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Council Ref: A004942635

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29 January 2019

Attention: Helen Danalis  
Brisbane City Council  
Via email: [edaeast@brisbane.qld.gov.au](mailto:edaeast@brisbane.qld.gov.au)

Dear Helen,

**RE: RESPONSE TO INFORMATION REQUEST  
SECTION 13.2 OF THE DEVELOPMENT ASSESSMENT RULES  
162 OCEANA TERRACE, LOTA (LOT 62 ON RP839534)**

We act on behalf of Village Retirement Group Pty Ltd, the Applicant in relation to a Development Application lodged with Brisbane City Council under the *Planning Act 2016* (the Planning Act) over the above land seeking:

- Development Permit for Material Change of Use for Retirement Facility for 103 units; and
- Development Permit for Building Works.

On 30 July 2018 we received correspondence from Brisbane City Council under Part 3 of the *Development Assessment Rules* (DA Rules). In accordance with Section 13.2 (a) of the DA Rules, we now provide a response to all of the information requested.

## Plan Amendments

In response to matters raised by Council, a number of amendments have been made to the development proposal. Key amendments to the development proposal are as follows:

1. Reduction in building height from six and seven storeys, down to five and six storeys;
2. Reduction in total number of units from 104 units to 103 units;
3. Revisions to the building façades including amended cladding colour selections, reduced metal cladding and increased aluminium frame glass balustrades;
4. Revisions to landscaping intent to ensure retention of existing vegetation;
5. Significant rehabilitation proposed along Oceana Terrace and Grace Street to further screen the development;
6. Reduction in total Gross Floor Area as a result of the proposed revisions;
7. Amendments to Unit Type configuration and inclusion of one bedroom unit type;
8. Revisions to basement configuration including reduced parking; and
9. Revisions to the extent of earthworks proposed.

# Supporting Documents

The response to Council's Information Request is supported by the following appendices:

- **Appendix A** – Community & Stakeholder Engagement Report prepared by Three Plus;
- **Appendix B** – Amended Architectural Plans prepared by S3 Architects;
- **Appendix C** – Visual Impact Analysis prepared by Mark Elliott;
- **Appendix D** – Digital Photography and Photomontage Methodology Report prepared by Mark Elliott;
- **Appendix E** – Viewshed Analysis prepared by Saunders Havill Group;
- **Appendix F** – Arboricultural Impact Assessment prepared by Consult Arborist;
- **Appendix G** – Tree Plot & Canopy Coverage Plans prepared by Saunders Havill Group;
- **Appendix H** – Stormwater Management Plan prepared by Burchills Engineering Solutions;
- **Appendix I** – Engineering Services Report prepared by Burchills Engineering Solutions;
- **Appendix J** – Landscape Architecture Design Report prepared by RPS Group;
- **Appendix K** – Heritage Reponse prepared by Vault Heritage;
- **Appendix L** – Landscape Response prepared by RPS Group;
- **Appendix M** – Engineering Response to Item 5 prepared by Burchills Engineering Solutions;
- **Appendix N** – Traffic Response prepared by TTM Group;
- **Appendix O** – BCC *Demand Credit for Existing or Previous Lawful Use* Form; and
- **Appendix P** – Building Plan of Existing Bungalow.

## Background

Prior to the lodgement of this Development Application, a series of pre-lodgement discussions with stakeholders were undertaken to discuss the development intent and inform the overall design. Post lodgement of the Development Application, a number of public submissions were received in opposition to the code assessable development proposal which were also reflected within Council's Information Request issued on 30 July 2018. On review of the Information Request and submissions received, the developer elected to undertake community consultation with a modified development proposal that sought to address the majority of public concerns around development of the site.

The modified development underwent community engagement during October and November 2018. The community engagement process was undertaken by Three Plus Pty Ltd. On behalf of The Village Retirement Group and Anglicare, Three Plus approached service, community and business groups from the catchment area to offer face-to-face briefings on the proposal. Over the evenings of Tuesday 20<sup>th</sup> and Wednesday 21<sup>st</sup> November 2018, eight Community Information Sessions (briefing sessions) were held at Lota House. These sessions allowed residents / stakeholders the ability to review the amended design and openly discuss the proposed development with the Village Retirement Group, Anglicare and members of the project team.

This consultation process also allowed attendees the opportunity to record their views in writing. A summary of these views in relation to submitter's proximity to the development site is provided below:

|                       | Total number of responses |           |          | Total number of responses as a percentage |            |           |
|-----------------------|---------------------------|-----------|----------|---|------------|-----------|
|                       | Supportive                | Opposed   | Neutral  | Supportive                                | Opposed    | Neutral   |
| Within 400 metres     | 2                         | 53        | 0        | 2%  | 56%        | 0%        |
| Within 2 kilometres   | 13                        | 13        | 0        | 14%                                       | 14%        | 0%        |
| Beyond 2 kilometres   | 10                        | 2         | 0        | 11%                                       | 2%         | 0%        |
| No distance nominated | 0                         | 2         | 1        | 0%  | 2%         | 1%        |
| <b>Total</b>          | <b>25</b>                 | <b>68</b> | <b>1</b> | <b>27%</b>                                | <b>72%</b> | <b>1%</b> |

**Table 1: Responses in Relation to Proximity to Site** (Source: Three Plus)

Despite widespread promotion of the community information sessions, including 55,000 letter box drops, 146 people attended the consultation sessions. Of those, 68 provided feedback opposing the proposal and the majority of these resided within 400 metres of the proposed development site. As is noted within the Community and Stakeholder Engagement Report (**Appendix A**) and reflected in *Table 1* above, opposition lessened and sentiment turned favourable as the distance between the respondent’s residence and the development site grew.

In addition to the community engagement undertaken for the proposal, it is also relevant to note that at the time Council’s Information Request was issued, their *Retirement and Aged Care Amendments Package* was undergoing public consultation (18 June to 21 September 2018). The timing of the preparation of this package reflects the significant need for retirement facility developments within the Brisbane Local Government Area. The amendments package proposed modifications to the maximum building heights permitted on sites within the Community Facilities zone of, “Four storeys greater than the maximum acceptable outcome for building height on the adjoining sites, where on a site 7,000m<sup>2</sup>”.

This provision within the *Retirement and Aged Care Amendments Package* acknowledges the dwindling, suitable land supply able to cater for such development and the notion that heights exceeding that of surrounding two-storey development has become generally accepted for development of this nature. We also note that the proposed development site is zoned within the Community Facilities Zone (Health Care Purposes) and has a total site area of 39,900m<sup>2</sup>.

Whilst the proposed *Retirement and Aged Care Amendments Package* is not an assessment benchmark for the proposed development, the package has been referenced in post lodgement discussions relating to assessment of this Development Application. As such, the amendments package was given significant consideration in the proposed development’s design modifications which included a significant reduction in height to more closely align with community expectation for built form. The modified development proposal was then presented for community consultation in October and November 2018.

On 3 December 2018, following public consultation of the *Retirement and Aged Care Amendments Package* and community consultation of the proposed development, Council released a series of revisions to the proposed

amendments package in response to matters raised in submissions to the *Retirement and Aged Care Amendments Package*. These included:

- “Revised the allowable building height for a retirement facility or residential care facility development located in the community facilities zone (community purposes zone precinct, health care purposes zone precinct and major health care zone precinct) or emerging community zone, as follows:
  - “Where on a site 7000 square metres or greater and adjoining or opposite a site in the low-density residential zone, character residential zone or emerging community zone, the allowable additional building height has been reduced to two storeys;
  - “Where on a site 7000 square metres or greater in any other situation, the allowable additional building height will continue to be four storeys.”

The balance between community expectations around retirement and aged care development and furthering the city’s ability to appropriately cater for these developments has proven to be a significant challenge and we fully support the overall intent of the *Retirement and Aged Care Amendments Package*. However, from our community consultation of the amended five and six storey development proposal (refer **Appendix B** for amended Architectural Package), there was no evidence provided that community support would be given for a reduced, four storey outcome over that of the proposed five and six storey outcome. With consideration to the project’s feasibility, if further height limitations are imposed on the proposed development, greater building lengths would then be required which in turn would reduce the increased amenity elements proposed within the current design.

Additionally, the outcomes presented within the Visual Impact Assessment (**Appendices C & D**) and the Viewshed Analysis (**Appendix E**), which reviewed visual impact from numerous locations within a two kilometre radius of the site, further support the current development design. As is illustrated within the Viewshed Analysis (**Appendix E**), minimal difference in visual impacts is evident between a four storey outcome and the proposed five and six storey outcome. Moreover, the generous setbacks, building recessions and vegetation screening and rehabilitation proposed will further mitigate the building height. This results in a more sensitive transition between the proposed development and surrounding areas, which is not otherwise required under the planning scheme assessment benchmarks.

While minor amendments to the development design have been incorporated following the outcomes of the community engagement, the proposed design largely maintains the development design presented in October and November 2018. The resulting modifications to the proposed development and building design have been outlined above and are illustrated within the amended Architectural Plans prepared by S3 Architects included in **Appendix B**.

Please refer below for a complete response to Council’s Information Request.

