

Benowa Gardens Plan of Development

Prepared for: Horizontal Investments

1 Purpose

This “Benowa Gardens Plan of Development” forms part of the common material for a development application seeking a Preliminary Approval (Variation Request) to vary the effect of Gold Coast *City Plan* (Version 11) (**City Plan**). If the Variation Request is approved it becomes a Variation Approval and this Benowa Gardens Plan of Development becomes a categorising instrument, as defined in section 43 of the *Planning Act 2016* (Qld) (**Planning Act**).

1.1 Land to which the Variation Approval Applies

This Variation Request applies to land that formerly hosted the Benowa Gardens Shopping Centre, described in January 2025 as:

- 203 Ashmore Road, Benowa (Lot 8 on RP 839746) (**‘the site’**)

1.2 Relationship to the Planning Act

In accordance with subsection 43(1) of the Planning Act, this categorising instrument:

- (a) categorises development as either assessable or accepted development;
- (b) specifies the categories of assessment required for different types of assessable development; and
- (c) sets out the matters (the **assessment benchmarks**) against which an assessment manager must assess assessable development.

1.3 Structure of the Benowa Gardens Development Code

The Benowa Gardens Development Code comprises:

- Part 1 – Purpose
- Part 2 – Application
- Part 3 – Tables of Assessment that categorise development as assessable or accepted development and specify the categories of assessment for Material Change of Use within 203 Ashmore Road, Benowa (Lot 8 on RP 839746)
- Part 4 – The Benowa Gardens Development Code, which sets out:
 - The compliance criteria in the case of development categorised as ‘accepted development subject to requirements’; and
 - The assessment benchmarks against which an assessment manager must assess assessable development against; and

- Part 5 – The Benowa Gardens Development Code Maps, including:
 - Map 1 – Benowa Gardens Area
 - Map 2 – Building Heights – Towers and Podium
 - Map 3 – Residential Density Plan
 - Map 4 – User Journey and Access Routes; and
 - Map 5 – Staging Plan.

2 Application

1. As a categorising instrument forming part of a variation approval, Benowa Gardens Development Code varies the following parts of City Plan (version 11):
 - a. Table 5.5.5: MCU – Neighbourhood Centre Zone:
 - Categories of development assessment for Short-term accommodation, Shop and Building height and Residential density assessment triggers.
 - b. Replaces the Neighbourhood Centre zone code with the Benowa Gardens Area Code
 - c. Replaces the High-rise accommodation code with the Benowa Gardens Development Code
 - d. Replaces the Zone map applicable to the site as prescribed under Schedule 2.4 of the City Plan (Version 11)
 - e. Replaces the Building height overlay map – map 17, applicable to the site;
 - f. Replaces the Residential density overlay map – map 17, applicable to the site.
2. All remaining parts of City Plan (version 11) remain applicable to future development within the Benowa Gardens Development Area, to the extent they are relevant to and not inconsistent with the Benowa Gardens Plan of Development.
3. The Benowa Gardens Plan of Development is to be read in conjunction with any conditions imposed upon the granting of the Variation Approval. Where there is a conflict between the Benowa Gardens Plan of Development and the conditions of approval contained in the decision notice, the conditions of approval prevail to the extent of the inconsistency.

2.1 Development that is the subject of the variation approval

For the purposes of subsection 43(7) of the Planning Act, development that is the subject of the variation approval is a Material Change of Use listed in Table 1 – Tables of Development Assessment Benowa Gardens.

2.2 Where a conflict arises

In the event of a conflict between the Benowa Gardens Plan of Development and City Plan – the Benowa Gardens Development Code prevails to the extent of that inconsistency.

2.3 Time Limit for the Development

In accordance with subsection 88(2) of the Planning Act, this Variation Approval will lapse fifteen (15) years after the approval takes effect, to the extent that development is not completed.

3 Tables of Assessment

Table 1 – Tables of Development Assessment for Material Change of Use Benowa Gardens

ACTIVITY GROUPS	USES	ASSESSMENT BENCHMARKS AND REQUIRED OUTCOMES
All activities	Impact assessment	
	Height	City Plan (Version 11)
	If involving building work and height exceeds: (a) the height identified on Map 2 – Building Heights – Towers and Podium ; or (b) where not identified on Map 2 – Building Heights – Towers and Podium 14 metres, with no more than 2 storeys	
	Impact assessment	
	Density	City Plan (Version 11)

	<p>For all uses other than:</p> <ul style="list-style-type: none"> (a) Caretaker's accommodation; or (b) Residential care facility <p>If density exceeds the density identified on the Map 3 – Residential Density Plan</p>	
Business activities	Accepted subject to requirements	
	<p>The following uses if establishing in an existing non-residential premises and either; involving no building work (other than an internal fit-out); or involving only minor building work:</p> <ul style="list-style-type: none"> (a) Food and drink outlet if involving <ul style="list-style-type: none"> (i) no consumption of alcohol; or (ii) consumption of alcohol between the hours of 10am and 10pm (b) Hardware and trade supplies if GFA of the use does not exceed 300m²; (c) Health care services; (d) Office if not a real estate agency or a call centre; (e) Shop if – 	<p>Any overlay code triggered by an overlay map</p> <p>Benowa Gardens Development Code</p> <p>Commercial design code</p> <p>Fire services in developments accessed by common private title code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>Sales office code</p> <p>Transport code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>On-site sewerage facilities code</p>

	<ul style="list-style-type: none"> (i) GFA of any single shop does not exceed 1,500m²; or (ii) Where involving an anchor tenancy, does not introduce more than one anchor tenancy on site, nor exceeds a GFA of 4,000m² <p>(f) Showroom if GFA of the use does not exceed 300m²</p> <p>(g) Sales office</p>	<p>Solid waste management code</p> <p>Transport code</p> <p>Vegetation management code</p>
Code assessment		
	<p>(a) Shop if, where involving an anchor tenancy, and –</p> <ul style="list-style-type: none"> (i) does not introduce more than one anchor tenancy on site; and (ii) Does not exceed a GFA of 4,000m² 	<p>Any overlay code triggered by an overlay map</p> <p>Benowa Gardens Development Code</p> <p>Commercial design code</p> <p>Fire services in developments accessed by common private title code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>Sales office code</p> <p>Transport code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>On-site sewerage facilities code</p> <p>Solid waste management code</p> <p>Transport code</p>

