1 BASIS FOR CONFIDENTIALITY

1.1 I recommend that this report be considered in Closed Session pursuant to section 275 (1) of the Local Government Regulation 2012 for the reason that the matter involves

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

1.2 I recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 EXECUTIVE SUMMARY

A Building Height Study was undertaken to re-define the building height policy direction in City Plan based on city shape values and citywide principles that seek to balance the city’s natural landscape values with on-going infrastructure investments and built form. The study included a building height strategy which comprised a series of recommendations to assist with updates to the building height policy direction in City Plan.

In response to the Building Height Study, in October 2017, Council endorsed a staged approach to the implementation of the building height strategy comprising of four phases to be delivered from November 2017 to early 2019. One of the recommendations noted in the first phase of this approach included regulating building height in metres only. The regulation of building height in metres is considered to:

- avoid any perverse built form outcomes; and
- address current interpretation issues that have arisen when both ‘storey’ and ‘building height’ are read together.

Therefore, as part of the Major update 2 amendment package endorsed by Council in November 2017, the Building height overlay map was updated to identify all building heights across the City in metres only. However, particular concerns have been raised about:

i. the conversion of the designated building height from 3 storeys and 15m or 4 storeys and 19m to metres only within the Medium density residential zone and the Low-medium density residential zone. This is because:
   a. there is the potential for more levels (storeys) to be included in a building than originally planned, despite meeting the overall building height; and
   b. in the event the 50% test is applied, the metres only approach will allow for additional stories than otherwise planned i.e. a 50% increase in metres as...
opposed to storeys would allow for more storeys to be constructed within the designated building height.

ii. the difficulty the community may have to understand actual development outcomes where the designated building height is in metres only. This is because metres can be difficult to convert to storeys and visualise.

To address these particular concerns, the following is proposed for Council’s consideration:

- Having regard to Attachment D, update designated building heights of 15m within the Medium density residential zone and the Low-medium density residential zone to 12m.
- Update City Plan to reflect the preferred building height and residential density outcomes expected in areas within the Medium density residential zone with a 19m designated building height, having regard to adjoining areas, proximity to services, development approval history and on ground outcomes.
- The development of educational material (e.g. fact sheets, videos, images etc.) for inclusion on Council’s website to assist the community with understanding how the designated building height is determined and applied.

In addition to the above, building height outcomes at the Spit and the Burleigh Heads District Centre have been specifically reviewed and the following is proposed for Council’s consideration:

- Given the Spit Master Plan project is currently underway, and considering recent correspondence from the State highlighting expectations for building height on the Spit (Attachment C), it is recommended that the designated building height of 3 storeys and 15m, as per City Plan v4, be reinstated. It will be the only location in the City where the designated building height is proposed to be referenced in storeys and metres.
- Given that Major update 1 incorporates provisions to strengthen the character of the Burleigh Heads District Centre and a 4 storey outcome is important to maintain, having regard to Attachment D, it is recommended that the converted designated building height of 20m be reduced to 16m.

It is proposed that these recommendations be endorsed to be included in the merged City Plan Major update 2 & 3 package, which forms part of this Agenda, to be sent for State interest review.

3 PURPOSE OF REPORT

The purpose of this report is to seek endorsement to refine building height and residential density in specific instances, namely:

i. update designated building heights of 15m within the Medium density residential zone and the Low-medium density residential zone to 12m;

ii. update City Plan to reflect the preferred building height and residential density outcomes expected in areas within the Medium density residential zone with a 19m
designated building height, having regard to adjoining areas, proximity to services, development approval history and on ground outcomes.

iii. develop educational material (e.g. fact sheets, videos, images etc.) for inclusion on Council’s website to assist the community with understanding how the designated building height is determined and applied;

iv. reinstate the designated building height of 3 storeys and 15m, as per City Plan v4, for the applicable areas in the Spit Master plan area; and

v. update the designated building height for the Burleigh Heads District Centre from 20m to 16m.

4 PREVIOUS RESOLUTIONS

Building Height Study

Council resolved on 25 July 2017 (G17.0725.016) as follows:

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2. That the report be noted.

3. That the document titled ‘Building Height Study – An Approach to City Image – Volume 2 – Building Height Strategy and City Plan Recommendations – dated 5 July 2017’ inform amendments to the policy direction for building height in the City Plan as part of Major Update 2 and any other consequential amendments as required, with the exception of principle 5 which will be considered at a later time.

