Attachment 4.2

Targeted Growth Areas

Impact assessment site cover trigger and assessment criteria for site cover

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 address the following items from the resolutions:

- **a.** The trigger to Impact assessment within targeted growth areas be reviewed with a view to limiting the trigger to tower site cover only, providing the basement does not exceed ground level by 1m at any point;

- **b.** That the impact trigger for site cover be supported with additional assessment provisions including adding wording to the strategic framework.

These items apply to areas within the Targeted Growth Areas, which is identified as the *Neighbourhood elements overlay* area within the amendment, and includes residential zoned land within:

- Southport (west);
- Biggera Waters; and
- Labrador.

![Figure 1: Areas included in Targeted Growth Areas](image)
2. Introduction

The amendment introduces an Impact assessment trigger for residential development within the Neighbourhood elements overlay area if it exceeds Site cover thresholds.

This Impact assessment trigger was introduced following consideration of submissions received during the first round of public consultation. The report presented to Council in December 2019 noted that the purpose of the Impact assessment trigger is to prevent building bulk dominating the site and to establish or maintain a ‘leafy’ landscaped neighbourhood character.

Due to the definition of ‘Site cover’, Basements that are not wholly underground would be included for the purpose of the Impact assessment trigger. As Basements generally cover more of the site than the building, this is likely to trigger all proposals with a Basement to Impact assessment. This outcome was not intended when the change was introduced (Note: definition is as per the Regulated requirements).

The Scenario testing presented to Council in October 2020 also observed that the Neighbourhood elements overlay code and Strategic framework do not include strengthened provisions to regulate excessive Site cover, that is triggered to Impact assessment. As such, even though a higher level of assessment is triggered, there are no additional assessment provisions that control Site cover.

3. Background to the amendments

The changes to Height, Density and Zoning at Southport (west), Biggera Waters and Labrador form part of Item 15: Identified growth areas, of the amendment, also referred to as the Targeted Growth Areas (TGA). These growth areas were identified to contribute towards dwelling supply over the next 25 years, as required by the South East Queensland Regional Plan 2017 (ShapingSEQ) benchmarks.

3.1 Submissions from the first round of consultation

The First round of consultation was held between 27 September 2019 to 11 November 2019. 506 submissions were received regarding the Targeted Growth Areas. Of these submissions:

- 65% (327 submissions) opposed Item 15; and
- 10% of submissions provided support or part support.

Key topics raised through these submissions points were:

- General concern to increasing zoning allocation, building height and or density (311 points of submission);
- Proposed changes will result in a loss of the character / history / charm of the neighbourhoods (297 points of submission);
- Lack of infrastructure, services and amenities to support the proposed changes (146 points of submission);
- Lack of public transport to support the proposed changes (108 points of submission);
- Proposed changes will result in increased traffic congestion (207 points of submission);
- Existing lack of on-street parking and proposed changes will generally exacerbate existing on-street parking issues in the neighbourhood (206 points of submission); and
- Concern regarding flooding and tidal impacts (130 points of submission).

3.2 Amendments following the first round of consultation

Officers considered the submissions made during the First round of public consultation. In doing this, a review of zoning, building height and residential density within the TGA was undertaken.
A range of other City Plan changes were also proposed to enhance liveability within the identified TGA, including introducing an Impact assessment trigger for Site cover exceedance for residential development (excluding a Dwelling house) for land zoned in the Low-medium; Medium and High density residential zones.

These changes were considered and endorsed by Council on 13 December 2019.

3.2.1 Site cover Impact assessment trigger

The Tables of assessment were amended to introduce the Impact assessment trigger for Site cover, applying in the TGA in the Low-medium, Medium and High density residential zones for all land uses (excluding Dwelling houses).

