.5m – 8.4m balconies; 6.2 – 12.8m building line	- 4.5m 8.4m building line
	Tower (L23 - 46)	- 6.4m balcony - 7.8m building line	- 4.8m – 5.2m building line	- 8.4m building line	- 7m landscape planter; - 8.3m building line
Site cover	- Podium: 65% (836m²); - Level 4-22: 46% (593m²); and - Level 23-46: 43% – 36% (461m²).				
Car parking	127 spaces as follows: - Resident car parking – 120 spaces; - Visitor parking – 6 spaces; - Food and drink outlet – 1 space; - Small Rigid Vehicle – 1 space.				
Communal space	505m² atop the podium level 2:				



- 359m² at level 44:



Private open space	Ranging in size from 16-49m ² (typical floor levels) to 47m ² 1 unit per floor (upper 22 levels)
Waste Management	• Waste chute to 2 x Recycling 1500L bins and 2 x General Waste 2000L bins at ground level. • Bins to be transferred by Body corporate to temporary collection area along the southern boundary

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Stormwater Management	The existing stormwater infrastructure within the Old Burleigh Road to the east of site has been identified as the Lawful Point of Discharge in the developed scenario. There will be no increase in the peak runoff from the site due to the proposed reduction in impervious area in the developed case. All the flows from the post-developed catchment will be conveyed to the stormwater filtration system located within a stormwater treatment tank, where the stormwater will be treated, before being discharged to the Lawful Point of Discharge.

The following Perspectives and floor plans provide an initial view of the proposed development.



Figure 1 – Render view from south east and south west. Source: Ferrochow.



Figure 2 - Perspective view north east and north west. Source: Ferrochow.



Figure 3 – Typical basement level and ground floor plan. Source: Ferrochow.

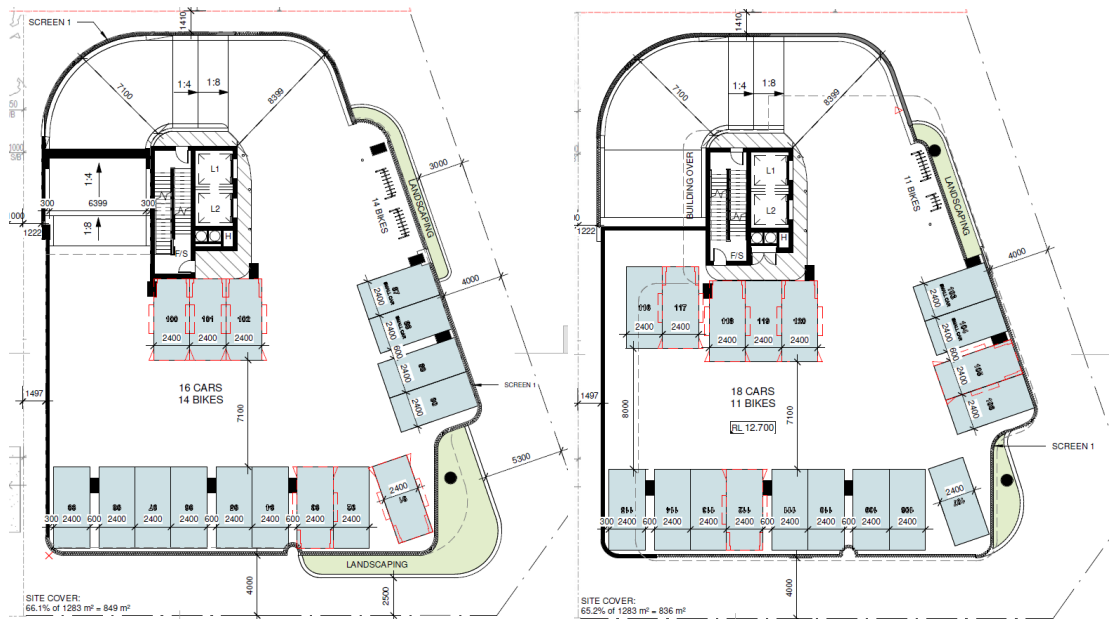


Figure 4 – First and second podium level. Source: Ferrochow.

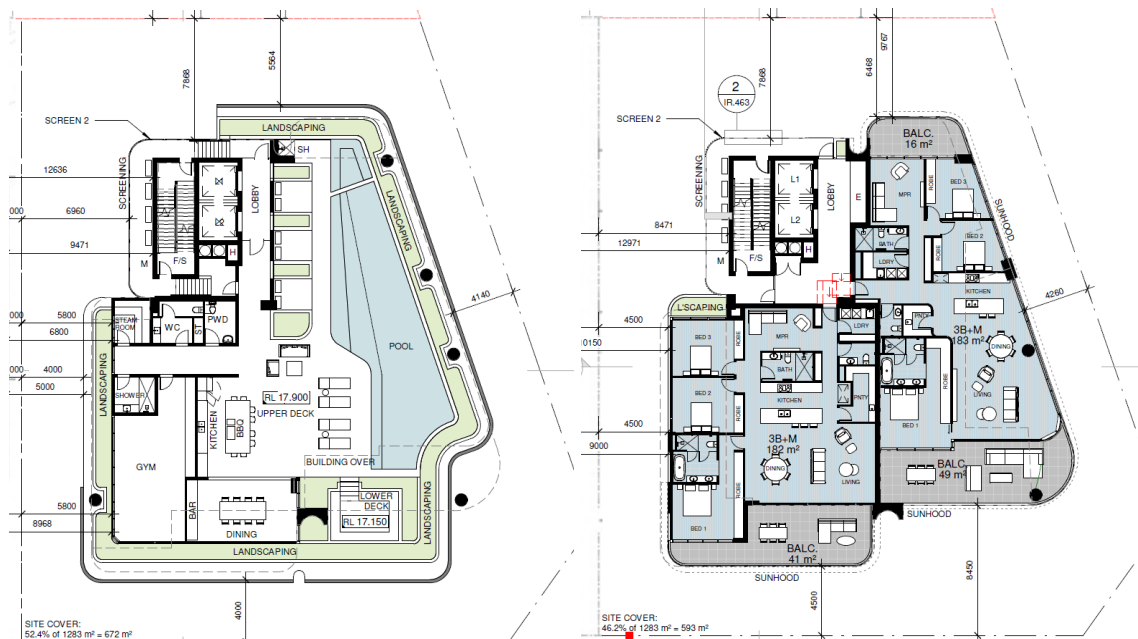


Figure 5 – Rooftop communal open space and typical floor level (level 3-22). Source: Ferrochow.

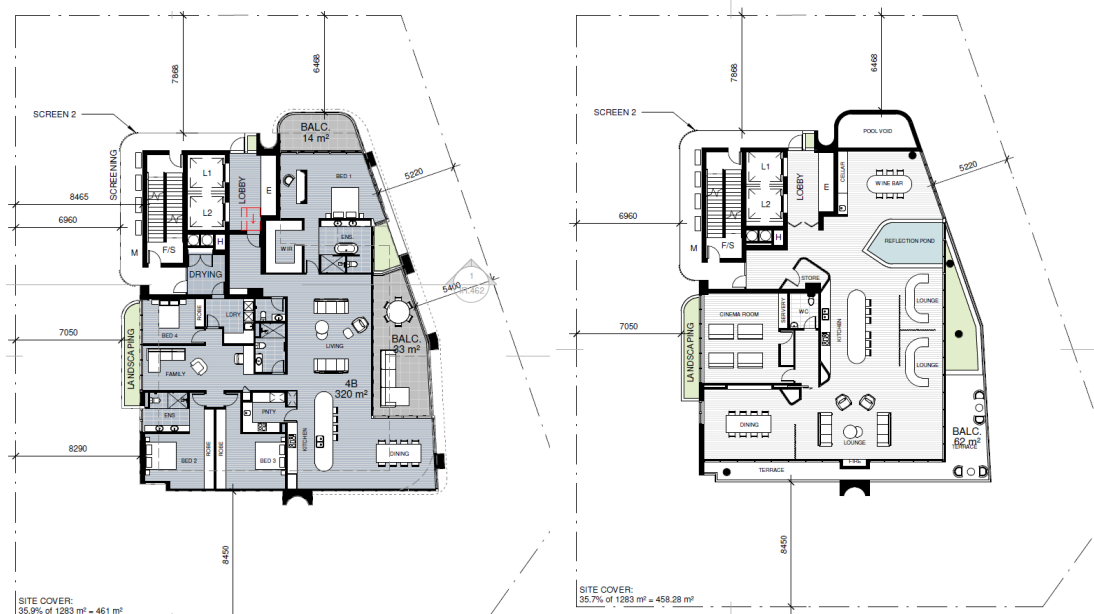


Figure 6 – Typical level (single unit per floor 23 – 43) and level 44 communal open space. **Source:** Ferrochow.

3 KEY CONSIDERATIONS

The key considerations of the proposal include:

Setbacks and site cover

The building form includes increased setbacks and a reduced site cover as height increases for the building. The inclusion of reduced mass to adjacent properties (north and west) is achieved as height increases through floor plate reduction and deep meaningful recess. The plans above iterate this, though these matters are assessed in greater detail in section 5.3.3.1 below.

4 SITE CONTEXT

4.1 Subject site and immediate context

The site:

- Comprises 2 allotments and is currently improved by a 3 storey Multiple dwelling comprising 6 units (99 Old Burleigh Road) and single storey commercial development comprising a liquor store, and Food and drink outlet (101 Old Burleigh Road);
- Has a combined site area of 1,283m²;
- Has a frontage width of 32m to Armrick Avenue to the south;
- Has a 44m frontage width to Old Burleigh Road to the east;
- Has a generally flat topography within the site;
- Contains no significant vegetation;
- Is not encumbered by any easements; and
- Has all services readily available, including telecommunication, water, sewerage and electrical connections.

Immediately to the:

North: Is a 9 storey Multiple dwelling;

East: Is the Old Burleigh Road frontage;

South: Is the Armrick Avenue road frontage; and

West: Is a 3 storey Multiple dwelling.

The figures below identify the subject site and adjacent buildings.



Figure 7 – Subject site from southern Armrick Avenue frontage. **Source:** Google.



Figure 8 – Subject site from eastern Old Burleigh Road frontage. **Source:** Google.

