

NOTICE ABOUT DECISION ASSESSMENT REPORT (s63 Development Application)

SUBMISSION BY Ashleigh Coombes

SITE:

Address of Site:	152 MT COOT-THA RD MOUNT COOT-THA QLD 4066, 170 MT COOT-THA RD MOUNT COOT-THA QLD 4066
Real Property Description:	L6 SP.266267, L1 SP.266267
Area of Site:	550000 m ²
Zone:	OPEN SPACE ZONE, OPEN SPACE (LOCAL) ZONE, OPEN SPACE (DISTRICT) ZONE, OPEN SPACE (METROPOLITAN) ZONE
Name of Ward:	Pullenvale

APPLICATION:

Aspects of Development:	DA - PA - Material Change of Use – Development Permit
Description of Proposal:	Tourist Attraction and Environment Facility
Applicant:	Light Dreaming C/- Place Design Group Pty Ltd PO Box 419 FORTITUDE VALLEY QLD 4006
Application Reference:	A006083027
Application Made Date:	30 August 2022

City Plan 2014

Zone:	OPEN SPACE ZONE
Zone:	OPEN SPACE (LOCAL) ZONE
Zone:	OPEN SPACE (DISTRICT) ZONE
Zone:	OPEN SPACE (METROPOLITAN) ZONE
Neighbourhood plan:	MT COOT-THA NEIGHBOURHOOD PLAN
Neighbourhood plan:	TOOWONG-INDOOROOPIILLY DISTRICT NEIGHBOURHOOD PLAN
Neighbourhood plan precinct:	MT COOT-THA NP - METROPOLITAN TOURIST AND VISITOR DESTINATION PRECINCT
Neighbourhood plan sub-precinct	
Overlays:	AIRPORT ENVIRONS OVERLAY
Overlays:	POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY
Overlays:	BIODIVERSITY AREAS OVERLAY
Overlays:	BICYCLE NETWORK OVERLAY
Overlays:	BUSHFIRE OVERLAY
Overlays:	CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY
Overlays:	COMMUNITY PURPOSES NETWORK OVERLAY
Overlays:	EXTRACTIVE RESOURCES OVERLAY
Overlays:	FLOOD OVERLAY
Overlays:	HERITAGE OVERLAY
Overlays:	INDUSTRIAL AMENITY OVERLAY

Overlays:	LANDSLIDE OVERLAY
Overlays:	ROAD HIERARCHY OVERLAY
Overlays:	REGIONAL INFRASTRUCTURE CORRIDORS AND SUBSTATIONS OVERLAY
Overlays:	STREETSCAPE HIERARCHY OVERLAY
Overlays:	TRANSPORT AIR QUALITY CORRIDOR OVERLAY
Overlays:	TRANSPORT NOISE CORRIDOR OVERLAY
Overlays:	WATERWAY CORRIDORS OVERLAY
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - BIRD AND BAT STRIKE ZONE SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - PROCEDURES AIR NAV SERVICES-AIRCRAFT OPS SURFACES SUB-CATEGORIES
Overlay Categories:	AIRPORT ENVIRONS OVERLAY - BBS SUB-CATEGORIES - DISTANCE FROM AIRPORT 8-13KM SUB-CATEGORY
Overlay Categories:	POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY - LAND ABOVE 5M AHD AND BELOW 20M AHD SUB-CATEGORY
Overlay Categories:	POTENTIAL AND ACTUAL ACID SULFATE SOILS OVERLAY-POTENTIAL AND ACTUAL ACID SULFATE SOILS SUB-CATEGORY
Overlay Categories:	BIODIVERSITY AREAS OVERLAY - GENERAL ECOLOGICAL SIGNIFICANCE SUB-CATEGORY
Overlay Categories:	BIODIVERSITY AREAS OVERLAY - HIGH ECOLOGICAL SIGNIFICANCE SUB-CATEGORY
Overlay Categories:	BIODIVERSITY AREAS OVERLAY - HIGH ECOLOGICAL SIGNIFICANCE STRATEGIC SUB-CATEGORY
Overlay Categories:	BIODIVERSITY AREAS OVERLAY - MATTERS OF STATE ENVIRONMENTAL SIGNIFICANCE
Overlay Categories:	BUSHFIRE OVERLAY - HIGH HAZARD BUFFER AREA SUB-CATEGORY
Overlay Categories:	BUSHFIRE OVERLAY - HIGH HAZARD AREA SUB-CATEGORY
Overlay Categories:	BUSHFIRE OVERLAY - MEDIUM HAZARD BUFFER AREA SUB-CATEGORY
Overlay Categories:	BUSHFIRE OVERLAY - MEDIUM HAZARD AREA SUB-CATEGORY
Overlay Categories:	CRITICAL INFRASTRUCTURE AND MOVEMENT NETWORK (CIMN) OVERLAY - CIMN PLANNING AREA SUB-CATEGORY
Overlay Categories:	EXTRACTIVE RESOURCES OVERLAY - KEY RESOURCE AREA RESOURCE/PROCESSING AREA SUB-CATEGORY
Overlay Categories:	EXTRACTIVE RESOURCES OVERLAY - KEY RESOURCE AREA SEPARATION AREA SUB-CATEGORY
Overlay Categories:	EXTRACTIVE RESOURCES OVERLAY - KEY RESOURCE AREA TRANSPORT ROUTE SEPARATION AREA SUB-CATEGORY
Overlay Categories:	FLOOD OVERLAY - OVERLAND FLOW FLOOD PLANNING AREA SUB-CATEGORY
Overlay Categories:	HERITAGE OVERLAY - LOCAL HERITAGE PLACE SUB-CATEGORY
Overlay Categories:	HERITAGE OVERLAY - STATE HERITAGE PLACE SUB-CATEGORY
Overlay Categories:	INDUSTRIAL AMENITY OVERLAY - INDUSTRIAL AMENITY INVESTIGATION AREA SUB-CATEGORY
Overlay Categories:	REG. INFRAS CORRIDORS SUBSTATN OVERLAY - MAJOR SUBSURFACE TPT INFRA. (LEGACY WAY) SUB-CATEGORY
Overlay Categories:	TRANS NC O/LAY: DESIG.STATE NOISE CORR-STATE-CONTR.RD(MAND)CAT.0: NOISE LEVEL LESS THAN 58 DB(A)
Overlay Categories:	TRANSPORT NOISE CORRIDOR O/LAY: DESIG.STATE NOISE

	CORR-STATE-CONTR.RD(MAND) CAT.1:58 DB(A)-63 DB(A)
Overlay Categories:	TRANSPORT NOISE CORRIDOR O/LAY: DESIG.STATE NOISE CORR-STATE-CONTR.RD(MAND) CAT.2:63 DB(A)-68 DB(A)
Overlay Categories:	TRANSPORT NOISE CORRIDOR O/LAY: DESIG.STATE NOISE CORR-STATE-CONTR.RD(MAND)CAT.3:68 DB(A)-73 DB(A)
Overlay Categories:	TRANS NC O/LAY: DESIG.STATE NOISE CORR-STATE- CONTR.RD(MAND)CAT.4: NOISE LEVEL GREATER THAN 73 DB(A)
Overlay Categories:	WATERWAY CORRIDORS OVERLAY - LOCAL WATERWAY CORRIDOR SUB-CATEGORY

The Council received a development application under the *Planning Act 2016* as detailed above.