		Vegetation management code
Recreation and environmental activities	Code assessment	
	Indoor sport and recreation if GFA of the use does not exceed 500m ²	Any overlay code triggered by an overlay map Benowa Gardens Development Code Commercial design code Driveways and vehicle crossings code Fire services in developments accessed by common private title code General development provisions code Healthy waters code On-site sewerage facilities code Solid waste management code Transport code Vegetation management code
Residential activities	Accepted	
	Home based business if home based child care	Any overlay code triggered by an overlay map
	Accepted subject to requirements	
	Community residence	As specified in Schedule 6 of the Regulation

	<p>Caretaker's accommodation</p> <p>Dwelling unit</p> <p>Home based business n.e.i</p> <p>Residential care facility if establishing in an existing Retirement facility premises and:</p> <ul style="list-style-type: none"> (a) does not involve building work; or (b) involves building work that does not increase the existing GFA; or (c) involves minor building work <p>Retirement facility if establishing in an existing Residential care facility premises and:</p> <ul style="list-style-type: none"> (a) does not involve building work; or (b) involves building work that does not increase the existing GFA; or (c) involves minor building work <p>Rooming accommodation if establishing in an existing building:</p> <ul style="list-style-type: none"> (a) accommodating no more than four unrelated people; and (b) involves no building work; (c) involves minor building work 	<p>Any overlay code triggered by an overlay map</p> <p>Benowa Gardens Development Code</p> <p>Benowa Gardens High-Rise Accommodation Code</p> <p>Caretaker's accommodation code</p> <p>Driveways and vehicle crossings code</p> <p>Dwelling unit code</p> <p>Fire services in developments accessed by common private title code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>Home based business code</p> <p>Multiple accommodation code</p> <p>Transport code</p> <p>Vegetation management code</p>
	<p>Code assessment</p>	

	Home based business if bed and breakfast Multiple dwelling Residential care facility n.e.i Retirement facility n.e.i Rooming accommodation n.e.i	Any overlay code triggered by an overlay map Benowa Gardens Development Code Benowa Gardens High-Rise Accommodation Code Bed and breakfast and farm stay code Commercial design code Driveways and vehicle crossings code Fire services in developments accessed by common private title code General development provisions code Healthy waters code On-site sewerage facilities code Solid waste management code Transport code Vegetation management code
Rural activities	Accepted	
	Permanent plantation	Any overlay code triggered by an overlay map
	Code assessment	

	Agricultural supplies store	<p>Any overlay code triggered by an overlay map</p> <p>Benowa Gardens Place Code</p> <p>Commercial design code</p> <p>Driveways and vehicle crossings code</p> <p>Fire services in developments accessed by common private title code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>On-site sewerage facilities code</p> <p>Solid waste management code</p> <p>Transport code</p> <p>Vegetation management code</p>
Tourism and entertainment activities	Code assessment	
	<p>Bar if:</p> <ul style="list-style-type: none"> (a) contained within a building and TUA of the use does not exceed 100m²; and (b) involves the consumption of alcohol between the hours of 10am and 10pm <p>Club if excluding the sale of liquor</p> <p>Function facility if GFA of the use does not exceed 150m²</p> <p>Short-term accommodation</p>	<p>Any overlay code triggered by an overlay map</p> <p>Benowa Gardens Development Code</p> <p>Benowa Gardens High-Rise Accommodation Code</p> <p>Bed and breakfast and farm stay code</p> <p>Commercial design code</p> <p>Driveways and vehicle crossings code</p> <p>Fire services in developments accessed by common private title code</p> <p>General development provisions code</p> <p>Healthy waters code</p>

		On-site sewerage facilities code Solid waste management code Surf life saving club code Transport code Vegetation management code
Transport and infrastructure activities	Accepted	
	Landing if associated with a non-commercial use Substation Utility installation if: (a) not a waste transfer station or a refuse disposal; or (b) TUA of a waste transfer station does not exceed 50m ²	Any overlay code triggered by an overlay map
	Code assessment	
	Parking station if only located at ground level Port services if associated with a residential use Telecommunications facility if:	Any overlay code triggered by an overlay map Benowa Gardens Development Code Commercial design code

	<p>(a) located more than 200 metres from a sensitive land use; and</p> <p>(b) located more than 400 metres from an established or approved facility; or</p> <p>(c) for a broadcasting station or a television station</p>	<p>Driveways and vehicle crossings code</p> <p>Fire services in developments accessed by common private title code</p> <p>Flood overlay code</p> <p>General development provisions code</p> <p>Healthy waters code</p> <p>IDAS Code for development applications for prescribed tidal work</p> <p>On-site sewerage facilities code</p> <p>Ship-sourced pollutants reception facilities in marinas code</p> <p>Solid waste management code</p> <p>Telecommunications and broadcasting facilities code</p> <p>Transport code</p> <p>Vegetation management code</p>
Accepted subject to requirements		

<p>Any use if a Temporary use and:</p> <ul style="list-style-type: none"> (a) where located on public land, the temporary use does not occur for more than 14 consecutive days in any one calendar year; or where located on land other than public land, the temporary use does not occur for more than seven consecutive days in any one calendar year; (b) the temporary use does not occur for more than 28 days in any one calendar year; (c) the temporary use does not include any industrial or residential activities or a Party house; and (d) the temporary use does not require works such as vegetation clearing or other operational work. 	<p>Any overlay code triggered by an overlay map</p> <p>Benowa Gardens Development Code</p> <p>Market and temporary use code</p> <p>Transport code</p>
Impact assessment	
<p>Any use listed in this table and not meeting the description listed in the use column</p> <p>Any other use not listed in this table</p> <p>Any other undefined use</p>	<p>City Plan (Version 11)</p>

