



Yeerongpilly Transit Oriented Development

State Planning Regulatory Provision

November 2011





Looking forward and delivering now—integrated planning, strong local government and development for a growing state.

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Division 1—Preliminary

1.1 Title

This State planning regulatory provision may be cited as the *Yeerongpilly Transit Oriented Development State Planning Regulatory Provision*.

1.2 Scope and purpose of the State planning regulatory provision

- (1) This State planning regulatory provision provides a framework for the development of land identified in schedule 1 as the Yeerongpilly Transit Oriented Development (TOD) area.
- (2) The purpose of the State planning regulatory provision is to:
 - (a) implement TOD principles and outcomes for infill development under the South East Queensland Regional Plan 2009–2031; and
 - (b) assist in the establishment of commercial activities in the Yeerongpilly TOD area; and
 - (c) facilitate and manage interim outcomes, until completion of a Detailed Plan of Development for the entire Yeerongpilly TOD area.

1.3 Area to which this State planning regulatory provision applies

- (1) This State planning regulatory provision applies to the Yeerongpilly TOD area shown in Schedule 1.
- (2) Land within the Yeerongpilly TOD area includes the Commercial Precinct as identified in Schedule 1.

1.4 Relationship to other planning instruments

- (1) Under section 19(1) of the *Sustainable Planning Act 2009*, if there is an inconsistency between this State planning regulatory provision and another planning instrument, or any plan, policy or code under an Act, this State planning regulatory provision prevails to the extent of the inconsistency.
- (2) To the extent of any inconsistency, this State planning regulatory provision prevails over:
 - (a) the *Brisbane City Plan 2000*;



- (b) any subsequent planning scheme prepared by the Brisbane City Council; and
- (c) any other local planning instrument that applies to the Yeerongpilly TOD area from time to time.

1.5 When this State planning regulatory provision does not apply

- (1) This State planning regulatory provision does not apply to:
 - (a) the assessment of a development application that was properly made before the day this State planning regulatory provision commenced; or
 - (b) development that is consistent with a development permit or preliminary approval which has not lapsed and the development permit or preliminary approval was:
 - (i) in effect at the time this State planning regulatory provision commenced; or
 - (ii) issued for a development application that was properly made before the day this State planning regulatory provision commenced; or
 - (c) development that cannot be declared to be development of a particular type under Schedule 4 of the *Sustainable Planning Regulation 2009*; or
 - (d) development to which Chapter 9 Part 5 of the *Sustainable Planning Act 2009* applies.

1.6 How this State planning regulatory provision regulates development

- (1) In relation to the Yeerongpilly TOD area, this State planning regulatory provision regulates development by:
 - (a) specifying the level of assessment for development which is a material change of use in the Commercial Precinct or reconfiguring a lot in the Yeerongpilly TOD area, thereby suspending the *Brisbane City Plan 2000* level of assessment for these types of development;
 - (b) requiring development which is a material change of use or reconfiguring a lot to comply with the applicable assessment criteria set out in Division 3 of this State planning regulatory provision.
- (2) Development is taken to comply with this State planning regulatory provision if it achieves all of the applicable performance outcomes in Division 4 or 5.
- (3) Development that achieves the acceptable outcomes in division 4, table 2, column 2 or division 5, table 3, column 2 is taken to achieve the corresponding Performance Outcome in column 1 of the table.



1.7 Which State planning regulatory provisions apply to a development application in the Yeerongpilly TOD area

- (1) For assessing and deciding a development application properly made in the following periods:
 - (a) from 12 November 2010 to the day before this State planning regulatory provision took effect – the Draft Yeerongpilly Transit Oriented Development State planning regulatory provision November 2010 applies; and
 - (b) from the date this State planning regulatory provision takes effect – this State planning regulatory provision applies.

1.8 Definitions

- (1) Terms used in this State planning regulatory provision have the meaning given in Schedule 2.
- (2) Terms used in this State planning regulatory provision but not defined in Schedule 2 have the meaning given in the *Brisbane City Plan 2000* or the *Sustainable Planning Act 2009*, as applicable.
- (3) References to codes in this State planning regulatory provision are the codes contained in the *Brisbane City Plan 2000* in effect on the date the relevant development application is made or, where a development application is not required the date the development commences.
- (4) References to Divisions are to Divisions of this State planning regulatory provision.



