



Payne Road State School P&C Association

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Aim Ever Higher

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Brisbane City Council

GPO Box 1434

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RE: OBJECTION – DEVELOPMENT APPLICATION AT 159 & 161 PAYNE ROAD, THE GAP (A004569551)

Dear Christine,

Payne Road State School Parents & Citizens' Association (PRSS P&C), which has objectives to promote the interests, facilitate the development and further improvement of the School, located to the north and west of the subject site, write in regard to the above-mentioned development application for a Multiple Dwelling containing 19 units.

It is understood that the site is of an appropriate size to be redeveloped for a Multiple Dwelling and therefore the use is supported in principle. However following a full review of the proposal against all applicable planning scheme codes, it has been found that the proposal seeks numerous performance outcomes which in combination result in a significant overdevelopment of the site.

In particular the PRSS P&C raises concern about the proposed bulk, scale, density and landscaped separation of the development adjacent to their grounds. The proposal results in significant overlooking and amenity impacts of their student's recreation space due to the proximity of built form and useable/trafficable areas of private open space directly adjacent to the Schools common boundary.

It is clear that the applicant has made limited changes following Council's Information Request, and without significant amendments being made to address the items raised by Council and in this properly made Submission, we would support Council may they take the position to refuse the application.

In short, we seek several amendments and provision of additional documents/plans to enable our support of the application. These are amendments are listed in detail within this letter and we trust Council will take our concerns into consideration in its assessment of the application as outlined below.

1.0 GROUNDS FOR SUBMISSION

This letter sets out objection to the proposal on the following grounds:

1. The proposed development exceeds the prescribed criteria for **Density**;
2. Portions of the **Front Setback** do not comply;
3. The proposed **Rear and Side Setbacks** do not comply;

4. The development does not consider the protection of neighbouring **Significant Vegetation**;
5. The continuous **Building Form** and **Length of the Elevations** do not comply;
6. A shortfall in **Private & Communal Open Space** has been proposed;
7. The proposed **Deep Planting and Landscape Design** does not comply;
8. The development exceeds the **Site Cover** requirements; and
9. The proposed **Vehicular Access Arrangement** and **Visitor Parking** is non-compliant / inappropriate and unsafe without a warning system for vehicles exiting the site for children using the pedestrian network in front of the site.
10. Inadequate **privacy** measures are proposed to separate private open spaces and built form from the school grounds including the primary play area or prep, 1 and 2 students.

3.0 DETAIL OF GROUNDS FOR SUBMISSION

The proposal is non-compliant with the following Acceptable Outcomes, which in combination result in the proposal being inconsistent with the *low density detached housing suburban identity of the Low Density Residential Zone* under City Plan 2014:

1. Dwelling Density - AO52.1

AO52.1 of the Multiple Dwelling Code states that development is not to exceed 1 dwelling per 200m² of site area, which would equate to a maximum of 18 dwellings on the site at 159 & 161 Payne Road, The Gap.

The proposal seeks a performance outcome of 19 dwellings. While an exceedance in residential dwelling may be appropriate this is only where development meets the performance criteria of '*respecting the intensity and form of the neighbourhood and demonstrates an appropriate site density.*' The proposal is non-compliant with numerous building footprint provisions confirming the fact that the dwelling density sought is not reflective of the detached housing suburban intensity and form of the Low Density Residential Zone. These non-compliances are listed below:

- **Front Setback** – The proposal is setback a minimum of 4.5m to the front wall at ground level, which is a significant deviation from the 6m requirement under AO9.1 of the Multiple Dwelling Code.
- **Rear Setback** – The proposal does not meet the 6m rear setback requirement under AO10 of the Multiple Dwelling Code, being setback significantly closer to the rear boundary at 3.004m at points.
- **Side Setbacks** – Proposed development protrudes to within 2.003m of the western side boundary on the ground level and within 3.253m at points on the upper level. This is a significant departure from the 6m requirement under AO51.5 of the Multiple Dwelling Code.
- **Deep Planting** – Deep planting in the proposal is largely restricted to 2m wide or less zones along the western side and rear property boundaries, which is inadequate space to allow screening trees to grow. These areas should not be included in deep planting calculations and we therefore contend that this development doesn't comply.
- **Building Length**– The proposed development includes walls lengths in excess of 49m on the western elevation and greater than 80m on the eastern elevation. Such an outcome greatly exceeds the 30m requirement under AO15.1 of the Multiple Dwelling Code.



