Attachment 5.4

Setbacks and site layout

Setback provisions for development over 55m in height in the Transition area of the Light rail urban renewal area overlay

11 February 2021
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1. **Purpose of report:**

On 27 October 2020, Council resolved (G20.1027.033) to make a number of refinements to the Major update 2 & 3 amendment package (‘the amendment’) to better align with the endorsed policy intent and improve clarity for development assessment purposes.

This report provides analysis and recommendations to resolve the following item from the resolution.

   **h. Setback and site cover provisions are important for Transition areas that have a HX building height designation in the Light Rail Urban Renewal Area Overlay.**

2. **Introduction:**

The reassessment of a mixed use development at 15-19 Peerless Avenue, Mermaid Beach, against the proposed changes revealed that the ‘Transition Area’ within the revised Light rail urban renewal area overlay code does not nominate setbacks and site cover provisions for development over 55m.

The setbacks and site cover provisions included for the Transition Area only apply to proposed development up to 55m in height.

Given that the overlay code does not regulate setbacks and site cover for proposed development over 55m in height, the underlying High density residential zone code provisions apply. While there is no gap in regulation, the Overlay code was intended to provide all relevant setback and site cover provisions to improve clarity and transparency.

Figure 1 shows 15-19 Peerless Avenue, Mermaid Beach, which has the following City Plan designations under the amendment:

<table>
<thead>
<tr>
<th>Zone</th>
<th>High density residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building height</td>
<td>HX (no designated building height)</td>
</tr>
<tr>
<td>Residential density</td>
<td>RD8 (1 bedroom per 13m² of site area)</td>
</tr>
<tr>
<td>Light rail urban renewal area overlay</td>
<td>Transition Area</td>
</tr>
</tbody>
</table>

Figure 1: 15-19 Peerless Avenue, Mermaid Beach
3. **Background to the amendments**

The Light rail urban renewal area overlay applies to the Stage 1 of the Light Rail corridor between Southport and Mermaid Beach (Refer to Appendix A). The revised overlay, which was introduced as part of amendment, is comprised of four individual precincts to represent the role and function of the area in which it is located. The character of each precinct is outlined below:

**Primary Focus areas:** Primary focus areas have the highest concentrations of activity, including a wide range of non-residential activities incorporated in the ground level, supported by high density residential and tourist accommodation activities.

**Secondary focus areas:** Secondary focus areas include a range of high density residential activities and small-scale non-residential activities that serve the local community’s daily needs, and do not undermine the Surfers Paradise or Broadbeach centres.

**Frame areas:** Frame areas contain mostly residential activities which reinforces the planned character of individual neighbourhoods.

**Transition areas:** Transition areas include low-medium and medium density residential activities, delivering a deliberate transition in scale, form and intensity from other parts of the Light rail urban renewal area.

The built form, setbacks and site cover provisions in the amendment were informed by the following projects:

- Community Benefit Bonus Elements Policy Review;
- Setbacks and Site Cover in Medium and High Density Residential Zones Review;
- Introduction of the Low-medium density residential zone; and
- Light Rail Built Form Review (Podium Design).

The proposed amendments to the Light rail urban renewal area overlay code included:

- aligning setbacks and site cover with building height to establish appropriate development envelopes on sites;
- refining provisions to emphasise the different roles of each precinct in the overlay (Primary focus area, Secondary focus area, Frame area and Transition area);
- refining wording to control bulk, length and building separation to maintain urban form, character and residential amenity;
- aligning setbacks with site cover figures to ensure site cover is achievable within the prescribed setbacks;
- encouraging multiple slender buildings instead of one bulky building by restricting floor plates;
- refining wording to achieve compact building forms and tall slender towers; and
- refining wording to allow adequate space for deep planting and shade trees to promote subtropical design and provide a balance between the built form and landscaping.

To provide for the variations in the precincts, setbacks, site cover and floor plate requirements were introduced into the Light rail urban renewal area overlay code. Areas outside the overlay area rely on the default provisions in the respective underlying zone code.

These amendments formed part of Item 9: Built form and urban design outcomes in the amendment.

4. **Analysis**

A review of the building heights in the Transition Area revealed there were a number of lots at the southern end of the corridor that have no building height designation (HX). Figure 2 identifies the areas within the Transition Area that are nominated HX (shown as dark red within the dashed line boundary and highlighted with a blue polygon). A full set of maps outlining the building heights, zones and residential densities for this area is illustrated in Appendix B.
From the analysis, it was revealed that the northern side of Peerless Avenue and an area of the Gold Coast Highway (between Pacific Fair and Surfers Avenue, Broadbeach) were the only areas that had a HX building height. All other areas within the Transition Area had a building height less than 55m.