The report presented to Council in December 2019 noted that:

*The Impact assessment trigger for site cover is to assist in achieving the leafy neighbourhood outcome and the Importance of achieving a balance between built form and landscaping…*

The relevant Site cover, based on zone and type of development, is outlined in Table 1. Developments exceeding site coverage listed below are triggered to Impact assessment:

**Table 1: Site coverage for residential zones**

<table>
<thead>
<tr>
<th>Zones</th>
<th>Type of development</th>
<th>Site coverage applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-medium density residential zone</td>
<td>buildings up to 9m in height on a site greater than 400m²</td>
<td>a 50% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings up to 9m in height on a site less than 400m²</td>
<td>a 60% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>for all other instances</td>
<td>a 60% Site cover is applicable</td>
</tr>
<tr>
<td>Medium density residential zone</td>
<td>buildings up to 9m in height on a site greater than 400m²</td>
<td>a 50% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings up to 9m in height on a site less than 400m²</td>
<td>a 60% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings greater than 9m but up to 16m in height</td>
<td>a 60% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings greater than 16m up to 33m in height</td>
<td>a 50% Site cover is applicable</td>
</tr>
<tr>
<td>High density residential zone</td>
<td>buildings up to 9m in height on a site greater than 400m²</td>
<td>a 50% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings up to 9m in height on a site less than 400m²</td>
<td>a 70% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings greater than 9m but up to 16m in height</td>
<td>a 60% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings greater than 16m but up to 33m in height</td>
<td>a 50% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings greater than 33m but up to 55m in height</td>
<td>a 40% Site cover is applicable</td>
</tr>
<tr>
<td></td>
<td>buildings greater than 55m in height</td>
<td>a 30% Site cover is applicable</td>
</tr>
</tbody>
</table>

The report presented to Council in December 2019 noted the rationale for the change:

*This is a distinct policy change, which is in response to the community feedback and reinforces the importance of achieving a balance between built form and landscaping as part of development, specifically in the TGA.*

The Council report notes that applications triggered to Impact assessment allows for careful assessment against the whole scheme and for the application to be publicly notified.

As the change was ‘significantly different’, it was included in the Second round of consultation.
3.3 Submissions from the Second round of consultation

A small number of submissions were received regarding the proposed Impact assessment Site cover trigger. The majority of submissions on this matter were in support of the trigger, noting that it provided opportunity for more rigorous assessment and community input.

Other submissions noted opposition to this change. One detailed submission noted that developments involving Basements would be particularly affected by the change. An extract from this submission notes that:

> The site coverage impact assessable trigger in the ‘Neighbourhood Element Area’ is flawed and will require every apartment development with a basement to undergo an Impact assessment process. This is a significant disincentive to residential investment, and will ensure that Council’s 9000 additional dwelling target for this area will not happen.

4. Analysis

The analysis section addresses the Site cover Impact assessment trigger in Section 4.1 and the additional assessment criteria in Section 4.2.

4.1 Limiting Site cover impact assessment trigger to exclude Basements

The administrative definition of Site cover under City Plan is as follows:

> Of a development, the portion of the site, expressed as a percentage, that will be covered by a building or structure, measured to its outermost projection, after the development is carried out, other than a building or structure, or part of a building or structure, that is:

  a. in a landscaped or open space area, including for example, a gazebo or shade structure; or
  b. a basement that is completely below ground level and used for car parking; or
  c. the eaves of a building; or
  d. a sun shade.

Part (b) of the definition confirms that Basements are only excluded from the Site cover calculation where they are completely below ground level.

Basements are typically partially above the ground level and the Basement definition allows them to be up to 1m above the Ground level. The Scenario testing presented to Council in October 2020 also showed that even a slight slope on a property made it very difficult to keep a Basement wholly below the ground level (refer Figure 2).

As Basements generally cover the majority of the site, this would mean any development with a Basement is likely to trigger Impact assessment.

This was not the intention of the introduction of the Site cover trigger. As noted earlier in this report, the Impact assessment trigger was introduced to assist in achieving appropriate building bulk and the leafy neighbourhood outcome. At 1m in height, Basements do not significantly contribute to building bulk. While Basement cover may impact the ability to achieve deep planting, other provisions have been included to provide deep planting areas and promote a leafy landscape outcome.
Basements triggering development to Impact assessment raises a number of issues including the following:

- The triggering of development to Impact assessment, because of Basement parking exceeding Site cover, is considered to be contrary to other City Plan policy positions for these zones which seek to promote underground parking.

- The original policy intent behind the Impact assessment trigger was based on better controlling building bulk. Basements up to 1m are unlikely to contribute significant bulk to an overall development. While it is acknowledged that Basement cover may impact the ability to achieve Deep planting, this matter is addressed by other deep planting and landscaping provisions.