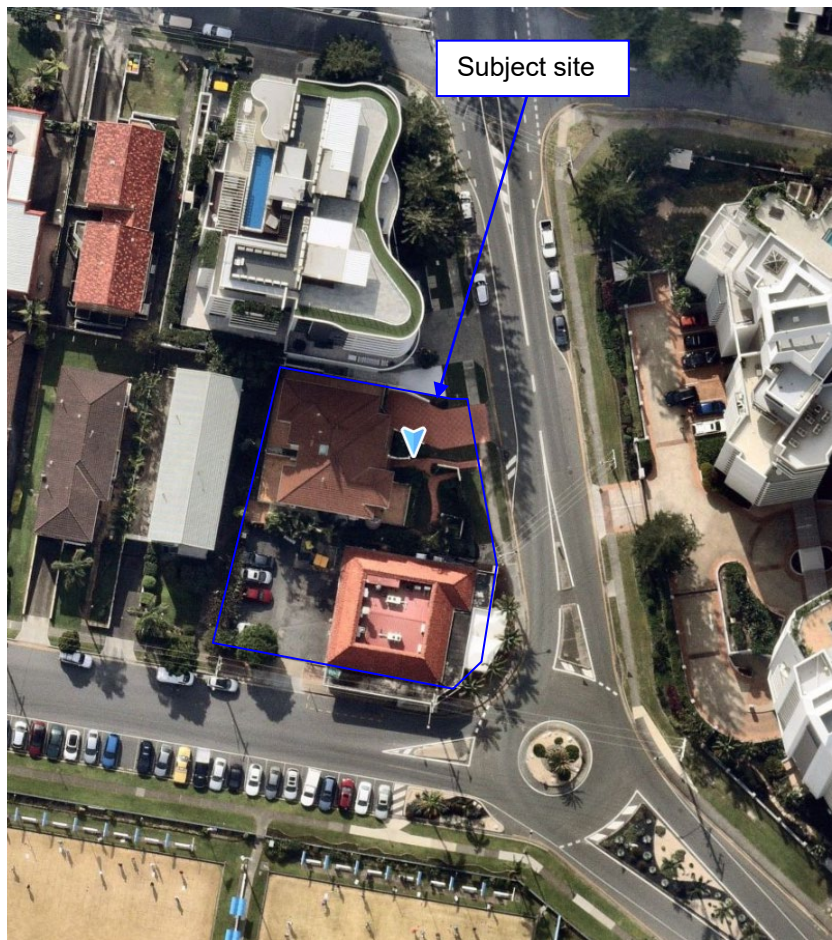


Figure 9 – Subject site and immediate locality. Source: CoGC.

4.2 Local context

The site is located within northern Broadbeach and is included within the High density residential zone and Frame area of the Light rail urban renewal area overlay. The site and locality has a designated 'HX' building height (no building height limit) on the building height overlay map, and RD8 (1 bedroom per 13m²) on the residential density overlay map.

The immediate surrounding area of the site is predominantly characterised by residential uses consisting of both Multiple dwellings and Short term accommodation. The locality comprises of a range of built forms; however, medium and high-rise developments dominate the visual landscape.

The site is located in proximity to a variety of services including transport, retail, community and commercial services. Some of the services in the locality include (but are not limited to):

- The Gold Coast Foreshore is located 120m to the east;
- Broadbeach bowls club is located immediately south;
- Broadbeach surf life saving club is located 200 metres to the south;
- Broadbeach specialist centre is located approximately 900m to the south; and
- Florida Gardens light rail station is located approximately 550m to the north west.



Figure 10: Site and broader context. **Source:** CoGC GIS Mapping.

5 PLANNING ASSESSMENT

Section 45(3) of the *Planning Act 2016* identifies:

- (3) A **code assessment** is an assessment that must be carried out only –
- (a) against the assessment benchmarks in a categorising instrument for the development; and
 - (b) having regard to any matters prescribed by regulation for this paragraph.

The proposed development triggers code assessment and has been assessed in accordance with Section 45(3) 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 not trigger assessment against any assessment benchmarks relating to natural hazards, risk and

	resilience (coastal hazards).
South East Queensland Regional Plan	The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).
Planning Regulation 2017	The proposal does not trigger assessment against any assessment benchmarks listed in a Schedule of the Planning Regulation 2017.

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 8)	The proposal is within the City Plan area of the City of Gold Coast. This is discussed in section 5.3 below.

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 proposal is code assessment and does not trigger assessment against the Strategic framework.

The *Planning Act 2016* requires codes assessable development (bounded assessment) to be carried out only against the assessment benchmarks stated in the categorising instrument (City Plan) and have regard to matters prescribed by the regulation.

Section 43(2)(c) of the *Planning Act 2016* states for code assessment, a strategic outcome (strategic framework) is not an assessment benchmark.

5.3.2 Zone

The site is located within the High density residential zone and Frame area of the Light rail urban renewal area overlay.

The assessment against the two codes has been completed together where appropriate as both codes provide the intended outcomes for scale and intensity. It is therefore considered that these two codes should be read concurrently, however, in accordance with 5.3.3 of the City Plan, the Light rail urban renewal area overlay code prevails to the extent of any inconsistency between the two codes.

High density residential zone code

The purpose of the High density residential zone code is to:

“...provide for higher density multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.”

Officer's comment

The proposed development is considered to achieve the above purpose statement as the development proposes a high density development and a small scale service that will cater to local residents.

Light rail urban renewal area overlay code

The purpose of the Light rail urban renewal area overlay code is to:

“(1)...ensure development provides high quality urban environments that optimise the pedestrian environment and accessibility to light rail services and economic development opportunities.

“(2) This overlay code supports development opportunity as a catalyst for transforming the city into a highly-connected, compact city with vibrant centres, specialist precincts and urban renewal corridors that will efficiently use land and offer an interesting and unique street life.”

Officer's comment

The proposed development is considered to achieve the purpose of the Light rail urban renewal area overlay code, being a catalyst for transforming the City within the urban renewal corridor based on the following considerations:

- The proposal provides infill development that is well connected to the City's public transport network and the broader network of centres;
- The subject site and the broader Broadbeach locality is well connected to the City's public transport, including bus and light rail services, active transport network, including walking and cycling and the City's surrounding road network;
- The Light rail urban renewal area overlay code supports development as a catalyst for transforming the City, particularly along this urban renewal corridor, into a highly-connected and compact City. The proposed development is considered to achieve this goal, by encouraging high density living and small scale commercial activities on a site which is within proximity to the surrounding economic and social opportunities;
- As demonstrated in the Section 4.2 of this report (Local context), the subject site is well connected to the Broadbeach Specialist Centre to the south, the beach, parklands and community uses;
- The proposed development provides a high density, high-rise outcome that is considered to be an efficient use of land within the urban renewal corridor; and
- A key consideration of this code includes whether the height is appropriate based on site context. Considering this, the amalgamated corner site provides sufficient area for scale and bulk to be reduced as height is increased, which substantiates the overall tower height that is proposed.

The proposal is for a Multiple dwelling (59 Units) and Food and drink outlet subject to meeting the outcomes of these codes, is an envisaged development for the zone and locality.

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.

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Zone code	Overlay / Overlay codes	Development codes
High density residential zone code.	- Acid sulfate soils overlay code; - Airport environs overlay code; - Coastal erosion hazard overlay code; and - Light rail urban renewal area overlay code.	- High-rise accommodation code; - Driveways and vehicular crossings code; - General development provisions code; - Healthy waters code; - Solid waste management code; and - Transport code.

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

Code	Acceptable / Performance Outcome	Subject matter
High density residential zone code	AO1 / PO1	Setbacks
	AO2 / PO2	Site cover
	AO3 / PO3	Building height
	AO4 / PO4	Density
Acid sulfate soils overlay code	AO1 / PO1	Acid sulfate soils
	AO2 / PO2	Acid sulfate soils
High-rise accommodation design code	AO5 / PO5	Tower form design
	AO9 / PO9	Tower cap design
	AO10 / PO10	Housing need and choice
	AO11 / PO11	Communal and private space areas
Commercial design code	AO8 / PO8	Car parking
	AO9 / PO9	Amenity
	AO10 / PO10	Land use
	AO11 / PO11	Land use
	AO12 / PO12	Design and appearance
General development provisions code	AO1 / PO1	Amenity protection
	AO2 / PO2	Amenity protection
	AO6 / PO6	Casual surveillance and lighting

Code	Acceptable / Performance Outcome	Subject matter
	AO8 / PO8	Shadow impacts
Transport code	AO5 / PO5	Servicing
	AO6 / PO6	
	AO10 / PO10	Bicycle parking facilities
	AO12 / PO12	
	AO11.3 / PO11	Pedestrian access

5.3.3.1 Assessment against the High density residential zone code and Light rail urban renewal area overlay code

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

Setbacks – High density residential zone code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome		
PO1 Setbacks: (a) assist in the protection of adjacent amenity; (b) allow for access around the building; (c) contribute to streetscape character; (d) allow for on-site car parking; and (e) provide separation between buildings to maintain view corridors. Note: Building setbacks may also be influenced by the shadow provisions in 9.4.4 General development provisions code.	AO1 Setbacks are as follows:		
	Setback	Minimum distances measured in metres (m)	
		Height	Setback
	Front for covered car parking (excluding a basement)	all	6m
	Front (excluding covered car parking)	up to 23m	4m
		for that part exceeding 23m	6m
	Side and rear	up to 4.5m	1.5m
		for that part between 4.5m – 7.5m	2m
		for that part exceeding 7.5m	an extra 0.5m is added for every 3m in height or part thereof over 7.5m
	Between on site habitable buildings (where not attached)	Double the applicable side setback	

Officer's comment

An alternative to the acceptable outcome is proposed which requires consideration of both front and side setbacks. This assessment is therefore conducted against the performance outcome. The following setbacks are proposed:

	North (side)	East (front)	South (front)	West (side)
Podium (G)	- 0.6m – 1.8m building line	- 0m services; 4.4m building line	- 0m services; - 4.6m building line	- 0m services; - 1.2m building line.
Podium (L1)	- 1.4m building line	- 3m landscape planter; - 4m – 5.3m building line	- 2.5m landscape planter - 4m building line	- 1.2m - 1.49m building line
Podium (L2)	- 1.4m building line	- 4m building line	- 4m building line	- 1.2m - 1.49m building line
Tower (L3) – Communal open space	- 5.5m – 7.8m glazing line	- 4m landscape planter; - 12m building line	- 4m building edge; 6m building line	- 4m – 5.8m building line
Tower (L4-22)	- 6.4m balcony - 7.8m building line	- 4.2m building line	- 4.5m – 8.4m balconies; 6.2 – 12.8m building line	- 4.5m 8.4m building line
Tower (L23 - 46)	- 6.4m balcony - 7.8m building line	- 4.8m – 5.2m building line	- 8.4m building line	- 7m landscape planter; - 8.3m building line

With respect to the above provision the development seeks an alternative outcome for the side frontage ground level services, all elements of the podium north and west, podium landscape planters east and south, tower frontage from above 23m (in this instance above level 7) and tower side setbacks from ~38m (in this instance above level 10).

The assessment of Performance outcome PO1 is provided as follows:

(a) assist in the protection of adjacent amenity;

Relative to adjacent amenity is the sites' response to the northern and western adjoining boundaries.

To the north, the ground level aspect of the podium (setback 0.6m from the adjacent boundary) is 2.7m high and 6.8m in width. This aspect allows for a narrow planter to establish a small but appropriate landscape buffer of the lower podium element.