# 1. Masterplan

*The information provided with the application suggests that there is an intention to develop the site to a greater extent than that applied for in the current application. In order for Council to fully understand the current application in the context of future development of the site, a Masterplan needs to be provided.*

## *1.1.1 The Masterplan should include:*

- *an indication of the location and height of proposed future buildings/dwellings*
- *vehicle movement through the site to proposed future buildings*
- *pedestrian movement through the site*
- *any proposed subdivision of the site*
- *integration with the adjoining residential care facility and Lota House, including site management, servicing and administration.*

## **Response to Item**

The proposed development is illustrated within the amended Architectural Plans prepared by S3 Architects and included at **Appendix B**. Although there are intentions to develop other areas of the site, designs for these areas have not been undertaken and would be subject to further investigation and discussions with relevant stakeholders including Council and the local community. While Anglicare have taken steps to advise existing residents of the potential for future development, this is to minimise the future potential impact of this on residents and is not evidence of immediate intent to develop.

Given the above, we ask that Council assess the proposed development as proposed.

# 2. Design

## **2.1 Building Height**

*Existing development on the site is single or two storeys in height with surrounding development being low density in scale. The proposed buildings of five to seven storeys in height is significantly greater in height than that of surrounding development and does not comply with AO14 or PO14 of the Community facilities code in that the proposed development is of a scale, height and bulk that is greater than surrounding development, nor is it consistent with reasonable expectations for built form which is apparent by the number of objections received from the community in relation to the application which is Code assessable.*

*The proposed height is also inconsistent with the Community facilities zone code where the overall outcomes specify that future development is to be generally consistent with the character of the area.*

*The zone code overall outcomes also require development to be of a scale, height and bulk that provides a high level of amenity and that transitions sensitively to surrounding uses. It is acknowledged that the site size is significant and that the development is somewhat buffered from nearby low density housing due to the separation provided by the road network and through the retention of existing mature trees. These alone provide only some justification for an increase in building height above that on surrounding land.*

*PO5 and PO6 of the Multiple dwelling code are not achieved as the bulk, scale and height of the proposed development is not consistent with the intended form and character of the local area (existing and future building heights in the local area*

*are one and two storey), nor is the height consistent with the streetscape local context and intent of the area (the predominant height of existing buildings in the street is one and two storey). Furthermore, the topography of site exacerbates the perceived height of the buildings when viewed from the street and the proposed development will impact on significant view points and corridors in the local area, especially when viewed from Moreton Bay and the foreshore areas of Manly and Lota. It is noted that where the building heights exceed the canopy height of the trees to be retained the perceived height of the development will be further exacerbated, particularly at street level.*

*2.1.1. Provide revised plans that demonstrate compliance with PO14 of the Community facilities code; PO5 and PO6 of the Multiple dwelling code; and the overall outcomes of the Community facilities zone.*

*2.1.2. Provide a visual impact assessment that shows how the proposed development will be viewed from locations indicated on the attached diagram. The assessment should show the site as it is currently developed and as proposed.*

## 2.1. Response to Item 2.1.1

An assessment of the development proposal against the above assessment benchmarks is provided below. The assessment below demonstrates compliance with the assessment benchmarks is achieved and as such, the development is appropriate.

Prior to preparation and lodgement of the Development Application, the project team underwent a comprehensive design phase which investigated the site's opportunities and constraints. Pre-lodgement consultation with Brisbane City Council (BCC) and the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) identified a number of further considerations to be incorporated within the development design. This considered approach resulted in a development proposal that sought to balance the zone intent, underlying need for retirement village units, commercial viability of the development and the needs to provide a high-quality outcome that mitigated negative impacts on surrounding areas.

The development site is also afforded a significant site area that, as Council mentions, is buffered from surrounding development due to the separation provided by the road network and existing vegetation. The modified development proposal has therefore, sought to retain and/or enhance the aforementioned design elements and expand on those elements the site benefits from. Additional elements identified through community consultation and post-lodgement discussions with stakeholders have also been incorporated where appropriate. The modifications to the development proposal are now considered to achieve the reasonable expectations for built form, site layout and landscape design sought by the City Plan 2014.

While a full assessment of assessment benchmarks has been provided below, and in our opinion demonstrates compliance, we note that the assessment of the proposed bulk and scale of the buildings should not be limited to the assessment of the identified performance outcomes. The development proposal being presented to Council needs to be assessed against development assessment benchmarks as a whole as this is the basis of performance based planning and demonstrates clearly why the development proposal is supportable. Critically, the development proposal not only achieves compliance with the assessment benchmarks, but in many instances proposes development outcomes beyond what is required to ensure the impacts of the development are mitigated. Aspects of the development that exceed the requirements of the assessment benchmarks include:

- Under AO1 of the Multiple Dwelling Code a setback from the street of 4m to the balcony and 6m to the wall is required. Setbacks require minimal stepping and can be provided for the full length of both road frontages. The development proposes setbacks that range between 7.1m and 19.2m, with the average setback exceeding 10m;
- While technically no restrictions exist, under AO15.1 of the Multiple Dwelling Code a maximum building length of 30m is required. The development proposes building lengths of approximately 28.6m for each building;
- While technically no restrictions exist, AO14 of the Multiple Dwelling Code states that a site cover of 45% is required where in the Medium Density Residential Zone. The development proposes a site cover of 39%, including all other buildings previously constructed on the site;
- Under AO30.2 of the Multiple Dwelling Code, development provides deep-planting areas that are a minimum of 10% of the site area. The development proposes deep planting areas of approximately 45% of the site area; and
- 1,502m<sup>2</sup> of land is mapped as containing vegetation of High Ecological Significance (HES) under the Biodiversity Overlay Code. The development proposes almost five times that area (7,424m<sup>2</sup>) to be rehabilitated and retained for environmental purposes.

The above exceedances in the minimum requirements of the assessment benchmarks clearly demonstrates a desire to provide a high-quality development outcome that mitigates the impact of building heights proposed. Were the development to have a reduced building height, it is likely that the generous setbacks, environment outcomes and areas of deep planting would need to be reduced to ensure a viable development yield would still be achieved. This would result in a more compliant, but poorer development outcome overall.

We believe the development proposal presents a balance of competing factors for the site and represents a development outcome far superior to a development which is fully compliant with the assessment benchmarks under the City Plan 2014. While we believe the development to be compliant with the assessment benchmarks below, we request that Council take a performance based planning approach to the assessment of the application and consider the above exceedance in assessment benchmarks as part of the overall assessment.

#### 2.1.1 PO14 of the Community Facilities Code

Performance Outcome (PO) 14 of the Community Facilities Code states that:

*Development design must be consistent with the reasonable expectations for built form, site layout and landscape design of development on surrounding land.*

An assessment of the above performance outcome is provided below and has been separated into the following components:

- Built Form;
- Site Layout; and
- Landscape Design.

In relation to expectations, we note that this does not relate to community expectations, as referenced within other parts of the City Plan 2014. Rather, reasonable expectations are based on the expectations of an individual with a detailed knowledge of the requirements and policy intents for the subject land. This should include knowledge of the requirements and intents of the City Plan 2014, the need for additional retirement facilities to service an ageing community and a knowledge of the need to provide more intense forms of development on key sites to meet this demand.

Reasonable expectations are also set by a knowledge that the City Plan 2014 does not limit the height of development on Community Facility zoned land, like it does for residential zones, and that Council is currently incentivising the development of more intense retirement facilities on Community Facility zoned land. While the community consultation sessions identified concern from the immediate community, the views of residents immediately adjacent to the development site do not represent that of the community as a whole, and are not the benchmark for assessment of the above performance outcome.

### Built Form

The modified development design retains the initial development proposal of four architecturally designed buildings. Each building has been significantly reduced in height to achieve a reduced built form as viewed both internally and externally to the site. As illustrated within the *Figures* below, Buildings 1 and 2 have been reduced from six storeys to five storeys, dropping 1.6 metres to a maximum height of 46.52 metres (previously 48.12 metres). Whilst Buildings 3 and 4 (Stage 2) have lowered from seven storeys to six storeys, reducing the overall height by 3.2 metres to a maximum height of 49.42 metres (previously 52.62 metres).