- If applicants are compelled to lodge Impact assessment applications when a Basement is involved (which involves greater costs and risks to the applicant), it may have the negative consequence as additional building height above the Code assessable designation may be sought.

Council’s resolution, which formed the basis of this review, refers to applying the Impact assessment trigger to ‘Towers’, which regularly utilise Basement parking. However, given that the Impact assessment trigger was introduced to reduce the bulk of buildings and to promote a leafy neighbourhood, the controls should not just be limited to Towers. It is therefore recommended the Impact assessment trigger apply to all buildings, minus areas of Basement below 1m in height, and excluding Dwelling houses.

### 4.1.1 State Planning Policy alignment

It should be noted that there is a risk that the State may consider the proposed Impact assessment trigger to be contrary to the State Planning Policy, which requires planning schemes to facilitate an ‘efficient’ planning system. One of the guiding principles requires planning schemes to adopt the lowest appropriate level of assessment to efficiently and effectively address impacts from development.

The State Planning Policy is not a prescriptive document and provides for balancing of priorities. City officers note that other guiding principles could be used to support the Impact assessment trigger, such as reflecting community views and aspirations.
4.1.2 Options

Based on the review, City officers recommend changes to address the issues raised. Two options are presented below:

<table>
<thead>
<tr>
<th></th>
<th>Exclude Basement cover from the Site cover Impact assessment trigger</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Apply the Site cover Impact assessment trigger to ‘towers’ only, which would exclude Basements and non-tower forms, including Dual occupancies and townhouses, from the trigger.</td>
</tr>
</tbody>
</table>

Note: Blue shading represents the recommended option.

**Option 1 (Recommended): Exclude Basement cover from Site cover threshold**

This change would apply the Impact assessment trigger to all residential buildings, minus areas of Basement below 1m in height, and excluding Dwelling houses.

This would allow developments with Basements partially above ground (up to 1m) to remain Code assessable, where the building above the Basement complies with the nominated Site cover.

Option 1 involves:

- introducing a new administrative definition of ‘Basement cover’. This term would be used to describe the area of a Basement, which is partially above ground; and
- amending Table 5:10.17 – Neighbourhood elements overlay, to exclude ‘Basement cover’ from the Site cover Impact assessment threshold calculation.

**Option 2: Apply the Site cover Impact assessment trigger to ‘towers’ only**

Council’s resolution, which formed the basis of this review, refers to applying the Impact assessment trigger to ‘Towers’, which regularly utilise Basement parking.

This option would mean other non-tower based buildings¹, such as mid-rise apartments, town houses and duplexes, would not be subject to the Impact assessment trigger.

The limitation to ‘towers only’ would also limit where the Impact assessment trigger applies which is primarily in the Medium and High density residential zone, where building heights are able to reach heights commonly associated with towers. This would mean less development applications would be subject to the Impact assessment trigger.

This change does depart from the original policy intent for the Site cover Impact assessment trigger to control building bulk across the range of building types and across the TGA.

It should also be noted that towers are not defined under City Plan, and there are issues in providing a clear definition (refer to Attachment 6.2 for further discussion on this matter). Without a definition there could be ambiguity and uncertainty in determining what development is subject to the Impact assessment trigger. This issue could be resolved by limiting the assessment trigger to buildings over a certain height, such as buildings:

- above 33m, which is the height where the High rise accommodation code applies to development.
- above 16m, which will generally be development in the Medium and High density residential zone.

The Low-medium density residential zone does not include height designations above 16m.

This option could be achieved by amending Table 5:10.17: Neighbourhood elements overlay so that the Site cover thresholds specifically apply to buildings over a certain height.

¹ Note – Dwelling houses are excluded from the Impact assessment trigger
The figure below illustrates how Basements are included in Site cover calculations under the amendment, and the proposed Options 1 & 2 excluding Basements from Site cover.

