Attachment 5.7

Setbacks and site layout

Review of building setbacks for development over 9m in the Low-medium density residential zone

11 February 2020
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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 (‘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:

   o. Review of building setback requirements for buildings over 9 metres in the Low-medium density residential zone.

The resolution relates to an Acceptable outcome in the amendment which requires a ‘straight’ 3m side setback for development over 9m and up to 16m. The Scenario testing observations identified that the standard 3m setback for over 9m development would make many sites undevelopable in areas like Mermaid Beach due to the areas narrow lot character.

2. Introduction

The role of Setback and Site cover provisions are to manage the form and scale of new development according to the planned context. Building setbacks can improve building amenity by providing access to daylight, visual privacy, outlook, ventilation, and areas for landscaping and open space. Ultimately, these provisions are fundamental to shaping the scale, bulk and character of a neighbourhood.

The amendment introduced changes to Setback provisions in residential zones.

For buildings above 9m in height, this involved a shift from the current ‘tiered’ approach with setbacks increasing incrementally with height towards a uniform setback that applies for the whole building, with increases for a taller building.

The Scenario testing presented to Council in October 2020 reported that the 3m side setbacks provided for development over 9m in the Low-medium density residential zone may restrict redevelopment opportunities on small/narrow sites. This report focuses on this observation.

The Low-medium density residential zone is a new zone introduced as part of the amendment. The new zone provides a transition between the Low and Medium density residential zones and creates opportunities to support ‘missing middle’ housing products, such as dual occupancies, Terrace housing, Townhouses and Apartments (Refer to Figure 1).

There are Low-medium density residential zoned areas with planned heights above 9m (but not exceeding 16m) across the City and include the suburbs of Mermaid Beach, Runaway Bay, Varsity Lakes, Biggera Waters and Hope Island.

![Figure 1: Examples of residential developments envisaged in the Low-medium density residential zone](image)

3. Background to the amendments

Phase 1 of the Community Benefit Bonus Elements Policy Review was presented to Council in June 2017. On 13 June 2017 Council resolved (G17.0613.012):
2 That the following option be endorsed with City Plan changes to be investigated as part of Phase 2 of the project:
   a remove the existing Policy from City Plan;
   b incorporate additional design elements into the relevant City Plan Codes; and
   c include a level of assessment trigger in City Plan for development that exceeds density on the Residential density overlay map.

3 That a Design and Urban Context Policy be prepared and presented to Council at a future meeting.

4 That urban elements mapping be investigated and presented to Council at a future meeting to determine how it could be implemented to guide outcomes for higher density development.

In response to Item 2b, it was proposed to incorporate additional design elements into the relevant City Plan Zone codes, including new and revised Performance outcomes for setbacks and site cover.

On 17 October 2017, Council resolved (G17.1017.013) to implement a four-staged approach to develop the building height policy for City Plan. Phase 2 of this staged approach involved:

   a) Utilise the findings from the Infill Capacity Assessment to inform potential updates to relevant overlay maps.
   b) Retain the 50% exceedance test in the Strategic Framework.
   c) Investigate the introduction of the Low-Medium Density Residential Zone.
   d) Fix the remaining anomalies between zoning, height and density across the city (excluding the Light Rail Stage 3 corridor and the Spit).
   e) Review available existing development data to improve the baseline for relevant overlay maps.
   f) Remove the optional Community Benefits Bonus Policy and replace with improved built form provisions that can be applied more broadly.
   g) Strengthen the scheme’s existing amenity controls to improve built form outcomes.
   h) Consider the introduction of an impact assessment trigger when exceeding the provisions shown on the Residential density overlay map.

In response to Items (f) and (g) of the resolution (G17.1017.013), an investigation into provisions and design criteria specifically related to building setbacks and site cover was undertaken to refine the proposed City Plan major updates resulting from the Community Benefit Bonus Policy Review. The objective of this work was to revise and refine current controls to better reflect contemporary architecture and promote good built form outcomes for the city.