Division 2—Development outcomes and precinct intents

2.1 Overall outcomes

Development of the Yeerongpilly TOD will demonstrate the following outcomes:

- a balanced mix of retail, commercial and community uses create a vibrant mixed use neighbourhood;
- buildings display exemplary design and a high level of visual interest in design, treatment and articulation;
- innovative subtropical design and environmental sustainability are demonstrated in all aspects;
- walking and cycling are given priority in the local street network and are supported by off-road pathways and adequate end-of-trip facilities;
- vehicular access points are shared between developments to limit the number of access points and maximise pedestrian amenity and safety along streets;
- servicing areas and vehicular parking areas or structures are not visible from the street;
- use of public transport is encouraged by the provision of comfortable, sheltered routes and limited availability of exclusive private vehicle parking;
- an urban form characterised by a gradual stepping of building heights to maximise views, sunlight, breezes and solar orientation and transition to surrounding residential areas;
- a safe and welcoming place to call home for people of a variety of lifestyles, ages and backgrounds;
- building design that encourages interaction between private and public spaces and maximises opportunities for casual surveillance of public spaces including parks, plazas, mid-block links and streets;
- a place with a distinctive identity that integrates with its setting, including the surrounding community, Brisbane River and the Queensland Tennis Centre;
- respect for the history of the area through the retention and reuse of significant heritage buildings and sensitive integration of new development;
- relevant public art installations are provided in both public and private spaces;
- a variety of high-quality public places and community facilities that encourage social interaction and recreational activity for all age groups and abilities;
- views from public spaces to heritage buildings, public transport and other public spaces are protected; and



- integrated water cycle management through innovations in areas such as stormwater capture and reuse, reducing water consumption and mitigating flood impacts¹.

2.2 Commercial Precinct—intent

In addition to the overall outcomes, the intent for the Commercial Precinct is that:

- it is a focal point for the Yeerongpilly TOD area providing a centre for business and employment;
- retail and commercial uses are provided at ground floor;
- building heights do not exceed 9 storeys;
- buildings are designed to be easily adapted for changes of use.

¹ Parts of the Yeerongpilly TOD area were subject to inundation during the January 2011 flood. Brisbane City Council has determined that flood risk, to the extent regulated by this State planning regulatory provision, has been mitigated through the codes and guidelines in *Brisbane City Plan 2000*.

The Queensland Floods Commission of Inquiry is investigating the flood disaster, including a review of the existing town planning provisions related to flooding and flood risk mitigation. Brisbane City Council is also undertaking separate investigations into the flooding. The findings of Council's investigations and the final report of the Commission may recommend changes to the *Brisbane City Plan 2000*, including this State planning regulatory provision, and State Planning Policy 1/03 – Mitigating the Adverse Impact of Flood, Bushfires and Landslide. Consequently the provisions of this State planning regulatory provision with respect to the management of flooding and flood risk mitigation may be subject to change at the direction of the Queensland Government or Brisbane City Council in the near future.

This should be taken into account by applicants and assessment managers when considering development in the Yeerongpilly TOD area. Applicants are advised to make relevant enquiries regarding the status of the provisions relating to flooding.



Division 3—Level of assessment and assessment criteria

3.1 Table of assessment

- (1) Table 1 sets out the level of assessment for development which is a material change of use in the Commercial Precinct and reconfiguring a lot in the Yeerongpilly TOD area, thereby suspending the *Brisbane City Plan 2000* level of assessment for these types of development.
- (2) Table 1 identifies the relevant assessment criteria in this State planning regulatory provision and applicable codes of the *Brisbane City Plan 2000*. Subject to clause 3.1(3), no other codes in the *Brisbane City Plan 2000* are applicable to the development specified in Table 1.
- (3) Where an applicable code identified in Table 1 calls up another code within the *Brisbane City Plan 2000*, that other code also forms part of the assessment criteria for Table 1.
- (4) Where Table 1 does not specify that development is reconfiguring a lot, the development referred to in Table 1 is a material change of use.