1. INTRODUCTION

1.1 BACKGROUND / HISTORY

The site that the development application has been applied over comprises two (2) lots being Lot 6 SP 266267 (152 Mt Coot-tha Rd) and Lot 1 SP 266267 (170 Mt Coot-tha Rd). Collectively, these lots comprise a significant portion of the Botanic Gardens Mt Coot-tha, including the Auditorium, Botanic Gardens Café, Queensland Herbarium, Mt Coot-tha Library, Mt Coot-tha Visitor Information Centre, Richard Randall Art Studio and Sir Thomas Brisbane Planetarium. Lot 1 SP 266267 also extends across the Western Freeway/Centenary Motorway and includes Anzac Park.

The site of the proposal is limited to the part of these lots that contains the Mt Coot-tha Botanic Gardens, and in particular the areas that immediately surround the existing Gardens Explorer Trail.

1.2 PROPOSAL

The proposal is for a Tourist Attraction and Environmental Facility known as the 'Lumina Night Walk'. The Lumina Night Walk experience is a visual and sound night-time storytelling production, which seeks to educate visitors to the attraction/facility on local culture, flora and fauna. The experience will comprise around eight (8) environmentally considerate visual and sound stations, which are focused around the existing Gardens Explorer Trail within the existing Botanic Gardens.

The proposal will operate a total of one-hundred and fifty (150) days over the course of a year, with four (4) to six (6) ticketed sessions running over the course of any given operational hour period. Each session approximately ranges from 50 minutes to 60 minutes. Within the one-hundred and fifty (150) days the proposal will operate Monday to Sunday 6pm to 11pm.

The existing car parking area with one-hundred and eighty-four (184) car parking spaces will be utilised. A shuttle bus service will also run from Brisbane Central Business District (CBD) to the site. Other modes of transport such as public transport (including taxis/ride share) will be available. Staff carparking will be located within the operations depot for staff members of the Botanic Gardens. This separate car parking area is accessed via the Quarry access on Mt Coot-tha Drive.

1.3 MATERIAL PROVIDED WITH THE APPLICATION

The Applicant submitted the following material for assessment as part of this development application:

- ☐ Forms and landowner's consent;
- ☐ Town planning assessment report prepared by Place Design Group;
- ☐ Code assessment prepared by Place Design Group;
- ☐ SDAP code assessment prepared by Place Design Group;

- ☐ Ecological assessment report prepared by 28 South Environmental;
- ☐ Lighting assessment report prepared by Webb Australia Group;
- ☐ Noise impact assessment report prepared by Noise Measurement Services;
- ☐ Traffic impact assessment report prepared Lambert & Rehbein;
- ☐ Bushfire management plan prepared by LEC;
- ☐ Lumina Night Walks summary presentation prepared by Moment Factory;
- ☐ Proposed plans by Place Design Group;
- ☐ Prelodgement meeting minutes prepared by Brisbane City Council;
- ☐ Amended forms;
- ☐ Further issues response prepared by Place Design Group;
- ☐ Traffic matters response prepared Lambert & Rehbein;
- ☐ Ecological assessment response prepared by 28 South Environmental; and
- ☐ Amended traffic impact assessment report prepared Lambert & Rehbein.

1.4 ZONING AND LAND USE IN THE LOCALITY

The subject lots are zoned Open space (Local), Open space (District) and Open space (Metropolitan). However, the proposal is limited to the Open space (Metropolitan) zone. The subject lots are also within the Mt Coot-tha neighbourhood plan (Metropolitan tourist and visitor destination precinct NP-003) and the Toowong-Indooroopilly district neighbourhood plan. However, the proposal is limited to the part of the lots that are covered by the Mt Coot-tha neighbourhood plan.

Land uses within the locality that is surrounding the site include the wider Mt Coot-tha Botanic Gardens, Mt Coot-tha Quarry, Toowong Cemetery, Western Freeway and low-density residential development.

2. THE Planning Act 2016

The application has been assessed in accordance with the *Planning Act 2016* for impact assessment.

3. ASSESSMENT BENCHMARKS AND COMPLIANCE

3.1 SEQ REGIONAL PLAN

The site is within the urban footprint in the South East Queensland Regional Plan ('SEQ Regional Plan'). The proposed development is consistent with the relevant aspects of the SEQ Regional Plan.

3.2 STATE PLANNING POLICY

The assessment benchmarks in the State Planning Policy (SPP) are for the following state interest matters:

- ☐ Liveable communities;
- ☐ Mining and extractive resources;
- ☐ Water quality;

- ☐ Natural hazards risks and resilience; and
- ☐ Infrastructure.

The proposal appropriately achieves the outcomes in relation to the above state interests, where relevant.

3.3 TEMPORARY LOCAL PLANNING INSTRUMENTS

There are no temporary local planning instruments (TLPs) that relevant to the development application.

3.4 PLANNING SCHEME AND PLANNING SCHEME POLICIES

The application was assessed against the *Brisbane City Plan 2014* v24 (including the following codes) and found to comply with their purpose, overall outcomes and acceptable and performance outcomes:

Primary codes

- ☐ Open space zone code
- ☐ Park code
- ☐ Mt Coot-tha neighbourhood plan code
- ☐ Toowong-Indooroopilly district neighbourhood plan code

Overlay codes

- ☐ Airport environs overlay code
- ☐ Biodiversity areas overlay code
- ☐ Bicycle network overlay code
- ☐ Bushfire overlay code
- ☐ Community purposes network overlay code
- ☐ Flood overlay code
- ☐ Road hierarchy overlay code
- ☐ Streetscape hierarchy overlay code
- ☐ Transport air quality corridor overlay code
- ☐ Waterway corridors overlay code

Other codes

- ☐ Transport, access, parking and servicing (TAPS) code

The application has been assessed against the *Brisbane City Plan 2014* strategic framework as follows:

Strategic themes	framework	Consistency with themes
Theme 2: Brisbane's lifestyle	outstanding	Assessment against Theme 2 of the Strategic framework was carried out, with particular consideration given to Element 2.4 – Brisbane's community facilities, services, open space and recreation infrastructure. The proposal contributes to and achieves all relevant strategic outcomes of Theme 2: Brisbane's outstanding lifestyle, including the following:

Strategic themes	Consistency with themes
	☐ <i>Brisbane's landscape and built assets reinforce the subtropical climate, help create a sense of place, provide high scenic amenity and ensure safety and comfort in sustaining active and outdoor lifestyles.</i> ☐ <i>Brisbane's buildings and public spaces exhibit good urban design which results in places and spaces that are highly functional, accessible, attractive and sustainable.</i> ☐ <i>Brisbane's healthy and safe communities are ensured through development which is designed to minimise environmental risks, contribute to crime prevention and promote active travel and recreation.</i> ☐ <i>Development does not materially increase the extent or the severity of natural hazards.</i> ☐ <i>Brisbane's large and diverse network of more than 2,000 parks comprising 14,000ha is expanded to provide more space for socialising, relaxing and outdoor activities, particularly in areas of the city experiencing population and employment growth.</i> ☐ <i>Brisbane's parks network is accessible and designed to meet the needs of changing demographics and changing trends in recreation activities.</i> ☐ <i>Brisbane's safe and healthy communities are protected from the adverse impacts of noise, air, social, industrial hazards or traffic effects through mitigation strategies.</i> The proposal contributes to and achieves all relevant specific outcomes of Element 2.4 – Brisbane's community facilities, services, open space and recreation infrastructure, including the following: ☐ SO1 – <i>Brisbane has a range of accessible multi-purpose community facilities, services and open spaces which meet the physical, social and cultural needs of the local and wider community.</i> ☐ SO3 – <i>Brisbane's parks and open spaces provide a diversity of experiences.</i> ☐ SO7 – <i>Brisbane has an integrated and high-quality open space network which continues to expand to serve a growing population.</i> ☐ SO8 – <i>Brisbane suffers no net loss of open space values.</i>
Theme 3: Brisbane's clean and green leading environmental performance	Assessment against Theme 3 of the Strategic framework was carried out, with particular consideration to Element 3.1 – Brisbane's environmental values. The proposal contributes to and achieves all relevant strategic outcomes of Theme 3: Brisbane's clean and green leading environmental performance, including the following: ☐ <i>Brisbane is settled in a well-managed landscape which includes and protects a diverse range of natural features of ecological, cultural and regional significance. Residents and visitors to Brisbane continue to value the natural assets, urban footprint</i>