- **Private & Communal Open Space** – A shortfall in communal open space is proposed and many courtyards include dimensions smaller than 3m, resulting in non-compliances with AO27.1 & AO28.1 of the Multiple Dwelling Code.
- **Site Cover** – As a result of the above non-compliances the development includes a site cover of 52% which exceeds the 45% requirement under AO14 of the Multiple Dwelling Code.

In order for the proposed density to be supported we request that the building footprint of the development be significantly reduced in line with that requested below:

2. Front Setback – AO9.1

As detailed above, the proposal is setback a minimum of 4.5m to the front wall at ground level, which is a significant deviation from the 6m requirement under AO9.1 of the Multiple Dwelling Code.

We request that the front elevation be pulled back further to enable consistency with the prevailing setbacks and maintain compliance with the relevant control.

3. Rear Setback – AO10

The development is setback 3.004m at ground level to the rear property boundary at points in comparison to AO10 of the Multiple Dwelling Code which requires a minimum setback of 6m. As a consequence the trafficable and useable areas of private open space are directly adjacent to the property boundary and the majority of landscaping is restricted to a 1m wide planting zone. This will result in significant overlooking and amenity issues to the School particularly the prep, 1 and 2 primary play area. Such a large deviation from the acceptable outcome requirements should not be accepted.

We request that at least a 4.5m rear setback (clear of any built form including roofed patios) be provided with any land left available to be used for the establishment of deep planting capable of screening the proposal from the Schools recreation space. Whilst 6m is required by the scheme we feel 4.5m is reasonable in the circumstance of the case given that balconies can be provided to this extent. Any further encroachment into the 4.5m zone is not however supported.

In addition we request the provision of a 1.5m hedge along the rear boundary with species capable of growing 2m in height at maturity. We also request that this hedge be planted with semi mature species to reduce any short-term privacy impacts. Together with the 4.5m setback, this will allow for a 3m wide private open space area offset from the boundary to be provided which is consistent with the Multiple Dwelling Code.

4. Side Setbacks – AO51.5 & AO7.1

Development protrudes to within 2.003m of the western side boundary on the ground level and within 3.253m on the upper level at points. The acceptable outcome seeks a 6m setback to walls and that which is proposed falls significantly short of this. Furthermore, the proposal fails to achieve AO7.1(vi) of the Multiple Dwelling Code which requires all structures to be setback a minimum of 4m from the common boundary and that this area be dedicated for deep planting.

While variation is provided to side setbacks, only a small proportion (0.07%) of the elevation at ground level and 19% of the upper level elevation complies with the 6m requirement. This has flow on effects impacting other elements of the proposal including limited deep planting, an inappropriate interface to the side boundary and amenity / privacy impacts for the adjoining landowner.



While the Information Request response responded to Council's request about significant vegetation by confirming that the site had been cleared prior to lodgement, no consideration has been given to the protection of neighbouring trees root zones. A number of existing mature trees are located directly adjacent to the western side property boundary on the Schools property and their root zones are protected from encroachment. Refer to the below photos.



If works significantly encroach into the TPZ of any of these trees, a report from a qualified arborist (minimum qualification AQF level 5 in Arboriculture) is required, which provides an individual assessment for each tree with potential to be impacted by the site works and that demonstrates no negative impact to the tree's long-term health.

It is requested that all structures of the development be setback a minimum of 4.5m, including the roofed patios from the common boundary with the school to protect the privacy and amenity of the School as well as allow for the establishment of screen planting along the full length of the common boundary. Whilst 6m is required by the scheme we feel 4.5m is reasonable in the circumstance of the case given that balconies can be provided to this extent. Any further encroachment into the 4.5m zone is not however supported.

In addition we request the provision of a 1.5m hedge along the side boundary with species capable of growing 2m in height at maturity. We also request that this hedge be planted with semi mature species to reduce any short-term privacy impacts. Together with the 4.5m setback, this will allow for a 3m wide private open space area offset from the boundary to be provided which is consistent with the Multiple Dwelling Code.



All development should also be excluded from encroaching into the TPZ of existing mature vegetation on the neighbouring site and it is requested that an Arborist Report be provided to confirm this.