**Figure 1:** Southern Elevation of Proposed Buildings 1 and 2 (Source: S3 Architects)



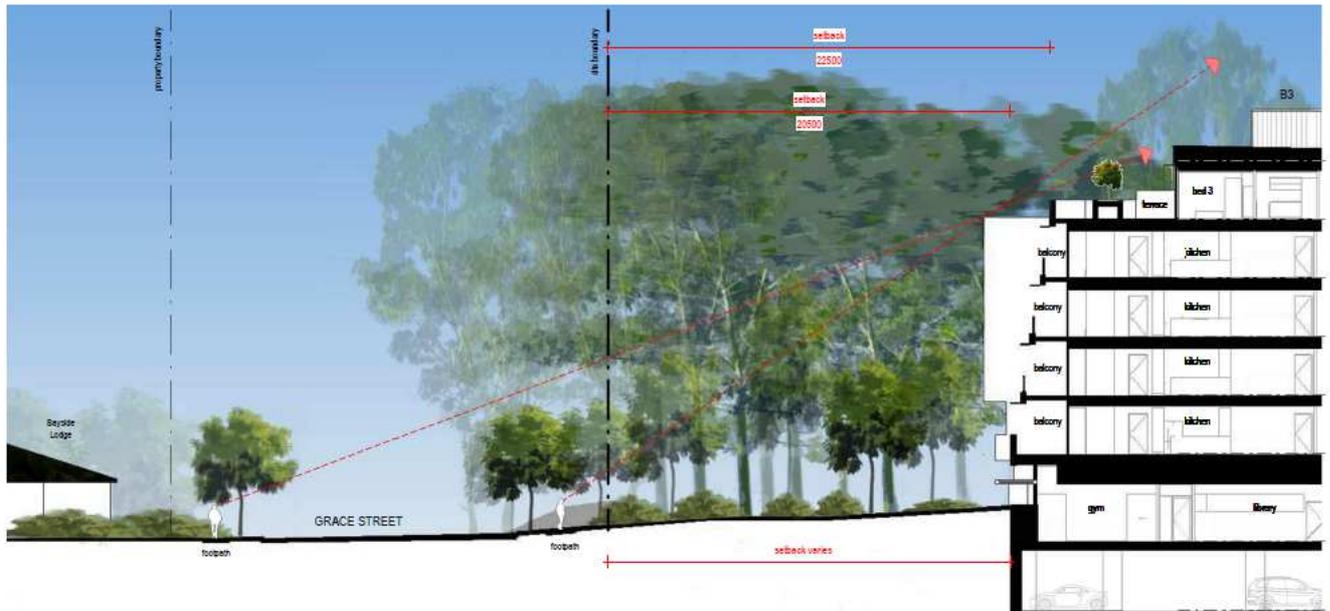
**Figure 2:** North-Eastern Elevation of Proposed Buildings 3 and 4 (Source: S3 Architects)

With regard to building siting and orientation, the proposed development incorporates substantial setbacks to street frontages and significant separation distances to the heritage residence, Lota House. The minimum setback to Oceana Terrace is proposed at 7.1 metres (Building 1 – Level 1) with the minimum setback to Grace Street being 14.6 metres (Building 4 – Level 1). Increased setbacks to street frontages were incorporated from the pre-lodgement design phase to allow for retention of significant vegetation and the existing woodland. In addition to ensuring preservation of existing vegetation (one of several community concerns raised in submissions), retention and significant rehabilitation of vegetation is now proposed which will aid in additional screening of the proposed development from street view and surrounding development.



**Figure 3:** Level 1 Proposed Site Layout (Source: S3 Architects)





**Figure 5:** Building Section and Interface from Grace Street (Source: S3 Architects)

The development design has also made provision for substantial separation distances between the proposed buildings and the existing heritage residence, Lota House. A minimum setback of 46 metres (refer Figure 4 below) is identified between the proposed buildings and the front verandah of Lota House (refer Dwg No. 000-13-DA Rev D of **Appendix B**). The buildings were located to the rear or side of the heritage residence to ensure the existing bayside outlook is maintained. The proposed orientation of the four buildings is maintained from that previously proposed to ensure that appropriate view corridors into the heritage site are provided for, allowing for visibility of the heritage residence from the site's perimeter.



**Figure 6:** Heritage Buffer (Source: S3 Architects)

## Site Layout

As illustrated in *Figure 4* above, each of the four buildings are substantially setback from the heritage residence, Lota House, by approximately 46 metres with each building oriented internally within the site. During the design phase, it was considered that rather than proposing a code compliant design with large building footprints, commercial viability could be obtained through minor increases in building height. This would allow for smaller building footprints which in turn could allow for views of Lota House and additional retention of existing mature vegetation. The angled siting of the proposed buildings not only allows for oblique views of Lota House from the perimeter of the site but also scenic views of the internal landscaped grounds and Moreton Bay.

Significant separation distances were also incorporated to establish a landscaped forecourt between the proposed buildings and the Lota House. This provides an attractive integration between the existing aged care facility and the proposed development.

The proposal exceeds expectations for site layout as the setbacks and site cover of the development exceed the assessment benchmarks. Exceedances in assessment benchmarks are a counterbalance to the additional building height as they minimise the visual impact of the height and facilitate the delivery of increased greenspace beyond the building footprint.

## Landscape Design

The landscape vision for the site is for the retirement facility to respond to its local landscape, celebrating and building on the native woodland backdrop. In response to public submissions and community consultation the landscape design has been changed to incorporate the rehabilitation of the open woodland, instead of the more formal landscape outcome previously proposed.

The development will now result in removal of 55 trees with retention of 208 trees as identified within the revised Arboricultural Impact Assessment prepared by Consult Arborist and included at **Appendix F**. Following the arboricultural assessment, Saunders Havill Group reviewed the closed and open canopy areas (refer **Appendix G**) to determine the site's rehabilitation potential and it was found that the following could potentially occur:

- Closed Canopy Area (3,971m<sup>2</sup>)
  - 790 mid canopy species planted (1 plant per 5m<sup>2</sup>); and
  - 993 groundcover species planted (1 plant per 4m<sup>2</sup>).
- Open Canopy Area (3,453m<sup>2</sup>)
  - 230 upper canopy species planted (1 plant per 15m<sup>2</sup>);
  - 345 mid canopy species planted (1 plant per 5m<sup>2</sup>); and
  - 863 ground cover species planted (1 plant per 4m<sup>2</sup>).

It is proposed to work with Council on the ultimate rehabilitation works based on the above canopy areas. This revised landscape design will offer a diverse range of spaces with positive outlooks towards the established and rehabilitated vegetation and heritage built form. Landscaping will reflect the heritage values

of Lota House and its bushland context. As detailed in the figure below, 45% or 8,606m<sup>2</sup> will be set aside for deep planting including areas for rehabilitation efforts.



**Figure 7:** Proposed Deep Planting (Source: RPS Landscape Architecture Design Report)

Given the proposed extent of landscaping and rehabilitation, it is evident that the development exceeds the reasonable expectations for landscape design for the site. The revised landscape concept package is included at **Appendix F**.

As outlined above, the amended development proposal is consistent with, and in some areas exceeds, the reasonable expectations for built form, site layout and landscape design of development on surrounding land. While we acknowledge that the amended development design still exceeds the heights of surrounding development, the amended design has been able to build on the existing separation elements to reduce the perceived height and bulk of the development. This in turn has allowed for a sensitive transition between the proposal and surrounding development without impacting on the general character of the area.

Given the above, the proposal achieves the intent of PO14 of the Community Facilities Code.

### 2.1.2 PO5 of the Multiple Dwelling Code

Compliance with PO5 of the Multiple Dwelling Code is demonstrated through compliance with the associated Acceptable Outcome. AO5 of the Multiple Dwelling Code states the following:

*Development is contained within the building envelope for the site created by applying:*

- a) *the maximum building height in Table 9.3.14.3.B;*
- b) *front, rear and side boundary setback requirements in Table 9.3.14.3.C;*
- c) *car parking boundary setback requirements in Table 9.3.14.3.E;*
- d) *building separation requirements in Table 9.3.14.3.F;*
- e) *acceptable outcomes for building height transitions where required.*

Compliance with the AO5 of the Multiple Dwelling Code is achieved as follows:

- The maximum building height stated in *Table 9.3.14.3.B* is not applicable as the land is not located within any of the stated zones;
- The development is consistent with all front, rear and side boundary setback requirements in *Table 9.3.14.3.C – Boundary setbacks for a multiple dwelling;*
- The development is consistent with car parking boundary setback requirements in *Table 9.3.14.3.E;*
- The development is consistent with building separation requirements in *Table 9.3.14.3.F;*
- The development provides transitions to the surrounding area consistent with AO7.2 of the Multiple Dwelling Code.

Based on the above demonstrated compliance with the relevant acceptable outcomes, an assessment of the performance outcome is not legislatively required as part of the assessment of a code assessable application under the *Planning Act 2016*. However, for the purpose of a full response to Council's information request items, an assessment of PO5 is provided below.

PO5 of the Multiple Dwelling Code states the following:

*Development is of a bulk and scale that is consistent with the intended form and character of the local area having regard to:*

- a) *existing buildings that are to be retained;*
- b) *significant infrastructure or service constraints such as tunnels;*
- c) *existing and proposed building heights in the local area and street;*
- d) *adjoining buildings and separation of buildings necessary to ensure impacts on residential amenity and privacy are minimised;*
- e) *the impact of slope.*

The proposed development is consistent with the above PO as:

- Compliance with the intended form and character of the community facilities zone has been demonstrated above. The development site has no set height limit however, the height is restrained and has been further reduced to respond appropriately to the surrounding character;
- A 46m separation between the existing heritage residence, Lota House, is provided with incorporated sightlines to the heritage place provided from the site perimeter due to the siting and orientation of the proposed buildings. Upper levels of the development are recessed to reduce the perceived height of the building from within the site and Lota House;
- No infrastructure or service constraints apply;
- The proposed building height differs from the existing development within the street due to differing zones and site areas. The above assessment of PO14 of the Community Facilities Code provides

significant context as to the amended design and demonstrates that the proposed development achieves an appropriate bulk and scale that transitions respectfully with surrounding development;

- The overall design responds to the existing slope, stepping the proposed buildings down to the street frontage to mitigate the impacts of land fall towards the street, minimise basement extrusions above natural ground level and reducing the overall building bulk as viewed from the street.