Strategic themes	Consistency with themes
	<i>and city form determined by previous generations. The city will continue to protect, connect and restore its environmental values.</i> ☐ <i>Brisbane's distinctive landscape character and environmental values are essential to the identity, lifestyle, economic and ecological functions of the city. The natural scenery of forested hillsides, the Brisbane River, waterways, coastal wetlands, Moreton Bay and islands are retained and their multiple values are protected.</i> ☐ <i>The Greenspace System serves many functions. It contributes to the city's character and liveability; it supports landscape, recreation and ecological functions, ecosystem services and defines local neighbourhoods and the edge of the city.</i> The proposal contributes to and achieves all relevant specific outcomes of Element 3.1 – Brisbane's environmental values, including the following: ☐ SO1 – <i>Brisbane's Greenspace System's biodiversity, recreational and cultural values and functions are protected, restored and enhanced.</i>
Theme 4: Brisbane's highly effective transport and infrastructure networks	Assessment against Theme 4 of the Strategic framework was carried out, with particular consideration to Element 4.2 – Brisbane's other infrastructure networks. The proposal contributes to and achieves all relevant strategic outcomes of Theme 4: Brisbane's highly effective transport and infrastructure networks, including the following: ☐ <i>Brisbane is served by appropriate infrastructure—the land, facilities and services that support economic growth and meet environmental and social needs.</i> The proposal contributes to and achieves all relevant specific outcomes of Element 4.2 – Brisbane's other infrastructure networks, including the following: ☐ SO33 – <i>Brisbane has a Greenspace System which is a functional, multipurpose and linked network of greenspaces.</i> ☐ SO24 – <i>Brisbane's Greenspace System is subject to sustainable resource management and use.</i> ☐ SO35 – <i>Brisbane's public park infrastructure provides a diversity of recreation experiences.</i>
Theme 5: Brisbane's CityShape	Assessment against Theme 5 of the Strategic framework was carried out, with particular consideration to Element 5.5 – Brisbane's Suburban Living Areas and Element 5.6 – Brisbane's Greenspace System. The proposal contributes to and achieves all relevant strategic outcomes of Theme 5: Brisbane's CityShape, including the following: ☐ <i>Brisbane's Greenspace (refer to Brisbane greenspace system strategic framework map) offers a well-connected system of places with environmental, recreational and rural values in a variety of land use settings which:</i> ☐ <i>comprises the majority of the city's land outside the urban footprint in the SEQ Regional Plan and land within</i>

Strategic themes	framework	Consistency with themes
		<i>the urban footprint located in a series of district and metropolitan parks, waterway networks, sport and recreation areas and lands supporting citywide biodiversity areas or scenic amenity values;</i> <i>o frames and weaves through the city, including the green hills of Brisbane Forest Park and Mt Coot-tha, the leafy suburbs and waterways, along the Brisbane River to Moreton Bay and the Moreton Bay islands;</i> <i>o maintains Brisbane's ecological assets and provides for many of its park and recreation needs;</i> <i>o serves many functions which are described in the clean and green leading environmental performance theme.</i> The proposal contributes to and achieves all relevant specific outcomes of Element 5.5 – Brisbane's Suburban Living Areas: ☐ SO7 – <i>Non-residential uses support local character and amenity.</i> The proposal contributes to and achieves all relevant specific outcomes of Element 5.6 – Brisbane's Greenspace System: ☐ SO1 – <i>The Greenspace System's values and functions are identified, retained and enhanced.</i>

The proposal complies with the overall outcomes of the primary codes as follows:

Code	Consistency with purpose and overall outcomes
Open space zone code	<i>Development location and uses overall outcomes are:</i> <i>a. Development provides for informal open-air recreation, outdoor cultural and educational activities, and opportunities for informal sports or other events on a casual basis and integration of stormwater functions in certain locations.</i> The proposal enables the continued informal use of the Botanic gardens for recreation, outdoor culture and educational activities and provides new opportunities to use the space outside normal operating hours. <i>b. Development serves the recreational needs of Brisbane's residents, workers and visitors on a local, district and metropolitan scale.</i> The proposal offers a new and innovative experience within Brisbane, which with a maximum capacity of up to 2,400 visitors per night will increase the overall recreational capacity offered by the Botanic Gardens, and allow them to be accessed by visitors on a broader scale. <i>c. Development tailors the nature and range of activities to the type of park, as shown in the zone precincts.</i> The proposal is consistent with the zone precinct as demonstrated below. <i>d. Development provides for public open space to be accessible to the general public, primarily as a park or environment facility, for a range of outdoor activities.</i> The proposal involves land uses that will be accessible to the public. It maintains the outdoor activities carried out on the site during the

Code	Consistency with purpose and overall outcomes
	daytime, while supporting further activities beyond the current operating hours. <i>e. Development provides for land in the Open space zone to make an important contribution to Brisbane's liveability and provide visual relief from the built environment and a retreat from developed areas.</i> The proposal does not involve any built form that would impact on the open space qualities that are provided by the Mt Coot-tha Botanic Gardens. The proposal also does not involve any vegetation removal, thereby maintaining the visual relief offered by the gardens to the built environment. <i>f. Development requiring permanent facilities is accommodated where it is located in a district- or metropolitan-scale park.</i> The proposal as it does not require any new permanent facilities. Existing park facilities will be used. <i>g. Development provides for a wide range of informal and limited formal recreational, cultural and educational activities.</i> The proposal is for a visual and sound night-time production within the gardens, that will be designed to educate visitors on cultural, flora and fauna. <i>h. Development provides for open space qualities that are valued by residents to be maintained.</i> The proposal values open space qualities via its educational function, and being designed to minimise any potential impacts on existing vegetation. <i>i. Development for a compatible land use of club, community use, food and drink outlet, market, publicly accessible outdoor sport and recreation or theatre (where an outdoor cinema) may be located in a district- or metropolitan-scale park where it complements the leisure and recreation experience of users.</i> Not applicable to the proposal as it does not involve any of the uses listed. <i>j. Development provides park infrastructure, generally in accordance with recommendations for public park infrastructure embellishments in the Local government infrastructure plan.</i> The site is identified as being within the existing trunk park sub-category. However, the proposal does not provide new park infrastructure, instead utilising the existing gardens for a compatible use. <i>Development form overall outcomes are:</i> <i>a. Development minimises any adverse impact on surrounding land uses through appropriate location, site design and management.</i> The proposal seeks to minimise potential adverse impacts on its surrounds by implementing the recommendations of the specialist reports. <i>b. Development is not carried out on land that is susceptible to flooding or drainage problems except for park facilities or infrastructure which has been designed and constructed for flood resilience.</i> The proposal does not involve any changes to the part of the site that is

