RE: Proposed development: 11A, 13, 15, 17 and 19 Chester Street and 1A, 3, 3A and 5 Morse Street, Newstead

I am writing to object to Development Application A007083208.

I am a resident of the substantially smaller residential building immediately adjoining the development site. I appreciate that Newstead is a high-density inner-city area, that the area will continue to develop, and that this particular site is suitable for substantial redevelopment. My objection is not to any of those things.

Rather, my concern is that the proposal before Council represents an excessive intensification of this particular site – most obviously through its proposed height of up to 35 storeys – and does not adequately respond to its immediate context or the amenity of existing adjoining residents.

The public notice identifies a proposal for 173 dwellings, together with a bar, food and drink outlet, indoor sport and recreation, office and shop uses, with the accompanying material identifying a maximum building height of 35 storeys. Council's Development.i record confirms that the application is impact assessable and is presently undergoing public notification.

The Brisbane City Plan 2014 expressly provides the planning framework against which development in Brisbane is assessed, including through applicable zones, overlays, neighbourhood plans and development codes. The Newstead and Teneriffe waterfront neighbourhood plan provides the finer-grained planning framework for this part of Newstead.

The overall outcomes of that neighbourhood plan contemplate the continued transition of the area to a mix of residential, commercial and recreational activities. I do not dispute that outcome. However, the same planning framework also provides that development is to be of a height, scale and form consistent with the intended amenity and character, community expectations and infrastructure assumptions of the relevant precinct, sub-precinct or site.

Of particular significance, the neighbourhood plan expressly contemplates greater height, scale and form where there is both a community need and an economic need for that development.

In my view, that requirement should be given meaningful weight in assessing this application.

There is an obvious economic benefit to a developer in obtaining approval for a substantially larger development. There is also a general community benefit associated with increasing housing supply

in an appropriate location. Neither proposition, however, establishes that a 35-storey building on this particular site represents the appropriate planning outcome.

The question should therefore not simply be whether additional density in Newstead is desirable. It should be **why the degree of additional height, bulk and density proposed here is necessary and appropriate having regard to this particular site and its immediate surroundings**.

I do not consider that the proposal, as presently put forward, adequately answers that question.

The planning history of the site is particularly relevant.

The development approved immediately before the present proposal involved two towers of approximately 15–16 storeys. Contemporary reporting of that approval records approximately 70 apartments and three terrace homes. The plans lodged for that earlier development also identify substantial building-separation and setback arrangements.

The present application instead proposes **35 storeys and 173 apartments**, in addition to substantial non-residential uses.

That is not a minor evolution of the previously contemplated development. It represents a fundamentally different proposition for the site.

I do not suggest that a subsequent landowner is bound by the design or scale preferred by a previous developer. Nor do I suggest that the existence of an earlier approval determines what Council can approve now.

It does, however, provide a useful and very practical point of comparison. It demonstrates that this site can accommodate significant redevelopment without requiring a 35-storey tower.

Against that background, I consider the proposed increase in height and intensity requires a compelling planning justification. The fact that a larger development is commercially attractive, or that its architecture is of a high standard, should not itself provide that justification.

Height cannot sensibly be considered separately from bulk, separation and amenity.

The Commercial Road precinct provisions are particularly relevant to this issue.

The performance outcomes for development in that precinct require development scale, height and design to be proportionate to the area and frontage of the site and to minimise amenity impacts on other properties and public areas in relation to sunlight, daylight and breezes. They also require existing and future buildings to be appropriately separated to permit light penetration, air circulation and privacy.

Importantly, the provisions also contemplate taller buildings adopting a more slender tower form to minimise the appearance of building bulk.

Those requirements should not be treated independently of one another.

A development might incorporate architectural articulation, landscaping and an attractive podium while still producing an unreasonable built-form relationship with an adjoining property because of the combined effect of its height, width, mass and separation.

That is particularly important here because the proposed tower would sit immediately beside an existing residential building of substantially smaller scale.

For those residents, the proposed building will not principally be experienced as an addition to the distant Newstead skyline. It will be experienced at close range.

Council should therefore assess the actual relationship between the proposed tower and the adjoining residential building, including the combined effect of its height, horizontal dimensions, setbacks and orientation, rather than treating compliance with any one design measure as resolving the broader amenity issue.

Building separation, daylight and sense of enclosure

I am particularly concerned about the practical effect of the development on access to natural light, daylight and the existing sense of openness for residents of the adjoining buildings

These concerns are directly reflected in the neighbourhood-plan provisions. The Commercial Road precinct performance outcomes expressly address amenity impacts concerning sunlight, daylight and breezes and require appropriate separation between buildings to provide for light penetration, air circulation and privacy.

These are precisely the issues raised by placing a 35-storey tower immediately adjacent to substantially smaller existing residential development.

I recognise that an existing resident does not have a right to preserve an unobstructed view across neighbouring land. That is not my objection.

There is a meaningful distinction between loss of a private view and the broader amenity consequences of introducing a building of this scale at close proximity – including reduced daylight, reduced openness, increased enclosure, privacy impacts and reduced air circulation.

I ask Council to scrutinise the proposal on that basis, including its shadow analysis and the actual tower-to-building separation experienced by adjoining apartments.

Privacy and overlooking

Privacy is a related concern.

The proposal would introduce 173 dwellings together with substantial communal facilities and non-residential uses. Publicly available information regarding the proposal records approximately 2,553m^2 of communal amenity in addition to 1,264m^2 of ground-floor commercial uses.