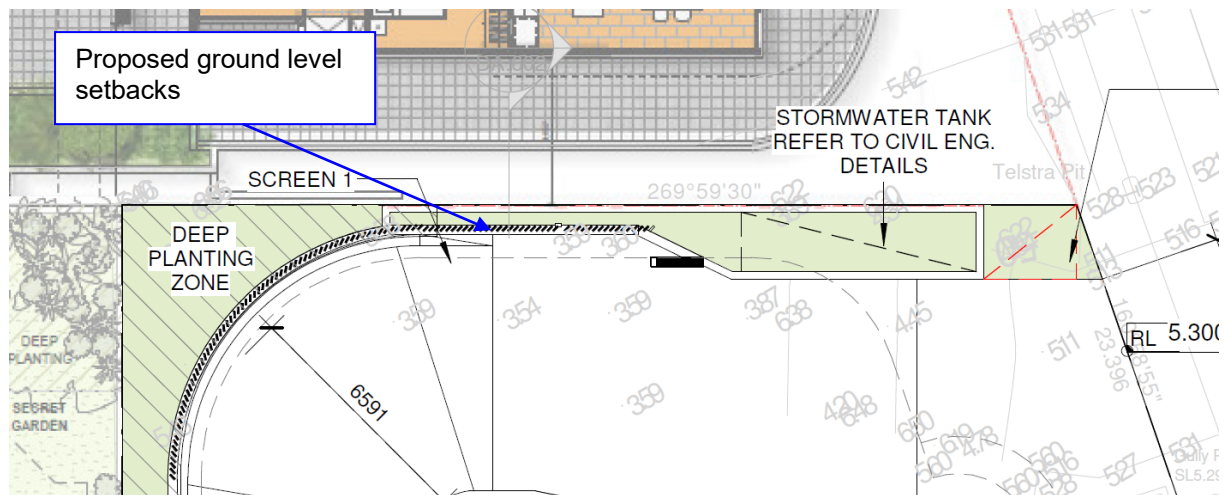


Figure 11 – Ground level podium setbacks. **Source:** Ferrochow.

Officers have reviewed the existing approved plans to better understand the height of this adjoining development's podium and the impact the lower portion of the proposals podium will have on the adjacent existing development. As observed, the podium is 4m high with elements that are generally built to the subject sites' boundary.

The image below further shows that the built form as eventuated on the adjacent property to the north at which it can be observed that the proposed podium will bare no impact on usable areas, therefore no impact on adjacent amenity. It is abundantly clear that the first level of the podium, with a height of 2.7m will have no impact on adjacent amenity. For the height and width of this element the ground level setbacks respond appropriately to adjacent amenity.

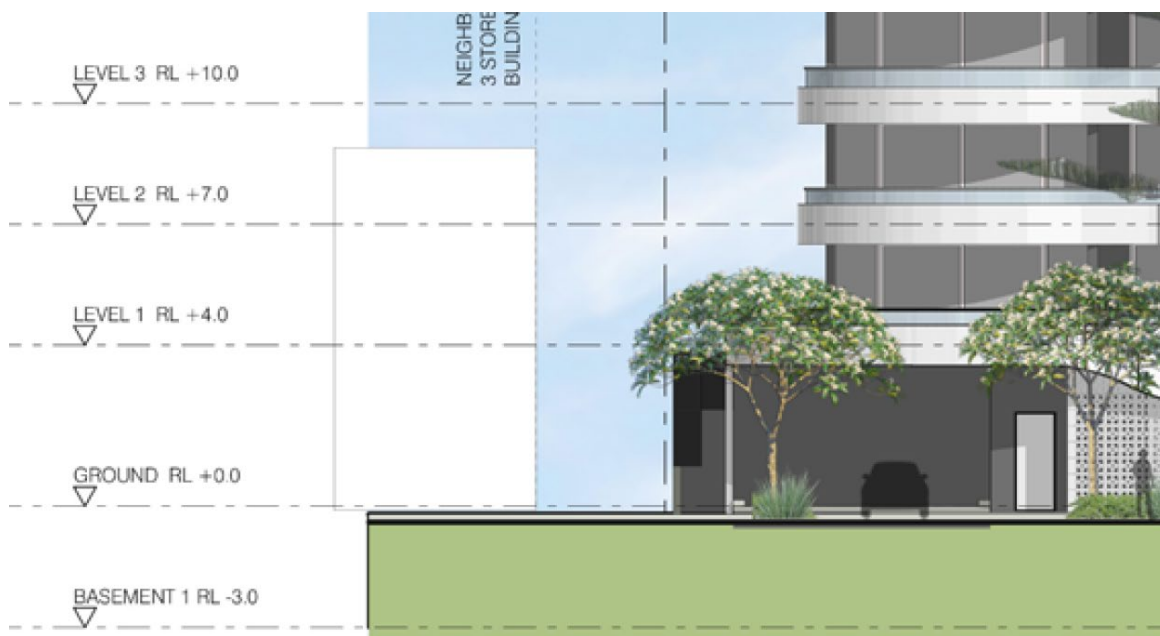


Figure 12 – Adjoining property approved plans. See further figure above for result of approved plans.



Figure 13 – Subject site (left) and northern adjoining development interface (right). **Source:** Google.

For the remaining podium height, which extends up to 8.5m from natural ground, setbacks increase to 1.4m in lieu of the 1.5m (up to 7.5m) and 2m (for the remaining 1m of the podium) as prescribed by the Acceptable outcome. The below image expresses how the podium would be observed from the adjacent property:



Figure 14 – Perspective view of podium from north. **Source:** Ferrochow.

Officers consider the extent of setback encroachment to the north to be negligible. The extent of impact is also considered to be offset by the proposed landscape outcome along the northern boundary and an appropriate architectural composition to assist in offsetting any perceived bulk.

To the west the podium setbacks are generally consistent along the full length of the western boundary, where setbacks are generally between 1.2m to 1.49m. The below perspective was provided to show the interface from the western site.



Figure 15 - Perspective view of podium from west. **Source:** Ferrochow.

The City Plan sets the vision for development patterns within the city. Of specific note to this site and the western podium interface are provisions contained within the Light rail urban renewal area overlay code and the High rise accommodation design code, specifically that towers development respects and complements the scale, character and form of adjacent properties (Overall outcome 8.2.12.2(3)(a)(iii) – Light rail urban renewal area overlay code) and are co-ordinated to off-set with adjacent existing and proposed towers (AO5.3 of the High rise accommodation design code). On this note, Officers have reviewed setbacks associated with a recently approved tower at 9-11 Armrick Avenue (western adjoining site). MCU/2021/256 and consider the setbacks are generally replicate of those approved setbacks. In this way, the desired future form as it evolves will ensure envisaged amenity is appropriately protected by locating podium form of a height, scale and form similar to that of adjoining approved form.

The below figure draws comparison to the proposed podium with that of the existing approved podium to the west. The setbacks for a podium of this scale are well supportable here and will reinforce the way in which offsets have been coordinated between approved forms.

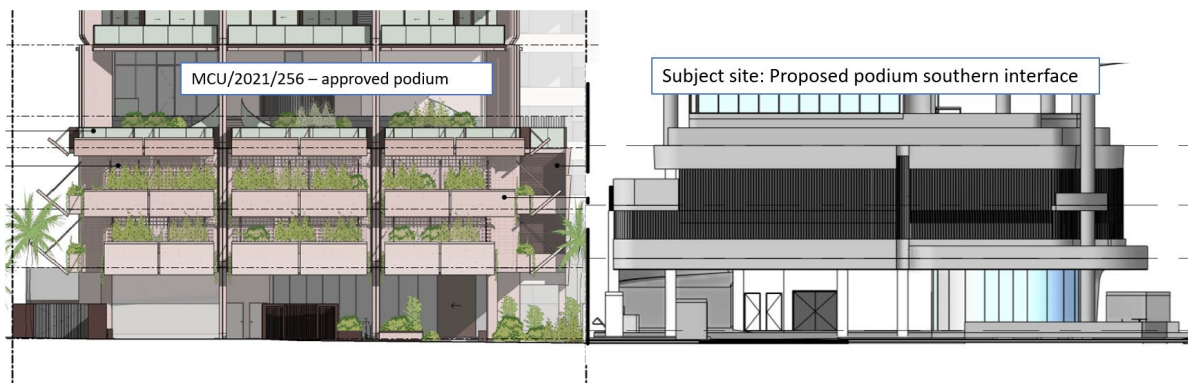


Figure 16 – Comparison with adjacent approved podium. **Source:** CoGC.

Additionally, Officers have observed the existing unit orientation for the adjacent western unit complex and note that balconies of these units are oriented towards the south away from the subject site. Further, the existing separation between boundaries physically buffers the adjoining site from the proposed podium. See figure below.



Figure 17 – Western site context. **Source:** CoGC.

In the above way, the proposed podium is appropriate in the existing context and when cumulatively considered against current planning approvals over the western site.

Tower setbacks:

The proposed tower setbacks increase as height increases which continually assists in the breaking up of perceived mass for the taller portions of the tower and is considered appropriate for the following reasons:

- The northern interface proposes setbacks that vary from 6.5m to 7.7m. The northern tower floor plates are the point at which the tower presents the most slender portion. The dominance of the tower is centrally broken up through a distinct offset between setbacks and the physical separation from the adjacent northern property.
- To the west, the tower provides setbacks between 4.5m to 6.9m up to level 21, where setbacks are then increased further from 6.9m to 8.2m for the remaining tower form. Similar to that of the northern context, the dominance of the tower is centrally broken up through the distinct offset between setbacks and the physical separation from the adjacent western property.
- Slab edges and batten feature screening offers a point of variance from the main building line to assist in offsetting any perceived building bulk.
- The towers site cover is reduced as height increases. From the north and west, there is a meaningful reduction in dominance as height increases into 2 typical floor plates, as observed within the eastern elevation below. This in effect allows for a reduction of perceivable visual bulk and dominance from the buildings proposed height.
- Considering the northern and western setbacks the alignment is sufficient to maintain the reasonable amenity expectations for residents (future/existing) of the adjoining property to the north and west as clear views through the sites will be maintained when considering the high-rise, high density context (refer to figure below).

Cumulatively, through design features and physical separation from the northern and western boundary, adjacent amenity is appropriately protected.

(b) allow for access around the building:

Sufficient area for circulation and access around the building (e.g. for maintenance) has been provided despite the ground level encroachment around the perimeter. When maintenance is required along the southern side boundary, these areas can be accessed via the landscaped garden beds.

(c) contribute to streetscape character:

The site is a corner allotment, with frontage to both Old Burleigh Road (east) and Armrick Avenue (south). For the first 23 storeys, the development proposes 4.2m (east) and 4.5m (south) frontage setbacks. The tower then increases setbacks to 5m (east) and 8.4m (south) for the remaining building height. It is therefore the eastern setbacks (full height) and southern (up to 23 storeys) that frontage setbacks are sought to be varied beyond the Acceptable outcome.

The benefit of a corner lot of this nature is that necessary building services can be sensitively designed and placed along both frontages to reduce the dominance of services in any one frontage.

The proposed development incorporates several planting areas within the frontage to assist in softening the built form at the ground, first and second level, creating a tiered landscape effect as reflected in the below figure. The level 1 and 2 planters adjoining the streetscape will incorporate a combination of shrub and cascading plants while the south eastern corner frontage garden will support a large canopy tree to provide a direct visual contrast towards the remainder of the development when viewing from the adjacent Armrick Avenue and Old Burleigh Road frontages.