4. That the Mayoral Technical Advisory Committee be engaged in relation to the URBIS Report and proposed amendments to the building height in the City Plan as part of Major Update 2 and any other consequential amendments as required.

5. That a further report detailing the City Plan amendments related to the recommendations set out in ‘Building Height Study – An Approach to City Image – Volume 2 – Building Height Strategy and City Plan Recommendations – dated 5 July 2017’ be brought back for further consideration by the City Planning Committee.

6. That a further report be brought back in relation to the Central Park Precinct to a future City Planning Committee Meeting.

Phased approach for the delivery of the building height policy in City Plan

Council resolved on 17 October 2017 (G17.1017.013) as follows:

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2. That the staged approach to implement the building height strategy is endorsed.
3. That the funding and resource requirements, as outlined in the report, be considered as part of the next budget review.

**Major update 2**

Council resolved on 28 November 2017 (G17.1128.013) as follows:

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2. That the Chief Executive Officer be authorised to (in accordance with section 20 of the Planning Act 2016, and Minister’s Guidelines and Rules Under the Planning Act 2016 July 2017):
   a. write to the Minister requesting a State interest review of Major update 2 and the Minister’s agreement to publicly consult on the proposed amendments;
   b. provide the Minister with a consultation report which outlines the extent and outcomes of consultation undertaken with State agencies and the public in preparing the proposed amendments;
   c. provide the Minister with a written statement about the communication strategy Council intends to implement at the public consultation phase of the proposed amendments;
   d. provide the Minister with the written statement about how the proposed addresses the relevant state interests;
   e. provide the Minister with the written statement about how the key elements of a planning scheme mentioned in s16(1) of the Planning Act 2016 have been addressed;
   f. provide the Minister with any relevant background studies or reports that informed the preparation of the proposed amendments; and
   g. provide the Minister with any other material required in accordance with Schedule 3 – Required material in the Minister’s rules.

3. That the Chief Executive Officer be authorised to make minor editorial modifications where required to the proposed City Plan update package outlined in Attachment A.

4. That the Chief Executive Officer be authorised to prepare a letter and any supporting documents advising the Department of Infrastructure, Local Government and Planning of recommendation 2.

**Merge of Major update 2 and 3 to City Plan**

Council resolved on 30 April 2018 (G18.0430.019) as follows:

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.
2. That the recommendations identified in Attachment A be endorsed.

5 DISCUSSION

5.1 Building height in City Plan

The City Plan currently regulates building height in, either (as outlined in Figure 1 below):

(a) metres; or
(b) metres, as well as number of storeys up to 4 storeys.

![Example of building height in storeys and metres](image1)

![Example of building height in metres only](image2)

Figure 1: How building height is currently expressed in City Plan.

Where a building height is specified in both storeys and metres, both height designations apply.

It is important to note that appropriate building heights for City Plan were converted from the 2003 planning scheme, which regulated in storeys only. To accurately convert existing storeys to metres, a building height conversion formula was developed. A copy of this conversion formula is provided in Attachment D. This formula considered residential and commercial built form outcomes.

5.2 Changes in height definitions

The introduction of the Queensland Planning Provisions (QPP), which formed the basis of City Plan, created a set of standardised land use and administrative definitions. ‘Building height’ and ‘storey’ were part of those standardised administrative definitions, which significantly differed to the definitions provided in the 2003 planning scheme. The key differences are summarised in the table below:

<table>
<thead>
<tr>
<th>Definition</th>
<th>2003 planning scheme</th>
<th>City Plan</th>
<th>Key differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building height</td>
<td>The distance measured vertically from ground level to the highest</td>
<td>If specified:</td>
<td>The definition adopted by City Plan incorporated storeys as</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a) in metres, the</td>
<td></td>
</tr>
</tbody>
</table>

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the Local Government Act 2009 and other legislation and could result in disqualification from office and a penalty of up to 100 units.
ITEM 5* (Continued)
BUILDING HEIGHT REFINEMENTS FOR CITY PLAN MAJOR UPDATE 2 AND 3
PD98/1132/04/39
UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION
may be an offence under the Local Government Act 2009 and other legislation and could result in disqualification from office and a penalty of up to 100 units.