Again, the relevant issue should not simply be whether an individual balcony or window satisfies a particular numerical setback.

The practical question is whether the cumulative effect of a 35-storey building containing 173 residences, balconies and communal spaces immediately beside an existing residential building provides an acceptable degree of privacy.

This is particularly significant given that the neighbourhood plan itself expressly identifies privacy as one of the purposes served by appropriate building separation.

Council should therefore closely consider the orientation of habitable-room windows, balconies and communal spaces towards existing residences, together with the effectiveness of proposed screening and whether greater separation or reorientation is necessary.

Architectural quality does not resolve excessive scale

I acknowledge that considerable effort appears to have been directed towards the architectural design of the proposal.

That is a positive feature, but it does not resolve the underlying planning question.

A well-designed 35-storey building remains a 35-storey building.

Architectural articulation, landscaping and curved tower forms may reduce the *appearance* of bulk. They cannot eliminate the physical consequences of height and mass when experienced from an immediately adjoining residential property.

This distinction is particularly important given that the Commercial Road precinct provisions expressly contemplate tall buildings adopting slender tower forms which minimise the appearance of building bulk.

Council should therefore distinguish between whether the proposal is an attractive piece of architecture and whether the underlying building envelope represents an appropriate planning outcome for this site.

They are not the same question.

The intensity of the development extends far beyond its residential component

The proposed development is also materially more intensive than its dwelling count alone suggests.

The application includes a bar, food and drink outlet, indoor sport and recreation, office and shop uses. Council's own application record confirms that mix of uses. Published information regarding the proposal also identifies 367 car parking spaces and 228 bicycle spaces.

Mixed-use development is entirely unsurprising in Newstead, and I do not object to it in principle.

However, those uses materially affect the intensity with which this particular site will operate. They generate patron movements, deliveries, waste collection, servicing, mechanical plant, rideshare activity and potentially evening noise in addition to movements associated with 173 dwellings.

Council should therefore assess traffic, noise and servicing impacts on the basis of the development as a whole rather than treating its individual uses in isolation.

In particular, I ask Council to carefully consider whether Chester Street and Morse Street can appropriately accommodate the additional vehicle, delivery and servicing movements associated with development at this scale without unreasonably affecting existing residents and pedestrian amenity.

The public benefits should be assessed against the additional impacts being sought

I acknowledge that the proposal appears to include positive elements, including a new pedestrian connection through the site and activated ground-floor uses. Published material describes the proposed 'Silo Lane' as providing a pedestrian connection between Chester and Morse Streets.

Those benefits should properly be taken into account.

However, they should also be kept in proportion.

A pedestrian connection, landscaping and activated ground plane may represent desirable public-realm improvements. They do not necessarily justify a development approximately twice the height

of that previously approved for the site.

The relevant question is whether the **additional public benefit associated with the present proposal is commensurate with the additional height, bulk and intensity being sought**.

In my view, that case has not been demonstrated.

This is particularly important given the neighbourhood plan's express reference to community need where development seeks greater height, scale and form.

Council should be satisfied that the additional scale produces a genuine planning and community benefit, rather than principally enabling a substantially greater development yield.

Construction impacts

The scale of the proposal also means construction impacts on the immediately adjoining residential building will be substantial.

I accept that construction impacts are temporary and cannot, by themselves, justify refusing otherwise appropriate development.

However, excavation, piling, heavy vehicle movements, noise, vibration and dust associated with construction of a 35-storey building will occur immediately beside occupied residential premises and are likely to continue for a significant period.

If Council ultimately approves the development, I ask that stringent conditions be imposed regarding construction hours, dust suppression, construction traffic, noise and vibration monitoring and procedures for documenting and addressing damage to adjoining properties.

Conclusion

Newstead is a changing suburb. I live here with that understanding, and I do not consider that existing residents can reasonably expect surrounding land to remain undeveloped.

There is, however, a substantial difference between accepting development and accepting development at any scale.

The planning framework itself demonstrates that distinction. The Newstead and Teneriffe waterfront neighbourhood plan anticipates medium- to high-density development in the Commercial Road precinct, but it also expressly addresses the proportionality of height and scale, sunlight, daylight, breezes, building separation, privacy and building bulk.

Those requirements would have little practical purpose if the fact that a site is located in a high-density part of Newstead were itself sufficient justification for whatever development intensity was proposed.

This site has already demonstrated its capacity to accommodate substantial redevelopment. An approximately 15–16-storey development has previously been approved. The present application instead seeks a 35-storey, 173-dwelling development with substantial additional commercial and recreational uses.

That difference matters.

In my view, the proposal does not sufficiently justify why development at this substantially greater scale is necessary or appropriate, particularly having regard to its relationship with the much smaller residential building immediately adjoining the site.

I therefore object to the application in its present form and ask Council to refuse it.

If Council is nevertheless minded to approve redevelopment of the site, I ask that substantial amendments be required to reduce the height and bulk of the tower, increase separation from the adjoining residential building, minimise overlooking and protect reasonable access to daylight, breezes and residential amenity.

Finally, I ask Council to give particular weight to the impacts experienced by residents of the immediately adjoining building. For us, this proposal is not principally a question of what the Newstead skyline should look like. It is a question of what it means to place a 35-storey building immediately beside our homes.

Kind regards,