5. Building Bulk and Wall Length – AO15.1

The development includes wall lengths in excess of 49m on the western elevation and greater than 80m on the eastern elevation. Such an outcome greatly exceeds the 30m requirement under AO15.1 of the Multiple Dwelling Code and compromises the delivery of a lower density residential character that is reflective of detached dwellings in accordance with the intent of the Low Density Residential Zone Code.

It is requested that the development be broken up by large gaps in the building form so as to reflect the suburban scale and appearance of detached houses. The PRSS P&C agrees with Council's assertion that no more than 3 units should be linked together in a row, and instead these smaller groupings of townhouses should have a significant break between the built forms. This revised massing will also reduce proximity and privacy impacts.

6. Private and Communal Open Space – AO27.1 & AO28.1

The communal open space area is 19.05m² short of that required under the acceptable outcome. It is also noted that the area shown on the Architectural Plans is not a true representation given that the refuse collection loading zone has been included in the overall calculation.

In addition the courtyards for units 1, 4 & 9 are not provided with a minimum dimension of 3m, and as a result would likely fall short of the minimum 35m² requirements had these narrower sections not been included.

It is requested that private and communal open space areas be increased to comply with AO27.1 & AO28.1 of the Multiple Dwelling Code. This would ensure that building bulk is reduced such that a balanced proportion of building and landscaped open space is achieved.

Further it is requested that courtyards be relocated where possible to sit in-between townhouses, and pushed away from side property boundaries which could enable the development to be broken down into separate building components more reflective of detached houses. This would also reduce privacy impacts.

7. Privacy Impacts: Deep Planting–

The footprint of the development sprawls significantly out next to side and rear property boundaries and as a consequence limited room is available for the establishment of deep planting. In fact deep planting is largely restricted to 2m wide strips of land. These deep planting zones do not enable large screening trees to grow and are needed to frame the elevated residential courtyards that face the Schools recreation space and should not be included in deep planting calculations.

Although the Architectural Plans indicate that more than 10% of the site is dedicated for deep planting, it is suggested that Council request a recalculation which only includes area with sufficient dimensions to accommodate a canopy tree.

It is also noted that the enforcement of 4.5m setback from all side and rear boundaries would achieve adequate deep planting on site.



8. Privacy Impacts: Retaining Walls & Fencing –

The Architectural Plans do not clearly show the height and location of retaining walls along the western side and northern rear property boundaries. It is anticipated that a stepped design along the western boundary will be proposed to create level building pads for the courtyards.

The PRSS P&C raises concern with regards to overlooking and as such requests that courtyards not be elevated such that privacy is jeopardised without adequate protection measures. Minimum 1.8m high acoustic fencing should also be mandatory. In addition we request the provision of a 1.5m hedge along the common boundary of the school with species capable of growing 2m in height at maturity. We also request that this hedge be planted with semi mature species to reduce any short-term privacy impacts.

Furthermore it is requested that cross sectional details of the proposed retaining wall and fencing be provided to ensure that any fill/excavation and impacts of fences and retaining walls provide an appropriate interface to the School. Likewise the standard condition for screening should be included as part of any Council Approval.

9. Site Cover –

The numerous deviations to building footprint provisions, the lack of appropriately dimensioned deep planting and condensed open space has resulted in a non-compliant site cover of 52% which exceeds the 45% requirement under AO14 of the Multiple Dwelling Code. As demonstrated comprehensively within the above points, the proposed development does not achieve a balanced proportion of buildings to open space and landscaping in accordance with performance outcome PO14 of the Multiple Dwelling Code and is an overdevelopment.

It is requested that setbacks be increased and the dwelling density, site cover and building bulk be reduced. This would free up area to be available for additional breaks in the building form, deep planting and open space to address the site cover non-compliances.

10. Traffic Engineering –

It is clear from Council's Information Request that there are numerous issues with the proposed development from a Traffic Engineering perspective. The applicant has made little to no changes to address these items, and as a result the proposed arrangement cannot be deemed safe.

The PRSS P&C's primary concern is with regards to the vehicular site access:

- The crossover is proposed to be opposite Parkview Drive, which is not separated by the minimum distance specified in Table 5 of the TAPS PSP, and is thus non-compliant with AO3.1 of the TAPS Code;
- The proposed access does not restrict access onto Payne Road which is a major road to left turns only and thus fails to achieve AO1.4 of the Road Hierarchy Code; and
- Insufficient warning measures are proposed to reduce any potential vehicular pedestrian conflict at the drive cross over. Sight lines are not enough to ensure student safety.

