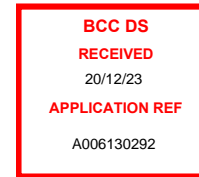


**19 December 2023**

Development Assessment  
Brisbane City Council  
By email: [dalodgement@brisbane.qld.gov.au](mailto:dalodgement@brisbane.qld.gov.au)



**RE: OUTSTANDING MATTERS RESPONSE: 17 REGINA STREET, STONES CORNER  
APPLICATION NUMBER – A006130292**

Dear Travis,

Please see a response to the items of the outstanding matters for application number A006130292, issued by Council on 13 February 2023 below.

**Building Height**

- 1) *Provide further information to demonstrate the rooftop meets the definition of 'Rooftop Garden' under the Brisbane City Plan 2014 (City Plan) and therefore is not counted as a 'storey'. The building height could potentially be 8 storeys if it does not meet the Rooftop Garden definition provisions. An 8 storey building is not supported.*
  - a) *Provide additional sections of the building through the lobby, lift and pool/roof terrace;*
  - b) *Amend the plans to show 'ground level' as defined in the City Plan and show 1m above 'ground level'; and*
  - c) *Provide an assessment against the rooftop garden criteria and ensure all dimensions are clearly highlighted on the amended plans.*

The **roof garden** has been amended to ensure that it is more consistent with the definition to avoid constituting a 'storey'.

For the purpose of [Section 1.7.7\(3\)](#) only, a rooftop garden also means a space that:

- a. is not located on a podium or in a building height transition;
- b. includes communal open space and does not include private open space;
- c. includes a minimum soft landscaping area of 15% of the rooftop;
- d. may only include the following structures:
  - i. lift shaft and stairway;
  - ii. pool or spa including any elevated deck, platform or floor level;
  - iii. roofed structures and fully enclosed structures:

The rooftop garden is on the roof of the building and the site is not located within a building height transition area.

The rooftop garden is exclusively for communal open space.

The rooftop of the proposed building has a total area of 253sqm. The rooftop garden has a total of 67.5sqm of soft landscaping (or **26.7%**).

Includes a lift and stairway.

Includes a pool in an elevated deck.

Refer to breakdown below.

**ALLAN VAN PLANNING PTY LTD**  
Consultants in Town Planning and Surveying

ABN 87005163431

Brisbane: PO Box 284 Toowong DC Qld 4066

Ipswich: PO Box 5370 Brassall Qld 4305

Gold Coast: PO Box 2130 Nerang DC Qld 4211

[www.allanvanplanning.com.au](http://www.allanvanplanning.com.au)

**INFORMATION REQUEST RESPONSE**

A. lobby or foyer;	The rooftop garden has an 8sqm lobby.
B. shade or shelter structure;	The rooftop garden has an unenclosed roof structure with an area of 68sqm.
C. internal communal recreation space;	N/A
D. toilets, bathrooms, showers and change room facilities;	The rooftop garden includes a toilet and shower.
E. a structure accommodating a Bar or Food and drink outlet if in the Mixed use zone or a zone in the Centre zones category where the premises does not contain accommodation activities;	Not applicable.
F. a structure accommodating building plant, equipment or a meter room;	Not applicable.
e. meets the following parameters for structures mentioned in (d):	
i. maximum height above the rooftop of:	
A. 3.5m for a pool, spa and any elevated deck, platform, walkway or floor level (excluding safety barriers up to 1.8m where not tinted);	The proposed elevated deck for the pool is approximately <b>1.65m</b> above the floor level.
B. 3.5m where setback less than 3m from the outermost projection of the rooftop;	The maximum height of the structures within 3m of the outermost projection of the rooftop and <b>3.5m</b> .
C. 6m where setback a minimum 3m from the outermost projection of the rooftop;	The maximum height of the open roof structure above the pool is <b>5m</b> above the rooftop and setback greater than 3m from the outermost projection of the rooftop.
ii. maximum combined total footprint of 40% of the rooftop for all roofed structures (excluding lift shaft and stairway);	The rooftop garden has a total area of roofed structures of 85.2sqm ( <b>33.6%</b> ).
iii. maximum combined total gross floor area of 20% of the rooftop for all fully enclosed structures (excluding lift shaft and stairway).	The rooftop garden has a total GFA of 17.8sqm (lobby, toilet and shower), representing a total <b>7%</b> of the rooftop.

