

Community Objection to:

Proposed Development at 117 Victoria Street, West End

BCC Development Application No: A004827228

Applicant: Crown West End Pty Ltd (Primary Applicant)

1.0

Response to Proposed Development at 117 Victoria Street, Assessed Against the South Brisbane Riverside Neighbourhood Plan

Neighbourhood Plan 7.2.19.4.2 Purpose, (3) (c)

Development is of a height, scale and form which is consistent with the amenity and character, community expectations and infrastructure assumptions intended for the relevant precinct, sub-precinct or site and is only developed at a greater height, scale and form where there is both a community need and an economic need for the development

Non-Compliance

The scale of this proposal is not in character with any adjacent development in Victoria, Filmer or Beesley Streets. The scale of this proposal far exceeds that of the surrounding area and is greatly in excess of the requirements of the South Brisbane Riverside Neighbourhood Plan.

The excessive scale of this development, in height, limited set-back and horizontal dimension will create outcomes not in character with the surrounding area, in keeping with community expectations or in line with infrastructure assumptions.

Beyond profiteering, there is **no community need or economic need** for this development to achieve a greater height, scale or form.

The Brisbane City Council should be aware of the recent ruling by the Planning and Environment Court of Queensland, in the matter of Petty & Ors Vs Brisbane City Council & Anor [2018] QPEC 2.

As community expectations are a relevant part of the South Brisbane Neighbourhood Plan, the assessment team should consider this development in similar standing to the above matter.

Neighbourhood Plan 7.2.19.4.2 Purpose, (3) (f)

New social facilities and infrastructure are provided to support the needs created by increased residential and employment densities.

Non-Compliance

This limited mixed-use proposed in this development, coupled with the excessive density of proposed dwellings, will not benefit the community nor provide adequate social facilities.

The inclusion of open parkland on the Brisbane River frontage should be considered only a token gesture, as this area falls within the highly flood prone portion of the site. There would be limited or no economic benefit from developing this portion of the site.

With a maximum of 4000sqm of mixed-use allowed under the Neighbourhood plan for this site, the token gesture of 150sqm on the defined Significant Corner of Victoria St and Riverside Drive, is vastly inadequate for the relative increase in population density proposed in this development.

Neighbourhood Plan 7.2.19.4.2 Purpose, (3) (h)

Important character values are retained and enhanced by maintaining key views and vistas to the Brisbane River and Taylor Ranges.

Non-Compliance

The height and scale of this development is inadequately represented in the provided View Impact Analysis. With unrealistic representations of view corridors, taken from locations with less visible impact than the Plan intends.

The proposed development creates a direct obstruction of the Brisbane River and Taylor Ranges, through the height and scale of the proposed built-form.

At over 46m in height and approximately 90m width along the Filmer Street Façade, the proposed development far exceeds the intended scale of development outlined by the South Brisbane Riverside Neighbourhood Plan.

Neighbourhood Plan 7.2.19.4.2 Purpose, (10) (a)

This precinct provides a transition between the 'timber and tin' housing of West End and Highgate Hill and new development in the South Brisbane riverside area. The precinct accommodates predominantly medium- to high-density residential development, which replaces obsolete industrial and warehouse uses. Small-scale retail and commercial uses integrated within new residential developments, servicing the local community, are consistent with the outcomes sought. This precinct allows for a retail component with a maximum gross floor area of 4,000m² and primary frontage to Montague Road to be located between Ferry Road and Davies Park.

Non-Compliance

With a maximum of 4000sqm of mixed-use allowed under the Neighbourhood plan for this site, the token gesture of 150sqm on the defined Significant Corner of Victoria St and Riverside Drive, is vastly inadequate for the relative increase in population density proposed in this development.

The proposed development intends to replace an existing 2-storey office building and warehouse, providing many thousands of sqm of commercial use, with 446 new dwellings, while providing only a single retail space of 150sqm.

