2 November 2026

The Chief Executive Officer
Brisbane City Council
GPO Box 1434
Brisbane QLD

Attn: Joel Wake – Assessment Officer

Submission Opposing Development Application (Council Reference: A007125076) – Development Permit for Material Change of Use for Multiple Dwelling over land at 16 Hamilton Street, Kangaroo Point

Dear Joel,

We refer to the above application for a Development Permit for Material Change of Use for Multiple Dwelling (Council Reference: A007125076) (**development application**) submitted by

.... hereby lodge this submission in relation to the above development application.

.... have serious concerns regarding the scale, intensity and unacceptable impacts that will be caused by the proposed development, the subject of the development application, if it is approved. The proposed development:

- represents a significant overdevelopment of the site;
- is not of a height, bulk or scale appropriate for the prevailing nature of the area, zoning, neighbourhood plan and the particular circumstances of the site and its surrounds;
- is not envisaged by the Brisbane City Plan 2014 (v37) (**City Plan**) and demonstrates numerous substantial departures from the relevant provisions;
- will result in unacceptable and unreasonable impacts on the amenity adjoining residential development to the north, south and east; and
- has not demonstrated in the application material sufficient detail to support approval of the proposed development;

The proposed development does not comply with the relevant assessment benchmarks of the City Plan. When considered collectively, the scale of non-compliance demonstrates that the proposed development constitutes a significant overdevelopment of the site. No sufficient planning grounds or relevant matters have been demonstrated to warrant approval despite these conflicts. As such, the proposed development produces an unacceptable planning outcome that is contrary to the intent of the City Plan. Accordingly, the proposed development should not be approved by Council.

Site Details and Development History

The subject site is located at 16 Hamilton Street, Kangaroo Point QLD 4169, formally described as Lot 1 on RP60298. The site is designated as follows under the Planning Scheme:

Zone:

- HDR2 High density residential (Up to 15 storeys)

Neighbourhood Plan:

- Kangaroo Point Peninsula Neighbourhood Plan
    - Thornton Street precinct NPP-002
    - Bright Street A sub-precinct NPP-002a
    - Bright Street B sub-precinct NPP-002b

Overlays:

- Airport environs overlay
- Bicycle network overlay
- Community purposes network overlay
- Critical infrastructure and movement network overlay
- Dwelling house character overlay
- Flood overlay
- Heritage overlay
- Potential and actual acid sulfate soils overlay
- Road hierarchy overlay
- Streetscape hierarchy overlay

It is understood there are no existing development approvals or applications over the site separate to the subject development application.

The development application seeks approval for the construction of a 9-storey Multiple dwelling development comprising 13 dwellings, a rooftop communal space and basement car parking. It also seeks to demolish the existing pre-1946 dwelling house currently located on the site.

Grounds of Submission

The following sections set out the grounds for refusal of the proposed development application. In particular, there is significant concern regarding the bulk and scale of the development, and the subsequent impacts on the residential amenity of adjoining properties.

A summary of the principal non-compliances identified within the application material is provided in **Table 1** below. The facts and circumstances in support of the grounds for refusal are set out in the sections that follow.

Table 1: Summary of Non-Compliances

Non-Compliance	Code	Requirement	Proposal	Extent of Non-Compliance
Building Height	Kangaroo Point peninsula neighbourhood plan – PO1 (Table 7.2.11.1.3.B)	12m	39.58m AHD to rooftop floor level and 44.2m AHD to roof of lift overrun (9 Storeys)	Exceedance of 27.58m to rooftop floor level and 32.2m to roof of lift overrun.
Site Cover	Kangaroo Point peninsula neighbourhood plan – PO3 (Table 7.2.11.1.3.G)	45%	Ground form: 83.9% Tower form: 68.2%	Ground form exceedance by 38.9%. Tower form exceedance by 23.2%.
Setbacks	Kangaroo Point peninsula neighbourhood plan – PO3 (Table 7.2.11.1.3.D)	Front/Street: 4m to balcony, 6m to wall Side: 6m Rear: 6m balcony, 8m wall	Front (Hamilton St): ~2m to glazing and ~5.1m to balcony Northern side: 2.6m - 4m Southern side: 4.6m - 6m Rear: 2.85m - 3.55m	Front setback shortfall of up to 2m to built form and ~1m to balcony. Northern side boundary setback shortfall of up to 3.4m and southern side setback shortfall of up to 1.4m. Rear boundary setback shortfall of up to 4.45m.
Landscaping	Multiple dwelling code – PO28	Minimum 50% of site frontage length planted for a minimum width of 2m.	~7.75% of frontage length planted or a minimum width of 2m. Achieves a total of 76.3% of soft planting (578m^2).	Frontage landscape provision shortfall of ~42.25%.
Deep Planting	Multiple dwelling code – PO29	Minimum 10% of site area	9.5%	Shortfall of 0.5% (approximately 3.8m^2).
Minimum Site Area	Multiple dwelling code – PO1	800m^2	756m^2	Shortfall of 44m^2.
Building Separation	Kangaroo Point peninsula neighbourhood plan – PO3 (Table 7.2.11.1.3.F)	Minimum 12m	~10m at the widest point to the northern property. ~7.9m at widest point to the southern property.	Shortfall of 2m to the north and 4.1m to the south.

In addition to the above, the proposed development exhibits further non compliances relating to driveway design and width, pedestrian visibility splays, minimum vehicle queueing provisions, removal of street trees, verge width and the extent of basement projection above natural ground level.

