

## DECISION BY DELEGATE OF COUNCIL

SUBMISSION BY Lawrence Roache

### SITE:

<b>Address of Site:</b>	12 WILTON TCE YERONGA QLD 4104
<b>Real Property Description:</b>	L5 RP.59813
<b>Area of Site:</b>	607 m <sup>2</sup>
<b>Zone:</b>	LOW MEDIUM DENSITY RESIDENTIAL (2 OR 3 STOREY MIX) ZONE
<b>Name of Ward:</b>	Tennyson

### APPLICATION:

<b>Aspects of Development:</b>	DA - SPA - Material Change of Use – Development Permit
<b>Description of Proposal:</b>	Multiple Dwellings
<b>Applicant:</b>	Ken and Susan Poggioli c/- Hilloc Pty Ltd PO Box 886 COORPAROO QLD 4151
<b>Application Reference:</b>	A003974498
<b>Lodgement Date:</b>	01 October 2014
<b>Properly Made Date:</b>	10 October 2014

### DECISION on development application

Having considered the application detailed above, I refuse this application based on the following grounds:

1. The proposal has failed to demonstrate compliance with 6.2.1.2. (2)(c) of the purpose of the Low Medium Density Residential Code as the 3 storey multiple dwelling does not offer a sensitive transition to the next door low set dwelling located to the south of the subject site. It is considered that the three storey development is too close to the adjacent low set dwelling to the south, particularly since the Acceptable Solutions for the 2 to 3 storey zone restrict development to 9.5m or 2 storeys where adjacent to an existing dwelling. The relevant tables further indicate that the maximum building height in this instance is 2 storeys and 9.5m.
2. The proposal has failed to demonstrate compliance with 6.2.1.2. (4)(c) of the purpose of the Low Medium Density Residential Code as the three storey scale of the proposed development results in a building form and bulk that does not locate potential residents within a reasonable walking distance to regular public transport, centres and shops. The approximate 550m distance to the pedestrian entry to the nearest railway station (measured in accordance with the definitions of City Plan 2014) is well in excess of the relevant Acceptable Solution.
3. The proposal has failed to demonstrate compliance with 6.2.1.2. (4)(j) of the purpose of the Low Medium Density Residential Code as
  - The three storey development is considered to have a detrimental effect on the level of comfort, quiet and privacy and will diminish the amenity of the adjoining residential dwelling.
  - The proposed development does not provide adequate separation on the southern boundary and does not provide adequate landscaping along most of the common southern boundary which would provide for screening.
4. The proposal has failed to demonstrate compliance with 6.2.1.2. (7)(a), the 2 or 3 storey mix zone precinct overall outcomes of the Low Medium Density Residential Code as the

proposed development exceeds two storeys and is not within easy walking distance of a public transport node.

5. The proposal has failed to demonstrate compliance with 9.3.14.2 (2)(d) of the purpose of the Multiple Dwelling Code as the proposal is considered to have a negative impact on the residential amenity of the adjoining site.
6. The proposal has failed to demonstrate compliance with 9.3.14.2 (2)(e) of the purpose of the Multiple Dwelling Code as the scale of the proposed development results in a building form and bulk that does not integrate with the existing and intended neighbourhood structure, which is predominantly low set and high set detached housing with existing two storey Multi Unit Dwelling developments.
7. The proposal has failed to demonstrate compliance with 9.3.14.2 (2)(h) of the purpose of the Multiple Dwelling Code as the three storey development is not appropriate to the strategic and local context and community expectations. It is noted that the Acceptable Outcomes of the City Plan limit development in this instance to two storeys.
8. The proposal has failed to demonstrate compliance with 9.3.14.2 (2)(l) of the purpose of the Multiple Dwelling Code as the proposal at three storeys will create significant overshadowing impacts on the adjoining property to the south.

The proposal has failed to meet the following performance outcomes of the Multiple Dwelling Code as follows:

1. The proposed development fails to meet Performance Solution P05 as the proposal is for a three storey development in a zone precinct for two storeys and is not consistent or expected. The local area is predominately low set detached housing, high set detached housing and some two storey units.
2. The proposed development fails to meet Performance Solution P06 as the proposed building height of three storeys is not consistent with low set and high set housing in the streetscape. The site is approximately 550m from the Yeronga railway station and is not considered to be in close proximity to this public transport service.
3. The proposed development fails to meet Performance Solution P08 as the separation between the three storey proposal and the adjoining low set dwelling to the south is 3.4m, which is not considered to provide an appropriate separation and sensitive transition to the adjoining development.

On balance, the built form outcomes combined with community objections to the proposal present significant concerns and as such sufficient grounds have not been presented to support the proposal.

And direct that:

1. The applicant be advised of the decision
2. No Infrastructure Charges Notice be given
3. The local Ward Councillor be advised of the decision
4. The submitters be advised of the decision at the expiration of the applicant's appeal period

Dated 14 July 2015

**Anne Freeman**  
Principal Urban Planner  
Development Assessment Planning Services South  
**As DELEGATE of Council**