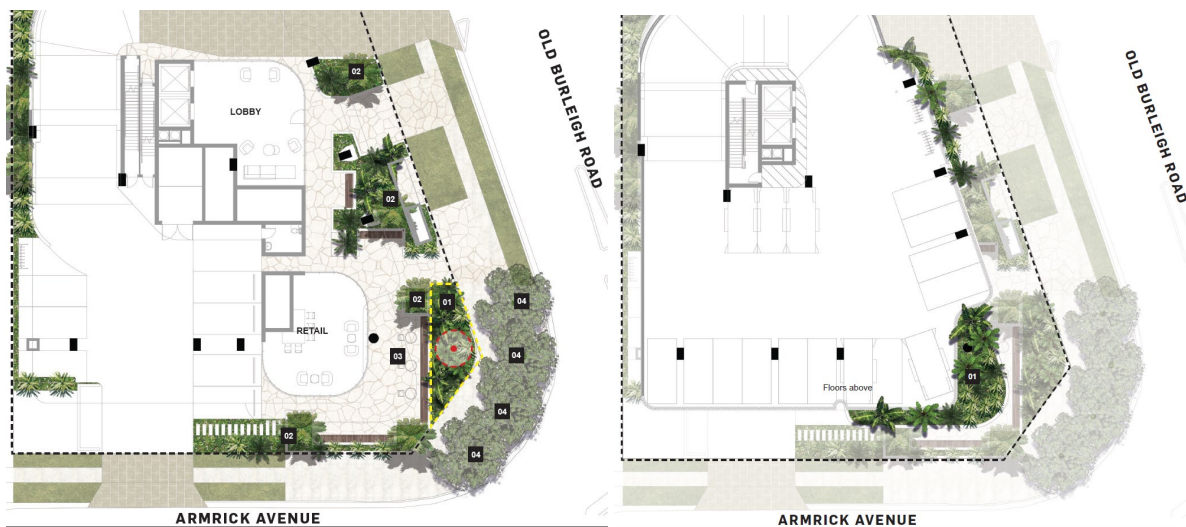


Figure 18 - Statement of Landscape Intent – Frontage Ground Floor (Left) & Level 1 (Right). Source: Urbis.

The proposed ground floor frontage garden incorporates deep landscaping to promote a high quality active pedestrian environment. Landscape Officers support the inclusion of a large canopy tree with a to further contribute to the streetscape.

Atop the podium, the perimeter planting further defines the podium and accentuates an appropriate balance between green areas and built form.

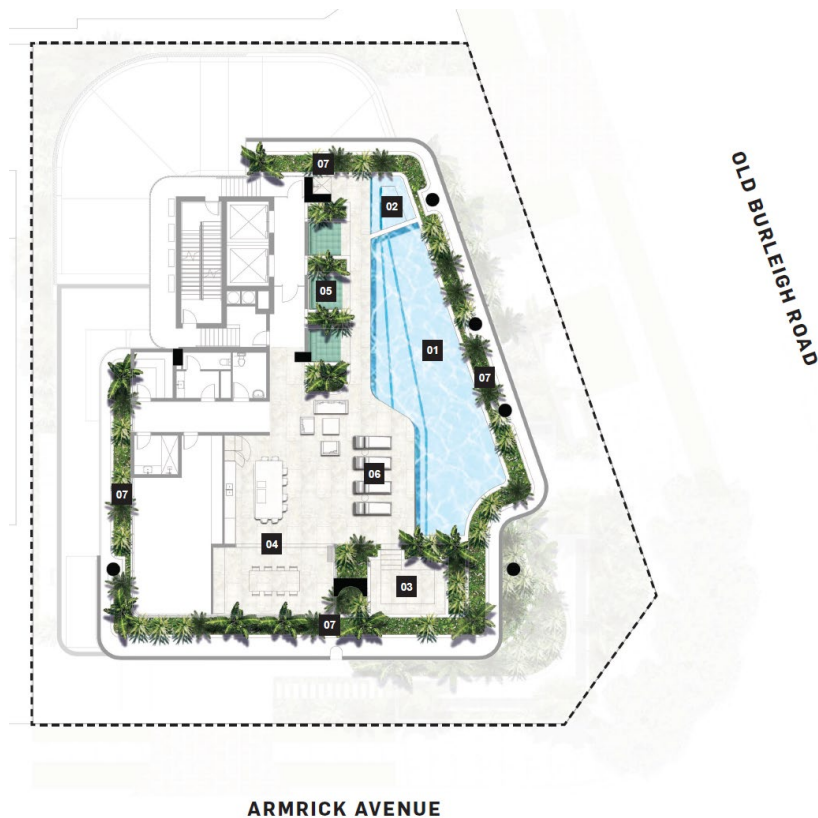


Figure 19 – Rooftop podium landscaping. Source: Urbis.

For the tower itself, the cumulative consideration of the physical separation from the street front presents the tower form as highly attractive and appropriately setback in the context of the area.

Office of Architecture and Heritage have provided the following supporting comments with respect to the appropriate tower base streetscape presentation:

“The Ground floor plan incorporates appropriate landscape buffers with deep planting pockets to enable large feature trees and shrubs to reinforce the residential landscape character. The podium form includes integrated planter boxes, skygardens and landscaping to break up the podium form and provide amenity to the neighbours. The landscaping assists to balance the large extent of hard stand material at the important interfaces and public realm.

The 3 storey / 10.5 metre high podium proposes an appropriate low rise scale, activated frontage to both street frontages and high quality landscaping at the ground level. The street frontages are open with large areas of glazing to the lobby and café area.

As a result, the proposed arrangement achieves an appropriate outcome in context with the surrounding area where tower development is envisaged. The proposal meets the requirement for PO1 in providing amenity to neighbours, clear distinct view corridors between adjoining lots, a sense of openness contributing to a desired intended, residential built form outcome.”

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

The proposed setbacks are sufficient to provide access to resident and visitor car parking within the basement.

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

The site attributes require this provision to be assessed in the context of preserving appropriate view corridors through sites (north and west) and through the street to ensure view corridors are not unreasonably constrained by the proposed building setbacks.

Officers consider that the proposed development has appropriately responded to the adjacent northern and western context maintenance of view corridors through sites. The setbacks are well varied and coupled with soft edges, batten screening and landscaping promotes a positive setback pattern to the north and west for the height proposed. The setbacks reflect an appropriate response to the transpiring development pattern in this high rise, high intensity area of the city.

Setbacks for the height proposed will provide suitable separation distance to afford appropriate view corridors to be maintained between buildings to the north where tower separation of 9.6m will be observed up to the height of the existing, recently completed adjoining development. To the west, Officers have had the benefit of ensuring a coordinated response to tower separation is provided with the recently approved tower at 9-11 Armrick Avenue (MCU/2021/256). Setbacks of that approved development coupled with the proposals will allow for tower separation between 9m and 13m.

The below figure shows the tower offset. The figure further below does not include adjacent development as there are no towers of the same scale as this proposed herein. Notwithstanding, the proposal reduces its tower floor plate upwards from level 23, which accentuates the lower forms relationship with adjacent existing and approved towers while reinforcing the clear intent by the City Plan for tower bulk to be reduced as height increases.

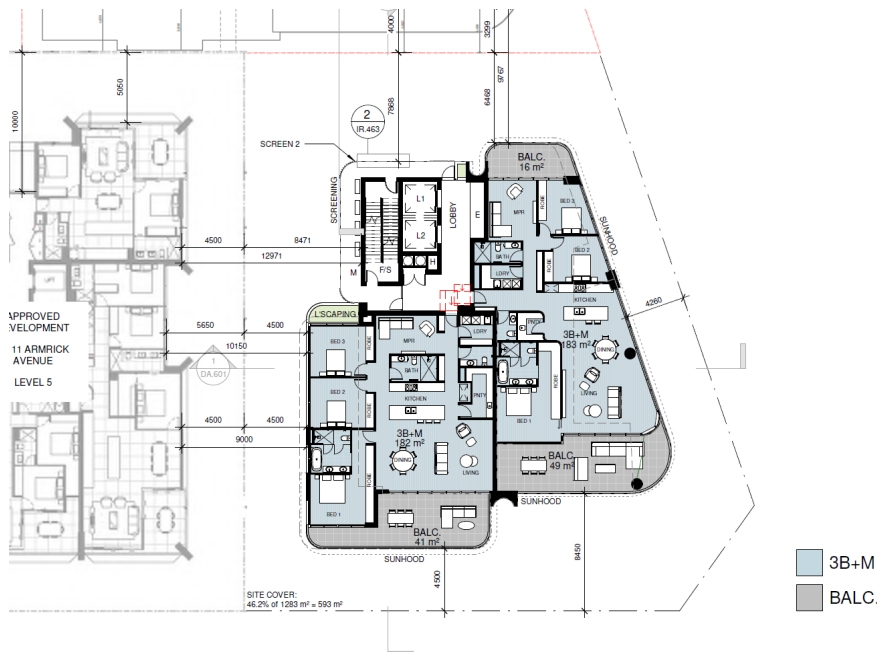


Figure 20 – Lower tower form. Source: Ferrochow.

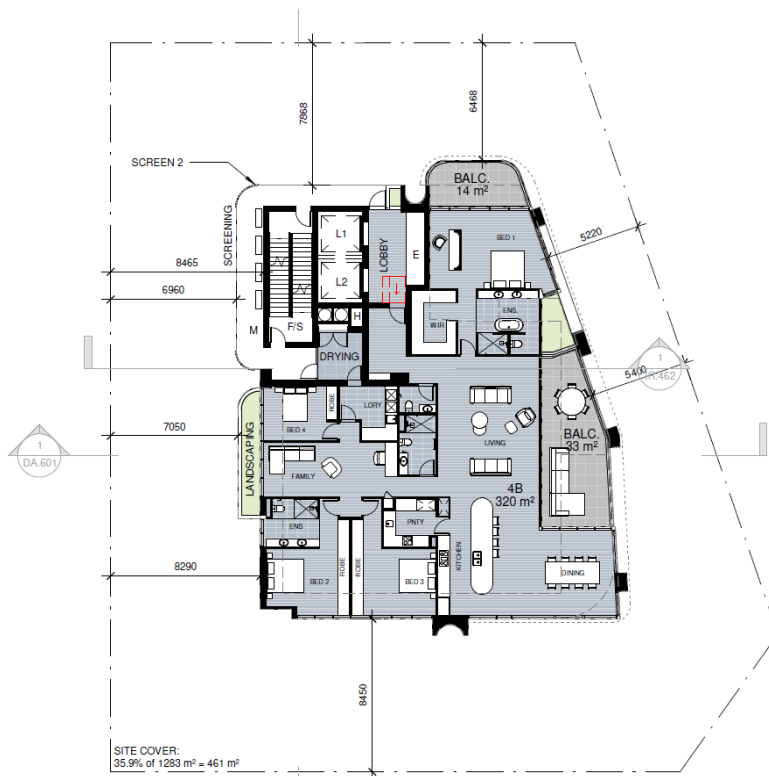


Figure 21 – Tower floor plate above level 23. **Source:** Ferrochow.

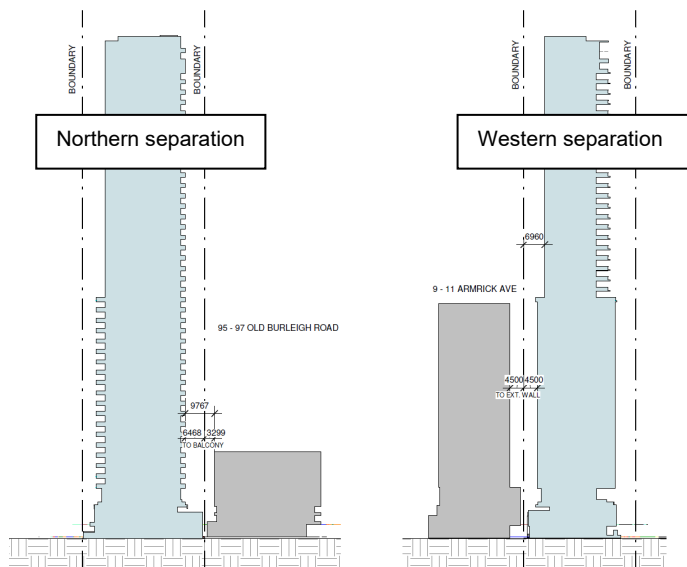


Figure 22 – Tower separation elevation. **Source:** Ferrochow.

