

# BENOWA GARDENS

Preliminary Approval to Vary the Effect of the Planning Scheme at 203 Ashmore Road, Benowa

Prepared for

**BENOWA GARDENS HOLDING PTY LTD ATF BENOWA**

13 November 2024

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# EXECUTIVE SUMMARY

Urbis Ltd (Urbis) on behalf of the Applicant, Benowa Gardens Holdings Pty Ltd have prepared this development application seeking a Preliminary Approval for a Variation Request (a variation approval) that varies the effect of the Gold Coast City Plan Version 11 (**City Plan**) under section 43(3)(c) of the Planning Act 2016 (**Planning Act**) in accordance with the Benowa Gardens Plan of Development to facilitate future development at 203 Ashmore Road, Benowa (**the site**). The Plan of Development seeks to facilitate the timely and efficient redevelopment of the site to maximise its development potential for the following land uses :

- Food and drink outlet
- Health care services
- Indoor Sport and Recreation
- Multiple dwellings
- Office
- Shop, including a single anchor tenancy with a GFA of up to 4,000m<sup>2</sup>
- Short-term accommodation

To facilitate this, the variation request seeks to modify specific provisions of the Neighbourhood Centre zone to accommodate the proposed building heights, residential density, and a larger anchor shop tenancy of up to 4,000m<sup>2</sup>.

The Master Plan and Benowa Gardens Plan of Development provide a structured planning framework to guide future development, ensuring it meets the intended character and function of the surrounding neighbourhood while addressing the identified housing and commercial needs.

Assessment herein concludes that the proposed development represents an appropriate future development plan that will deliver significant public benefits, including increased housing supply, enhanced local services, and improved urban design outcomes. The development is expected to support the local economy and community by providing a diverse range of amenities and services.

## KEY DETAILS

### KEY DETAILS

### PROPOSAL DETAILS

Site Address	203 Ashmore Road, Benowa
Real Property Description	Lot 822 on RP839746
Zone	Neighbourhood Centre zone
Proposed Development	Preliminary Approval (Variation Request) for a
Level of Assessment	Impact Assessable
Height	<ul style="list-style-type: none"><li>▪ Carrara Tower – 53 metres</li><li>▪ Benowa Tower – 45 metres</li><li>▪ Ashmore Tower – 43 metres</li></ul> Podium – 22 metres
Site Cover	<ul style="list-style-type: none"><li>▪ Podium – 80%</li><li>▪ Residential towers – 50%</li></ul>
Car Parking	<ul style="list-style-type: none"><li>▪ 490 resident car parking spaces</li><li>▪ 970 visitor car parking spaces</li><li>▪ 100 resident bicycle spaces</li><li>▪ 100 visitor bicycle spaces</li></ul>
Residential density	<ul style="list-style-type: none"><li>▪ 306 x 2 bedroom apartments</li><li>▪ 91 x 3 bedroom apartments</li></ul>

## APPLICATION STRUCTURE

<b>Part 1 – Forms</b>	<ul style="list-style-type: none"> <li>DA Form 1</li> <li>Owner's consent</li> </ul>
<b>Part 2 – Supporting Material</b>	<ul style="list-style-type: none"> <li>Town Planning Assessment Report</li> <li>Benowa Gardens Plan of Development</li> <li>Benowa Gardens Control Maps</li> </ul>
<b>Part 3 – Plans</b>	<ul style="list-style-type: none"> <li>Benowa Gardens Conceptual Plans</li> </ul>
<b>Part 4 – Specialist Reports</b>	<ul style="list-style-type: none"> <li>Landscape Analysis</li> <li>Visual Impact Assessment</li> <li>Economic Impact Assessment</li> <li>Engineering Services Report</li> <li>Site Based Stormwater Management Plan</li> <li>Traffic Engineering Report</li> <li>Waste Management Plan</li> <li>Acoustic Report</li> </ul>

## PROJECT TEAM

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<b>Acoustic Engineer</b>	TTM Colliers – Jason Fox <a href="mailto:jfox@ttmgroup.com.au">jfox@ttmgroup.com.au</a>



# 1. THE SITE

## 1.1. SITE DETAILS

### CATEGORY

### DESCRIPTION

Site Address	203 Ashmore Road, Benowa
Real Property Description	Lot 822 on RP839746
Site Area	17,660m <sup>2</sup>
Local Government	City of Gold Coast
Principal Planning Instrument	Gold Coast City Plan 2016 (Version 11)
Encumbrances	Easement A on RP852290, for a drainage pipe.
Road Frontages	<ul style="list-style-type: none"><li>▪ Ashmore Road – approximately 132 metres</li><li>▪ Benowa Road – approximately 130 metres</li><li>▪ Carrara Street – approximately 135 metres</li></ul>
Vehicle Access	Vehicle access is via Ashmore Road and Carrara Street.
Topography	The site has a notable fall from the south to the north.
Overlays	<ul style="list-style-type: none"><li>▪ Acid Sulfate Soils – Land at or below 5m AHD, and Land at or below 20m AHD;</li><li>▪ Airport Environs – Procedures for Air Navigation – Aircraft Operation (PANS-OPS) surfaces: HP 370.56m; and</li><li>▪ Flood Overlay</li></ul>





## 2. LOCAL AND SURROUNDING CONTEXT

The site is located in the suburb of Benowa with a frontage to Carrara Street to the north, Benowa Road to the west and Ashmore Road to the south. It is currently improved by a shopping centre development, including a full-line supermarket (Coles) tenancy.

The site is located within an established mixed-use pocket of Benowa, with development types ranging health, education, commercial, retail and residential. The site is well located within proximity to the Pindara Private Hospital as well as Benowa Primary and Benowa High School.

The surrounding area is comprised of the following:

- **North** – immediately north of the site is the Carrara Street road reserve. Across the road, the zoning includes Community Facilities, Innovation, and Medium Density Residential areas. This zone comprises notable sites such as Benowa State School and Pindara Private Hospital. Further north is an aged care facility, St. Kevin's Catholic School, and a variety of detached dwellings.
- **East** – immediately east of the site is Benowa Road, across which is zoned as Neighbourhood Centre Zone, Low Density Zone, Open Space Zone and Sport and Recreation, and includes detached dwellings hosting commercial businesses, the Surfers Paradise Cricket Club, Sir Bruce Small Park and the Surfers Paradise AFL Club. This extends to the Nerang River and surrounding developments consisting of commercial and retail tenancies.
- **South** – south of the site is Ashmore Road with land opposite zoned as Low Density Residential, characterised primarily by detached dwellings. It is noted that whilst in the Low Density Residential Zone existing residential properties along Ashmore Road are transitioning to commercial uses, primarily health and educational uses which is a reflection of the organic expansion of the Benowa activity centre.
- **West** – to the west, immediately adjacent to the site, is an area zoned for Community Facilities, featuring a large expanse of open space. Further west, the zoning transitions to Medium Density Residential, featuring a mix of detached dwellings. This area blends into additional open spaces, including the Botanic Gardens.





### **3. PRE-LODGEEMENT MEETING ENGAGEMENT**

The Applicant engaged in two formal pre-lodgement meetings with Council to seek guidance on the proposal.

On 9 September 2024, a pre-lodgement meeting was held to with feedback provided by Architecture, Landscaping and Environmental Assessment, as well as City Assets, Water & Waste, Health & Regulatory Services and Traffic & Transport Network teams.

Key issues discussed during this meeting included the proposed land use mix, building height, residential density, vehicular access and traffic.

Of note, Council officers requested further investigations into the economic and visual impact of the development. In particular, officers requested an economic impact assessment is prepared in support of the application due to potential impacts on the viability of existing centres. In addition, a visual impact assessment was requested due to the proposed building height and surrounding local context.

On 15 January 2025, a follow-up pre-lodgement meeting was held following refinement of the proposal.

Included within the request material for Council's feedback was a conceptual master plan, conceptual landscape plans, preliminary traffic and engineering advice and an economic impact assessment report.

Detailed feedback was provided in response to the above body of work. In particular, Council highlighted concerns with the scale of the proposed tower and podium forms, as well as the impact of the commercial land uses arising from potential increases in GFAs afforded by the greater built form intensity proposed. These concerns have been addressed further within this report.





## 4. PROPOSAL

### 4.1. OVERVIEW

This development application seeks a Preliminary Approval for a Variation Request (a variation approval) that varies the effect of the City Plan under Section 43(3)(c) of the Planning Act 2016 (Planning Act) in accordance with the Benowa Gardens Plan of Development. The Plan of Development seeks to establish a framework for the future development of a mixed-use, community-focussed development to allow for the following land uses on site:

- Food and drink outlet
- Health care services
- Indoor Sport and Recreation
- Multiple dwellings
- Office
- Shop, including a single anchor tenancy with a GFA of up to 4,000m<sup>2</sup>
- Short-term accommodation

As illustrated by the conceptual master plan drawings included in **Appendix C**, the proposed variation ultimately seeks to deliver a modern neighbourhood centre with commercial uses located at the podium levels, and residential accommodation across three (3) towers atop the podium form. Details of the final master plan vision are discussed further in **Section 4.3** below.

From the outset, it is important to note that the proposed variation seeks to facilitate the future development of land uses that are currently contemplated within the zone, with the exception of **Short-term accommodation which is the only land use introduced on the site**. The proposed land uses above are otherwise all able to be established on site as of right in the existing built form, and are currently categorised as Accepted, subject to requirements as per *Table 5.5.5:MCU – Neighbourhood centre zone* of the *City Plan*.

Notwithstanding, these land uses remain accepted development subject to meeting certain development caveats.



## 4.2. VARIATION REQUEST SUMMARY

Key variations sought to the Neighbourhood Centre Zoning to deliver the proposed development outcome on the site are summarised below:

1. Introduction of Short-term Accommodation land use;
2. Increase the Gross Floor Area cap for Shop land use;
3. Increase to building height for the site;
4. Increase the prescribed residential density for the site;
5. Introduction of additional setbacks and site cover provision for residential uses; and
6. Increase the prescribed allowable podium height.

Each of these are discussed in greater detail below.

### 4.2.1. Short-term accommodation

Currently, Short-term accommodation is not a listed use in *Table 5.5.5:MCU – Neighbourhood centre zone* and is therefore subject to impact assessment. Due to the proximity to Pindara Hospital to the north, the site is well located to provide temporary accommodation for visitors and outpatients of the hospital. Further advancing the need for short-term accommodation is also the future planned expansion of events facilities at Heritage Stadium Precinct, Gold Coast Turf Track and Hota which attract additional visitors to the centre. To allow the flexible use of the residential dwellings on site, the proposed variation seeks to introduce Short-term accommodation as a contemplated land use for the site.

### 4.2.2. Shop GFA Cap

*Table 5.5.5:MCU – Neighbourhood centre zone* prescribes that a Shop is accepted development, subject to requirements where a single tenancy does not exceed a Gross Floor Area (GFA) of 1,500m<sup>2</sup>. Where exceeding 1,500m<sup>2</sup> in GFA, Shops are elevated to impact assessment. To facilitate the delivery of an anchor supermarket tenancy of 4,000m<sup>2</sup> on site, the proposed variation seeks to capture a single tenancy of this size. This is a direct response to the centre trade catchment demand in the surrounding area.