Building Height

The proposed development seeks approval for a 9-storey building reaching approximately 39.58m AHD to the rooftop floor level and 44.2m AHD to the lift overrun. This substantially exceeds the maximum building height of the 12m prescribed under Table 7.2.11.1.3.B of the Kangaroo Point Peninsula Neighbourhood Plan and introduces a built form that is more than three times the anticipated height for the Bright Street A sub-precinct. The extent of this exceedance cannot reasonably be characterised as a minor departure from the City Plan.

The proposed development does not complement the character of the locality and results in a substantial overdevelopment of the site. The height, bulk and scale of the proposed development are inconsistent with both the established and intended built form character of this section of Hamilton Street, and are excessive having regard to the site's size and context. The proposed building height does not align with the community expectations regarding the scale and intensity of development anticipated within the precinct and does not appropriately respond to the surrounding context. Further, the application material fails to provide sufficient justification as to why a development of this height is necessary or appropriate for the site.

Even if consideration is given to the building heights contemplated within the Bright Street B sub-precinct, the proposed development would remain inconsistent with the intended built form outcomes as identified by Figure c of the Kangaroo Point Peninsula neighbourhood plan code. The proposed development does not align with the transitional scale required between Bright Street and Scott Street and therefore results in a built form that is disproportionate to its surroundings.

The proposed development is therefore inconsistent with the overall intent of the High Density Residential Zone, Kangaroo Point Peninsula Neighbourhood Plan, the Multiple Dwelling Code, and does not align with community expectations regarding the scale and intensity of development anticipated in this location. Specifically, the development fails to comply with the following assessment benchmarks of the City Plan:

- Kangaroo Point Peninsula Neighbourhood Plan code – Overall outcome 3 (c); Thornton Street precinct overall outcome 5 (b) and AO1/PO1, AO3/PO3 and AO6/PO6;
- High Density Residential Zone code – Development location and uses overall outcome (4) (e), (i), Development form overall outcome 5 (a), (c) and (e); and
- Multiple dwelling code – Overall outcome (2) (a), (d), (i), (q) and AO1/PO1, AO2/PO2, AO3/PO3, AO4/PO4, AO6/PO6, AO7.1/PO7, AO8/PO8, AO28.1/PO28, AO29.2/PO29, AO31.5/PO31 and AO34.2/PO34.

Story Bridge View Corridors

The proposed development fails to maintain and protect the identified Story Bridge public view corridors, as required by Overall outcome 5(b) and PO6 of the Kangaroo Point Peninsula neighbourhood plan code.

Figure d of the neighbourhood plan identifies a number of protected view corridors towards the Story Bridge, which are intended to preserve important visual relationships between prominent public vantage points and this landmark. Given its excessive height and scale, the proposed development will intrude into and detrimentally affect these identified view corridors, particularly V1 from the City Botanic Gardens and V2 from Kangaroo Point Cliffs Park lookout.

As a consequence, the proposed development does not adequately preserve views to and from the Story Bridge and introduces a built form outcome that competes with the visual prominence of this important landmark, therefore undermining the intent of the Kangaroo Point Peninsula neighbourhood plan.

Development Bulk and Scale, and Building Separation

The proposed development exhibits a number of significant departures from the City Plan that collectively contribute to an unacceptable building bulk and scale. In particular, the proposed development substantially exceeds the prescribed site cover requirements, provides inadequate setbacks and does not achieve the required minimum building separation distances.

As a consequence, the proposed development presents an excessive bulk and scale that is overbearing and inconsistent with the character of the locality. The reduced setbacks and building footprint result in a dominant built form that does not appropriately interface with adjoining residential developments.

The inadequate building separation distances also give rise to unacceptable amenity impacts. The reduced separation creates opportunities for direct overlooking into neighbouring dwellings and private open space areas, resulting in a significant loss of privacy for existing residents. The proposed development will also restrict access to natural light and ventilation, reducing the provision of direct sunlight and cooling breezes that contribute to the liveability and amenity of adjoining properties. These impacts are therefore not considered reasonable or commensurate with community expectations.

Accordingly, the proposed development does not appropriately manage its impacts on adjoining land uses and does not sufficiently demonstrate how these adverse impacts will be avoided or minimised. When considered cumulatively, the excessive site cover, inadequate setbacks and reduced building separation produce a built form outcome that is inconsistent with the intent of the High density residential zone and the Kangaroo Point Peninsula neighbourhood plan, and does not represent an appropriate development response for the site.

Summary

.... have significant concerns for the unacceptable impacts caused by the development application. This submission sets out multiple grounds which support refusal of this development application. Importantly, the development application does not comply with the relevant assessment benchmarks of the City Plan and there are no reasonable grounds or relevant matters to support the approval of the proposed development despite the conflicts.

The proposed development fails to respond to the intent of the High density residential zone and the Kangaroo Point Peninsula neighbourhood plan, and does not adequately manage its impacts on adjoining properties, the public realm and broader locality. In particular, the excessive building height, substantial site cover, inadequate setbacks and reduced building separation distances result in a development of an excessive bulk and scale that significantly deteriorates the iconic views of the Story Bridge.

Any contribution to housing supply during the ongoing housing crisis must be weighed against these conflicts. The applicant's own Town Planning Report characterises the proposed development as comprising "luxury" apartments, quoting its traffic consultant's statement that prospective buyers expect "a minimum of 2 parking spaces for a 3-4 bedroom luxury apartment". The Town Planning Report also describes the units as a "typical detached dwelling floor plan in unit form". Accordingly, thirteen large, high-value dwellings do not provide the diversified housing supply the applicant relies on, and they do not constitute a benefit sufficient to outweigh the significant conflicts with the planning scheme.

Accordingly, the development application should be refused by Council. We request that these concerns are carefully considered in the assessment of the development application.

Kind Regards,

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