Collectively, City Officers consider the relationship between tower setbacks and building height delivers upon a form that is appropriate for the high rise, high intensity area of the city.

Based on the above assessment it is considered the development complies with Performance outcome PO1 of the High density residential zone code.

Site cover – High density residential zone code

The Acceptable outcome and corresponding Performance outcome is provided below:

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 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 750m ² per building, whichever is the lesser, above 15 storeys.

Officer's comment

The site cover of the tower requires an alternative for the full height of the proposal, however as observed in the figures below, site cover does vary generally in line with the Acceptable outcome, albeit marginally over in each case (65% in lieu of 50%, 46% in lieu of 40% and 36-43% in lieu of 30%). This assessment is therefore conducted against the performance outcome. The following site cover is proposed:

- Podium: 65% (836m²);
- Level 4-22: 46% (593m²); and
- Level 23-46: 43% – 36% (461m²).

is balanced between built form and green areas for landscaped private open space

Landscaping which includes a mix of ground covers, screening shrubs and tall feature trees within deep planting areas is provided at the frontage and around the perimeter of the building (at ground level), and on the building via landscaped planter boxes (on the landscaped transfer slab), which softens and screens the edges of the built form and the site (refer to figures below). The quantum and quality of proposed landscaping has been reviewed by Landscape Assessment and is supported.



Figure 23 - Ground and podium landscape. Source: Urbis.

contributes to neighbourhood character and amenity

The proposed tower is appropriately designed to reduce the perceived bulk through layered landscaping, articulation and shaping of the form which together result in an attractive composition that will contribute to neighbourhood character and amenity.

promotes slender bulk form

The images within the setback assessment section above demonstrates how site cover reduces through the development's presentation of 2 different typical floor levels (reducing in scale above level 23), which creates distinctive lower and upper aspects of the tower. The dimensions of the building vary at each height and therefore slenderness increases as height increases. The building maintains a comparable bulk to the site context, does not exceed the 750m² floor plate envisaged by the City Plan for slender towers and is therefore appropriate within the context. Furthermore, the articulated form of the building from all aspects, through recesses and various façade treatments mitigates the perceived bulk of the building to promote an appropriate slender form.

promotes an open, attractive and distinct skyline

The slender form, sufficient setbacks, and tower separation assist in promoting an open natured skyline.

facilitates small, fast moving shadows

The shadow analysis demonstrates that the shadow cast by the development is fast moving and not unreasonable within the high density, high-rise locality.

Based on the above assessment it is considered the development complies with Performance outcome PO2 of the High density residential zone code.

Building height – High density residential zone code

The Acceptable outcome and corresponding Performance outcome is provided below:

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

Officer's comment

There is no Acceptable outcome, therefore assessment is conducted against the Performance outcome. The subject site is located within the HX designation on the Building height overlay map, being a location where building height 'no limit' subject to design response. The proposed development has a building height of 46 storeys (159m) which is consistent with the Performance outcome.

Based on the above assessment it is considered the development complies with Performance outcome PO3 of the High density residential zone code.

Density – High density residential zone code

The Acceptable outcome and corresponding Performance outcome is provided below:

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

Officer's comment

Assessment is conducted against the Performance outcome as there is no Acceptable outcome. The subject site is mapped RD8 (1 bed / 13m²) on the Residential density overlay map. The proposed density is 1 bed / 6.4m² of site area which is greater than the mapped density.

The proposed development does not meet the performance or acceptable outcomes. However, in accordance with section 5.3.3 of the City Plan, the development can still be assessed as complying with a code, provided it complies with the purpose and overall outcomes of the code.

The following assessment is conducted against the applicable Overall outcome 2 (b) relating to the form, scale and intensity, and (c) relating to character.

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

Orderly and economically efficient settlement pattern

- (i) *degree of public transport service within a 400 metre walking distance, being the most desirable distance for pedestrian access, and the ease and safety of pedestrian access to that service;*
- (ii) *proximity to major employment concentrations, centres, social and community infrastructure facilities and important amenity features, including the coast, recreational waterways and parkland;*
- (iii) *capacity of available infrastructure to support the development, including water, sewer, transport and social and community facilities;”*

Officer’s comment

The proposed development provides a built form, scale and intensity that is considered to be appropriate for the locality being a ‘frame area’ subject to the Light rail urban renewal area overlay code and the High density residential zone code. The subject site is located within proximity to existing infrastructure and services and delivers housing choice within the urban renewal corridor. For these reasons a more intensive form of development is reasonably contemplated within the area.

The subject site is well-serviced by public transport with high-frequency bus stops located south of the site on Armrick Avenue. The surrounding pedestrian footpaths provide safe and convenient access for pedestrians to the public transport within the locality. The subject site is also in proximity to the Gold Coast Highway which is a major north-south transport route if traveling by private vehicle.

The nearest light rail station is located approximately 550m to the west being the ‘Florida Gardens Station’, being within a comfortable walking distance.

The site is located in proximity to a range of amenities, facilities and services, most notably the Broadbeach bowls club is located immediately south and the Broadbeach specialist centre is located approximately 900m to the south. The bowls club and centre provides considerable employment concentrations and various restaurants, bars, cafés and shops, as well as local conveniences, to meet the needs of future residents.

The site is also located within 200m of the Broadbeach foreshore which provides significant social and amenity value to local residents.

Council’s Water and Waste section have determined that the existing water and sewer network has capacity to accommodate the proposed development.

Council’s Transport Assessment section has assessed the relevant supporting material and the proposed development is expected to have minimal impact on the operation of the local road network. Officers are therefore satisfied that the subject site is capable of supporting the proposed density with minimal impacts on the amenity of the locality.

“Housing needs

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

Officer's comment

The proposed development includes 59 units of various sizes comprising a mix includes 36 x 3 bed, 22 x 4 bed and 1 x 5 bed units. The development is considered to introduce a mix of housing form, size and affordability into the market.

“Design and amenity

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

Officer's comment

The subject site is mapped with a maximum building height of 'HX' (areas identified with 'HX' do not have a building height limit). Cumulatively considering the proposed development setbacks and site cover, Officers consider the development outcome will reflect a desirable building height.

The site is located in a residential area comprising a mix of low, medium and high-rise development. The site is also located in a 'Frame Area' of the Light rail urban renewal area overlay code, which is identified as a catalyst to transform the City and provide an intensive urban environment. Officer's consider that the proposed development is an outcome that achieves the intent of a 'high intensity urban environment' as intended by the City Plan.

The proposed development involves a high-rise built form, with setbacks and site cover which are consistent with the neighbourhood character as intended by the City Plan, whilst maintaining the surrounding residential amenity.

Aspects of the proposal including setbacks, site coverage and shadows have been assessed against the applicable outcomes for the zone and relevant development codes. Officers consider that the proposal maintains the reasonable amenity of adjoining residents.

Privacy impacts on the surrounding residents are considered to be minimal as a result of the unit orientation, design, building separation and internal configuration of the proposed Food and drink outlet.

The tower base incorporates a mix of forms, materials and integrated landscaping to efficiently screen the hardscape of the development.

Based on the above, the proposed development is considered to provide a design and amenity outcome appropriate for the zone and this particular locality.

“Environment

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

Officer's comment

The impacts of the site constraints have been appropriately incorporated into the development.

“Community Benefit

(x) where the development:

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

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

Officer’s comment

The proposed development achieves an appropriate form, scale and intensity as addressed in the assessment against Overall outcome 2(b). The applicant has not elected to utilise the community benefit bonus policy in accordance with the statutory note above.

“(c) Character consists of –

- (i) urban neighbourhoods that consist of primarily higher intensity places containing medium to high-rise buildings;
- (ii) a building height that provides a hard and distinct edge to clearly define the higher density locations within the city; and
- (iii) walking and cycling paths, street trees and local streets for shared car and bike use.”

Officer’s comment

The intended character for the area is for intensive development which promotes a lively street environment in order to capitalise on the proximity to transport, services and amenities. The form scale and intensity of the development is appropriate for the zone and locality, and therefore satisfies the intended character outcomes.

Based on the above assessment it is considered the development complies with Overall outcome 2(b) and (c) of the High density residential zone code.

Accordingly, compliance with the above City Plan benchmarks confirms the developments density is appropriate.

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 sulfate soils – Acid sulfate soils overlay code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO1	AO1

The extent and severity of the acid sulfate soils risk is accurately characterised.	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 development application was not supported by an acid sulfate soils investigation and therefore compliance with Acceptable outcomes AO1 and AO2 is not achieved.

The application was referred to Environmental Assessment and City officers have recommended a condition which requires the submission of an investigation and management plan (if determined) and therefore, subject to conditions, the proposed development will meet Performance outcomes PO1 and PO2.

Based on the above assessment it is considered the development complies with Performance outcomes PO1 and PO2 of the Acid sulfate soils 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:

Tower form design – High-rise accommodation design code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO5 Tower form mitigates negative visual and physical impacts, including impacts on privacy, by setting back from streets, parks, open space and adjacent properties and tower forms.	AO5.2 New towers are separated a minimum distance of 25m from any existing or approved adjacent and on-site tower(s).

Officer's comment

Immediately to the north, the site adjoins an existing 10 storey residential tower, while to the west the site adjoins an approved adjacent tower. It is apparent that the 25m tower separation provisions within Acceptable outcome AO5.2 are not capable of being achieved as considering the proposed setbacks and those of the northern and western tower (existing/ approved) separation distances will be lesser. This is visually shown below:

North – Adjacent existing tower + this proposed tower separation

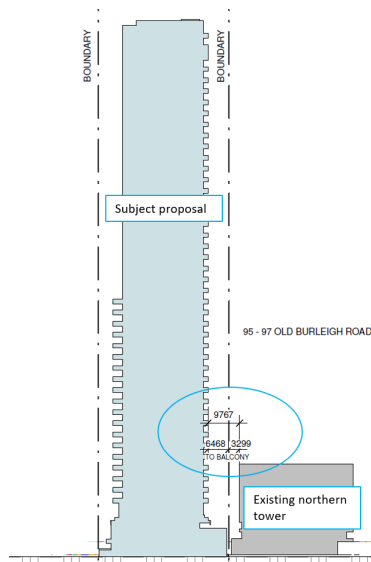
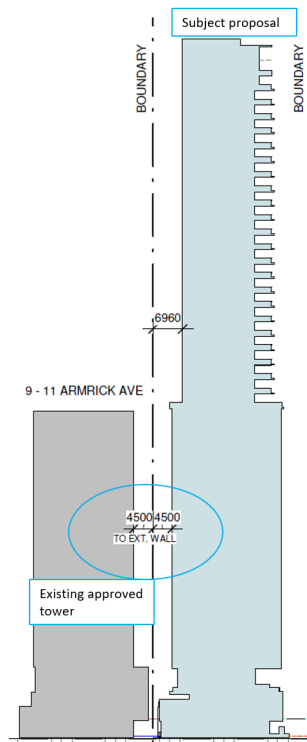


Figure 24 – Northern tower separation. Source: Ferrochow.