Code	Consistency with purpose and overall outcomes
	identified in the Flood overlay as being in the Overland flow flooding sub-category and therefore will not compromise the site's flood resilience. <i>c. Development is designed to incorporate sustainable practices including water sensitive urban design.</i> The proposal is sustainable in its utilisation of existing park infrastructure and the use of non-invasive methods for any wiring or cabling. <i>d. Development of high-patronage activities is supported by the necessary level of transport infrastructure to promote safe and efficient public transport use, walking and cycling.</i> The proposal will be operated in accordance with a traffic management plan, with various transport options available to visitors, including car, public transport and a free shuttle bus service from Brisbane City to and from the site, which will cater for the numbers of visitors that are anticipated for the proposal. The retention of the existing pedestrian and bicycle network will also offer visitors to the site with the option of utilising more active transport. <i>e. Development responds to land constraints, mitigates any adverse impacts on environmental values and addresses other specific characteristics, as identified by overlays affecting the site or in codes applicable to the development.</i> The proposal will be focused around the existing Gardens Explorer Trail, which has already been designed to respond to any land constraints, and will implement any measures recommended by specialists. <i>Metropolitan zone precinct overall outcomes are:</i> <i>a. Development provides a park setting that will attract and cater for users from across the Brisbane metropolitan area.</i> The proposal maintains the existing park setting of the Botanic Gardens, noting it does not propose built form or vegetation removal, and provides for new uses after hours that utilise existing park infrastructure. With a maximum capacity of up to 2,400 per night, the proposal will attract users from across the metropolitan area.
Mt neighbourhood code	Coot-tha plan The overall outcomes for the neighbourhood plan area are: <i>a. Mt Coot-tha is of one of Brisbane's major natural and scenic landmarks and any development ensures that the landscape and environment is preserved.</i> The proposal seeks to utilise the existing Botanic Gardens infrastructure, and does not propose any built form or vegetation removal, thereby ensuring the landscape and environment is maintained. <i>b. The Mt Coot-tha area's appeal as a major tourist and visitor destination is maintained and enhanced and contributes to Brisbane's sustained prosperity.</i> The proposal will maintain and enhance the Mt Coot-tha area as a major tourist and visitor destination by offering a new after-hours experience. <i>c. Mt Coot-tha provides an important visual icon and contrast to the built-up areas of the city, with visual protection from intrusive</i>

Code	Consistency with purpose and overall outcomes
	<i>developments.</i> The proposal is located at the bottom of Mt Coot-tha where it not highly visible and seeks to retain all existing vegetation within the Botanic Gardens, thereby providing a contrast to the built-up areas of Brisbane city. <i>d. The planning, design and construction of any new infrastructure and public utilities has a minimal impact on the area's values.</i> The proposal has been designed and conditioned to not adversely impact the values of the Mt Coot-tha Botanic Gardens. No new public utilities are required for the proposed development. <i>e. Opportunities for the co-location of facilities to reduce or minimise the development footprint, including communication towers, is consistent with the outcomes sought for the neighbourhood plan area.</i> The proposal provides for the co-location of facilities to reduce and minimise the development footprint by being planned and designed to utilise existing facilities and services within the Botanic Gardens, while also allowing for them to be accessed by other uses such as the Planetarium. <i>f. Any tourism and visitor-related facilities are located, sensitively designed and serviced to promote and sustain the significance of the built and natural environment.</i> The proposal promotes and sustains the significance of the natural environment by not proposing any built form or vegetation removal and utilising non-invasive methods for any cabling or wiring etc. that is required. <i>g. Development within the Natural area and recreation precinct (Mt Coot-tha neighbourhood plan/NPP-002) and the Metropolitan tourist and visitor destination precinct (Mt Coot-tha neighbourhood plan/NPP-003) implements the Mt Coot-tha 2030 Vision focusing on the 5 main themes of the vision, namely:</i> <i>i. a Brisbane icon;</i> <i>ii. a sustainable retreat and refuge;</i> <i>iii. a learning environment;</i> <i>iv. a place for recreation;</i> <i>v. a place that is connected and accessible.</i> The proposal is consistent with the Mt Coot-tha 2030 Vision in that it provides for a new world class Environmental Facility and Tourist Attraction that will contribute to Mt Coot-tha's status as a Brisbane icon, while also educating visitors on local culture, flora and fauna. The proposal also retains existing vegetation that provides refuge from built environments and allows for the continued use of the gardens for recreation, both during its normal operating hours as well as after-hours. The proposal is well connected within the road network and will be able to accessed by visitors utilising a variety of transport options, including a free shuttle service between the Brisbane CBD and the site. <i>h. Recreation opportunities and facilities:</i> <i>i. are developed to a high quality and encourage active, appreciative and healthy lifestyles in users;</i> <i>ii. are planned and managed to conserve and promote the</i>

Code	Consistency with purpose and overall outcomes
	<i>environmental and landscape values of Mt Coot-tha;</i> <i>iii. enable a high level of sustainable public access to publicly owned recreation lands at Mt Coot-tha.</i> The proposal does not alter the public ownership or zoning of the site, which facilitates a variety of recreation activities at different times of the day and which conserve and promote environmental and landscape values. <i>i. Mt Coot-tha's Aboriginal cultural and environmental heritage is respected, conserved and promoted sensitively.</i> The proposal seeks to educate visitors on local culture, flora and fauna, using different visual and sound cues that will activate the senses of visitors. <i>j. Development conserves and enhances biodiversity areas by preserving and restoring areas of high botanical and zoological significance.</i> Not applicable to the proposal as the site is not within a biodiversity area. <i>k. Development of a special area identified in Figure a:</i> <i>i. if in a view significance area, protects the visual significance of the area, such as through colour and height of buildings and landscape treatments;</i> <i>ii. if in a landscape improvement area, establishes higher landscape values through landscape works.</i> Not applicable to the proposal as the site is not identified within figure a. <i>Metropolitan tourist and visitor destination precinct (Mt Coot-tha neighbourhood plan/NPP-003) overall outcomes are:</i> <i>a. Brisbane Botanic Gardens area:</i> <i>i. This area provides visitor services and facilities that contribute to Brisbane's sustained prosperity and provide options for learning and leisure.</i> The proposal involves a new Environmental Facility and Tourist Attraction that will educate visitors on local cultural, flora and fauna that will assist with activating Brisbane's night-time economy through the utilisation of existing public spaces outside of their normal operating hours. <i>ii. Impact assessable uses that may be consistent with the outcomes sought, where small-scale and low-impact development, include:</i> <i>A. tourist attraction;</i> <i>B. community use;</i> <i>C. function facility;</i> <i>D. market;</i> <i>E. food and drink outlet;</i> <i>F. educational establishment (such as an outdoor education centre or environmental education experience centre);</i> <i>G. shop;</i> <i>H. theatre;</i>

