

Ref: 26-0092P

14/09/2026

Attention: Abby Bannan

Brisbane City Council

GPO Box 1434

Brisbane QLD 4001

Via email: Abby.Bannan@brisbane.qld.gov.au &
DSPlanningSupport@brisbane.qld.gov.au

RE: Response to Information Request

Development Permit for Material Change of Use for Multiple Dwelling and
Building Work within the Flood Overlay

17, 19 & 21 Maud Street, Newstead QLD 4006 – A007068254

Dear Abby,

We refer to your information request dated 11 August 2026 in relation to the abovementioned application and provide a full response in accordance with Chapter 1, Section 13.2(a) of the Development Assessment Rules (**DA Rules**).

Thank you for your attention to this matter. As the development application is subject to impact assessment, Part 4: Public Notification of the DA Rules apply, and the application will proceed to public notification accordingly.

Should you have any further queries regarding this application, please do not hesitate to contact the undersigned on (07) 3666 5200.

Yours sincerely,



Emily Richards

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Response to Information Request

Supporting Material

This response is supported by the following information:

Document Title	Prepared By	Date
Architectural Plans – IR Response	Bureau Proberts	14.09.2026
Architectural Plans – Comparative Views	Bureau Proberts	11.09.2026
Traffic Engineering Response	Lambert & Rehbein	11.09.2026

Response to Information Request

Please see our response to the items in Council's information request below.

Height

1. Development on this site is prescribed to feature a maximum height of 8 storeys as identified in AO6, AO7.3 and Table 7.2.14.5.3.B in the Newstead North neighbourhood plan code, AO21, AO22 of the Centre or mixed use code and AO4.1 of the Multiple dwelling code. The development is instead proposing a maximum height of 19 storeys (including the rooftop terrace).

Additionally, it is understood the rooftop terrace has been designed to comply with the definition of the 'rooftop garden' so as not to constitute a technical storey. Despite this, a review of the proposed rooftop communal space does not appear to fully comply with the definition and therefore constitutes a storey, bringing the total number of storeys proposed to 19.

Whilst there are some approved and under construction developments in the streetscape and wider neighbourhood area exceeding these acceptable outcomes, it is not apparent that the proposed height of the development will result in a cohesive streetscape or appropriate building form and character that is:

- *consistent with the anticipated density and assumed infrastructure demand;*
- *aligned with community expectations about the number of storeys to be built;*
- *designed so as not to cause a significant and undue adverse amenity impact to adjoining*
- *development; and*
- *sited to enable existing and future buildings to be well separated from each other and not to prejudice the development of an adjoining site.*

The proposed development in its current form is considered to result in undue amenity impacts and will reduce the visual prominence of Montpelier Hill (PO1 of the Newstead North Neighbourhood Plan).

- a. Reduce the height of the tower to be more consistent with the intended height for the location.
- b. Review the assessment of the 'rooftop garden' definition and ensure that all heights above the rooftop level comply with those specified in the definition.

Response to Item 1

A detailed response to the matters raised is outlined below. The updated **Architectural Plans** submitted with the information request response maintains the proposed building height comprising 18 storeys and a rooftop terrace storey.

Building Height

The proposed built form has been determined through a considered design process which positively responds to the relevant performance outcomes, within the context of a rapidly transitioning inner city environment, where development outcomes have evolved well beyond acceptable outcomes originally prescribed circa 9 to 10 years ago.

Council, in its information request, acknowledges the numerous approved and under construction development projects within the immediate streetscape and surrounding locality which adopt quite significant variations to the acceptable

outcome for building height. This includes development outcomes within Maud Street of up to 15 storeys, as well as the more recently approved development at 99 Breakfast Creek Road, approximately 70 metres from the site, which is approved for building heights ranging between 20 and 30 storeys.

A number of these development projects are cited in **Table A** below and lend weight to the status of the locality as in transition rather than fixed or static. PO6 of the Newstead North Neighbourhood Plan states that development is to be designed to its site context and setting, and this sets an expectation that development should actively respond to the evolving built form landscape as is intended through this development application.

This is further reinforced through the subject site being located within the Newstead Precinct identified in the recently released Brisbane's Inner City Strategy (2023). While the detailed planning for the precinct is yet to commence, it has been identified that it will unlock housing supply. Furthermore, it is demonstrated below that the proposed development will not impact on significant view points and corridors as identified in the Newstead North neighbourhood plan code.

As demonstrated through the submitted application material including the Urban Context Plan, the proposed building height of 18 storeys and rooftop terrace, comfortably transitions between heights of 20 to 30 storeys directly south and heights of up to 15 storeys directly north.

Table A. Building Height in the Immediate Area

Neighbourhood Precinct	Address	Development reference	Approved Building Height	Prescribed Building Height
Newstead North	99 Breakfast Creek Road, Newstead	A006861635	20 – 30 storeys	15 metres
	37 Ross Street, Newstead	A006978019	29 storeys	8 storeys
	8 – 14 Maud Street, Newstead	A006935091	13 storeys	8 storeys
	18 Maud Street, Newstead	A007012529	15 storeys	8 storeys
	23 Maud Street, Newstead	A007057524	12 storeys	8 storeys
Newstead and Teneriffe waterfront	12 Cunningham Street, Newstead	A004501778	25 storeys	25 storeys
	75 Longland Street, Newstead	A006490812	33 storeys	15 storeys
	12 Kyabra Street, Newstead	A006555369	20 storeys	6 storeys
Fortitude Valley	98 Montpelier Street	AA006634406	20, 25 and 30 storeys	4 storeys
Albion	92 Kingsford Smith Drive, Hamilton	A006311523	15 storeys	10 storeys
	11 Sandgate Road and 4 Higgs Street, Albion	A006306280	18 storeys	10 storeys

Cohesive Streetscape

With respect to specific matters raised by Council, the positive contribution of a **cohesive streetscape** involves both the built form response and establishment of new public realm landscape outcomes in the verge. For example, as illustrated in **Figure 1** below, the introduced landscape setting of nearby Newstead Terrace elevates cohesiveness of the streetscape through the ground plane design involving landscape treatment and a built form response over time.

Acknowledging the area is in transition, progressive redevelopment in Maud Street is similarly contributing to an exercise of 'remaking the streetscape' and facilitating an improved outcome. The submitted landscape concept plan outlines proposed improvements to the public realm including new footpath, turf and large street trees. This is complemented through in ground and building level landscaping within the front setback.

The cohesive streetscape is further enhanced through introduction and repetition of the accepted built form pattern at a human scale along the street. The proposal adopts a single storey podium with a 4 to 6 metre setback below an upper level single tower form. This is repeated on multiple sites within Maud Street and in combination with proposed landscaping that will mature over time, reinforces a cohesive streetscape outcome. Variation in tower height along the street positively contributes to building form and character and does not compromise the cohesive streetscape outcome which is primarily expressed at the human scale.



Figure 1. Newstead Terrace - Example of cohesive streetscape outcome through public realm landscape and built form

Anticipated density and assumed infrastructure demand

The proposal is consistent with anticipated density and assumed infrastructure demand. Strategic inner city areas such as Newstead are identified as being suitable for increased development density outcomes specifically due to the capacity to optimise efficient utilisation of existing urban infrastructure, including water, sewer, local roads, public transport services, active transport infrastructure and public parks. This is evidenced through multiple development approvals in the locality identified in the development application material. The proposed density is therefore consistent with the role of the Newstead precinct as an inner-city growth area (refer Inner City Strategy 2023) and does not represent unreasonable or disproportionate infrastructure demand, having regard to the site's location and future development intent.

