Outlook

SUBMISSION IN OPPOSITION Development Application A006908849: 68 Browning Street, South Brisbane

From
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To CPEDS-DS-PlanningSupport <CPEDS-DS-PlanningSupport@brisbane.qld.gov.au>

1 attachment (304 KB)
68 Browning St Submission 20260421 (CWZ).pdf;

Please find submission attached.

Regards,

SUBMISSION IN OPPOSITION

Development Application A006908849

68 Browning Street, South Brisbane

Multiple Dwelling with Basement Car Parking

Submitter Details

Date: 21 April 2026

This submission opposes the proposed development of a ten-storey plus rooftop terrace multiple dwelling development at 68 Browning Street, South Brisbane on multiple grounds outlined below, including:

1) Height, Bulk & Scale
2) Overlooking and Privacy
3) Heritage Impacts
4) Acoustic Impacts
5) Amenity Impacts, Planting & Landscaping
6) Traffic, Access & Parking Impacts
7) Child Safety & Welfare Impacts
8) Infrastructure & Engineering Code Non-Compliance

Ground 1: Height, Bulk & Scale

The subject site is within the Boundary and Vulture Precinct (NPP-003) of the South Brisbane Riverside Neighbourhood Plan. The Neighbourhood Plan requires that development:

- Respects the scale and character of heritage places
- Provides appropriate transition to lower-scale development
- Maintains the streetscape character of established areas

The proposed development fails to comply with the following specific provisions of the South Brisbane Riverside Neighbourhood Plan Code (Section 7.2.20):

1.1 Building Height Non-Compliance

Acceptable Outcome AO1.1 of the Neighbourhood Plan Code prescribes a maximum building height of six storeys for sites in the Boundary and Vulture Precinct (NPP-003). The proposed development represents a 67 per cent exceedance above the Acceptable Outcome (ie 4 levels over the permitted 6 levels).

Performance Outcome PO1 requires that building height is consistent with the anticipated scale and intensity of development for the precinct. A ten-storey building in a precinct where the Acceptable Outcome is six storeys, and where the surrounding built form is predominantly one and two storeys, cannot reasonably be characterised as consistent with the anticipated scale.

The exceedance is not marginal — it is a fundamental departure that changes the character of the development from a mid-rise building to a high-rise tower in a low-scale residential streetscape.[1]

Council has taken proactive measures to support the delivery of housing in the catchment via the Kurilpa Sustainable Growth Precinct Temporary Local Planning Instrument ("TLPI)", which substantially increases development densities.

It is through these considered measures that Council should support additional height and scale for housing supply, and not via the approval of development applications which grossly exceed the prescribed Neighbourhood Plan Code. The site at 68 Browning Street does not fall within Council's TLPI catchment and should not be permitted to exceed the parameters within Council's own planning scheme for the site.

1.2 Building Bulk and Scale

The High Density Residential Zone Code (Section 6.2.3.2) requires that built form:

1. Is setback from side and rear boundaries to protect the amenity of adjoining users
2. Has varying site cover to reduce building dominance and provide areas for landscaping
3. Provides transition in building height to adjacent lower-scale development

A 37.6-metre building immediately adjacent to a two-storey heritage timber residence fails to provide an appropriate transition in scale. The three-metre side setback does not adequately protect the amenity of the adjoining childcare use, which requires greater protection than a typical residential neighbour.

The scale disparity is illustrated by the applicant's Building Height Analysis section drawings which confirms the proposed building reaches RL +47.1 metres at the rooftop level and RL +51.6 metres at the top of the lift overrun structure. The adjoining heritage place Tolarno at 118 Vulture Street sits at RL +19.16 metres, and the neighbouring dwellings along Browning Street range from RL +17.5 metres (64 Browning Street) to RL +22.7 metres (16 Besant Street). The proposed development will therefore rise approximately 28 to 30 metres above the ridgeline of its immediate neighbours — a difference equivalent to a further nine to ten storeys above the existing streetscape datum.

The submitters note that the revised plans lodged with the IR Response on 2 April 2026 have materially increased the building height from 34.5 metres in the original application to 37.6 meters — an increase of 3.1 metres — and have added an additional storey to the building. The building has grown taller, not shorter, since the original application. This is the opposite of the design response that Council's Information Request contemplated.

The 110 Vulture Street development, at RL +36.7 metres, is the tallest building currently under construction in the immediate vicinity and would itself be exceeded by the proposed development (RL 47.1 meters at the rooftop and RL 51.6 meters at the top of the structure)

[1] South Brisbane Riverside Neighbourhood Plan Code, Section 7.2.20, AO1.1.

by approximately ten to fifteen metres. The applicant's building will tower over every structure currently existing in its immediate setting.[2]

1.3 Setback Non-Compliance

The proposed side setbacks of three metres above ground level falls below the five-metre Acceptable Outcome AO4.2 for habitable room windows facing side boundaries, and further the front setbacks to Browning Street do not comply with Table 9.3.14.3.C of the Multiple Dwelling Code, which requires six-metre setbacks to balconies for buildings of this height.

These setback deficiencies are compounded by the sensitive nature of the adjoining land uses. Where a development exceeds the height Acceptable Outcome by 67 per cent, the expectation under the performance-based framework is that increased setbacks, not reduced setbacks, would be required to manage the additional bulk, overlooking, overshadowing, and amenity impacts. The proposed development simultaneously exceeds height limits and fails to meet setback requirements — the opposite of the design response that the Neighbourhood Plan contemplates.

1.4 Heritage & Childcare Centre Interface

The sensitive nature of the adjoining childcare use and the heritage significance dictate that increased setbacks should be required to provide an appropriate interface.

The Community Facilities Code recognises that childcare centres require protection from incompatible development - the same principle should apply to development adjoining existing childcare centres.

The applicant's IR Response proposes a "terraced/stepped fence wall comprising a composition of solid elements and framed screening battens" along the southern boundary, together with a "textured wall treatment" to the retaining wall section adjacent to the car parking ramp, and a reduction of the boundary wall thickness from 750mm to 350mm.

These are cosmetic treatments to the surface appearance of the boundary wall — they do not increase the actual setback distance between the building and the childcare centre/heritage place.

