

28 September 2016

Ms Erin Evans,
President,
West End Community Association,
PO Box 3898,
South Brisbane Qld 4101

,
Via email: info@weca.org.au

Dear Erin,

Re: Development Application to Brisbane City Council for Preliminary Approval over land at 111 Boundary Street and 37-41 Mollison Street West End Qld 4101 - Council Reference A004115562.

I refer to previous discussions and communication following WECA having retained my services in relation to the above application which was the subject of Planning and Environment Court Appeal No 2407/2016, which appeal has now terminated following the call in of the application by the Minister for Local Government, Planning and Infrastructure. As you are aware WECA engaged my services from 29 July 2016 to provide services as an expert witness in relation to the above appeal. I attach a curriculum vitae for your reference. I have extensive town planning experience in a variety of situations, including a lot of work around Planning and Environment Court Appeals

Prior to the call in by the Minister the steps in the Appeal involved preparation of Joint Expert Reports in relation to issues regarding Traffic and Town Planning.

Due to the vagueness of the Council approved plans (and, in turn, the complexities that arise because of the nature of these plans) which would be considered in those Court proceedings it was necessary to obtain appropriate advice as to the implications of these approved plans from an architectural point of view, with flow on effects relating to consideration of the application against the relevant planning instruments.

With your prior agreement, in order to prepare myself properly to consider the town planning issues in this Appeal which would arise in both the Joint Experts Report and any subsequent work (eg. Mediation, Court hearing of the Appeal), I engaged the services of Mr David Cox of Cox Architects on your behalf. Mr Cox is a qualified architect with extensive design and construction experience across a wide range of building types and development projects..

The planning experts were scheduled to commence the joint meeting and subsequent preparation of the joint expert report on 15 September 2016. The Minister called in the application on 14 September 2016, which terminated the Appeal.

By that time Mr Cox, in consultation with me throughout, had prepared drawings that would be ready to present to the joint meeting of town planning experts to be held on 15 September 2016. These plans and critique of the approved drawings were in preparation for those (now terminated) appeal proceedings. I consider that these plans are relevant to an informed understanding of the application now before the Minister and would assist in an assessment of the application.

Background to the Application

In my opinion the only in which an application can be made to provide for a variation to the effect of a local planning instrument is to-

- (a) make an application under S241SPA for preliminary approval for a material change of use; and
- (b) at the same time make an application under S242SPA (for that part of the S241 application) stating the way in which the application seeks to vary the effect of the local planning instrument.

An application for a Preliminary Approval gives rise to assessable development to the extent that any of the proposed development is assessable. In this instance part of the proposed development is code assessable development and part is impact assessable development, and the application also seeks to vary the effect of City Plan 2014 such that the part of the proposed development which is currently impact assessable will be code assessable. The language of these two Sections S241 and S242 is consistent with what would be expected in relation to a proposed variation of the effect of part of the planning scheme, ie. the proposed change is impact assessable and is considered as part of an overall application for preliminary approval which ventilates the overall proposed development. Later sections of SPA deal with the approval of the S242 component of the application

Inadequacy of Information Supplied

The approved Master Plan drawings (19 May 2016, A004115562) were transposed by Mr Cox onto drawings numbered 1650-01 to 1650-07 inclusive dated 14 September 2016.

This package of Cox Drawings attempt to create a model in 3D of the applicants proposed buildings identified in the council approved set of Master Plan drawings.

There are no dimensions provided in the Council Approved Master Plan drawings. These approved drawings are only in plan form and do not portray height dimensions except for the indirect note that the development will comply with the height provisions in the Neighbourhood Plan.

The Cox drawings are based on the Council approved Master Plan drawings. In summary, the Council approved Master Plan drawings –

- (a) Have no dimensions on the drawings provided;
- (b) No elevations are provided;
- (c) No sections are provided;
- (d) No external perspective views are provided;
- (e) No perspective views from within the site are provided; and
- (f) No streetscape drawings are provided.

(The Arkefield drawings, submitted with the application(30 April 2016, A004115562), were not approved, are not being relied on by the applicant, and are not representative of the development in the Council approved Master Plan drawings).

The applicant has provided insufficient detail in the application as approved by Council to allow the detailed or adequate assessment of the form of proposed buildings or how these buildings will function when developed .

The Council approved Master Plan drawings do not provide sufficient information to have allowed the Council to make an adequate assessment of the impacts of the proposed development. As a consequence the nature, amenity and function of the “publicly assessable spaces” was not disclosed. The Council could not on the basis of the approved Master Plan drawings, have informed itself properly about the impacts of the variation sought by the applicant to City Plan 2014 in relation to public spaces within the development. It is necessary to assess the application for the preliminary approval as a whole because, even though parts are code assessable there is an inescapable relationship between the code assessable components (eg. The height and size of code assessable residential buildings) with the impact assessable components (eg. the quality of public spaces relative to the proposed change to site cover).

