Attachment 7.1

Planned character and density

Relationship between site context and urban design provisions with setbacks and site cover provisions

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 and 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:

   I. **Greater clarity is needed on the role of the site context and urban design Performance outcome and its relationship with the site cover and setback provisions including the applicability of the Site Context and Urban Design Policy (it is currently applicable even if a development fully complies with acceptable outcomes for site cover and setbacks) and the applicable statutory notes.**

2. Introduction

The Scenario testing presented to Council in October 2020 generally revealed challenges in the interpretation and implementation of the Performance outcome relating to Site context and urban design and the related Overall outcomes. The key observations from the Scenario testing are included in section 4.4 of this report, however the primary challenges are summarised as:

- Difficulty due to the subjective nature of the provision and the fact that it applies in addition to, overlaps with and would at times contradict, other assessment benchmarks mainly in relation to primary development parameters for height, site cover and setbacks.
- Difficulty due to the range of terms used in relation to character. Specifically, these were identified as:
  - Planned character,
  - Local character; and
  - Subtropical character.

All three terms are used within the same code and present a confusing message as to what the City Plan is seeking.
- Confusion was apparent as to whether the phrase ‘enhances the character of the locality’ referred to planned character or existing character. Further, many assessments interpreted this provision as a test as to whether the development enhanced the area in general, even if it resulted in a significant change in character (e.g. N-1) as opposed to enhancing the existing character, which more correctly reflects the wording of the provision.

Officers suggested that City Plan needs to be clear on whether the provisions refer to intended character or existing character as there can be vast differences between the two.
- Code structure and flow – having the provision come before the primary benchmarks did not flow well in terms of how assessments are normally undertaken.

3. Background to the amendments

The matter relates to changes to the primary Performance and related Overall outcomes relating to the provision of the Site context and urban design report. These provisions were included in the following selected Zone codes and are mostly consistent across the codes:

- Low-medium density residential;
- Medium density residential;
- High density residential;
- Neighbourhood centre;
- Centre;
- Mixed use; and
- Innovation.

These provisions were introduced as part of Item 9 of the amendment.

These provisions are the main link between the City Plan provisions relating to the new Site context and urban design planning scheme policy. These provisions sought to ensure that site conditions and its context were considered and reported in a consistent manner. Context considerations include matters such as the protection of views and connection to infrastructure networks as well as character matters.

The primary issues addressed in this report relate to character matters.

In the first public consultation version, the Site context and urban design Performance outcomes were consistent except in relation to the varied descriptions of the 'planned character' sought in the zone. For example, Performance outcome 5 of the Low-medium density residential zone code is as follows:

Development positively contributes to its local urban context by:

(a) reinforcing the planned neighbourhood character of well-designed buildings within a landscaped street.

(b) providing an appropriate transition to surrounding higher and lower density residential environments; and

(c) creating an interesting, varied and attractive street environment;

(d) responding to the streetscape, neighbouring buildings (existing and approved) and site conditions;

(e) responding appropriately to significant local features and views, including maintaining views or vistas to or from heritage places, landmarks, natural assets and significant public open space;

(f) orientate and respond to the streetscape, neighbouring buildings (existing and approved) and site conditions; and

(g) create an interesting, varied and attractive street environment.

Note: The preparation of a Site context and urban design report in accordance with SC6.12 City Plan Policy – Site context and urban design is the Council’s preferred method of addressing this performance outcome.

Note: The requirements of this performance outcome are in addition to the requirements of any other performance outcomes or acceptable outcomes in this code. For example, even if a development complies with the setback requirements of performance outcome PO6, or acceptable outcome AO6, additional setbacks may be required to comply with this performance outcome.

Other variations on 'a' are as follows:

- Medium density residential – ‘reinforcing the planned character of the medium density, mostly permanent residential environment’;
- High density residential – ‘reinforcing the planned character of the high density residential and tourist accommodation environment’;
- Neighbourhood centre – ‘reinforcing the planned character of the neighbourhood centre environment that is not dominated by large shops (i.e. supermarkets) or bulky built form’;
- Centre – ‘reinforcing the planned character of the locality, where the highest order centres have the highest intensity built form and scale’ (from the Overall outcomes – no Performance outcomes in that zone);
• Mixed use – ‘reinforcing the planned character of the mixed use environment’; and
• Innovation – ‘reinforcing the planned character of the local environment’.