The boundary wall itself remains built to boundary at ground level, with the building setback of three metres commencing only at Level 01. Reducing the wall thickness by 400mm does not constitute an increased setback — it merely provides 400mm of additional clear air between the wall face and the property boundary.

The textured treatment and screening battens may marginally improve the visual presentation of what is, fundamentally, a blank wall rising from ground level adjacent to a heritage place and a childcare centre where 86 children play outdoors daily.

The five-metre setback specified in AO4.2 should apply.

1.5 Overshadowing:

The applicant's IR Response includes a Shadow Study which further confirms our concerns regarding bulk and scale.

[2] Revised Architectural Plans, Plus Studio, Development Summary (Attachment B Part 9, received 02/04/2026); Elevations DA200–DA203 (Attachment B Part 9, Issues 3–6, March 2026). Original drawings DA110 and DA220 (App C) superseded by revised plans.

The winter solstice shadow diagrams (21 June) show that the proposed building casts shadows across the childcare centre's outdoor play areas and grounds throughout the morning and into the early afternoon.

At 9:00am on the winter solstice, the shadow extends across a substantial portion of the childcare site. The autumn equinox and spring equinox diagrams similarly show morning shadowing of the childcare grounds.

The Shadow Study also includes a comparison with a compliant six-storey building, which demonstrates that a code-compliant development would produce substantially less overshadowing of the childcare site.

This comparison undermines the applicant's case for the height exceedance, as it graphically illustrates the additional shadow impact that the four extra storeys impose on the adjacent childcare use.

Access to sunlight is critical for children's health, development, and wellbeing, and the National Quality Standard (Quality Area 3) requires that outdoor spaces maximise access to natural light. The Shadow Study confirms that the proposed development will deprive the childcare centre's outdoor play areas of direct sunlight during critical morning hours throughout autumn and winter — the very periods when children are engaged in outdoor play and when sunlight exposure is most limited.

This is an unacceptable amenity impact on a sensitive community facility.[3]

1.6 Overall Outcomes Not Met

The Overall Outcomes of the South Brisbane Riverside Neighbourhood Plan Code require that development in the Boundary and Vulture Precinct respects and responds to the character and amenity of the precinct, including its heritage places and established streetscape.

The code specifically requires that built form provides appropriate transition in height and scale to adjoining lower-intensity development and that development adjoining heritage places does not diminish their cultural heritage significance or setting. The proposed development fails each of these Overall Outcomes. It provides no transition whatsoever between the one and two-storey heritage context and the full ten-storey-plus-rooftop building height.

The cumulative effect of multiple non-compliances results in a development materially more intense than the outcome the Neighbourhood Plan contemplates for this location. The HDR1 zoning does not override the Neighbourhood Plan Code; it establishes the zone within which the Neighbourhood Plan's more specific and contextual provisions apply. Compliance with zoning alone is insufficient where the Neighbourhood Plan imposes additional, site-specific requirements that have not been met.

We further note that the rooftop terrace does not satisfy the Rooftop Garden definition in Schedule 1.2 of the City Plan. If the rooftop terrace is properly counted as a storey, the building is a ten-storey development in a six-storey Acceptable Outcome context — an exceedance that is difficult to justify under any reasonable reading of the performance

[3] Attachment B Part 12, Shadow Study: Winter Solstice (21 June 2026, 9am/12pm/3pm); Autumn Equinox (21 March 2026); Spring Equinox (23 September 2026); Summer Solstice (22 December 2026). Six-storey comparison shadows shown alongside proposed building shadows at each date/time.

outcomes, particularly in the immediate context of two local heritage places and an operating childcare centre.

Ground 2: Overlooking & Privacy

The Multiple Dwelling Code (Section 9.3.14) requires development to 'minimise direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices.' The notation explicitly states that 'siting and building separation is used to minimise privacy screening requirements.'

The proposed three-metre side setback to Tolarno is insufficient to address overlooking impacts.

2.1 Overlooking:

Nine storeys of residential apartments will create direct and persistent overlooking into outdoor play areas and into indoor spaces where children sleep, eat, are changed and engage in activities.

This creates serious child safeguarding concerns. The centre has a duty of care and regulatory obligation to protect children's privacy during intimate care routines. Permanent overlooking from the majority of apartments directly into areas where children as young as 6 weeks are being cared for is wholly unacceptable. Addressing this through modifications to the heritage building would itself cause harm to the heritage significance of Tolarno, effectively transferring the development's impacts onto the heritage place.

The applicant's IR Response introduces vertical screening elements to the south-eastern facade on Levels 01 to 04 only (the "typical lower levels"). This response is grossly inadequate. The screening does not extend to the north-eastern lower level apartments, nor Levels 05 through 09 and the unscreened rooftop terrace at Level 10, meaning that lower level apartments to the north, and five storeys of habitable apartments above the screened zone will retain unimpeded direct sight lines down into the childcare centre's outdoor play areas, and sleep rooms.

The rooftop terrace at Level 10 — which includes a communal pool, BBQ, and dining areas — remains entirely unscreened, providing the most elevated and comprehensive downward views into the childcare grounds. The applicant's own render "View from Childcare Playground" (DA230, received 2 April 2026) confirms that the screening treatment is limited to the lower portion of the building facade and does not address overlooking from the upper levels.

Additionally, the IR Response provides no specification of the screening material, openness ratio, or compliance with AO17.3 (which requires a maximum 25% openings with a maximum 50mm dimension). The proposed screening is a partial, underspecified measure that fails to resolve the overlook concern.[4]

The applicant's Landscape Concept Plans (Appendix D, LAUD ink, drawings SK003 to SK007) confirm that the landscape response to the childcare centre boundary provides no privacy screening. At all levels from Level 1 through to Level 9, the balcony planters facing

[4] Attachment B Part 1, IR Item 1b: "Vertical Screening elements have been introduced to the facade facing the neighbouring childcare building on typical lower levels (L01-04) where the building is adjacent to the outdoor play area"; DA230, Boundary Interface Sections — South, "Supporting Renders — Views from Childcare" (Views 01, 02, 03), received 02/04/2026.

the childcare centre contain only low groundcovers such as Aptenia cordifolia (350mm mature height) and Senecio mandraliscae (500mm mature height). No vertical screening, louvres, or opaque barrier detail is shown.