As such, the proposed development is compliant with PO5 of the Multiple Dwelling Code.

### 2.1.3 PO6 of the Multiple Dwelling Code

PO6 of the Multiple Dwelling Code is not applicable to the assessment of the current application as the associated Acceptable Outcomes are not applicable. AO6.1 and AO6.2 of the Multiple Dwelling Code states the following:

*AO6.1 - Development has a maximum building height that complies with:*

- a) a neighbourhood plan; or*
- b) if no neighbourhood plan applies or no requirements are specified in the neighbourhood plan, the requirements set out in Table 9.3.14.3.B*

*AO6.2 - Development in the 2 or 3 storey mix zone precinct of the Low–medium density residential zone where adjoining a lot containing a dwelling house (where no approval for development other than a dwelling house exists) has a building height within 10m of the common boundary that does not exceed 9.5m and 2 storeys.*

AO6.1 and AO6.2 of the Multiple Dwelling Code are not applicable as:

- A neighbourhood plan does not exist for the site;
- The maximum building height stated in Table 9.3.14.3.B is not applicable as the land is not located within the stated zones; and
- The land is not within the two or three storey mix zone precinct of the Low–medium density residential zone.

Based on the above, assessment of the performance outcome is not legislatively required as part of the assessment of a code assessable application under the *Planning Act 2016*. However, for the purpose of a full response to Council’s information request items, an assessment of the PO6 is provided below.

PO6 of the Multiple Dwelling Code states the following:

*Development has a building height that is consistent with the streetscape local context and intent for the area having regard to:*

- a) proximity to high-frequency public transport services;*
- b) the predominant height of existing or approved buildings in the street;*
- c) providing appropriate separation and a sensitive transition between houses and higher scale building forms;*
- d) street conditions such as street width;*

- e) *the topography of the area and site slope;*
- f) *view points and corridors;*
- g) *solar access to key public spaces and adjoining buildings.*

The proposed development is consistent with the above PO as:

- Compliance with the streetscape local context and intent for the area has been demonstrated above. While the development site has no set height limit, the height has been further reduced to respond appropriately to the surrounding character and local context;
- The proposed use is for an integrated retirement facility which does not warrant access to high-frequency public transport services irrespective of development density. Transport services available to the development include an on-street bus stop located along the Oceana Terrace frontage, adjacent the existing driveway and serviced by an hourly bus service (the 223). The facility will also provide transport services for day trips.
- The proposed building height differs from the existing development within the street due to differing zones and site areas. The above assessment of PO14 of the Community Facilities Code provides significant context as to the amended design and demonstrates that the proposed development achieves an appropriate bulk and scale that transitions respectfully with surrounding development;
- An assessment of the proposed development on the existing road network was undertaken by TTM Group and submitted with the development package. The assessment found that the existing road network and street widths were sufficient to cater for the intended development and traffic movement of the site. Additionally, the assessment confirmed that the development would not have a significant impact on the future road network and that no further mitigating road works were required.
- The overall design responds to the existing slope, stepping the proposed buildings down to the street frontage to mitigate the impacts of land fall towards the street, minimise basement extrusions above natural ground level and reducing the overall building bulk as viewed from the street.
- In response to Item 2.1.2, a Visual Impact Assessment (**Appendix C**) has been prepared by Mark Elliott, along with a Methodology Report (**Appendix D**), which demonstrates that the amended development proposal has negligible impacts on visual amenity when viewed from significant view points and corridors as selected by Council.
- The development site is afforded significant separation distances to surrounding development. Substantial setbacks have also been incorporated within the design to ensure that the proposed development does not impact solar access to public spaces, adjoining development and existing buildings within the site.

As such, the proposed development is compliant with PO6 of the Multiple Dwelling Code.

#### 2.1.4 Overall Outcomes of the Community Facilities Zone

An assessment against the overall outcomes of the Community Facilities Zone Code has been undertaken as requested by Council. Several categories are identified within the overall outcomes of the Community Facilities Zone including, development location and uses, development form and zone precinct. The below response has therefore, been structured accordingly:

*Development location and uses overall outcomes are:*

- (a) Development provides for the continued use of the land for community facilities identified as appropriate for the particular Community facilities zone precinct.*
- (b) Development enables community facilities to play a key role in developing and maintaining community networks, services and community health and wellbeing and contributes to the city being well served with community buildings, facilities, spaces and activities meeting the diversity of community needs.*
- (c) Development provides for both privately owned community facilities and community facilities that are owned or operated by federal, state or local government.*
- (d) Development ensures that where a use within a Community facilities zone precinct ceases and is no longer fulfilling the intended purpose of the relevant zone precinct, that it is replaced with another community facility.*
- (e) Development that limits the ongoing operation and expansion of an existing community facility or prejudices the establishment of a new community facility appropriate to the relevant zone precinct is not accommodated.*
- (f) Development in a particular zone precinct is predominantly for community facilities that are envisaged in that zone precinct, unless an appropriate adaptation of the premises for another community facility use can be demonstrated.*
- (g) Development improves the use of existing community facilities infrastructure to ensure accessibility and multiple uses.*
- (h) Development for a use not anticipated in the relevant zone precinct may be accommodated where it is demonstrated that the proposal is safe, well designed, integrated with the surrounding area and offers compensatory community benefits.*
- (i) Development:*
  - i. Is appropriately located according to the type of proposed use;*
  - ii. Is highly accessible and preferably integrated and co-located with complementary uses where possible;*
  - iii. Is of a scale, height and bulk that provides a high level of amenity;*
  - iv. Is generally consistent with the character of the area;*
  - v. Transitions sensitively to surrounding uses.*
- (j) Development is supported by complementary uses of an appropriate scale and purpose which directly serve the employees and activities of the relevant zone precinct and do not compromise the commercial, retail or community service role and function of nearby centre activities.*

The proposed development is consistent with the above overall outcomes as the development proposal is for an integrated retirement facility, a supported use for the Health Care Purposes Precinct as identified within

the Precinct Overall Outcomes. As other retirement and aged care accommodation is already operating on the site, the development complements these existing facilities by adding to the variety of retiree and aged care accommodation options and providing additional facilities for residents of the local community to age in place.

As detailed above within the assessment against PO14 of the Community Facilities Code, the scale, height and bulk of the amended development has incorporated generous setbacks, building recessions and vegetation screening through proposed rehabilitation. These design elements have been implemented to build on the existing separation elements already afforded to the development site and reduce the perceived height and bulk of the development. As a result, the development provides a sensitive transition between the proposal and the local area. The proposed development is therefore, consistent with the above overall outcomes for development location and uses.

*Development form overall outcomes are:*

- (a) Development for a major government facility or services is of a form tailored to the particular operational, functional and locational requirement of the use;*
- (b) Development creates a variety of building forms, materials and façade treatments;*
- (c) Development manages amenity impacts (including glare, odour, light, noise, traffic, parking, servicing and hours of operation) and provides a sensitive transition between a use in the Community facilities zone and adjoining sensitive uses.*
- (d) Development supplies infrastructure, service and utilities at a level that is commensurate with the level of service demands generated by the use.*
- (e) Development maximises road, rail, public transport and active transport connections and accessibility between community facilities and key destinations to ensure efficient and safe movement of people and goods and a high level of accessibility for visitors, patrons and employees of the community facility use.*
- (f) Development is designed, constructed and operated to maintain the safety and security of people and property.*
- (g) Development achieves a satisfactory standard of environmental performance by adopting principles of innovative, sustainable and efficient design, construction and operation to encourage water conservation and responsiveness to climate.*
- (h) Development for a community facility that is a major economic driver, such as a hospital, consolidates its role in facilitating growth in allied fields such as medical research and product development drawing visiting research academics and clinical professionals to the region and functioning as a major employment generator.*
- (i) Development responds to land constraints, mitigates any adverse impacts on environmental values and natural features, and addresses other specific characteristics as identified by overlays affecting the sites or in a code applicable to the development.*
- (j) Development for a use other than a community facility that is provided in conjunction with a community facility use incorporates a design that allows for reasonable adaptability and expansion, where necessary, of the community facility.*

The proposed development is consistent with the above overall outcomes as:

- The proposal is not for a major government facility or service;
- Development provides a differing building form, materials and façades to existing development both existing within the site and surrounding the subject site;
- Amenity impacts from the proposed development have been appropriately addressed through building design and servicing and operational strategies. This is further detailed in the architectural drawings and supporting technical reports. As demonstrated in detail above, the amended development proposal is consistent with, and in some areas exceeds, the reasonable expectations for built form, site layout and landscape design of development on surrounding land. While the height proposed exceeds that of surrounding development, the development design has incorporated generous setbacks, building recessions and vegetation screening. These design elements have been incorporated to build on the existing separation elements already afforded to the development site and ultimately reduce the perceived height and bulk of the development. This in turn has allowed for a sensitive transition between the proposal and surrounding development;
- Proposed servicing of the development is detailed within the submitted engineering reports, please refer to **Appendix H** for the Stormwater Management Plan and **Appendix I** for the Engineering Services Report prepared by Bornhorst + Ward;
- The proposed retirement facility is not a public community facility;
- The proposed development and surrounding grounds have been designed in accordance with relevant Australian Standards and CPTED principles to ensure the safety and security of residents, staff and visitors to the site;
- The proposed siting and orientation of buildings along with architectural elements incorporated within the building design are responsive to climate and allow for sunshading;
- The development is not a major economic driver;
- The proposed development design responds appropriately to the existing land constraints, the requirements of the planning scheme and the additional elements sought by the community and relevant stakeholders. While the proposed buildings will result in loss of some existing vegetation, it is proposed to rehabilitate existing areas to mitigate this; and
- The proposal is for a retirement facility and is not proposed in conjunction with another community facility.