In the second round of public consultation, the Performance outcomes read consistently across the residential zones as follows:

*Development positively contributes to its urban context where built form:*

(a) enhances the character of the locality;

(b) provides an appropriate interface to surrounding higher and lower density residential environments;

(c) is responsive to important local features and public views, including maintaining views or vistas to or from heritage places, landmarks, natural assets and significant public open spaces; and

(d) is orientated to respond to the streetscape, neighbouring buildings (existing and approved) and site conditions.

*Note: The preparation of a Site context and urban design report in accordance with SC6.12 City Plan Policy – Site context and urban design is the Council’s preferred method of addressing this performance outcome.*

*Note: The requirements of this performance outcome are in addition to the requirements of any other performance outcomes or acceptable outcomes in this code. For example, even if a development complies with the setback requirements of performance outcome PO6, or acceptable outcome AO6, additional setbacks may be required to comply with this performance outcome.*

The Centre zone only includes Overall outcomes which were consistent with the above. The remaining zones were consistent with the exception that the character or area descriptions from Round 1 were retained. The different variations on ‘a’ are:

• Neighbourhood centre – ‘enhances the character of the neighbourhood centre environment’;
• Mixed use – ‘enhances the character of the mixed use environment’; and
• Innovation – ‘enhances the character of the local environment’.

In the provisions, ‘a’ is the main character related provision whilst the remaining are generally related to non-character site and contextual matters.

The key change relates to part ‘a’ where requirements initially related to ‘planned character’. That was changed in Round 2 to refer to the ‘existing character’ of the area, in varying ways. This was a critical change switching the focus from delivery of planned outcomes, to require a level of consistency with whatever development currently surrounds a site.

A number of submissions were received on this matter in Round 1. In summary, there was concern that reference to only ‘planned character’ would mean that the existing local character of areas would not be considered. Some submissions requested removal of ‘planned character’ completely, whilst others recommended including references to both planned and existing local character matters.

The Round 2 version of the provisions align with submissions requesting removal of planned character and replacement with a sole focus on existing local character.

This report is recommending, among other things, the reinstatement of planned character as the primary objective for character, with a secondary consideration for existing local character – limited to secondary design matters only and only in relation to important local character elements.

It should be noted that no consequential changes were made to the Strategic framework in relation to this matter for Round 2. Generally, the Strategic framework focuses on and prioritises achievement of ‘planned character’ as opposed to retaining existing local character. For example (from 3.4.2.1):
**Design principle 1 – Responsive**

(3) Development responds to its context to reinforce the planned character of the locality.

…

(7) Development in the light rail urban renewal area as identified on the Light rail urban renewal area overlay map has a bulk, scale, form and intensity that is reflective of the role and function of the area in which it is located, as outlined below, and reinforces the planned character of that area.

The analysis contained within this report and its recommendations essentially realign the code provisions with the Strategic framework.

### 4. Analysis

#### 4.1 Scope of analysis

The applicable resolution is as follows:

Greater clarity is needed on the role of the site context and urban design Performance outcome and its relationship with the site cover and setback provisions including the applicability of the Site Context and Urban Design Policy (it is currently applicable even if a development fully complies with acceptable outcomes for site cover and setbacks) and the applicable statutory notes.

This primarily involves confirming the role and impact of the following performance outcome (taken from the Low-medium density residential zone code):

**PO5**

*Development positively contributes to its urban context where built form:*

a) enhances the character of the locality;
b) is responsive to important local features and public views, including maintaining views or vistas to or from heritage places, landmarks, natural assets and significant public open spaces;
c) is orientated to respond to the streetscape, neighbouring buildings (existing and approved) and site conditions; and
d) provides an appropriate interface to surrounding higher and lower density residential environments.