The overlooking impact is further exacerbated by the building's distinctive facade design. The applicant's Design Principles documentation (Appendix C, Plus Studio, Principle 06 — Built Form Articulation) describes "tilting walls" that "enhance articulation to sides as backdrop to heritage place," and the architectural renders confirm that the floor slabs and balcony edges cantilever outward at each level, progressively extending beyond the building's core footprint.

Furthermore the applicant's own Urban Context Report from Plus Studio p10 shows unobstructed views from windows as an adopted design intent, and the report clearly states that a key design driver for the project is to be "fully immersive" providing "a view to all". This is not an appropriate design response in the context of the site's surroundings and is of serious concern.

On the south-eastern face toward Tolarno, these cantilevered floor slabs have the effect of widening the viewing angle from each apartment and balcony, enabling residents at upper levels to look further down and across into the childcare centre's outdoor areas than a conventional flat-facade building at the same setback would permit.

What the applicant presents as an architectural design feature is, from the childcare centre's perspective, a privacy aggravator that compounds the already inadequate three-metre side setback.[5]

2.2 Risk of Unauthorised Photography and Recording:

The introduction of 31 permanently occupied apartments with direct sight lines into the childcare centre creates an ongoing risk of children being photographed or recorded by residents using smartphones, tablets, security cameras, or other recording devices from windows, balconies, and communal areas at all levels of the building.

Unlike construction workers who are present for a finite period, residential occupants will have 24-hour, year-round photographic and recording access to areas where children play, sleep, eat, and undergo care routines. This risk is particularly acute given the proximity of the proposed building — with only a three-metre side setback — and the elevated vantage points from upper storeys which would enable detailed photography even from a distance.

The centre cannot control the use of recording devices by neighbouring residents, and parents enrolling children are entitled to expect that their children will not be subject to surveillance or recording by unknown third parties. This permanent safeguarding risk has not been assessed or addressed in the application.

Ground 3: Heritage Impacts

3.1 Significance of Tolarno

[5] Design Principles, Plus Studio, Principle 06 (App C).

Tolarno (BCC Local Heritage Place ID: 1542) located at 118 Vulture Street, South Brisbane is a 1904 Queen Anne style residence of considerable heritage significance. The heritage citation identifies it as significant for:[6]

1. **Historical significance:** Reflecting South Brisbane's development as a prosperous inner-suburban precinct and its long association with medical practice from 1910 to 1970
2. **Rarity:** An intact example of a Queensland adaptation of the Queen Anne style
3. **Representative value:** Demonstrating key features of Federation-period domestic architecture through its tower, roof form, and verandah detailing[7]
4. **Aesthetic significance:** Its fine timber craftsmanship, complex roofline, and contribution to the established garden and streetscape setting

3.2 Deficiencies in the Heritage Impact Assessment

The Heritage Impact Assessment prepared by Pendergast Architects contains the following deficiencies:

1. **Narrow interpretation of PO16:** The report focuses exclusively on whether views 'from the public realm' are impaired. However, PO16 of the Heritage Overlay Code requires that development 'does not impair the views of the heritage place' without limiting this to public views only.

   The proposed development will fundamentally alter how the heritage place is experienced, creating a dominant backdrop that diminishes the reading of Tolarno's architectural form and scale.[8]

2. **Inadequate setting analysis:** The report acknowledges Tolarno's aesthetic significance includes its 'corner prominence and mature landscape setting' yet fails to adequately assess how a 37.6-metre building immediately adjacent will impact this setting.

   The current side setback is grossly insufficient to maintain appropriate separation from a two-storey heritage timber dwelling.[9] The development is not designed to be sensitive to nor transition towards 118 Vulture Street, as required pursuant to the High Density Residential Zone Code.

3. **Assessment confined to public realm views:** The Heritage Report limits its assessment to PO16 (views from publicly accessible footpaths) and expressly disclaims any broader assessment. It does not assess the Overall Outcomes of the Heritage Overlay Code, which require that development does not detract from the cultural heritage significance of the heritage place, maintains its setting, and is compatible with its scale, form, and character.

   The view corridor analysis at Figures 20 and 21 show a diminishing view line from Browning Street towards Tolarno post construction of the proposed development, and the Figures are based on selectively chosen vantage points and narrow sight lines that do not represent the full range of publicly accessible viewpoints from which the heritage places are experienced.

   The analysis considers only whether Tolarno’s turret remains partially visible from specific locations on the street — it does not assess the experience of the heritage

[6] Heritage Report, Pendergast Architects, Section 2 (App G), p. 5.
[7] BCC heritage citation (2011; revised 2020), reproduced in Heritage Report (App G), p. 5.
[8] Heritage Overlay Code, Section 8.2.3.2, PO16; Heritage Report (App G), Appendix A.
[9] Heritage Report (App G), p. 5, Statement of Significance.

place from broader perspectives, including views from further along Browning and Vulture Streets where a ten-storey-plus-rooftop building rises immediately behind a two-storey heritage residence will dominate the visual field.

A truly representative assessment would include wider contextual views showing the full impact of a 37.6-metre building as a dominant backdrop that fundamentally alters how the heritage place is experienced in its setting.

The report also notes that the childcare centre's adaptive reuse has 'adjusted the site's boundary treatment and reduced aspects of its former garden setting' — effectively seeking to diminish the heritage significance of Tolarno to justify the proposed development's impacts.

The Heritage Report's description of Tolarno at Section 2 confirms its significance under four heritage criteria — Historical (Criterion A), Rarity (Criterion B), Representative (Criterion D), and Aesthetic (Criterion E) — and confirms that its significance is expressed through 'its corner prominence and mature landscape setting along Browning and Vulture Streets'.

A ten-storey building (plus rooftop terrace at Level 10) with a 37.6-metre height and inadequate side setback from this heritage place cannot reasonably be said to maintain the corner prominence, landscape setting, or streetscape contribution that the Heritage Report itself identifies as significant.[10]

4. **Historical connection ignored:** The Heritage Report reveals at Section 3 that the house at 68 Browning Street was constructed between 1913 and 1914 following mortgages totalling £1,600 taken out by Charles Ernest Collins — a member of the same Collins family for whom dental surgeon Charles Collins built Tolarno in 1904.

