

In the Planning and Environment
Court
Held at: Brisbane

No. of 2015

Between:	KATE PETA BELL	Appellant
And:	BRISBANE CITY COUNCIL	Respondent
And:	WOLTER CONSULTING GROUP PTY LTD (ACN 147 343 084)	Co- Respondent

Filed on 20/07/2015

Filed by: Connor O'Meara Solicitors
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KATE PETA BELL of c/- Connor O'Meara, Solicitors, Level 5, 370 Queen Street, Brisbane in the State of Queensland appeals to the Planning and Environment Court at Brisbane, against the decision of the Respondent to approve a development application for:

- (a) a development permit for a material change of use for Multiple Dwelling (555 units and 3 towers), Heritage Place (LHP) and Centre Activity Within Centre, in two stages;

Notice of Appeal
Filed on behalf of the Appellant
Form No PEC-1

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1408843 notice of appeal

- (b) a preliminary approval to carry out building work for Multiple Dwelling (555 units and 3 towers), Heritage Place (LHP) and Centre Activity Within Centre, in two stages;
- (c) a preliminary approval to carry out building work in a Heritage Place (QHP); and
- (d) a preliminary approval to carry out operational work in a Heritage Place, (the "*Development Application*") in respect of land described as Lot 13 on RP104400 and situated at 600 Coronation Drive, Toowong (the "*Land*") and in lieu thereof seeks the following orders or judgment:

- A the appeal be allowed;
- B the Development Application be refused;
- C the Respondent and Co-Respondent pay the Appellant's costs of the proceeding; and
- D such further or other orders as the Court deems appropriate.

The grounds of appeal are:

- 1. The Land:
 - (a) is described as Lot 13 on RP104400;
 - (b) is located at 600 Coronation Drive, Toowong;
 - (c) is included in the MC Major Centre zone in *City Plan 2014*;

- (d) is included in the Toowong Centre C Sub-precinct of the Toowong Centre Precinct of the Toowong-Auchenflower Neighbourhood Plan in *City Plan 2014*;
- (e) is included in several overlays in *City Plan 2014*, including, relevantly:
 - (i) Bicycle Network Overlay;
 - (ii) Critical Infrastructure and Movement Network Overlay;
 - (iii) Road Hierarchy Overlay; and
 - (iv) the Local Heritage Place Sub-category and the State Heritage Place Sub-category of the Heritage Overlay;
- (f) is an irregular shaped lot, with 6 boundaries including frontages to Coronation Drive, Archer Street and the Brisbane River;
- (g) directly adjoins a single storey single detached dwelling to the north, which is owned and occupied by the Appellant, and a two storey interwar house to the south at 20 Archer Street, also known as "*St. Briavels*", and is listed on the Respondent's Heritage Register;
- (h) is improved by Middenbury House, a single storey detached house of State heritage significance. Middenbury House sits in an elevated position on the Land and is designed with verandahs on three sides to capture views to the Brisbane River. It is listed

on the Respondent's and the Queensland Government Heritage Registers and comprises:

- (i) the house and kitchen wing including heritage curtilage and a view corridor to the Brisbane River to the east; and
 - (ii) two large Fig Trees on the Coronation Drive frontage to the extent of the full canopies;
- (i) has an area of approximately 14,999m²; and
 - (j) slopes generally from the Coronation Drive frontage up to Middenbury House and down again to the Brisbane River.
2. The Development Application originally sought a development permit for a material change of use for a Multiple Dwelling (494 Units) and for associated preliminary approvals to carry out building work and operational work.
3. The Development Application was lodged with the Respondent on or about 1 September 2014. The Development Application was impact assessable and the Department of State Development, Infrastructure and Planning (Brisbane SARA) was triggered as a concurrence agency because the proposed development:
 - (a) is on a Queensland heritage place; and
 - (b) impacts on State transport infrastructure.
4. The Appellant made a properly made submission, objecting to the proposed development.