### 4.2.3. Building Height

The subject site is currently not identified within a Building height overlay area, and is therefore afforded a maximum building height of two (2) storeys and 14 metres.

To facilitate the envisioned mixed use development at the podium levels and delivery of residential towers atop the podium form, the proposed variation seeks to introduce a new building height control map to act in effect as the building height overlay applicable to the site.

This building height control map affords a maximum height of 53 metres for the norther tower, 45 metres for the western tower, 43 metres for the southern tower and 22 metres for the podium form. This will facilitate the delivery of the anticipated commercial uses on site, while also delivering much needed housing while accommodating for the required car parking.

### 4.2.4. Residential density

The subject site is currently not identified within the Residential density overlay area, and therefore has a maximum prescribed residential density of one (1) dwelling per 400m<sup>2</sup>.

To allow for the residential dwellings proposed as part of the proposed variation seeks to introduce a new residential density control map to act in effect as the building height overlay applicable to the site.

### 4.2.5. Additional Built Form Provisions

The Neighbourhood centre zone anticipates predominantly non-residential land uses, and therefore affords development intense built form outcomes by way of site cover and setbacks.

Given the proposed variation seeks to deliver residential development across three (3) tower forms, the introduction of built form provisions of the High-rise accommodation code have been included in the proposed plan of development so as to facilitate appropriate built form outcomes.

## 4.3. MASTER PLAN

As part of the Variation Request, the Applicant has developed a Master Plan to act as a guiding framework in conjunction with the site-specific *'Benowa Gardens Plan of Development'* (the **Plan of Development**).

While no built form is proposed as part of this application, it is anticipated that development conditions will apply requiring future development to be 'generally in accordance with' the conceptual Master Plan documents. Through this and the application of the existing built form provisions within the City Plan, high quality design outcomes are assured for future development.

The Master Plan envisages car parking to be delivered across basement and podium levels and will be accessed via an internal private road, with primary vehicle access points located at both Ashmore Road and Carrara Street, with dedicated servicing and loading zones to be located on Carrara Street.

The four-storey podium is envisaged to accommodate a mix of car parking, short-term accommodation units, medical suites, and retail tenancies, with potential for an anchor Shop tenancy to occupy a tenancy of up to 4,000m<sup>2</sup>, and 3,000m<sup>2</sup> of commercial floor space. Communal open space is envisaged to be provided atop the podium form.

The development includes three residential towers, each facing a different frontage: Carrara Street to the north, Benowa Road to the west, and Ashmore Road to the south. These towers will deliver a mix of permanent and short-term accommodation, with residential apartments overlooking the street frontages and the internal communal open space.

To facilitate the above vision, the Master Plan provides the following control and/or conceptual plans, some of which are reflected in the Benowa Plan of Development benchmarks:

- Building Height Plan
- Precinct Zones Plan
- Residential Density Plan
- Staging of Works; and
- Pedestrian/Vehicular Movement and Linkages Plan.

A summary of the key development outcomes facilitated by the Development Code and Master Plan documents is outlined to the right.

### KEY DETAILS

### PROPOSAL DETAILS

<b>Height</b>	<ul style="list-style-type: none"> <li>▪ Carrara Tower – 53 metres</li> <li>▪ Benowa Tower – 45 metres</li> <li>▪ Ashmore Tower – 43 metres</li> <li>▪ Podium – 22 metres</li> </ul>
<b>Site Cover</b>	<ul style="list-style-type: none"> <li>▪ Podium – 80%</li> <li>▪ Residential towers – 50%</li> </ul>
<b>Car Parking</b>	<ul style="list-style-type: none"> <li>▪ 490 resident car parking spaces</li> <li>▪ 970 visitor car parking spaces</li> <li>▪ 100 resident bicycle spaces</li> <li>▪ 100 visitor bicycle spaces</li> </ul>
<b>Residential density</b>	<ul style="list-style-type: none"> <li>▪ 306 x 2 bedroom apartments</li> <li>▪ 91 x 3 bedroom apartments</li> </ul>
<b>Commercial floor space</b>	<ul style="list-style-type: none"> <li>▪ 4,000m<sup>2</sup> Shop (Supermarket)</li> <li>▪ 5,000m<sup>2</sup> Retail (i.e. Shop, Food and drink outlets, Indoor sport and recreation, etc.)</li> <li>▪ Up to 8,400m<sup>2</sup> of commercial (Office)</li> </ul>



## 4.4. MASTER PLAN TECHNICAL PROOF OF CONCEPT

The following technical considerations for the Master Plan are summarised to demonstrate deliverability of the proposal, and proof of concept.

It is noted that as this application is for a Preliminary Approval (Variation Request) only, future development will still be subject to submitting a development application to be reviewed and assessed at Council. At such time, more detailed supporting technical documentation will be submitted in support of the development.

### 4.4.1. Traffic and Access

A Traffic Impact Assessment (**TIA**) has been prepared by TTM Colliers in support of the proposed development and is included in **Appendix I**. The TIA provides an assessment of the existing local road network and provides details of the anticipated trip generation and distribution of the proposed development, and potential impact on the local road network. The TIA addresses other key traffic and access matters, including active and public transport connectivity, car parking, and servicing.

The TIA details that extensions to the east/west turn lanes on Ashmore/Benowa Road are recommended to increase storage and operational capacity. It is recommended to facilitate access to the development via two (2) access points to Carrara Street to the north, and one to Ashmore Street to the south.

The traffic impact analysis also indicates that the development traffic should not create significant adverse impacts on the Benowa Road /Carrara Street or Ashmore Road/Carrara Street intersections.

### 4.4.2. Stormwater Management

A Site Based Stormwater Management Plan (**SBSMP**) prepared by Morgan Consulting Engineers is included in **Appendix H**, and analyses the stormwater quantity and quality in pre- and post-development scenarios.

The following key conclusions are noted in the SBSWMP:

- Stormwater Quantity: The Lawful Point of Discharge (**LPD**) has been identified as existing stormwater infrastructure within the intersection of Benowa Road and Carrara Street, northwest of the site.

- Stormwater drainage will be collected from roof, surface and external catchments and will be conveyed via an internal drainage network, where it will be directed to the LPD, northwest of the site.
- Stormwater Quality: To achieve City of Gold Coast Council Water Quality Objectives, it is proposed to use a treatment train consisting of Litter Baskets (Atlan Stormsacks or equivalent) and Atlan Filters (or equivalent) housed in 2 x Atlan Vaults.

### 4.4.3. Water and Sewer Servicing

An Engineering Services Report has been prepared by Morgan Consulting Engineers detailing their investigations into connecting the development to the existing trunk water and sewer infrastructure networks, and concluding that connectivity is achievable and capacity exists (albeit with upgrades).

### 4.4.4. Waste Management

A Conceptual Waste Management Plan has been prepared by TTM Colliers and is included in **Appendix J**. The plan includes refuse disposal and management recommendations that should be referred to for future development. These recommendations include:

- Refuse transfer arrangements for residential and non-residential uses
- RCV arrangements and bin servicing areas
- Anticipated waste generation rates
- Refuse storage and disposal; and
- Servicing.

### 4.4.5. Landscaping

A Conceptual Statement of Landscape Intent (**SLI**) has been prepared by O2 Landscape Architects and is included in **Appendix D**. The SLI outlines the envisaged landscape treatment on site, particularly at street level at the public interfaces.

### 4.4.6. Acoustics

An Acoustic Report, prepared by TTM Colliers has been prepared and is included in **Appendix K**. The report identifies the existing noise levels, anticipated noise levels resulting from development, and recommendations for future mitigation measures.

## 4.5. BENOWA GARDENS PLAN OF DEVELOPMENT

### 4.5.1. Overview

To facilitate the envisaged Master Plan development outlined above, a number of variations are sought to the current Neighbourhood centre zone code. The proposed variations have been outlined herein and have resulted in the creation of a bespoke *Benowa Gardens Plan of Development* ('**Plan of Development**'), as included in **Appendix B**.

This Plan of Development has been developed to provide a regulatory framework for the on-going delivery of development, based on the core principles and elements within the subject site.

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 for a land use listed in Table 1 – Tables of Development Assessment for Material Change of Use in Benowa Gardens, and will be subject to assessment against the Plan of Development.

The Plan of Development is structured as follows:

- 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 – Building Heights – Towers and Podium; and
  - Map 2 – Residential Density Plan.

Once approved, the Benowa Gardens Plan of Development will be a local categorising instrument, in accordance with Section 43(3)(c) of the Planning Act.

## 4.5.2. Summary of Changes

This application seeks to vary the effect of the following specific sections of the *City Plan*:

- 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.
- Section 6.2.5 Neighbourhood centre zone code:
  - Section 6.2.5.2 – Purpose:
    - Overall outcome (a)(vii);
    - Overall outcome (a)(ix);
    - Overall outcome (d)(i);
    - Overall outcome (e)(i);
  - Section 6.2.5.3 – Specific benchmarks for assessment:
    - Required outcome 8 – Land use;
    - Acceptable Outcome/Performance Outcome 1 – Setbacks;
    - Acceptable Outcome/Performance Outcome 2 – Site cover;
    - Acceptable Outcome/ Performance Outcome 3 – Height;
    - Acceptable Outcome/Performance Outcome 4 – Density;
    - Acceptable Outcome/Performance Outcome 11 – Land uses;
- Section 9.3.9.3 High-rise accommodation design code:
  - Section 9.3.9-1 – Specific benchmarks for assessment
    - Acceptable Outcome/Performance Outcome 1.1
- Replaces the Building height overlay map – map 17, where it applies to the site;
- Replaces the Residential density overlay map – map 17, where it applies to the site.

All remaining parts of City Plan 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.



### 4.5.3. Variations to Category of Assessment and Assessment Benchmarks

**Table 1** below identifies the proposed category of assessment and applicable assessment benchmarks for the approved development, which will apply to the assessment of all future applications for development, while the Variation Approval remains in effect. Categories of development assessment for Short-term accommodation, Shop and Building height and Residential density triggers have been varied within the Neighbourhood Centre Table of Assessment as outlined below.

All other levels of assessment identified within City Plan Table 5.5.5: MCU –Neighbourhood Centre Zone have remained unchanged and have been incorporated into the Tables of Development Assessment for Material Change of Use Benowa Gardens (**Table 1**).

For ease of reference, below is the proposed Table of Assessment, with only variations included and **highlighted**. The complete Table of Assessment, inclusive of all land use activity categorisations can be found in **Appendix B**.