   The Heritage Report dismisses this connection by noting that the house 'is not protected under the Traditional Building Character Overlay and is not subject to demolition protections'. However, the absence of formal heritage listing does not negate the historical significance of this familial and geographic connection.

   The fact that the Collins family built both Tolarno and the house at 68 Browning Street within a decade of each other reinforces the historical development pattern of this part of South Brisbane and strengthens the case for respecting the streetscape context in which Tolarno sits.[11]

5. **Dismissal of streetscape impacts:** The demolition of 'Bokhara', the 1913–1914 Collins-era dwelling at 68 Browning Street which features a distinctive cupola and shares direct historical connections with the adjoining heritage place Tolarno, and its replacement with a ten-storey-plus-rooftop contemporary building, will permanently alter the streetscape character of Browning Street in which Tolarno sits.

3.3 Non-compliance with Heritage Overlay Code

The Overall Outcomes of the Heritage Overlay Code (Section 8.2.3.2) require that development:

1 Does not detract from the cultural heritage significance of the heritage place
2 Maintains the setting of the heritage place

[10] Heritage Report (App G), pp. 13–15, Figures 20 and 21.
[11] Heritage Report (App G), Section 3, p. 7; QLD Titles Ref: 10472210.

3 Is compatible with the scale, form, and character of the heritage place

A ten-storey building (plus rooftop terrace at Level 10) with a 37.6-metre height immediately adjacent to a double-storey Federation-era timber residence cannot reasonably be considered compatible with its scale, form, and character.

The Heritage Report prepared by Pendergast Architects does not attempt to assess these Overall Outcomes, confining its analysis to PO16 view corridors from the public realm. This narrow scope of assessment is inadequate given that the Overall Outcomes are mandatory assessment benchmarks that apply to all development in the Heritage Overlay. The development fails to meet these Overall Outcomes.

Ground 4: Acoustic Impacts

4.1 Reverse Amenity — Acoustic Impacts on Future Residents:

The application does not address the reverse amenity implications of siting 31 residential apartments immediately adjacent to an established childcare centre. Childcare centres generate significant and sustained noise throughout the day from children playing outdoors, which is an inherent and necessary part of early childhood education and development.

Future residents of the proposed development, particularly those in apartments with balconies and windows facing the childcare centre at a setback of only three metres, will be exposed to this noise during all childcare operating hours (6:30am to 6:30pm, Monday to Friday).

There is a material risk that future residents will lodge noise complaints against the childcare centre, potentially resulting in regulatory action or operational constraints that would not have arisen but for the approval of the proposed development.

Planning tribunals in Queensland and other Australian jurisdictions have consistently held that the principle of reverse amenity requires new development to be designed to manage the impacts of existing lawful uses, not to impose constraints on those established uses after the fact.

The applicant has not provided an acoustic assessment addressing the impact of childcare-generated noise on the amenity of future residents, nor proposed any design measures such as upgraded glazing, sealed balconies, or acoustic barriers to manage this inherent land use conflict.

The absence of any reverse amenity assessment is a significant deficiency in the application that risks transferring the consequences of an inadequate design response onto the childcare centre’s ongoing operations.

4.2 Acoustic Impacts:

The introduction of 31 apartments immediately adjacent will increase ambient noise towards the childcare centre from air conditioning plant, resident activities on balconies, and general residential noise.

We note play and sleeping areas are positioned directly adjacent to the proposed development and acoustic impact flowing from the ten-storey apartment building needs to be adequately considered.

Ground 5: Amenity Impacts, Planting & Landscaping

5.1 Multiple Dwelling Code Non-Compliances

The applicant's Code Assessment (Appendix A, Mewing Planning Consultants) reveals multiple non-compliances and concessions under the Multiple Dwelling Code (Section 9.3.14) that are material to the amenity and planning merit of the proposal:

Vehicle access width exceeds maximum (AO33.1): The applicant acknowledges that the vehicle access comprises 33 per cent of the Browning Street frontage width, exceeding the 30 per cent maximum prescribed by AO33.1. The applicant characterises this as a "minor alternate outcome of 0.3%." The exceedance is 3 percentage points, representing a 10 per cent departure from the acceptable outcome.

This non-compliance directly increases the width of the driveway crossover on Browning Street adjacent to the childcare centre, exacerbating the vehicle-pedestrian conflicts identified at Ground 6 of this submission.[12]

The architectural renders (Appendix C, Plus Studio, pages 35–36) further confirm that the building's ground-level treatment is dominated by an open porte-cochere vehicle accessway supported on pilotis, with the residential tower above cantilevered over the driveway entry.

This design creates a ground-level interface to Browning Street that prioritises vehicle movement over pedestrian amenity and active frontage. Adjacent to an operating childcare centre where families with young children, including infants in prams and toddlers, walk along the Browning Street footpath, this vehicle-dominated ground plane is a poor design response that compounds the oversized crossover and increases the pedestrian safety risk.

Side boundary landscaping not met (AO28.2): The applicant concedes non-compliance with AO28.2, which requires a minimum 1.5-metre-wide landscape strip along side boundaries. The applicant proposes built-to-boundary walls on both sides and claims compliance via Performance Outcome PO28 on the basis that Level 01 planter boxes (1.5 to 3 metres wide) are provided above the boundary walls.

Elevated planter boxes on a podium level are not equivalent to ground-level landscape buffers. The adjoining heritage properties experience the ground-level interface. This departure is particularly egregious adjacent to Tolarno (118 Vulture Street), where the code's intent is to soften built form impacts on adjoining properties through ground-level landscaping.

The applicant's Landscape Concept Plans confirm this deficiency: Section A of drawing SK020 shows the south-eastern property boundary (Tolarno side) as a solid wall rising from ground level to Level 01, with planting commencing only at podium level in 1100mm-depth planters.

From ground level — which is the level at which the heritage building, children's outdoor play areas, and pedestrians on the adjoining property experience the boundary interface — the treatment is a blank wall, not landscaping. The IR Response proposes GRC (glass-reinforced concrete) planters with trellises for climbing plants along the southern boundary at ground level, adjacent to the visitor car parking area (as noted in the boundary interface section drawings, DA230).