West – Adjacent approved tower + this proposed tower separation



Performance outcome PO5 requires that tower form mitigates negative visual and physical impacts, including impacts on privacy, by setting back from streets, parks, open space and adjacent properties and tower forms.

Tower cap design – High-rise accommodation design code

The Acceptable outcome and corresponding Performance outcome is provided below:

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

Officer's comment

Acceptable outcome AO9 does not provided an Acceptable outcome and therefore assessment is required against Performance outcome PO9. The tower cap design visually integrates the lift overrun at the rooftop of the development. The proposed development includes a rooftop terrace that integrates the building services within the design of the overall proposal.

Based on the above assessment it is considered the development complies with Performance outcome PO9 of the High-rise accommodation design code.

Housing need and choice – High-rise accommodation design code

The Acceptable outcome and corresponding Performance outcome is provided below:

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

Officer's comment

Acceptable outcome AO10 does not provided an Acceptable outcome and therefore assessment is required against Performance outcome PO10.

The proposed development includes 59 units of various sizes comprising a mix including 36 x 3 bed, 22 x 4 bed and 1 x 5 bed units. The development is therefore considered to provide a mix of housing form, sizes and into the market to meet the housing needs. The affordability of this housing product is responsive to the beachside location and relative to other beachside residential towers.

Based on the above assessment it is considered the development complies with Performance outcome PO10 of the High-rise accommodation design code.

Communal and private space areas – High-rise accommodation design code

Performance outcome	Acceptable outcome
PO11 Communal space areas: (a) are accessible, useable and safe; (b) enhance the attractiveness of the development; (c) provide opportunities for social interaction; and (d) create pleasantly shaded outdoor areas.	AO11.1 Communal space is provided at a rate of 11m ² per intended user of the site and is designed for simultaneous use by individuals and groups.
	AO11.2 Landscaping in open communal space areas: (a) have minimum and average widths of 1.5m and 3m; (b) are at-grade with adjacent footpaths; (c) comprises 50% deep planting; and (d) do not screen views to the street or entries.

Officer's comment

Acceptable outcome AO11.1 of the High-rise accommodation design code seeks 11m² of communal open space to be provided per intended user. When determining if the communal open space provides adequate recreational areas to service the needs of the residents and their guests, the following method is commonly used.

Method:

1. Assume 1.5 people per 1 bedroom, 2 people per 2 bedroom and 2.5 per 3 bedroom
2. Assume 80% occupancy
3. Assume 33% usage
4. Demonstrate that the facilities proposed on the site are capable of catering to this demand

The above assumes the occupants within the development and the number of people using the communal facilities to determine whether the size and embellishments of the communal open space area is adequate.

The proposed building contains 59 units and the number of users on site will vary based on occupancy levels. Assuming an average of 2.5 people per 3 and 4 bedroom unit (147 people), an occupancy of 80% (117 people) and a usage demand of 33%, the demand is expected to be around 39 people, which based on the quantitative requirement of 11m² per intended user equates to an area of 429m².

The development provides 894m² of communal open space area and therefore achieves Acceptable outcome AO11.1. Notwithstanding, the predominant location of communal open space is located at the roof top podium level and on the towers uppermost level, which by location within the building, does not allow for deep planting opportunities. Accordingly, assessment is elevated to the Performance outcome and is provided as follows:

(a) *Communal space areas are accessible, useable and safe;*

The communal space areas identified above are considered readily accessible for all users of the site. Further, the provisions of a number of facilities promotes usability within the development.

(b) *Communal space areas enhance the attractiveness of the development;*

City Officers consider that landscape depths and widths within the communal open space areas will promote appropriate landscaping for the end user.

(c) *Communal space areas provide opportunities for social interaction; and*

The development provides a suitable variation in communal open space areas to provide a range of opportunities for social interaction between guests of the development.

(d) *Communal space areas create pleasantly shaded outdoor areas.*

The communal space areas generally provide a 50/50 split between indoor and outdoor communal area, which is considered to provide pleasantly shaded outdoor areas as intended by this provision.

The development complies with Performance outcome PO11.

Car Parking – Commercial design code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO8 All other areas Off-street parking areas are located beside, behind or within the building and are treated to minimise their visual impact from the street as required.	AO8 No acceptable outcome provided.

Officer's comment

As no acceptable outcome is provided, officers have reviewed the location of off-street parking areas that are provided that will be associated with the proposed Food and drink outlet. While access is proposed from both Old Burleigh Road and Armrick Avenue, the commercial and residential visitor car parking spaces are accessed via the Armrick Avenue vehicular crossover, in a similar location to the existing onsite commercial car parking. Notwithstanding the similar location, the proposal appropriately manages perceived visual impacts of car parking areas by appropriately screening these areas with landscaping forward of the area. The below figures shows this outcome.



Figure 25: Ground level visitor car parking behind landscaped frontage. **Source:** Urbis.

Amenity – Commercial design code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO9 Service and loading areas are: (a) located underground; (b) behind the use; or (c) visually screened from public areas.	AO9 No acceptable outcome provided.

Officer's comment

As no acceptable outcome is provided, officers have reviewed the location of off-street parking areas that are provided that will be associated with the proposed Food and drink outlet.

It is important to note that the existing site conditions include a service vehicle loading bay immediately adjacent the site within the Armrick Avenue frontage. That service bay provides direct service vehicle parking for the existing 3 commercial tenancies on the site. The proposal includes only one (1) commercial activity and therefore the continued use of this service bay for these operations is reasonable. The reliance on on-street servicing is not able to achieve Performance outcome PO9.

The development can still demonstrate compliance with the Commercial design code by achieving compliance with the overall outcomes of the code. Relevant to this matter, Overall outcome 9.3.4.2(2)(c)(i) reads as follows:

"Service and loading areas are located behind the building, underneath the building or in areas where they are screened from the public view to maintain the amenity of the street."

While the above provision is drafted similar to that of Performance outcome PO9, it notes that the intent behind the provision is to 'maintain the amenity of the street'. Therefore, use of the existing service bay on the street that currently serves the existing food and drink outlet on the site, is

considered to maintain the reasonable amenity expectation for this street. The development complies with the Commercial design code.

Land use – Commercial design code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO10 Ground floor spaces are designed to enable flexible reuse of the tenancies to support changing community and business needs.	AO10 No acceptable outcome provided.

Officer's comment

As no acceptable outcome is provided, officers have reviewed the land use provision against Performance outcome PO10. The proposal involves a ground level Food and drink outlet, the location and open nature will allow the end user of the tenancy to adapt to a use that provides direct services to support changing community needs within the blanket 'Food and drink outlet' land use (i.e. café, coffee shop, kiosk, milk bar, restaurant, snack bar, take-away, tea room) including indoor and outdoor dining opportunities to engage and activate the Armrick Avenue and Old Burleigh Road corner. Should a different commercial use be proposed under separate cover, the open nature of the tenancy will allow the use to appropriately adapt.

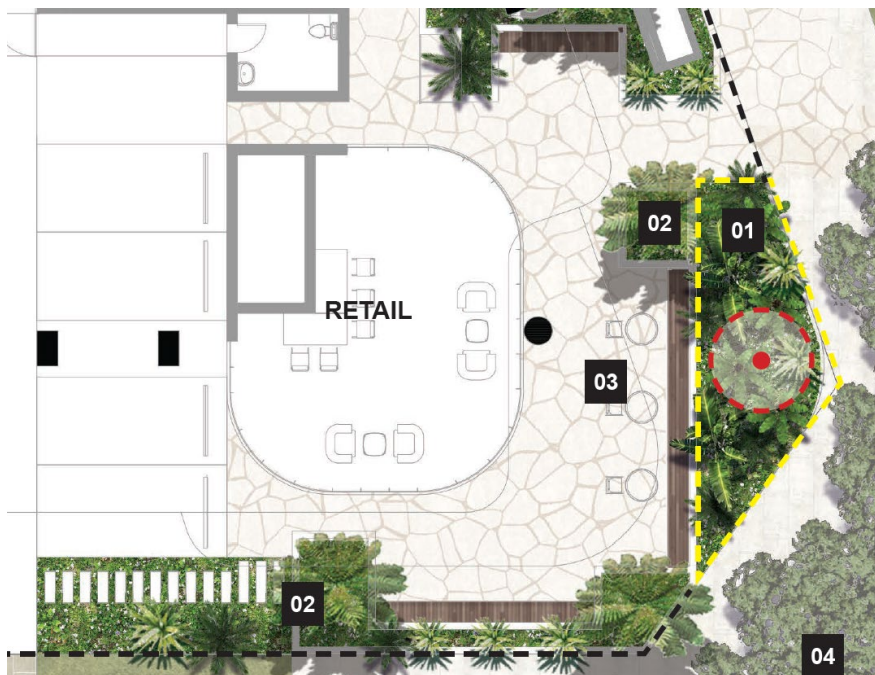


Figure 26 - Ground level Commercial tenancy. **Source:** Urbis.

The proposal complies with Performance outcome PO10.

Land use – Commercial design code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
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PO11 Active uses are located on the ground floor to encourage pedestrian activity and interaction. Note: An example of 'active uses' could include uses such as shops and food and drink outlets.	AO11 No acceptable outcome provided.
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Officer's comment

As no acceptable outcome is provided, officers have reviewed the land use provision against Performance outcome PO11. The ground floor tenancy includes a Food and drink outlet. As explained within the note for PO11, a Food and drink outlet is an 'active use'. Coupled with the integration of indoor and outdoor use areas associated with the tenancy, the proposal encourages pedestrian activity and integration with the street.

The proposal complies with Performance outcome PO11.

Design and appearance – Commercial design code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO12 Development maintains a compatible form and scale to nearby development.	AO12 No acceptable outcome provided.

Officer's comment

As no acceptable outcome is provided, officers have reviewed the design and appearance provision against Performance outcome PO12. The ground floor tenancy is designed within the footprint of the tower, maintaining a form and scale to nearby residential development.

The proposal complies with Performance outcome PO11.

Amenity protection – General development provisions code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
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**DELEGATED AUTHORITY REPORT FOR DEVELOPMENT APPLICATION FOR
MATERIAL CHANGE OF USE (CODE ASSESSMENT) FOR A MULTIPLE DWELLING (59 UNITS)
AND FOOD AND DRINK OUTLET AT 99-101 OLD BURLEIGH ROAD, BROADBEACH
MCU/2021/603**

DIVISION NO. 10

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 provided.
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) contaminating substances; (j) hazardous chemicals; (k) odour and emissions; and (l) safety.	AO2 No acceptable outcome provided.

Officer's comment

No Acceptable outcomes are provided therefore the development must demonstrate compliance with Performance outcomes PO1 and PO2.