On the basis of the assessment of the proposed rooftop garden criteria, it is confirmed that the rooftop does not constitute a 'storey' by definition and that the proposed building is a maximum height of 7 storeys.

**Built form**

- 2) *The proposed development seeks multiple performance outcomes for front and side setbacks, built to boundary walls and site cover and is an overdevelopment of the site. Additionally, the built form of the proposed development does not allow for viable deep planting, landscaping and building separation in accordance with the City Plan.*

*The size and scale of the units have increased from the previous approval and there appears to be a number of opportunities to decrease the size and scale of the units to facilitate the below changes. Provide amended plans detailing:*

- a) *An increased front setback in accordance with PO5 of the Eastern corridor neighbourhood code;*
- b) *Reduction in the site cover in accordance with PO5 of the Eastern corridor neighbourhood plan code;*
- c) *Reduction in the height of the built to boundary wall in accordance with PO7 and PO34 of the Multiple Dwelling code;*
- d) *Further articulation by way of panelling, patterning or changes in the texture to break up the visual mass of the blank wall plane on the eastern elevation; and*
- e) *Sections showing the proposed development in context with the adjoining Multiple Dwelling code.*

In response to the information request there have been amendments to the front setback on Lincoln Street, reduction of the site cover of the tower, reduction of the private open space area, alteration to the rooftop garden configuration, introduction of additional soft landscaping and additional plan details.

Please see a brief assessment below of the changes against the previously submitted plans:

Item	Acceptable Outcome	Stats from submitted Change	Change in response to IR
<b>Building height</b>	<b>6 storeys</b> (NP)	8 storeys	7 storeys
<b>Front setback</b>	<b>3m</b> balcony / <b>5m</b> wall (NP)	Podium – 0m Lincoln St Podium – 2.1m Regina St  Tower – 0m Lincoln St  Tower – 3m Regina St	Podium – 0m Lincoln St Podium – 2.1m Regina St  Tower – 250mm (balc) Lincoln St Tower – 500mm (planter) Lincoln St Tower – average 2m to wall Lincoln St Tower – 3m Regina St
<b>Side setback</b>	<b>3m</b> – building wall for non-habitable rooms <b>5m</b> – building wall for habitable rooms	Podium – Built to boundary  Tower – 2.2m non-habitable Tower – 3.1m habitable	Podium – Built to boundary  Tower – 2m Lift core Tower – 2.2m non-habitable Tower – 3m habitable
<b>Built to boundary wall</b>	Max length 15m, max height 3m	16.75m, 5.5m	No change. Planters added to the top for visual amenity.
<b>Site cover</b>	60% (NP)	74.4%	Podium – 75.9% Tower – 58.6%
<b>Deep planting</b>	10% site area (one area minimum 4m x 4m)	17.5%	68.3sqm, 17%
<b>Private open space</b>	<b>12sqm</b> and minimum dimension <b>3m</b> at ground level	30sqm, 3.8m	23.6sqm, 3.4m
<b>Communal open space</b>	N/A – less than 10 dwellings	261sqm	118.8sqm
<b>Car parking</b>	Min 2 spaces per 3 br dwelling Min 0.25 spaces per dwelling for visitor parking	12 residential spaces, plus 1 visitor space  (2 per dwelling, plus 1 visitor)	12 residential spaces, plus 1 visitor space  (2 per dwelling, plus 1 visitor)

Further details have been provided in the plans in order to demonstrate the context of the building in relation to surrounding built form and approved buildings on the block bound by Regina Street, Lincoln Street and Cleveland Street. The plans include a 'site context plan', which shows the approved building footprints and potential footprints on the vacant development parcels and also includes a series of perspective drawings to show the scale of the proposed built form in relation to the mass of the adjacent buildings. An extract from a perspective drawing is provided below:



The key items to analyse the context of the proposed built form in the existing and approved built environment include:

- **Lot size and small overall floor plate of proposed building;**
- **Dual frontage and proximity to parkland; and**
- **Setbacks of approved built form in relation to the surrounding streets.**