Health care purposes zone precinct overall outcomes are:

- (a) *Development provides premises with day clinic and administrative functions that involve medical, paramedical, alternative therapies and general health care treatment for the local community.*
- (b) *Development for premises for residential occupation by the elderly, young or people with disabilities, with ancillary convenience activities and allied services provided to cater for their particular needs, may be accommodated.*

The proposal is consistent with the precinct’s overall outcomes as the development is for an integrated retirement facility with ancillary communal facilities including, bar, club lounge, café, dining area, library, cinema, craft room, pool, lawn bowls, gym and medical.

The above assessment demonstrates that the proposed development is consistent with the overall outcomes of the Community Facilities Zone Code and therefore, achieves the purpose of the code.

## 2.2. Response to Item 2.1.2

As requested within Item 2.1.2, a Visual Impact Assessment (**Appendix C**) has been prepared detailing how the proposed development will be viewed from the following locations:



**Figure 8:** Visual Impact Locations (Source: Visual Impact Assessment)

Photomontages from each of the identified locations have been prepared based on the revised development proposal (five and six storeys) and are included within the Visual Impact Assessment prepared by Mark Elliott, included at **Appendix C**. Within the Visual Impact Assessment, an existing view is provided from the identified location/vantage point which is then followed by an image showing the extent of the proposed development from that same vantage point. The Visual Impact Assessment illustrates that from each location, only minimal portions of the upper levels are visible or in some cases not visible at all (eg. VPO7 of the Visual Impact Assessment). A Methodology Report has also been prepared by Mark Elliott (refer **Appendix D**) to detail the modelling and methodology used in preparation of the Visual Impact Assessment.

In addition to the Visual Impact Assessment prepared by Mark Elliott, a Viewshed Analysis has also been prepared by Saunders Havill Group and is included at **Appendix E**. The Viewshed Analysis represents where the proposed development could be viewed from the mainland within a two kilometre radius. A draft of the viewshed analysis showing the amended five and six storey proposal was shown to Council following community engagement late last year. Council requested the inclusion of a four storey outcome within the analysis also to assess the difference in visual impact. As such, the Viewshed Analysis identifies where development can be seen from the mainland based on differing development concepts, including:

- Original development proposal – six and seven storeys;
- Amended, current development proposal – five and six storeys; and
- A four storey representation.

A comparison of view percentages for the amended development proposal and a four storey alternative development outcome, as viewed from the mainland is provided below:

| <b>ORIGINAL PROPOSAL – SIX AND SEVEN STOREY OUTCOME</b> |                      |                     |
|---|----------------------|---------------------|
| Area  | Size Km <sup>2</sup> | Percentage of total |
| Mainland  | 0.1825               | 2.58                |
| <b>CURRENT PROPOSAL – FIVE AND SIX STOREY OUTCOME</b>   |                      |                     |
| Area  | Size Km <sup>2</sup> | Percentage of total |
| Mainland  | 0.1158               | 1.63                |
| <b>FOUR STOREY OUTCOME</b>                              |                      |                     |
| Area  | Size Km <sup>2</sup> | Percentage of total |
| Mainland  | 0.052                | 0.73                |

**Table 2:** Viewshed Analysis Summary

As outlined within *Table 2* above, the difference in mainland views of the current development proposal as opposed to a four-storey alternative development proposal is less than 1%. This is a negligible increase and is further supported by the Visual Impact Assessment (**Appendix C**).

The Visual Impact Assessment (**Appendix C**) and Viewshed Analysis (**Appendix E**) demonstrate that the amended development proposal has negligible impacts on visual amenity when viewed from significant view points and corridors as selected by Council.

## **1.2 Buildings that Breathe**

### **Buildings that Breathe – Orientate yourself**

#### *Overall Layout*

*The buildings are orientated around the ridge of the site. Buildings 1 and 2 face directly north south with the same floor levels across both buildings; while buildings 3 and 4 face north west to south east with the same floor levels across both*

*buildings. Buildings 1 and 2 are at a 45 degree angle to Oceana Terrace, resulting in a geometry that is in contrast to the street and neighbourhood. Buildings 1-4 have a similar layout and form regardless of context, slope or orientation.*

*The pairing of the orientation of the buildings in terms of orientation and siting does not provide sufficient response to site and climatic orientation. The site has a substantial slope and as a result, where the ground level and subsequent levels are continuous across the large building footprints, the bulk and scale of the proposed buildings is substantial. As a result of the continuous floor plates, buildings 2 and 4 in particular are substantially above natural ground at the ground level and therefore do not step with the slope at their upper most levels, making them dominant and incongruous in the neighbourhood. Additional steps in the built form, which will require basement changes and steps in the overall heights will be required to ensure that the built form steps with the slope, reduces the appearance of the exposed basement and presents as an articulated form that is responsive to site.*

*2.2.1. Provide stepped built forms that are responsive to slope and reduce the exposure of basement walls and connect the ground level more directly to the ground plane.*

*2.2.2. Provide site levels to each floor level and the adjacent proposed external ground level at each corner of the building to assess the changes in slope and height above ground.*

### **Response to Item**

The amended development design proposes to lower the basement and Level 1 to reduce the visual appearance of the building and view from the streetscape. This in turn reduces the exposure of basement walls and connects the ground level more directly to the ground plane. The revised Architectural Plans prepared by S3 Architects are included at **Appendix B** and now nominate site levels for each floor level.

## **2.2 Buildings that Breathe**

### ***Buildings that Breathe – Orientate yourself***

#### *Orientation*

*The building form and sunshading is not responsive to climate. There is insufficient response to orientation with regards to sunshading to the west, or increased openings to the north east. The building caps present as flat forms without articulation in terms of slope or solar orientation and from a distance will appear as a uniform, continuous structure of substantial bulk.*

*2.2.3. Provide elevational treatments that are responsive to solar orientation and breezes.*

*2.2.4. Provide sunshading devices that are particular to each orientation.*

*2.2.5. Provide stepped roof planes with large overhangs that are responsive to the slope, solar orientation and the requirement to provide shade and shelter to external walls and a subtropical building identity in this prominent ridgeline.*

### **Response to Item**

The building proposes screening devices that are operable and moveable allowing residents to manipulate the location of the devices as required in response to solar orientation, sunshading and breezes. Please refer to the attached Architectural Plans including at **Appendix B** for further detail.

## 2.2 Buildings that Breathe

### **Buildings that Breathe – Orientate yourself**

#### Context

*The built form does not respond to the context of the street or orthogonal layout of the neighbourhood. The scale of the buildings does not transition with the housing across the street or respond to the dwelling house scale of the neighbourhood and pattern of development in the street. To provide a response to the neighbourhood:*

*2.2.6. Provide a reorientation of buildings 1 and 2 so that they are parallel to Oceana Terrace, with a stepped form that directly connects to the street and outdoor space. Provide a transition in scale to the buildings facing Oceana Terrace, with breaks in scale that reflect the dwelling house scale and pattern of the streetscape. For instance, the frontages of buildings 1 and 2 facing Oceana Terrace are to step down to a two storey form, with breaks in form of the residential street.*

#### **Response to Item**

The orientation of the buildings have been maintained as previously proposed to ensure that appropriate view corridors into the heritage site are provided for, allowing for visibility of the heritage residence, Lota House, from the site's perimeter. This item has been further addressed within the Heritage Response prepared by Vault Heritage and included at **Appendix K**.

## 2.2 Buildings that Breathe

### **Buildings that Breathe – Orientate yourself**

#### Bulk and scale and materials

*The buildings appear as one large bulk and scale on the ridge. The form does not have enough fine grain articulation or variation between each building nor is the ground level provided with enough fine grain detailing:*

*2.2.7. Provide variation in the built form as noted above as a response to climate and orientation and slope as well as some material, colour and form variation to ensure that the user has some perception of identity with their dwelling and building. This will allow for the buildings to be reduced in bulk and scale from a distance as well as provide visual wayfinding and identity within the site. Fine grain detailing with a variation of material and colour, awnings and projections at the ground level to provide for a positive internal and external streetscape connection is required. There are some awnings indicated on the plans however the fine grain detail of the ground levels, basement treatments, and entrances and overall built form materials and finishes requires additional detail.*

#### **Response to Item**

With reference to the revised Architectural Plans prepared by S3 Architects and included at **Appendix B**, we note that similar detailing, colour, materiality and design have been used for the proposed buildings as a mechanism to reduce bulk and scale of the proposed development. It is noted that simplification of built form, detailing and colour along with a reduction of unnecessary detailing creates a perception of reduced bulk and scale.