The development fails to meet the relevant performance criteria given its located directly adjacent to a School, which already generates large amounts of vehicular and pedestrian traffic during peak hours. The safety, efficiency, function, convenience of use and capacity of the road network will be impacted by the new development which forces residents to make difficult decisions when turning right, avoiding large pedestrian activity and/or oncoming traffic from Parkview Drive.



Likewise the inclusion of the non-compliant angled visitor bay 32m down into the site, which will not be visible from the street, and its difficult manoeuvring will deter patrons from using it, opting instead to park on the street and causing congestion in the area.

It is requested that the proposed development be amended in accordance with the Acceptable Outcomes listed in Council's Information Request. Further it is requested that a warning system be included as part of the development which alerts children to cars travelling out of the site.

11. Stormwater

Attention is brought to Council with regard to the significant amount of overland flow which traverses the site and scours the school grounds to the rear of the site. Whilst a Stormwater Management Plan has been provided we request that the stormwater measures fully comply with Council policy to address nuisance flows and ponding of water within the School grounds.

4.0 CONCLUSIONS AND RECOMMENDATIONS

This submission clearly demonstrates that the proposal does not satisfy, nor appropriately addresses, Council's Information Request, the Multiple Dwelling Code or the overall outcomes of the Low Density Residential Zone Code.

When the effect on the amenity of current and future surrounding residences as well as the existing and desired character of the area is assessed, it is clear that the proposed development represents significant overdevelopment; conflicting with the reasonable expectations of neighbouring properties and the surrounding community. As a result the proposal will appear overbearing and thus negatively impact on the privacy and amenity of neighbouring residences. In particular the side boundary of the site is adjacent to the primary play area for years prep, 1 and 2 and the students privacy is a paramount concern to us. Significant design changes as recommended throughout this letter should be made to reduce impacts on the surrounding properties and to better reflect the area's existing and intended urban fabric.

We are not adverse in principle to redevelopment of the site, however the applicant has made limited changes throughout the application process irrespective of the concerns raised by Council. Therefore without substantial amendments being made to building footprint and privacy measures (i.e. 1.5m wide hedge and 1.8m acoustic fence along the common boundary) as listed comprehensively throughout this Submission, we would support Council may they take the position to refuse the application.

We trust Council will take the following requests into consideration in its assessment of the application:

- The front elevation should be pulled back further to ensure consistent with the Multiple Dwelling Code and prevailing street setback alignment of residential developments in the area.
- At least a 4.5m rear setback should be provided with any land left available to be used for the establishment of deep planting. In addition we request the provision of a 1.5m hedge along the rear boundary with species capable of growing 2m in height at maturity. We also request that this hedge be planted with semi mature species to reduce any short-term privacy impacts.



- All structures of the development should be setback a minimum of 4.5m, including the roofed patios from the common side boundary with the school. The remaining land should then be converted large screen planting along the full length of the common boundary. In addition we request the provision of a 1.5m hedge along the side boundary with species capable of growing 2m in height at maturity. We also request that this hedge be planted with semi mature species to reduce any short-term privacy impacts.
- No more than 3 units should be linked together in a row, and instead these smaller groupings of townhouses should have a significant break between the built forms.
- Private and communal open space areas be increased to comply with AO27.1 & AO28.1 of the Multiple Dwelling Code. Courtyards should be relocated where possible to sit in-between townhouses, and pushed away from side property boundaries as a result of creating breaks in the building length.
- Courtyards should not be elevated such that privacy is jeopardised. Furthermore it is requested that cross sectional details of the proposed retaining wall and fencing be provided to ensure that any fill/excavation and impacts of fences and retaining walls provide an appropriate interface to the School. Minimum 1.8m high acoustic fencing should also be mandatory.
- The proposed development be amended in accordance with the Acceptable Outcomes listed in Council's Information Request. Further it is requested that a warning system be included as part of the development which alerts children to cars travelling out of the site.
- Provision of an Arborist report to ensure that trees on the School grounds are not within the TPZ of the proposed built form.
- Confirmation that the proposed stormwater management will not cause nuisance flows to the school grounds.

We request the above amendments in full to enable our support. If the above is not provided we request that Council refuse the application.

Yours faithfully,

Payne Road State School Parents & Citizens' Association



Kym Bierenbroodspot
President



Jodie Robinson
Vice President



Clotilde Bélanger
Secretary



Leigh Passfield
Treasurer