**Lot size and scale:**

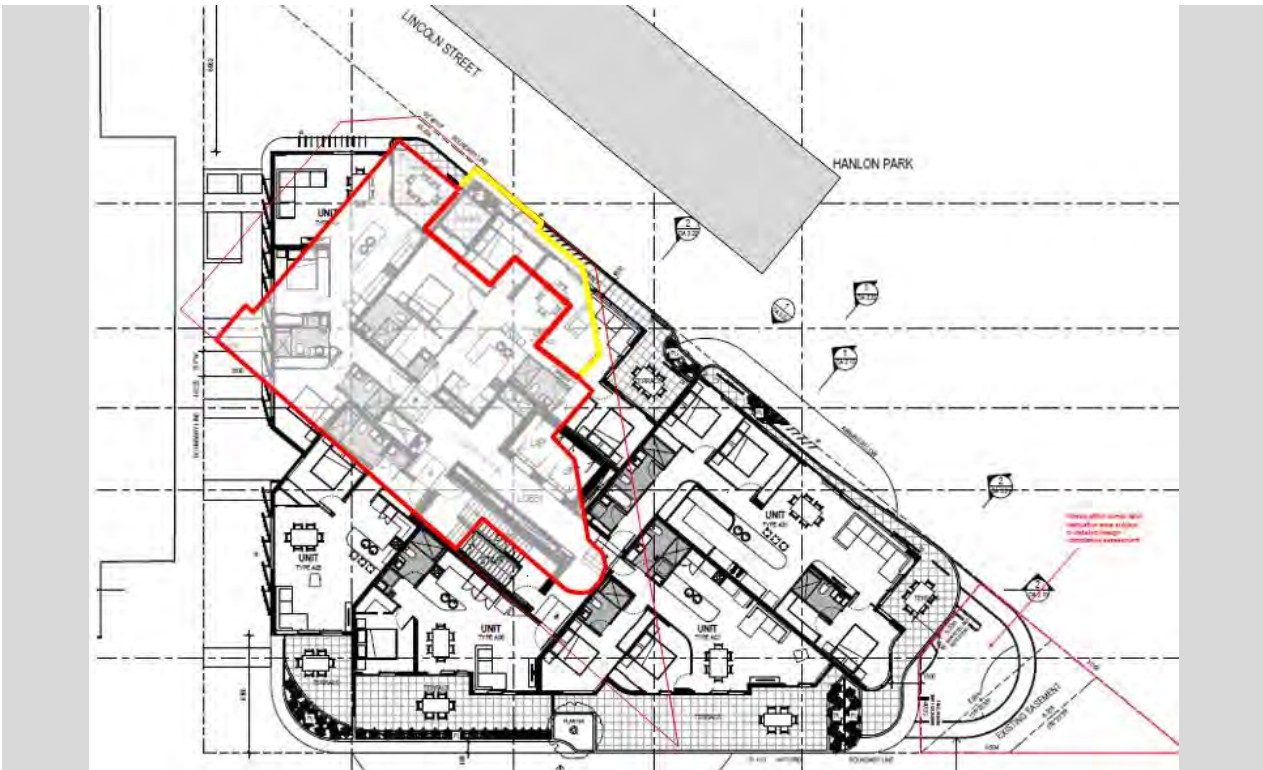
The subject site is a small lot, with an area of just 400sqm and a maximum width of 16m. The consequence of the small lot size is that the site is 'self-regulating' in terms of the potential scale for a building on the property. The net result is a slender tower with a footprint of only **250sqm** and a maximum length of **23.45m**. This results in a far less dominant structure than that of the larger sites in the locality.

The 8 storey building on the adjoining site has a tower footprint of approximately **860sqm** and a minimum dimension of **28m** (i.e. proposed structure approximately 30% of the footprint of the adjoining building located at 9 Regina Street).

Other buildings in the locality have a far more significant scale than the proposed development, including:

- 48 Lincoln Street – 8 Storeys, 71% site cover;
- 66 Lincoln Street – 9 Storeys, 68% site cover;
- 5 Flora Street – 9 Storeys, up to 64% site cover;
- 10 Flora Street – 9 Storeys, 67% site cover;
- 11 Cleveland Street – 7 Storeys, 78% site cover; and
- 6 Zillah Street – 9 Storeys, 71% site cover.