**Table 1** Proposed Table of Assessment for Benowa Gardens Site

ACTIVITY GROUPS	USES	ASSESSMENT BENCHMARKS AND REQUIRED OUTCOMES
	Impact assessment	
All activities	Height	City Plan
	If involving building work and height exceeds:  (a) the height identified on <b>Map 1 – Building Heights – Towers and Podium</b> ; or  (b) where not identified on <b>Map 1 – Building Heights – Towers and Podium</b> 14 metres, with no more than 2 storeys	
	Impact assessment	
	Density	City Plan

	<p>For all uses other than:</p> <ul style="list-style-type: none"> <li>(a) <b>Caretaker's accommodation</b>; or</li> <li>(b) <b>Residential care facility</b></li> </ul> <p>If density exceeds the density identified on the <b>Map 2 - Residential Density Plan</b></p>	
	<b>Accepted subject to requirements</b>	
<b>Business activities</b>	<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"> <li>(a) <b>Food and drink outlet</b> if involving <ul style="list-style-type: none"> <li>(i) no consumption of alcohol; or</li> <li>(ii) consumption of alcohol between the hours of 10am and 10pm</li> </ul> </li> <li>(b) <b>Hardware and trade supplies</b> if GFA of the use does not exceed 300m<sup>2</sup>;</li> <li>(c) <b>Health care services</b>;</li> <li>(d) <b>Office</b> if not a real estate agency or a call centre;</li> <li>(e) <b>Shop</b> if – <ul style="list-style-type: none"> <li>(i) GFA of any single shop does not exceed 1,500m<sup>2</sup>; or</li> <li>(ii) <b>Where involving an anchor tenancy, does not introduce more than one anchor tenancy on site, nor exceeds a GFA of 4,000m<sup>2</sup></b></li> </ul> </li> <li>(f) <b>Showroom</b> if GFA of the use does not exceed 300m<sup>2</sup></li> <li>(g) <b>Sales office</b></li> </ul>	<p>Any overlay code triggered by an overlay map <b>Benowa Gardens Code</b></p> <p><b>Commercial design code</b></p> <p><b>Fire services in developments accessed by common private title code</b></p> <p><b>General development provisions code</b></p> <p><b>Healthy waters code</b></p> <p><b>Sales office code</b></p> <p><b>Transport code</b></p> <p><b>General development provisions code</b></p> <p><b>Healthy waters code</b></p> <p><b>On-site sewerage facilities code</b></p> <p><b>Solid waste management code</b></p> <p><b>Transport code</b></p> <p><b>Vegetation management code</b></p>

Code assessment		
	<p>(a) <b>Shop</b> if, where involving an anchor tenancy, and –</p> <p>(i) does not introduce more than one anchor tenancy on site; and</p> <p>(ii) Does not exceed a GFA of 4,000m<sup>2</sup></p>	<p>Any overlay code triggered by an overlay map</p> <p><b>Benowa Gardens Code</b></p> <p><b>Commercial design code</b></p> <p><b>Fire services in developments accessed by common private title code</b></p> <p><b>General development provisions code</b></p> <p><b>Healthy waters code</b></p> <p><b>Sales office code</b></p> <p><b>Transport code</b></p> <p><b>General development provisions code</b></p> <p><b>Healthy waters code</b></p> <p><b>On-site sewerage facilities code</b></p> <p><b>Solid waste management code</b></p> <p><b>Transport code</b></p> <p><b>Vegetation management code</b></p>
Code assessment		



<b>Residential Activities</b>	<b>Home based business</b> if bed and breakfast <b>Multiple dwelling</b> <b>Residential care facility</b> n.e.i <b>Retirement facility</b> n.e.i <b>Rooming accommodation</b> n.e.i <b>Short-term accommodation</b>	Any overlay code triggered by an overlay map <b>Benowa Gardens Code</b> <b>Bed and breakfast and farm stay code</b> <b>Commercial design code</b> <b>Driveways and vehicle crossings code</b> <b>Fire services in developments accessed by common private title code</b> <b>General development provisions code</b> <b>Healthy waters code</b> <b>High-rise accommodation design code</b> <b>Multiple accommodation code</b> <b>On-site sewerage facilities code</b> <b>Solid waste management code</b> <b>Transport code</b> <b>Vegetation management code</b>
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#### 4.5.4. Variations to Overlays

While the subject site is not identified on the Building height nor Residential density overlay, *Table 5.5.5: MCU – Neighbourhood centre zone* prescribes a maximum building height of two (2) storeys and 14 metres and a maximum residential density of one dwelling per 400m<sup>2</sup>, before elevating development to Impact Assessment.

In light of this, the proposed Master Plan includes a proposed Building height overlay map and Residential density overlay which prescribes the envisaged building heights on site.

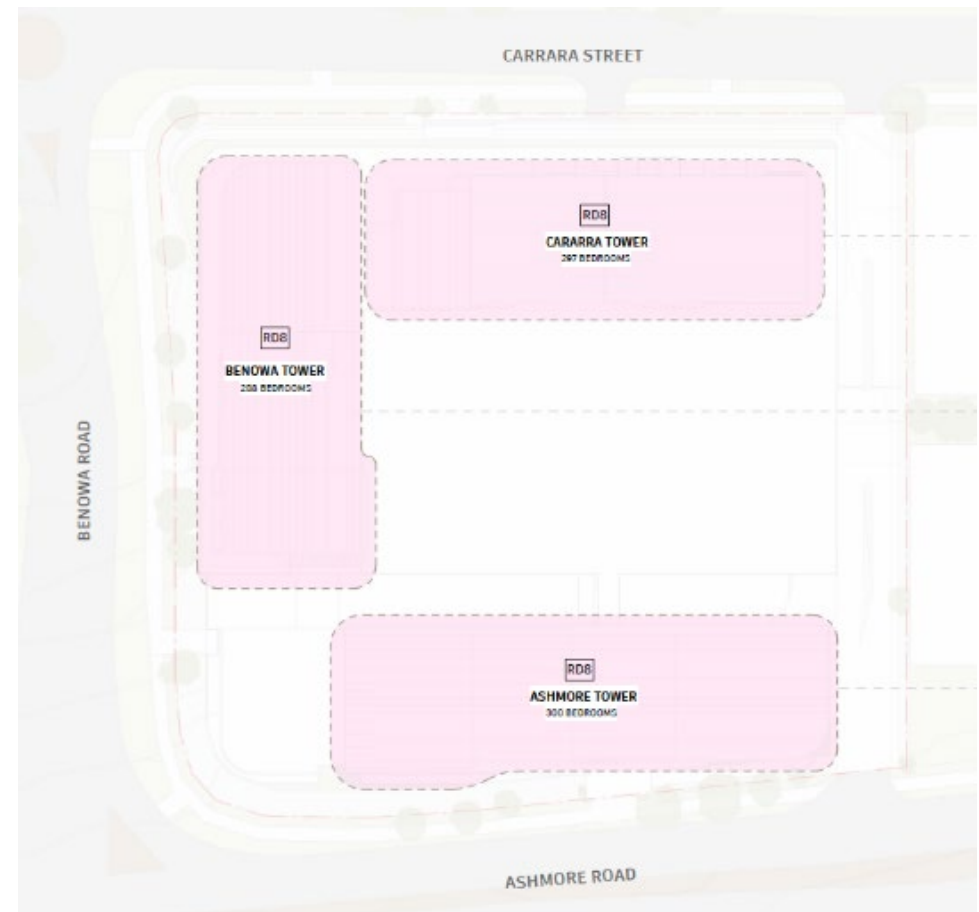
To reflect the built form provisions proposed as part of the Master Plan and avoid confusion with the *City Plan* mapping, it is proposed to amend the built form provisions of the Neighbourhood centre zone code to refer to the prepared Plan of Development control maps.

The proposed new overlay maps are as follows:

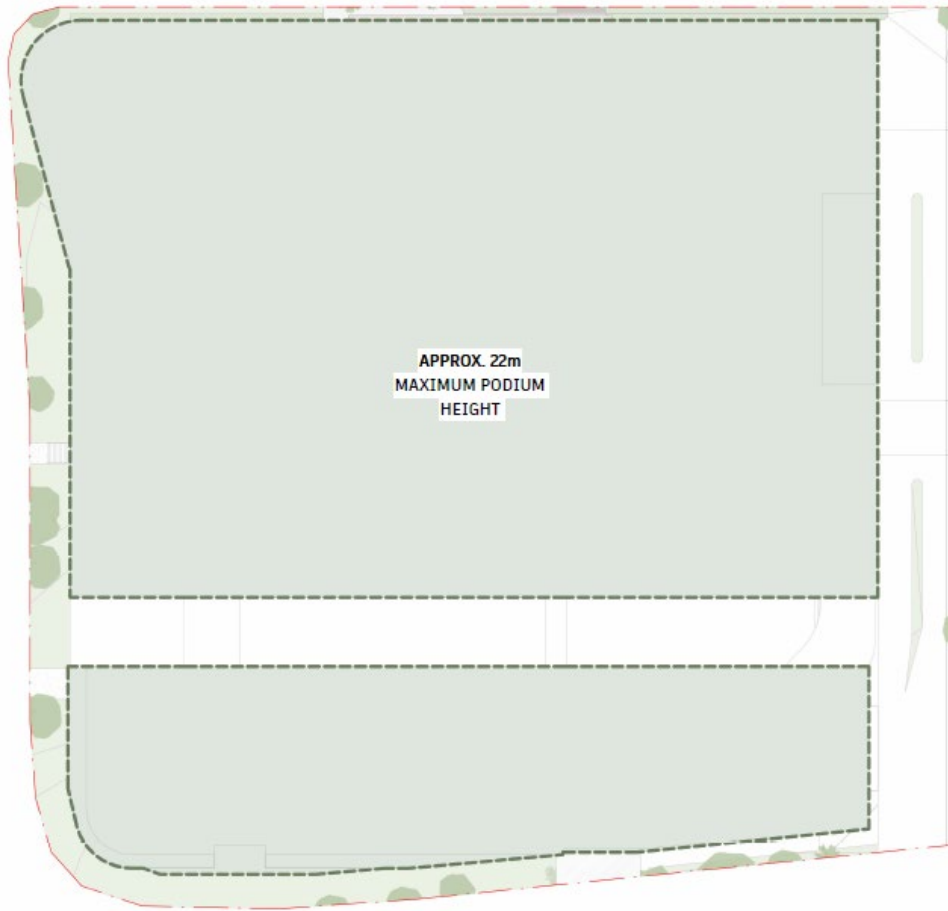
- Map 1 – Building Heights – Towers and Podium; and
- Map 2 – Residential Density Plan.

The proposed Residential Density Plan is shown to the right, while the Building Height Plan is shown in **Figures 2 and 3** overleaf.