The development incorporates internalised front entries to each tower with visitor access provided through the main entry gate and visitor parking provided at basement level. Necessary wayfinding tools will be employed to assist with orientation.

### ***Buildings that Breathe – 2 Occupy outdoor spaces***

*There appears to be sufficient private outdoor spaces and balconies, communal open spaces and pathways. It is unclear as to the delineation between public and private pathways and outdoor spaces, which could result in some security and safety concerns.*

*2.2.8. Provide a diagram showing the separation of public and private areas. Provide a diagram showing building entrances and clear sight lines to each. Provide definition of each building entrance through variation in materials and finishes for wayfinding. Provide details of awnings and weather protection to each entry. Provide details as to the function of each communal outdoor space and provide areas of each private outdoor space.*

### **Response to Item**

The development incorporates internalised front entries to each tower with visitor access provided through the main entry gate and visitor parking provided at basement level. The revised Architectural Plans prepared by S3 Architects and included at **Appendix B** clearly define building entrances and necessary wayfinding tools will be employed to assist with orientation. The internal pedestrian network is illustrated within the revised Landscape Architecture Design Report prepared by RPS Group and included at **Appendix J**. For ease, the landscape plans have also highlighted the pedestrian pathway from each building's fire exit to the external pedestrian network at the site's perimeter.

### ***Buildings that Breathe – 3 Illuminate with daylight***

*Amend the proposal to address the orientation and shading concerns raised above for external and internal spaces to ensure that adequate sun shading is provided.*

*2.2.9. Provide a response to orientation as detailed above.*

### **Response to Item**

The building proposes screening devices that are operable and moveable allowing residents to manipulate the location of the devices as required in response to solar orientation, sunshading and breezes. Please refer to the attached Architectural Plans included at **Appendix B** for further detail.

### ***Buildings that Breathe – 4 Shade and protect***

*Amend the proposal to address the details of materials and finishes, and fine grain response to the ground level and orientation as outlined above and reiterated below.*

*2.2.10. Provide a response to orientation as detailed above.*

### **Response to Item**

Revisions to the building facades including amended cladding colour selections, reduced metal cladding and increased aluminium frame glass balustrades have been incorporated within the revised Architectural Package (**Appendix B**). As advised within the response to Item 2.2.7, the simplification of built form, detailing and colour along with a reduction of unnecessary detailing creates a perception of reduced bulk and scale. As such, similar detailing, colour, materiality and design have been used for the proposed buildings as a mechanism to reduce the bulk and scale of the proposed development.

The amended development design proposes to lower the basement and Level 1 to reduce the visual appearance of the building and view from the streetscape. This in turn reduces the exposure of basement walls and connects the ground level more directly to the ground plane. Internalised front entries to each tower are proposed with visitor access provided through the main entry gate and visitor parking provided at basement level. Necessary wayfinding tools will also be employed to assist with orientation.

#### ***Buildings that Breathe – 7 Identity matters***

*The design is required to address the orientation and shading concerns raised above for external and internal spaces to ensure that adequate sunshading is provided.*

*2.2.11. Identity for each building is required as a response to climate and orientation and slope as well as some material, colour and form variation to ensure that the user has some perception of identity with their dwelling and building. The context within the street and the heritage place also requires additional consideration. This will allow for the buildings to be reduced in bulk and scale from a distance as well as provide visual wayfinding and identity within the site. Fine grain detailing through the use of variation of material and colour, awnings and projections at the ground level to provide for a positive internal and external streetscape connection is required. The appearance of the buildings on the ridgeline needs to be considered in more detail for this prominent site, particularly the silhouette of articulated roof lines with overhangs.*

### **Response to Item**

With reference to the revised Architectural Plans prepared by S3 Architects and included at **Appendix B**, we note that similar detailing, colour, materiality and design have been used for the proposed buildings as a mechanism to reduce bulk and scale of the proposed development. This approach has proved effective in previous developments including the Village Retirement Group's *Village at Coorparoo*, which required similar considerations around heritage matters. The proposal will create a unified campus style appeal that will enhance residents' perception of community and inclusion.

The development incorporates internalised front entries to each tower with visitor access provided through the main entry gate and visitor parking provided at basement level. Necessary wayfinding tools will be employed to assist with orientation.

#### ***Buildings that Breathe – 8 Reduce energy and waste***

*Amend the proposal to address the orientation and shading concerns raised above for external and internal spaces to ensure that adequate response to orientation and neighbourhood context and pedestrian connectivity.*

2.2.12. Provide a response to orientation through diagrams and elevations and re-orientation of buildings to respond to solar orientation and street context. Provide diagrams clearly showing pedestrian connection and the separation of private and public pathways.

### **Response to Item**

As advised through prior responses, the orientation of the proposed buildings has been maintained to ensure that appropriate view corridors into the heritage site are provided for, allowing for visibility of the heritage residence, Lota House, from the site's perimeter. Shading concerns are also resolved through building design as illustrated within the revised Architectural Plan (**Appendix B**) prepared by S3 Architects and addressed in response to Item 2.2.

As noted within the revised Landscape Architecture Design Report (**Appendix J**) prepared by RPS Group, an internal pedestrian network is proposed with all pedestrian pathways within the lot boundary intended for private use and will connect with the external pedestrian system at around the site's perimeter.

### **2.3 Ancillary structures and utilities**

*Further details of the bin storage and collection zone are required, including details of screening. Consideration should be given to relocating the bin storage area in favour of a large tree and additional landscape treatment, such as spreading shade trees around the base of tower B1, or retention of the existing semi-mature delonix tree which is not currently shown on the tree survey.*

*In addition, the location of infrastructure, such as an electrical substation or padmount transformer are not shown on the proposed plans and will need to be included in the revised plans.*

*The location of these structures should be setback as far away from the front boundary as possible, with appropriate design and screening detail shown on the revised plans and the landscape plan.*

### **Response to Item**

The revised Architectural Plans (**Appendix B**) prepared by S3 Architects and Landscaping Architecture Design Report (**Appendix J**) prepared by RPS, illustrate the proposed location of the bin storage and collection zone, screening and as well as the location of existing and proposed infrastructure (refer DWG No. 100-01-DA Rev G of **Appendix B**). The proposed bin storage and collection area is located within the property boundary and within close proximity to the site entry to ensure ease of access. The hardstand area has been setback from the street frontage to ensure significant landscaping can be incorporated to screen the area from street view. Additional landscaping is also provided internally around the area to complement the building design and screen the area from residents/visitors.

### **2.4 Community facilities and administration areas**

*The community facilities/ancillary uses and administration areas in Buildings 3 and 4 are not labelled on the proposed plans.*

2.4.1. Revised plans are to clearly label and delineate areas for community facilities/ancillary uses and administration areas.

### Response to Item

Please refer to revised drawing Dwg No. 200-01-DA Rev H (**Appendix B**) which now details the proposed community facilities/ancillary uses and administration areas within Buildings 3 and 4.

We also wish to address the proposed staging of the development and interim communal facilities. Buildings 1 and 2 will be constructed as part of Stage 1 whilst Buildings 3 and 4 will be constructed as part of Stage 2. As the proposed communal facilities will be constructed as part of Stage 2, it is proposed that Lota House will provide temporary communal facilities for Buildings 1 and 2 until completion of Stage 2. The use of Lota House for temporary communal facilities will be subject to a separate application that will also include the proposed restoration works to Lota House. It is anticipated this separate application will be lodged following approval of the proposed development.

## 3. Heritage

*The site is a State Heritage Listed site and is also identified in the Local heritage overlay. The following concerns are raised in relation to the heritage values of the site acknowledging that advice has not been formally provided by the State at this time:*

- *The development may impact on panoramic views identified in the citation for the site. Similarly, the development may impact on the eucalypt woodland located on the site which is also identified in the citation.*
- *The removal of existing trees may diminish the heritage values of the site. The ecology report provided indicates a number of trees to be removed. Many of these trees are currently identified as being protected through a NALL.*
- *The introduction of new tower elements in the landscape may result in a detrimental impact on the setting of the place and, in particular, is likely to impact on the panoramic views described in the heritage citation.*
- *Details of any restoration/conservation works and maintenance of Lota House have not been identified and may include alterations and demolition that require assessment.*

*If there is an intention to subdivide the lot on completion (the drawings provided indicate a site boundary in a different configuration than that currently present) it will need to be demonstrate that there is a sufficient buffer to the Heritage fabric and that the heritage values are protected.*

### Response to Item

Detailed responses to each of the heritage items raised have been provided within the Heritage Response (**Appendix K**) prepared by Vault Heritage.

## 4. Landscaping

### 4.1 Pedestrian pathways

*Small pedestrian pathways and gates are nominated on the landscape concept plan to connect with the external pedestrian system. Any steps or ramps required to access the property must be contained wholly within the property boundary. Demonstrate that existing street trees are to be unaffected by the proposal.*

4.2.1. *Provide amended drawings that include further detail, including existing and proposed levels and site entries. Any steps or ramps required to access the property must be contained within the property boundary.*

### **Response to Item**

Please refer to the revised Landscape Architecture Design Report (**Appendix J**) and the Landscape Response (**Appendix L**) prepared by RPS Group. As requested, all nominated pedestrian pathways and gates are clearly identified with connections proposed to an external pedestrian system. No steps or ramps have been proposed however, the requirement for these to be contained wholly within the property boundary is acknowledged.