Code	Consistency with purpose and overall outcomes
	<i>I. short-term accommodation;</i> <i>J. renewable energy facility.</i> The proposal includes the impact assessable use of a tourist attraction, which has been designed, sited and managed to minimise potential impacts through the implementation of measures recommended by specialists and via conditions of development approval. <i>iii. Outdoor recreation activities may also be accommodated where small scale and low impact (such as a natural-form swimming facility, diving, canoeing, park, rock climbing or abseiling). Development is designed to be accessible, inspiring, engaging and responsive to Brisbane's subtropical climate and lifestyle.</i> Not applicable as the proposal does not involve any of the activities listed. <i>iv. Interpretive and visitor facilities are provided to actively engage visitors in educational and learning experiences, including sustainable living exhibitions and programs.</i> The proposal is for a visual and sound night-time storytelling production that seeks to educate visitors to the site on local culture, flora and fauna. <i>v. Development of visitor facilities improves the quality of the visitor's experience through sustainable re-use and recycling practices, and technological solutions.</i> The proposal is sustainable in its utilisation of existing park infrastructure and the use of non-invasive methods for any wiring or cabling. <i>vi. Expansion of the metropolitan tourist and visitor destination facilities is expected to occur with the closure of the Brisbane City Council quarry and should focus on exploring natural environment, recreation, sustainability, astronomy, history and cultural heritage topics.</i> Not applicable to the proposal as it does not involve the existing quarry site.
Park code	<i>a. Development is of a size and scale that is consistent with the intent of the park type and zone precinct.</i> The site is located within the Open space zone (Metropolitan zone precinct), with the proposal offering a new and innovative experience with a maximum capacity of up to 2,400 visitors per night, attracting and catering for visitors from Brisbane, intrastate, interstate and overseas, consistent with the intent of the park type and the zone precinct. <i>b. Development of any park in the Environmental management zone or Conservation zone will preserve and enhance the biodiversity and ecological values of the land.</i> Not applicable as the proposal is located within the Open space zone and not the Environmental management zone or Conservation zone mentioned. <i>c. Development uses landscaping, built structures and lighting which contribute to a high-quality public realm and reinforce a subtropical landscape.</i> The proposal seeks to utilise the existing grounds of the Botanic

Code	Consistency with purpose and overall outcomes
	Gardens to provide a visual and sound night-time storytelling production that seeks to educate visitors on local culture, flora and fauna, noting no changes are proposed to the existing landscaping or vegetation. <i>d. Development provides opportunities for multipurpose use for a variety of complementary community purposes and is easily adaptable for future change.</i> The proposal provides a new and innovative experience that is not offered within the Mt Coot-tha Botanic Gardens and wider Brisbane area. It will operate at night outside of the Botanic Gardens' normal hours, ensuring the gardens can operate as normal during the daytime. The proposal will also operate a maximum number of days during the year to ensure that other existing uses (e.g., Planetary) can operate normally. <i>e. Development ensures that access to and within the park is safe, convenient for all visitors and is appropriate to the park and intended use.</i> The site can be accessed via the road and pedestrian and cyclist networks, which are not proposed to be changed by the proposal. The proposal will be carried out in accordance with a traffic management plan to provide safe and convenient access for all visitors to the site. This includes the provision of a shuttle bus service to and from the city, with pick up and drop off locations close to public car park stations, CBD-based public transport hubs (railway and bus stations) and hotels.
TAPS code	<i>a. Development provides for access, circulation, parking and vehicle-based services for all relevant transport modes, including walking, cycling and public transport relevant to the nature of the proposed development and its location in relation to the transport network and surrounding existing and future land uses.</i> The proposal will operate in accordance with a traffic management plan. It provides car parking spaces on-site, as well as pick up and drop off locations for other transport modes including private vehicles, public transport, shuttle bus service and taxis/ride share. <i>b. Development enhances the potential for trip making other than by private vehicle.</i> In accordance with the Traffic Management Framework Plan for the proposal, a range of transport options will be available for visitors beyond the use of private vehicles. <i>c. Development provides safe access for all transport modes that does not impact adversely on the efficiency and safety of the transport network or diminish the amenity of nearby land uses.</i> The proposal will operate in accordance with a traffic management plan, which will ensure that safe access for all transport modes is provided that does not affect the efficiency or safety of the transport network. <i>d. Development ensures that impacts on amenity caused by traffic generation is consistent with the community's reasonable expectations for the intended use.</i> Nearby sensitive receivers (residential) are setback from Mt Coot-tha Road such that any amenity impacts from traffic generation are minimised. Furthermore, the submitted Traffic Impact Assessment

Code	Consistency with purpose and overall outcomes
	states the proposal will only generate one (1) additional car per minute, as well as one additional bus (shuttle bus service) every 10 minutes, which can be readily accommodated within the existing road network. The measures identified in the Traffic Management Framework Plan will also assist with minimising potential impacts associated with traffic generation. <i>e. Development provides site access arrangements to ensure that any adverse impacts on other development, the transport network and those who use it, are minimised to maintain amenity of the area and the safety and efficiency of the transport system.</i> The proposal will be operated in accordance with a traffic management plan which will ensure that any adverse impacts on other development, the transport network and those who use it will be able to be minimised. <i>f. Development ensures that access, parking and servicing arrangements and impacts such as noise, are consistent with the community's reasonable expectations and avoid risk of damage to people, property and vehicles.</i> The proposal will be carried out in accordance with the Preliminary Noise Assessment Report prepared by Noise Measurement Services to ensure that there are no adverse noise impacts on nearby sensitive receivers. <i>g. Development maximises safety in the use of the transport network, particularly for the most vulnerable users (children, pedestrians, persons with disabilities and cyclists) so that all transport modes are safe and convenient.</i> The proposal includes the provision of specific pick up and drop off locations that minimise conflicts with vehicles that are accessing the site and maximise safety for vulnerable users such as children and pedestrians. <i>h. Development provides for walking and cycling routes and end-of-trip facilities for pedestrians and cyclists, designed and located to make walking and cycling attractive and viable transport options.</i> The proposal seeks to utilise the existing pedestrian and bicycle networks. <i>i. Development envisaged by the planning scheme, which will potentially have an adverse impact on the operation of the transport network, is designed and of a scale that maintains the safety and efficiency of the transport network.</i> The proposal has been designed with a maximum capacity of up to 2,400 visitors per night, which has taken into account potential impacts on the transport network. <i>j. Development provides for on-site parking and manoeuvring areas for cars, motorcycles, bicycles and service vehicles which:</i> <i>i. are safe and convenient to use;</i> <i>ii. if outside the City core and the City frame identified in Figure a are adequate to meet the design peak-parking demands without significant overflow to adjacent premises or the generation of excessive on-street car parking demand, taking into account the requirements of other road users.</i> The proposal seeks to utilise the existing car park at the gardens, which combined with the other transport modes that are available to visitors,

Code	Consistency with purpose and overall outcomes
	will cater for the number of visitors expected to be generated by the proposal. <i>k. Development provides for on-site servicing that is safe, convenient to use, but discrete, and adequate to meet the reasonably expected demands generated by the development, without significant adverse impacts on the external road system or adjacent premises.</i> The proposal seeks to utilise the Botanic garden's existing servicing arrangements. <i>l. Development accommodates future road upgrades and widenings ensuring the ongoing capacity, efficiency and safety of the transport network.</i> Not applicable to the proposal as no future road upgrades or widenings identified.

The proposal has also been assessed as complying with the overall outcomes of all other relevant codes.

It should be noted that the *Brisbane City Plan 2014* is a performance-based planning scheme where the applicant may elect to demonstrate compliance with the acceptable outcomes contained in the relevant codes, or alternatively the corresponding performance outcomes. Each development application is assessed and decided on the individual merits of the proposal, taking into account *Brisbane City Plan 2014*, site context, properly made submissions and other community feedback that is received.