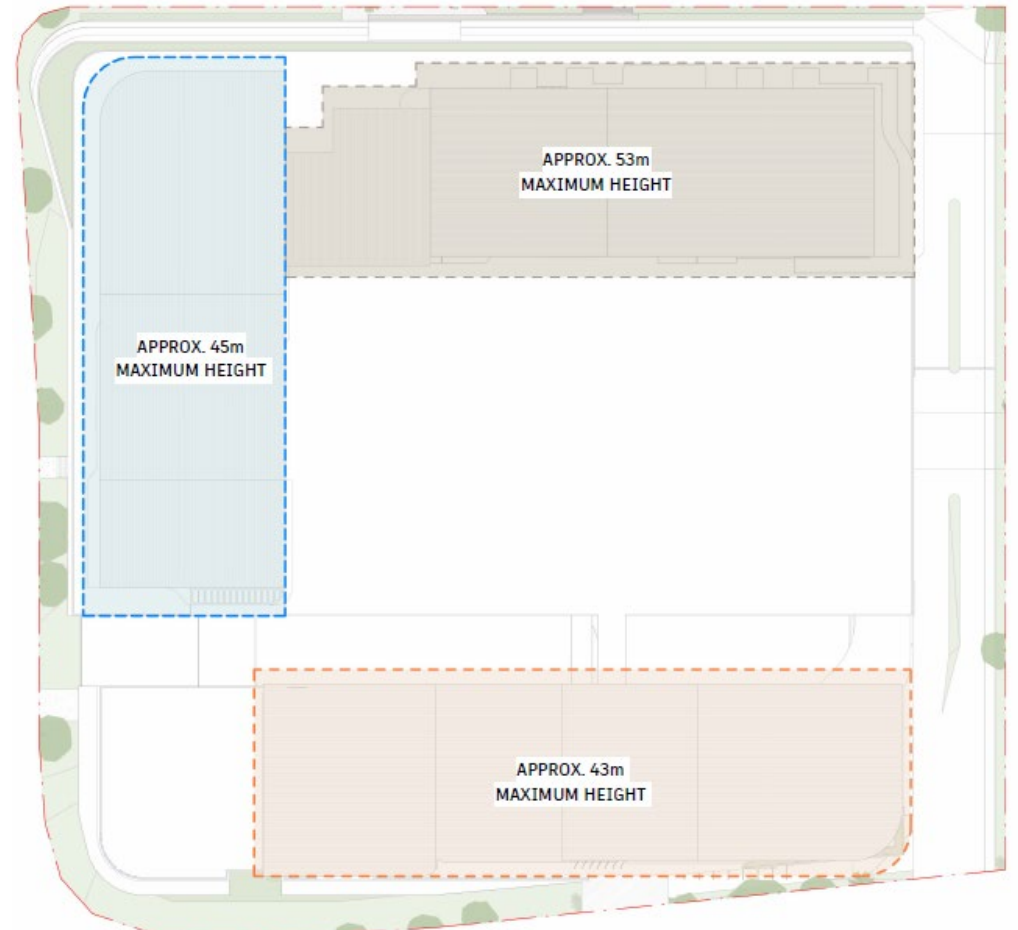
Figure 1 – Residential density plan



**Figure 2** – Building height plan (Podium)



**Figure 3** – Building height plan (Towers)





### 4.5.5. Variations to Neighbourhood centre zone code

This section of the report outlines the extent of variations sought in the City Plan to deliver the proposed Master Plan outcome for the site.

As outlined previously within this report, the proposed Master Plan largely remains consistent with the existing provisions of the Neighbourhood centre zone, and seeks only to vary the zone code to reflect proposed changes to building height, residential density, shop tenancy gross floor area limits, and the introduction of the Short-term accommodation land use.

In light of this, changes have been made to the following areas of the code:

- Purpose
- Overall Outcomes
- Required Outcomes; and
- Acceptable and Performance Outcomes.

Each of the proposed variations sought to the above sections have been discussed in detail below.

#### 4.5.5.1. Purpose

The purpose of the current Neighbourhood centre zone code limits development on site to 'small scale' without making reference to the delivery of residential activities on site. The proposed variation therefore seeks to change the purpose statement within the Benowa Gardens Code to align with the envisaged development under the Master Plan. The purpose statement reads as follows:

- (1) *The purpose of the Benowa Gardens code is to provide essential goods and services, diverse business opportunities including an anchor tenancy, and residential housing, while leveraging its strategic location on the key east-west corridor. The code supports a built form which delivers a mixed use development that appropriately addresses the surrounding, ensuring a vibrant and functional neighbourhood centre that directly supports the community.*

#### 4.5.5.2. Overall outcomes

To reflect the changes to the building height, residential density and shop tenancy gross floor area limits proposed on site, the proposed Master Plan requires variations to the following Overall Outcomes (OOs):

- Overall outcome (a)(vii) and (ix);
- Overall outcome (d)(i); and
- Overall outcome (e)(i).

The Benowa Gardens Development Code therefore proposes the following variations, as outlined below.

To align the Land use OOs of the Neighbourhood centre zone code to include the envisages anchor supermarket tenancy and Short-term accommodation, it is proposed to change Overall outcome (a)(vii) and (ix) as follows:

(a) *Land uses:*

- (vii) *include **multiple dwelling and short-term accommodation** residential development where integrated with business activities;*
- (ix) *may include a Shop, providing the GFA of any single shop does not exceed 1,500m<sup>2</sup>, **or where a single anchor tenancy, does not exceed 4,000m<sup>2</sup>***

In addition to the above changes, the Benowa Gardens Development Code also seeks to introduce additional provisions for residential development.

The current built form provisions of the Neighbourhood centre zone seek to maximise site area, and therefore afford intense built form outcomes. However, given the intent of the Master Plan to deliver residential towers atop the podium form, it was considered more appropriate to apply the built form provisions of the High-rise accommodation code, so as to ensure future development applies setbacks, site cover and design that reflects its residential nature and mitigates impacts on amenity and privacy.

The Benowa Gardens Development Code therefore proposes amendments to Overall Outcomes (d) and (e) to differentiate built form outcomes for commercial versus residential development, and the addition of design outcomes for residential towers in the form of a new Overall Outcome (f). These are outlined below:

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

- (i) is of a height and density consistent with **Map 1 – Building Heights – Towers and Podium** and **Map 2 – Residential Density Plan**

It is therefore proposed to introduce the following Overall Outcomes (e) and (f)

(e) *Built form for residential land uses:*

- (i) *is of a height and density consistent with **Map 1 – Building Heights – Towers and Podium** **Map 2 – 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) *Design of residential land uses:*

- (i) *Development is designed to create attractive, high-quality visually appealing buildings and protect the privacy and amenity of neighbouring residential premises.*
- (ii) *Slender towers relate to existing high-rises and enhance views of the city skyline.*
- (iii) *Tower development mitigates negative visual and physical impacts through appropriate setbacks and design.*
- (iv) *Where they occur (in accordance with zone intentions), podiums are designed to engage with the street and be of a scale that is complementary to adjoining and nearby buildings.*
- (v) *Development provides a high-standard of amenity and visual interest for users and neighbours, including a high-standard of communal and private open space.*
- (vi) *Development is designed and orientated to promote a safe environment within the site, adjoining streets and public realm.*
- (vii) *Development is complemented by high-quality landscaping that contributes to the desired character of the area.*

- (viii) *Development is designed to promote safe and convenient pedestrian and vehicle access to and from the site.*
- (ix) *Development supports the provision of diversity of housing for various types of households within the city to meet the needs of existing and future residents.*
- (x) *Residential care facilities and retirement facilities are provided with self contained services and recreational facilities to meet the needs of residents.*
- (xi) *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.*

The above variations to the Overall Outcomes will also be reflected within the relevant Acceptable and Performance Outcomes, as outlined overleaf.

#### 4.5.5.3. Required Outcomes

To ensure consistency with the categorisation of development with the new Tables of Assessment, amendments are proposed to the Required Outcomes of the Neighbourhood centre zone and captured within the Benowa Gardens Development Plan code.

The changes to the Required Outcomes reflect the changes sought to the Acceptable Outcomes outlined below and will only be applicable to uses if establishing in an existing tenancy and involving only minor building work or an internal fit-out.

#### 4.5.5.4. Acceptable/Performance Outcomes

To reflect the changes to the building height, residential density and shop tenancy gross floor area limits proposed on site, the proposed Master Plan requires variations to the following Acceptable Outcomes (AOs) and Performance Outcomes (POs):

- Acceptable Outcome/Performance Outcome 1 – Setbacks;
- Acceptable Outcome/Performance Outcome 2 – Site cover;
- Acceptable Outcome/ Performance Outcome 3 – Height;
- Acceptable Outcome/Performance Outcome 4 – Density;

In addition to this, additional requirements are proposed to be included relating to the podium form.

The Benowa Gardens Development Code therefore proposes the following variations, as outlined below.

To differentiate setback and site cover provisions between non-residential and residential development on site, the Benowa Gardens Development Code has amended AO1/PO1 and AO2/PO2 as shown in **Table 2** overleaf.

This ensures the future development of the envisaged residential towers applies appropriate setbacks and site cover that mitigate impacts on privacy and amenity, while still allowing for the delivery of commercial development that activates the frontages and addresses the pedestrian interface.

**Table 2 – Benowa Gardens Development Code – Setbacks and Site Cover**

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES																																												
Setbacks																																													
<p><b>PO1.1</b></p> <p>Setbacks for non-residential land uses:</p> <ul style="list-style-type: none"><li>(a) allow buildings to address and actively interface with streets and public spaces;</li><li>(b) provide additional width to the public realm and additional space for road side dining opportunities; and</li><li>(c) assist in the protection of adjacent amenity.</li></ul> <p><b>PO1.2</b></p> <p>Setbacks for residential land uses:</p> <ul style="list-style-type: none"><li>(a) assist in the protection of adjacent amenity;</li><li>(b) allow for access around the building;</li><li>(c) contribute to streetscape character;</li><li>(d) allow for on-site car parking; and</li><li>(e) provide separation between buildings to maintain view corridors.</li></ul> <p><b>Note: Building setbacks may also be influenced by the shadow provisions in 9.4.4 General development provisions code.</b></p>	<p><b>AO1.1</b></p> <p>Setbacks for non-residential land uses are as follows:</p> <table><tr><th rowspan="2">Setback</th><th colspan="2">Minimum distances measured in metres (m)</th></tr><tr><th>Building height</th><th>Setback</th></tr><tr><td rowspan="2">Frontage</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 Centre zone, Neighbourhood centre zone or Mixed use 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> <p>OR</p> <p><b>AO1.2</b></p> <p>Setbacks for residential uses are as follows:</p> <table><tr><th rowspan="2">Setback</th><th colspan="2">Minimum distances measured in metres (m)</th></tr><tr><th>Height</th><th>Setback</th></tr><tr><td>Front for covered car parking (excluding a basement)</td><td>all</td><td>6m</td></tr><tr><td rowspan="2">Front (excluding covered car parking)</td><td>up to 23m</td><td>4m</td></tr><tr><td>for that part exceeding 23m</td><td>6m</td></tr><tr><td rowspan="3">Side and rear</td><td>up to 4.5m</td><td>1.5m</td></tr><tr><td>for that part between 4.5m – 7.5m</td><td>2m</td></tr><tr><td>for that part exceeding 7.5m</td><td>an extra 0.5m is added for every 3m in height or part thereof over 7.5m</td></tr><tr><td>Between on site habitable buildings (where not attached)</td><td colspan="2">Double the applicable side setback</td></tr></table>		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	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	
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## Acceptable/Performance Outcomes Contd.

Within the new Benowa Gardens Development Code, it is proposed to vary AO3/PO3 and AO4/PO4 of the Neighbourhood centre zone code to refer to the new building height and residential density control maps. This will allow for the envisaged building height and density necessary to accommodate the residential component of the Master Plan vision.