Community expectation about the number of storeys to be built

The built form context of Newstead North is transitioning, with approved and constructed development in the immediate locality generally ranging between 12 and 30 storeys. The proposal at 18 storeys plus rooftop, represents a considered and appropriate response to this evolving context. This evolution is also consistent with Council's most recent strategic planning direction, including the Inner City Strategy (2023), which identifies Newstead as a growth precinct and seeks to optimise the development outcomes within inner-city locations. Acknowledging these facts and circumstances, community expectation about the number of storeys to be built in well located areas such as Newstead has evolved since acceptable outcomes for building height were established circa 9 to 10 years ago.

Building Setbacks and Separation

Similarly, community expectation regarding building setbacks and separation has been established through approved development outcomes throughout the locality. These matters including amenity impact are addressed further in the below response to items 10 to 13 of Council's information request.

Montpelier Hill

Information submitted with the development application demonstrates the proposal does not reduce the visual prominence of Montpelier Hill. As demonstrated in **Figure 2** below, the key public realm views to Montpelier Hill are from Breakfast Creek Road, Ross Street and Austin Street. The location of the proposed development does not impact on these priority view corridors.

Notwithstanding this, and as demonstrated in **Figure 3**, views to Montpelier Hill have been considered as follows:

- The long range view from Kingsford Smith Drive demonstrates that approved or constructed development in Newstead creates a built form backdrop adjacent to or behind the subject site and closer to Montpelier Hill. The proposal when placed relative to this backdrop does not introduce any reduction to the visual prominence of Montpelier Hill

- The short range view taken from eye level in Maud Street demonstrates that the proposed development does not impact the visual prominence of Montpelier Hill and further, that impact is unchanged irrespective of building height.

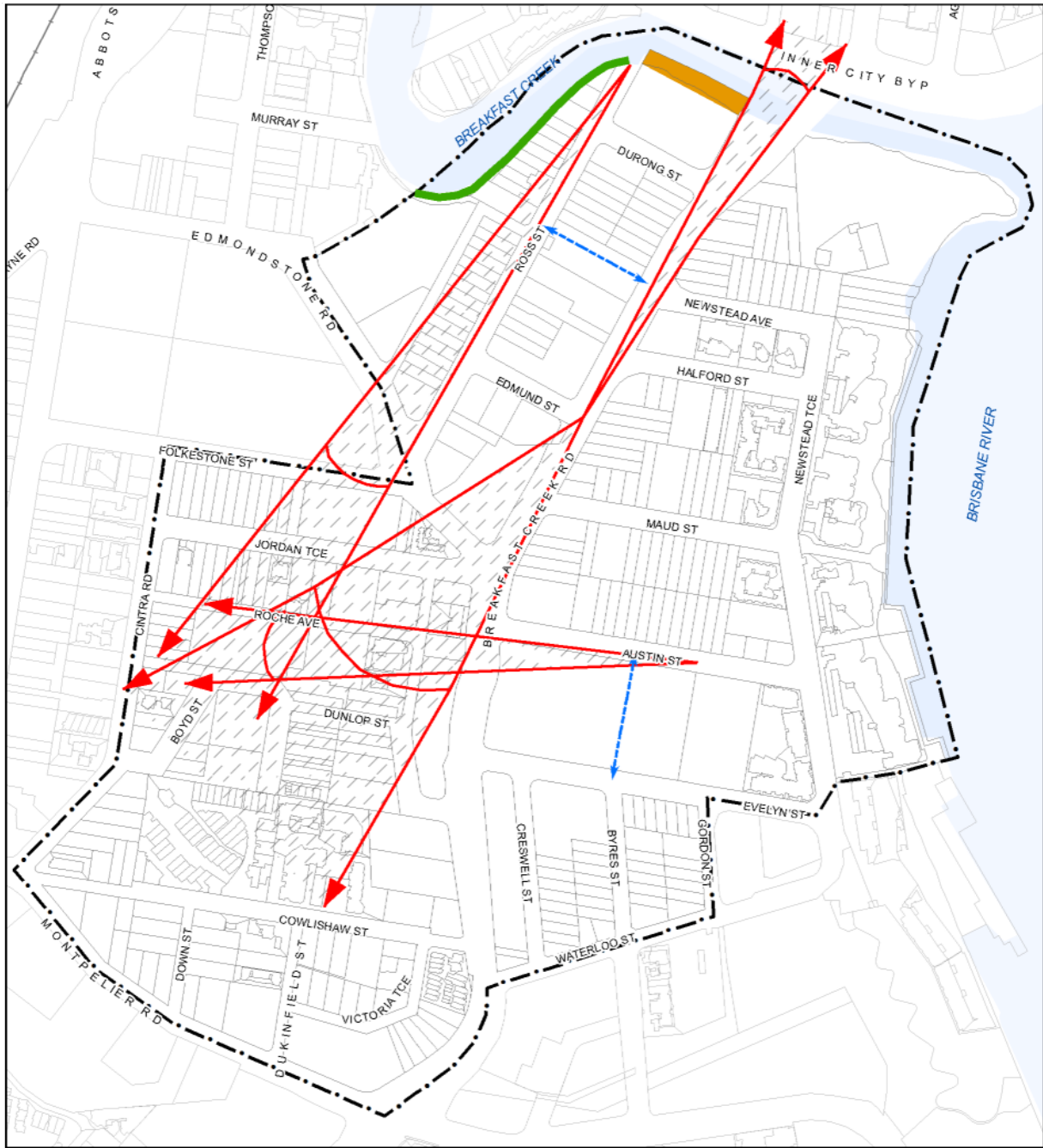


Figure 2. Public Realm Views to Montpelier Hill (Figure a of Newstead North Neighbourhood Plan)



Figure 3. Assessment of Impact on Visual Prominence of Montpellier Hill

Rooftop Garden

With respect to the proposed rooftop garden, the design incorporates a pool level platform and integrates arrival at this level. As per **Figure 4** below, measurements have been amended to apply from the top of roof (servicing sub-floor). The rooftop garden is designed to be located within the measurement parameters of a rooftop garden, with the minor exception of lift overrun which by necessity protrudes through the 6m overall height measure.