The Light rail urban renewal area overlay code only includes setbacks, site cover and max floor plate provisions for buildings up to a height of 55m, any proposed development over 55m requires assessment against the relevant provisions in the underlying zone code.

It should be noted that the zoning and height designations for these areas have not been changed as part of this amendment. As a result, the zoning and height designations are considered appropriate and recommended to be retained. Section 4.1 provides an analysis of the zone and overlay provisions to determine the most appropriate options to address this anomaly (refer to Section 4.2).

4.1 Comparison of provisions

As identified in Section 3, the Light rail urban renewal overlay area is comprised of four individual precincts to represent the role and function of the area in which it is located. Figure 3 identifies the built form outcomes intended for each precinct.

The Transition Area includes low-medium and medium density residential activities, delivering a deliberate transition in scale, form and intensity from other parts of the light rail urban renewal area. It also envisages development up to 55m in height being developed in the precinct. Having regard to the Strategic framework and Overall outcomes of the Light rail urban renewal area overlay code, development over 55m in height is not considered to be an appropriate fit for the Transition Area. For this reason, provisions for development over 55m in height are not currently included within the Transition Area precinct of the Light rail urban renewal area overlay code.
In regards to the zoning of these HX building height areas, the northern side of Peerless Avenue is designated with a High density residential zone and the area of the Gold Coast Highway (between Pacific Fair and Surfers Avenue, Broadbeach) is designated with the Mixed used zone. Figure 4 identifies the zoning of each area.
4.1.1 The Mixed use zone – Gold Coast Highway

The purpose of the Mixed use zone is to provide for a mix of activities that may include business, retail, residential, tourist accommodation and associated services, service industry and low impact industrial uses. Figure 5 illustrates the built form envelope that is envisaged by the provisions in the Transition Area, Mixed use zone and Frame Area. The building form envisaged by the Mixed use zone and the HX building height allocation better aligns with planned built form outcomes in the Frame Area precinct as the Frame Area envisages development over 55m in height and contains appropriate provisions for this form of development.

![Figure 5: Comparison between the Transition area, Mixed use zone and Frame area built form controls](image)

4.1.2 The High density residential zone – Peerless Avenue

The purpose of the High density residential zone is to provide for higher density multiple dwellings supported by community uses and small-scale services and facilities that cater for local residential. The High density residential zoned area immediately north of this area is located within the Frame Area of the Light rail urban renewal area overlay. Figure 6 illustrates the built form envelope that is envisaged by the provisions in the High density residential zone and the Transition and Frame areas of the Light rail urban renewal area overlay.

![Figure 6: Comparison between the Transition area, High density residential zone and Frame area built form controls](image)
The main difference between the Transition area and the Frame area provisions is the regulation of the tower base and the location of car parking. The Frame area allows a slightly larger tower base and requires all car parking to be underground or fully integrated into the built form to promote street front activation.

### 4.2 Scope of Change

The amendment is currently in the public consultation phase of the statutory amendment process under the Minister’s Guidelines and Rules (MGR). The MGR provides that, during this stage of the process, the amendment can only be changed to:

a) address issues raised in submissions;

b) amend a drafting error; or

c) address new or changed planning circumstances or information.

The scenario testing presented to Council in October 2020 is considered to be new planning information. The scenario testing included the following observations:

- **Acceptable outcome AO16.2 does not specify setbacks or site cover for buildings over 55m in height in the Transition area.**
- **Guidance could be taken from Acceptable outcome AO5 of the High density residential zone code, however no connection provided to refer to the zone code.**
- **The table only provides setbacks and site cover for buildings greater than 33m and up to 55m in height.**
- **Unclear if it is intended for towers not to exceed 55m in the Transition area however no outcomes which refer to building height.**
- **Subject site remains within the HX building height designation on the building height overlay.**

The observations from the scenario testing provide scope to propose alternative provisions to address the anomaly (no setbacks for building over 55m) in the Light rail urban renewal area overlay.

Further, any change that is ‘significantly different’ is required to undergo further public engagement for a minimum of 20 business days. This matter is discussed within the options section.