**Table 3 – Benowa Gardens Development Code – Height and Density**

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
<b>Height</b>	
<b>PO3</b> Development is of a height that: <ul style="list-style-type: none"> <li>a. promotes the intended character of the zone; and</li> <li>b. does not impact on the amenity of adjoining uses.</li> </ul>	<b>AO3</b> Building height does not exceed 2 storeys with a maximum height of 14m or that shown on the <b>Map 1 – Building Heights – Towers and Podium</b>
<b>Density</b>	
<b>PO4</b> Density does not exceed that shown on <b>Map 2 – Residential Density Plan</b>	<b>AO4</b> No acceptable outcome provided.

To allow for the anchor tenancy envisaged by the Master Plan, the following variation is proposed to PO11, as highlighted in bold below:

**Table 4 – Benowa Gardens Development Code – Shop GFA**

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
<b>Land uses</b>	
<b>PO11</b> A single tenancy does not dominate the retail GFA of the neighbourhood centre area and does not exceed 1,500m <sup>2</sup> unless a single anchor tenancy not exceeding 4,000m <sup>2</sup> in GFA.	<b>AO11</b> The GFA of a single shop does not exceed 1,500m <sup>2</sup> .

The introduction of the following AO/PO12 has also been included in the Benowa Gardens Development Code, to reflect the envisaged podium building height prescribed under Map 1 – Building Heights.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
<b>Tower base (podium)</b>	
<b>PO12</b> Where podiums are envisaged by the zone, tower base form respects the framework of established built form, adjacent streets, parks and public or private open spaces.	<b>AO12</b> Tower base heights: <ul style="list-style-type: none"> <li>(f) are well-proportioned to frame adjacent park land and on-site open space;</li> <li>(a) match neighbouring low-set built form; or</li> <li>(b) are no greater than 22 metres in height where no neighbouring built form exists.</li> </ul>

## 5. STATUTORY FRAMEWORK

This Development Application seeks a Preliminary Approval (including a Variation Approval) and according is subject to Section 61(2) of the Planning Act. Assessment against these matters is provided below.

### 4.6. SECTION 61(2)(B)

Section 61(2)(b) of the Planning Act states that the assessment manager must consider the following when assessing a Variation Request:

- (a) *“the consistency of the variations sought with the rest of the local planning scheme that is sought to be varied; and”*

This Variation request seeks to vary certain provisions of the zone code and introduce provisions consistent with the Neighbourhood centre and Medium density residential zone code to reflect the proposed Master Plan outcome for the site. These changes are considered appropriate to reflect the growing and changing context of the local surrounding area. All other aspects of the Planning Scheme will remain the same.

### 4.7. SECTION 61(2)(C)

Section 61(2)(c) of the Planning Act states that the assessment manager must consider the following when assessing a Variation Request:

- (b) *“the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and”*

Relevant changes to the level of assessment for future applications have been outlined in **Section 4.5.3** of this report.

The currently proposed Variation Request is subject to Impact Assessment and affords the public an opportunity to review the proposed changes to the level of assessment, during the statutory public notification period of 30 business days. This is double the period of public notification for a standard

Development Application. The application material as part of this Variation Request provides a clear picture of the vision for the site and affords the public an opportunity to comment if they have concerns with the sought outcome.

### 4.8. SECTION 61(2)(D)

Section 61(2)(d) of the Planning Act states that the assessment manager must consider the following when assessing a Variation Request:

- (c) *“any other matter prescribed by regulation.”*

The matters prescribed by regulation are outlined in Section 32 of the Planning Regulation, and are as follows:

- (a) *“the common material;*
- (b) *the regional plan for a region;*
- (c) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
- (d) *any temporary State planning policy.”*

There are no relevant historic approvals for the purposes of this Variation Request. There is no other common material of specific relevance, other than what has been included and attached to this Development Application.

The regional plan, ShapingSEQ 2023, is considered in **Section 5** below.

The relevant elements of the State Planning Policy have been identified as appropriately integrated into the Planning Scheme, with the exception of Natural Hazards, Risk and Resilience, Biodiversity and Water quality. This is discussed further in **Section 6** of this report.

There are no temporary State planning policies relevant to the site or proposed development.

## 6. STATE PLANNING FRAMEWORK

A summary of compliance with the relevant state planning instruments is outlined in the table below.

INSTRUMENT / ASSESSMENT BENCHMARK	DATE OF INSTRUMENT	ASSESSMENT
<i>Planning Act 2016</i> (Qld) (Planning Act)	29 November 2024	The proposed development is regulated by the Planning Act; a Variation Request is to be assessed in accordance with Section 61, and a Material change of use that is subject to Impact Assessment is to be assessed in accordance with Section 45(5), of the Planning Act.
<i>Planning Regulation 2017</i> (Qld) (Planning Regulation)	30 September 2024	<p>Section 30 of the Planning Regulation includes assessment benchmarks for development that is subject to Impact Assessment.</p> <p>Section 32 of the Planning Regulation includes assessment benchmarks for development that involves a Variation Request.</p> <p>Schedule 8 of the Planning Regulation identifies the City of God Coast Council as the assessment manager for this Development Application.</p>
<i>State Planning Policy 2017</i> (SPP)	3 July 2017	Section 2.1 of the Planning Scheme confirms all relevant elements of the SPP have been fully integrated into the Planning Scheme, with the exception of Natural Hazards, Risk and Resilience, Biodiversity and Water quality. The subject site is not identified within a Coastal Hazard Area nor Biodiversity area. The Water quality policies have been considered and addressed in the Stormwater Management Plan included in <b>Appendix H</b> . no further assessment against the SPP is required.
<i>South East Queensland Regional Plan 2023 Update</i> (ShapingSEQ 2023)	15 December 2023	The site is located within the Urban Footprint area of the regional plan. When considering the nature of the proposal, the development accords with the objectives of the Urban Footprint by maximising capacity in the Urban Footprint through consolidation as a priority over expansion. This is discussed further in <b>Section 9.5</b> of this report.



## 7. LOCAL PLANNING FRAMEWORK

The *City Plan (version 11)* ('the Planning Scheme') is the local planning instrument relevant to the assessment of the proposed development. The following sections of this report provide an assessment of the proposed development against the relevant assessment benchmarks in the planning scheme.

### 7.1. ZONING

The site is identified within the Neighbourhood centre zone. The purpose of the Neighbourhood centre zone is to:

*"...provide for a small mix of land uses to service residential neighbourhoods.*

*It includes small scale convenience shopping, professional offices, community services and other uses that directly support the immediate community."*

As previously noted, the proposed function of the site under the proposed Master Plan is largely consistent with the purpose of the existing Neighbourhood centre zone, with the exception of facilitating a singular large-format anchor supermarket tenancy, and the inclusion of residential development within high-rise built form.

Notwithstanding, the Master Plan will facilitate the future development of the site that furthers the intended function of Neighbourhood centre zoned land, captured by the purpose statement above.



## 7.2. ASSESSMENT BENCHMARKS

The following sections of this report identify the parts of the Planning Scheme that are most relevant to the assessment of this application.

### STRATEGIC FRAMEWORK ELEMENTS

- Element – Neighbourhood centres
- Element – Enhanced access and mobility
- Element – Urban design, character and community identity
- Element – Safe, healthy and cohesive communities; and
- Element – Environmental health and amenity

ZONE CODE	OVERLAY CODES	DEVELOPMENT CODES
Neighbourhood Centre Zone Code	<ul style="list-style-type: none"> <li>▪ Acid Sulphate Soils</li> <li>▪ Airport Environs</li> <li>▪ Flood</li> </ul>	<ul style="list-style-type: none"> <li>▪ Commercial design code</li> <li>▪ High rise accommodation code</li> <li>▪ General development provisions code</li> <li>▪ Healthy waters code</li> <li>▪ Transport code</li> </ul>

## 7.3. OVERLAYS

Parts of the site are identified within the following overlays:

OVERLAYS	SUB-CATEGORY
Acid sulfate soils	<ul style="list-style-type: none"> <li>▪ Land at or below 5m AHD</li> <li>▪ Land at or below 20m AHD</li> </ul>
Airport environs	<ul style="list-style-type: none"> <li>▪ Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) contour</li> </ul>
Flood	Not applicable



## 7.4. STRATEGIC FRAMEWORK

Given this application is subject to Impact Assessment, the application is required to be assessed against the entire Planning Scheme, including the Strategic Framework.

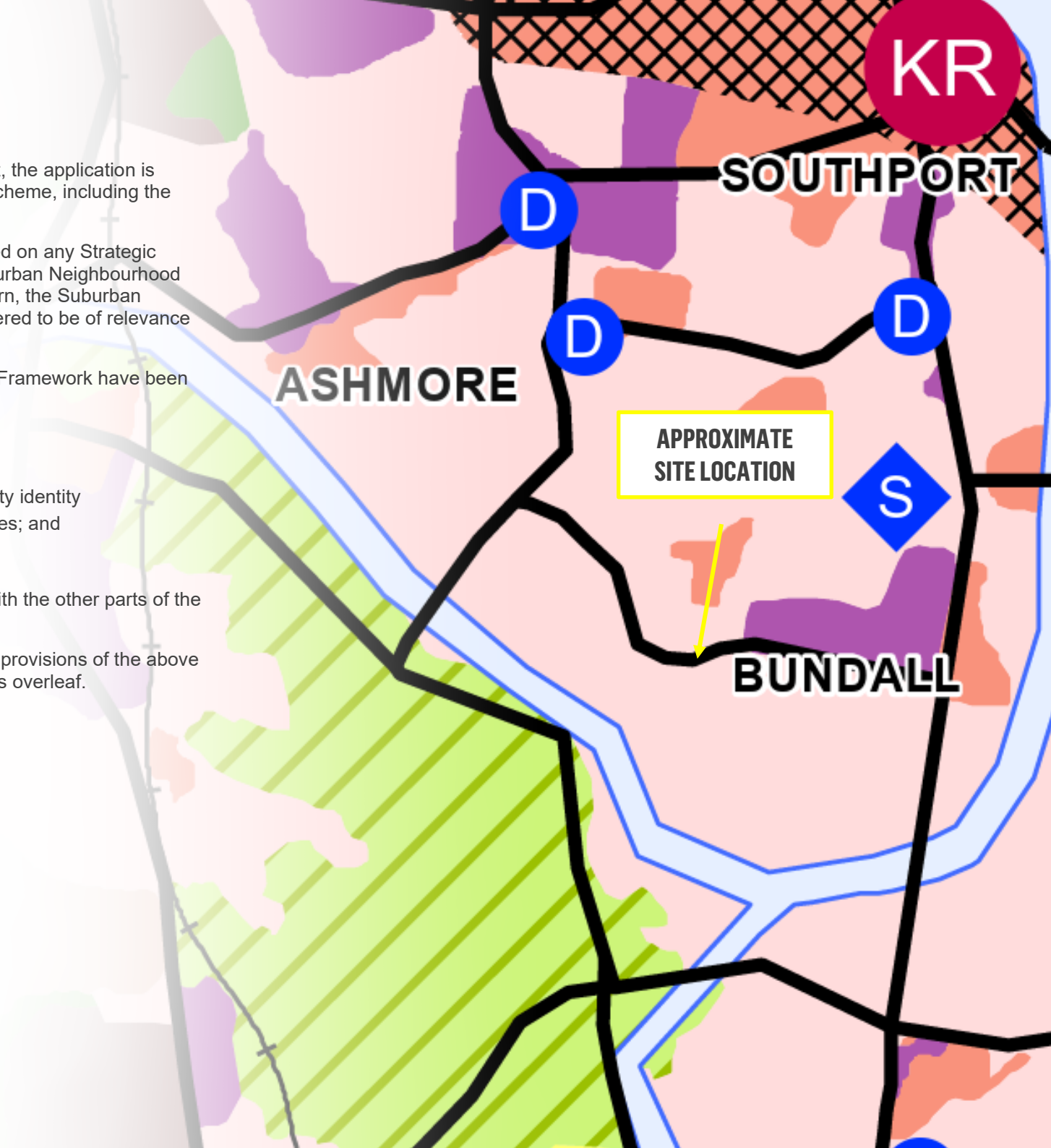
It is noted that Neighbourhood centres are not identified on any Strategic Framework map. As such, despite falling within a Suburban Neighbourhood are on Strategic Framework Map 3 – Settlement Pattern, the Suburban Neighbourhood Element of the City Plan is not considered to be of relevance to the subject site.