While these planters represent an improvement over a bare wall, they are a retrofit treatment applied to a car parking area — not the 1.5-metre-wide continuous landscape strip that AO28.2 requires. The planters are narrow, located in a vehicle circulation zone, and their

[12] Code Assessment, Mewing Planning Consultants (App A), p. 38, AO33.1.

long-term maintenance is uncertain given their proximity to vehicular traffic. The fundamental non-compliance with AO28.2 remains.[13][14]

Deep planting calculation undermined by building overhang (AO29.2): The applicant claims 10.1 per cent deep planting against a 10 per cent minimum requirement, but simultaneously concedes that the deep planting areas are not 100 per cent open to sky, noting building overhang in "a small portion in each corner."

AO29.2(d) requires deep planting areas to be 100 per cent open to the sky. If portions are covered by building overhang, those areas should not be counted toward the deep planting calculation, which would likely reduce the figure below the 10 per cent minimum.

The Landscape Concept Plan ground level drawing (SK002) confirms this concern: the "BUILDING LINE OVER" shown in the legend visibly encroaches into the corners of the deep planting extent hatching, particularly at the Browning Street and Sorrento Lane frontages. The overlap between the building footprint and the claimed deep planting areas is graphically demonstrable from the applicant's own drawings.

Council's Information Request at Item 5 specifically required a revision to the front setback to provide a minimum 4-metre setback to the balcony at the Browning Street frontage to accommodate site frontage deep planting and large subtropical tree species. The revised plans (DA101, Level 01, Issue 12, dated 20 March 2026) show a front setback of 4 metres at Level 01 but the ground-level plan (DA100, Issue 11, dated 12 March 2026) retains a 3-metre setback to the building line at ground.

Additionally a five-six-metre setback to balconies is appropriate for a building of this height under Table 9.3.14.3.C of the Multiple Dwelling Code. The revised plans therefore still fall short of both Council's IR requirement.[15][16]

North-facing orientation not met (AO31.5): The applicant concedes non-compliance with AO31.5, which requires a minimum of 75 per cent of outdoor living areas positioned to the north or north-east. The applicant's justification — that the site's shape, size, and orientation constrain compliance — is an admission that the building footprint is too large for the site. A reduced building envelope or fewer units could achieve the acceptable outcome, indicating overdevelopment.[17]

5.2 Landscape Concept Plan

The Landscape Concept Plans prepared by LAUD ink (Appendix D, drawings SK001 to SK030) reveal deficiencies that compound the amenity and heritage concerns set out in this submission.

The applicant's IR Response includes a revised Landscape Concept Plan (LAUD ink, Rev C, dated March 2026) and a Landscape Maintenance Manual. The revised plans increase rooftop perimeter planter depths to a minimum of 800mm (with one 1200mm planter adjacent to the pool). However, these revisions do not address the fundamental landscape

[13] DA230, Boundary Interface Section 01 (Attachment B Part 5): "PROPOSE PROPRIETARY GRC PLANTERS WITH TRELLISES FOR CLIMBING PLANTS, TO PROVIDE A PLANTING BUFFER BETWEEN VISITOR CARS AND NEIGHBOUR CHILDCARE."
[14] Code Assessment (App A), pp. 29–30, AO28.2; Landscape Concept Plan Sections (App D), Drawing SK020.
[15] Attachment B Part 2, IR Item 5 (Council required 4m minimum setback to balcony at Browning Street frontage); DA101, Level 01, Issue 12, 20.03.2026 (4m setback shown at Level 01); DA100, Ground Level, Issue 11, 12.03.2026 (3m setback at ground); Gabba Ward Office submission, p. 2 (6m setback to balconies appropriate under Table 9.3.14.3.C for building of this height).
[16] Code Assessment (App A), p. 31, AO29.2.
[17] Code Assessment (App A), p. 36, AO31.5.

deficiencies identified below, which relate to the ground-level boundary interface with the heritage place and childcare centre — not to rooftop planting.

The revised Landscape Maintenance Manual is a generic operational document that does not address heritage-sensitive landscape design or the specific interface requirements of the childcare centre boundary. The core deficiency — the absence of any differentiated landscape treatment at the heritage/childcare boundary — persists in the revised plans.[18]

Heritage Overlay Code requires development to maintain the setting of heritage places, and the Multiple Dwelling Code requires impacts on adjoining properties to be mitigated through appropriate landscape responses.

Existing street tree removal: The ground level plan (SK002) confirms that an existing Cupaniopsis anacardioides (Tuckeroo) street tree will be removed for the proposed driveway crossover (annotation 5), and that a second existing Syzygium tree is noted as “NOT IN A GOOD CONDITION” and may also be removed (annotation 7). The loss of established canopy trees from the Browning Street frontage further diminishes the streetscape setting of the adjoining heritage places. Replacement plantings will not achieve equivalent canopy cover for at least ten years, during which time the heritage streetscape will be materially degraded.[19]

Podium planter viability: The Podium Planter Depth Summary Plan (SK010) shows that the Level 1 podium planters — which the applicant relies upon to satisfy AO28.2 side boundary landscaping via Performance Outcome — are predominantly 1100mm in depth. The proposed plant species schedule (SK030) includes shade trees such as Randia fitzalanii (Native Gardenia, 8 to 10 metres at maturity) and Ficus lyrata (Fiddle Leaf Fig, 5 metres at maturity) in these planters. Whether 1100mm of soil depth can sustain trees of this mature size long-term is a legitimate horticultural concern.[20]

No outdoor lighting design: The landscape plans contain no lighting design, no reference to Australian Standard AS 4282–2019 (Control of the obtrusive effects of outdoor lighting), and no notation regarding light spill management to the adjoining heritage properties or the childcare centre. Given the proximity of the development to sensitive receptors, the absence of any lighting assessment or design is a further deficiency that should be addressed before any approval is granted.

Ground 6: Traffic, Access & Parking Impacts

6.1 Existing Traffic Conditions

The childcare centre generates significant traffic during morning drop-off (6:30am–9:00am) and afternoon pick-up (3:00pm–6:30pm) periods. Parents with young children, including infants in capsules and toddlers in prams, require convenient, safe pedestrian and vehicle access with minimal conflict with other vehicles.