5. The Development Application was changed throughout the IDAS process at the following times:
 - (a) on or about 26 November 2014, in response to the Respondent's information request. The changes included an increase in the number of 1 and 2 bedroom units and a decrease in the number of 3 bedroom units, resulting in, amongst other things, an increase in the number of proposed units from 494 to 555; and
 - (b) on or about 17 March 2015 and 8 May 2015, following the public notification of the Development Application. The additional changes included, amongst other things, a relocation of the site access on Coronation Drive, an increase in car and bicycle parking numbers and the addition of a retail tenancy.
6. By Decision Notice dated 16 June 2015, the Respondent approved the Development Application. Notice of the decision was given to the Appellant on or about 22 June 2015.
7. The Development Application should be refused for the following reasons:
 - (a) the Development Application is in conflict with the following provisions of *City Plan 2014*:
 - (i) overall outcome (3)(h) of the Toowong – Auchenflower Neighbourhood Plan Code because the development is not of a height, scale and form which is consistent with the amenity and character, community expectations and

infrastructure assumptions intended for the relevant precinct and/or sub-precinct and there is not a community need or an economic need for the development;

Particulars

A the proposed development comprises 3 towers of Multiple Dwellings. Proposed Towers A and B are 24 storeys in height and proposed Tower C is 27 storeys in height (including an additional top level on each tower, which houses a "*technical area*"). Towers A and B are approximately 105 metres in height above ground level and Tower C is approximately 115 metres in height above ground level;

B the proposed Tower A has the following setbacks:

(a) with respect to the southern boundary, approximately 2.5 metres at ground level and approximately 7.5 metres at level 5 and above; and

(b) there is no setback to the Brisbane River frontage at ground level and the proposed villas protrude beyond the Mean High Water Springs line;

C the proposed Tower B has the following setbacks:

(a) with respect to the northern boundary, approximately 3.5 metres at ground level and approximately 11 metres at level 5 and above; and

(b) the setback to the Brisbane River frontage is unclear but the proposed villas appear to be setback approximately 7.5 metres;

D the proposed Tower C has the following setbacks:

(a) with respect to the northern boundary, approximately 2 metres at ground level and approximately 12 metres at level 5 and above;

(b) approximately 2 metres to the adjoining eastern boundary at ground level; and

(c) the setback to the Coronation Drive frontage is unclear but it appears to be approximately 2 metres at ground level and 8 metres from level 5 and above;

E the proposed Tower A will have a building separation distance with the development adjoining the land to the south of approximately 9 metres at its closest point and the proposed Tower B will have a building separation distance with the development adjoining

the land to the north of approximately 5.5 metres at ground level;

F the proposed development is overwhelmingly a residential use, comprising the following components:

(a) residential, with a gross floor area ("*GFA*") of 49, 231m², being 328% of the site area; and

(b) a shop, food and drink outlet, and office, with a combined GFA of 537.9m², being 3.5% of the site area;

G the proposed development is in stark contrast with the overwhelming existing character of the area, which includes 1 and 2 storey single detached dwellings, low rise multiple dwellings, low rise mixed use buildings, Middenbury House, which is located on the Land and St. Briavels, which directly adjoins the Land to the south at 20 Archer Street; and

H the proposed development relies upon two vehicle access points, one from Coronation Drive, which is an arterial road, and one on Archer Street, which is a local access road and is approximately 6 metres in width;

- (ii) overall outcome (3)(k) of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not provide appropriate building design using setbacks, bulk and separation;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraphs 7(a)(i)A, B, C, D and E above;

- (iii) overall outcome (3)(l) of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not protect and enhance the heritage values of Middenbury House, in particular, the aesthetic values and the views to the Brisbane River and from West End are unreasonably diminished;
- (iv) overall outcome (3)(m) of the Toowong – Auchenflower Neighbourhood Plan Code because the development is of a height and density that overburdens local transport, infrastructure, public space and/or community facilities;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A above;

- (v) overall outcome (3)(r) of the Toowong – Auchenflower Neighbourhood Plan Code because important views and vistas to the Brisbane River from Middenbury House are not retained;

Particulars

the views and vistas to the Brisbane River from Middenbury House are unreasonably diminished by proposed Towers A and B;