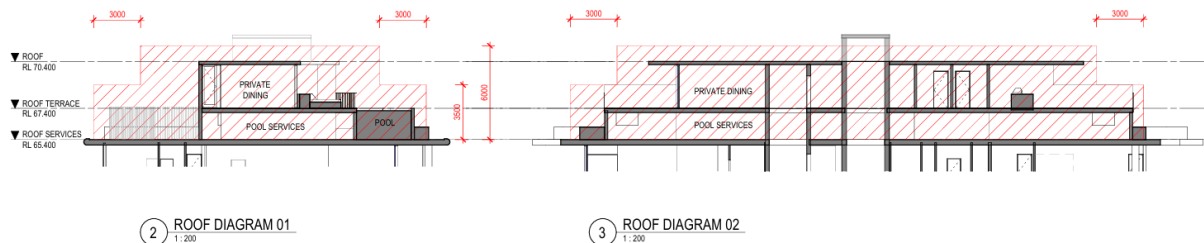


Figure 4. Roof Terrace Diagram

Bedroom Breakdown

2. The submitted information advises that there are 15 x 2-bedroom units, 45 x 3-bedroom units and 4 x 4-bedroom units. It is acknowledged that the submitted information notes the inclusion of multipurpose rooms. These rooms however appear to be largely enclosed and could potentially form an additional bedroom. This would also affect infrastructure charges that would be required should the development be approved.
 - a. Provide amended plans which ensure any multimedia/multipurpose rooms are open and unable to be turned into bedrooms.
3. It is also recommended that a review is conducted for additional rooms on each level. For example, penthouse 2 on levels 16/17 includes a room that is unclear in its purpose and does not have any doors. Provide amended plans to ensure access is adequately provided to each room within the development.

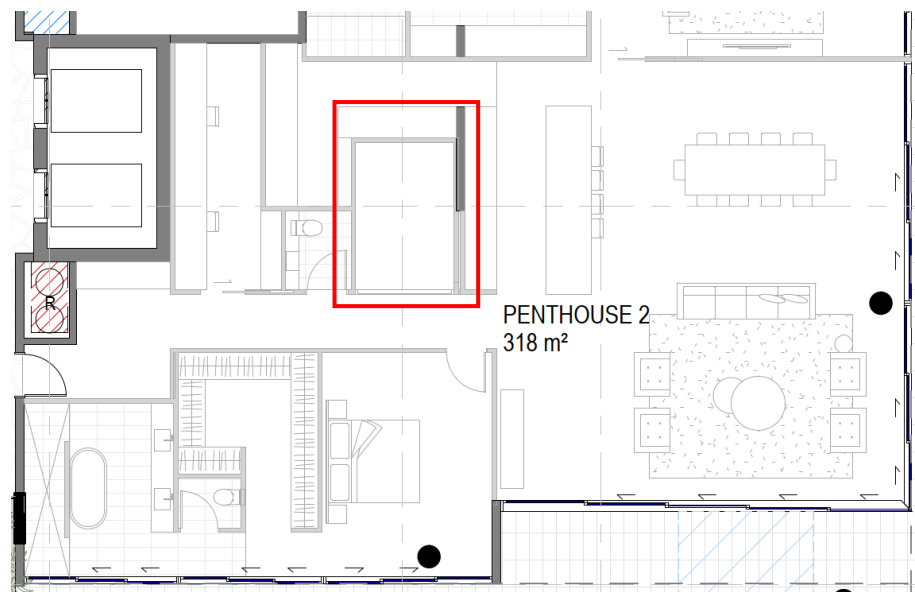
Response to Item 2

The proposed multi-purpose rooms (MPRs) are not designed for, or intended to be used, as bedrooms or other sleeping accommodation. As illustrated in the updated **Architectural Plans**, in every circumstance within the development the MPRs are located internally to the dwelling unit with no windows, natural light or natural ventilation. These rooms are clearly intended for other uses such as a study, media room, home office or similar purpose. Given their intended function, MPRs should have the ability to be enclosed to manage acoustic attenuation within the living environment. The requirement to remove a wall to these MPRs to avoid an additional infrastructure charge is considered unreasonable.

Response to Item 3

The Penthouse layout plan (Level 16 and 17) has been updated to provide additional detail for rooms adjoining the kitchen which are intended to be used for storage, such as a wine cellar. **Figure 5** below provides an extract of the previous and current plans is included below to identify the referenced area.

Proposed Development
(Drawing Number: AR 2.22,
Revision H)



**Amended development
in response to the
Information Request**

(Drawing Number: AR 2.22,
Revision J)

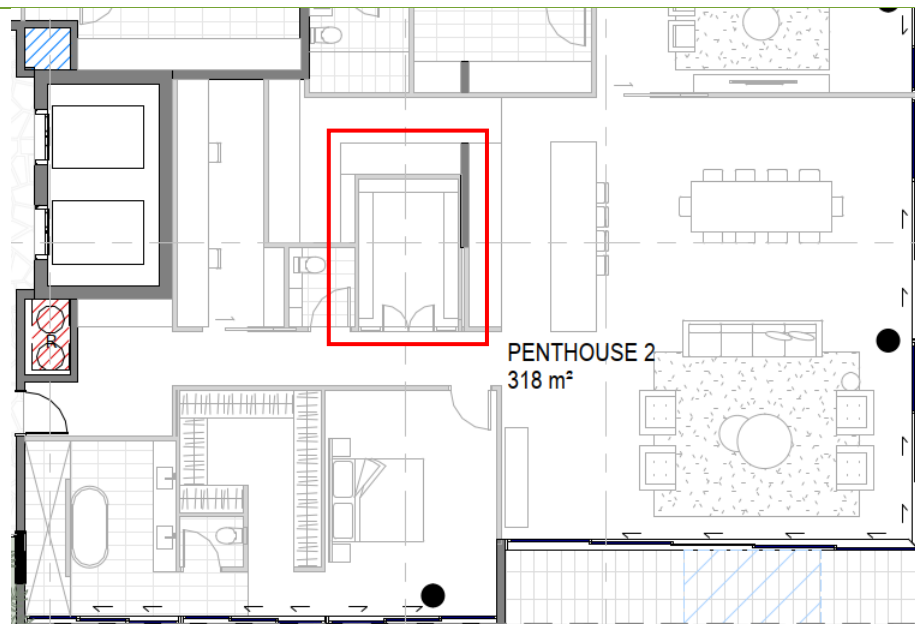


Figure 5. Comparison of Plan Revisions – Storage Room

Car parking Provision

4. The proposed development has provided 144 parking spaces, which results in an oversupply of 50 spaces above the calculated mandatory City Core maximum number of 94 spaces. It is acknowledged that the lodgement of the application included a Traffic Impact Assessment (TIA) report from an RPEQ that justifies the high-end product with supporting details.

Despite this, the area is known for traffic issues, and an oversupply of parking is likely to negatively impact the existing situation. The carparking provision does not comply with PO1 of the Transport, access, parking and servicing (TAPS) code in that the development is unable to ensure the efficient operation and safety of the development and its surrounds.

- a. Provide amended plans with a reduction that is compliant with AO1 of the TAPS code and the maximum carparking rates identified in the TAPS planning scheme policy.

Response to Item 4

The updated **Architectural Plans** maintain a proposed allocation of 144 resident parking spaces. Please refer to the submitted **Traffic Engineering Response** which addresses this matter.

As noted in the extract from Council's website below, the City Plan amendment to change Figure a of the TAPS Code and extend the City Core was undertaken to facilitate housing affordability and supply objectives. As previously noted, the project seeks to provide luxury apartments targeted to downsizers and is not affected by the below referenced objectives of the amendment.

Amendment summary

The Inner-City Affordability Initiative aims to improve housing affordability and supply in fast-growing areas in the inner city and deliver on [Brisbane's Housing Supply Action Plan](#).

Council is aware that the provision of car parking spaces in new developments adds to the cost of new housing, and that car parking requirements differ across the city.

To make new homes more affordable, Council amended *Brisbane City Plan 2014* (City Plan) to reduce car parking requirements in some inner-city areas.