In addition to the scale comparison to the adjoining property at 9 Regina Street, the site has context to the approved development on the northern corner of the block at 11 Cleveland Street. The building at 11 Cleveland Street is a far larger scale than the proposed built form, however was afforded the opportunity to have reduced setbacks to the Lincoln Street frontage of the site to provide increased overlooking Hanlon Park to the west. The scale of the approved development at 11 Cleveland Street versus the scale of the proposed development is illustrated in the plan below:



### Dual frontage and proximity to parkland:

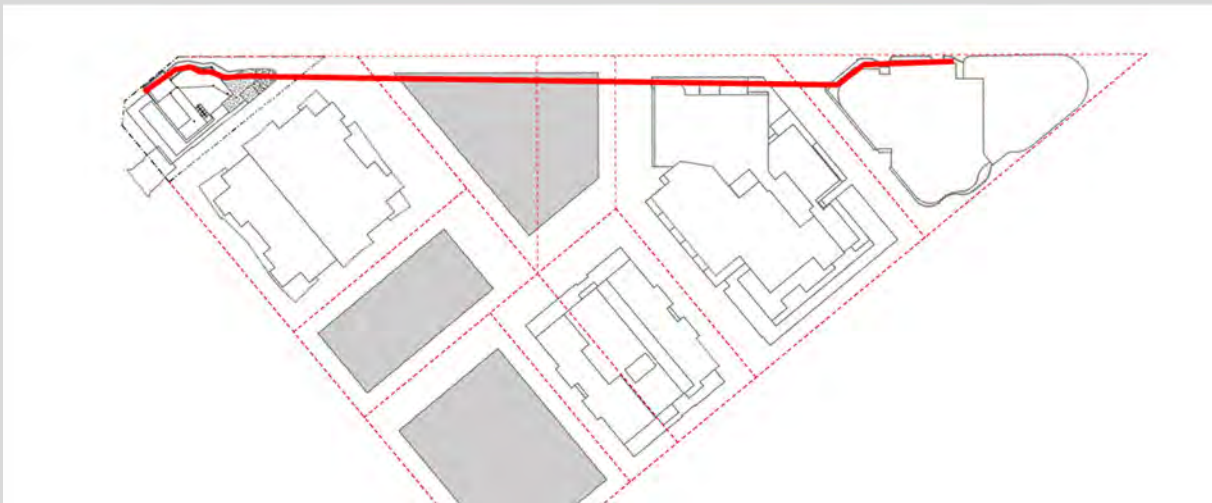
Similar to the site located at 11 Cleveland Street, the subject site is a corner lot and has a long frontage to Hanlon Park to the west. The dual frontage provides the opportunity to create visual interest in each frontage, with various elements of articulation, materiality and soft landscaping in the full height of the structure. The frontage to Lincoln Street in particular provides significant opportunities for casual surveillance of Hanlon Park to increase the safety of the public open space.



There is direct overlooking of the car parking areas and parts of the recently enhanced open space areas to improve the current interface to the parkland. The reduced setback to the Lincoln Street frontage also has no impacts on privacy to surrounding development given that there is not other buildings within that outlook from the site.

**Setbacks of approved built form:**

Whilst parts of the building have reduced setbacks to the Lincoln Street frontage, the building transitions from the zero-lot setback in the southern part of the building, increasing to greater than 2m in the northern part of the building where it would adjoin a new building on the development site at 24-26 Lincoln Street (with a front setback likely to be 3m). The setbacks to Lincoln Street would then transition back to a zero-lot alignment on the building at 11 Cleveland Street (as illustrate in the block pattern plan below):