In light of this, the applicable sections of the Strategic Framework have been determined as follows:

- Element – Neighbourhood centres
- Element – Enhanced access and mobility
- Element – Urban design, character and community identity
- Element – Safe, healthy and cohesive communities; and
- Element – Environmental health and amenity.

The proposed development is considered to comply with the other parts of the strategic framework.

An assessment against the relevant and most notable provisions of the above Elements has been carried out in the following sections overleaf.



## STRATEGIC FRAMEWORK ASSESSMENT CONT.

As previously noted within this report, the majority of land uses proposed as part of this variation are currently contemplated within the Neighbourhood centre zone, with the exception of Short-term Accommodation use which has been introduced for the site. For this reason, assessment against the Strategic Outcomes has been limited to provisions relating to potential impacts resulting from the Short-term accommodation land use, increases to the allowable GFA for a single anchor Shop tenancy, proposed increase in building height and proposed increase in residential density.

SPECIFIC OUTCOME	ASSESSMENT
<p>(a) <i>Neighbourhood centres differ from mixed use centres and specialist centres as they are smaller and comprise a mix of smaller-scale uses. While the potential land use options for neighbourhood centres vary, the scale of individual centres is limited to the specific needs of their neighbourhood.</i></p> <ul style="list-style-type: none"> <li>a. <i>retail facilities, such as neighbourhood stores and newsagents;</i></li> <li>b. <i>food and beverage outlets (not including drive through facilities);</i></li> <li>c. <i>cultural uses, medical and community facilities;</i></li> <li>d. <i>small-scale entertainment and licensed premises and service stations (where operated during the standard trading hours of the centre);</i></li> <li>e. <i>educational establishments and indoor recreation; and</i></li> <li>f. <i>local services such as post offices.</i></li> </ul>	<p>It is understood that this Specific Outcome seeks to maintain the intended function of Neighbourhood centres as local hubs for smaller-scale retail, commercial and services activities that cater to the immediate local catchment, without compromising the hierarchy of centres across the City.</p> <p>As previously noted within this report, the proposed variation seeks to facilitate the timely and efficient future development of land uses that are already envisaged within the Neighbourhood centre zone, many of which can be established as of right on the site today. By virtue of this, the proposal is consistent with this Specific Outcome.</p> <p>Notwithstanding the above, the variation does seek to allow for the establishment of a single anchor supermarket tenancy of up to 4,000m<sup>2</sup> in GFA, as well as Short-term accommodation, which is not an anticipated use for the zone.</p> <p>In a pre-lodgement meeting held with City Officers on 15 January 2025, concern was also raised in relation to the increase in overall commercial GFA as a result of the proposed increase in building height, and its potential impacts on surrounding centres.</p> <p>These matters have been further discussed in <b>Section 7.1.2</b> of this report.</p>
<p>5. <i>Building height in neighbourhood centres complements the planned function and desired future appearance of its surrounding neighbourhood.</i></p>	<p>The proposed variation seeks to introduce a new building height overlay that prescribes a maximum building height of 53m at the tower levels and 22m at the podium level.</p> <p>As the Master Plan envisages three (3) residential towers atop a commercial podium design, the building height of these towers has been carefully considered in relation to its frontage interface and surrounding local context.</p> <p>To Master Plan envisages a maximum 53m building height to the north, 45m building height to the west and 43m building height to the south.</p>

	<p>This building height design is responsive to the planned function and desired future appearance of the surrounding neighbourhood, as discussed in <b>Section 7.1.3</b> of this report.</p> <p>It is also noted that no built form is proposed as part of this application. Notwithstanding, future development will be subject to subsequent code assessable development applications, whereby assessment against the relevant land use and design codes will be required. At such time, development will be subject to assessment by Council's architectural officers in accordance with the built form provisions of the City Plan.</p>
<p>8. <i>The design, location and operation of neighbourhood centres ensures they:</i></p> <ul style="list-style-type: none"> <li>a. <i>are established in locations where they can effectively serve neighbourhood needs and integrate with existing neighbourhood focal points such as public transport services, parks and other community facilities wherever possible;</i></li> <li>b. <i>are highly accessible by walking and cycling, while allowing for car access and parking;</i></li> <li>c. <i>interface with the street, creating strongly defined building edges and providing opportunities to engage with street life;</i></li> <li>d. <i>create an attractive, safe and pedestrian-focused environment;</i></li> <li>e. <i>are not dominated by supermarkets or bulky and large built form;</i></li> <li>f. <i>are separated by a minimum 1000 metre walk from any existing centre, except where within the light rail urban renewal area or large master planned sites where this does not undermine the orderly development or viability of nearby centres; and</i></li> <li>g. <i>maintain the reasonable amenity expectations of nearby residents, having regard to local character, built form and residential amenity in terms of noise, parking and other associated trading impacts.</i></li> </ul>	<p>As per the Benowa Gardens Development Code, future development on site will remain subject to the requirements of the Neighbourhood centre zone code at the podium levels, and the High-density residential zone code at the residential tower levels. Future development and the associated development applications triggered will be subject to the existing built form and amenity provisions of the appropriate zone code, and will therefore ultimately achieve the outcomes sought by this Specific Outcome.</p> <p>Notwithstanding, the proposed Master Plan documents submitted in support of this application provide a framework that will achieve the design principles of this outcome.</p> <p>A response to each design criteria (a) – (g) has been provided below.</p> <ul style="list-style-type: none"> <li>a. The site is an existing Neighbourhood centre located within a central intersection of Benowa. The site is well located within proximity of a range of services as outlined in <b>Section 2</b> of this report.</li> <li>b. The Master Plan documents will facilitate the future development of a highly accessible design, and will require future vehicle, cyclist and pedestrian access to be effectively integrated into the existing surrounding network.</li> <li>c. &amp; d. Material change of use applications will be required to facilitate future development on site, at which time they will be subject to the built form and design provisions of the Neighbourhood centre zone code. The zone code requirements cultivate design outcomes which ensure development interfaces with the street, with strongly defined building edges and street activation to create an attractive, safe and pedestrian-focused environment. The Master Plan provided in support of this variation request</li> </ul>

will not impede the ability for future development to achieve these outcomes, and in fact reinforces the zone's design intent.

- e. The proposed development, while involving a primary anchor supermarket tenancy of 4,000m<sup>2</sup>, will not be dominated by said tenancy as up to 7,000m<sup>2</sup> of product on site will comprise complementary land uses such as retail shops, food and drink outlets, health care services and other supporting businesses.

The built form of future development on site will be subject to the design and siting requirements of the appropriate zone code as per the Benowa Gardens Development Code. Building design and bulk will be addressed at this stage, however the Master Plan will facilitate development of an appropriate bulk.

- f. The subject site is already established within the Neighbourhood centre zone and is not located within 1000 metres from any other existing centre.
- g. With respect to visual amenity, the proposed Benowa Gardens Development Code applies the same design and siting provisions of the Neighbourhood centre zone code as currently applies. Given development can currently apply these design provisions as of right, it can be reasoned that the development will remain within the reasonable expectations of nearby residents for a Neighbourhood centre.

This is with the exception of building height. The building heights proposed as part of this variation have been carefully considered with regard to the local surrounding context. This has been discussed further in **Section 7.1.3** of this report.

With respect to noise and car parking, future development on site will be subject to approval by way of Material change of use application. Notwithstanding, a Traffic Impact Assessment and Preliminary Acoustic Report has been prepared in support of this variation request and are included in **Appendices I and K**. Future development will need to have regard to the recommendations of these report, and will need to be supported by further car parking and acoustic assessments as per the Transport code and General development provisions code.

## 8. CODE ASSESSMENT

A review of the proposed variation against the above codes has determined that the development complies with all relevant Acceptable and Performance Outcomes of each of the applicable codes with the exception of those outlined below:

**Table 5** – Relevant Provisions Requiring Assessment

CODE	ACCEPTABLE/PERFORMANCE OUTCOME	SUBJECT MATTER
▪ Neighbourhood Centre	▪ Acceptable Outcome/ Performance Outcome 3	▪ Height
	▪ Acceptable Outcome/Performance Outcome 4	▪ Density
	▪ Acceptable Outcome/Performance Outcome 11	▪ Land uses
▪ High-rise Accommodation Code	▪ Acceptable Outcome/Performance Outcome 1	▪ Podium Heights

Assessment has therefore been limited to the strategic framework and the above benchmarks only, with the proposal considered to remain consistent with all other relevant provisions of the assessment benchmarks listed in the table above.

As outlined in **Section 6.3.2** of this report, this is a 'report by exception' and only discusses issues where the development does not meet the relevant acceptable outcomes. A review of the proposal relevant codes has been undertaken and determined the development complies with the relevant Acceptable Outcomes.



# 8.1. NEIGHBOURHOOD CENTRE ZONE CODE

**Table 5** of this report identifies the relevant outcomes in which the development does not comply with the Acceptable Outcome.

Assessment against the Purpose relevant Overall Outcomes has been undertaken in **Section 4.5.5.1 and 4.5.5.2** of this report.

An assessment against the corresponding Performance Outcomes has been carried out below.

## HEIGHT

The subject site is not identified within the Building height overlay, and therefore is prescribed a maximum building height of 14m as per AO3 below.

As illustrated in Map 1 included in **Appendix B**, the proposed Master Plan and associated development code seeks to introduce a new Building Height Overlay Map with a new maximum building height of 53 metres. The proposal therefore does not meet the requirements of AO3 below, and is referred to the corresponding PO3.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
Height	
<b>PO3</b> Development is of a height that: <div><div>a. promotes the intended character of the zone; and</div><div>b. does not impact on the amenity of adjoining uses.</div></div>	<b>AO3</b> Building height does not exceed 2 storeys with a maximum height of 14m or that shown on the Building height overlay map. <b>AND</b> Structures do not exceed a height of 14m or that shown on the Building height overlay map.

The criteria listed in PO3 above largely reflect Specific Outcome (5) of the Neighbourhood Centres Element of the Strategic Framework. This has been discussed in-depth within **Section 7.1.3** of this report.