4 DEVELOPMENT CODE

4.1 Benowa Gardens Development Code

- (1) The purpose of the Benowa Gardens Development Code is to provide essential goods and services, diverse business opportunities including an anchor tenancy, and residential uses, while leveraging its strategic location on the key Ashmore Road corridor. The code supports an intense built form that allows for the delivery of a mixed use development that mitigates impacts on residential amenity through appropriate design and siting, ensuring a vibrant and functional neighbourhood centre that directly supports the community.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Land uses:
 - (i) provide day-to-day goods and services and diverse business opportunities without exceeding the needs of the immediate neighbourhood, detracting from the residential amenity of the area or undermining the viability of mixed use or specialist centres;
 - (ii) include retail facilities such as neighbourhood stores and newsagents, cultural uses, medical and community facilities, small scale entertainment premises, educational establishments, indoor sport and recreation, service stations and local services such as post offices;
 - (iii) may include Food and drink outlets (without drive-through facilities) and Bars (with a total use area up to 100m²);
 - (iv) involving commercial activities cease by 10pm to limit potential social and amenity impacts arising from these uses to nearby residents;
Note: It is acknowledged that on an individual basis it may be appropriate to review and adjust these operating hours based on the specific circumstances, roles and function of some centres.
 - (v) involving external patron areas, particularly where alcohol is consumed, are designed and orientated to mitigate any potential residential amenity impacts;
 - (vi) do not detract from the amenity of nearby sensitive land uses or land zoned for sensitive land uses;
 - (vii) include multiple dwelling and short-term accommodation residential development where integrated with business activities;
 - (viii) operate in a manner that do not cause nuisance to sensitive land uses; and
 - (ix) may include a Shop, providing the GFA of any single shop does not exceed 1,500m², or where a single anchor tenancy, does not exceed 4,000m²
 - (b) Housing is provided at a form, scale and intensity that is appropriate for the zone and each particular locality it is in where the following outcomes are satisfied:

Orderly and economically efficient settlement pattern

- (i) degree of public transport service within a 400 metre walking distance, being the most desirable distance for pedestrian access, and the ease and safety of pedestrian access to that service;
- (ii) proximity to major employment concentrations, centres, social and community infrastructure facilities and important amenity features, including the coast, recreational waterways and parkland;
- (iii) capacity of available infrastructure to support the development, including water, sewer, transport and social and community facilities;

Housing needs

- (iv) delivery of a generous mix of housing form, sizes and affordability outcomes that meet housing needs (including housing needs of the future) for the locality;

Design and amenity

- (v) whether intended outcomes for building form/city form and desirable building height patterns are negatively impacted, including the likelihood of undesirable local development patterns to arise if the cumulative effects of the development are considered;
- (vi) retention of important elements of neighbourhood character and amenity, and cultural heritage;
- (vii) whether adjoining residential amenity is unreasonably impacted;
- (viii) achievement of a high quality urban design through highly functional, accessible, attractive, memorable and sustainable buildings and public spaces;

Environment

- (ix) the impacts of any site constraints, including natural hazard and environmental-based constraints; and

Community Benefit

- (x) where the development:
 - A. is appropriate having regard to overall outcome (b) (i) to (ix);
 - B. meets all other overall outcomes for the zone; and
 - C. incorporates community benefits in addition to those that could be lawfully conditioned to be provided (i.e. that are required to be provided by this City Plan or reasonably required in relation to the development or use of premises as a consequence of the development), development bonuses are applied in accordance with the **SC6.5 City Plan policy – Community benefit bonus elements**.

Note: SC6.5 City Plan policy – Community benefit bonus elements provides guidance on what might constitute additional community benefits and the supporting material that may be required to demonstrate the degree of benefit.

Note: Development is not required to incorporate community benefits in order to demonstrate that housing has been provided at a form, scale and intensity that is appropriate having regard to overall outcome (b) (i) to (ix).

(c) Character consists of:

- (i) a mixed-use neighbourhood centre that accommodates a range of retail, commercial, residential and short-term accommodation activities within a cohesive and high-quality built form;
- (ii) distinctive active ground-floor frontages with cafés, retail and community uses that contribute to an engaging streetscape along Ashmore Road, Benowa Road and Carrara Street;
- (iii) a podium and tower design that delivers an articulated, subtropical architectural character, integrating landscape elements and shade structures to soften building mass and enhance pedestrian comfort;
- (iv) streets and public spaces that are pedestrian-friendly, well-shaded and connected, encouraging walking, cycling and outdoor activity;
- (v) landscaped setbacks and podium terraces that incorporate deep planting and subtropical greenery as defining elements of the precinct's identity;
- (vi) integration with existing community focal points including Pindara Private Hospital, local schools and nearby open spaces, reinforcing the role of Benowa Gardens as a convenient local hub; and
- (vii) a contemporary urban village character that maintains the function of the neighbourhood centre while contributing positively to the evolving mixed-use character of the Benowa locality.

(d) Built form for non-residential land uses:

- (i) is of a height and density consistent with **Map 2 – Building Heights – Towers and Podium** and **Map 3 – Residential Density Plan**
- (ii) on the ground floor allows for activation with the street, a flexible range of commercial opportunities and flexible re-use of non-residential space;
- (iii) is setback from road frontages to complement the streetscape character and allow for activation of the street;
- (iv) is setback from side and rear boundaries to protect the amenity of adjoining properties;
- (v) has a site cover to maximise the use of the land while providing adequate space for facilities and landscaping;
- (vi) creates strongly defined building edges and an attractive, safe and pedestrian-focused environment; and
- (vii) is not dominated by supermarkets or bulky and large built form.

(e) Built form for residential land uses:

- (i) is of a height and density consistent with **Map 2 – Building Heights – Towers and Podium** and **Map 3 – Residential Density Plan**
- (ii) is setback from side and rear boundaries to protect the amenity of adjoining uses;
- (iii) is setback from road frontages to promote an urban setting and interface with the street; and
- (iv) has varying site cover to reduce building dominance and provide areas for landscaping.

(f) Development staging:

- (i) Development is staged in accordance with **Map 5 – Staging Plan** to ensure coordinated and efficient infrastructure delivery and a logical sequence of growth.

PART A – ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS

Table 1: Benowa Gardens Code – for accepted development, subject to requirements

REQUIRED OUTCOMES		
Setbacks		
ROI		
Setbacks for non-residential land uses are as follows:		
Setback	Minimum distances measured in metres (m)	
	Building height	Setback
Frontage	up to 9.5m and not more than 2 storeys	0m (maximum 2m)
	for that part exceeding 9.5m or 2 storeys	2m
Side	up to 9.5m and not more than 2 storeys	0m where the site abuts the Centre zone, Neighbourhood centre zone or Mixed use zone 2m otherwise

	for that part exceeding 9.5m or 2 storeys	2m plus an extra 0.5m for every 3m in height or part thereof over 9.5m
Rear	up to 9.5m and not more than 2 storeys	2m
	for that part exceeding 9.5m or 2 storeys	6m

OR

RO1.2

Setbacks for residential uses are as follows:

Setback	Minimum distances measured in metres (m)	
	Height	Setback
Front for covered car parking (excluding a basement)	all	6m
Front (excluding covered car parking)	up to 23m	4m
	for that part exceeding 23m	6m
Side and rear	up to 4.5m	1.5m
	for that part between 4.5m – 7.5m	2m
	for that part exceeding 7.5m	an extra 0.5m is added for every 3m in height or part thereof over 7.5m
Between on site habitable buildings (where not attached)	Double the applicable side setback	

Site cover

RO2

Site cover does not exceed 80% for non-residential development

OR

For residential land uses, site cover does not exceed a cumulative total of :

- (a) 50% of net site area up to 8 storeys;
- (b) 40% of net site area from 9 to 15 storeys; and
- (c) 30% of net site area above 15 storeys.