The amendment expands the area where existing City Plan standards allow lower numbers of on-site car parking spaces in new developments. The amendment applies to inner-city areas which have easy access to high-frequency public transport and active travel infrastructure.

The **Traffic Engineering Response** prepared by Lambert and Rehbein notes the proposed residential parking provision has been informed by the market profile of the residential product and anticipated future tenant profile. The following key points are made:

- The proposed development comprises a high-end residential product, which is anticipated to attract a predominantly owner-occupier market,
- It is reasonably anticipated that a proportion of residents may own more than one private vehicle, including higher-value or luxury vehicles,
- Such vehicles are generally less likely to be used as daily commuter vehicles and are anticipated to have lower trip generation when compared to typical commuter vehicles,
- These vehicles are likely to remain parked on-site for longer periods and require dedicated on-site parking spaces; and
- The proposed parking supply appropriately responds to the anticipated characteristics of the future resident population, including the potential for multiple-vehicle ownership and the corresponding requirement for secure and readily accessible on-site parking.

The accompanying **Traffic Engineering Response** demonstrates that the additional car parking provision will not result in an unreasonable increase in traffic generation or adversely impact on the operation of the surrounding network. By way of summary, it identifies that:

- Additional residential car parking is not anticipated to materially increase the overall traffic generation of the proposed development, particularly during the critical commuter periods,
- The proposed development is anticipated to generate less than 25 vehicles per hour (vph) during the relevant peak period; accordingly, the development does not meet the threshold for 'Major development' under the TAPS planning scheme policy,
- The additional 50 parking spaces could reasonably generate up to approximately 6 – 8 additional vehicle movements during the peak hour; this represents a relatively minor increase in traffic activity, equivalent to approximately one additional vehicle movement every 7 – 10 minutes; and
- The additional car parking provision is therefore not anticipated to adversely affect the capacity, safety or operational performance of the surrounding road network.

Council has **recently accepted the above rationale** in support of car parking rates above the acceptable outcome on other nearby sites including for example, 47 Skyring Terrace, Newstead (A006870288).

Car parking Design

It is noted that the submitted engineering reporting includes plans that are older than the architectural plans submitted. The engineering report and assessment should be re-examined to ensure that the information provided is up to date.

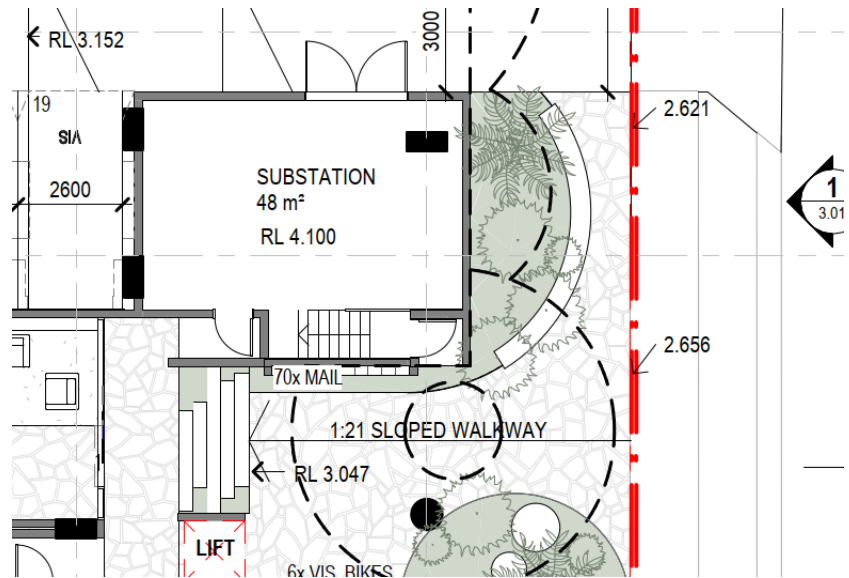
5. There appears to be a significant level difference between the substation levels and the ramp access levels on ground floor. This difference appears to be approximately 1.1m and result in a drop at the door to the substation. Further clarification is required to ensure the design is practical and safe.
 - a. Amend the proposed plans as required to ensure the area functions safely. Carparking changes may need to occur in order to ensure sufficient access is provided.
6. There appears to be a potential flooding concern with basement flooding via the fire door access located at approx. 3.47m AHD on the Ground level. Further information is required to ensure that the area is appropriately flood proof.
 - a. Provide finished floor levels to lobby and the fire stairwell.
7. There is a concern with the parking safety of spaces G-16; B1-22; B2-22; B3-22 which, with aisles less than 6.20m wide have the potential to result in property damage, even at low speeds. Consider safety in design mitigation measures for these spaces.
 - a. Remove the identified car parking spaces from the plans; or
 - b. Make the identified car parking spaces 'small spaces' only and demonstrate they are suitably safe through swept paths.
8. The access aisle to the resident bicycle parking area adjacent to car space 10 on the ground floor is non-compliant. The width should be approximately 1.5m to ensure a person is able to walk through next to their bicycle and the plans indicate a width of 1m. Review the current design and consider deleting car space 10 to accommodate safe bike / walking rider access in accordance with AS2890.3. The car space may be suitable to remove altogether or change to a small parking space.
9. Provide amended plans with a pedestrian sightline splay, 2m x 2m, as per fig C of TAPS PSP, to the exit driveway.

Response to Item 5

The proposed substation shall generally be accessed day to day via a dedicated entry point next to the main pedestrian entry. Access via the carpark ramp is intended solely for crane access and will not form part of regular substation access arrangements. As illustrated in **Figure 6** below, the accompanying **Architectural Plans** have been amended to clearly identify the level of the dedicated substation entry and annotate access from the ramp as 'Crane Access Only.'

Proposed Development

(Drawing Number: AR 2.05, Revision M)



Amended development in response to the Information Request

(Drawing Number: AR 2.05, Revision P)