*Note: The preparation of a Site context and urban design report in accordance with SC6.12 City Plan Policy – Site context and urban design is the Council’s preferred method of addressing this performance outcome.*

*Note: The requirements of this performance outcome are in addition to the requirements of any other performance outcomes or acceptable outcomes in this code. For example, even if a development complies with the setback requirements of performance outcome PO5, or acceptable outcome AO5, additional setbacks may be required to comply with this performance outcome.*

Generally, this Performance outcome is paraphrased in the Overall outcomes of those zone codes, however some variations exist between the Performance outcomes and Overall outcomes. The following example generally reflects the language used and is from the Low-medium density residential zone code:

**Built form and character overall outcomes**

(i) The built form and scale of development: …

(B) *positively contributes to its urban context, by:*

- enhancing the character of the locality;
- being responsive to the streetscape and site conditions;
- creating an interesting, varied and attractive street environment; and
- being responsive to important local features and public views, to or from heritage places, landmarks, natural assets and significant public open spaces.
This review requires analysis of the above provisions to determine their role and effect, primarily in relation to other key provisions relating to character such as height, setbacks and site cover.

The main anomaly identified is where a development can be fully compliant with the Acceptable outcomes for these matters (and is therefore generally desired and expected development), however, the Site context and urban design Performance and Overall outcomes imply a different outcome may be required due to the strong language used in relation to the ‘character of the locality’.

### 4.2 Role of the Site context and urban design policy

The Site context and urban design (SCUD) City Plan policy is a key element and is identified as the City’s preferred method to identify and report on the attributes of a site and its context. It varies the range of analysis and information requested depending on the complexity of the particular site, its context and the development proposal.

SCUD refers to both ‘planned character’ and ‘existing local character’ matters as well as non-character site matters, such as slope and overlay constraints, and contextual matters, such as protecting privacy of adjoining residences and identifying infrastructure connection locations. It does not explain what character, planned character or local character terms mean or what the City’s expectations are when these are substantially different, which occurs in many parts of the City (see 4.3 for further explanation of this aspect). Improvements to the associated provisions can help resolve this matter.

Overall, this component of the package is considered to provide helpful guidance material for City Plan users and as it is an optional component of City Plan (due to it being a City Plan policy rather than a code), the SCUD itself was not identified as being of concern during the Peer review, Scenario testing, or through this analysis.

The primary opportunities for improvement are in relation to the associated provisions within City Plan codes. Section 4.3 provides analysis in relation to those provisions. Improvements to those provisions will ensure the SCUD, as currently drafted, is applied in an appropriate manner.

### 4.3 Role of the related Performance and Overall outcomes

The currently drafted provisions have two main roles. The Performance outcome (see 4.1) involves character matters in ‘a’ and non-character site and contextual matters in ‘b’, ‘c’, and ‘d’.

1. **Character based** - ‘enhance the character of the locality’.

2. **Non-character based** - respond to site conditions and context.

   - Important local features and public views
   - Orientation
   - Interface

The predominant observation from Scenario testing related to the character-based requirements. These ultimately express a desire for development outcomes that are significantly different to development that complies with the remainder of City Plan provisions. This creates significant uncertainty as to the intended development outcomes and presents significant risk for the City.

Other observations and opportunities for improvement were identified in relation to generic (non-character based) requirements to respond to the site and its context.

These two aspects (character and non-character) are expanded on in Sections 4.3.1 and 4.3.2.

### 4.3.1 Character based - ‘Enhance the character of the locality’

What is character?
The term ‘character’ is not defined within the City Plan. As such, for City Plan purposes, it takes on its ordinary meaning which is defined in the Macquarie dictionary as:

*The aggregate of qualities that distinguishes one person or thing from others.*

This definition suggests character involves consideration of all elements of a locality and how they work together.

Whilst the definition indicates that elements of character should not be looked at in isolation, it is important to do that in order to understand how the amendment intends to regulate character. This is due to the key elements of character being regulated by their own specific provisions (e.g. building height).