The findings of this investigation were that:

- current provisions are outdated and provide for an inefficient building envelope;
- clearer design values are needed; and
- poor ground level outcomes can result due to narrow corridors to side and rear boundaries.

The recommendations included:

- revised Performance outcomes for both setbacks, site cover and floor plate size;
- form based Acceptable outcomes be included in a table format; and
- improved vertical alignment within City Plan between Acceptable outcomes, Performance outcomes and Overall outcomes.

In response to these findings and recommendations, changes to the setback and site cover outcomes were proposed and formed part of Item 9: Built form and urban design outcomes in the amendment.

4. Analysis

4.1 The new Low-medium residential density zone

A new Low-medium residential density zone was introduced as part of the amendment. This new zone was introduced into some areas currently zoned Low density residential or Medium density residential. The intent of
the new zone was to provide an appropriate transition from the Low density residential and Medium density residential zones and create opportunities to support the ‘missing middle’ as identified in ShapingSEQ (Refer to Figure 1). As a result, the areas rezoned Low-medium density residential, are currently regulated by the provisions of the Medium density residential zone.

The proposed zone does not contemplate increases in building height above those shown on the Building height overlay map. This is to ensure that greater clarity is provided to the community and industry about the scale and intensity of future development intended for these areas. The ability to exceed the mapped height will not apply in this zone, which is a distinction from the Medium and High density residential zones which allow increases in limited circumstances.

4.2 Changes to setbacks

Under the current City Plan, side and rear setbacks increase progressively with height, ultimately creating a ‘wedding cake’ or ‘tiered’ type of building envelope as shown in Figure 2. Under the amendment, the side setbacks remain the same as the current City Plan for development up to 9m and then change to a single setback for development between 9m and 16m.

The movement to a uniform setback for the entire building creates an efficient building envelope with greater access corridors at the ground level to provide increased space for deep planting and greater separation distances between buildings. This model is more suitable for Multiple dwelling development than Dwelling houses up to 12m in height. Figure 2 illustrates the differences in side setbacks between current City Plan and those proposed in the amendment. The dark red lines, in Figure 2, represent the new side setbacks for the buildings over 9m in height (up to 16m).

![Figure 2: Comparison of side setbacks between current City Plan and Major update 2 and 3.](image)

It should be noted that the amendment retains the existing Medium density residential zone setbacks for development under 9m. This includes a setback regime for small lots (lots less than 400m²) and lots 400m² and greater.

Figure 3 illustrates the differences in setbacks, between current City Plan and the amendment, for development over 9m in height. The setback regimes are applied to a lot with a 20m road frontage demonstrates that the new setback provisions achieve a significantly reduced building envelope for development over 9m. This is consistent with the intent of the changes.
Having regard to the planned height range and lot sizes in the Low-medium density residential zone, the Scenario testing observed that the proposed setback and site cover Acceptable outcomes could result in an unworkable building envelope that may not accommodate the intended development types envisaged in the zone.

These setbacks may also impact on Dwelling houses exceeding 9m due to the incorporation of roof form or on sloping sites. This was identified as being of particular concern in suburbs such as Mermaid Beach, where the existing character is comprised of long lots with narrow frontages. Figure 4 illustrates the potential impact the proposed setback could have on the redevelopment of a narrow lot. The proposed setbacks applying to development over 9m create very narrow (4m) building envelopes for areas such as Mermaid Beach were lots are 10m wide. The Low-medium density residential zoned properties in Mermaid Beach have a 12m building height and a Residential density of RD5 (1 bedroom per 50m²). It should also be noted that Dwelling houses up to 12m are Accepted development in these areas.
Furthermore, development applications can be approved where they meet the Acceptable outcomes, but they can also propose different setbacks and be assessed against the higher order Performance outcomes and Overall outcomes. Where proposals don’t comply with the Acceptable outcomes, additional assessment will be triggered for Council consideration.