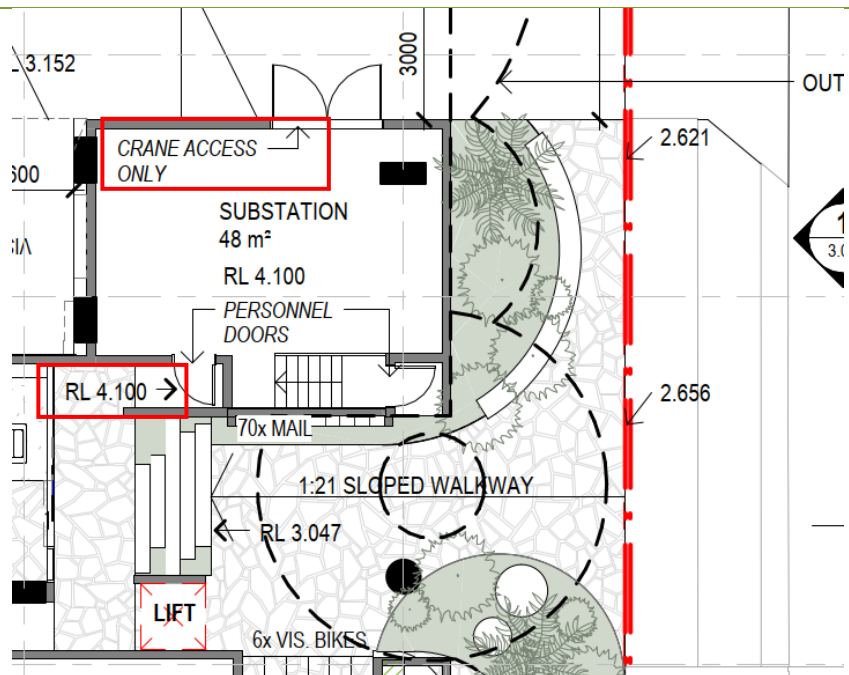


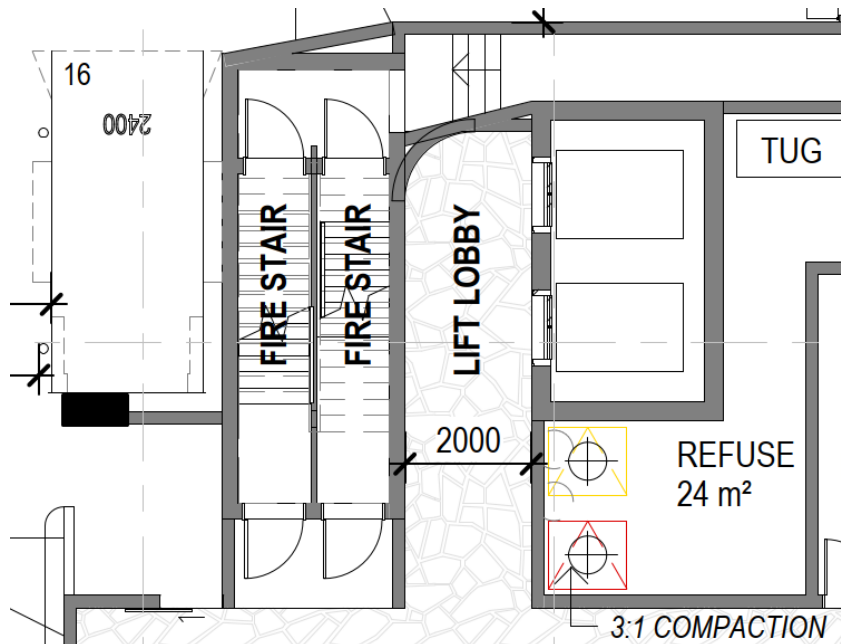
Figure 6. Comparison of Plan Revisions – Access to Substation

Response to Item 6

The fire door access is located at RL 4.1m, exceeding the adopted highest flood level of RL 3.6m and ensuring safe access above the defined flood level. As illustrated in **Figure 7** below, submitted **Architectural Plans** have been amended to clearly depict the levels associated with the fire door access.

Proposed Development

(Drawing Number: AR 2.05, Revision M)



Amended development in response to the Information Request

(Drawing Number: AR 2.05, Revision P)

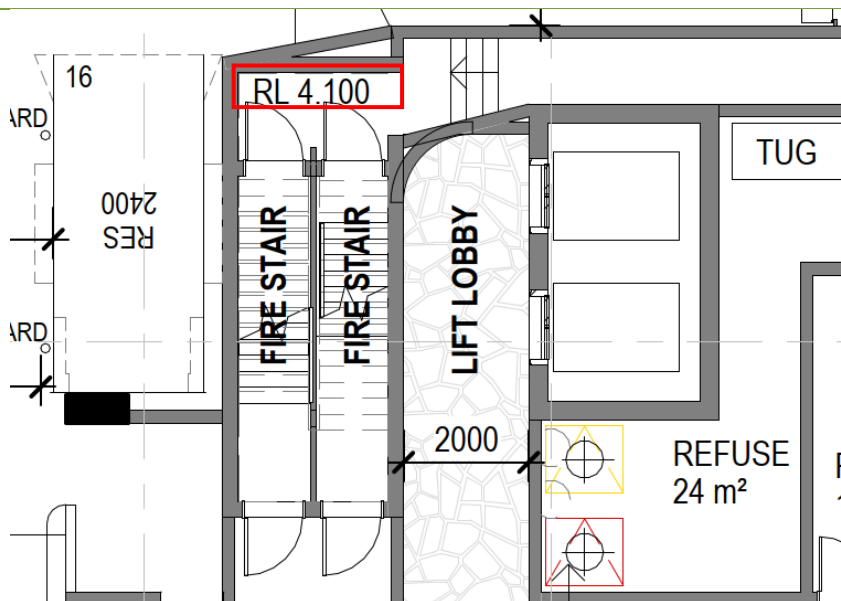


Figure 7. Comparison of Plan Revisions – Fire Door Access

Response to Item 7

The provision of 2.4m wide parking spaces with a 5.8m wide parking aisle satisfies the requirements for a fully reserved residential parking space. Swept paths analysis provided as part of the original Traffic Impact Assessment demonstrates that Council's design vehicle can safely manoeuvre throughout the car park and access parking spaces without creating adverse safety impacts to G-16; B1-22; B2-22; B3-22. To further enhance safety and protect these parking spaces during vehicle movements, bollards have been shown at either end of each parking bay of G-16; B1-22; B2-22; B3-22. Refer to the accompanying **Traffic Engineering Response** for further detail.

Response to Item 8

As per **Figure**, residents will be able to comfortably gain access to the bicycle storage area whilst wheeling a 0.5m wide bicycle. Please refer to the accompanying **Traffic Engineering Response** for further detail.