From City Plan’s perspective, the primary controllable elements (or ‘hard elements’) of character are considered to relate to land use and building scale (e.g. height, setbacks and site cover) with secondary or ‘soft elements’ relating to the aesthetics of buildings (materials, colours, style) and other features such as landscaping and streetscape interface matters.

**What is the effect of ‘enhance the character of the locality’?**

There are two key aspects to interpreting this provision:

1. The phrase requires development to improve on the existing character of the area. Whilst it requires only positive influences (which is desirable), it also implies the existing character must be retained (i.e. the provision does not allow changes in character).

2. ‘The character of the locality’ essentially refers to whatever character exists around the site, regardless of whether it is good or bad, relevant (e.g. within the same zone) or otherwise.

The combined effect is that development can only improve on the existing character of the area, regardless of its quality or relevance. It cannot change the character of the locality. Development must therefore be relatively consistent with the existing character of the local area.

Where the existing character of the local area is significantly different to what is planned, the provision contradicts primary planned outcomes (e.g. land use, height, site cover and setbacks), even for Code assessable development. This occurs in a significant proportion of the City, whether due to the degree of change envisaged, or due to the diverse range of character around a site.

This may result in inconsistent implementation, and outcomes that may not align with community expectations. It may also be at odds with the intended and desirable development outcomes designated within City Plan.

Generic provisions relating to the existing local character of an area must therefore be applied cautiously. They should not undermine primary planned development outcomes as these represent key elements of the vision for the City, which have been established through extensive and rigorous processes. If the City wishes to include strong provisions to protect or enhance existing character elements or areas, these should be clearly and specifically identified for protection in City Plan (e.g. via a Zone precinct, Overlay or Local plan).

Soft elements of character can potentially be applied in a generic fashion without undermining the primary planned elements of character. The provisions could require a degree of consideration and adaptation (in terms of soft elements - design based or aesthetic matters only) to suit important or valuable elements of local character.

Ideally soft elements of character that the City seeks to retain or enhance would also be clearly identified within City Plan. That would prevent the need for a subjective character assessment needing to be done for every application. This creates a degree of uncertainty in the development assessment process and may lead to overall inefficiencies (e.g. cost and time to determine these matters case by case).

City officers note that the amendment established the SCUD and associated provisions to better integrate existing local character matters (as well as site and contextual matters) into the assessment process. Further, submissions received raised concerns with local character matters being ignored.

Because of this, it is recommended existing local character considerations be retained, but only in relation to important, soft aspects of character. This is considered to be the only feasible way to integrate local character matters in a generic fashion without undermining the remaining City Plan provisions.

**Improved generic Site and context provisions** (discussed further in Section 4.3.2) will assist in ensuring developments respond appropriately to adjoining property which is understood to be part of the reason for the inclusion of the stronger provisions around local character.
4.3.2 Non-character based – Provisions for site and contextual responses

The site context and urban design Performance outcomes and associated Overall outcomes capture requirements for responding to site conditions and context (generally non-character matters). These are delivered by points (b)-(d) of the Performance outcome (quoted in Section 4.1).

The effect of (b)-(d) is that development needs to consider:

1. important local features and public views (‘b’);
2. building orientation, in terms of the street, neighbouring buildings and site conditions (‘c’); and
3. how to interface with higher or lower density residential environments (‘d’).

Whilst the above are generally relevant matters to consider, the provisions lack guidance for responding to site conditions (such as slope or constraints) and other contextual matters (such as how to connect to infrastructure networks, vehicle access locations and how to appropriately respond to any adjoining property). These are all matters discussed in the SCUD, however they are not strongly integrated into the associated code provisions.

Whilst some site and contextual matters referred to in SCUD are addressed by other more specific code provisions, this provision should seek to provide a platform to address the full range of matters the SCUD addresses.

Local features and public views (‘b’)

This provision uses ‘important’ as a qualifier. Whilst this is critical to limit the extent of the provision (that is, so as not to require protection of all views in the City whether good or bad) it creates the need for a subjective assessment process to determine ‘important’ local features and views on a case by case basis in every development application, subject to this provision.