With 792 proposed bedrooms, an average occupancy rate of 1.5 persons per bedroom would equate to 1188 residents in the development. Given current neighbourhood demographic trends, including high numbers of young couples and multi-child families, this figure could be considered conservative.

The proposed retail space equates to 0.336sqm per dwelling, or 0.189sqm per bedroom.

This meagre inclusion does not reflect outcomes that will serve the community or provide an adequate increase in amenity in the neighbourhood, sufficient with the increase in occupants.

Neighbourhood Plan 7.2.19.4.2 Purpose, (10) (e)

Development provides a range of dwelling sizes and types. Buildings are located on large sites with taller towers located towards the centre of the site to minimise off-site impacts such as overlooking and overshadowing.

Non-Compliance

The Applicant's submitted plans and elevations of the proposed development suggest design outcomes consistent with economic gain, rather than positive outcomes for the community.

Existing demographics in the South Brisbane Riverside Neighbourhood demonstrate a need for greater diversity in housing stock, including larger apartments to accommodate young and growing families. With only 13% of the proposed apartments being greater than 2 bedrooms, this development does not provide an adequate range of dwelling sizes and types, to meet the intent of the Neighbourhood Plan.

This proposal lacks variation in spatial planning, resulting in generic facades, with minimal articulation or attempt to limit the impact of the building's scale and form on the surrounding areas.

As an example, the Level 2 Floor Plan, as shown on drawing DA-2002, clearly demonstrates the uniformity of the proposed dwelling types. The Filmer Street façade alone would consist of 10 identical cookie-cutter apartments, equally spaced with zero articulation of the façade. Similar characteristics can be seen throughout the proposed development along the Beesley Street and Victoria Street Facades.

As a large site of over 10,000sqm, the allowable building height can be increased to 12-storey, with limitations on set-backs and the overall horizontal dimension of any towers within the development. This proposal, as submitted, far exceeds these allowances in height, site boundary set-back and horizontal dimension.

The set-back of towers is a little at 7.6m on the Beesley Street and Victoria Street frontages, far less than the minimum of 10m, an incursion of 24%.

In **absolute contrast** to the Neighbourhood Plan, the proposed towers are arranged around the outside of the site, maximising their off-site impact of overlooking and overshadowing.

Neighbourhood Plan 7.2.19.4.3 Performance outcomes and acceptable outcome PO1

Development is of a height, scale and form that achieves the intended outcome for the precinct, improves the amenity of the neighbourhood plan area, contributes to a cohesive streetscape and built form character and is:

- (a) consistent with anticipated density and assumed infrastructure demand;
- (b) aligned to community expectations about the number of storeys to be built;
- (c) proportionate to and commensurate with the utility of the site area and frontage width;
- (d) designed to avoid a significant and undue adverse amenity impact to adjoining development;
- (e) sited to enable existing and future buildings to be well separated from each other and to avoid affecting the potential development of an adjoining site.

Note—Development that exceeds the intended number of storeys or building height can place disproportionate pressure on the transport network, public space or community facilities in particular.

Note—Development that is over-scaled for its site can result in an undesirable dominance of vehicle access, parking and manoeuvring areas that significantly reduce streetscape character and amenity.

Non-Compliance

The proposed development in its current form does not address **ANY** of the Performance Outcomes required under PO1.

Neighbourhood Plan 7.2.19.4.3 Performance outcomes and acceptable outcome PO3

Development of buildings over 8 storeys are made up of a podium and clearly defined slender tower to reduce visual bulk and scale. Spacing between multiple towers provides for solar access, cross ventilation and privacy.

Acceptable Outcome AO3.1

Development ensures that the tower elements of new buildings extend no more than 75% of the width of the podium.

Non-Compliance

As the proposed development consists of a single tower, which exceeds the site boundary set-backs, the resulting tower greatly exceed 75% of the podium width.