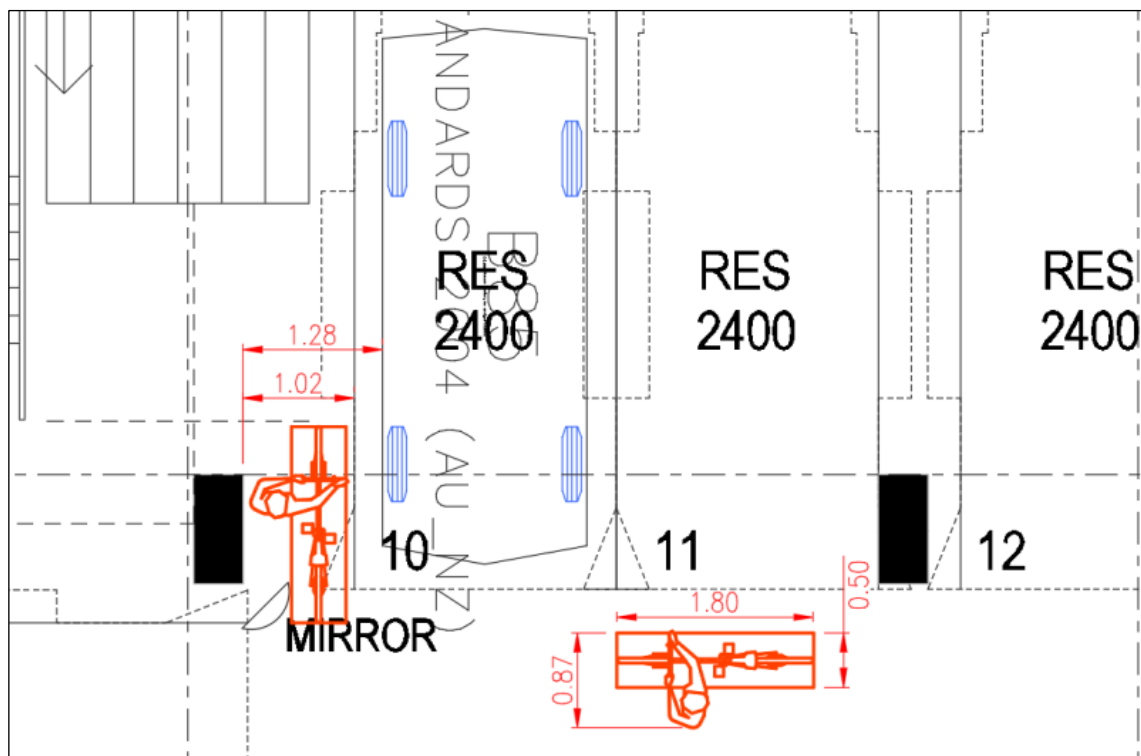


Figure 8. Access to Bicycle Storage Area

Response to Item 9

As per **Figure**, the proposed development provides for a 2.5m x 2.0m sightline splay on the exit side of the vehicular crossover. Please refer to the accompanying **Traffic Engineering Response** and amended **Architectural Plans** for further detail.

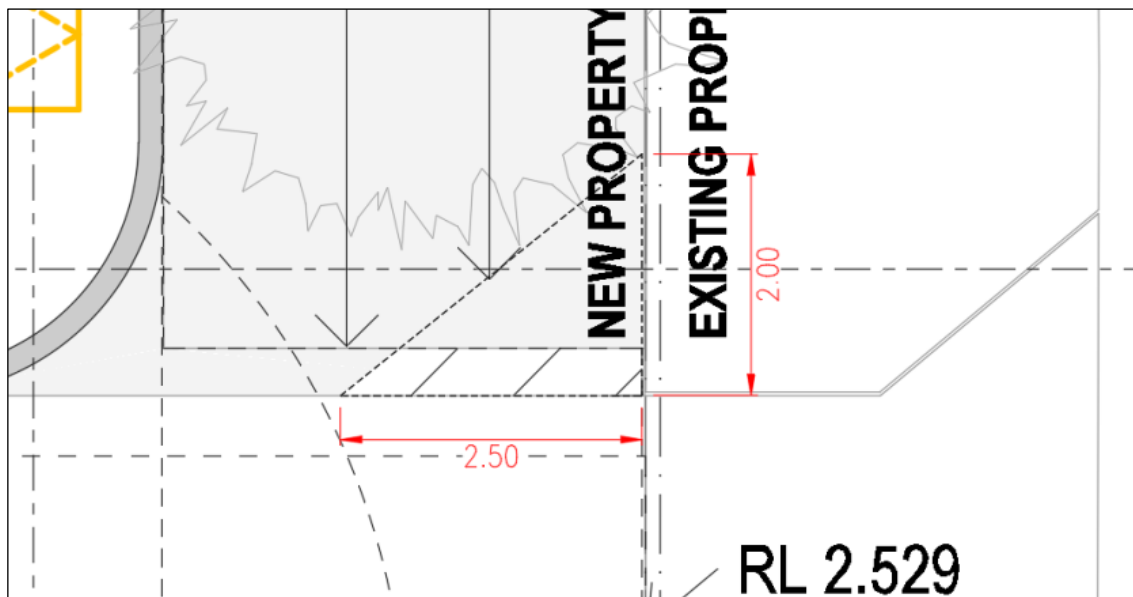


Figure 9. Sightline Splay

Setbacks and Privacy

- 10.** The proposed development seeks side boundary setbacks of 3.350m to the side boundaries which is less than the 6m side boundary setbacks described in AO26 of the Centre or mixed use code. The current side setbacks proposed, combined with other performance outcomes sought, are not considered to minimise the impact of the development on the amenity and privacy of adjoining residents, or adequately consider future development in order to meet PO26 of the Centre or mixed use code.
 - a. Provide greater side boundary setbacks.
- 11.** The proposed rear boundary setback, at 4.045m is less than the 10m rear boundary setback described as an acceptable outcome in AO25 of the Centre or mixed use code as being an acceptable outcome. The current rear setbacks proposed, combined with other performance outcomes sought is not considered to comply with the performance outcome (PO25) in that the current proposal does not support building separation to provide visual and acoustic privacy without screening and the reduced setbacks will also result in additional building bulk and shadow casting to nearby sites.
 - a. Provide a greater rear boundary setback.
- 12.** Whilst it is acknowledged that access to natural light, daylight, breezes and views for the residents of the building is important, this needs to be balanced with the privacy of the adjoining neighbouring properties as well as future development.
 - a. Further information is required to demonstrate that the development will not have an adverse impact on existing and future adjoining development. This may require an increase to setbacks and building separation as identified in this information request or changes to the screening along the balconies at the rear of the site.

Response to Item 10

Under Brisbane City Plan, a setback for a building or structure, is defined to exclude:

- an eave or a roof, or
- a sunhood or the like attached to the wall of a building or structure to provide shade or shelter to the wall.

Acknowledging these exclusions, the adopted side boundary setback is 4m to the wall and glazing, with a limited number of minor variations. This setback correlates with that approved for the neighbouring building to the east at 23-27 Maud Street (Aire).

The 4m side boundary setback for Aire was approved through detailed assessment. This established what is considered an appropriate setback to achieve acceptable privacy and amenity and avoid prejudicing development on adjoining sites (i.e. the subject site), based on the presumption that the same setback would be applied. The proposal adopts the same side boundary setback of 4m as intended when the adjacent development (Aire) was assessed and approved.

Similarly, the proposal adopts a 4m wide setback to its western boundary. Although land to the west is currently zoned Low Impact Industry, the adopted setback of 4m accords with that approved by Council at Aire, and equally seeks to not prejudice future development in the event a residential development outcome is supported.

The adopted setbacks are subject to assessment against relevant assessment benchmarks of the Centre or Mixed Use Code. **Table B** below identifies development approvals within the Newstead locality which are subject to assessment against the same provisions, where Council has accepted that a side boundary setback of between 3m and 4m achieves compliance with PO26 of the Code.

This includes the above referenced Aire project and the recently approved development application at 99 Breakfast Creek Road, where Council has approved a 4m setback at the eastern boundary of the site which interfaces with the established Newstead Series development that has a similar setback of between 3-4m and includes some side facing units.

Table B. Side Building Setbacks in the Immediate Area

Development	Building Height	Side Building Setbacks
Aire Development 23 Maud Street, Newstead (A007057524)	12 storeys	Ground Level: ▪ Eastern side boundary: 2.5m ▪ Western side boundary: built to boundary Tower ▪ Eastern side boundary: 3.2m to outer most projection and 4m to glazing. ▪ Western side boundary: 3.3m to outer most projection and 4m to glazing.
12 Kyabra Street, Newstead (A006555369)	22 storeys	Ground Level ▪ Northern side boundary: Built to boundary ▪ Southern side boundary: Built to boundary Podium ▪ Northern side boundary: 1m to outer most projection and 4m to glazing. ▪ Southern side boundary: 1m to outer most project and 3m to glazing. Tower ▪ Northern side boundary: 4m ▪ Southern side boundary: 3m
99 Breakfast Creek Road, Newstead (A006861635)	20 – 30 storeys	▪ Austin Street boundary: 3m ▪ Eastern boundary: 4m ▪ Evelyn street boundary: 3m ▪ Breakfast Creek Road boundary: 3.5m
Le Bain 20 Wyandra Street, Newstead (A005256675)	15 storeys	Ground Level – Level 3 ▪ Northern side boundary: Built to boundary ▪ Southern side boundary: Built to boundary Podium Level/Level 4 ▪ Northern side boundary: 3.2m ▪ Southern side boundary: 4m Tower ▪ Northern side boundary: 3.2m ▪ Southern side boundary: 4m

In addition to the above, all of the proposed units are orientated either north or south, with balconies similarly directed to maximise outlook and amenity. No units or balconies are oriented to side boundaries, thereby protecting the privacy of both future residents and adjoining properties. Privacy is further enhanced through the strategic placement of slab projections adjacent to bathroom and bedroom windows and other living areas.