There is a further qualifier to note in relation to views that they need to be ‘public views’. The provision also lists a range of included scenarios which are views or vistas ‘to or from heritage places, landmarks, natural assets and significant public open spaces’.

This approach is similar to the issue discussed previously (see section 4.3.1) in relation to identification of important local character elements. Similar to that matter, the ideal situation would be for City Plan to specifically and clearly identify these features and provide clear guidance on how development is to respond to them. In the absence of that, generic requirements to protect views (as per local character elements) must be applied cautiously due to the risks and uncertainty this creates as well as the cost and efficiency impacts this will have on the development assessment process itself.

It should be noted that in some instances, the requirement to protect important public views may require development outcomes that are substantially different to otherwise compliant development. This is mainly expected in areas envisaging high rise buildings in view corridors, which may not be able to achieve the full designated height as a result. This could also restrict achievement of otherwise acceptable site cover and setback outcomes.

Overall, this provision integrates generic requirements to consider local features and views in a reasonably effective way. It seeks to limit the focus as much as possible to only important public views and features. This still creates the potential for significant issues, however, it is difficult to improve this aspect further whilst still ensuring these matters are considered in development assessment.

Orientation (‘c’)

Considerations for building orientation (being, the directional aspects of a building) relate to the streetscape, neighbouring buildings and site condition.

The key reasons the City may want to influence orientation relate to:

- Streetscape considerations – buildings should address street frontages; and
- Climatic considerations – building and lot orientation plays a key role in achieving solar access and natural ventilation outcomes that create more energy efficient buildings by reducing heating, cooling and lighting costs.
The provision addresses streetscape matters and involves consideration of climatic considerations due to the reference of 'site conditions'. This link should be made clearer due to the important nature of the climatic aspect to building orientation and as a key matter addressed in the SCUD.

Interfaces with adjoining property are important, however, the interface is dependent on many elements. Orientation is of limited relevance in terms of impacts on adjoining property. Building scale (height, site cover and setbacks), privacy and the general aesthetic appearance presenting to adjoining property would have greater impact. Impacts on adjoining property would, therefore, require consideration of a broader range of matters than just orientation. This objective can be delivered by improved provisions requiring appropriate responses to the site and its context.

Site and context responses (‘b’, ‘c’ and ‘d’)

The only reference to responding to the site itself is contained within point (c). As discussed above, this point only relates to orientation. Building orientation is one of many aspects requiring consideration as part of responding appropriately to the site itself. The provisions should therefore expand to capture the full range of site-specific responses required e.g. the development footprint should be sized and located to avoid constraints or steep slopes. Due to the diversity in site conditions and required responses across the City, only generic, high level considerations can be included.

In terms of contextual responses, local features and views are reasonably well integrated by (b) as are orientation matters in terms of impacts on the street by (c). These are only some of the matters which should be considered in order to appropriately respond to the context of a site.

Part ‘d’ contributes as it refers to interfaces with adjoining residential property, but it only refers to higher or lower density residential environments. This interface should be considered for any adjoining property, including residential property with a similar density or any non-residential uses. A broader requirement to appropriately respond to the site context would improve the strength of this consideration.

4.4 Order of the Performance outcomes

The scenario testing identified that having the subject provision come before the primary benchmarks (i.e. site cover and setbacks) did not flow well, given the way assessments are undertaken.

It is recommended the subject provision be moved to come after Building height, Site cover and Setbacks Performance outcomes. This will provide these primary built form benchmarks first. This also supports the proposed structure for the subject provision in that planned character, primarily driven by land use, height, site cover and setbacks, is the priority.

4.5 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.

There were many submissions relating to these provisions, primarily in relation to planned and local character matters as well as the operation and effect of the SCUD City Plan policy. The following submission provides an example:

Concerned with use of the term ‘planned character’ and lack of regulation to protect existing character. Also concerned with loss of heritage values, for example the loss of beachfront fibro shacks in Palm Beach.