The proposal complies with Performance outcomes in lieu of acceptable outcomes contained in the TAPS code , which include:

Code	Applicable performance outcome in lieu of acceptable outcome
TAPS code	<u>AO1</u> The proposal does not comply with AO1 of the TAPS code requiring development comply with the TAPS planning scheme policy (PSP) standards. The proposal does not meet the TAPS PSP standards for car parking, as is discussed in detail within this table under AO13 of the TAPS code, including justification for a performance outcome against PO13 of the code. A Registered Professional Engineer of Queensland (RPEQ) certified Traffic Impact Assessment (including a Traffic Management Plan Framework) has been prepared by Lambert & Rehbein for the proposal, ensuring it has been designed to include a technically competent and accurate response to its specific transport and traffic elements. A performance outcome against PO13 of the TAPS code is supported, and therefore the proposal is in accordance with the TAPS PSP standards. The solutions provided in order to achieve the performance outcome (including the shuttle bus service) and the conditioning of reduced capacity to allow the Traffic Management Plan Framework to be tested, will ensure the efficient operation and safety of the proposal and surrounds. Overall, the proposal achieves compliance with performance outcome PO1.

Code	Applicable performance outcome in lieu of acceptable outcome
	<u>AO13</u> The proposal does not comply with AO13 of the TAPS code, which requires development outside of the City core and City frame provide on-site car parking spaces in compliance with the TAPS PSP standards. Tables 13 and 14 of the TAPS PSP do not define a car parking rate for a tourist attraction. Therefore, the applicant is responsible for providing evidence in support of the number of car parking spaces proposed as part of the proposal. The initial and maximum nightly capacities are 1,600 and 2,400 visitors, respectively. One-hundred and eighty-four (184) car parking spaces are to be provided on-site within the existing Botanic Gardens car park. The proposal includes the provision of a shuttle bus service from the CBD. In accordance with the submitted Traffic Impact Assessment, up to approximately 1,550 visitors will utilise the free shuttle bus service, providing visitors with a convenient alternative to driving to the site. The shuttle bus pick-up and drop-off locations will be centrally located where they can be easily accessed from CBD-based public parking stations, CBD-based public transport hubs (bus and railway stations) and hotels being utilised by intrastate, interstate and international visitors. Other transport options such as public buses and ride share will also be available. The combination of on-site car parking spaces, the shuttle bus service and other modes of transport will ensure that the proposal provides on-site car parking spaces to accommodate the design peak parking demand and minimise overflow car parking to adjacent premises and streets. Nonetheless, the submitted Traffic Management Plan Framework indicates development of a Traffic Management Plan, along with strategies that include the provision of detailed information on how to get to/from the site on the Botanic Gardens and Lumina Night Walk webpages, clarification of directions and parking with pre-purchase ticketing and implementation of clear signage and instructions at entrances. Noting the uniqueness of this proposal in Brisbane and Australia, it is also proposed to limit visitors for at least the first four (4) months, which will allow the operators to collect real-world data to confirm that the proposal is operating as intended in terms of transport modes. Overall, the proposal achieves compliance with performance outcome PO13.

3.5 LOCAL GOVERNMENT INFRASTRUCTURE PLAN

There are no requirements for trunk infrastructure identified in the plan relevant to the application. Infrastructure charges are not applicable for the proposal.

4. MATTERS RAISED IN SUBMISSIONS

Public Notification was carried out and the Notice of Compliance was submitted. A summary of the submissions received is provided in the table below.

A summary of the comments received is provided in the table below.

No. of submissions received:	362	Valid	121	Invalid
Nature of valid submissions:	6	Support	477	Object

Matters raised in submissions	How the matter was dealt with
Commercialisation and privatisation of the Botanic Gardens/ Changing the site's zoning and the potential loss of grants	The site is in the Open Space zone under the planning scheme. No changes are proposed to the site's current zoning. An Environmental Facility and Tourist Attraction Use are both uses permitted within the Open space zone. The Botanic Gardens will remain in public ownership, with the operator only leasing the land from Council, and will continue to be open to the public Monday to Sunday between 8/8:30am in the morning and 4pm in the afternoon. The proposal will operate between 6pm and 11pm in the evening, outside the Botanic Gardens standard hours of operation. Each station will be hidden or camouflaged from view, creating no obstacles or damage to any part of the gardens or impediment to the normal operation of the gardens. The Botanic Gardens are currently used for private events, including weddings and other special events/ functions.
Lack of costings and economic benefits, including its value for money	The costings of the proposal and its economic viability are not matters for consideration in the assessment and determination of the application under the <i>Planning Act 2016</i> and relevant assessment benchmarks of the <i>Brisbane City Plan 2014</i>.
Impacts of light and noise on flora, fauna and surrounding residential development	The proposal is not within the Biodiversity overlay. However, an Ecological Assessment Report was submitted with the application to assess the potential impacts of the proposal on the site's environmental and ecological characteristics and how they can be mitigated and managed. In relation to potential light and noise impacts, this report concludes that the proposal will not result in a significant impact on environmental or ecological characteristics. This is to be achieved by utilising design techniques to manage light and noise impacts, noting the necessity for each proposed station to avoid any crossover that would diminish the overall visitor experience and therefore not spill into other nearby areas and quickly fading to existing background

	levels beyond. Specifically, noise and lighting impacts will be minimised with the use of specialised, localised and directional proprietary technology that creates sound effects within the boundary of the light experience. Light spill is contained within a small and controlled area as lights will be strategically installed on-ground within 100 metre radius zones from one station to another, meaning light spill will not extend beyond each of the stations. The submission of a further Fauna Management Plan that identifies potential impacts from lighting or noise and specific management measures to mitigate these impacts for approval by Council has been conditioned. The reproductive cycles and behavioural patterns of local fauna species will be considered in the detailed design of the light and sound show and its ongoing operation. Carefully controlled volume and environmental analysis prior to on-site work commencing will seek to ensure minimal impact on animal behaviour during the duration of the operation period. The hours of operation have been limited to minimise the late movement of visitors through the gardens. An Assessment of the Obtrusive Effects of the Proposed Lighting Experience was submitted with the application and will form part of the approved drawings and documents. This report by WEBB Australia assessed the likely luminance impacts of the proposed lighting and concluded it will comply with the requirements of AS/NZS 4282:2019. For compliance to be achieved, the report notes that certain design controls must be met. Conditions will ensure that the proposed lighting will be designed and constructed in accordance with the report. A Preliminary Noise Assessment Report prepared by Noise Measurement Services was submitted with the application. This report assessed the potential noise impacts onto nearby noise sensitive receivers (e.g., residential). This report concluded that subject to the considerations that are presented within its contents, the proposal will meet the requirements of the <i>Brisbane City Plan 2014</i> and any other relevant regulatory requirements. It is also well buffered from residential development, with a distance of approximately 225 metres between the proposal's designated walking track and the closest residential dwelling houses to the site, and controls will be placed on any amplification systems. The inclusion of this report as an approved document will ensure that its recommendations are implemented.
Impacts of netting, cabling and wiring on flora and fauna in the gardens	The proposal (including netting, cabling and wiring etc.) will be designed to avoid, mitigate and manage potential impacts in flora and fauna resulting from the proposal in accordance with the conditions of approval, which includes the submission of a Fauna Management Plan.

