

Submission Development Application A004623409

Address 9 Fish Lane, 75-78 Hope Street, South Brisbane

Zone Principal Centre Zone and Special Purpose Zone (Transport Infrastructure Zone Precinct)

Neighbourhood Plan Kurilpa Precinct, South Brisbane Riverside Neighbourhood Plan (SBRNP)

Proposal

The proposal is for a 33 storey tower building accommodating 216 units (27 one bedroom units, 162 two bedroom units and 27 three bedroom units) with 334m² of retail and commercial uses and a park underneath the railway concourse. The site is on the corner of Fish Lane and Hope Street, South Brisbane and consists of 1,368sqm parcel in the Principal Centre Zone and 756sqm in the Special Purpose Zone (Transport Infrastructure Zone Precinct).

Objection

Kurilpa Futures objects to the proposal due to the large number of performance based concessions requested for increased development potential. The extent of the performance concessions is inconsistent with and in conflict with the SBRNP and the Brisbane City planning scheme.

While the performance basis of the Brisbane City Plan and Sustainable Planning Act is understood, there is a point where the application needs to reasonably meet the acceptable solutions of the planning scheme. The acceptable solutions are intended to let the community understand what may be approved on the site and developers have a realistic expectation of the development potential. The height limits of the SBRNP should be respected as one 'given' within the planning scheme. A request of a performance bonus is not a right: it does not have to be approved. It is the discretion of Council to approve or reject the increased development based on a performance assessment. In this case, the performance variations are inconsistent with the acceptable solutions to be reasonable.

Grounds for Objections

Site Area

The applicant proposes a 30 storey development potential on the basis of leasing Special Purpose Zone from the Queensland Rail so delivering a site area of 2,124m². However, no building is proposed on the leased land and so the 33 tower is located on a site that is only 1,368m². This is a significant variation from the 1,800m² site area requirement for a maximum height of 30 stories specified in the SBRNP.

Special Purpose (Transport Infrastructure) Zone

Brisbane City Plan 2014 states:

"6.2.6.7 Special purpose zone code

(4) Development location and uses overall outcomes are:

“The purpose of the Special purpose zone code is to provide for public uses that are owned or operated by government, semi government, statutory authority, government owned corporation, local government or private organisations in the course of a public utility undertaking relating to defence establishments, airports, sea ports, rail lines, rail stations, intermodal stations, the provision of water supply, sewerage, electricity, gas, telecommunications, transport, drainage or other like services.”

and

“ 10) Transport Infrastructure zone precinct outcomes are:

(a) development provide for infrastructure, activities and associated facilities that support the effective functioning of the transport system including:

- (1) railway lines, stations, yards and works;*
- (2) busways, busway stations, bus depots and bus marshalling areas;*
- (3) ferry terminals, moorings and maintenance areas;*
- (4) major road and cycle tunnels, bridges and intersections and infrastructure not otherwise included in a road reserve.”*

Neither of these strategic overviews of the use of land in the Special Purpose Zone Code list a Park – the term used repeatedly in the application. A Park is not a “other like structure to the list of utilities in the purpose statement.

Suitability of land for Park use

Brisbane City Plan 2014 states

“Park Code Table 9.3.16.3 Performance Outcomes and Acceptable Outcomes

Performance Outcomes

PO1 Development ensures that:

(a) The type and form of the development is consistent with the range of activity and intensity of use envisaged within the zone and zone precinct while providing for a range of the following opportunities:

- (i) informal recreation*
- (ii) community meeting and gathering space*
- (iii) indoor and outdoor sporting activities*
- (iv) active transport routes*
- (v) scenic and landscape amenity*
- (vi) ecological conservation and linkages*
- (vii) conservation of cultural heritage*
- (viii) cultural expression and indemnity*
- (ix) educational and interpretative opportunities*
- (x) economic and tourism opportunities*

(b) park infrastructure is:

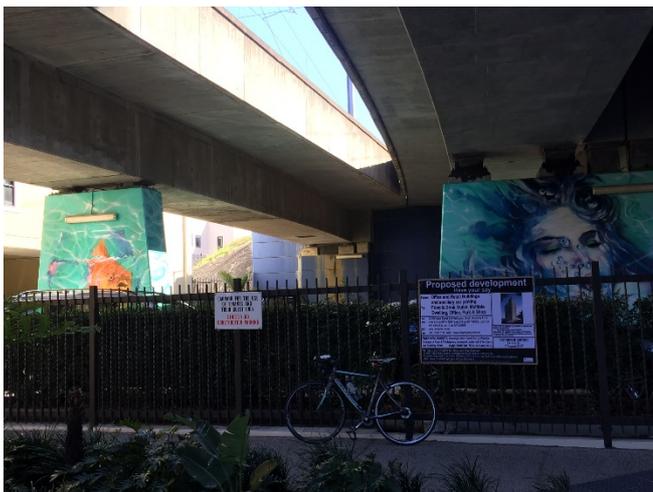
- (i) of a high quality*

- (ii) *compatible with being in a public area*
- (iii) *suited to the zone and zone precinct in which the land is, or is intended to be, included within;*