Recommends the term ‘planned character’ should in all instances be changed to ‘planned and existing character’ and all local character studies or local area plans should form part of the amended City Plan to ensure the knowledge contained within these is not lost.

This submission raised concerns with the sole focus in Round 1 to ‘planned character’. The submission suggests that both planned and existing local character matters need to be considered. This is the primary
conclusion and recommendation of this report, however, with additional guidance recommended to explain how to address both aspects of character.

Round 2 of the amendment removed ‘planned character’ from the subject provisions and focused solely on existing local character. A better balance of the two differing character concepts is recommended and the subject submission supports this change.

The Scenario testing presented to Council in October 2020 is considered to be new planning information. The Scenario testing included the following observations (taken from Scenario N-2 which was repeated in other scenarios):

**Assessment**

- Assessment against this assessment benchmark is difficult as it is subjective and dependant on criteria in other assessment benchmarks. Notwithstanding this, while the development arguably contributes to the character of the locality, the constrained lot frontage width severely limits achieving many of the development interface criteria of other assessment benchmarks in this code which are considered to be more reflective of the desired enhanced character…

**Observations**

- The assessment benchmarks of PO4 are intended to be in addition to the requirements of other assessment benchmarks of the High density residential zone code. While the embedded note seeks to clarify how the benchmark is to be utilised, it appears to be a more subjective assessment benchmarks strongly dependant on performance based assessment beyond the traditional ‘core’ assessment benchmarks which address built form (height, setbacks, site cover etc.).
- Having this assessment benchmark ahead of the more traditional ‘core’ assessment benchmarks found later on in the code did not flow well with how assessment would usually occur.
- This assessment benchmark essentially defers the assessment of one benchmark to be addressed by a separate benchmark which may prove difficult to make a determination of compliance non-compliance in some instances.
- If for the purpose of establishing a hierarchy of assessment benchmarks, this assessment benchmark may be better suited in an overlay code.
- With regard to PO4(a) specifically, officers believe it important to be able to distinguish if character refers to the existing or intended character pursuant to the City Plan as there can be vast differences between the two.
- With regard to PO4(c) specifically, the benchmark speaks to the interface of existing and approved development over adjoining sites. While this provision is important, a provision which takes into consideration the future development potential over an adjoining site is considered just as important; in particular for targeted growth areas. The reasonable development rights of adjoining properties should also be protected, otherwise it may become a matter of ‘first in best dressed’.
- With regard to PO4(d) specifically, ‘appropriate interface’ may be considered too subjective, however may be of use where used in context to other assessment benchmarks of the code as per the note.

In addition, observations from Scenario N-9 noted:

**Observations**

- The HDRZC [High density residential zone code] mentions three different characters, being; ‘The character of the locality’, the ‘Planned character’, and a ‘Subtropical character’. This presents potential conflict between codes, by which a development may be altered to adhere to ‘The character of the locality’, but not a ‘Subtropical character’ or vice versa, particularly in areas where ‘The character of the locality’ is not particularly subtropical. Similar conflicts would likely occur with the ‘Planned character’.

Further to the above character related observations, the scenario testing also included an observation that the order of the Zone code provisions did not flow well due to the subject Performance outcomes being between Building height provisions and Site cover and Setback provisions. Whilst this issue is of no statutory effect,
improvements to the clarity and usability of the codes can be achieved by moving the subject Performance outcomes after the site cover and setback provisions. This aligns with the recommended changes to the provisions to prioritise planned character (by including all of the primary planned character provisions first i.e. building height, setbacks and site cover).

The submissions and scenario testing observations have been considered as part of the analysis and in preparing recommended changes to the amendment.

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

It is likely the recommended drafting changes are significantly different. 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 27 October 2020.

5. Conclusions

Based on the analysis within this report, refinements can be made to the amendment package to improve clarity for development assessment purposes.