Figure 3: Options to exclude Basements from Site Cover Impact assessment trigger

4.1.2 Options evaluation

To determine the Recommended 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>
</table>
| 1. Exclude Basement cover from the Site cover Impact assessment trigger | • Controls building bulk consistent with endorsed policy intent.  
• Aligns with other policy positions, which encourages Basement parking.  
• Relatively small change.  
• Easier for developments to remain Code assessable. | • Multiple administrative definitions involved in the interpretation. Potential misinterpretation or confusion due to how these interrelate. This can be mitigated with supporting 'notes' and fact sheets if needed. |
| 2. Site cover Impact assessment trigger for ‘Towers’ only | • Likely to have reduced impact on development feasibility, as it reduces the number of developments subject to Impact assessment trigger. | • Option represents departure from endorsed policy intent, as it only applies to tower building forms.  
• Lack of Tower definition creates uncertainty as to which developments would be triggered. |
After considering the advantages and disadvantages of both options, it is recommended Option 1 be implemented. This change is considered to be 'significantly different' and would require readvertising.

4.2 Additional provisions for impact assessable development

As described in Section 3.2 above, Site cover controls were introduced following consideration of submissions received during the First round of consultation. The intent of the controls is to reduce building bulk and ensure future development contributes towards a leafy neighbourhood for the TGA.

Applications that trigger Impact assessment are assessed against City Plan as a whole and are subject to consideration of public submissions. Code assessable applications are assessed against the nominated codes only.

The Strategic framework is an assessment benchmark that applies to Impact assessment applications, but not Code assessable applications.

The scenario testing presented to Council in October 2020 observed that the Neighbourhood elements overlay code and Strategic framework do not include strengthened provisions to regulate Site cover, even though excessive Site cover triggers Impact assessment in the TGA.

While the Impact assessment process provides an opportunity for members of the community to make submissions and appeal against a decision, for assessment there is no additional provisions that provide a stronger assessment test for the TGA when compared to the rest of the City. Being a performance-based scheme, where the proposal meets the qualitative assessment provisions it should be approved.

It should be noted that, as part of Major update 2 & 3 a number of amendments were made across City Plan to strengthen Site cover, setbacks and building design provisions. As such, the assessment provisions in all residential zones are considered to be stronger than the current City Plan. This was also one of the findings from the Scenario testing presented to Council in October 2020.

The controls in the TGA sought to provide even greater emphasis on the importance of Site cover.

In line with the endorsed policy intent, this review has considered whether the TGA outcomes of achieving a ‘balance between built form’ and ‘leafy neighbourhood’ are adequately covered by other updates in the amendment. The key findings are:

- The concept of ‘achieving a balance between built form and landscaping’ is not unique for the TGA. Under the amendment, residential zone codes and other zone codes have relatively strong provisions that address this matter (Acceptable outcomes; Performance outcomes; Overall outcomes). Developments are subject to these and as such further provisions are not considered necessary.

- The Strategic framework is currently lacking in provisions addressing the concept of ‘achieving a balance between built form and landscaping’, as observed in Scenario testing. This is considered to be a gap.

- The ‘leafy neighbourhood’ concept is addressed in the Neighbourhood elements overlay and Strategic framework.
The table below summarises the review of these concepts and if they are adequately covered.

**Table 1: Adequacy of Targeted Growth Areas objectives for Site cover**

<table>
<thead>
<tr>
<th>Endorsed policy outcomes for TGA</th>
<th>Zone codes</th>
<th>Strategic Framework Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AO/PO Coverage</td>
<td>OO Coverage</td>
</tr>
<tr>
<td>'Achieving a balance between built form and landscaping'</td>
<td>✓ Covered by zone codes</td>
<td>✓ Covered by zone codes</td>
</tr>
<tr>
<td>'Achieving the leafy neighbourhood outcome'</td>
<td>✓ Covered by Neighbourhood elements overlay</td>
<td>✓ Covered by Neighbourhood elements overlay</td>
</tr>
</tbody>
</table>

Section 3.4.2 Element–Architecture and urban design within the Strategic framework addresses built form considerations for the Neighbourhood element area. However, the intended Site cover outcomes are not addressed.

Based on the review, it is recommended that additional provisions are provided in the Strategic framework to address details of intended Site cover in the TGA. Details of proposed changes to the Strategic framework are provided in Section 6.

The recommended wording aligns with provisions set out in zone codes.