Height

RO3

Building height does not exceed 2 storeys with a maximum height of 14m or that shown on the **Map 2 – Building Heights – Towers and Podium**

AND

Structures do not exceed a height of 14m or that shown on the Building height overlay map.

Density

RO4

Density does not exceed one dwelling per 400m².

OR

Density does not exceed that shown on the **Map 3 – Residential Density Plan**

Amenity

RO5

Business hours of non-residential activities are between 6am to 10pm.

Land use

RO6

Residential uses are located above ground floor.

RO7

The design of the ground floor services and utilities allow for easy reconfiguration of commercial tenancies.

RO8

The GFA of a shop tenancy does not exceed 1,500m²

RO9

Where involving a single anchor tenancy on site, does not exceed 4,000m² in GFA.

PART B – ASSESSABLE DEVELOPMENT

Table 2: Benowa Gardens Area Code – for assessable development

Performance Outcome	Acceptable Outcome
Height	
PO1 Tower base (podium) form respects the framework of established urban context and surrounding areas of Ashmore Road, Benowa Road and Carrara Street, and the adjoining Neighbourhood centre.	AO1 Tower base heights are consistent with Map 2 – Building heights and are no greater than: <ul style="list-style-type: none"> a. 15 metres and 4 storeys at the Ashmore Road frontage b. 22m and 6 storeys at the Benowa Road frontage; and c. 15m and 4 storeys at the Carrara Street frontage.

<p>PO2</p> <p>Building heights are delivered in accordance with Map 2 – Building heights plan</p>	<p>AO2</p> <p>No acceptable outcome provided.</p>																					
<p>Setbacks</p>																						
<p>PO3</p> <p>Tower base (podium) setbacks:</p> <ul style="list-style-type: none">a. allow buildings to address and actively interface with streets and public spaces;b. provide additional width to the public realm and additional space for road side dining opportunitiesc. appropriately respond to podium height, bulk and scaled. assist in the protection of adjacent amenity of immediately adjoining properties and properties along Ashmore Road, Benowa Road and Carrara Street.e. facilitate high-quality landscape outcomes that soften built form, enhance pedestrian amenity, and contribute to the overall streetscape character.	<p>AO3</p> <p>Tower base (podium) setbacks:</p> <table><tr><th colspan="3">Minimum distances measured in metres (m)</th></tr><tr><th>Setback</th><th>Building height</th><th>Setback</th></tr><tr><td rowspan="2">Front</td><td>up to 9.5m and not more than 2 storeys</td><td>0m (maximum 2m)</td></tr><tr><td>for that part exceeding 9.5m or 2 storeys</td><td>2m</td></tr><tr><td rowspan="2">Side</td><td>up to 9.5m and not more than 2 storeys</td><td>0m where the site abuts the Neighbourhood centre zone 2m otherwise</td></tr><tr><td>for that part exceeding 9.5m or 2 storeys</td><td>2m plus an extra 0.5m for every 3m in height or part thereof over 9.5m</td></tr><tr><td rowspan="2">Rear</td><td>up to 9.5m and not more than 2 storeys</td><td>2m</td></tr><tr><td>for that part exceeding 9.5m or 2 storeys</td><td>6m</td></tr></table>	Minimum distances measured in metres (m)			Setback	Building height	Setback	Front	up to 9.5m and not more than 2 storeys	0m (maximum 2m)	for that part exceeding 9.5m or 2 storeys	2m	Side	up to 9.5m and not more than 2 storeys	0m where the site abuts the Neighbourhood centre zone 2m otherwise	for that part exceeding 9.5m or 2 storeys	2m plus an extra 0.5m for every 3m in height or part thereof over 9.5m	Rear	up to 9.5m and not more than 2 storeys	2m	for that part exceeding 9.5m or 2 storeys	6m
Minimum distances measured in metres (m)																						
Setback	Building height	Setback																				
Front	up to 9.5m and not more than 2 storeys	0m (maximum 2m)																				
	for that part exceeding 9.5m or 2 storeys	2m																				
Side	up to 9.5m and not more than 2 storeys	0m where the site abuts the Neighbourhood centre zone 2m otherwise																				
	for that part exceeding 9.5m or 2 storeys	2m plus an extra 0.5m for every 3m in height or part thereof over 9.5m																				
Rear	up to 9.5m and not more than 2 storeys	2m																				
	for that part exceeding 9.5m or 2 storeys	6m																				

PO4

Tower (above podium) setbacks:

- a. assist in the protection of adjacent amenity;
- b. allow for access around the building;
- c. contribute to streetscape character;
- d. allow for on-site car parking; and
- e. provide separation between buildings to maintain view corridors.

AO4

Tower (above podium) setbacks are as follows:

Setback	Minimum distances measured in metres (m)	
	Height	Setback
Front for covered car parking (excluding a basement)	all	6m
Front (excluding covered car parking)	up to 23m	4m
	for that part exceeding 23m	6m
Side and rear	up to 4.5m	1.5m
	for that part between 4.5m – 7.5m	2m
	for that part exceeding 7.5m	an extra 0.5m is added for every 3m in height or part thereof over 7.5m
Between on site habitable buildings (where not attached)	Double the applicable side setback	

Tower height, form and design (above podium)

PO5

Towers achieve appropriate separation to:

- (a) Maintain openings for key view corridors
- (b) Allow for passive surveillance; and
- (c) Protect amenity and privacy between towers

AO5.1

Tower locations are generally in accordance with **Map 2 – Building Heights Plan**

AO5.2

Tower form promotes appropriate tower separation to preserve the key view corridor at the corner of Ashmore and Benowa Road.