Table 1 Yeerongpilly TOD table of assessment

Development	Assessment Criteria
Code assessment	
Development in the Commercial Precinct that is a: <ul style="list-style-type: none"> • child care centre; or • community use; or • food and drink outlet; or • indoor sport and recreation; or • office; or • shop. 	Division 4 and, to the extent it is applicable and not inconsistent with Division 4, the following codes in the <i>Brisbane City Plan 2000</i> : <ul style="list-style-type: none"> • Centre amenity and performance code; • Centre design code; • Child care facility code; • Community use code; • Filling and excavation code; • Heritage place code; • Landscaping code; • Non-discriminatory access and use code; • Services, works and infrastructure code; • Stormwater management code; and • Transport access parking and servicing code.
Reconfiguring a lot	Division 5
Impact assessment	
Any other material change of use.	Division 4 and, to the extent there is no conflict with Division 4, any other applicable provisions of the <i>Brisbane City Plan 2000</i> .



Division 4—Material change of use

4.1 Application of division

- (1) This division applies to development applications for code assessable or impact assessable development for a material change of use in the Commercial Precinct where specified in Division 3.
- (2) The purpose of this code is to ensure development in the Commercial Precinct is consistent with the Development Outcomes and the Precinct Intents in Division 2.

4.2 Development assessment criteria

- (1) Table 2 applies to a material change of use in the Commercial Precinct.

4.3 Yeerongpilly TOD material change of use code

Table 2 Assessment criteria for material change of use in the Commercial Precinct

Performance outcomes	Acceptable outcomes
Development scale	
<p>PO1 Development is of a compact urban form and achieves all of the following:</p> <ul style="list-style-type: none"> • a high level of amenity for nearby properties and public areas in terms of access to sunlight, daylight and breezes • site landscaping which contributes to a pleasant and attractive living environment and separation between buildings • positively contributes to the role of the area as a TOD. 	<p>AO1.1 Building height does not exceed nine storeys.</p> <p>AO1.2 Buildings are built to the alignment of any road or public open space.</p> <p><i>Note: No maximum gross floor area is prescribed.</i></p> <p><i>Note: Building setbacks are identified in the Brisbane City Plan 2000. Frontages to Fairfield Road, proposed internal roads and proposed open space are to be treated as primary frontages.</i></p>
Building design and presentation to street	
<p>PO2 Development displays architectural excellence and promotes ground floor activation and enhancement of the public realm.</p>	<p>AO2.1 Buildings address public areas with main entrances fronting the street and adjacent public open space.</p> <p>AO2.2 The ground level is designed for and fully occupied by retail or other uses that encourage a high degree of pedestrian activity.</p>



Performance outcomes	Acceptable outcomes
	<p>AO2.3 Awnings are provided for the full length of the frontage to a road or other public space.</p> <p>AO2.4 Buildings incorporate:</p> <ul style="list-style-type: none"> • variations in plan shape, such as steps, recesses, projections or splays • variation in vertical profile, with steps at different levels • variation in the treatment and patterning of windows, sun protection devices or other elements of a façade • elements of a finer scale than the main structural framing • variation in materials, colours, and/or textures • public art.
Car accommodation and vehicle access requirements	
<p>PO3 Vehicle access and parking is safe and convenient for customers, visitors and service providers. Parking provision is provided according to the following:</p> <ul style="list-style-type: none"> • the nature of the commercial activity • the availability and acceptability of kerbside parking adjacent to the site • local traffic or parking management. 	<p>AO3.1 On-site car parking is provided at the maximum rate of one space per 50 square metres of gross floor area.</p> <p>AO3.2 The location of visitor parking is discernible from the street.</p>



Division 5—Reconfiguring a lot

5.1 Application of division

- (1) This division applies to development applications for assessable development for reconfiguring a lot in the Yeerongpilly TOD area where specified in Division 3.
- (2) The purpose of this code is to ensure development in the Yeerongpilly TOD area is consistent with the Development Outcomes and the Precinct Intents in Division 2.