In short, the subject site is located within a pocket of Benowa uniquely positioned as a transitional area that includes community facilities, major infrastructure services (being schools and hospitals), and commercial zones. The proposed building height is considered to complement this surrounding development character while allowing for the delivery of much needed permanent housing. Furthermore, when considering the existing development surrounding the site, the proposed building height is anticipated to have minimal impact on the amenity of surrounding uses.

Based on the above, the proposed development is considered to meet the criteria of PO3.

## DENSITY

The subject site is not identified within the Residential density overlay, and therefore is prescribed a maximum residential density of one dwelling per 400m<sup>2</sup> as per PO4 below.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
Height	
<b>PO4</b> Density does not exceed that shown on Residential density overlay map. <b>OR</b> Where not identified on the overlay map, density does not exceed one dwelling per 400m <sup>2</sup> .	<b>AO4</b> No acceptable outcome provided.

As illustrated in Map 2 included in **Appendix B**, the proposed Master Plan and associated development code seeks to introduce a new Residential Density Map with a new maximum residential density of RD8 – being 1 bedroom per 13m<sup>2</sup>. The proposal therefore does not meet the requirements of PO4 above.

Notwithstanding, Overall Outcome 2(d)(i) stipulates the following:

(d) *Built form:*

(i) *is of a height and density that complements its surrounding neighbourhood;*

As outlined in **Section 7.1.3** of this report, the subject site benefits from a number of locational characteristics that cultivates an activated precinct that provides a mix of community, recreational and health services integrated with residential development. In this respect, the proposed residential density is considered to complement the surrounding neighbourhood character.

Furthermore, the subject site benefits from a unique locational context on a key east-west corridor of the City, being Ashmore Road. This corridor is undergoing a period of transition, with development naturally evolving to more intense built form outcomes to facilitate higher densities and maximise the locational benefits of direct access to a wide variety of businesses, services, and recreational facilities.

Based on the above, the proposed development is considered to meet the criteria of PO3.

## LAND USE

The proposed Master Plan involves an anchor supermarket tenancy of 4,000m<sup>2</sup>, exceeding the maximum 1,500m<sup>2</sup> prescribed by AO11 below. Assessment against the corresponding PO11 is therefore required.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
Height	
<b>PO11</b> A single tenancy does not dominate the retail GFA of the neighbourhood centre area and does not exceed 1,500m <sup>2</sup> .	<b>AO11</b> The GFA of a single shop does not exceed 1,500m <sup>2</sup> .

The maximum 1,500m<sup>2</sup> GFA prescribed for a Shop within the Neighbourhood centre zone is enforced from the Acceptable Outcomes, through to the Overall Outcomes.

The proposal involves a 4,000m<sup>2</sup> anchor supermarket tenancy and therefore represents an inconsistency with the zone code. However, as an impact assessable application, consideration to the higher order provisions of the City Plan can be given. An in-depth assessment against the relevant provisions of the Strategic Framework has been undertaken in **Section 4.5.5.2** of this report.

Furthermore, the site is currently host to an anchor supermarket tenancy of approximately 2,000m<sup>2</sup> in GFA, and is not considered to dominate the existing neighbourhood centre which provides a range of retail, service and food and drink businesses.

It is also noted that the proposed masterplan envisages a total 6,000m<sup>2</sup> of commercial GFA in conjunction with the proposed large-format supermarket tenancy. Considering this commercial GFA outweighs the proposed 4,000m<sup>2</sup> supermarket GFA, the proposed large-format Shop will not dominate the neighbourhood centre.





## 8.2. HIGH RISE ACCOMMODATION CODE ASSESSMENT

### PODIUM HEIGHT

The Master Plan envisages a podium height of up to 22 metres, exceeding the maximum 10.5 metres prescribed in AO1.1 below. Assessment against the corresponding PO1 has therefore been carried out below.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
<b>Tower base (podium)</b>	
<b>PO1</b> Where podiums are envisaged by the zone, tower base form respects the framework of established built form, adjacent streets, parks and public or private open spaces.	<b>AO1.1</b> Tower base heights: <ul style="list-style-type: none"><li>a. are well-proportioned to frame adjacent park land and on-site open space;</li><li>b. match neighbouring low-set built form; or</li><li>c. are no greater than 10.5 metres in height where no neighbouring low-set built form exists.</li></ul>

As previously outlined within this report, the site is surrounded by significantly different development characteristics at each interface, with commercial developments within residential built form to the south; sporting fields associated with the schools to the east and north; and the Pindara Hospital site to the north-west.

The design of the podium scale and form has been carefully considered in the context of this surrounding development character and in response to the topography of the land.

While the Master Plan allows for a maximum of 22 metres building height for the podium, the proof of concept illustrates that the development will ultimately present as two storeys to Ashmore Road due to the topography of the site, thereby reflecting the low-rise character across to the south.

As development to the west and north is comprised of sporting fields and the 7-storey Pindara Hospital building, visual and amenity impacts are anticipated to be minimal. The podium level will therefore maximise the 22 metre height allowance envisaged by the Development Code and will present as five (5) storeys in height.

The above design approach is considered to respect the framework of the established built form of the area, while cultivating an activated street frontage consistent with the outcomes of the Neighbourhood centre zone.

On the basis of the above, the proposal is considered to meet the requirements of PO1.



## 9. RELEVANT MATTERS



### 9.1. ADVANCE THE PURPOSE OF THE ACT

The Master Plan and associated outcomes sought by the Benowa Gardens Plan of Development will facilitate future development that will deliver significant urban design improvements. The proposal advances the purpose of the Planning Act 2016 in several key ways:

- **Facilitating Economic Development:** The Master Plan includes a mix of land uses such as food and drink outlets, health care services, indoor sport and recreation, multiple dwellings, offices, shops, and short-term accommodation. This diverse mix supports economic growth by creating jobs, attracting businesses, and providing essential services to the community.
- **Promoting Sustainable Development:** The Master Plan and Benowa Gardens Plan of Development aim to maximise the development potential of the site while ensuring it meets the intended character and function of the surrounding neighbourhood. This aligns with the Planning Act's goal of promoting sustainable development that balances economic, social, and environmental outcomes.
- **Enhancing Housing Supply:** The Master Plan envisages multiple dwellings, which will increase the housing supply in the area. This is particularly important given the current housing shortage and the need for more affordable housing options. Further, in accordance with the SEQ Regional Plan, this represents a more efficient use of land with access to existing infrastructure, without the need for upgrades. The inclusion of short-term accommodation also addresses specific local needs, such as providing temporary housing for visitors and outpatients of the nearby Pindara Hospital.
- **Improving Urban Design and Amenity:** The Master Plan and associated outcomes sought by the Benowa Gardens Plan of Development will deliver significant urban design improvements, such as enhanced local services, improved pedestrian and vehicular access, and high-quality landscaping. These improvements contribute to creating a more attractive, functional, and liveable neighbourhood.

- **Supporting Community Well-being:** By providing a range of amenities and services, the Master Plan supports the well-being of the local community. The inclusion of health care services, indoor sport and recreation facilities, and communal open spaces promotes a healthy and active lifestyle.
- **Ensuring Efficient Use of Land:** The Master Plan's proposed increase in building height and residential density makes efficient use of the land, which is consistent with the Planning Act's objective of supporting a consolidated urban growth pattern. This is particularly relevant given the site's location within the Urban Footprint area of the South East Queensland Regional Plan 2023 (ShapingSEQ 2023).
- **Addressing Local Context and Needs:** The Master Plan is designed to integrate with the existing neighbourhood, considering the local context and needs. The proposed variations to the Neighbourhood Centre zone code, such as the introduction of short-term accommodation and the increase in shop GFA, are justified based on the site's proximity to key local services and infrastructure. Further, there is a demonstrable need for additional supermarket space in this local catchment, as identified in the Economic Need Assessment included in **Appendix F**.
- **Public Participation and Transparency:** The impact assessment process, including the statutory public notification period, ensures that the community has the opportunity to review and comment on the Master Plan. This aligns with the Planning Act's goal of promoting transparency and public participation in the planning process.

Overall, the Master Plan and associated outcomes sought by the Benowa Gardens Plan of Development align with the purpose of the Planning Act 2016 by promoting economic development, sustainable land use, housing supply, urban design, community well-being, efficient land use, local context consideration, and public participation.

## 9.2. ECONOMIC NEED

With regards to the proposed large-format supermarket tenancy, it must be noted from the outset that the site is currently host to an existing Coles with a GFA of 2,000m<sup>2</sup> thereby exceeding the maximum prescribed 1,500m<sup>2</sup> for the zone. It can therefore be reasoned that the proposal represents only a 2,000m<sup>2</sup> increase beyond the anticipated GFA on site.

In any case, an Economic Impact Assessment has been undertaken and is included in **Appendix F**. This assessment has identified that there is an existing shortfall of full-line supermarkets within the site's main trade area, with the local catchment being undersupplied by 2,062m<sup>2</sup> for the projected population growth by 2034. The assessment has also determined that the proposed increase to the anchor tenancy size will have a minimal impacts to surrounding and broader trade area, with no anticipated trade impacts greater than -4.3%.

Notwithstanding the above, in a pre-lodgement meeting held with Council officers on 15 January 2025, concern was raised with the overall GFA for *all* commercial land uses proposed, in addition to the large-format supermarket tenancy. The meeting minutes provided by Council state the following:

*Having regard to the prescribed built form parameters, and the intent of a Neighbourhood centre to provide for day-to-day goods and services, officers are concerned the development may undermine the existing hierarchy of the centres network.*

From the outset, it is important to note that the proposed variation seeks to facilitate land uses that are currently envisaged for the zone. With the exception of Short-term accommodation, all proposed land uses can currently be established on site, as of right. However, it is understood that Council's concerns arise from the proposed variations to built form parameters, as this may facilitate more intense development that may ultimately result in greater commercial GFA totals that would otherwise be constrained via built form requirements.

As detailed previously within this report, the proposed variation and associated Master Plan seeks to apply the provisions of the Neighbourhood Centre zone code at the podium levels.

The Neighbourhood centre zone, as currently applies on site, allow for:

- 0m setbacks to all boundaries up to 9.5m in height
- 80% site cover; and
- A maximum building height of 14m and to storeys.

In addition to this, it must be noted that the existing development on site does not maximise the above built form provisions, with the existing Shopping Centre representing a building height of only one storey, and site cover of approximately 45%.

Considering this, when applying the maximised built form provisions allowable on site currently, future development could achieve up to 10,000m<sup>2</sup> of commercial GFA on site, while still accommodating the required car parking within the maximum building height of 14m and remaining wholly compliant with the provisions of the Neighbourhood centre zone code.

It can therefore be reasonably concluded that the increase in building height is the only built form provision contributing to the potential increase in GFA than what is anticipated for other commercial land uses on site.

In any case, the proposed Master Plan seeks to deliver the majority of commercial floor area at the ground floor level, with perimeter uses able to be comprising commercial tenancies or short-term accommodation.

The proposal therefore provides opportunity for a commercial GFA of 9,000m<sup>2</sup> - 13,000m<sup>2</sup>. At maximum, this represents an increase of 3,000m<sup>2</sup> of GFA than what is already achievable on site.