PO6**AO6**

<p>Built form achieves the following outcomes:</p> <ul style="list-style-type: none"> a. a reinforced local identity and sense of place; b. a well managed interface with, relationship to and impact on nearby development, including the reasonable amenity expectations of nearby residents; c. a varied, ordered and interesting local skyline; d. an excellent standard of appearance of the built form and street edge; e. housing choice and affordability; f. protection for important elements of local character or scenic amenity, including views from popular public outlooks to the city's significant natural features; g. deliberate and distinct built form contrast in locations where building heights change abruptly on the Map 2 – Building height map h. the safe, secure and efficient functioning of the Gold Coast Airport or other aeronautical facilities. 	<p>No acceptable outcome provided.</p>
<p>Site cover</p>	
<p>PO7.1</p> <p>Site cover:</p> <ul style="list-style-type: none"> (a) ensures adequate space for storage and other necessary facilities required to support the land use; (b) allows for areas of high quality landscaping and streetscaping treatments; (c) allows for cross-block linkages; and (d) contributes to neighbourhood character. <p>PO7.2</p> <p>For residential uses, site cover:</p>	<p>AO7.1</p> <p>For non-residential podium land uses, site cover does not exceed 80%.</p> <p>AO7.2</p> <p>For residential land uses, site cover does not exceed a cumulative total of :</p> <ul style="list-style-type: none"> (a) 50% of net site area up to 8 storeys; (b) 40% of net site area from 9 to 15 storeys; and (c) 30% of net site area above 15 storeys.

<p>(a) is balanced between built form and green areas for landscaped private open space;</p> <p>(b) contributes to neighbourhood character and amenity;</p> <p>(c) promotes slender bulk form;</p> <p>(d) promotes an open, attractive and distinct skyline; and</p> <p>(e) facilitates small, fast moving shadows.</p>	
Residential density	
<p>PO8</p> <p>Density does not exceed that shown on Map 3 – Residential Density Plan.</p>	<p>AO8</p> <p>No acceptable outcome provided.</p>
General design and appearance	
<p>PO9</p> <p>Commercial buildings present well to the street and provide awnings for the comfort of pedestrians.</p>	<p>AO9.1</p> <p>Development provides awnings which are a minimum width of 1.5m over the pedestrian access/footpath.</p>
	<p>AO9.2</p> <p>Footpath awnings are designed to complement and integrate with the façade and the streetscape.</p>
Land uses	
<p>PO10</p> <p>The GFA of a shop tenancy does not exceed 1,500m²</p>	<p>AO10</p> <p>No acceptable outcome provided.</p>
<p>PO11</p>	<p>AO11</p>

Where involving a single anchor tenancy on site, does not exceed 4,000m ² in GFA.	No acceptable outcome provided.
PO12 Lobby and access point for residential land uses do not compromise the activation of ground floor storeys.	AO12 Residential uses are located above ground floor.
PO13 Ground floor spaces are designed to enable the flexible reuse of non-residential floor area to support changing community and business needs.	AO13 The design of the ground floor services and utilities allow for easy reconfiguration of commercial tenancies. Note: To facilitate the flexible re-use of the ground floor, Council recommends an internal floor to ceiling height of 4.5m.
PO14 Non-residential development: (a) serves the needs of the immediate neighbourhood catchment (b) supports a range of neighbourhood centre uses and enterprise opportunities; and (c) provides a range of goods and services to satisfy the day to day convenience needs of the immediate neighbourhood catchment.	AO14 No acceptable outcome provided.
Staging	
PO15 Development is staged in accordance with Map 5 – Staging plan.	AO15 No acceptable outcome provided.

5 Land use code

5.1 Benowa Gardens High-rise Accommodation Code

- (1) The purpose of the Benowa Gardens High-rise accommodation design code is to responsibly encourage diverse, innovative and engaging sub-tropical high-rise forms that enhance the city skyline.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development is designed to create attractive, high-quality visually appealing buildings and protect the privacy and amenity of neighbouring residential premises.
 - (b) Tower development mitigates negative visual and physical impacts through appropriate setbacks and design.
 - (c) Podiums and corner treatments are designed to engage with the street, respond to adjoining context and hierarchy, and support an activated public realm.
 - (d) Development provides a high-standard of amenity and visual interest for users and neighbours, including a high-standard of communal and private open space.
 - (e) Development is designed and orientated to promote a safe environment within the site, adjoining streets and public realm.
 - (f) Development is complemented by high-quality landscaping that contributes to the desired character of the area.
 - (g) Development is designed to promote safe and convenient pedestrian and vehicle access to and from the site.
 - (h) Development supports the provision of diverse housing for various types of households within the city to meet the needs of existing and future residents
 - (i) Residential care facilities and retirement facilities are provided with self contained services and recreational facilities to meet the needs of residents.
 - (j) Development provides private and communal open spaces that respond to the subtropical climate, maximise outdoor living opportunities, enhance amenity for residents and provide engagement with streets and public open spaces.
 - (k) Tower base (podium) forms are articulated and visually broken down through vertical design treatments, high-quality materials, and pedestrian-focused elements, reducing visual bulk and supporting active street frontages.
 - (l) The design of tower podiums reinforces the intended character as outlined in the Benowa Gardens Development Code, animates the street through activated frontages and signature architectural features, and avoids blank, featureless façades.

- (m) Tower form is designed to ensure adequate separation between towers, preserve view corridors, maintain privacy, and achieve visual permeability.
- (n) Building mass is reduced through the use of articulation, setbacks, recesses, and varied height to avoid bulk and promote a visually engaging skyline.
- (o) Towers are oriented and articulated to achieve sub-tropical design excellence through passive environmental performance, solar shading, and the integration of sustainable materials.
- (p) Balconies are integrated into the tower form and designed to minimise heat gain, spill lighting, and visual clutter while enhancing indoor-outdoor amenity and building performance.
- (q) Tower caps contribute to a distinctive and attractive skyline by integrating architectural features, rooftop elements, and decorative lighting that reinforce landmark qualities or subtly complete the tower form where appropriate.
- (r) All rooftop infrastructure and service structures are attractively integrated into the tower cap design to maintain a cohesive and uncluttered architectural profile.

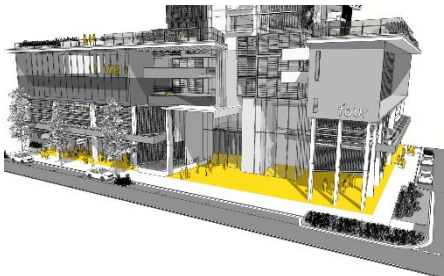
PART A – ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS

There are no requirements for accepted development for this code.