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 submission was received which raised concerns that the proposed Setback and Site cover changes will restrict development and negatively impact on design outcomes. This submission also raised concern that smaller sites will not be developed due to insufficient building envelopes.

The above submission and observation from the Scenario testing is considered to fall within the scope of section 19 of the MGR and provide the necessary authority to propose alternative provisions to address the setbacks in the Low-medium density residential zone.

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.

4.4 Options

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

<table>
<thead>
<tr>
<th></th>
<th>No change – retain acceptable outcomes in the Low-medium density residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Revert to current Medium density residential zone setbacks - use the setbacks for the Medium density residential zone as identified in current City Plan</td>
</tr>
</tbody>
</table>
| 3 | Revised setbacks and site cover for buildings up to 12m - amend the site cover and setback Acceptable outcomes by:  
   • extending the ‘tiered’ setback model to apply to buildings up to 12m and reducing site cover to 50% (for lots over 400m²); and  
   • applying the 3m setback model to buildings over 12m and retaining the 60% maximum site cover. |

Note: Blue highlight indicates the recommended option.

4.4.1 Option 1: No change

This change would involve retaining the 3m setback for buildings over 9m and up to the maximum height allowed in the zone of 16m. The ‘tiered’ setback model provisions would apply to buildings up to 9m in height.

4.4.2 Option 2: Revert to current Medium density residential zone setbacks

As the Low-medium density residential zone has been applied to specific Low and Medium density residential zoned land, reverting back to the setback provisions contained in the current City Plan could be applied. This
would allow development to be consistent with current policy and be a low-risk option as the new zone does not allow development to exceed the height designation specified by the Building height overlay map.

Figure 5 illustrates the comparative application of this proposed option against current City Plan and the amendment’s Setback and Site cover Acceptable outcomes.

![Figure 5: Option 2 - Comparison of setbacks between current City Plan and the amendment](image)

**4.4.3 Option 3: Revised setbacks and site cover for buildings up to 12m**

This option proposes a revision of the Setbacks and Site cover provisions introduced in the amendment by:

- extending the ‘tiered’ setback model to apply to buildings up to 12 metres in height and reducing site cover to 50% consistent with current City Plan. This would allow a 12m would allow a dwelling house to be built with an attractive roof form without triggering non-compliance with the acceptable outcomes; and

- applying the 3m side setback model to buildings over 12m and retaining the 60% maximum site cover.

Figure 6 illustrates the comparative application of this proposed option against the Setbacks and Site cover Acceptable outcomes advertised in the amendment.
This option would allow development up to 12m high to be constructed consistent with current policy and would reduce the number of applications being triggered due to non-compliance with the Acceptable outcomes. To be consistent with the ‘tiered’ setback model contained in the current version of City Plan, the maximum site cover is proposed to be reduced to 50% for lots over 400m² up to 12m. This change would assist in reducing the possible building footprint and be consistent with the changes proposed in the amendment.

In regard to taller development, this option proposes retention of the 3m side setback and 60% maximum site cover provisions for development between 12m and 16m in height. The 60% Site cover provision aims to provide an incentive for site amalgamation.

In addition, a building height of between 12m and 16m was considered more appropriate for Multiple accommodation land uses. This more intensive development requires larger lots (including a larger lot frontage) and should be setback further from side boundaries.