<table>
<thead>
<tr>
<th>Definition</th>
<th>2003 planning scheme</th>
<th>City Plan</th>
<th>Key differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>point of a building, including projections such as architectural features, advertising signs and vent pipes. On those sites where fill is required by Council or its delegate, building height must be measured vertically from the required fill level. Unless the Local Area Plan or domain controls state otherwise, the maximum building height control also applies to structures that are separate from any building on the site.</td>
<td>vertical distance between the ground level and the highest point of the building roof (apex) or parapet at any point, but not including load-bearing antenna, aerial, chimney, flagpole or the like; or b) in storeys, the number of storeys above ground level; or c) in both metres and storeys, both (a) and (b) apply.</td>
<td>an additional way in defining building height.</td>
<td></td>
</tr>
</tbody>
</table>

| Storey | “…. i) a ground floor storey that does not exceed 4.5 metres constitutes one storey only; ii) if the ground floor storey of a building does not exceed 3.0 metres (residential use) or 4.0 metres (non-residential use), a topmost habitable storey that does not exceed 4.5 metres constitutes one storey only….“ | A space that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not a space that contains only: a) a lift shaft, stairway or meter room; b) a bathroom, shower room laundry, water closet, or other sanitary compartment; c) a combination of the above. | 2003 planning scheme specifies a numerical measurement for how high a storey could be depending on the land use (i.e. residential or non-residential). City Plan does not regulate a maximum height. Only the minimum floor to ceiling height is regulated through the Building Act 1975 and the Building Code of Australia. The 2003 planning scheme states that the number of storeys in any building should be calculated as the greatest number of storeys in any vertical plane from ground level. City Plan does not calculate in any vertical plane. |
| v) the number of storeys in any building shall be calculated as the greatest number of storeys in any vertical plane from ground level.” | A mezzanine is a storey. A roofed structure on or part of a rooftop that does not solely accommodate building plant and equipment is a storey. | |

"..."
5.3 Building height in the Major update 2 package

In accordance with the endorsed phased approach for the delivery of updates to the building height policy in City Plan, the updates to building height for the Major update 2 package included the following updates:

- introduction of new building height categories;
- regulate building height in metres only; and
- making the Building height overlay map the single point of reference for building height for every property in the city.

Of these updates, the most notable is the regulation of building height in metres only. As such, to implement this recommendation, the storeys component (where applicable) of the designated building height was removed and the existing metres component as per City Plan v4 was retained. An example is provided in Figure 2 below.

The regulation of building height in metres is considered to:

- avoid any perverse built form outcomes; and
- address current interpretation issues that have arisen when both ‘storey’ and ‘building height’ are read together.

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**Table: Building height refinements**

<table>
<thead>
<tr>
<th>Definition</th>
<th>2003 planning scheme</th>
<th>City Plan</th>
<th>Key differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note: The relevant components of the storey definition have been focused upon for the purposes of this report.</td>
<td>A basement is not a storey.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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1 Major update 2 package was endorsed by Council on 28 November 2017 (G17.1128.013), which is now being merged with Major update 3 as endorsed by Council (G18.0430.019) on 30 April 2018

---

**Figure 2:** How building height is expressed in City Plan as per the Major Update 2 package compared to the current City Plan.
5.4 Concerns relating to regulating building height in metres

Particular concerns have been raised about the conversion of the designated building height from 3 storeys and 15m or 4 storeys and 19m to metres only within the Medium density residential zone and the Low-medium density residential zone as per the Major Update 2 package.

These concerns are as follows:

- the potential for more levels (storeys) to be included in a building than originally planned, despite meeting the overall building height, which is identified in metres. An example is outlined in Figure 3 below;

![Diagram illustrating concerns regarding the potential for additional storeys being realised in development where the reference to storeys is removed.](image)

**Note:** In the above example, a designated building height could result in an additional 2 levels (storeys), assuming each level (storey) within the development is 3m in height from floor to ceiling.

- In the event the 50% test is applied, the metres only approach will allow for additional stories to be realised than otherwise planned i.e. a 50% increase in metres as opposed to designated storeys would allow for more storeys to be constructed within the designated building height.

- Difficulties in conveying designated building height to the community. This is because metres can be difficult to convert and visualise as opposed to storeys.

5.5 Proposed changes to address concerns

A review of the areas of concern was undertaken to ensure these issues are appropriately addressed.

