ITEM 14  
COMMUNAL SPACE AND PRIVATE OPEN SPACE PROVISIONS REVIEW  
PD98/1132/04/35(P1)  
CONFIDENTIAL

1 BASIS FOR CONFIDENTIALITY

1.1 It is recommended 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 It is recommended 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 review of the communal space and private open space provisions within City Plan was undertaken in response to internal and external stakeholder concerns specifically relating to the:

- method for calculating the required amount of communal space being based on ‘per intended user of the site’ when it is unclear how the number of intended users is to be determined; and
- absence of definitions that would help clarify certain terms used in relation to the calculation of communal space and private open space.

This review has identified an opportunity to undertake a series of updates to City Plan to respond to internal and external concerns and ensure the City has a contemporary approach to ensuring certain types of development provide sufficient amounts of useable, functional and well-designed communal space and/or private open space. The proposed updates for Council’s consideration are as follows:

- **High rise accommodation design code:**
  - removal of the per intended user communal space rate and replaced with a flat rate of 6.5m² per dwelling; and
  - inclusion of separate private open space provisions for ground floor dwellings.

- **Multiple accommodation code:**
  - updated communal space rate of 6.5m² per dwelling;
  - increased assessment threshold for when communal space is required to ‘where a development includes ten (10) or more dwellings’; and
  - increased minimum area and dimension requirements for private open space for ground floor and above ground dwellings.
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- Administrative definitions:
  - updated private open space definition to more clearly outline what constitutes private open space, such as excluding certain non-recreational elements (e.g. air conditioning units); and
  - inclusion of a new administrative definition for communal space.

It is proposed these recommended policy updates be endorsed for inclusion as part of Major update 2.

3 PURPOSE OF REPORT

The purpose of this report is for Council to consider the endorsement of:

- updates to the communal space and private open space requirements in the Multiple and High-rise design accommodation codes;
- a revised private open space administrative definition; and
- the inclusion of a new administrative definition for communal space.

4 PREVIOUS RESOLUTIONS

Council resolved on 30 May 2017 (G17.0530.018) to endorse the scope for City Plan Major update 2. The scope includes a review of communal space and private open space provisions within City Plan.

5 DISCUSSION

A review of the communal space and private open space provisions was initiated in response to submissions from external stakeholders and internal stakeholder feedback. These concerns specifically relate to the:

- method for calculating the required amount of communal space being based on per intended user of the site when it is unclear how the number of intended users is to be determined; and
- absence of definitions which would help clarify certain terms used in relation to the calculation of communal space and private open space.

To address these concerns, a review of all development codes that contain assessment benchmarks for communal space has been undertaken. For completeness, the assessment benchmarks for private open space within these codes were also reviewed.

The following sections of this report discuss the outcomes of the review and the recommended updates to the relevant parts of City Plan.
5.1 Use codes which regulate communal space and private open space

The City Plan regulates communal space and private open space in the following use codes:

- High-rise accommodation design code (over 32m in height); and
- Multiple accommodation code (up to 32m in height).

These codes apply to the following land uses:

- Multiple dwellings;
- Residential care facilities;
- Resort complexes;
- Retirement facilities;
- Rooming accommodation; and
- Short-term accommodation.

The review has focussed on the communal space and private open space assessment benchmarks for all abovementioned land uses except for Residential care and Retirement facilities. This is because these codes have a specific communal space outcome and depending on the nature of the use have varied built form and design outcomes.

5.2 Outcomes of review

The review of the relevant communal space and private open space assessment benchmarks has revealed there is an opportunity to:

- appropriately respond to external and internal stakeholder concerns about communal space; and
- ensure City Plan provides a transparent and contemporary approach to communal space and private open space for those types of developments listed in section 5.1.

These are discussed in more detail below.

5.2.1 Communal space provisions

Communal space is a common area of recreational space bounded by the group of dwellings it serves and is exclusively used and accessed by the occupants of the building.

The role of communal space in a development is to provide a venue for social interaction, establish a sense of community, support healthy outdoor activity and promote physical and mental health.
5.2.1.1 High-rise accommodation design code

The purpose of the High-rise accommodation design code is to encourage diverse, innovative and engaging sub-tropical high rise forms that enhance the city’s skyline and applies to Multiple dwellings, Residential care facilities, Resort complexes, Retirement facilities, Rooming accommodation and Short-term accommodation uses when they are over 32 metres in height.