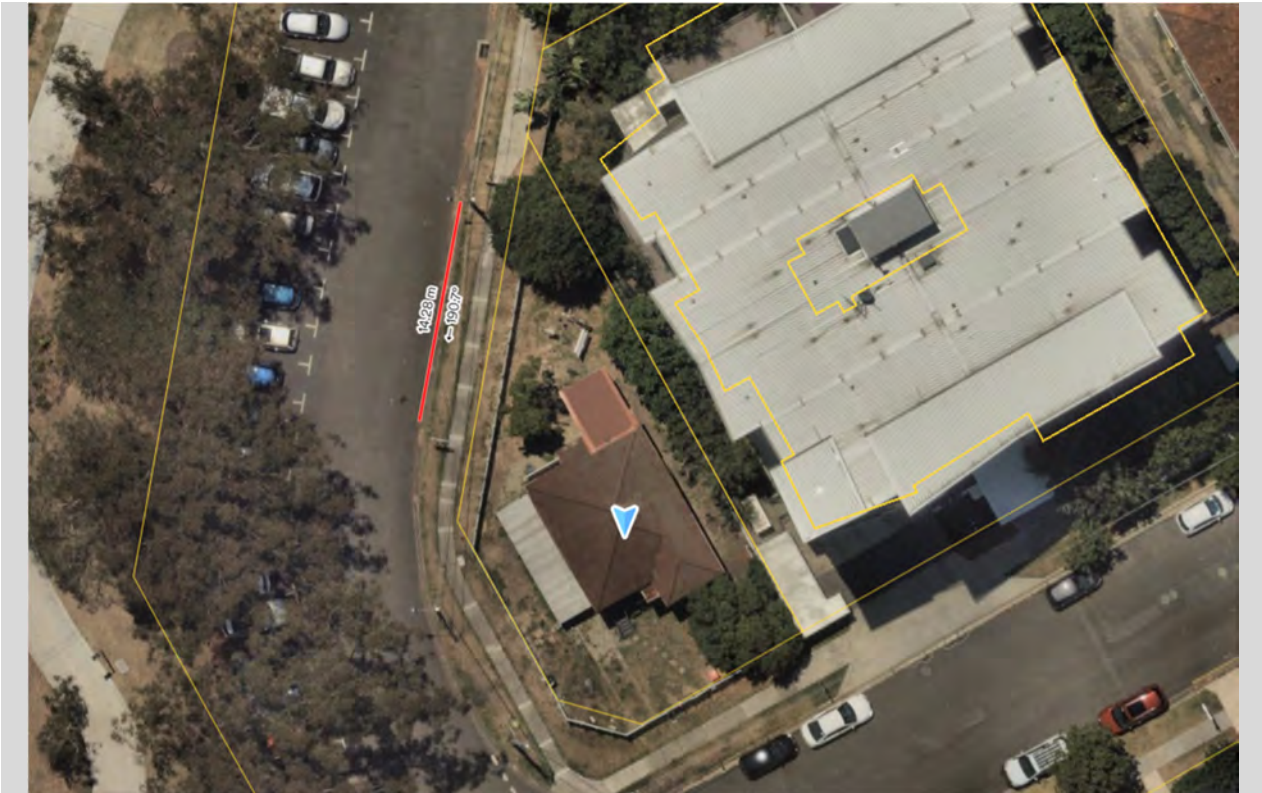


Overall, the proposed boundary setbacks are consistent with the approved setbacks for other larger scale development in the street and will result in an overall consistent alignment for the front setbacks of building in Lincoln Street.

The amended plans provided with this response have provided increased setbacks, reduced site cover and further details of building elements forming part of the overall design intent. It has been demonstrated that the proposed building is a much smaller scale to that of other development in the locality and would not result in an overbearing development to the adjoining sites or to the human scale in the street.

**Transport, Access, Carparking and Servicing****3) a) car parking**

The proposed development provides residential car parking at the rate of 2 spaces per dwelling in accordance with the minimum requirements of the City Plan. Whilst the rate is achieved with car stackers, further information has been provided to demonstrate the functionality of the stackers. The proposed development includes a single visitor parking space behind the secure line of the podium parking area. The other visitor parking space can be accommodated within the frontage of the site. The site is a corner lot with ample frontage to accommodate 1 further car parking space. There are at least 2 available spaces near the pedestrian entry to the building that would provide sufficient space for the car parking demand for the building (refer to image below):

**b) Car Stacker:**

The specifications of the proposed car stackers have been submitted with this response. The car stackers can be configured to ensure they always return to the raised position for storage, with the lower position only temporarily used to gain access to the top vehicle.