### 4.5 Options analysis

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>
</table>
| 1. **No change** (Refer to Section 4.4.1) | • Maintain increased separation distances between adjoining buildings to create a sense of openness and provide areas for deep planting.  
• Residential amenity is improved. | • Potentially limits the development options for narrow lots and sites that have a building height exceeding 9m.  
• May trigger additional development applications due to the non-compliance of Acceptable outcomes.  
• May restrict the inclusion of an attractive roof form on 3 storey development due to the 9m height limit triggering increased setbacks. |
<p>| 2. <strong>Revert to current Medium density residential zone</strong> | • Allow for more sites to be redeveloped without the need for significant departures from the | • Compared to the amendment, may result in bulkier buildings and less space for landscaping. |</p>
<table>
<thead>
<tr>
<th>Proposed Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>setbacks (Refer to Section 4.4.2)</td>
<td>acceptable outcomes.</td>
<td>• Would lose the requirement for a 4m rear setback.</td>
</tr>
<tr>
<td></td>
<td>• Reduces the amount of development applications being triggered due to the non-compliance of Acceptable outcomes.</td>
<td>• Would be inconsistent with the Medium and High density residential zones (for development up to 16m).</td>
</tr>
<tr>
<td></td>
<td>• It would be consistent with current practice.</td>
<td></td>
</tr>
</tbody>
</table>

3. Revised setbacks and site cover for buildings up to 12m (Refer to Section 4.4.3)

<table>
<thead>
<tr>
<th>Proposed Option</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Allow for more sites to be redeveloped without the need for significant departures from the Acceptable outcomes</td>
<td>• Reduced building separation and sense of spaciousness for buildings up to 12m in height.</td>
</tr>
<tr>
<td></td>
<td>• Reduces the amount of development applications being triggered due to the non-compliance of acceptable outcomes.</td>
<td>• The reduction of the maximum site cover from 60% to 50% for development between 9-12m in height may be seen as a reduction in development opportunity.</td>
</tr>
<tr>
<td></td>
<td>• It would be consistent with current practice for dwelling houses.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Buildings above 12m will maintain increased separation from adjoining buildings so that a sense of openness is increased in the streetscape and an urban wall effect is avoided.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 3m side setbacks would be more appropriate for Multiple accommodation development, over 12m height, which require larger sites.</td>
<td></td>
</tr>
</tbody>
</table>

Note: Blue highlight indicates the recommended option.

After considering the advantages and disadvantages of the three options, it is recommended that Option 3 be implemented as proposed in Section 4.4.3 and illustrated in Figure 6. This change would offer the following benefits:

- Allow for more sites to be developed in accordance with City Plan, without the need for lot amalgamation;
- Reduces the amount of development applications being triggered due to the non-compliance of Acceptable outcomes.
- The revised 3m side setback requirement, for development over 12m in height, will not deter developers from delivering an attractive roof form on three storey development.

It is considered that the recommended drafting changes are ‘significantly different’ to that proposed in the amendment and as a result it is recommended the change be included in the fourth round of consultation, consistent with the other items that formed part of the review based on Council’s resolution from 21 October 2020.

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</td>
<td>Economy, Planning &amp; Environment</td>
</tr>
<tr>
<td>Acting City Architect</td>
<td></td>
</tr>
<tr>
<td>Roger Sharpe</td>
<td>Economy, Planning &amp; Environment</td>
</tr>
<tr>
<td>Executive Coordinator Planning Assessment</td>
<td></td>
</tr>
<tr>
<td>Steve Brett</td>
<td>Economy, Planning &amp; Environment</td>
</tr>
<tr>
<td>Executive Coordinator Major Assessment</td>
<td></td>
</tr>
</tbody>
</table>

Attachment 5.7- Setbacks and site layout - Review of building setbacks for development over 9m in the Low-medium density residential zone (A61778943)
6. **Action/Recommendation**

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

1. Update Table 6.2.2.3: Setback and site cover requirements of the Low-medium density residential zone code as outlined in Appendix A.
## Appendix A: Proposed Changes

### Part 6.2.2: Low-medium density residential zone code

#### Table 6.2.2-3: Setback and site cover requirements

This table sets out the minimum front, side and rear setbacks and maximum site cover requirements for development within the Low-medium density residential zone.

**Note:** Setbacks, site cover and floor plate requirements apply to the entire building where the proposed maximum building height falls within one of the development categories listed below.

**Note:** Where more than one building is proposed on the same site, the highest proposed building height is deemed to be the relevant building height to determine the appropriate development category.