In this code, the required amount of communal space is calculated at a rate of 11m² per intended user of the site, as outlined in Acceptable outcome (AO) 11.1 below:

<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communal and private space areas</td>
<td>PO11</td>
</tr>
<tr>
<td>Communal space areas:</td>
<td>(a) are accessible, useable and safe;</td>
</tr>
<tr>
<td></td>
<td>(b) enhance the attractiveness of the development;</td>
</tr>
<tr>
<td></td>
<td>(c) provide opportunities for social interaction; and</td>
</tr>
<tr>
<td></td>
<td>(d) create pleasantly shaded outdoor areas.</td>
</tr>
<tr>
<td>AO11.1</td>
<td>Communal space is provided at a rate of 11m² per intended user of the site and is designed for simultaneous use by individuals and groups.</td>
</tr>
</tbody>
</table>

In relation to this acceptable outcome, the review has identified the following concerns from internal and external stakeholders with regard to the 11m² per intended user rate:

- intended user is not clearly defined in City Plan;
- the current per intended user rate is outdated and not an accurate measure of the recreational needs in contemporary living situations; and
- the intended user of a particular development is not static and may fluctuate over the lifetime of a development.
Further to this, these concerns are supported by a review of development applications, in particular, multiple dwellings. This review has revealed that since the commencement of the City Plan:

- 70% of development proposals are seeking an alternative outcome for communal space; and
- when this occurs, informal but widely accepted calculation methods to determine the appropriate amount of communal space are used (both internally and by applicants) to justify the alternative outcomes and demonstrate compliance with the corresponding Performance outcome (PO).

To address these concerns, a flat rate of 6.5m² per dwelling is proposed as the Acceptable outcome. This rate has been informed by a comprehensive review, which has taken into consideration the following:

i. Key findings from benchmarking against other local governments in Queensland. This has revealed the majority of other local governments use a percentage of site area rate (e.g. 10% of site area), which has no direct relationship to the number of dwellings proposed.

ii. Consultation with internal and external stakeholders including officers from City Development, Office of the City Architect and the Planning Institute of Australia (PIA), who are in support of removing the per intended user calculation method and replacing with the new flat rate of 6.5m² per dwelling.

iii. Analysis of development applications, which have proposed alternative outcomes to the provision of communal space, since City Plan commenced in February 2016.

This proposed flat rate is considered to be the best method to determine the required amount of communal space in this code, due to the fact that:

- it is clear and has a direct relationship between the number of dwellings and the provision of communal space as opposed to a percentage of the site area as common practice with other local governments in Queensland;
- removes the ambiguous term intended user;
- whilst it is a reduction from the outdated 11m² rate, Council has been approving lower rates of communal space (approximately 5.7m² per dwelling). The proposed flat rate will provide occupants with a sufficient amount of useable and functional communal space.

5.2.1.2 Multiple accommodation code

The purpose of the Multiple accommodation code is to encourage high quality, attractive, well designed developments that provide a high standard of living for residents and applies to
Multiple dwellings, Short-term accommodation, Resort complexes, Residential care, Retirement facilities and Rooming accommodation uses up to 32 metres in height.

In this code, the required amount of communal space is outlined in AO10.2 below:

<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Communal open space</strong></td>
<td>AO10.2</td>
</tr>
<tr>
<td>PO10 Where the development includes five or more dwellings, communal open space is provided on site that:</td>
<td>Communal open space including any landscaped area is provided at the following rates:</td>
</tr>
<tr>
<td>(a) is accessible, useable and safe;</td>
<td>11m²² for every bedroom, or 10m²² (or part thereof) of the area provided for sleeping within a short-term accommodation, hostel, or residential care facility</td>
</tr>
<tr>
<td>(b) is available for the recreational use of all occupants of the development;</td>
<td>22m²² for each one bedroom dwelling</td>
</tr>
<tr>
<td>(c) provides outdoor recreational areas required to service the open space needs of residents or guests of the development;</td>
<td>35m²² for each two bedroom dwelling</td>
</tr>
<tr>
<td>(d) aesthetically complements buildings on the site;</td>
<td>45m²² for each dwelling of three or more bedrooms</td>
</tr>
<tr>
<td>(e) enhances the attractiveness of the development;</td>
<td></td>
</tr>
<tr>
<td>(f) provides opportunities for social interaction;</td>
<td></td>
</tr>
<tr>
<td>(g) is designed and located to reduce internal and external impacts on the amenity of residents and neighbouring premises; and</td>
<td></td>
</tr>
<tr>
<td>(h) creates a pleasant streetscape by establishing landscaped (incorporating shade trees where practicable) areas adjoining the frontages of the development.</td>
<td></td>
</tr>
</tbody>
</table>

Whilst this review was initiated in response to concerns about the per intended user rate in the High rise accommodation design code, for completeness, the communal space rate in this particular code has also been reviewed.

The review has revealed that since the commencement of the City Plan, 90% of development applications for multiple dwellings are seeking an alternative outcome for the provision of communal space.