PART B – ASSESSABLE DEVELOPMENT

Table 3: Benowa Gardens Development Code – for assessable development

Performance outcomes	Acceptable outcomes
Tower base (podium)	
PO1 Tower base (podium) forms are articulated with vertical breaks in the façade to assist in reducing visual bulk.	AO1 Tower base (podium) forms encourage vertical articulation through design measures, such as: <ul style="list-style-type: none"> a. open gallery spaces b. articulation denoting pedestrian entry points; or c. varied façade materials and treatments

Performance outcomes	Acceptable outcomes
<p>PO2</p> <p>Tower base façades reinforce the intended character as outlined in the Benowa Gardens Development Code and enhance the pedestrian experience.</p>	<p>AO2</p> <p>Tower base façades avoid blank, featureless walls by patterning high-quality architectural elements, like window bays, canopies, and fenestration.</p>
<p>PO3</p> <p>Tower base form animates the street level by engaging primary and secondary street frontages appropriately.</p>	<p>AO3</p> <p>Short-term accommodation uses locate grand lobbies or other signature features along primary street frontages and prominent street corners.</p>
<div data-bbox="147 890 589 1166">  </div> <p>Figure 9.3.9-3</p> <p>Illustration showing High-rise accommodation design outcomes where the tower base form animates the street by engaging primary and secondary street frontages through the use of grand lobbies or other signature features</p>	

Performance outcomes	Acceptable outcomes
Tower form design	
<p>PO4</p> <p>Residential towers demonstrate design excellence and architectural merit by:</p> <ul style="list-style-type: none"> (a) Providing sufficient separation between towers to protect visual and privacy amenity, maintain view corridors, and support visual permeability through the site; (b) Using building orientation and articulation to reduce perceived bulk and enhance the quality of the streetscape and skyline; (c) Incorporating massing and façade treatments that create visual interest and contribute positively to the identity of the precinct; and (d) Varying height and form to deliver a distinctive and engaging skyline while avoiding monotonous built form. 	<p>AO4.1</p> <p>Residential towers are separated by a minimum of 12 metres, with visual and privacy amenity impacts are mitigated through appropriate building design and orientation measures, and allow for visual permeability through key view corridors</p> <p>AO4.2</p> <p>Where tower floor plates exceed 750m² and/or a single façade exceeds a length of 55m:</p> <ul style="list-style-type: none"> (a) a substantial central recess with minimum dimensions of 10 metres wide by 6 metres deep is provided; and (b) height is varied on either side of the substantial recess to promote a varied skyline and ensure visual interest
<p>PO5</p> <p>Tower form mitigates negative visual and physical impacts, including impacts on privacy, by setting back from streets, parks, open space and adjacent properties and tower forms.</p>	<p>AO5</p> <p>Tower form (including balconies) along:</p> <ul style="list-style-type: none"> (a) single frontages step in at least 3m from the base (podium); or (b) corner frontages can have up to 1/3 tower width extend straight down at the corner point to reinforce the intersection if negative ground level wind effects are mitigated.
<p>PO6</p>	<p>AO6.1</p> <p>Tower form is orientated to:</p>

Performance outcomes	Acceptable outcomes
Tower form orientation and articulation promotes sub-tropical design excellence and innovation.	(a) reduce the perceived mass of the building; and (b) provide privacy for both communal and private open space amenity areas.
	AO6.2 Tower façades are: (a) articulated to manage passive solar gain in summer; (b) well-glazed with functional windows where possible to reduce reliance on artificial cooling; (c) designed with high-quality sustainable materials and finishes that promote building longevity; and (d) varied in design and articulation to promote visual interest.
 <p>Figure 9.3.9-6</p> <p>Illustration showing High-rise accommodation design outcome where tower facades are articulated to manage passive solar gain in summer and varied in design and articulated to promote visual interest</p>	

Performance outcomes	Acceptable outcomes
<p>PO7</p> <p>Balconies maximise building performance while minimising negative impacts on the building mass and public realm.</p>	<p>AO7</p> <p>Balconies:</p> <ul style="list-style-type: none"> (a) are not made with materials susceptible to solar gain; (b) are not made with transparent materials that spill light from the dwellings; and (c) integrate into the building profile.
Tower cap design	
<p>PO8</p> <p>Tower caps reinforce the Gold Coast skyline.</p> <p>Note: building height incorporates allowance for plant and equipment, attractive building caps and rooftop features.</p>	<p>AO8</p> <p>Where building height creates an identifiable protrusion in the skyline or the site terminates a viewpoint, the following are provided:</p> <ul style="list-style-type: none"> (a) a signature cap strengthening the identity as a landmark; and (b) decorative lighting that highlights key architectural features. <p>OR</p> <p>Where lower building height forms part of the urban backdrop a subtle cap that integrates with the overall design is provided.</p>

Performance outcomes	Acceptable outcomes
<p>PO9</p> <p>Tower cap design attractively integrates all signage, telecommunications, service structures, lift motor rooms and mechanical plants.</p>	<p>AO9</p> <p>No acceptable outcome provided.</p>