5.2 Development assessment criteria

- (1) Table 3 applies to a development application for reconfiguring a lot in the Yeerongpilly TOD area.

5.3 Yeerongpilly TOD reconfiguring a lot code

Table 3 Assessment criteria for reconfiguring a lot

Performance outcomes	Acceptable outcomes
General	
<p>PO1 Lots created must enable lawful uses that can meet planning regulations. <i>Note: The application may indicate that buildings and structures are to be demolished or redesigned pending approval of the subdivision to correct this situation. This must be carried out before endorsement of the plan of survey.</i></p>	<p>AO1.1 The reconfiguration does not result in a situation where requirements (in relation to car parking and other standards required by this State planning regulatory provision and the <i>Brisbane City Plan 2000</i>) cannot be met.</p> <p>AO1.2 The reconfiguration does not result in a building or structure straddling or being inconsistent with the minimum setbacks required by this State planning regulatory provision, other than where buildings or structures or parts of buildings or structures, cross title boundaries as a result of volumetric subdivision.</p>
<p>PO2 Lots must have a regular shape and appropriate size and dimensions:</p> <ul style="list-style-type: none"> • for the siting and construction of existing or potential buildings and ancillary buildings/activities; and • to maximise outdoor private space, privacy and amenity; and • to provide convenient on-site vehicle access and parking; and • for an economy of street frontage. 	<p>AO2.1 Lots have a minimum area of 300 square metres in the Commercial Precinct.</p> <p>AO2.2 Lots (other than rear lots) have a minimum frontage of 7.5 metres in the Commercial Precinct.</p> <p>AO2.3 Rear lots have a minimum access strip width of 3.5 metres.</p> <p>AO2.4</p>



Performance outcomes	Acceptable outcomes
	Lots are not shaped so as to merely achieve minimum area requirements.
Movement network and road design	
<p>PO3</p> <p>The movement network must have a clear structure, with roads that conform to their function in the network consistent with the road hierarchy and prioritise active transport modes.</p>	<p>AO3.1</p> <p>The proposed road network:</p> <ul style="list-style-type: none"> • complies with the road networks shown in Brisbane City Council's Road Hierarchy; and • is consistent with new road and road dedications shown on surrounding subdivision approvals. <p>OR</p> <p>AO3.2</p> <p>Where none of the above information exists, the road network complies with:</p> <ul style="list-style-type: none"> • the Transport and Traffic Facilities Planning Scheme Policy of the <i>Brisbane City Plan 2000</i>; and • Brisbane City Council's Subdivision and Development Guidelines.
<p>PO4</p> <p>The geometric design features of each type of road must:</p> <ul style="list-style-type: none"> • convey its primary function for all relevant design vehicle types; and • have an adequate horizontal and vertical alignment that is not conducive to excessive speeds; and • encourage traffic speeds and volumes to levels commensurate with road hierarchy function; and • ensure unhindered access by emergency vehicles. <p><i>Note: Queensland Streets provides additional guidance on how to comply with this performance outcome.</i></p>	<p>AO4.1</p> <p>Design of the roads comply with:</p> <ul style="list-style-type: none"> • the Transport and Traffic Facilities Planning Scheme Policy of the <i>Brisbane City Plan 2000</i>; and • Brisbane City Council's Subdivision and Development Guidelines.
Flooding	
<p>PO5</p> <p>All lots must be provided with protection of property from flooding, in accordance with an acceptable level of risk as outlined in the Brisbane City Council's Subdivision and Development Guidelines and any other relevant planning instrument.</p> <p><i>Note: The Stormwater Management Code provides additional guidance on flooding issues.</i></p>	<p>AO5.1</p> <p>All lots less than 1000 square metres in size have a building platform located above the minimum design levels for flood immunity in accordance with Brisbane City Council's Subdivision and Development Guidelines and any other relevant planning instrument.</p> <p>AO5.2</p> <p>All lots equal to or above 1000m² in size have a building platform located above the minimum design levels for flood immunity in accordance with Brisbane City Council's Subdivision and Development Guidelines and any other relevant planning instrument.</p>