More detailed analysis of these development applications has also revealed that the current required amount of communal space in this code, on average, is 6 times higher than that of the High rise accommodation design code’s per intended user rate.

In addition to the above, the communal space rates in this code were a translation of the previous 2003 planning scheme outcomes, and as mentioned previously, is also considered to be outdated and not an accurate measure of the recreational needs in contemporary living situations.

As such, City officers are also proposing communal space for this code be provided at a flat rate of 6.5m² per dwelling to:
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- provide certainty for both the industry and community;
- ensure the rates of communal space in this code are realistic and achievable;
- reduce the number of development applications seeking an alternative outcome; and
- facilitate a consistent approach to the provision of communal space in City Plan.

In addition to the rates of communal space required in AO10.2, the related performance outcome (PO10) identifies the ‘threshold’ as to when a development is required to provide communal space (i.e. where a development includes five (5) or more dwellings).

It has been identified that since the commencement of City Plan, 50% of the development applications for multiple dwellings with 5 – 10 dwellings (e.g. townhouses) have proposed to provide no communal space and of these particular development applications, 75% have been approved, with the remaining 25% currently in the decision stage.

These statistics indicate that applicants tend to rely more on private open space and proximity to public parks to justify the recreational needs for proposals consisting of up to 10 dwellings.

As such, it is proposed the ‘threshold’ of when a development is required to provide communal space be updated from five (5) dwellings to 10 dwellings on the basis that private open space provisions are updated to ensure sufficient amounts of useable and functional private open space is provided for future occupants.

5.2.2 Private open space provisions

Private open space comprises of those open spaces in a housing development directly associated with and accessed by an individual dwelling.

This type of open space is important as it allows residents to extend their indoor environment into the outdoors to promote subtropical living. Private open space can be provided in the form of gardens, courtyards and patios (at ground level) and balconies, decks and terraces (above ground level).
Figure 2: Examples of the various forms of private open space

Whilst this review focused on addressing the concerns regarding communal space, it has highlighted that useable and functional areas of private open space are also important elements of a development.

As such, the private open space assessment benchmarks have been reviewed and an opportunity to increase the minimum area and dimension requirements has been identified to ensure these areas are of a sufficient size to accommodate outdoor furniture in the Multiple and High-rise accommodation codes.

5.2.2.1 Multiple accommodation code

It is proposed to increase the minimum private open space area and dimensions in the Acceptable Outcomes for both ground floor and above ground floor, as outlined below:

**Ground floor**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Current minimum area</th>
<th>Proposed minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any</td>
<td>16m² with a minimum dimension of 3m</td>
<td>25m² with a minimum dimension of 5m</td>
</tr>
</tbody>
</table>

The revised amounts are considered to be the most appropriate provision of ground floor private open space as demonstrated when comparing the current minimum area (Figure 3) with the proposed increased minimum area (Figure 4).

![Figure 3: Current ground floor private open space minimum area and dimensions](image-url)
**Above ground floor**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Current minimum balcony area</th>
<th>Updated minimum balcony area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom / studio</td>
<td>8m² with a minimum dimension of 2m</td>
<td>9m² with a minimum dimension of 3m</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>12m² with a minimum dimension of 2.5m</td>
<td>12m² with a minimum dimension of 3m</td>
</tr>
<tr>
<td>3 or more Bedrooms</td>
<td>16m² with a minimum dimension of 3m</td>
<td>No updates proposed.</td>
</tr>
</tbody>
</table>

The revised amounts are considered to be the most appropriate provision of above ground private open space as demonstrated when comparing the current minimum balcony area (Figure 5) with the proposed increased minimum area (Figure 6).
Figure 5: Current above ground private open space minimum area and dimensions

Figure 6: Proposed above ground private open space minimum area and dimensions

5.2.2.2 High-rise accommodation design code

The High-rise accommodation code also has assessment benchmarks for private open space.

It has been identified that a further opportunity exists to update AO12 to provide a separate private open space rate for ground floor and above ground dwellings. For consistency, it is recommended the proposed amounts of private open space outlined in section 5.2.2.1 of this report.
report be applied to this code as well. The updates to the code are recommended to read as follows:

Table 9.3.10-1: High-rise accommodation design code – for assessable development

<table>
<thead>
<tr>
<th>Performance outcomes</th>
<th>Acceptable outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communal and private space areas</td>
<td></td>
</tr>
</tbody>
</table>
| PO12 | AO12.1  
Above ground private open space for each dwelling:  
(a) mitigate negative wind effects on intended users;  
(b) has a minimum area of 3m x 3m;  
(c) is accessible from the living room; and  
(d) has a maximum gradient not exceeding one in ten. |
| | AO12.2  
Ground floor private open space for each dwelling:  
(a) has a minimum area of 25m²;  
(b) has a minimum width of 5m;  
(c) is accessible from the living room; and  
(d) has a maximum gradient not exceeding one in ten. |

5.3 Administrative definitions

The review of the communal space and private open space assessment benchmarks has also identified a need to include a new administrative definition for communal space and update the current administrative definition for private open space to clarify what areas of a development make up these two (2) distinct types of spaces.