### **4.2 Significant Trees**

*The proposed development must maximise the opportunity to retain significant vegetation.*

*There are existing trees on the site that may be required to be retained to comply with purpose 3(d) of the Wynnum-Manly neighbourhood plan and PO1 of the Landscape Works code, but the proposal does not include enough information to complete a full assessment. Whilst it is clear that there is the intention to retain a significant amount existing vegetation on site, there is a mismatch between the submitted information, or some information is missing.*

*An ecology report with a tree survey plan has been provided with some trees marked for further assessment by an arborist, and arborist report has been provided with a tree schedule and assessment of retention/removal of trees on site. Trees to be retained need to be clearly indicated with their identifying number of the landscape concept plan together with existing and proposed levels to demonstrate that proposed retentions are achievable.*

*From the reports provided it is unclear where the trees are located within the site as a plan has not been provided with the arborist report and the tree schedule in the arborist report doesn't correspond to the tree schedule in the ecology report. Clarify abnormalities and resubmit the vegetation management plan and an amended survey of existing vegetation by an AQF Level 5 quality arborist identifying trees by surveyed location, species, height, canopy spread, diameter at breast height and condition, with justification provided for proposed removal against the provisions of the Vegetation planning scheme policy.*

4.4.1. *Provide an updated ecology report and tree survey plan that clearly identifies the trees the arborist has proposed for removal and retention, including trees considered to be significant vegetation as defined in the Vegetation planning scheme policy. These reports must match the landscape concept plan.*

*Tree protection zones and structure root zones are required for trees to be retained. Design changes may be necessary when this information has been assessed.*

4.4.2. *Provide an amended landscape concept plan demonstrating retained vegetation together with existing and proposed levels. Retention of vegetation to match vegetation management plan so that all documents are consistent.*

### **Response to Item**

Please refer to the revised Landscape Architecture Design Report (**Appendix J**) and the Landscape Response (**Appendix HL**) prepared by RPS Group.

### **4.3 Retaining walls**

*It is not clear if retaining walls are required, although it seems the intent is to gently batter down towards the verge and existing trees. Design amendment may be required to comply with purpose 2(a) and performance outcome PO1 of the*

*Filling and excavation code if any retaining walls exceed 1m in height are being proposed. Fill within the tree protection zone of retained vegetation is to be avoided.*

*4.3.1. Provide amended landscape concept plan drawings that indicate any retaining walls together with proposed top of wall and bottom of wall levels especially if near retained vegetation. Wall height should be reduced to no more than 1m high, and/or screened with vegetation. Where vegetation is proposed, detail must be provided to confirm that wall design, including footings and drainage, will allow for enough uncompacted topsoil to support healthy plant growth.*

#### **Response to Item**

Please refer to the revised Landscape Architecture Design Report (**Appendix J**) and the Landscape Response (**Appendix L**) prepared by RPS Group.

#### **4.4 Water storage for irrigation**

*The proposal does not comply with PO12/AO12.2 and PO13/AO13.2 of the Landscape work code, as it does not include water storage to support the extensive proposed container planting on podium and roof levels.*

*4.4.1. Amend the proposal to include stormwater harvesting and sufficient water storage to maintain container planting, with reference to the Landscape design guidelines for water conservation planning scheme policy.*

#### **Response to Item**

Please refer to the revised Landscape Architecture Design Report (**Appendix J**) and the Landscape Response (**Appendix L**) prepared by RPS Group.

#### **4.5 Green walls / container planting**

*Proposed green roofs / containerised planting are supported in principle as contributing to subtropical design excellence and building articulation required by the City Plan and described in the New World City Design Guide – Buildings that Breathe. Further detail is required to demonstrate that planting will be viable, including in terms of construction integration, sustainable water consumption and ongoing maintenance. Unless this information is provided, green walls / containerised planting cannot be considered an achievable long-term outcome and the proposal will not comply with PO4 of the Landscape works code. Maintenance access to green roof is required to be demonstrated.*

*It should be noted that any containerised planting will be subject to conditions that will require its ongoing maintenance. Accordingly, it is essential that long term maintenance needs including costs are considered in detail at an early stage of design development.*

*4.5.1. Provide amended drawings and supporting information to confirm the long term sustainability of proposed container planting, including:*

- i) Conceptual construction details including growing media, container size (internal widths and depths) and integration with building/structural design*
- ii) Conceptual planting design*
- iii) Detailed estimates of required weekly water consumption for irrigation for each calendar month by an Irrigation Association of Australia certified irrigation designer, holding a Diploma of Irrigation*
- iv) Proposed size and location rainwater storage tanks or other non-mains water source for irrigation, sufficient to provide at least 95% of irrigation needs*

- v) Preliminary ongoing annual maintenance schedule for planting, growing media, irrigation and structural elements, including details of maintenance access.

## Response to Item

Please refer to the revised Landscape Architecture Design Report (**Appendix J**) and the Landscape Response (**Appendix L**) prepared by RPS Group.

# 5. Stormwater

*The size of the proposed detention tank discussed in 4.1.3 and Appendix F of the site based stormwater management plan (SBSMP) is not in accordance with 7.5.4(3) of the Infrastructure design planning scheme policy (ID PSP) and is not acceptable. Provide detention sizing in accordance with AO6.2 of the Stormwater code and 7.5 of the ID PSP.*

*Section 4.1.4 of the SBSMP states that buildings to the east of the site will discharge to Moreton Bay via an existing pipe and headwall; however, the nominated pipe and headwall does not discharge to Moreton Bay, it outlets at the property boundary and flows overland through a vegetated area of road reserve. The increase in runoff to this area for all events will cause issued I the vegetated area, including but not limited to ponding, scouring and erosion, and will not be supported. Detention must be shown for this runoff and all flow should be directed to a single lawful point of discharge in accordance with ID PSP.*

*Section 4.1.1 of the SBSMP discusses rainfall data, however it is unclear which ARR data was used 1987 or 2016. Provide clarification of the data used.*

*No details of the existing or proposed stormwater system for this proposal have been submitted, the SBSMP and plans do not provide enough details to allow appropriate assessment.*

*Demonstrate that the proposal is in accordance with the requirements of the Stormwater code and Infrastructure design code.*

*5.1.1. Provide an updated SBSMP in accordance with these elements of CP2014 and signed by an RPEQ. The SBSMP must provide the following details:*

- i) The existing and proposed private drainage within the site*
- ii) The location and details of the proposed detention for the site including plans and sections of the detention structure(s)*
- iii) The proposed stormwater water quality for the site including plans and sections of any structures*
- iv) Invert levels of the proposed pit and pipe system.*

*An electronic copy of the MUSIC model for assessment is required.*

*The SBSMP will need to be signed by an RPEQ in accordance with PO1 and AO1 of the Stormwater code and 1.3.1, 1.3.2 and 1.4 and chapter 7 of the ID PSP.*

*Please note: the proposed buildings are numbers in reverse order in the engineering report and SBSMP when compared to the architectural plans this will need to be rectified.*

### Response to Item

The project engineers, Bornhorst + Ward, have prepared a revised Site Based Stormwater Management Plan which is included at **Appendix H**, as well as a response to Item 5 (**Appendix M**). The Engineering Services Report has also been updated, please find this attached at **Appendix I**.

## 6. Transport, access, parking and servicing

*The proposed access, car parking and servicing is generally acceptable; however, the following additional information is required to allow a detailed assessment of the application against the Transport, access, parking and servicing code and planning scheme policy (TAPS PSP):*

### 6.1 Visitor parking

*The proposed plans show a roller shutter, which restricts entrance to the car park. AO15 of the TAPS code and Section 7.3 (5) of the TAPS PSP requires that visitor parking not be located behind a roller shutter in this way.*

6.2.1. *Demonstrate on plans that the security gate/fence/roller door has been relocated to allow unrestricted access to the visitor car parking spaces in accordance with 7.3 (5) of the TAPS PSP.*

### Response to Item

Please refer to the traffic consultant response prepared by TTM Group and included at **Appendix N**.

### 6.2 Carparking aisle width

6.2.1. *Demonstrate on plans 6.2m aisles in accordance with AO15 of the TAPS code and 7.4.4 of TAPS PSP or provide a suitable performance solution demonstrating compliance with PO9 of the TAPS code provided in a RPEQ signed traffic report.*

### Response to Item

Please refer to the traffic consultant response prepared by TTM Group and included at **Appendix N**.

### 6.3 Basement ramps

*The proposed plans show car parking ramps to basement levels at 1:5 grades, which is not in accordance with 7.6, and table 17 of the TAPS PSP.*

6.3.1. *Demonstrate on plans ramp grades of 1:6 in accordance with AO15 of the TAPS PSP and 7.6 of the TAPS PSP. While section 3.3 and table 3.2 of the TTM traffic report discuss ramp grades, no acceptable performance solution is provided; a long section demonstrating how the proposed ramp will perform is required in an updated RPEQ signed traffic report.*

### Response to Item

Please refer to the traffic consultant response prepared by TTM Group and included at **Appendix N**.