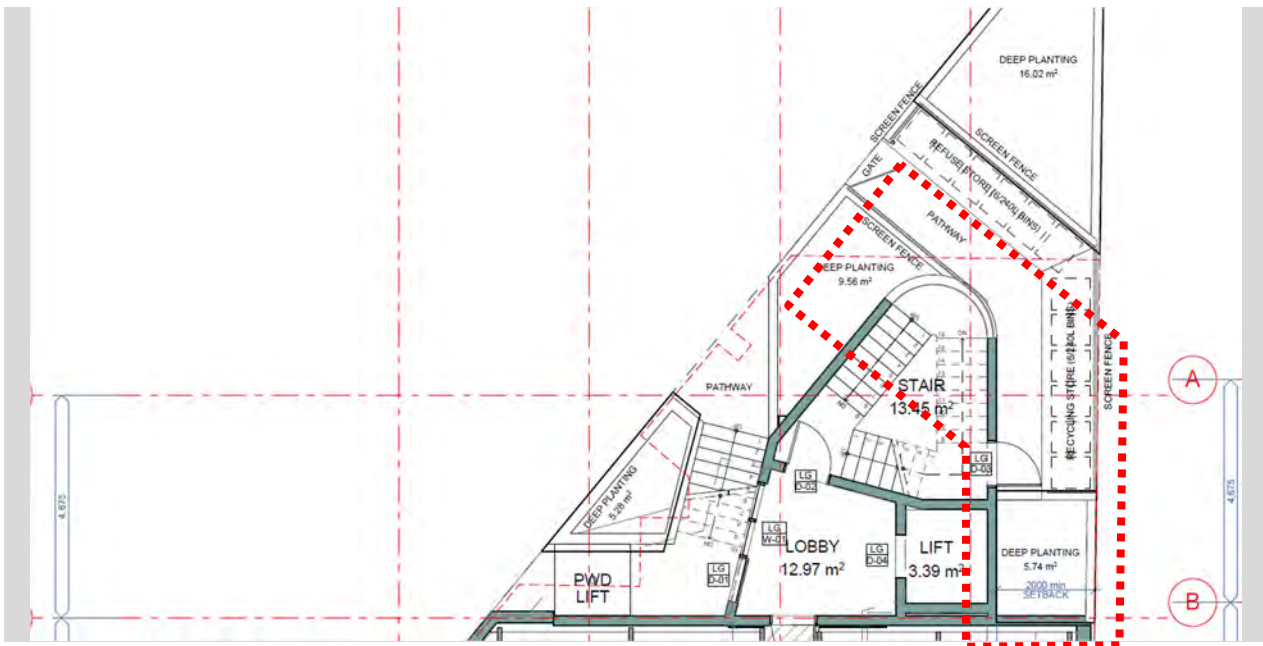
In the raised position, the vehicles would be stored at the 1% flood height per the Flood Overlay Code (under-croft car parking). The under-croft parking area has clearance below to allow for the conveyance of flood waters consistent with the previously approved tower.

Whilst this not a typical arrangement, the site is heavily constrained in terms of achieving an efficient car parking configuration and the changes to the car parking rate in the planning scheme have almost doubled the previous minimum car parking rate for the site.

The proposed car stackers are considered a reasonable outcome to achieve the minimum number of car parking spaces for the proposed development.

**c) servicing**

The proposed refuse area has been illustrated with the provision for 12 bins. The refuse would be kerbside collection. Refer to extract from the plans below to show the bin storage:



**d) bicycle parking**

The amended plans include 6 resident bicycle parking spaces in the under-croft parking area. The development includes a dwelling per level, with each dwelling having an entry foyer at each level of the building. A visitor could store their bicycle in the foyer at each level as required, with no visitor space being provided in the communal areas of the building.

**Flooding**

**4) The previous approval included an undercroft to allow the conveyance of flood water. Demonstrate the proposed changes to the undercroft and floor levels will be compliant with the Flood overlay code and provide adequate flood immunity for the development.**

a) Provide a revised flood report/statement from an RPEQ hydraulic engineer to demonstrate the proposed development meets the requirements of the Flood overlay code, addressing any performance outcomes if applicable.

*The report must also address the ingress and egress from the site in a flood event and how the proposed car stackers are suitable for evacuation in accordance with PO3, PO5 and PO11 of the Flood overlay code.*

b) Provide amended plans including the levels of any undercroft and floor levels of the proposed development.

The site is impacted by Creek and River Flooding. The 1% flood is nominated as being 5.5m AHD (importantly the Feb 22 flood reached 4.2m and the Jan 11 flood reached 3.4m). The highest most recent floods were both below the 20% flood level for the site.