Performance outcomes

Acceptable outcomes

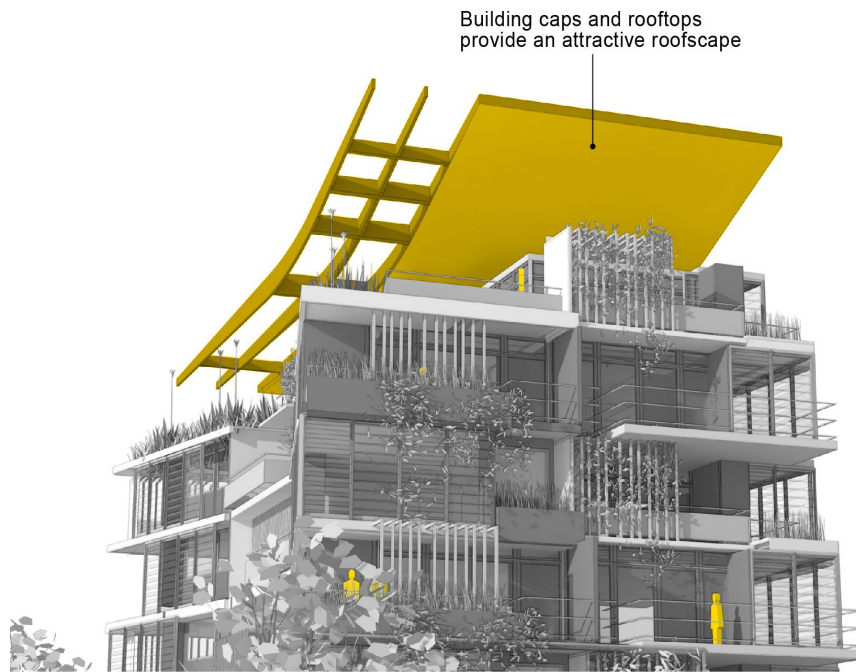
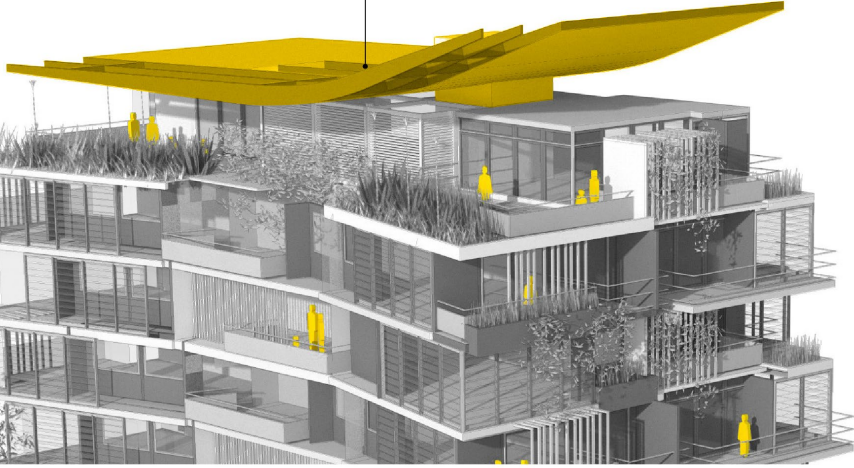


Figure 9.3.9-7

Illustration showing High-rise accommodation outcomes for building caps and rooftops

Performance outcomes	Acceptable outcomes
<p data-bbox="389 220 672 272">Rooftop and roof form are designed for unobtrusive future inclusion of plant and equipment</p>  <p data-bbox="152 788 320 815">Figure 9.3.9-8</p> <p data-bbox="152 839 1144 866">Illustration showing High-rise accommodation outcomes for roof top and roof form</p>	
Corner design philosophies	
<p data-bbox="152 1034 210 1061">PO10</p> <p data-bbox="152 1085 1021 1185">The design treatment at key corners and street frontages reinforces the differing character and function of each interface, contributing positively to the public realm and legibility of the site.</p> <p data-bbox="152 1209 987 1273">Development provides built form that is responsive to the surrounding context and street hierarchy by:</p>	<p data-bbox="1055 1034 1133 1061">AO10.1</p> <p data-bbox="1055 1085 2051 1149">The scale and intensity of built form and activity at each corner reflects its intended function, being:</p> <ul style="list-style-type: none"> <li data-bbox="1104 1173 2007 1200">a. Benowa Road / Carrara as the primary pedestrian-oriented corner; and <li data-bbox="1104 1209 2040 1273">b. Ashmore Road / Benowa as a supporting secondary commercial-oriented corner. <p data-bbox="1055 1316 1137 1343">AO10.2</p>

Performance outcomes	Acceptable outcomes
<ul style="list-style-type: none"> a. Enhancing pedestrian interaction and activation at key pedestrian-oriented locations; and b. Providing a robust, commercial frontage to high-traffic roads where interfaces are less conducive to pedestrian activation 	<p>The Benowa Road / Carrara Street corner and Benowa Road frontage include active uses or fine-grain architectural treatments that support pedestrian interaction, such as:</p> <ul style="list-style-type: none"> a. Outdoor dining areas and open terraces; b. Transparent façades and pedestrian-scaled elements such as awnings and overhangs; c. Direct pedestrian connections, facilitating access through the site.
	<p>AO10.3</p> <p>The Ashmore Road frontage and Ashmore Road / Benowa Road corner present a commercial-style frontage that includes:</p> <ul style="list-style-type: none"> a. Glazed shopfronts with limited pedestrian entries; b. Integrated signage opportunities; c. Larger-scale architectural elements suited to a vehicular-focused environment
PO11	<p>AO11</p> <p>Development delivers east-west and north-south cross-block links generally in accordance with Figure 1 below:</p>

Performance outcomes

Development delivers cross-block links incorporated into the building design that promote pedestrian permeability throughout the site and harbour an urban village feel.

Acceptable outcomes

Figure 1 Cross-block links



AO12

Development provides a minimum of two cross-block links, such as an open-air forecourt or gallery space, with a minimum 8m width, to facilitate pedestrian permeability through:

- (a) Carrara Street to Ashmore Road (i.e. north-south); and
- (b) Benowa Road to the east (i.e. east-west).

Performance outcomes	Acceptable outcomes
PO13 Public access through the site is convenient, legible, and universally accessible, responding to challenging topography and enhancing pedestrian permeability.	AO13.1 Cross-block pedestrian access connect Carrara Street and Benowa Road to the Ashmore Road retail level
	AO13.2 Cross-block pedestrian links remain publicly accessible 24 hours a day.
PO14 Access arrangements provide clear separation between residential and commercial components to ensure security, operational efficiency, and public-private delineation.	AO14.1 Separate pedestrian access points are provided for residential and commercial uses.
	AO14.2 Each residential tower has a dedicated, street-facing lobby with a distinct architectural language from adjacent commercial tenancies.
	AO14.3 Mid-block Terraces are accessed from a centrally located lobby on the Ashmore Road retail level, with shared facilities including a mail room adjacent to the Ashmore Tower lobby.
Public realm	
PO15 Ground-level active uses, landscaping, seating, lighting, weather protection, passive surveillance, clear wayfinding, and safe pedestrian movement support a vibrant public realm.	AO15 To promote comfort, safety and vibrancy at the pedestrian level, development provides: <ul style="list-style-type: none"> (a) Active frontages (b) integrated landscaping and lighting (c) weather protection (d) clear wayfinding elements