Performance outcomes	Acceptable outcomes
	<p>AO5.3</p> <p>All created lots have unencumbered and unrestricted access from the building platform to road frontages with flood immunity in accordance with Brisbane City Council's Subdivision and Development Guidelines and any other relevant planning instrument.</p>
Rearranging boundaries	
<p>PO6</p> <p>The rearrangement of a boundary or boundaries:</p> <ul style="list-style-type: none"> • must not result in the creation of additional lots; and • must be consistent with subdivision pattern of the local area; and • must be an improvement on the existing situation; and • must not create a situation where, as a result of the subdivision the use/s and/or building/s become unlawful. 	<p>AO6.1</p> <p>An improvement on the existing situation is created through:</p> <ul style="list-style-type: none"> • a frontage to depth ratio that is greater than the existing lots; or • proposed lots that are better suited to the existing or proposed use of the lots, whether or not minimum standards are met; or • provision of access to a lot that previously had no access. <p>AO6.2</p> <p>The size and configuration of the proposed lots are consistent with the historical pattern of subdivision in the immediate area.</p> <p>AO6.3</p> <p>The rearrangement does not result in a building straddling or being less than the minimum setbacks required by this State planning regulatory provision, other than where buildings or parts of buildings cross title boundaries as a result of volumetric subdivision.</p> <p><i>Note: The application may indicate that buildings and structures are to be demolished pending approval of the subdivision to correct this situation. This must be carried out before endorsement of the plan of survey.</i></p> <p>AO6.4</p> <p>The reconfiguration does not result in a situation where requirements in relation to car parking and other standards required by this State planning regulatory provision or relevant building regulations cannot be met.</p>
Access easements	
<p>PO7</p> <p>The access easement must:</p> <ul style="list-style-type: none"> • be of adequate width; and • be constructed to a standard appropriate to the situation; and • not result in unreasonable detriment or nuisance to neighbours. 	<p>AO7.1</p> <p>Access easements are provided in accordance with the requirements of Brisbane City Council's Subdivision and Development Guidelines.</p> <p>AO7.2</p> <p>Access easements are located as far as practical away from existing and proposed residences.</p>



Schedule 2—Dictionary

Use definitions

- **child care centre** means premises used for minding or care, but not residence, of children
- **community use** means premises used for providing artistic, social or cultural facilities and services to the public
- **food and drink outlet** means premises used for preparation and sale of food and drink to the public for consumption on or off the site
- **indoor sport and recreation** means premises used for leisure, sport or recreation conducted wholly or mainly indoors
- **office** means premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for the following:
 - (a) business or professional advice; or
 - (b) service of goods that are not physically on the premises; or
 - (c) office based administrative functions of an organisation
- **shop** means premises used for the display, sale or hire of goods or the provision of personal services or betting to the public

Administrative definitions

- **basement** means a storey substantially below ground level where the floor level of the level above projects no more than one metre above ground level
- **building height** means the vertical distance between the ground level and the roof or parapet at any point but not including an antenna, aerial, chimney, flagpole or similar object
- **ground level** means:
 - (d) the existing level of the site providing it has not been unlawfully altered; or
 - (e) where the land has been unlawfully altered the level of land prior to the alteration; or
 - (f) the 'as-constructed' level of the land in accordance with an approval for filling and excavation
- **habitable room** see the Building Code of Australia



- **primary street frontage** means:
 - (a) where a lot is vacant, the front of the lot is similar to that most commonly addressed by other buildings in the street; or
 - (b) where a lot is not vacant, the frontage to which the front of the existing building addresses the street
- **secondary street frontage** means the frontage of a lot which abuts a second street
- **setback** means the shortest distance measured horizontally from the wall or balustrade of a building or structure to the vertical projection of the boundary of the lot
- **site cover** means the proportion of the site covered by buildings
- **storey** means the space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above. For the purposes of this definition a basement and a mezzanine is a storey
- **streetscape** means the collective combination of urban form elements that constitute the view of a street and its public and private domains. These elements include buildings, roads, footpaths, vegetation, open spaces and street furniture
- **TOD** means transit oriented development
- **Yeerongpilly TOD area** means the area shown in Schedule 1.