The key conclusions of this report, forming the basis for the recommendations, are as follows:

1. The Site context and urban design Performance outcomes and associated Overall outcomes should be revised to:
   a) Ensure planned development outcomes (i.e. planned character) are not substantially restricted by generic provisions that require adherence to existing local character.
   b) Include a new statutory note (within the subject Performance outcomes) in order to explain how planned character is intended to be determined. This is recommended due to the critical importance of the term ‘planned character’ and the fact that this is not explained within the City Plan at present.
   c) Clarify the role of generic provisions requiring identification and adaptation to existing local character to be about soft aspects of character relating to design matters such as materials, colours, landscaping and streetscape interfaces. These provisions should not affect primary elements of character (such as land use, height, site cover and setbacks).
   d) Ensure the consideration of soft aspects of local character relates to ‘important’ character elements only (as opposed to all local character elements). This is to ensure the City is not bound to retain undesirable existing character elements.
      
      Note – this approach involves potential impacts on development assessment processes due to the need to determine ‘important local character elements’, and how they are to be considered, in each development application subject to the provision.
   e) Retain the approach to protection of views.
      
      Note – this approach involves potential impacts on development assessment processes due to the need to determine ‘important local features and public views’, and how they are to be considered, in each development application subject to the provision.
      
      It also has the potential to substantially restrict otherwise desirable planned development outcomes (e.g. in order to protect an important public view, the full height designation may not be achievable).
   f) Ensure orientation requirements relate to addressing street frontages and climatically responsive design matters.
   g) Include new, high-level requirements to allow consideration of the full range of site and contextual matters (non-character related) captured in SCUD, including consideration of any adjoining property.
   h) Be located after the Building height, Site cover and Setback Performance outcomes in the applicable codes.
2. Maintain the Site context and urban design policy as it is currently drafted. The improvements identified above to the associated code provisions will ensure the SCUD is applied appropriately.

6. 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>
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<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>
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7. Recommendations

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

1. Amend the relevant Performance and Overall outcomes within the Low-medium density residential, Medium density residential, High density residential, Neighbourhood centre, Centre, Mixed use and Innovation zone codes to have consistent provisions as follows:

   a. Recommended Performance outcome:

   PO5

   Development positively contributes to its urban context where built form:

   a) supports achievement of planned character;

   b) is designed to complement important local character elements and enhances the character of the locality;

   c) is responsive to important local features and public views, including maintaining views or vistas to or from heritage places, landmarks, natural assets and significant public open spaces;

   d) is orientated to respond to address the streetscape and support climatically responsive design, neighbouring buildings (existing and approved) and site conditions; and

   e) is responsive to site conditions (e.g. slope and overlay constraints) and other contextual matters (e.g. infrastructure connections and appropriately responding to adjoining property) provides an appropriate interface to surrounding higher- and lower-density residential environments.

   Note: The preparation of a Site context and urban design report in accordance with SC6.12 City Plan Policy – Site context and urban design is the Council’s preferred method of addressing this performance outcome.

   Note: The term ‘planned character’ refers to the City Plan’s vision for a particular site or area and is determined by identifying the range of development outcomes that would be generally in accordance with the applicable City Plan provisions. The requirements of this performance outcome are in addition to the requirements of any other performance outcomes or acceptable outcomes in this code. For example, even if a development complies with the setback requirements of performance outcome PO5, or acceptable outcome AO5, additional setbacks may be required to comply with this performance outcome.

   b. Modify the order of the Performance outcomes within each of the codes to ensure the above provision comes after Building height, Site cover and Setback provisions.

   c. Recommended Overall outcome:

   (e) The built form and scale of development: …

      (iii) positively contributes to urban context, by:

      (A) supporting achievement of planned character;
(AB) being designed to complement important local character elements enhancing the character of the locality;

(B) being responsive to the streetscape, neighbouring buildings (existing and approved) and site conditions; and

(C) being responsive to important local features and public views, to or from heritage places, landmarks, natural assets and significant public open spaces;

(D) orientating to address the streetscape and support climatically responsive design; and

(E) responding to site conditions and other contextual matters.

Note - the changes shown are based on the current Low-medium density residential zone code drafting which does not include the minor variations that currently exist across the Neighbourhood centre, Centre, Mixed use and Innovation zone codes.
FOR MORE INFORMATION

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