Proposed Tower Widths, as a percentage of the Proposed Podium Width (as described in the Applicant's provided documents):

- 80% of the Beesley Street podium width;
- 85% of the Filmer Street podium width, and;
- 105% of the Victoria Street podium width.

Acceptable Outcome AO3.2

Development has a maximum horizontal dimension for a tower of 40m on any side.

Non-Compliance

The proposed tower greatly exceeds 40m;

- 70m in width on the Beesley Street frontage;
- 90m in width on the Filmer Street frontage, with only minimal reductions in the upper floors, and;
- 75m in width on the Victoria Street frontage.

The proposed development is misrepresenting the building form as two towers. This proposal clearly consists of a single, very large, tower complex, with a minimum height of 8 storeys.

The applicant has included a cut-out at a width of exactly 10m along the Filmer St frontage, as prescribed in the plan to separate two towers.

However, this is only achieved for the upper floors, with the resulting tower below consisting of 8 storeys. Effectively creating a tower of 90m x 75m in horizontal width. Vastly greater than the requirements of AO3.2.

This Neighbourhood Plan does not allow for the 8 storey component to be limitless in width on this site.

The Podium is 2 storeys. Anything above that height MUST be considered a Tower element.

The ability to build beyond 8 Storeys, up to 12 storeys on large sites, mandates a trade-off in bulk and form in the tower component.

It does not allow for grossly oversized portions of the building in the lower floors.

If the applicant's interpretation of the plan truly was that the tower restrictions exist only between floors 9-12, than the Beesley St and Victoria St frontages would have also been broken down in horizontal width.

Acceptable Outcome AO3.3

Development on a site greater than 3,000m² provides more than 1 tower and a minimum separation distance if 10m between towers.

Non-Compliance

The proposed development is misrepresenting the building form as two towers. This proposal clearly consists of a single, very large, tower complex, with a minimum height of 8 storeys.

The reality of this proposal, is that profit focused spatial planning has resulted in a very large development being served by only two lift cores. This means that to access the upper floors, there can be no reduction in the height over the length of the building.

The proposal is not for two 12 storey buildings.

The proposal is clearly for a single tower, predominantly 12 storeys, with a minimum height of 8 storeys in a single 10m wide portion.

As the proposal includes a minor cut-out in the upper 5 storeys along the Filmer St frontage, at a width of approximately 10m, it could be considered that this proposal may be attempting to manipulate the perceived compliance of Acceptable Outcome AO3.3.

Neighbourhood Plan 7.2.19.4.3 Performance Outcome PO7

Development provides buildings on riverfront sites that are designed to:

- (a) Maximise views and river breezes through the site from the river to the remainder of the precinct and surrounding residential areas;
- (b) Have slender form when viewed from the river if a taller building
- (c) Create a varied skyline using a range of building heights.

Non-Compliance

The proposed development does not meet the intent of PO7, in that it forms a visual and physical mass, greater than 90m across the river frontage of the site.

The minor changes in the Filmer Street frontage do NOT constitute a varied skyline using a range of building heights. From all angles, but the perpendicular most view of the building in the Filmer Street frontage, this building appears a single mass, preventing views and breezes from the remainder of the precinct.

Acceptable outcome AO7.1

Development on a site fronting the South Brisbane Riverside Park Lands Park or West End Riverside Lands Park has a maximum length of 30m in any direction.

Non-Compliance

AO7.1 does not relate to only tower elements. This building is in excess of 90m in width across the river frontage of the site. This is 300% of the maximum allowable width and is unacceptable.

The requirements of the Neighbourhood plan do not delineate a difference between Podium and Tower. The requirements are clear. A Site Frontage of a maximum of 30m must be enforced.

Acceptable outcome AO7.2

Development that provides buildings that are located on South Brisbane Riverside Park Lands Park or West End Riverside Lands Park are oriented perpendicular to the river and are longer than they are wide.

Non-Compliance

Under the requirements of Neighbourhood plan, tower elements for buildings on this site are to be a maximum of 40m in any direction.