As demonstrated in the Economic Impact Assessment in **Appendix F**, given the identified undersupply of commercial area of 2,062m<sup>2</sup> within the local catchment area, this increase in GFA resulting from the increased building height will not undermine hierarchy of the centres network.

In relation to the Short-term accommodation land use, the anticipated function of this Short-term accommodation is to support both visitors and patients of the proximate Pindara Hospital. Given the site's locational context, this is considered to represent a specific need for this neighbourhood.

On this basis, the proposed supermarket, supporting retail, commercial, services and Short-term accommodation land uses are considered to be consistent with Specific Outcome (1) of the Neighbourhood centres element.



### 9.3. BUILDING HEIGHT

The subject site benefits from a number of unique contextual features that assist in reducing visual amenity impacts that may arise from an increase in building height.

The subject site lays within a key pocket of Benowa that is surrounded by residential development, however, comprises a cluster of non-residential land uses within the Community facilities zone, Innovation zone and Mixed use zone. By virtue of this, the surrounding neighbourhood does not represent an inherently residential character, but instead a broader mix of community, retail, business and recreation uses.

This is further exemplified by the commercial land uses spilling over across Ashmore Road to the south. Despite being zoned as Low density residential, virtually all the dwellings located directly across the site fronting Ashmore Road are host to a range of commercial developments and businesses. While in some cases their built form is consistent with a residential dwelling, the land use activities are of a nature and intensity that far exceeds that of a residential zone.

For this reason, it can be concluded that the nearest residential development is in fact located at the rear of the Ashmore Road-fronting dwellings. These residential dwellings turn their back to Ashmore Road, with buildings oriented to maximise views of the nearby canal. It can therefore be reasoned that the proposal will have minimal visual impact on nearby residential development to the south.

In light of this, it can be reasoned that the emerging character within this area is an activated urban precinct that harmoniously integrates residential, commercial, community, and recreational uses. The planned function of this centre supports a more dynamic and functional neighbourhood, catering to the diverse needs of its residents and visitors.

In relation to the desired future appearance of the area, consideration must be given to existing built form landmarks in conjunction with the development character. A Visual Impact Assessment, provided in **Appendix E** provides an overview of the existing surrounding built form context, and the anticipated impacts from the proposed increase in building height.

In summary, the Visual Impact Assessment finds the proposed development will:

- Not have unacceptable adverse impacts on neighbouring non-residential properties or residential properties in the Local Area.
- Not be inconsistent with the existing discordant character of the Local Area
- Provide a more cohesive, engaging and activated interface to the adjoining pedestrian environments along Ashmore Road, Benowa Road and Carrara Street.
- Provide a 'cross-block' vehicle and pedestrian link between Ashmore Road and Carrara Street that will improve connectivity through the Local Area and separate the proposed development's built form from existing adjoining non-residential properties to the east.
- Contribute to the legibility of the city's urban form and structure.

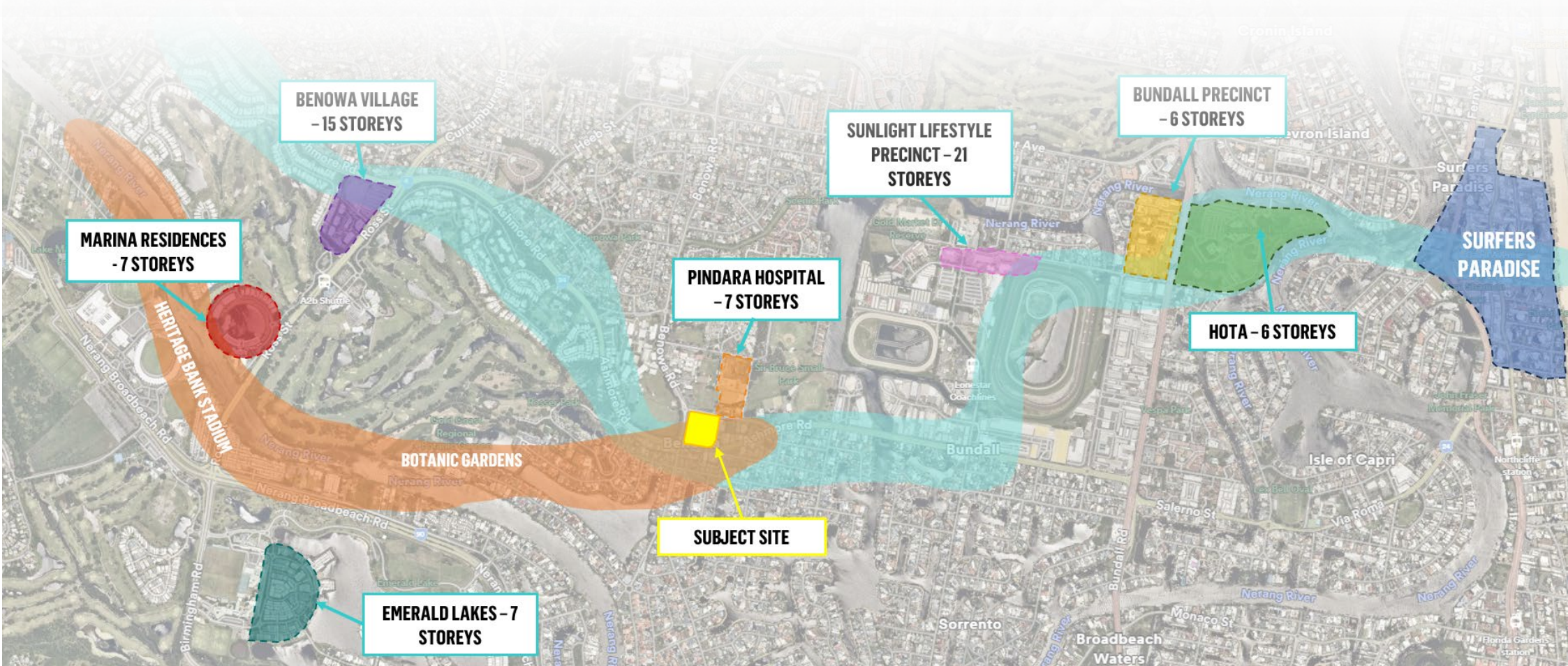
## 9.4. LOCAL DEVELOPMENT CONTEXT

The broader locality of Benowa, in the context of surrounding suburbs including Ashmore and Bundall, is undergoing a period of transition with regards to building form. This is evidenced by a number of existing and approved towers along the broader Ashmore Road corridor, including:

- 21 Ross Street with a height of 15 storeys
- 3 Racecourse Drive, with a height of 21 storeys
- Marina Residences, with a height of 7 storeys; and
- Pindara Hospital, with a height of 7 storeys.

As a key east-west corridor of the City that provides direct access to a wide variety of businesses, services and recreational facilities, it is the natural outcome that development will transition to more intense built form outcomes to facilitate higher densities and maximise these locational benefits.

When considering its locational context and the emerging development framework along this corridor, the subject site is well located to provide a central neighbourhood hub, while delivering much needed housing within a more intensive built form.





## 9.5. HOUSING NEED

Currently the city has a significant housing shortage, which is a relatively new phenomenon. The need for more housing is clear and evident throughout the community, with housing affordability having plunged in recent times. Housing is critical to a thriving city and while the housing market remains constrained on the Gold Coast we risk losing existing and potential future residents to more affordable markets.

The *South East Queensland Regional Plan 2023* ('*ShapingSEQ*') sets out a framework for growth of the region over a 25-year planning horizon to the year 2042. Under *ShapingSEQ* the site currently falls within the Urban Footprint which is intended to deliver housing near existing infrastructure, services and employment.

The *ShapingSEQ* strategies are categorised under the five themes of Grow, Prosper, Connect, Sustain and Live. Each theme includes several outcomes for SEQ which are to be delivered through the corresponding strategies outlined in the plan.

Outcome 1 of the 'Grow' includes a number of strategies to achieve a more efficient use of land. This efficient land use outcome aims to:

*Support a consolidated urban growth pattern and higher densities in well-located places – places with access to employment, services and amenity, where land is supported by appropriate infrastructure.*

Having regard to its context, the site is well placed to deliver on the goals and associated strategies of *ShapingSEQ*. The site is centrally located within the suburb of Benowa, with a number of local services and public amenities nearby, including, but not limited to:

- Pindara Hospital
- Gold Coast Botanic Gardens
- Gold Coast Turf Club
- A number of local schools; and
- Home of the Arts Centre.

When considering this, the subject site is well-located with access to a range of local amenities and services, as well as an established infrastructure network. It can therefore be reasoned that the increased building height and resultant residential density on the site would result in an appropriate, consolidated urban growth pattern, in line with the outcomes of the *ShapingSEQ* Regional Plan.

The proposed development, if approved, will repurpose the function of this existing Neighbourhood centre to not only deliver local retail, commercial and health services to the local community, but also deliver much needed housing stock in different typologies.



## 10. CONCLUSION

This report and associated appendices provide a detailed assessment of the proposed development against the relevant assessment benchmarks.

The following reasons for approval are highlighted in support of the proposed development:

- The proposed development aligns with the relevant outcomes of the Strategic Framework and largely retains the existing provisions of the Neighbourhood centre zone code
- The proposed Master Plan and associated Benowa Gardens Development Code remains largely consistent with the Neighbourhood centre zone
- The development will deliver significant public benefits, including increased housing supply, enhanced local services, and improved urban design outcomes.
- The site's unique locational context on Ashmore Road, a key east-west corridor, supports the transition to more intense built form outcomes, facilitating higher densities and maximising locational benefits.
- The proposed variation and associated Master Plan provide a structured framework to guide future development, ensuring it meets the intended character and function of the surrounding neighbourhood while addressing identified housing and commercial needs.

This assessment demonstrates that the proposal complies with, or can be conditioned to comply with, the relevant assessment benchmarks and should therefore be approved.

# 11. DISCLAIMER

This report is dated 13 November 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, Benowa Gardens Holding Pty Ltd ATF Benowa (**Instructing Party**) for the purpose of Preliminary Approval to Vary the Effect of the Planning Scheme at 203 Ashmore Road, Benowa (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.





## **APPENDIX A**

## **DA FORM 1 AND OWNER'S CONSENT**

## **APPENDIX B**

## **BENOWA GARDENS PLAN OF DEVELOPMENT**

## **APPENDIX C**

## **CONCEPTUAL PLANS**

## **APPENDIX D**

## **LANDSCAPE ANALYSIS**



## **APPENDIX E**

## **VISUAL IMPACT ASSESSMENT**

## **APPENDIX F**

## **ECONOMIC IMPACT ASSESSMENT**

## **APPENDIX G**

## **ENGINEERING SERVICES REPORT**

## **APPENDIX H**

## **SITE BASED STORMWATER MANAGEMENT PLAN**

## **APPENDIX I**

## **TRAFFIC ENGINEERING REPORT**



## **APPENDIX J**

## **CONCEPTUAL WASTE MANAGEMENT PLAN**

## **APPENDIX K**

## **ACOUSTIC REPORT**

## **APPENDIX L**

## **CODE RESPONSES**