**4.3 Scope for 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.

A number of submissions have been received in relation to the Impact assessment Site cover trigger (refer Section 3.3).

The scenario testing presented to Council in October 2020 also observed potential issues with the Impact assessment Site cover trigger and also observed that the Strategic framework does not include strengthened provisions to regulate Site cover (refer 4.2). This is considered to be new planning information.

Council is able to make changes to address this observation under the MGR.

Any change that is ‘significantly different’ is required to undergo further public engagement for a minimum of 20 business days.

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 Site cover Impact assessment trigger be changed to exclude Basement cover from the Site cover Impact assessment trigger. This involves:

- introducing a new administrative definition of ‘Basement cover’ in Schedule 1; and
- amending Table 5:10.17 – Neighbourhood elements overlay, to exclude ‘Basement cover’ from the Site cover Impact assessment threshold calculation.

Further, it is recommended an additional provision be included to support Impact assessment where Site cover is exceeded in the TGA.

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

1. Update Schedule SC1.2 Administrative Definition, to include a new administrative term and definition for ‘Basement cover’, as follows:

<table>
<thead>
<tr>
<th>Column 1 Term</th>
<th>Column 2 Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement cover</td>
<td>The portion of the site, expressed as a percentage, that will be covered by a basement (or part of a basement), measured to its outermost projection, after the development is carried out, where the basement (or part of a basement) meets all of the following criteria: (a) it is not situated under a building or structure; and (b) it is above ground level but no part of which is more than 1 m above ground level.</td>
</tr>
</tbody>
</table>

2. Update Table 5:10.17: Neighbourhood elements overlay, as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Development</th>
<th>Categories of development and assessment</th>
<th>Assessment benchmarks and required outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-medium density residential zone and Medium density residential zone</td>
<td>A material change of use for Residential activities (excluding a Dwelling house) on land located in a ‘Neighbourhood element area’ as identified on the Neighbourhood elements overlay map where: (a) Site cover less basement cover exceeds 50% for buildings up to 9m in height on lots equal to or greater than 400m²; or</td>
<td>Impact assessment</td>
<td>City Plan including: Strategic framework Neighbourhood elements overlay code Any overlay code triggered by an overlay map</td>
</tr>
</tbody>
</table>
(b) Site cover, less basement cover, exceeds 60% for buildings up to 9m in height on lots less than 400m²; or
(c) Site cover, less basement cover, exceeds 60% for buildings greater than 9m and up to 16m in height; or
(d) Site cover, less basement cover, exceeds 50% for buildings greater 16m in height.

**High density residential zone**

A material change of use for Residential activities (excluding a Dwelling house) on land located in a ‘Neighbourhood element area’ as identified on the Neighbourhood elements overlay map where:

(a) Site cover, less basement cover, exceeds 50% for buildings up to 9m in height on lots equal to or greater than 400m²; or
(b) Site cover, less basement cover, exceeds 70% for buildings up to 9m in height on lots less than 400m²; or
(c) Site cover, less basement cover, exceeds 60% for buildings greater than 9m and up to 16m in height; or
(d) Site cover, less basement cover, exceeds 50% for buildings greater 16m and up to 33m in height; or
(e) Site cover, less basement cover, exceeds 40% for buildings greater than 33m and up to 55m in height; or
(f) Site cover, less basement cover, exceeds 30% for buildings greater than 55m in building height.

<table>
<thead>
<tr>
<th>Impact assessment</th>
<th>City Plan including:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic framework</td>
<td>Neighbourhood elements overlay code</td>
</tr>
<tr>
<td>Any overlay code triggered by an overlay map</td>
<td>Any other relevant code</td>
</tr>
</tbody>
</table>

3. **Update the Strategic framework, as follows:**

3.4.2.1(11) Development in the Neighbourhood element area as identified on the Neighbourhood element overlay map creates an attractive place to live by:

(a) ensuring built form is articulated;
(b) ensuring site cover is consistent with the planned character of the locality, does not present an appearance of bulk, is balanced between the built form and landscaping;
(c) providing high quality landscaping which contributes to the leafy streetscape;
(d) not incorporating a tower base; and
(e) ensuring design is compatible with the built form and architectural style predominant within the street where in a traditional residential area.