The adjacent Aire development, located immediately east of the site, similarly has north and south-orientated units and balconies. This minimises opportunities for direct overlooking between developments and supports an appropriate level of privacy and amenity for residents of both buildings. Greater side boundary setbacks are therefore not required.

Response to Item 11

The submitted updated **Architectural Plans** confirm the following rear boundary setbacks for tower (above podium) levels:

- Balconies with an average setback of 5.07m and minimum setback of 4.05m to OMP.
- Setback of 7.0m to glazing line of bedroom which is located behind a planter and operable screen to level 6.
- Setback in excess of 8.0m to the glazing line of the living area.

The proposed setbacks have generally been designed to mirror those assessed and accepted by Council for the Aire development to the east, noting that this adjacent development has a more direct interface to the constructed development (Alouette) to the rear.

The architectural design incorporates rounded sculptured balconies as opposed to traditional flat balustrades which run parallel to the living room glazing line. Whilst the balconies have a closest single point of 4.05m, the average setback of 5.07m generally accords with the 5.17m setback approved at the adjacent Aire development to the east.

The proposed 7.0m setback to the glazing line of the bedroom exceeds the 6.4m bedroom setback approved for Aire. Similarly, the adopted setback in excess of 8.0m to the glazing line of the living area equates to the approved setback of 8.76m for Aire.

The appropriateness of the proposed rear boundary setbacks in the context of amenity and privacy, should also consider the positioning of high use areas, as opposed to the perception of standalone amenity impacts attached to a nominated outermost projection dimension. Delineation of the average rear boundary setback highlights where the most usable areas of balconies start. The defined curved elements closer to the boundary, are considered to contribute to the articulation and architectural distinction of the building.

The proposed rear boundary setbacks comply with PO25 as follows:

- a) The proposed development incorporates deep planting with a minimum dimension of 4m along the full length of the rear boundary. This deep planting area will establish a green, subtropical interface that contributes positively to the landscape character of the site and surrounding area, and contribute to visual and acoustic privacy at lower levels
- b) The southern boundary adjoins a two storey non-residential building and a portion of 28 Austin Street containing the eight storey Alouette development. The proposed development maintains an **average separation distance of 10.38m between the outermost project of the buildings and between 15.1m and 17.46m between glazing lines**. These separation distances minimise opportunities for overlooking and maintain visual privacy for residents. The proposed setback is also generally consistent with Aire, the adjacent approved development at 23 – 27 Maud Street.
- c) There is no existing mature vegetation to be retained.
- d) There is no requirement to provide a height transition within this location.

As referenced in **Table C** below, the proposed rear setback is consistent with other approved setbacks in the Newstead locality. As noted above, the proposal maintains generous separation between glazing lines and balconies which maintain acceptable visual and acoustic privacy.

Table C. Rear Building Setbacks in the Immediate Area

Development	Building Height	Rear Building Setbacks
Aire Development 23 Maud Street, Newstead (A007057524)	12 storeys	Ground level
		▪ 4m to outer most projection and 6m to wall.
		Tower
		▪ 5.1m to outer most projection and 6.4m to glazing.
12 Kyabra Street, Newstead (A006555369)	22 storeys	Ground Level
		▪ 2.9m
		Podium
		▪ 5m to outer most projection and 5.5m to wall.
		Tower
		▪ 5m to outer most project and 5.5m to wall.
99 Breakfast Creek Road, Newstead (A006861635)	20 – 30 storeys	▪ Austin Street boundary: 3m
		▪ Eastern boundary: 4m
		▪ Evelyn street boundary: 3m
		▪ Breakfast Creek Road boundary: 3.5m

Response to Item 12

The proposed development incorporates north and south orientated units and balconies, with no balconies located on the eastern or western elevations. This design approach significantly reduces opportunities for direct overlooking of adjoining sites. Additionally, the adjoining Aire Development to the east similarly comprises of north and south orientated units and balconies, further limiting the potential for direct overlooking between developments.

Appropriate building separation is also maintained along the southern boundary, with an average separation distance of 10.38m between the outermost projection and between 15.1m and 17.46 between glazing lines. These distances are sufficient to maintain visual privacy and residential amenity; and are consistent with approved separation outcomes within the immediate locality, including the adjoining Aire development.

Building Separation

13. The proposed development includes habitable rooms with windows orientated to the side and rear boundaries which are less than the 24m distance described as an acceptable outcome for levels above 9 storeys and above in AO27.1 and AO27.2 of the Centre or Mixed-Use Code. It is not apparent that the design ensures privacy and amenity for adjacent sites has been protected nor is it apparent that future development has been considered for adjacent sites (PO27).

- a. Provide greater separation between existing and future development on adjacent sites.

Response to Item 13

As outlined in response to items 10, 11 and 12 above, no changes have been made to the proposed building setbacks and resulting building separation.

Supporting notes to AO27.1 and AO27.2 of the Centre or Mixed Use Code acknowledge that separation is only one measure for achieving PO27 and that considered site planning and design and strategies such as offsetting balconies, the location of private space, selective screening and other design elements are relevant considerations.

AO27.1 refers to nominal separation distances outlined in Table 9.3.3.3.E, whilst AO27.2 outlines:

Development ensures that the building separation to an adjoining residential building:

AO27.2

- a. *Complies with Table 9.3.3.3.E; **or***
- b. *Positions the primary balcony or private open space to the street or rear;*
- c. *Offsets balconies or habitable rooms so they are positioned outside the cone of vision of existing or approved habitable rooms or outdoor spaces; **or***
- d. *Uses moveable or adjustable screening to regulate privacy between lots or dwellings which do not exceed balcony screening acceptable outcomes.*

The proposed development meets:

- AO27.2(b) with all balconies and private open space positioned to the street and rear of the building; and
- AO27.2(c) in most instances, with balconies and habitable room windows generally positioned outside of the cone of vision of existing or approved habitable rooms or outdoor spaces.

When considering the context of the subject site in relation to AO27.2(c), existing and approved habitable rooms and outdoor spaces are noted to be limited to those within:

- 12 storey approved multiple dwelling at 25 Maud Street (Aire) – adjoining the subject site to the immediate east
- 8-9 storey constructed multiple dwelling at 24-30 Austin Street (Alouette) – partially adjoining the subject site to the southeast

The relationship with these buildings in the context of AO27.1, Table 9.3.3.3.E and AO27.2(c) is discussed below.