The review focused on areas within the Medium density residential zone with a designated building height of 15m or 19m, and the Low-medium density residential zone with a designated building height of 15m as per the Major update 2 & 3 package that forms part of
this Agenda. The review considered development approval history, related projects and unique planning considerations that apply. Refer to Attachment A which outlines the recommended changes.

5.5.1 Medium density residential and Low-medium density residential zones with a 15m building height designation

As a result of this review, for the areas within the Medium density residential zone and the Low-medium density residential zone with a designated building height of 15m, it is recommended that the designated building height change to 12m. This alternative building height is consistent with on ground outcomes as well as representing the upper-limit of building height for all approved 3-storey residential developments that were reviewed.

Properties currently zoned Medium density residential with a building height of 3 storeys and 15m, and a residential density up to RD5 (1 bed/50m²) are to be included in the Low-medium density residential zone. As such all properties that meet this criteria are proposed to have a designated building height of 12m. It is noted that the 50% building height test will not apply to the Low-medium density residential zone.

There are a small number of properties with a 3 storey and 15m building height designation that will remain in the Medium density residential zone, following the implementation of the Low-medium density residential zone. The extent of these areas, where it is proposed to change building height designation to 12m, is shown in Figures 4a-g below.
Figure 4b: Medium density residential zoned land in Helensvale where a 12m building height designation is proposed (areas bounded by the blue dashed line)

Figure 4c: Medium density residential zoned land in Miami where a 12m building height designation is proposed (areas bounded by the blue dashed line)
ITEM 5* (Continued)
BUILDING HEIGHT REFINEMENTS FOR CITY PLAN MAJOR UPDATE 2 AND 3
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Figure 4d: Medium density residential zoned land in Varsity Lakes where a 12m building height designation is proposed (areas bounded by the blue dashed line)

Figure 4e: Medium density residential zoned land in Burleigh Heads where a 12m building height designation is proposed (areas bounded by the blue dashed line)

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ITEM 5* (Continued)

BUILDING HEIGHT REFINEMENTS FOR CITY PLAN MAJOR UPDATE 2 AND 3

PD98/1132/04/39

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**Figure 4f:** Medium density residential zoned land in Currumbin where a 12m building height designation is proposed (areas bounded by the blue dashed line)

**Figure 4g:** Medium density residential zoned land in Bilinga where a 12m building height designation is proposed (areas bounded by the blue dashed line)
5.5.2 Medium density residential zone with a 19m building height designation

The areas within the Medium density residential zone with a designated building height of 19m were limited to two areas within the City, see below figure.

Figure 5: Map showing the two areas within the City which are within the Medium density residential zone and have a designated building height of 19m (areas bounded by the blue dashed line).

Proposed changes for the areas identified above are summarised by the below points.

Area 1:
- Change the designated building height from 19m to 15m. This is in keeping with development approval history and on ground outcomes.
- Change the zoning from Medium density residential to Low-medium residential density to align with the proposed planned building height.
- Change the residential density from RD8 (1 bed/13m²) to a RD5 (1 bed/50m²) classification to be in keeping with the updated zone and building height.

Area 2:
- Change the residential density from RD5 (1 bed/50m²) to a RD6 (1 bed/33m²) classification to be in keeping with the designated zone and building height.
Note: It is intended the Medium density residential zone be retained. This provides a gradual transition from the adjacent properties which plan for a 33m building height as well as its proximity to future centre activities and the Varsity Lakes train station.

5.5.3 Summary

This proposed updates are contained in Attachment A and are considered to:

- minimise the potential for more levels (storeys) to be included in a building than originally planned (as per the current version of City Plan);
- recognise the locational characteristics for the identified areas; and
- improve management of community expectations, particularly where there is a transition in building height.

It is acknowledged the above recommendations do not address the concerns relating to community’s understanding of building height. It is recommended Council support the development of educational material (e.g. fact sheets, videos, images etc.) for inclusion on its website to assist the community with understanding how the designated building height is determined and applied.

5.6 The Spit and Burleigh Heads District Centre

5.6.1 The Spit

Council has received correspondence from the Minister for State Development, Manufacturing, Infrastructure and Planning who expressed the need to reflect the Queensland Government’s commitment to maintaining the current 3 storey height limit, (where applicable) within the Spit Master Plan area (refer to Attachment C).