6.2 Development Impacts

The proposed development will generate additional traffic movements from 31 residential units with up to 50 car parking spaces across two basement levels and the ground level. The architectural drawings (Section A, DA220) confirm that the vehicle driveway entry to the

[18] Attachment D (Revised Landscape Concept Plan, LAUD ink, Rev C, March 2026); Attachment E (Landscape Maintenance Manual); Attachment B Part 2, IR Item 6 (rooftop planter depths increased to 800mm minimum, one 1200mm planter adjacent to pool).
[19] Landscape Concept Plan (Attachment D, LAUD ink, Rev C, March 2026), Drawing SK002 (Ground Level), annotations 5 and 7.
[20] Landscape Concept Plan (Attachment D, LAUD ink, Rev C, March 2026), Drawing SK010.

basement car parking is from Browning Street, directly adjacent to the childcare centre's Browning Street frontage.

The childcare centre's primary access is from Vulture Street, with secondary access from Browning Street and Sorrento Lane. The intensification of vehicle movements on Browning Street from residents, visitors, and service vehicles entering and exiting the basement driveway will create direct conflict with pedestrian movements of families with young children along the Browning Street footpath.

During construction, heavy vehicle traffic will also utilise Sorrento Lane at the rear, further compounding impacts on the childcare centre and the heritage place Sorrento. The combined impact on Browning Street, Sorrento Lane, and the surrounding street network will:

1 Create conflict between residential traffic and parents transporting children
2 Reduce safety for children being walked to and from vehicles
3 Increase congestion during peak childcare periods
4 Create construction traffic conflicts during the build phase

6.3 Construction Traffic

Construction of a ten-storey building with basement parking will require significant heavy vehicle movements including concrete trucks, piling rigs, cranes, and delivery vehicles. The applicant's Code Compliance Report (Alto Consulting Engineers, B26-067) confirms a total excavation volume of 5,176 cubic metres, equating to approximately 345 truckloads or 690 heavy vehicle movements for earthworks alone, before accounting for concrete deliveries, piling rigs, and other construction traffic.

The report further acknowledges that Acceptable Outcome AO10 of the Filling and Excavation Code, which limits heavy truck haulage to a maximum of three weeks, will not be met.

Given the excavation volume, haulage is likely to extend over many weeks or months. These movements during childcare operating hours present safety risks and will disrupt the operation of the centre. The application does not include a Construction Management Plan addressing how construction traffic will be managed to protect the safety of parents and children at the adjacent childcare centre.

6.4 Deficiencies in the Applicant's Traffic Engineering Report

The Traffic Engineering Report (TER) prepared by Modus Transport and Traffic Engineering (dated 21 November 2025) contains deficiencies:[21]

The applicant's IR Response includes a Waste Management Letter by Modus responding to Council's refuse collection queries. The revised plans relocate the MRV loading zone to the exit side of the driveway and adjust the crossover to fall within the projected property boundaries. However, neither the Waste Management Letter nor any other document in the IR Response addresses the fundamental deficiency of the original TER: the complete failure to acknowledge the existence of the adjacent childcare centre.

The Waste Management Letter, like the original TER, contains no reference to Cottage Grove Early Learning, no assessment of pedestrian conflict risk with families and young children during refuse collection manoeuvres, and no consideration of the timing of refuse

[21] Traffic Engineering Report, Modus Transport and Traffic Engineering, 21 November 2025 (App E).

collection relative to childcare operating hours. The relocation of the MRV loading zone does not resolve this omission.[22]

Multiple non-compliances dismissed as "fit for purpose": The TER identifies multiple non-compliances with the TAPS PSP including: the driveway crossover width for service vehicles (6.6m proposed versus 7.0m required); queuing provision of only one car length versus the required two car lengths (12m); sight distance not met on the southern approach; ramp gradients exceeding the maximum (1:5 proposed versus 1:6 maximum); and height clearance below the 2.3m requirement in some areas.

Each non-compliance is individually dismissed with qualitative justifications rather than quantitative evidence. The cumulative effect of these multiple departures from the design standards has not been assessed.

The queuing deficiency is particularly concerning given that vehicles waiting to enter the single-lane ramp system will queue back onto Browning Street, directly adjacent to the childcare centre frontage, during peak periods when parents and children are using the footpath.[23]

Untested single-lane ramp arrangement: The TER proposes a two-way, one-lane ramp arrangement controlled by infra-red sensors and signalised hold points across all three parking levels.

This arrangement requires vehicles to wait at hold points for the ramp to clear before proceeding. The TER acknowledges this system will require "relevant inductions and training documents" for residents, which itself suggests the arrangement is not intuitive or safe for everyday residential use.

The TER provides no modelling of the queuing and delay implications of this single-lane system during peak periods when multiple vehicles are simultaneously entering and exiting across three levels. When this internal queuing system fails — whether through sensor malfunction, driver confusion, or peak-period overload — vehicles will queue back through the single 9-metre queuing provision onto Browning Street, creating safety conflicts with pedestrians, cyclists, and childcare traffic.

Service vehicles reversing from Browning Street: The TER proposes that refuse collection vehicles (RCVs) and medium rigid vehicles (MRVs) will access the site by reversing from Browning Street into the driveway, temporarily standing on the driveway, and exiting in forward gear.

The applicant's IR Response states that the MRV has been "relocated to the exit side of the driveway" and the crossover adjusted. However, the revised swept path analysis must still demonstrate that the service vehicle can complete its manoeuvre without conflicting with the traffic calming island and painted chevron in front of the lot, as specifically required by Council's IR Item 7.[24]

This reverse manoeuvre from a public street across a footpath used by parents with young children — including infants in prams and toddlers on foot — is wholly unacceptable adjacent to a childcare centre.