Following enforcement of AO7.1 above, the building form should have the central podium element, and relating Filmer Street tower element removed.

The maximum width of the tower elements are documented in the Applicant's plans as approximately. 23m in width. In accordance with AO7.1, the podium element must be revised to a maximum of 30m in width. Therefore, any single tower element on the site must less than 30m in width, to meet the requirements of AO7.2.

Acceptable outcome AO7.3

Development, where more than one building is provided on a site fronting the South Brisbane Riverside Park Lands Park or West End Riverside Lands Park, provides a minimum separation of 10m between buildings.

Non-Compliance

The requirements of AO7.2 above, would therefore mandate, in accordance with AO7.3 that the tower element between Full height of the building, between Levels 1-12 be removed from the development to provide two single towers along the Filmer Street Frontage, of a **maximum width less than 30m perpendicular to the river.**

Neighbourhood Plan 7.2.19.4.3 Performance outcomes and acceptable outcome PO12

Development on a site greater than 10,000m² provides towers that are designed and sited to ensure humanscale development at the street level and ameliorate amenity impacts on adjacent development.

Acceptable Outcome AO12

Development provides buildings with a 10m setback between the tower and any street alignment

Non-Compliance

The proposed tower set-backs do not meet the 10m minimum. At as little as 7.6m on both the Beesley Street and Victoria Street frontages, the tower elements grossly encroach on the site boundary set-back.

This represents a 24% encroachment of the required set-back.

The suggestions that balcony elements in this proposal should not be included in calculating the set-back is false.

As demonstrated in the Applicant's provided documents, the building form is characterised by large, twisting elements on the facades, forming a division between neighbouring apartments. These consist of solid built form, which actually grow closer to the boundary on the upper levels of the building.

The solid forms situated on the balcony facades must be considered as part of the building and must be considered in the site boundary set-back calculations.

The incursion of site boundary set-backs may be deliberate, as the location of required set-backs is documented in the Applicant's provided plans, represented by a dashed blue line.

Acceptable Outcome AO18

Development on a site that adjoins the South Brisbane Riverside Lands Park or West End Riverside Lands Park or new public open spaces has a maximum building height of 2 storeys for a distance of 20m from the common property boundary.

Non-Compliance

The proposed development does not comply with the Performance Outcome PO18 and Acceptable Outcome AO18.

At the West End Riverside Lands Park, the tower components have a set-back of only 9.6m and 15.1m from the property boundary. This intrusion into the boundary set-back extends for the full height of the building, to 12 storeys.

This incursion into River front open space is unacceptable and does not come close to meeting the requirements of the neighbourhood plan, or the community's expectations.

The incursion of site boundary set-backs may be deliberate, as the location of required set-backs is documented in the Applicant's provided plans, represented by a dashed blue line.

Neighbourhood Plan Table 7.2.19.4.3.B—Maximum building height

If in the Riverside south precinct (South Brisbane riverside neighbourhood plan/NPP-007) excluding land in the Low-medium density residential zone

Development of a site less than 500m²: 4

Development of a site 500m² or greater but less than 10,000m²: 7 where in a zone in the Residential zones category or 4 where in the Mixed use zone

Development of a site 10,000m² or greater 12 where in a zone in the Residential zones category or 6 where in the Mixed use zone

Non-Compliance

The community of West End rejects the Brisbane City Council's assessment that this proposal is for a 12 Storey building. This assessment is not in keeping with the intent of the neighbourhood Plan, nor does it provide benefit to the community, beyond profiteering by the Applicant.

Level 2

The 6.4m floor to floor height of Level 2 is unjustified. This is clearly designed to increase the building height to achieve greater access to views for this development, **at the detriment of surrounding properties.**

The claim that approximately 3000mm of the height of Level 2 is for building structure is preposterous.

Roof Terrace

The Applicant's claim that the roof terrace conforms to the City Plan's definition of a storey, by not being a roofed structure is not satisfactory.