The proposed high-rise tower involves both a residential tower and ground level commercial tenancy. The site is located within an established residential area and is currently operating with 3 three (3) commercial tenancies on site. No existing amenity, or health and safety issues exist in the area that would adversely impact the proposed development. Similarly, the development is not likely to generate adverse amenity, or health and safety issues that would impact the surrounding area — beyond what has already been assessed in this report. It is therefore considered the development complies with Performance outcomes PO1 and PO2 of the General development provisions code.

Casual surveillance and lighting – General development provisions code

The Acceptable outcome and corresponding Performance outcome is provided below:

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

opportunities for crime.

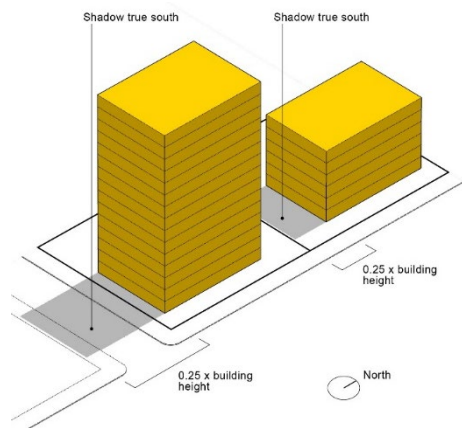
Officer's comment

No Acceptable outcomes are provided therefore the development must demonstrate compliance with the Performance outcome. Any lighting located within the publicly accessible areas of the site will assist in maintaining a reasonably safe environment. Furthermore, balconies facing the street and the beach will support casual surveillance over the public realm.

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

Shadow – General development provisions code

The Acceptable outcome and corresponding Performance outcome is provided below:

Performance outcome	Acceptable outcome
PO8 The building is designed and located to ensure that the shadow cast by the building does not detract from a comfortable living and ground level environment and the access of adequate sunlight to private and public spaces having regard to: - the degree of containment of the shadow on the subject site at different times of the day on the summer and winter solstice and spring and autumn equinox; - the cumulative impact of the shadow and existing shadows; - the effect of the shadow on the ocean beach, Broadwater foreshore, or riverside or beachside public open space; - the location of the shadow on non-residential areas external to the site; and - the effect of the shadow on any other site or other building.	AO8.2 The shadow cast by the building in a true south direction has a length 0.25 times the height of the building, as measured from ground level adjacent to the southern side of the subject building to the top of the topmost storey, and does not intrude onto any other site, or does not cast shadow onto any other building on the same site.  Figure 9.4.4-2 Illustration showing southern shadow outcome

Officer's comment

The shadow resulting from the proposed development does not achieve the above Acceptable outcomes due to the following:

- Southern shadow $0.25 \times 164 = 41\text{m}$. The buildings southern frontage setbacks will result in a portion of the southern shadow entering into the Broadbeach Bowls club site as shown below, thus AO8.2 is not achieved.

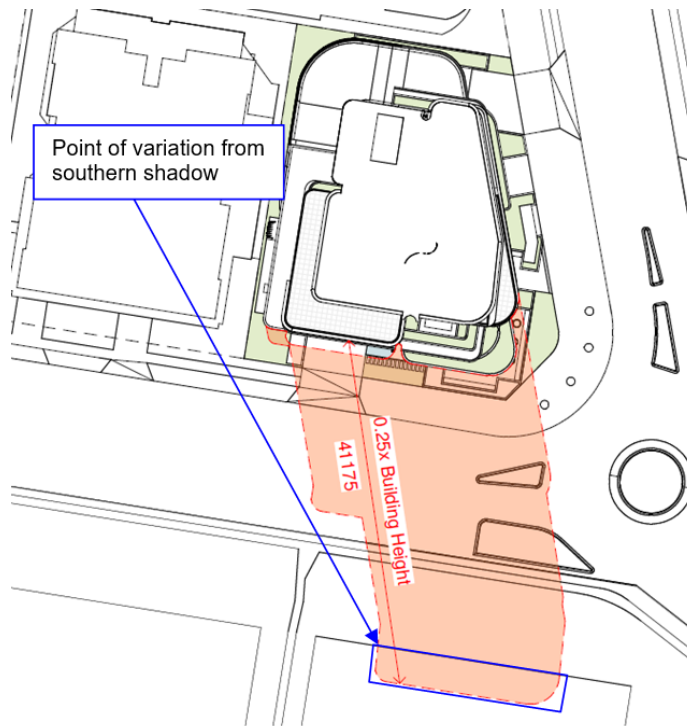


Figure 27 – Point of variation from southern shadow. **Source:** Ferrochow.

Importantly, the proposed development is located within the High density residential zone and is located within the HX building height designation on the Building height overlay map.

To ensure the impact does not unreasonably impact amenity, it is important that the shadow generated is narrow and fast moving. This is dependent upon the size of the building footprint and its orientation. Of particular uniqueness to this site, the eastern and southern context provide a large road verge separation to nearby properties. Coupled with the fact that there are no southern residential properties there is minimal shadow impacts cause by this proposal.

In order to address the shadow impacts of the proposed development to adjoining properties the streetscape and to reinforce the officers comments above, shadow diagrams have been submitted, which have been assessed below.

To the south, open space areas will experience the most impact during all periods shown. Though the shadow moves throughout the day to ensure sufficient access to sunlight throughout the day and year is maintained.



Figure 28: Winter solstice shadow impact 9am-12pm-3pm. **Source:** Ferrochow.



Figure 29 – Summer solstice shadow impact 9am-12pm-3pm. **Source:** Ferrochow.



Figure 30 – Autumn equinox shadow impact 9am-12pm-3pm. Source: Ferrochow.



Figure 31 – Spring equinox shadow impact 9am-12pm-3pm. Source: Ferrochow.

It is reasonable to consider that shadow impacts are expected in areas which are located within the High density residential zone, within the HX (unidentified building height) building height designation and within the Frame area of the Light rail urban renewal area.

Degree of containment, cumulative impacts and shadow impacts on other sites/ buildings

The shadows cast by the building, at different times of day and throughout the year, vary in the degree of containment within the site; however, the shadows cast by the proposal move swiftly throughout the day, ensuring that neighbouring sites and public spaces maintain adequate access to sunlight, and a comfortable living and ground level environment is preserved.

During the Summer Solstice period, the shadow at 9am, falls in a western direction across residential properties that front Armrick Avenue leading up to Surf Parade. The shadow at 12 pm is contained within the development Armrick Avenue road frontage and the Broadbeach Bowls Club and by 3 pm, the shadow falls in a easterly direction. The location of the shadow falls over adjoining properties, however, moves fast over the individual sites throughout the day.

During the Winter and Equinox periods, the shadow at 9 am falls in a south-west direction predominately through the Armrick Avenue road frontage and Broadbeach Bowls Club. The shadow at 12 pm falls in a due south direction. The shadow at 3 pm falls in a south-east direction onto a portion of the southern property and into the foreshore beach.

Cumulative shadow impacts are anticipated to occur within the High density residential zone and the Light rail urban renewal area, especially in areas identified on the Building height overlay map as 'HX' (no building height limit).

The shadow cast by the proposed development during various times of the day and year impacts several properties and in the afternoon periods the ocean beach. Despite this, the impacts are typically comparable to the type of shadowing that would be expected to be caused by development in the immediate area. Indeed, the typology of towers that have been approved by Council (i.e. immediately west) and other existing towers surrounding the site would result in considerable overlap of shadowing (including the proposed development). The cumulative impact of shadowing within the locality is characteristic of the high density, high-rise area.

To ensure the shadow does not unreasonably impact residential amenity, it is important that the shadow generated is narrow and fast moving. This is dependent upon the size of the building footprint and its orientation. The design and size of the tower floor plate reduction as height increases, is considered to assist in providing a fast moving southern shadow to ensure it does not unreasonably impact other sites.

Impact on the ocean beach

The proposal complies with Acceptable outcome AO8.4 which states that the shadow cast by any building does not cover any part of the ocean beach when the shadow has a bearing of 145° east of true north and the length of the shadow is 1.6 times the height of the building.

On this basis, the shadow cast by the proposal does not adversely affect the enjoyment of the public beachfront, with the shadow of the building being broadly consistent with the pattern of shadows cast by existing buildings, and the pattern of cumulative shadows identifying that a good degree of sunlight access is maintained along the beachfront in this section of Broadbeach through to the mid to late afternoon periods throughout the year.

Shadow on non-residential areas

With consideration to Performance outcome PO8(d), this is ultimately the reason why the Performance outcome is to be assessed due to the presence of non-residential uses (Broadbeach Bowls Club and parks) located south of the property.

With consideration of the shadow analysis of the proposal through various times for the year (depicted above), the actual shadow impacts show that the proposed shadow falls over non-residential areas external the site, though quickly moves through the day so as to not cause unreasonable impacts

Notwithstanding, the shadow impacts of the proposed development are considered satisfactory due to the following:

- The shadow cast by the development does not represent an unreasonable impact or deny any one allotment natural light for long periods throughout the day and throughout the year.

Therefore, the proposal maintains a comfortable living environment and allows for adequate sunlight to private open space; and

- Shadow impacts as a result of the proposed development, and including the cumulative shadow of existing towers in the area, are reasonably anticipated within a 'HX' area, which has no height restrictions and within the Frame area of the Light rail urban renewal are, which encourages intense built forms; and

Based on the above assessment it is considered the development complies with Performance outcome PO8 of the General development provisions code.

Servicing – Transport Code

Performance outcome	Acceptable outcome
PO5 Development accommodates for the required design service vehicle, including waste collection vehicles to service the development.	AO5 Development is designed to cater for the largest service vehicle in accordance with Table 9.4.13-9: Minimum class of service vehicle , as follows: <u>Multiple dwelling</u> - Standing area for a Medium Rigid Vehicle on-site if: (a) an internal (private) circulation roadway is proposed (b) a vertical built form (tower) is proposed <u>Food and drink outlet</u> – Small Rigid Vehicle (SRV)
PO6 Development is designed to ensure: (a) that areas are provided for loading and unloading of service vehicles; (b) that loading operations are contained wholly within the site; and (c) that pathways from service areas to tenancies are an appropriate width to allow for pallets and trolleys to manoeuvre without conflicting with doors, gates or landscaping.	AO6.1 Development is designed to provide for the design service vehicle in accordance with Table 9.4.13-8: Service vehicle requirements, as follows: <u>Multiple dwelling</u> – Standing area on-site for an MRV <u>Food and drink outlet</u> – Service bay and full on-site manoeuvring for an SRV AO6.2 Service areas are designed in accordance with AS 2890.2-2002 Parking facilities Part 2: Off-street commercial vehicle facilities.

Officer's comment

Transport Assessment provided the following assessment against the above servicing provisions:

"To comply with Acceptable outcomes AO5, AO6.1 and AO6.2, the development is required to provide a standing area on-site for an 8.8 m Medium Rigid Vehicle (in association with the Multiple dwellings) and a dedicated service bay for a 6.4 m Small Rigid Vehicle (for the Food and drink outlet). Provision has not been made for an MRV to stand on-site or for a dedicated SRV service bay to be located on-site. Compliance with AO5 and AO6.1 is not achieved.

The applicant instead intends that smaller service vehicles associated with the Multiple dwellings will stand on-site (provision for up to 6.4 m SRVs) and that larger vehicles associated with residential servicing will perform servicing activities on-street. With respect to the proposed Food and drink outlet, the applicant intends that servicing will be facilitated within the existing on-street loading zone directly fronting the site (Armrick Avenue). Given that the servicing requirements for the proposed uses will not be accommodated on-site, compliance with Performance outcomes PO5 and PO6 is not achieved.