The TER's swept path analysis confirms this is a tight manoeuvre requiring the full width of the driveway. Any refuse collection or delivery vehicle reversing across the Browning Street footpath during childcare operating hours (6:30am–6:30pm Monday to Friday) creates an

[22] Attachment C (Waste Management Letter, Modus, 25 March 2026), cover page: prepared by Yuri Suzuki (Undergraduate Waste Engineer), approved by Arthur Stamatiou (Senior Traffic and Waste Engineer). Received by BCC 27/03/2026.
[23] Traffic Engineering Report (App E), p. 9, Table 5-3.
[24] Attachment B Part 1, IR Item 7: "The MRV has been relocated to the exit side of the driveway. The crossover has been amended and is now located wholly within the projected property boundaries."; Attachment C, Appendix C (Swept Path Analysis).

immediate and serious risk to children's safety. The TER makes no reference to this risk because it fails to acknowledge the childcare centre's existence.

6.5 Browning Street and Vulture Street Intersection Impacts

The proposed driveway is located only 10.5 metres from the Browning Street/Vulture Street intersection — a priority-controlled T-intersection where Browning Street meets a district road carrying two to four lanes of traffic. The TER acknowledges that sight distance is not met on the southern approach but dismisses this deficiency by asserting that the proximity to the intersection "naturally reduces vehicle speeds." This is a speculative assertion unsupported by any speed survey data.

The Browning Street/Vulture Street intersection is the primary access point for families travelling to and from the childcare centre by car from the east and south.

The proposed development's basement driveway, located between the childcare centre and this intersection, will create a new vehicle conflict point in the precise location where childcare traffic turns into and out of Browning Street.

The TER's assertion that the development "does not constitute a major development" and generates only "one vehicle movement every 5 minutes" fails to account for the tidal nature of residential traffic (concentrated departures in the morning peak and arrivals in the evening peak) coinciding precisely with childcare drop-off and pick-up periods.

The intersection of Browning Street and Vulture Street is a priority-controlled T-intersection where vehicles from Browning Street must give way to Vulture Street traffic.

During peak periods, delays at this intersection cause vehicles to queue back along Browning Street. The proposed development's driveway, located only 10.5 metres from this intersection, will be directly affected by this queuing. Vehicles unable to enter the basement due to the single-lane ramp system, or waiting for gaps in Vulture Street traffic to exit, will further compound queuing on Browning Street.

The Modus report confirms there are no planned road upgrades in the vicinity. The local road network will therefore be required to absorb all additional traffic from the proposed development and the multiple surrounding developments without any capacity improvements.

6.6 Cumulative Traffic Impacts from Surrounding Development

The TER assesses the traffic impacts of the proposed development in isolation, without any consideration of the cumulative traffic generation from other approved and proposed developments in the immediate vicinity.

The South Brisbane Riverside precinct is undergoing unprecedented intensification, with multiple major development applications either approved, under construction, or pending assessment in the streets surrounding the childcare centre. Developments of particular relevance include:

1 41 Edmondstone Street — multi-storey residential development currently under construction immediately to the rear of the childcare centre, already generating significant construction traffic on Edmondstone Street, Sorrento Lane, and surrounding streets;
2 37–39 Browning Street — a proposed residential development comprising 65 apartments on the same street as the subject site, which would generate further traffic on Browning Street via three proposed crossovers;
3 9 Edmondstone Street (Arena) — twin residential towers comprising 191 apartments with pedestrian access to Browning Street, generating additional traffic on the surrounding road network;

4 190 Melbourne Street / 14 Edmondstone Street — Aria Property Group's proposed three-tower development of 24, 40, and 50 storeys comprising 678 apartments and 216 hotel rooms, which would represent the most significant traffic generation source in the precinct;
5 20–24 Edmondstone Street — a proposed 12-storey residential tower adding further density to the immediate precinct.

The combined traffic generation from these developments, together with the proposed 31 apartments at 68 Browning Street, will impose a transformative increase in vehicle movements on the local road network surrounding the childcare centre.

Browning Street is classified as a neighbourhood road — a two-lane, undivided street with on-street parking. It was never designed to accommodate the traffic volumes that will be generated by multiple high-density residential developments simultaneously accessing the street.

Ground 7: Child Safety & Welfare Impacts

Cottage Grove Early Learning operates a licensed childcare centre accommodating 86 children daily, including infants as young as 6 weeks old. The centre operates Monday to Friday, 6:30am to 6:30pm.

Children utilise outdoor play areas immediately adjacent to the shared boundary with 68 Browning Street throughout the day.

7.1 Construction Phase Risks

The construction of a ten-storey building with two basement levels immediately adjacent to an operating childcare centre presents unacceptable risks:

1. **Excavation and Piling:** Two basement levels require significant excavation. The applicant's Code Compliance Report (Alto Consulting Engineers, B26-067) confirms a total cut volume of 5,176 cubic metres to a depth of 6.5 metres. This equates to approximately 345 truckloads of excavated material requiring removal from the site, or approximately 690 heavy vehicle movements through the streets immediately adjacent to the childcare centre.[25]

   Piling and excavation activities generate intense noise and vibration that will be distressing to infants and young children, disrupt sleep patterns for children in care, and create an unsuitable learning environment. It is important that a Construction Management Plan strictly regulate noisy works to ensure that any rock breaking, piling or excavation works are limited to specific times of the day and outside of sleep and rest periods.

2. **Construction Noise — Impact on Children's Sleep and Rest:** Infants and toddlers require scheduled sleep and rest periods throughout the day, typically between 11:00am and 2:00pm, as a fundamental part of their care routine.

   Regulation 81 of the Education and Care Services National Regulations requires the approved provider to take reasonable steps to ensure the sleep and rest needs of children are met having regard to their ages, development stages, and individual needs.

[25] Code Compliance Report (App H), Drawing C-202 — Filling and Excavation Layout.

Element 2.1.1 of the National Quality Standard requires that each child's wellbeing and comfort is provided for, including appropriate opportunities for sleep, rest, and relaxation. Regulation 84C (in force since 1 October 2023) requires approved providers to conduct sleep and rest risk assessments at least annually and as soon as practicable after becoming aware of any circumstance that may affect the safety, health, or wellbeing of children during sleep and rest.

Construction of a ten-storey building with two basement levels immediately adjacent to the centre will generate sustained high-intensity noise from rock breaking, piling, concrete pumping, steel fixing, formwork construction, and crane operations throughout the full duration of the childcare operating day, including during children's designated rest periods.