5.3.1 Communal space administrative definition

External and internal stakeholders have raised concerns that there is a lack of clarity about what constitutes communal space.

To respond to this concern, it is recommend that a new administrative definition for communal space be included in City Plan to clearly articulate what communal space is, as outlined below:

Communal space – A common area of recreational space for the exclusive use of occupants of a building.

This area does not include landscape strips where not contiguous to the principal space, utility or non-recreational structures (including but not limited to driveways, air-conditioning units, water tanks, storage structures and refuse storage areas).
5.3.2 Proposed updates to private open space administrative definition

In addition to the inclusion of a new communal space administrative definition, it has also been identified that the current private open space administrative definition can be updated to more clearly outline what constitutes private open space, such as excluding certain non-recreational elements (e.g. air conditioning units).

It is recommended the definition be updated to read as follows:

*Private open space – An outdoor space for the exclusive use of occupants of a building.*

*This area does not include utility or non-recreational structures (including but not limited to driveways, air-conditioning units, water tanks, storage structures and refuse storage areas).*

6 ALIGMENT 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 GOLD COAST 2018 COMMONWEALTH GAMES™ IMPACT

Not applicable.

8 FUNDING AND RESOURCING REQUIREMENTS

Not applicable.

9 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)’.

10 STATUTORY MATTERS

The updates resulting from this review are to be included in Major update 2. This amendment package was commenced under the (now repealed) Sustainable Planning Act 2009 and related Statutory guideline 01/16, Making and amending local planning instruments (MALPI).

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.
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11 COUNCIL POLICIES

Not applicable.

12 DELEGATIONS

Not applicable.

13 COORDINATION & CONSULTATION

The following stakeholders have been consulted throughout this project and prior to presentation of this report to Council:

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate or Organisation</th>
<th>Is the Stakeholder Satisfied With Content of Report and Recommendations (Yes/No) (comment as appropriate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Coordinator City Architect</td>
<td>Office of City Architect</td>
<td>Yes</td>
</tr>
<tr>
<td>Acting Executive Coordinator Major Projects</td>
<td>City Development</td>
<td>Yes</td>
</tr>
<tr>
<td>Senior Landscape Planner</td>
<td>City Development</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The Mayoral Technical Advisory Committee (MTAC) will be informed of the drafted outcomes prior to finalising the Major update 2 update package.

14 STAKEHOLDER IMPACTS

The items discussed in this report will form part of the broader Major update 2 package.

Internal stakeholders have been and will continue to be consulted as the update progresses through the statutory process.

Council officers will continue to liaise with State Government officers on the content and timing for Major update 2.

15 TIMING

It is anticipated a consolidated Major update 2 package will be presented to Council prior to submission for State interest review.

16 CONCLUSION

A comprehensive review of the City Plan policy provisions for communal space and private open space was undertaken in response to internal and external stakeholder concerns regarding the:
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- method for calculating the required amount of communal space being based on ‘per intended user of the site’ when it is unclear how the number of intended users is to be determined; and
- absence of definitions which would help clarify certain terms used in relation to the calculation of communal space and private open space.

To address these concerns, a comprehensive review was undertaken, which included:

- a review of the relevant assessment benchmarks for communal space and private open space in the High-rise and Multiple accommodation codes;
- benchmarking against other local governments in Queensland;
- consultation with internal and external stakeholders including officers from City Development, Office of the City Architect and Industry bodies (i.e. PIA); and
- analysis of development applications which have proposed alternative outcomes to the provision of communal space since City Plan commenced.

After reviewing the assessment benchmarks for communal space and private open space within these use codes, officers consider the issues raised by external and internal stakeholders have been appropriately addressed.

As such, it is proposed the City Plan be updated in accordance with the recommendations listed below.

17 RECOMMENDATION

It is recommended that Council resolves 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 recommended policy positions, as identified in Attachment A, be endorsed to be included as part of City Plan Major update 2.

3 That the Mayoral Technical Advisory Committee be informed on the proposed City Plan updates as part of Major update 2.

4 That the proposed changes to the City Plan be brought back to Council for endorsement prior to submission for State interest review.

Author: Elle Diedrich
Planner
20 September 2017

Authorised by: Dyan Currie
Director Planning and Environment