	Netting must have a mesh size (or aperture) of no more than 5mm x 5mm at full stretch, woven from strands at minimum 500 microns thick and white in colour. Any elevated wiring/cabling network must also be fixed to vegetation using non-invasive methods and avoid being located across any potential fly ways for animals in the area.
Adverse impacts resulting from increased traffic congestion	A Traffic Impact Assessment (including a Traffic Management Plan Framework) was submitted with the application. It concludes that the traffic anticipated onto the surrounding road network by the proposal equates to approximately one (1) car per minute and one (1) bus per 10 minutes arriving at site during the operational period. The Traffic Impact Assessment further concludes that the surrounding road network can accommodate the volumes anticipated to arrive at the site as Mt Coot-tha has more than 1 million visitors per year, which equates to more than 2,700 visitors each day. The proposal is also supported by a Traffic Management Framework Plan that has been prepared to assist with managing pedestrian and vehicular movements to the site. As part of the Traffic Impact Assessment, this framework plan will form part of the approved documents. Additionally, it is a requirement of the conditions that a detailed Traffic Management Plan be submitted to Council for approval prior to commencement, which addresses elements such as ticketing and point of element controls, internal carpark controls and temporary signage on the external road network. The Traffic Management Plan Framework indicates that staff will be stationed adjacent to the entry of the car park to check tickets and direct vehicles.
Lack of public transport options to site and a shortfall in car parking spaces	The site does have some connectivity to existing public transport via bus stop #001405 located within the Botanic Gardens and bus stop #001403 on Mt Coot-tha Road. Various bus services currently operate from these stops (including routes 471, 598, 599 and S78), which provide connections between the Brisbane CBD and Mt-Coot-tha and Brookside or Cannon Hill and Chermside, as well as between Ashgrove and Indooroopilly. On weekends, these bus stops are serviced until just after 7pm. To ensure adequate transport options are available, the proposal also includes on-site car parking, a shuttle bus service between the Brisbane CBD and the site and drop-off and pick-up areas for taxis and ride share services. With the provision of these various transport options, the public transport options currently available and the one-hundred and eighty-four (184) car parking spaces on-site, are sufficient to cater for the number of visitors expected.

	The Traffic Management Plan Framework includes strategies to minimise the potential for on-street car parking.
Use of car parking by other groups	The proposal is limited to a maximum of 150 days per year rather than specific days of the week, providing flexibility so as not to impact other events/ functions or operations of the Mt Coot-tha Botanic Gardens and enable the scheduling of special closures to allow the Planetarium and other facilities within the gardens to operate.
Reference to specific Brisbane CBD car parks within the submitted traffic management plan	The proposal does not rely on any specific CBD car parks for the use of its visitors using the shuttle bus service. Visitors will be able to utilise any transport of their choice to get into the city to use the shuttle bus services. Indicative pick up and drop points have been nominated, which are centrally located within the CBD close to public car parking stations, CBD-based public transport hubs (bus and railway stations) and hotels being utilised by intrastate, interstate and international visitors.
Safety concerns for pedestrians and cyclists on Mt Coot-tha Rd and within the on-site car parking area	The proposal does not propose any changes to the existing pedestrian and cycle route networks within the site and on the surrounding roads such as Mt Coot-tha Rd. Most visitors to the site will utilise the shuttle bus service, which has a set down area close to the site entry. The proposal is only anticipated to generate one (1) additional car per minute and one (1) bus per 10 minutes and therefore unlikely to adversely impact on cyclists.
Inclusion of Anzac Park as part of site	The site is described as Lot 6 SP. 266267/Lot 1 SP.266267. These lots are large parcels of land, with the proposal only occupying a relatively small part. For historical reasons Lot 1 SP.266267 includes Anzac Park. The proposal is not located on this part of the lot, being physically separated from it by the Western Freeway, and will not impact Anzac Park.
Increased bushfire risk	A Bushfire Emergency Management Plan has been prepared for the proposal and submitted with the application. It includes a description on how it was developed, the bushfire characteristics of the site, primary actions in the event of an unplanned bushfire, provisions for sheltering within the site and evacuation, actions for different stages of a bushfire emergency and management plan training and testing requirements. With this Bushfire Emergency Management Plan, the proposal is considered to meet the SPP in relation to bushfire, with any bushfire risks able to be appropriately managed.
Lack of information submitted with application, including surveying	Documents submitted with the application include the following:

methods for the ecological assessment	☐ Town planning assessment report ☐ Code assessment ☐ SDAP code assessment; ☐ Ecological assessment report; ☐ Lighting assessment report; ☐ Noise impact assessment report; ☐ Traffic impact assessment report; ☐ Bushfire management plan; ☐ Lumina Night Walks summary presentation; and ☐ Proposed plans. Collectively, these documents assess potential impacts and set the parameters in which the proposal is to operate (via mitigation and/or management measures) to ensure that any such impacts are acceptable in nature. The documents provided have been prepared and assessed in accordance with the planning scheme requirements and are sufficient for Council to make a decision. Some of the documents listed above will form part of the list of approved plans and documents within the conditions and will help guide the detailed design of the eight (8) environmentally considerate visual/sound stations.
Transparency of the process and the lack of an open tender process	A tender process is not a part of the relevant assessment benchmarks of <i>Brisbane City Plan 2014</i> or, <i>Planning Act 2016</i> and did not form part of Council's assessment of the development application.
Need for the proposal not demonstrated	The need for the proposal is not a matter for consideration under the relevant assessment benchmarks of the <i>Brisbane City Plan 2014</i> or <i>Planning Act 2016</i> .
Potential damages to the Botanic Gardens, including plant theft and waste	Vandalism will be negated with equipment and lighting infrastructure discretely hidden and/or props/materials specially created to form part of or blend in with the environment. The proposal is limited to the existing pedestrian pathways generally comprising the Gardens Explorer Trail, will have over 2,000 visitors per day at maximum capacity and on-site staff located throughout the proposal, which will provide casual surveillance throughout the site to minimise opportunities for plant theft. There are bins disbursed throughout the Botanic Gardens to allow visitors to dispose of their waste on-site. The operator will be responsible at the end of each night for ensuring that any other waste not placed in

	bins is appropriately disposed of following each day of operation.
Compliance with town planning requirements, including the criteria for tourist attractions within the neighbourhood and land use definitions	The proposal complies with the purpose, overall outcomes and acceptable and performance outcomes applicable under the relevant <i>Brisbane City Plan 2014</i> codes. The proposal is consistent with the land use definitions for an 'Environmental Facility and 'Tourist Attraction' in that it seeks to utilise light and sound to educate visitors on the local culture, flora and fauna in a new and exciting way that is both information and entertaining and allows for the appreciation, conservation and interpretation of the area and the many values that it holds. In relation to the Mt Coot-tha neighbourhood plan code, the proposal is consistent with the overall outcomes for the Brisbane Botanic Gardens area in that the impact assessable use of a 'tourist attraction' is of a scale consistent with the outcomes sought for the area as is demonstrated by its ability to mitigate and manage potential impacts generated by the proposal relating to lighting, noise, traffic and car parking and flora and fauna. The proposal also is also consistent with the overall outcomes of the neighbourhood plan code in relation to the Brisbane Botanic Gardens area in that it provides a visual and sound night-time experience that seeks to actively engage visitors in educational and learning experiences by teaching them about culture, flora and fauna.
Consistency with the Master Plan	The proposal has been assessed as consistent with the <i>Brisbane Botanic Gardens Mt Coot-tha Master Plan 2018</i> , its overall outcomes and the objectives for the Central precinct in which the site of the proposal is located.
Lack of community consultation undertaken and the timing of this consultation	The proposal was publicly exhibited for a period of 15 business days between 20 October and 11 November 2022, thereby meeting its statutory public notification requirements. Public consultation for the proposal was undertaken following the end of the Information Request period in accordance with the requirements of the <i>Planning Act 2016</i> and the Development Assessment Rules. Issues raised in the submissions received during this period have been considered in the assessment of the application. Public consultation meetings beyond the statutory requirements were also voluntarily undertaken by the applicant with various stakeholder groups and specialist consultants.
Objections from a number of groups	The proposal has been assessed against the requirements of the <i>Brisbane City Plan 2014</i> and any