Aire (adjoining to east)

The separation between the subject building and Aire remains between 7.48 and 8m to the glazing line. This outcome is commonly found between side boundaries across Brisbane, with some specific examples in Newstead provided towards the end of this response.

The approved floor plan for Aire is set out similarly to the subject development, whereby all balconies and primary living spaces are oriented to the street and rear of the building. The layout includes western facing windows towards the subject site, which have been approved with screening, maintaining privacy between the two buildings.

In addition, the variation in floor levels to be established between the two buildings, combined with the precast slab projections on the proposed development, obscure the cone of vision in many locations along the side elevation (Refer to **Figure 10**).

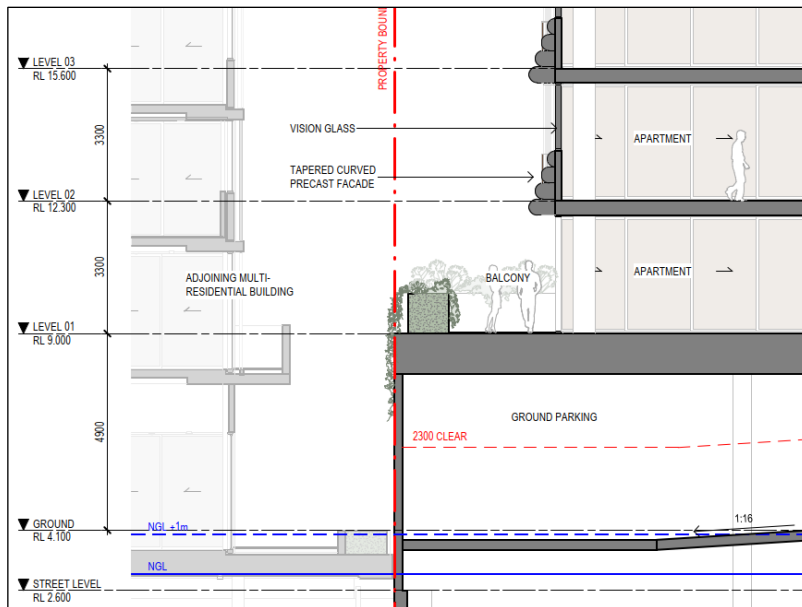


Figure 10. Interface with Adjoining Development (Aire)

Southeast

The separation between the subject building and Alouette remains between 10.644m to the outermost projection and 15.021m between glazing lines.

Alouette where aligning with the subject development, is limited to 8 storeys in height and features a single unit on each floor level which aligns with the subject development.

Table 9.3.3.3.E outlines separation distance requirements for facing habitable rooms with windows or balconies, between 3m and 18m, as the development height increases up to 8 storeys in height. The proposed development therefore achieves compliance with Table 9.3.3.3.E up to and including the second storey, with only a minimal performance outcome sought at levels 3 to 5 when taken to the outermost projection and levels 6 to 8 where aligning with Alouette.

The separation to Alouette should then be considered in the context of the relevant performance outcome PO27, where it can be established the development meets the relevant requirements.

In direct response to PO27 of the Centre or mixed use code, the separation of the proposed development to adjoining buildings:

- Is consistent with the form and character intent for the local area. In this regard it is noted that there are many high rise residential buildings within the Newstead locality that are within nominated separation distances (examples provided below).
- Maintains residential amenity, including access to natural light, sunlight and breezes, to the level which can be anticipated for a Mixed Use inner city location.
- Maintains visual privacy to the degree which can be anticipated for the locality. It is noted that screening has not been provided elsewhere in this location where balconies are rear facing.
- Reasonably considers amenity of adjoining residents and future development potential to the extent expected for this location. It can be established that future residents of Newstead cannot expect the same level of amenity as more suburban localities around the city.

Table D. Building Separation in the Immediate Area

Development	Building Separation
18 Wyandra Street, Newstead (Italian Club) and 20 Wyandra Street, Newstead (Le Bain) (A005729756 and A005256675)	- Distance between outer most project of Le Bain and outer most project of Italian Club: 3.8m. - Distance between wall of Le Bain and outer most project of Italian Club: 6m.
75 Longland Street (Oro Development) (A006899106)	- Distance between Tower 1 and Tower 2: 13.8m – 15.3m - Distance between Tower 2 and Tower 3: 12.2 m – 18.4m - Distance between Tower 1 and adjoining properties: 4.5m – 11.5m - Distance between Tower 3 and adjoining properties: 11.m – 11.1m
12 Kyabra Street, Newstead (A006555369)	- Distance between 12 Kyabra Steet and 16 Kyabra Street: 3.5m - Distance between 12 Kyabra Street and 8 Kyabra Street: 6.5m - Distance between 12 Kyabra Street and 11 Stratton Street: 12.3m

Bicycle Parking Provision

- 14.** The proposed basement bike parking envelope widths do not appear to meet the minimum requirement of 500mm. The submitted TIA report advises that all resident bicycle parking spaces have been provided in the form of dynamic multi-tiered bicycle stackers. Further information is required for typical system utilised for the multi-tiered stackers.
- provide details on the bicycle stackers to be utilised for the residential bicycle parking areas. For example, do the rack systems reduce widths by alternating heights of bicycles to comply with the relevant standards? Alternatively, the removal of some carparks to provide additional bicycle parking space could suffice, where appropriate.

Response to Item 14

The development provides sufficient space to accommodate bicycle parking envelopes, without the need for amendments to the design. The allocated areas support the specifications for a Cora Bike Rack System as outlined within the accompanying **Traffic Engineering Response**.

Motorcycle Parking

- 15.** No motorcycle spaces have been provided. In car parks with more than 50 spaces, 2% of the number of spaces required to comply with the requirements of TAPS planning scheme policy Table 13 and 14 are provided as marked and signed spaces for motorcycles, each measuring 2.5m by 1.35m, located immediately adjacent to major pedestrian access points.
- Provide the recommended number of motorcycle parking spaces.

Response to Item 15

The provision of dedicated motorcycle parking spaces is considered unnecessary noting the number of car parking spaces to be delivered within the development. The proposed car parking spaces provide sufficient capacity and flexibility to accommodate motorcycle parking demand, as required, without compromising the availability of car parking for residents and visitors.

This approach provides for an appropriate and flexible use of the available parking supply, while avoiding the need to allocate dedicated spaces that may otherwise remain underutilised. Please refer to the **Traffic Engineering Response** prepared by Lambert and Rehbein.

Verge Width

- 16.** Maude Street is classified as a City Centre Minor – CS (02) with the requirement for a minimum 3.75m wide verge. The current verge width appears to be less than the minimum requirement. As a result of this, a land dedication maybe required.
- a. Provide amended plans to clearly show the verge width and any land dedication (if required). If verge widening is required, this may impact on building setbacks and landscape design at the ground level.

Response to Item 16

A land dedication of 0.120m was included in the submitted plans to allow for the establishment of a 3.75m wide verge across the front of the site, and this is consistent with that conditioned on the approved development at 23-27 Maud Street (adjacent site). For clarity this is now formally notated on the proposed site plan. As the dedication is incorporated into the original submitted plans, there is no change to how the development shall interface with the street or ability to provide a deep planting area in the north-west corner of the site and landscaping elsewhere across the frontage.