Council Approved Master Plan Includes Stages

There are 4 stages on the Council approved Master Plan drawings which are defined by boundaries. These boundaries imply "separate sites." Dividing the site into separate stages means that the interrelationship between the buildings across the whole site is not defined. This issue arises because the Council approved Master Plan does not provide the information that would allow assessment of the interrelationship between the buildings.

The Cox Drawings

These drawings show the indicative location and size of buildings shown on the Council approved Master Plan.

The Cox drawings reflect an analysis of the development of the site as a whole regardless of the boundaries nominated by the stages.

Cox drawings 1650-05, 1650-06 and 1650-07 illustrate typical spaces between the buildings within the site. These illustrations show the claustrophobic effect created by tall buildings with proportionally insufficient spatial separation from each other. These spaces (as illustrated) between the buildings are dependent on –

- (a) The distance between the buildings;
- (b) The height of the buildings; and
- (c) The connectivity of those spaces.

The effect of building mass and the narrow distance between buildings results in the creation of narrow alleyways in proportion to the height of the buildings, resulting in –

- (a) alleyways between buildings being claustrophobic and intimidating (e.g. see particularly Cox drawing 1650-06 and 0650-07 views A4, B1 and B2);
- (b) alleyways having dead ends;
- (c) areas being enclosed under podiums;
- (d) public spaces being devoid of design features recommended in CPTED guidelines;
- (e) except for the small ground ground level plaza adjacent to Boundary Street there being insufficient space to contain adequate functional landscaping within the series of alleyways between the buildings;
- (f) there being no means of providing casual surveillance of these narrow alleyways.

Conflict with City Plan 2014

The application for Preliminary Approval (S241 and S242 SPA where that part of the preliminary approval sought is for a Section 242 SPA approval) conflicts significantly with the South Brisbane Riverside Neighbourhood Plan Code. The purpose of the Neighbourhood Plan Code is set out in 7.2.19.4.2. It intends finer grain planning at a local level. This purpose is to be achieved by compliance with overall outcomes.

Overall outcome (3) (b) is for high quality buildings and public realm.

Overall outcome (3) (c) is concerned with overall height, scale and form consistent with amenity, character, and community expectations.

Overall outcome (3) (d) seeks that development makes a positive contribution to the public realm through on-site amenity such as deep planting, well connected and publicly accessible spaces.

The proposed development fails to achieve a high quality public realm, with the overall development providing for a poor level of amenity in the public realm. The development does not provide well connected publicly accessible spaces.

Overall outcome (6) (d) relates specifically to the Absoe site. It seeks –

- (i) A new urban plaza or public space on Boundary Street;
- (ii) A link from Boundary Street through to Mollison Street;
- (iii) Mixed use development which integrates active ground storey uses and community spaces with residential and commercial uses; and
- (iv) New roads and pedestrian links, allowing people to move between Mollison, Little Jane and Wilson Streets.

The public space (plaza) on Boundary Street is overarched by the cantilevered floors above ground level on either side of this proposal plaza and the overarching dominant forms of these high buildings relative to the size of the proposed plaza (refer Cox drawing 1650-05 – view A1 and A2).

The eastern link shown on the Council approved Master Plan drawings between Boundary Street and Mollison Street is on the boundary of the site, is convoluted, and creates an entrapment point, in conflict with CPTED principles. The Cox drawings (see 1650-01 Plan) shows that the western purported link to Mollison Street on the Council approved Master Plan cannot be public realm because it passes through the proposed supermarket area and is completely within the complex of buildings within stages 2, 3 and 3A.

The Cox drawings show that there is no publicly accessible space to provide a public link between Mollison Street, Wilson Street and Little Jane Street. While the proposal may result in commercial activity along Mollison Street, there is otherwise no provision indicated in the Council approval Master Plan drawings for ground level commercial activity which integrates residential and commercial uses.

The assessment criteria in the Neighbourhood Plan Code, at P09, is to the effect that the development on this key development site makes a significant contribution to the public realm of the Neighbourhood Plan area.

The Cox drawings illustrate the disjointed nature of the Council approved Master Plan which results in poor spatial qualities on this key development site.

An S241 SPA preliminary approval ought to have been sought by the applicant at the same time as the S242 SPA preliminary approval was sought. This was not done, and the applicant has agitated a point of view that all that can be considered in this assessment is some limited assessment about an application made under an S242 SPA application. An application involving S241 SPA, which at the same time involved an S242 application as discussed, would have disclosed the overall nature of the development outcome which could occur on this site. In my opinion this is the process intended by the SPA when an S242 SPA component is involved in a development application. The drawings by Mr Cox show what ultimate form of development might arise as a consequence of any approval of the application now the subject of the ministerial call in, taking into account what is currently code assessable development, together with what is sought by the applicant.

For the above reasons I consider that the application for the part of this preliminary approval to vary the planning scheme in relation to site cover is unacceptable and should not be approved. An alternative scheme of development of the site should be considered, wherein the principles of the Neighbourhood Plan are respected on this key development site.



DENIS BROWN
DIRECTOR

Attachment : Curriculum Vitae – Denis Brown