<table>
<thead>
<tr>
<th>Development Category</th>
<th>Front Setback (m)</th>
<th>Side Setback (m)</th>
<th>Rear Setback (m)</th>
<th>Site Cover</th>
<th>Setbacks between on-site habitable buildings (where not attached)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Buildings up to 912m in height (on lots equal to or greater than 400m²)</strong></td>
<td>4.5m to wall and balcony</td>
<td>For that part up to 4.5m in height: 1.5m to wall</td>
<td>4m</td>
<td>50%</td>
<td>Double the applicable side setback</td>
</tr>
<tr>
<td>For a secondary frontage of a corner lot: 4m (not including projections up to 2m)</td>
<td></td>
<td>For that part between 4.5m – 7.5m in height: 2m to wall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For covered car parking at grade: 6m</td>
<td></td>
<td>For that part exceeding 7.5m: 2.5m to wall an extra 0.5m for every 3m in height or part thereof over 7.5m</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4m to 0.5m reduction into the above setbacks for eaves, sun hoods and screens</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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[Diagram of building setbacks and site layout]
<table>
<thead>
<tr>
<th>Development Category</th>
<th>Front Setback (m)</th>
<th>Side Setback (m)</th>
<th>Rear Setback (m)</th>
<th>Site Cover</th>
<th>Setbacks between on-site habitable buildings (where not attached)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Buildings up to 9.12m in height (on lots less than 400m²)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.5m to wall and balcony</td>
<td></td>
<td></td>
<td>60%</td>
<td>Double the applicable side setback</td>
</tr>
<tr>
<td></td>
<td>For a secondary frontage of a corner lot: 4m (not including projections up to 2m)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Where up to 4.5m in height: 1m to wall and balcony 0.5m to outermost projection 0m to class 10 building and/or non-habitable room where: (a) located along a southern or western boundary; (b) a maximum length of 12m where no single part exceeds 6m in length; and (c) at least 1m separation from a habitable window of a neighbouring dwelling.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For covered car parking at grade (not applicable to the rear lane access): 6m and 1m behind front wall or balcony</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For that part between 4.5m – 7.5m in height: 1.5m to wall and balcony 1m to outermost projection</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For covered car parking on a rear lane: Between 0.5m and 1m</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>For that part exceeding 7.5m: 2m to wall and balcony, an extra 0.5m for every 3m in height or part thereof over 7.5m 1.5m to outermost projection 0.5m reduction into the above setbacks for eaves, sun hoods and screens</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* For Class 10 buildings and/or non-habitable rooms, 0m setback permitted - subject to design criteria.
<table>
<thead>
<tr>
<th>Development Category</th>
<th>Front Setback (m)</th>
<th>Side Setback (m)</th>
<th>Rear Setback (m)</th>
<th>Site Cover</th>
<th>Setbacks between on-site habitable buildings (where not attached)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

**Figure 6.2.2-4**
Illustration showing rear lane setbacks for buildings up to 9m in height on lots less than 400m²

<table>
<thead>
<tr>
<th>Buildings greater than 12m and up to 16m in height</th>
<th>4m</th>
<th>3m</th>
<th>4m</th>
<th>60%</th>
<th>Double the applicable side setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>For covered car parking at grade:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6m</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Figure 6.2.2-5**
Illustration showing buildings greater than 12m and up to 16m in height contained within building amenity envelope
<table>
<thead>
<tr>
<th>Development Category</th>
<th>Front Setback (m)</th>
<th>Side Setback (m)</th>
<th>Rear Setback (m)</th>
<th>Site Cover</th>
<th>Setbacks between on-site habitable buildings (where not attached)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All ancillary structures up to 9m in height; and Buildings associated with communal open space up to 9m in height</td>
<td>4m</td>
<td>For that part up to 4.5m in height: 1.5m</td>
<td>For that part between 4.5m – 7.5m in height: 2m</td>
<td>Applicable development category identified in this table</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>For that part exceeding 7.5m: 2.5m</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>