The noise levels associated with these activities — particularly rock breaking and piling during the basement excavation phase — will make it impossible for the centre to provide the quiet, restful environment that the regulations require.

The centre will be unable to meet its obligations under Regulation 81 during periods of intense construction noise, placing its regulatory compliance and assessment and rating at risk through no fault of its own.

No construction noise assessment has been provided with the application. No noise monitoring or mitigation measures have been proposed. The applicant has made no assessment of the impact of construction noise on the adjacent childcare centre's ability to meet its regulatory obligations for children's sleep and rest.[26][27][28]

3. **Crane Operations:** Tower crane operation directly over or adjacent to areas where children play raises serious safety concerns. A construction management plan, with methodologies relating to the appropriate use of a tower crane, and which does not overhang the Cottage Grove Early Learning Centre should be submitted.

4. **Dust and Air Quality:** Construction dust, particularly from excavation and concrete works, poses respiratory health risks to young children whose developing lungs are particularly vulnerable. A construction management plan should outline methodologies to reduce any risk of dust flow from excavation and construction.

5. **Privacy During Construction:** Workers at height on scaffolding and building levels will have direct sight lines into areas where children are being cared for, including sleeping, or engaged in activities.

   The childcare centre is required under the Education and Care Services National Regulations to maintain children's dignity and privacy during personal care routines.

   Construction workers at various levels of a ten-storey build will have persistent and unavoidable visual access into these sensitive areas over a construction period. This represents an unacceptable child safeguarding risk that will make compliance with the centre's regulatory obligations under the National Quality Framework significantly more onerous and may jeopardise the centre's ability to maintain its current assessment and rating.

[26] National Quality Standard, Quality Area 2 — Children's Health and Safety, Element 2.1.1.
[27] Education and Care Services National Regulations 2011 (Cth), reg 84C (commenced 1 October 2023).
[28] Education and Care Services National Regulations 2011 (Cth), reg 81.

No measures have been proposed by the applicant to address this fundamental concern.

Ground 8: Infrastructure & Engineering Code Non-Compliance

The Code Compliance Report prepared by Alto Consulting Engineers (Report B26-067, dated 31 January 2026) assesses the proposal against the Infrastructure Design Code (Section 9.4.4), Filling and Excavation Code (Section 9.4.3), and Stormwater Code (Section 9.4.9) of Brisbane City Plan 2014. The submitters have reviewed this report and identify the following deficiencies and non-compliances that directly compound the concerns raised in the preceding grounds of this submission.

8.1 Excavation Scale and Earthworks Non-Compliance

The Alto report confirms a total cut volume of 5,176 cubic metres to a depth of 6.5 metres to accommodate two basement levels. The report acknowledges that Acceptable Outcome AO1 of the Filling and Excavation Code (which limits fill and excavation to 1 metre above the original ground level) is not met.

The report claims compliance via Performance Outcome PO1 by arguing that visual impact will be eliminated once construction is complete. However, this assessment entirely ignores the construction-phase impacts of excavating and removing 5,176 cubic metres of material from a site immediately adjacent to an operating childcare centre and a heritage timber building.

At an estimated 15 cubic metres per truck, this volume equates to approximately 345 truck loads, or approximately 690 heavy vehicle movements (loaded and return) through the streets immediately surrounding the childcare centre.[29] A construction management plan is required to regulate the safe operation of construction activities, minimise disruption and manage site risks.

8.2 Heavy Vehicle Haulage Non-Compliance

Acceptable Outcome AO10 of the Filling and Excavation Code limits the duration of heavy truck haulage for material placement or removal to a maximum of three weeks. The Alto report acknowledges that this acceptable outcome will not be met. Given the volume of 5,176 cubic metres to be excavated, the haulage period will far exceed three weeks.

The report attempts to satisfy Performance Outcome PO10 by proposing a traffic management plan, but as far as we can see no such plan has been provided with the application.

8.3 Absence of Vibration Impact Assessment

In relation to vibration impacts from construction, the Alto report states (PO9, PO22 of the Infrastructure Design Code, and AO9 of the Filling and Excavation Code) that the "Contractor to propose appropriate machinery." This is not an assessment.

The proposal involves excavation of 6.5 metres depth and piling works immediately adjacent to two sensitive variables that require specific and detailed vibration assessment: first, Tolarno, (118 Vulture Street, South Brisbane) a 120-year-old heritage timber building whose structural elements including stumps, bearers, joists, and weatherboard cladding are inherently susceptible to vibration damage; and second, a childcare centre accommodating 86 children including infants as young as 6 weeks, for whom sustained vibration during rest periods is a direct welfare concern.

[29] Code Compliance Report (App H), p. 19, PO1 (Filling and Excavation Code); Drawing C-202.

The absence of a vibration impact assessment is a fundamental deficiency in the application. It is not acceptable for the applicant to defer vibration management to an unknown future contractor without first establishing the baseline condition of adjacent structures and identifying the vibration limits that must be observed to protect both the heritage building and the children in care.

8.4 Rock Anchors and Sub-Surface Encroachment

The Alto report notes at PO3 that temporary rock anchors “may be required” to provide retention during excavation and that “consent from adjoining property owners would be sought” if such anchors extend beyond the site boundary.

Tolarno, (118 Vulture Street, South Brisbane) directly adjoins the subject site and any rock anchors extending beneath the land would be installed directly beneath the heritage building Tolarno.

The potential for sub-surface encroachment into land beneath a heritage timber structure has not been assessed, no geotechnical report has been provided (the report references the geotechnical report as “TBC” at the earthworks plan), and we have not been consulted. We reserve our position regarding consent.

Conclusion

This submission demonstrates that the proposed development fails to adequately address multiple grounds of concern.

The cumulative effect of the deficiencies identified in this submission is a development that, if approved in its current form, would cause irreversible harm to a heritage place of local significance, an unacceptable and ongoing risk to the safety, welfare, and privacy of 86 children in daily care, and a precedent for further intensive development that would render the Neighbourhood Plan’s height, setback and multiple other provisions meaningless.

The applicant’s IR Response (received 2 April 2026) has not materially altered this assessment, but has in fact worsened it in many respects.