The use of 'louvred' structures does not reduce the building's bulk, nor is any change in aesthetic provided to reduce the impact of the roof terrace.

As demonstrated in the Applicant's provided 3d Renders and building elevations, the building form continues uninhibited beyond the upper floor, to a height of more than 4m.

The visual bulk of the building is therefore beyond 12 Storeys and MUST be considered in breach of the requirements of the Neighbourhood Plan.

Precedence

If this proposal is allowed, it is foreseeable that future developments could propose 6.4m floor to floor heights throughout, creating 12 Storey buildings in excess of 75m.

This is undoubtedly not the intent of the Brisbane City Plan and will set a dangerous legal precedence for future development.

The Brisbane City Council should be aware of the recent ruling by the Planning and Environment Court of Queensland, in the matter of Petty & Ors Vs Brisbane City Council & Anor [2018] QPEC 2.

As community expectations are a relevant part of the South Brisbane Neighbourhood Plan, the assessment team should consider this development in similar standing to the above matter.

2.0

Response to Proposed Development at 117 Victoria Street, Submitted Traffic Report, completed by MRCagney Pty Ltd

3.1 Carparking

In Table 3-2: Breakdown of Car Parking Supply, the Number of Carparking Spaces required appears to have been misrepresented.

The report suggests the proposal falls only 3 spaces short of the requirements.

However, the proposal appears to be 19 spaces short of the required total, only providing 541 of the 560 spaces required by Table 3-1: TAPS Car Parking Supply.

Further, the report notes that in many cases the car parking provided is smaller in dimension than those stated in the Brisbane City Council car parking requirements.

Accounting for compliant car park dimensions, it could be considered that fewer spaces again would be achievable in the proposed development.

3.2 Service Vehicle Provisions

The report suggests that due to the "inner-city" nature of the site, large service vehicles will not be used. There is no supporting evidence for this claim.

Larger 12.5m rigid vehicles, such as furniture removal and delivery vehicles are commonly used at adjacent sites of equivalent use.

With 446 proposed apartments, and many tenants having only 12 month leases, it is foreseeable that furniture removal / deliveries, in and out of the building could occur at a minimum rate of once per day.

More likely, higher frequency furniture removals / deliveries will occur at peak times, resulting in multiple large vehicles accessing the site at one time.

Supporting Images Demonstrating the use of Large Rigid Vehicle at Adjacent Apartment Building in Beesley Street, where previous Development Approvals have provided insufficient loading zones. January / February 2018:



Light & Co. Apartments
Morning peak hour delivery blocking Driveway.



Koko Apartments
Night Delivery blocking cul-de-sac.

3.0

Response to Proposed Development at 117 Victoria Street, Pre-Lodgement Meeting Minutes

Existing Vegetation

The Pre-Lodgement Meeting Minutes note two existing trees on the site as being significant. A mature Pine Tree and Jacaranda along the Victoria Street frontage.

However, no mention is made of the large, healthy eucalypt tree (likely a Spotted Gum) and adjacent trees located on Beesley Street. These trees are home to numerous bird species and possums. The eucalypt is the last remaining tall tree of its kind in the local vicinity and should be retained.

These trees are identified (to be removed) on the Landscape Plan- Ground Floor + Public Domain.

The threat to this existing vegetation is partly due to the requirement for Beesley St to be widened, in accordance with the Boulevard street structure of the Neighbourhood Plan. This is a dead-end, cul-de-sac street, with the only vehicular access to be removed as part of the proposed development.

The widening of this street would not provide additional amenity, nor would it increase the number of available street car parks.

Of greater benefit to the community, would be to close access to Beesley street beyond the existing driveway entrance to Koko Apartments at 10 Pidgeon Close, increasing the amount of public open space and parkland.

Image of Existing Vegetation on Beesley Street



Image sourced from Google Maps (www.google.com/maps).