Performance outcomes	Acceptable outcomes
<p>PO16</p> <p>Where car parking is located above ground, it is sleeved or otherwise screened by active uses or architectural/landscape treatments that contribute to activation, articulation, and/or visual interest.</p>	<p>AO16</p> <p>All above-ground podium levels accommodating car parking are:</p> <ul style="list-style-type: none"> (a) sleeved with active uses along street frontages and publicly accessible edges; or (b) screened with high-quality architectural elements and/or vertical landscaping that provides visual interest, depth, and articulation to the building façade; and (c) Treated to reduce light spillage.
Landscape design	
<p>PO17</p> <p>Development incorporates landscape outcomes that:</p> <ul style="list-style-type: none"> (a) respond to the opportunities and constraints of the site; (b) create a sense of place and character; (c) provide long-term visual amenity; (d) reinforce and enhancing the local landscape character; (e) ensure it is suited to the environmental, climatic, soil and aspect conditions of the area; (f) have regard for ongoing efficient maintenance outcomes; and (g) contribute to a safe and inclusive environment through design. (h) provides sufficient space to support healthy tree growth (i) Is positioned to allow the tree to establish and mature without conflict with built structures (j) assists in breaking up podium bulk and form. 	<p>AO17</p> <p>No acceptable outcome provided.</p>

Performance outcomes	Acceptable outcomes
Housing need and choice	
PO18 Development provides a mix of housing sizes and affordability outcomes to meet housing needs.	AO18 No acceptable outcome provided.
Communal and private space areas	
PO19 Communal space areas: (a) are accessible, useable and safe; (b) are designed for the subtropical climate, maximising outdoor living opportunities and enhancing amenity for residents; (c) enhance the attractiveness of the development; (d) provide opportunities for social interaction; and (e) create pleasantly shaded outdoor areas.	AO19.1 Communal space is provided at a rate of 6.5m ² per dwelling and is designed for simultaneous use by individuals and groups.
	AO19.2 Landscaping in open communal space areas: (a) have minimum and average widths of 1.5m and 3m; (b) provides sufficient soil depth to support healthy growth; (c) do not screen views to the street or entries.
	AO19.3 Where the communal open space is for a residential care facility or retirement facility, the open space is provided with outdoor facilities for the health and wellbeing of residents such as sheltered gardens, circuit walkways, gardening beds and a space of sufficient size for a resident to take a visiting family with young children.

Performance outcomes	Acceptable outcomes
<p>PO20</p> <p>Development provides attractive, accessible and functional private open space for residents, which are designed for the subtropical climate to maximise outdoor living opportunities and enhance amenity for residents.</p>	<p>AO20.1</p> <p>Private open space for each dwelling:</p> <ul style="list-style-type: none"> (a) mitigates negative wind effects on intended users; (b) is accessible from the living room; and (c) has a maximum gradient not exceeding one in ten.
Privacy	
<p>PO21</p> <p>Privacy for users and neighbouring properties is accomplished by windows that are appropriately obscured by glazing, shuttering, location or other similar treatments.</p>	<p>AO21</p> <p>Habitable room windows do not 'directly face':</p> <ul style="list-style-type: none"> (a) private open space of adjoining dwellings; (b) another habitable room window within 10m; and (c) an at-grade access way, footpath or communal open space area within 3m. <p>OR</p> <p>Where habitable room windows must face, the privacy is achieved through windows that:</p> <ul style="list-style-type: none"> (a) have fixed obscure glazing in any part of the window below 1.5m above floor level; and (b) have privacy screens that cover a minimum of 50% window view. <p>Note: 'directly facing' means an angle within 45° either horizontally or vertically.</p>

Performance outcomes

Acceptable outcomes

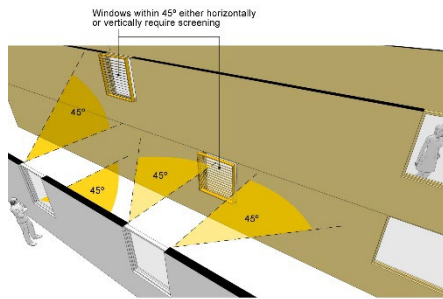


Figure 9.3.9-9

Illustration showing High-rise accommodation design privacy outcomes where windows and doors are appropriately obscured by screening

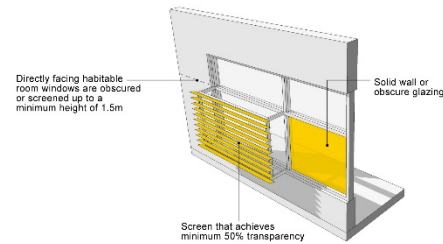


Figure 9.3.9-10

Illustration showing High-rise accommodation outcomes for privacy.

Performance outcomes	Acceptable outcomes
Safety and security	
PO22 Building design enhances safety and security for intended users.	AO22.1 Above ground floor windows and balconies overlook all on-site pedestrian paths and communal open spaces.
	AO22.2 Lighting at 4m intervals is provided along all on-site pedestrian paths and communal open spaces.
	AO22.3 Entrances and exits to the street are directly accessible, illuminated and highly visible.
	AO22.4 Dead-end corridors, alleyways, pathways and refuse areas are signed and secured to prevent unauthorised access.
Services	
PO23 Servicing, utilities, loading and other 'back of house' activities are either located underground, screened or hidden away from public view.	AO23 No acceptable outcome provided.

6 Schedules

6.1 Schedule 1 – Administrative Definitions

1. Administrative definitions assist with the interpretation of the Southport Sharks Sport and Entertainment Plan of Development but do not have a specific land use meaning.
2. A term listed in **Table 3 column 1** has the meaning set out beside that term in column 2 under the heading.
3. The administrative definitions listed here are the definitions for the purpose of the Southport Sharks Sport and Entertainment Plan of Development.

Table 3 Administrative Definitions

Column 1 Term	Column 2 Definition
Anchor tenancy	<p>Means a single <i>Shop</i> tenancy within the development that functions as the primary retail attractor for the site, typically occupying a gross floor area greater than 1,500m² and up to a maximum of 4,000m².</p> <p>The anchor tenancy provides a central retail or supermarket offering that supports the viability of smaller surrounding tenancies and sustains the commercial role of the centre.</p>
Building height	<p>The vertical distance, measured in metres, between the ground level of the building and the highest point on the roof of the building, other than a point that is part of an aerial, chimney, flagpole, load-bearing antenna, or an architectural extension that does not contribute to the usable or habitable space of the building; or</p> <p>the number of storeys in the building above ground level.</p> <p>For the purposes of this definition, <i>architectural extension</i> means a decorative or non-functional element that forms part of the building's design but is not intended for occupancy or use, such as parapets, decorative spires, or sculptural features.</p>