The proposed crossover is at the highest ground level of the site and provides access via a ramp to the podium level car parking spaces. The podium car park is an 'under-croft', with a suspended slab to the 1% flood height (5.5m AHD) and significant clearance to the first habitable floor level at 10m AHD.

Given the car stackers can be configured to have a default raised position, the lowest car would have a minimum 'pavement' height of 5.5m AHD, therefore achieving the minimum levels for a car park in a building under-croft in accordance with *Table 8.2.11.3.D-Flood planning categories for development types*.

Emergency ingress/egress from the site would be from the crossover out to the east along Regina Street. This access is consistent with the previously approved building design.

The amended plans include elevations with the floor levels nominated at each level of the building.

### 5) Deep planting and landscaping

Plan number SC105 correctly depicts the areas of deep planting at ground level. The areas provide the opportunity for planting large shade trees in the northern and southern parts of the site.

Once the other matters of this response are resolved, the applicant will finalise a landscape concept plan to illustrate the planting intent in the deep planting and podium/rooftop planting areas of the building.

### Screening

6) Provide amended plans incorporating sun shading devices (screening elements) to the northern and western facing habitable rooms to address PO26 of the Multiple Dwelling code.

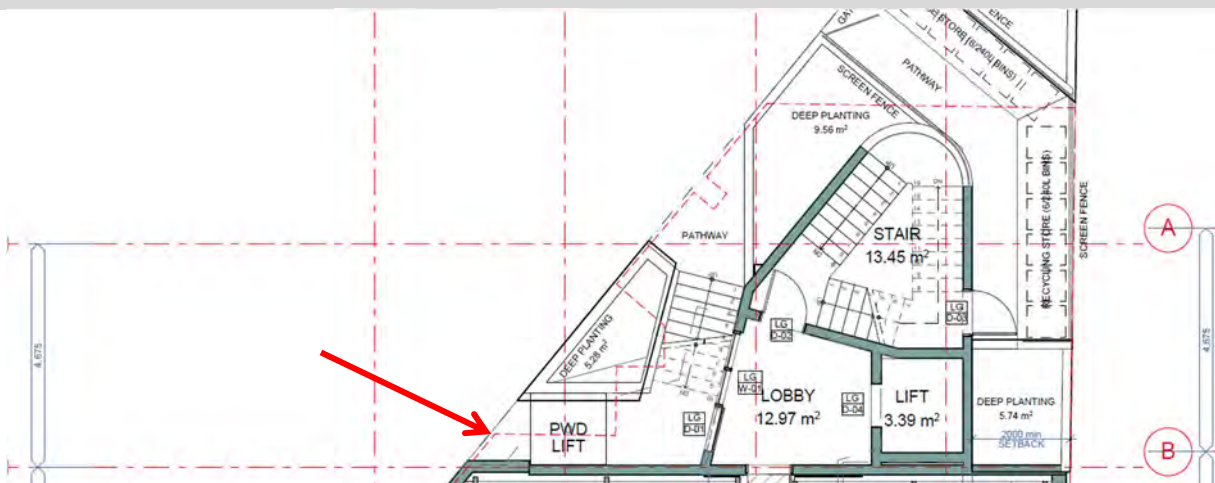
The building design has been reviewed to understand the level of solar penetration into the building in the northern and western facades. Shadow diagrams have been prepared to show that the building does not experience excessive solar penetration during the hotter months of the year.

The orientation of the building and large overhangs from the balcony and planter structures ensure that the living spaces are not exposed to significant amounts of direct sunlight, therefore no further screening would be required to protect the internal areas of the building from excessive heat/light.

### PWD access

7) The PWD lift access is unclear and appears to be obstructed by a wall with no direct path. Provide amended plans ensuring there is unobstructed access to the PWD lift.

The amended plans show the PWD lift access from the Lincoln Street frontage of the site is unobstructed.



**CONCLUSION**

It is concluded that the above response is a 'full response' to the Assessment Managers request for additional information pursuant to Part 3 13.1 (a) of the Development Assessment Rules of the *Planning Act 2016*. The applicant requests Council to continue with the assessment of the application based on the amended plans provided with this response.

Kind Regards,



**Dan Ebert**  
**Allan Van Planning**