The land under the railway concourse meets only one criteria that being suitable for a gathering area. It certainly is not high quality as it is an enclosed space, noisy, two small sections of direct sunlight, is constantly in shade and safety and surveillance issues with the railway supports acting as hiding points. As well it has an oppressive, gloomy and moist feel to the space. Additionally, this use is not consistent with the intention of the Zone in which this land is located.

If all these disadvantages were put aside and there were a general consensus to convert this space to a landscaped gathering space, then this should be undertaken by Queensland Rail. It does not require a 33 storey building to support this use.

This is public land will make a poor park as the photo below shows. It can not be used to justify a 33 storey building on neighbouring site.



Use of State Land

The information request response from the State Government requested a copy of the lease document with Queensland Rail. This may indicate that the lease arrangement is not be a whole of Government position or decision. The legality of this lease and resultant park use needs to be established and publicised prior to any further assessment of this application.

The combination of freehold land and adjoining leased land being used in this application to constitute a "site" as defined in City Plan 2014 is irregular and may be a precedent. It would appear from the minutes of the pre-lodgement meeting that Council has taken this legal advice from the applicant's lawyers. ThIndependent legal advice must be obtained to establish the legality of this interpretation of the planning scheme.

However, if the creation of a park in a railway concourse and the amalgamation of leased land to create a 'site' are deemed to be legal, the issue of whether it is the true intention of the City Plan should be seriously considered. This space is not identified as the space for a public open space in the SBRNP.

To be consistent with the planning intent of the SBRNP, the development should be reduced to 20 storeys consistent with the height limited proposed in the SBRNP for a site of 1,368m² as is the community's expectation for this site.

Assessment of Impact of 33 storey tower

Contrary to the justification by the applicant, the impact of this tower should be compared against a 20 storey tower building since that is the intention of the SBRNP. The overshadowing impact will be significant in winter for buildings south of Fish Lane. The additional 13 storeys will increase the extent of the overshadowing. This must be taken into consideration in the assessment.

Purpose of Kurilpa Precinct SBRNP

The SBRNP Kurilpa Precinct that the purpose is:

“(b) Permanent and [short-term accommodation](#) is provided where residential [amenity](#) is highest or within mixed use buildings.”

The applicant states a mixed use for this building due to four small retail tenancies on the ground floor being 334m² (less than 30x12m). Additionally, no short-term accommodation is proposed. The application ignores this strategic intent for development in this area. A vibrant community needs the balance of commercial, residential, retail and community facilities.

This site is very well served with Government social infrastructure but not child care, youth or aged care services or community centres for providing support for those in need.

The application should be amended to provide short term accommodation and community services.

Design of the building

Much is made of the quality of the design of the tower building particularly the 27 storey waterfall on the western face. This will have high level of evaporation and is not consistent with water sensitive urban design. With the height of the building substantial water spray impacts will be created on the footpath and associated areas.

Other Performance requests

The application is seeking performance assessment for the following:

- Site cover of the 1368m² site of an estimated 96% not 80%
- Length of building 64m not 40m
- Non-compliance of boundary set back distances for the podium and tower
- Podium height

- Podium car parking
- 17 car spaces less for residents and no parking for retail activity. This under provision will compound the displacement of the cars associated with local businesses that park daily in the space under the railway concourse.
- Narrow aisles in car park and access for large vehicles achieved by reverse parking and standing in the exit lane of the car park.
- Provision of a footpath width 1.25 metre less than specified width in the City Plan
- High number (75) of units with private open space less than the specified 12m² and 3m minimum width: less than what is required in the City Plan.

Conclusion

This application is excessive in scale, it provides a public open space under a railway corridor that will become an unsafe place, and it is a clear overdevelopment of the 1,368m² site. It should be refused.

Helen Abraham *for*

Kurilpa Futures

Email: kurilpafuturesgroup@gmail.com

Web: kurilpafutures.org