Given the current sensitivities associated with the Spit Master plan area, it is recommended (refer to Attachment A) that those properties which currently have a designated building height of 3 storeys and 15m in the Spit Master Plan area, maintain that designated height (i.e. to continue to be regulated in storeys and metres). It is important to note that this will be the only location in the City where the designated building height is proposed to be referenced in both storeys and metres.

5.6.2 Burleigh Heads District Centre

Under the current version of City Plan, the Strategic framework makes an explicit reference to building heights being ‘up to 20 metres (4 storeys)’ in the Burleigh Heads District Centre.

Given that Major update 1 incorporates provisions to strengthen the character of the Burleigh Heads District Centre and a 4 storey outcome is important to maintain, it is recommended that the converted designated building height of 20m be reduced to 16m as contained in Attachment A.
6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

The City Plan is identified as a key deliverable in ensuring the themes of the Corporate Plan are achieved. Accordingly, all the themes (the best place to live and visit, prosperity built on a strong diverse economy and people contribute to a strong community spirit) of the Corporate Plan are applicable. A robust City Plan is essential to achieve the desired outcomes detailed in the Corporate Plan.

The City Plan is an initiative in the Operational Plan.

7 FUNDING AND RESOURCING REQUIREMENTS

Not applicable.
8  RISK MANAGEMENT

This activity supports the mitigation of Planning and Environment Directorate Risk number CO000510:

‘City Plan delivers inadequate and/or ineffective strategic/development policy (e.g. poor planning, built form, growth, social and environmental outcomes - including flood impacts).’

9  STATUTORY MATTERS

The proposed changes to City Plan constitute a major amendment under the Minister’s Guidelines and Rules, July 2017 (MGR). The proposed updates, if endorsed, will form part of Major update 2 and 3 to be sent for State interest review.

10  COUNCIL POLICIES

Not applicable.

11  DELEGATIONS

Not applicable.

12  COORDINATION & CONSULTATION

The Building Height Study, and the phased approach to implementing the building height strategy, has previously been extensively consulted with City Development. This consultation included the recommendation to remove reference to storeys from City Plan as part of City Plan Major update 2 (now City Plan Major update 2 & 3). As this report presents refinements to this policy direction only, no additional consultation has been undertaken.

Internal stakeholders will continue to be consulted as the City Plan Major update 2 & 3 package is progressed through the statutory stages.

13  STAKEHOLDER IMPACTS

The updates to City Plan recommended by this report will form part of the merged Major update 2 and 3 package to be sent for State interest review in May 2018.

Under the statutory process, the merged Major update 2 & 3 package to be sent for State interest review will be required to undergo a public consultation period for a minimum of 20 business days (with all submissions considered) prior to its adoption.

14  TIMING

This matter is proposed to be progressed as part of the City Plan Major update 2 & 3 package to be sent for State interest review in May 2018.
15 CONCLUSION

This report proposes City Plan updates for Council’s consideration to address concerns about identifying and regulating building height in metres only, in particular land included in the Medium density residential zone and Low-medium density residential zone with a current designated building height of 3 storeys and 15m or 4 storeys and 19m.

To address these concerns, a review of these properties has been undertaken to determine an alternative appropriate designated building height in metres only.

As a result of this review it is recommended that the designated building heights of 15m within the Medium density residential zone and the Low-medium density residential zone be changed to 12m and specific locational updates be endorsed for areas within the Medium density residential zone with a designated building height of 19m.

In addition to this review, two specific localities were also reviewed. The proposed recommendations for these areas are as follows:

- retain the 3 storey and 15m designated building height (where applicable), for those areas in The Spit Master Plan; and
- reduce the designated building height for the Burleigh Heads District Centre from 20m to 16m.

It is proposed that these recommendations be endorsed to be included as part of the merged City Plan Major update 2 and 3 package to be sent for State interest review.

16 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That the report and attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 That the proposed updates to City Plan maps, as identified in Attachment A, be endorsed to be included as part of City Plan Major update 2 and 3.

3 That the proposed updates to City Plan drafted content, as identified in Attachment B, be endorsed to be included in City Plan Major update 2 and 3.
4 That educational material about building height is developed to inform and assist the community with understanding how the designated building height is determined and applied, upon commencement of Major update 2 and 3.

Author: Chris Harris
Senior Planner
1 May 2018

Authorised by: Alisha Swain
Director Economy, Planning & Environment

TRACKS REF: 69313745