As compliance with the Acceptable outcomes and Performance outcomes is not achieved, assessment against the Overall outcomes of the Transport code is required, with specific regard to OO2(e)(ii):"

Overall outcome OO2(e)(ii)

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

As OO2(e)(ii) relates to amenity, compliance is determined by Planning Assessment. The following information is provided to assist Planning Assessment in their determination:

- A standing area is proposed on-site for the Multiple dwellings, however, will be limited to vehicles up to 6.4m SRV in size due to restricted vertical clearance (3.5 m, instead of 4.5m). On this basis, some, but not all, servicing activities associated with the Multiple dwellings will be accommodated on-site, with larger service vehicles having to load / unload on-street. Planning Assessment has advised support for this outcome in this instance;
- It is noted that the existing on-street loading zone fronting the site is limited to 20 minutes, which is unsuitable for typical removalist activities, and the applicant has not undertaken surveys to demonstrate on-street parking availability in the surrounding area;
- The existing on-street loading zone is understood to facilitate servicing for the existing commercial uses on the subject site (restaurant, take-away shop and bottle shop). The three existing commercial tenancies will be removed as part of redevelopment of the site, with a small café (65m² Food and drink outlet) proposed in their place. While the loading zone will be reduced in length (to around 8.8 m) as a result of the proposed crossover from Armrick Avenue, the loading zone will remain suitable to service the proposed Food and drink outlet (servicing by a 6.4 m SRV required).

Note – Transport & Traffic Branch has advised 'no objection' to the proposed changes to the existing loading zone.

Use of the existing on-street service bay for commercial deliveries is well within the reasonable expectation for this site, given its current uses and allocation. With respect to service vehicle associated with the residential typology, this is considered to be infrequent in nature and there is on street parking available in the locality, servicing from on street car parking is considered appropriate in this circumstance and is commensurate with the community expectations for the High density residential zone.

The proposal complies with Overall outcome 2(e)(ii) of the Transport Code.

Bicycle parking facilities – Transport Code

Performance outcome	Acceptable outcome
PO10 Development ensures that adequate off-street bicycle parking and end-of-trip facilities are provided to encourage use and meet the needs and volumes of predicted pedestrian and cyclist users.	AO10.1 Development provides off-street bicycle parking and end-of-trip facilities in accordance with Table 9.4.13-10: Bicycle parking rates and Table 9.4.13-11: End-of-trip facilities for active travel users , as follows: <u>Multiple dwelling</u> - Residents: 1 space per dwelling Visitors: 1 space per 3 dwellings <u>Food and drink outlet</u> – Staff: 1 space per 100 m ² TUA

	Visitors: 1 space per 50 m ² TUA
PO12 Development ensures that off-street bicycle parking areas are designed to be: (a) located outside pedestrian movement paths and be visible from the street (casual surveillance); (b) easily accessible from the road; (c) arranged so that parking and unparking manoeuvres in a car park do not damage adjacent bicycles; (d) as close as practical to the cyclist's ultimate destination; (e) well lit by appropriate lighting; and (f) protected from the weather.	AO12 Development provides bicycle parking within the site that is designed, constructed and maintained in accordance with the <i>Cycling Aspects of Austroads</i> and AS2890.3 and the following: (a) employee and residential bicycle parking is provided to User Class 2 classification accessed by users with a key or security device; (b) visitor (residential and non-residential) is provided to a User Class 3 classification, positioned at ground level in a visible line of sight to the development's main entry; and (c) ramps and pathways be provided as direct as possible from the roadway and/or pathways to the bicycle parking facilities.

Officer's comment

Transport Assessment provided the following assessment against the above bicycle parking provisions:

"To comply with Acceptable outcomes AO10.1 and AO12, the development requires 59 secure bicycle parking spaces for residents and 19 freely accessible spaces for residential visitors, in addition to 1 secure space for staff and 1 freely accessible space for visitors of the Food and drink outlet. Drawings show the following bicycle parking provision:

- Residents: 59 secure spaces
- Residential / commercial visitors: 7 freely accessible spaces
- Commercial staff: 1 secure space

Proposed bicycle parking provision for residents and staff achieves compliance with AO10.1 and AO12; however, the proposed bicycle parking supply for residential and commercial visitors is short of meeting AO10.1.

*Notwithstanding the above, the proposed bicycle parking provision for residential and commercial visitors (7 spaces) is consistent with rates prescribed by the *Cycling Aspects of Austroads* for multiple dwellings and café uses (total of 6 spaces required).*

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 therefore considered that the proposed bicycle parking supply for residential and commercial visitors will encourage use and meet the needs and volumes of cyclists in accordance with Performance outcome PO10 of the Transport code.

Note – an 'amended drawing condition' has been recommended to correctly identify the proposed number of residential bicycle parking spaces located in each level (the overall capacity of 59 spaces is correct, however, the number of spaces located on basement level 3 and podium level 2 has been notated incorrectly)."

Pedestrian access – Transport Code

Performance outcome	Acceptable outcome
PO11	AO11.3

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Development ensures that access for pedestrians and cyclists from the street frontage and from any car parking or set down area to the main entry of the building is designed to provide safe movement. It should be convenient and clearly identifiable to avoid conflict with vehicle movements.	Development with 21 dwellings or more provides for at least 1 continuous pedestrian and cyclist pathway from each road frontage that is separated from vehicle movements.
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Officer's comment

Transport Assessment provided the following assessment against the above pedestrian access provisions:

"Drawings show dedicated pedestrian access to the development from Old Burleigh Road. With respect to Armrick Avenue, while a dedicated pedestrian pathway is proposed between the car parking area and the commercial tenancy, the pathway does not extend to the property boundary. An amendment in red is to be included on the ground level plan showing the internal pathway to extend to the property boundary to ensure that dedicated pedestrian access is achieved from Armrick Avenue. Compliance with Acceptable outcome AO11.3 will be achieved on this basis."

6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is \$1,661,351.52.

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.

Charge calculation

Charges Resolution No. 1 of 2019				
	Qty		Rate	Gross Charge Amount
Commercial (Retail)	84 sq m Gross Floor Area	@	\$ 198.25	\$ 16,653.00
Impervious Area	584 Square Metres	@	\$ 11.01	\$ 6,429.84
Multiple Dwelling 3+ Bedroom	59 Dwellings	@	\$ 30,841.58	\$ 1,819,653.22
				\$ 1,842,736.06
Net Charge Summary				
Gross Charge Amount		Applied Credit Amount		Net Charge Amount
\$ 1,842,736.06		\$ 181,384.54		\$ 1,661,351.52

Applied credit details

Credit applied as follows: LOT70 B8383 = 280sqm GFA + 628sqm Impervious Area; and LOT0 BUP104138 = existing 4 x 2, 1 x 3 Bed Multiple Dwellings.

Office Use Only	
\$ 921,834.81	DC011
\$ 558,376.66	DC013
\$ 181,140.05	DC020
\$ 1,661,351.52	

7 REFERRALS

7.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions. An overview of the recommended conditions are provided in the table below:

Internal referral area	Conditions/Comments (if not included within report)
City Infrastructure	The following conditions were provided:

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	• Rectification of Council's infrastructure; • Existing infrastructure, structures and services; • Driveways and vehicular crossing; and • Various advice notes.
Environmental Assessment	The following condition was provided: • Acid sulfate soils management plan and certification.
Geotechnical Engineering	To ensure no adverse impact on any adjacent properties/structures as a result of the proposed basement excavation/construction, the following conditions were provided: • Certification of works - Geotechnical Engineering; and • Supervision of works.
Health and Regulatory Services	The following conditions were provided: • Approved plans; • Hours of operation; and • Certification of works - Health and Regulatory Services.
Hydraulics and Water Quality	The following conditions were provided: • Private infrastructure; • Gross Pollutant Traps; • Overland flow paths and hydraulic alterations; • Maintenance of stormwater proprietary treatment devices (specific condition); • Monitoring of the proprietary treatment devices (specific condition); • Certification of works - Hydraulics and Water Quality; • Erosion and sediment control; • Sand management plan; • Dewatering management plan; • Advice Notes; and • Property Notifications.
Landscape Assessment and Open Space Assessment	The following conditions were provided: • Landscaping works private; • Maintenance of podium planters (specific condition); • Boundary fences; • Existing structures and services; • Certification of works – Landscape Assessment (private); and

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	• Various advice notes.
Plumbing and Drainage	The following condition was provided: • Plumbing and drainage works.
Subdivision Engineering	The following conditions were provided: • Electrical reticulation; • Telecommunications network; and • Certification of works - Subdivision Engineering.
Transport Assessment	The following conditions were provided: • Off street vehicle and car parking facilities; • Off street bicycle parking facilities; • Loading and unloading (excluding waste collection vehicles); • Off street vehicle circulation management system – Basement levels 1 & 2; • Off street ramp signal management system – Podium levels 1 & 2; • Tandem and small car spaces (specific condition); • Existing road network infrastructure; • Footpaths; and • Certification of works.
Water and Waste	The following conditions were provided: • Approved drawings and plans; • Requirement to register easement/s; • Restrictions regarding Council easements and infrastructure; • Screening of visually offensive components; • Rectification of Council's infrastructure; • Sewer reticulation; • Water connection; • Sub-metering; • Fire loading; • Bin type and locations; • Storage point / waste room; • Servicing point; • Dual waste chute; • Certification of works – Water and Waste (solid waste

	management); • Prestart and hold point inspection; and • Various advice notes.
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7.2 External referrals

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

8 PUBLIC NOTIFICATION

No part of the application required public notification.

9 CONCLUSION

Council is in receipt of an application for a Development Permit for a Material change of use (Code assessment) to establish a Multiple dwelling (59 units) and Food and drink outlet (1 tenancy) at 99-101 Old Burleigh Road, Broadbeach .

After a detailed assessment, it has been determined the proposal meets the purpose of the High density residential zone and applicable overlay and development codes.

The assessment has established that the proposed development provides built form, scale and intensity which are considered to be appropriate for the Frame area of the Light rail urban renewal area overlay code and the High density residential zone. The subject site is located within proximity to existing infrastructure and services and delivers housing choice within the urban renewal corridor.

The proposed form is considered to be consistent with the desired future character of the local area. The proposed development is considered to reflect the 'high intensity urban environment' as sought within the Frame area, while being designed to respect the existing residential amenity of surrounding properties.

Overall, the proposed scale of the development is considered to be consistent with the high intensity built form envisaged within the zone and within the Frame area of the Light rail urban renewal area, whilst being sympathetic to the character of the area.

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

10 NOTIFICATIONS

The following property notifications will be applied:

- Stormwater
- Acoustic controls
- Development controls

11 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Executive Coordinator Major Assessment approves (with conditions) the issue of a Development permit for a Material change of use for a Multiple dwelling (59 units) and Food and drink outlet (1 tenancy), in accordance with the Attachment entitled: Decision notice— Approval (with conditions)

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MCU/2021/603**

DIVISION NO. 10

Author:

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Senior Planner

September 2022

Authorised by:

Lara Dawes

Executive Coordinator Major Assessment