### 4.3 Options

Three options have been developed following a review of this matter. The three options are:

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>No change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rely on the underlying zone code to control setbacks and site cover.</td>
<td></td>
</tr>
</tbody>
</table>

|   | 2 | Update the Light rail urban renewal area overlay code to include provisions to address setbacks, site cover and maximum floor plate for buildings over 55m in height. |

|   | 3 | Remove the ‘Transition area’ from sites with a ‘HX’ building height designation and include those sites in the ‘Frame area’. |
To determine the preferred option, the following advantages and disadvantages were identified and assessed:

<table>
<thead>
<tr>
<th>Proposed Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. No change</strong> – Rely on the underlying zone code to regulate site cover, setbacks and floor plate for buildings over 55m in height.</td>
<td>• No change would be required.</td>
<td>• Confusing for the user of City Plan having to revert back to the zone code for setbacks. Lack of clarity for the community.</td>
</tr>
<tr>
<td><strong>2. Update the light rail urban renewal area overlay code</strong> - include provisions to address setbacks, site cover and maximum floor plates for buildings over 55m in height.</td>
<td>• Improved clarity for users of City Plan. The appropriate setbacks would be identified in the code – similar to other height ranges.</td>
<td>• The new provisions will not align with the described role and function of the Transition Area – being development less than 55m in height.</td>
</tr>
<tr>
<td><strong>3. Remove the ‘Transition area’ from sites with a ‘HX’ building height designation and include those sites in the ‘Frame area’.</strong></td>
<td>• Improved clarity for users of City Plan. The appropriate setbacks would be identified in the code – similar to other height ranges.</td>
<td>• Perceived of a significant change to development potential of some sites.</td>
</tr>
<tr>
<td><strong>Note:</strong> this option does not propose any building height changes.</td>
<td>• The sites with the HX designation would be aligned with the policy intent of the Frame Area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The redesignation of the two areas of ‘HX’ provides a logical extension of the precinct (i.e. it is not an isolated pocket of Frame Area).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Allows for the same regulation of car parking as other HX building height areas (i.e. above ground car parking is only allowed where it promotes street activation and is fully integrated into the built form)</td>
<td></td>
</tr>
<tr>
<td><strong>Note:</strong> Blue shading represents the preferred option.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

After considering the advantages and disadvantages of the three options and the overall policy intent of the amendment, it is recommended that amending the mapping of the Light rail urban renewal area overlay (as outlined in Option 3) be implemented. Amending the mapping would offer the following benefits:

- It would improve the useability of the Overlay code for development over 55m in height;
- It would not undermine the policy intent of the Transition Area (because of allowing development over 55m); and
- It would apply a consistent regulation of car parking as other adjoining HX building height areas (i.e. above ground car parking is only allowed where it promotes street activation and is fully integrated into the built form).
This change is considered to be ‘significantly different’ and would require readvertising.

5. Stakeholder consultation

The following stakeholders have been engaged in the preparation of this report:

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lily Chan Acting City Architect</td>
<td>Economy, Planning &amp; Environment</td>
</tr>
<tr>
<td>Roger Sharpe Executive Coordinator Planning Assessment</td>
<td>Economy, Planning &amp; Environment</td>
</tr>
<tr>
<td>Steve Brett Executive Coordinator Major Assessment</td>
<td>Economy, Planning &amp; Environment</td>
</tr>
</tbody>
</table>

6. Action/Recommendation

It is recommended the Major update 2 & 3 amendment package be changed as follows:

1. Update the Light rail urban renewal area overlay and Strategic framework map 3 – Light rail urban renewal area by removing the ‘Transition area’ from sites with a ‘HX’ building height designation and including those sites in the ‘Frame area’ as shown in Appendix C.

Note: The recommendation is closely related to changes recommended in Attachment 5.3: Setbacks and site layout – Front setbacks for commercial zones within the Transition area of the Light rail renewal area overlay.
Appendix A: Light rail urban renewal area overlay map (Major update 2&3)
Appendix B: Building height, zones and residential densities – Southern Transition area
Appendix C: Proposed recommendations for southern Transition area

Light rail urban renewal area mapping at Mermaid Beach and Mermaid Waters (as advertised in Round 2):

Recommended change (Note: this map also shows the recommended removal of areas from the Light rail urban renewal area overlay as outlined in Attachment 5.3: Setbacks and site layout - Front setbacks for commercial zones within the Transition area of the Light rail urban renewal area overlay):
Attachment 5.4 - Setbacks and site layout - Setback provisions for development over 55m in height in the Transition area of the Light rail urban renewal area overlay (A617203).