

HANDOUT #1

Understanding Planning Terms A Layperson's Guide

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A Layperson's Guide

Below is a selection of the most commonly used terms to describe the planning and development arrangements that apply on the Gold Coast. The descriptions are an attempt to provide a non-expert with a general understanding of their meaning.

2016 Planning Act

This is the State legislation underpinning all local government planning and development throughout Queensland. The Council derives its planning and development powers from this Act.

City Plan

The City Plan sets out the City of Gold Coast's intention for the future development in the City Plan area, over the next 20 years. It is the planning scheme which the Council should use as the foundation stone of planning and development on the Gold Coast. Wide community consultation assisted in its preparation. The community signed off on the Gold Coast City Plan. A revised city plan called "Our City. Our Plan" is currently being finalised.

Strategic Framework

The Strategic Framework in the Gold Coast City Plan is typical of most strategic frameworks in that it is an externally facing, visual outline of activities that make up an overarching Gold Coast planning strategy. The framework is aspirational, designed to inspire stakeholders and demonstrate how the Council is working towards their vision, purpose, or goals. It contains non-specific qualitative language and needs to be underpinned by details including quantifiable measures on how the various elements will be achieved.

Amendments 2 and 3

These amendments to the new City Plan are currently being contested by developers because they place more stringent requirements on the developer regarding aspects such as setbacks and landscapes. Drafted by the Council's planning officers, they were obviously seen as a means of addressing some of the anomalies in the current planning regime. While welcome, these amendments are minor and should ideally be strengthened.

Light Rail Urban Renewal Overlay Code

This Code imposes a range of development requirements for differently designated areas in addition to the zone and development codes of the City Plan. There are four areas - Primary Focus areas, Secondary Focus areas, Frame areas and Transitional Areas. Requirements range from Primary Focus areas with the highest concentrations of activity, including a wide range of non-residential activities incorporated in the ground level, supported by high density residential and tourist accommodation activities to the Transitional areas with low-medium and medium density residential activities. When in conflict with the other City Plan codes, this Code takes precedence.

Frame Area

Main Beach is classified as a Frame area within the Light Rail Urban Renewal Overlay Code. Frame areas contain mostly residential activities which reinforces the planned character of individual neighbourhoods. Where incorporating a tower base, the tower base is setback from the street to allow for high quality landscaping and open space areas, with a maximum height in accordance with the Light Rail Urban Renewal Area Overlay map.

High-Density Residential Zone Code

This Code imposes a range of development requirements the High Density Residential Zoned areas in Main Beach. It provides for a range of high-density residential activities with small-scale services that serve local residents daily needs, and well-designed, walkable neighbourhoods with buildings that reinforce a distinctive subtropical climate character and positively responds to its urban context.

Development Application (DA)

The DA comprises a series of documents that a developer must lodge with the Council to seek its approval to undertake the development or re-development of a parcel of land.

Code Assessable

The term applies to development which is considered likely to be consistent with the City Plan - primarily consistent with the intent of the particular zone (eg. High Density Residential Zone). As substantially compliant DAs are expected, the code assessable arrangements do not require the Council to notify the community, the community is not entitled to make submissions on the development and the community is not able to appeal the Council's decision on the basis of merit in the relevant court.

Impact Assessable

The term applies to DAs which propose land uses or development which are likely to impact on the community or which are inconsistent with the intent of the zone. The impact assessable arrangements require the Council to notify the community, the community is entitled to make submissions on the development and the community is able to appeal the Council's decision on the basis of merit in the Planning and Environment Court.

Building height is the only 'trigger' for a multiple dwelling to require impact assessment in the High Density Residential Zone. As Main Beach has an 'unlimited' height impact assessment is never required even if a proposal substantially departs from design criteria such as setbacks and site coverage.

Performance Outcomes*

These are outcomes required and articulated in various codes. They are vaguely worded, normally involve no quantifiable measure and are open to subjective claims and assertion of compliance. For illustrative purposes, an example used by the Monaco developer in relation to site coverage is as follows:

- (a) contributes to neighbourhood character and amenity;
- (b) promotes slender bulk form;
- (c) promotes an open, attractive and distinct skyline; and
- (d) facilitates small, fast moving shadows.

Acceptable Outcomes*

These are outcomes required and articulated in various codes. They generally have measurable outcomes capable of quantification and provide for a degree of prescription and precision not available in performance outcomes. For illustrative purposes, an example that would apply to the Monaco proposal in relation to site coverage is as follows

- (a) 50% of net site area up to 8 storeys;
- (b) 40% of net site area from 9 to 15 storeys;
- (c) 30% of net site area or 750m² whichever is the lesser above 15 storeys.

*A proposal which does not comply with the quantitative Acceptable Outcome must demonstrate compliance with the related Performance Outcome. When these quantifiable outcomes are not met, developers move to non-measurable higher-level requirements. The

problem is the more high-level you go (e.g., Performance Outcomes) the less prescriptive the statements become. This allows discretion. With the current Council, it is clear that very little rigour is being applied in granting discretion (or in other words determining compliance with the City).

Setbacks

Setbacks refers to the distance referred to in the City Plan that a building must be setback from the various boundaries of the property being developed. For example, in the Monaco case, the building is required to be setback from its side boundaries up to 15.5m whereas the project was approved with a western side setback of 4m and a southern side setback of 2.19m.

Site Coverage

Site coverage refers to the maximum percentage of area of the property being developed that the building is allowed cover. For example, in the Masthead case, the building is required to have an average site coverage of 30% above 15 storeys whereas the project was approved with a tower site cover of 44.8%

Shadowing

Shadowing refers to the amount of shadow and time it takes the shadow to pass through affected properties. The more slender a building, the less shadow is cast and the faster it passes through neighbouring properties.

Density

Simply put, residential density provisions limit the number of dwellings on a property. Different areas have different allowable densities based on the character of the area, proximity to transport and business, and service capability. . These density categories tend to be used in town planning as a tool to either increase density or maintain a medium or low density in an area of the city. The Main Beach high rise area has an allowable density of 'RD8' or 1 bedroom per 13 sqm of site area, being the highest density across the city. . However, recent approvals on the Gold Coast have included a density as high as 6.26sqm per bedroom, almost twice that allowable - the Masthead approval had a density of 1 bed per 8.9 sqm.

Request for Information

When a DA is lodged, the Council may issue to the developer a Request for Information (or RFI) within a certain period of time, depending whether the DA is code assessable or impact assessable. The RFI seeks advice from the developer within a certain timeframe on how the developer will address and rectify non-compliant aspects of the DA.

Agenda Report - Officers Recommendation

This is a report prepared by the Council planning officers on each DA. The Report is presented to the Council's Planning Committee and the whole Council when each body meets to consider the merits of a particular DA and decide whether or not to approve the DA.

Delegated Authority

The vast majority of planning applications in the City are approved under 'delegated authority'. This means that they are determined by Council Officers with little or no involvement by elected representatives.