	issues raised in the submissions received during the public notification period and throughout assessment of the development application have been considered.
Exploitation of the environment for entertainment	The proposal offers a new and innovative opportunity to educate visitors on the local culture, fauna and flora via a visual and sound night-time storytelling production. It will operate between the hours of 6pm and 11pm, which provides a different experience for users of the Botanic Gardens, as it is typically closed from 4pm across all days. It will remain open to the public during the daytime. The application is supported by various reports for lighting, noise, fauna and traffic and car parking, which demonstrate that the proposal can be carried out without resulting in any environmental impacts that cannot be managed. The proposal does not propose the removal of any vegetation.
Alternative locations more suitable	The development assessment process is applicant driven. Council as the assessment manager must assess the development application based on the merits of the proposal. The proposal is permitted on the site within the zone and neighbourhood plan under the <i>Brisbane City Plan 2014</i> and has been assessed as avoid adverse impacts relating to lighting, noise, traffic and parking and flora and fauna.
Impacts on school marshalling area	The proposal follows the existing Gardens Explorer Trail and does not propose any changes to the Botanic Gardens that would impact the new school marshalling area proposed.
Lack of traffic data and optimistic ticketing systems to minimise impacts on on-street car parking spaces	The proposal provides for a range of transport options that sufficiently cater for the number of visitors that are expected. Noting the uniqueness of the proposal in Brisbane and Australia and a lack of comparable examples in terms of transport, a limitation on the proposal's capacity for an initial period has been implemented via conditions to allow for the operators to collect real-world data for the proposal.

5. MATTERS PRESCRIBED BY REGULATION

There were no further matters prescribed by regulation.

6. ADVICE FROM REFERRAL AGENCIES

A 'Referral agency response – no requirements' was issued by SARA on 28 October 2023 and is attached.

7. STATEMENT OF REASONS FOR DECISION

The development application has been assessed against the relevant assessment benchmarks, and having regard to the material received by Council about the application before its decision which includes:- the material provided with the application; properly made submissions and community feedback; relevant development approvals for the site and adjacent premises; and the lawful use of the site and adjacent premises, the development application may be approved subject to the development conditions contained within the attached approval package where the proposal:

- ☐ Complies with the relevant assessment benchmarks against which the application has been assessed including those in the *Brisbane City Plan 2014*;
- ☐ Attracts and caters for visitors from the Brisbane metropolitan area and beyond, including those visitors from intrastate, interstate and international that are visiting the city of Brisbane.
- ☐ Contributes to Brisbane's sustained prosperity and provides options for learning and leisure through a visual and sound production that seeks to educate visitors on culture, flora and fauna.
- ☐ Is low-impact as the result of the mitigation and management of potential issues, including impacts on residents and flora and fauna in terms of light, noise, traffic, car parking and bushfire.
- ☐ Ensures the landscape and environment of Mt Coot-tha as a natural and scenic landmark is preserved by limiting the proposal to the part that is currently occupied by the Botanic Gardens, where the natural environment has already been the subject of human intervention, and designing the installations to camouflage with their surrounding environment.
- ☐ Provides a new and innovative night-time experience that is not currently available within Brisbane, which will maintain and enhance Mt Coot-tha as a major visitor and tourist destination.
- ☐ Does not require any new infrastructure or public utilities that would impact the area's values.
- ☐ Provides for the co-location of facilities to reduce and minimise the development footprint by being planned and designed to utilise existing facilities and services within the Botanic Gardens, while also allowing for them to be accessed by other uses such as the Planetarium.
- ☐ Is generally focused around the existing pathways comprising the Gardens Explorer Trail, will be hidden or camouflaged from view, utilise environmentally sensitive installation techniques and does not require the removal of any existing trees or vegetation such that it is located, sensitively designed and serviced to promote and sustain the significance of the gardens.
- ☐ Protects the safety and functioning of operational airspace of the Brisbane Airport with no built form proposed and limitations placed on the luminance levels for the proposed lighting.

- ❑ Will not generate emissions from smoke, dust or any other airborne particulates that have the potential to create potential hazards to the safety and functioning of airport operations.
- ❑ Does not compromise the completion of the bicycle network or community purposes network.
- ❑ Maintains the safety of people/property by not exposing them to an unacceptable risk from bushfire through the implementation of a bushfire management plan specific to the proposal.
- ❑ Does not propose any built form or other changes to the existing gardens that would directly or cumulatively cause or increase adverse impacts in other properties in terms of flooding.
- ❑ Does not include any works that would comprise the completion of the road or streetscape hierarchy, with the existing road and verge (including pedestrian pathways) to be retained.
- ❑ Protects and contributes towards the natural functions of the Local waterway corridor, as well as the flood storage, adjacent floodplains and conveyance function of the corridor, by not proposing any built form or any other changes that would increase the extent of impervious areas.
- ❑ Does not include the removal of any existing trees or vegetation within the Botanic Gardens, thereby avoiding and minimising the clearing of riparian, native and significant vegetation.
- ❑ Is limited to existing pedestrian footpaths that generally follow the Gardens Explorer Trail, avoiding the fragmentation of waterway corridors and maintaining waterway health, riparian biodiversity, water quality, wildlife movement and aquatic and terrestrial habitat connectivity, and supporting the aesthetic natural amenity values of the waterway corridors.
- ❑ Provides access, circulation, parking and vehicle-based services for all relevant transport modes, including a free shuttle bus service running between the Brisbane CBD and the site.
- ❑ Is accessible via the shuttle bus service, public transport, taxi/ride share and active transport, enhancing the potential for visitors to the site to utilise alternatives to the private car.
- ❑ Includes a Traffic Management Framework Plan that is to be implemented as part of the proposal to provide safe access for all transport modes that does not impact adversely on the efficiency of and safety of the transport network or diminish the amenity of nearby land uses.
- ❑ Utilises the existing access, parking and servicing arrangements for the Botanic Gardens and provide flexibility in its use by limiting its operations to a maximum number of days per year so as to not conflict with existing users of the Botanic Gardens such as the Planetarium.
- ❑ Provides on-site car parking and other alternative transport options for accessing the site, which are designed to accommodate the design peak-parking demands without significant overflow to adjacent premises or the generation of excessive on-street car parking demand.
- ❑ Complies with the relevant assessment benchmarks (where not already integrated into the Brisbane City Plan 2014) of the SPP.
- ❑ Supports the strategic intent of the SEQ Regional Plan.
- ❑ The proposal advances the purpose of the Planning Act 2016.

8. RECOMMENDATION

After considering the proposal, the relevant provisions of the *Planning Act 2016*, the assessment benchmarks and the submissions received, I recommend that:

1. the application be approved in accordance with the attached development approval package.



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