## 6.4 Cyclist facilities

PO/AO9 of the Community facilities code requires bicycle parking to be provided. The rate in the Transport, access, parking and servicing planning scheme policy for a multiple dwelling in lieu of retirement facility is to be applied.

6.4.1. Revised plans are to provide one secure bicycle parking space per unit.

### Response to Item

Please refer to the traffic consultant response prepared by TTM Group and included at **Appendix N**.

## 7. Noise – Community Facility

The proposed retirement facility and its location near sensitive land uses/zoning has the potential to impact on the noise amenity of nearby sensitive uses and it needs to be demonstrated that an adequate level of amenity as per the code can be provided at such locations.

8.1.1. Submit further information demonstrating that the proposed use can comply with the hours of operation and acoustic barriers as prescribed in AO1.1 – AO2.2 of the Community facilities code. Where compliance cannot be achieved, submit for approval a Noise impact assessment report in accordance with PO2 of the code.

Further guidance can be found in the Noise impact assessment planning scheme policy.

### Response to Item

The development proposal is for a retirement facility which is defined as a residential use and is in itself included within the definition of sensitive land use. Responses to AO1.1 – AO2.2 were provided within *Appendix J – Assessment Benchmarks* that was submitted with the Development Application. For ease, a copy of the compliance table is provided below with additional commentary.

| Performance outcomes   | Acceptable outcomes   | Comment  |
|--|---|--|
| <b>Section A—If for accepted development subject to compliance with identified requirements (acceptable outcomes only) or assessable development</b>   |   |  |
| <b>PO1</b><br>Development ensures that the hours of operation are:<br>(a) consistent with reasonable community expectations for the use and are consistent with the purpose of the zone or zone precinct;<br>(b) controlled so that the community facility does not impact on the amenity of:<br>a residence within the building where the use is located;<br>nearby sensitive uses. | <b>AO1.1</b><br>Development for a non-residential use has hours of operation, including the use of indoor activity areas and private open space, which are limited to 7am to 6pm. | <b>N/A</b><br>The proposed use is for a Retirement Facility which is defined as a residential use. Please refer to <i>Table SC1.2.3.B – Brisbane City Council Administrative Definitions</i> . |
|  | <b>AO1.2</b><br>Development has hours of operation for delivery vehicles which are limited to 7am to 6pm Monday to Saturday, excluding public holidays.                           | <b>Will comply</b><br>Hours of operation for delivery vehicles will be limited to 7am to 6pm Monday to Saturday.   |
| <b>PO2</b><br>Development ensures that noise generated does not exceed the noise (planning) criteria   | <b>AO2.1</b><br>Development:  | <b>Complies</b><br>The proposed development does not involve amplified music entertainment with the majority   |

|  |  |  |
|--|--|--|
| <p>in Table 9.3.5.3.B and night-time noise criteria in Table 9.3.5.C at a sensitive zone or sensitive use.</p> <p>Note—A noise impact assessment report prepared in accordance with the Noise impact assessment planning scheme policy can assist in demonstrating achievement of this performance outcome.</p> <p>Note—Where the development involves an activity regulated by the Entertainment Venues and Events Local Law, the operating noise levels and requirements may be specified on a permit or approval issued under that law.</p> | <p>(c) does not involve amplified music entertainment;</p> <p>(d) is conducted wholly within an enclosed building and does not involve external activity, dining or entertainment areas;</p> <p>(e) provides a 2m high acoustic fence along any boundary with land in a residential zone;</p> <p>(f) ensures mechanical plant or equipment is acoustically screened from adjoining sensitive uses.</p> <p>Note—Mechanical plant includes generators, motors, compressors and pumps such as air-conditioning, refrigeration or coldroom motors.</p> | <p>of community activities and communal facilities provided internally within the building. Any outdoor communal activities will not be undertaken at night-time.</p> <p>The proposed development is afforded a buffer from residential uses due to the existing external road network surrounding the southern perimeter of the site. The northern boundary of the site adjoins residential land however, acoustic fencing was appropriately addressed through Development Application A004336688 which approved a Residential Care Facility within the northern portion of the site.</p> <p>Mechanical plant/equipment will be located on the roof of the building and appropriately screened from adjoining sensitive uses.</p> |
|  | <p><b>A02.2</b></p> <p>Development does not generate noise that is clearly audible and creates a disturbance within a dwelling or its associated balcony or patio.</p>   | <p><b>Complies</b></p> <p>The proposed development is for a Retirement Facility which is not a significant noise generating use.</p>   |

## 8. Fuel Burning or Power Generator

*The proposed application may include the use of Fuel Burning of a Back-up/Power Generator. Such uses are defined as "Fuel Burning" in Schedule 1 Definitions – Industry Thresholds:*

*Medium Impact Industry – fuel burning for power generation with an installed capacity of 0.1 MW or less, if: operating more than 100 hours per year; and not involving coal combustion.*

*High Impact Industry – fuel burning for power generation with an installed capacity of more than 0.1 MW, if less than 10 MW; and not involving coal combustion.*

*8.1.1. Submit further information outlining whether a power generator is proposed. Such information is to include maximum fuel burning capacity in MW; potential house of use, type and quantity of fuel stored, air quality controls and type of engine. (In some circumstance an Air quality report may be required demonstrating compliance with PO1 of the Industry code).*

### Response to Item

Use of a power generator is not proposed.

## 9. Infrastructure Charges

*The following information is required to assist in calculating the applicable infrastructure charges for the proposed development:*

### 9.1 Existing and/or Previous Lawful Use

9.2.1. Submit details of the existing lawful uses on the site by completing Prescribed Form B, found on Council's website at: [https://www.brisbane.qld.gov.au/sites/default/files/20150731-res\\_no.4\\_2014\\_-\\_res\\_no.5\\_20form\\_b\\_-\\_demand\\_credit\\_for\\_existing\\_or\\_previous\\_lawful\\_use\\_-\\_final\\_-\\_3\\_july\\_2015.docx](https://www.brisbane.qld.gov.au/sites/default/files/20150731-res_no.4_2014_-_res_no.5_20form_b_-_demand_credit_for_existing_or_previous_lawful_use_-_final_-_3_july_2015.docx)

If the existing use commenced as a result of being either exempt development, and/or self assessable development the following must be provided as evidence:

1. The zoning at the time the use commenced
2. The relevant sections of Council's Planning Scheme which allowed the use to become lawful at the time the use commenced.

Pursuant to Section 16(4) of the Brisbane Infrastructure Charges Resolution (No. 7) 2018 (BICR7) the applicant is to provide evidence of all lawful uses for which the demand credit is to be applied. The BICR7 is not explicit in what constitutes evidence of past uses. However, Council will accept any details that clearly show they were in place on the property lawfully. This may include, any or a combination of, formal planning approvals, building approvals, old photographs, phone listings, advertisements, lease documents, etc. This list is not exhaustive and consideration will be given to any material that demonstrates lawful past uses.

9.1.2. Provide plans, which show the existing units including bedroom layout plans, which identify the number of bedrooms in each unit (in addition to the information provided in section 7.1 of the assessment report provided with the application).

### Response to Item

Please find attached the completed *Demand Credit for Existing or Previous Lawful Use – Prescribed Form (Form B)* form (**Appendix O**). In support of the requested credit, a Building Plan for the existing bungalow has been included at **Appendix P**.

### 1.3 Proposed Use

A 'bedroom' is clearly defined under the current BICR7 and this definition includes rooms such as a study, rumpus room or other similar space.

9.2.1. Confirm the following number of bedrooms per unit type:

Unit Type A – 3 bedroom

Unit Type B – 3 bedroom

Unit Type C – 3 bedroom

Unit Type D – 2 bedroom

Unit Type E – 4 bedroom

### Response to Item

In accordance with the definition for 'bedroom' as defined under the Brisbane Infrastructure Charges Resolution (No. 7) 2018, the following number of bedrooms apply to each unit type:

- Unit Type A – 3 bedrooms;
- Unity Type B – 2 bedrooms;
- Unit Type C – 3 bedrooms;

- Unit Type D – 2 bedrooms;
- Unite Type E – 4 bedrooms;
- Unity Type F – 1 bedroom.

We acknowledge that Unit Type B includes a media room however, as per the retirement facility management schemes that are implemented for each of the Village Retirement Group's facilities, each unit may only house two residents. Furthermore, it is generally accepted that retirement facility occupancy rates are 1.4 persons per dwelling therefore, the reduced infrastructure charge for Unit Type B should apply.

## Conclusion

We offer this as a response to all of the information requested in Council's Information Request in accordance with Section 13.2(a) of the DA Rules. As required by Section 14.1(a) of the DA Rules, we advise that Council must proceed with its assessment of the application.

Should any further clarification be required in relation to the above, please contact Nikki Christmas on (07) 3251 9480 or email [nikkichristmas@saundershavill.com](mailto:nikkichristmas@saundershavill.com).

Yours sincerely

**Saunders Havill Group**



Nikki Christmas

*Senior Town Planner*