- (vi) overall outcome (4)(b) of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not provide any knowledge-based employment opportunities or take full advantage of its strong economic ties to the CBD and surrounding suburbs;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

- (vii) overall outcome (4)(c) of the Toowong – Auchenflower Neighbourhood Plan Code because the development provides a minimal mix of land uses;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

- (viii) overall outcome (4)(d) of the Toowong – Auchenflower Neighbourhood Plan Code because the development is not located on Sherwood Road and will provide the tallest buildings in the precinct;
- (ix) overall outcome (4)(h) of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not include a lively blend of retail, commercial, residential and community uses;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

- (x) overall outcome (5)(a) of the Toowong – Auchenflower Neighbourhood Plan Code because the development undermines the ability of the Toowong Residential Precinct to form the primary residential catchment in the Toowong Centre;
- (xi) the purpose of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not achieve the overall outcomes for the neighbourhood plan area or the Toowong Centre C Sub-precinct, in particular, overall outcomes (3)(h), (k), (l), (m), (r), (4)(b), (c), (d) and (h) and (5)(a);

(xii) Performance Outcome PO1 of the Toowong – Auchenflower Neighbourhood Plan Code because the development is not of a height, scale and form that:

- A achieves the intended outcome for the precinct;
- B improves the amenity of the neighbourhood plan area;
- C contributes to a cohesive streetscape and built form character;
- D is consistent with the anticipated density and assumed infrastructure demand;
- E is aligned to community expectations about the number of storeys to be built;
- F is proportionate to and commensurate with the utility of the site area and frontage width;
- G is designed to avoid a significant and undue adverse amenity impact on adjoining development;
- H is sited to enable existing and future buildings to be well separated from each other and to avoid affecting the development of an adjoining site; and
- I retains significant views of the Brisbane River;

Particulars

the development is in contravention of Acceptable Outcomes A01.1, A01.2 and A01.6 of the Toowong – Auchenflower Neighbourhood Plan Code the Appellant repeats and relies upon the particulars contained in paragraphs 7(a)(i)A, B, C, D, E and G above;

- (xiii) Performance Outcome PO3 of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not provide a balanced mix of residential and non-residential uses and does not include a significant component of non-residential centre activities to maximise transit-orientated development outcomes;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

- (xiv) Performance Outcome PO6 of the Toowong – Auchenflower Neighbourhood Plan Code because the development is located on a landmark site but does not provide a prominent visual reference and contribution to the city's public realm because it does not respect the prominence of the adjoining heritage places, namely, Middenbury House and St. Briavels;

- (xv) Performance Outcome PO11 of the Toowong – Auchenflower Neighbourhood Plan Code because the development does not reflect the local culture and heritage of Middenbury House;
- (xvi) the local government purpose of the Major Centre Zone Code because:
 - A the development is contrary to Theme 5 of the Strategic Framework; and
 - B the development does not provide for the mix and intensity of uses and the level of economic and social activity in the Toowong centre that supports its role as the activity core for Brisbane’s inner-western urban area;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A and F above;

- (xvii) overall outcome (4)(a) of the Major Centre Zone Code because the development does not deliver a highly diverse range of centre activities, comprising commercial, retail, government, service, community and cultural activities, including entertainment functions such as restaurants, hotels and nightclub entertainment facilities, which create an 18 hour-a-day 7 day-a-week activity centre;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

(xviii) overall outcome (4)(b) of the Major Centre Zone Code because the development is not consistent with the location-specific provisions in the relevant neighbourhood plan, in particular, those identified in paragraphs 7(a)(i) to (xv) above;

(xix) overall outcome (4)(d) of the Major Centre Zone Code because the development does not provide for high-order retail activities and commercial activities that create a focus point for subregional employment and district or branch government functions;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

(xx) overall outcome (4)(e) of the Major Centre Zone Code because the development compromises the primary function of the Major Centre Zone as a commercial activity centre;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

- (xxi) overall outcome (5)(a) of the Major Centre Zone Code because the development is of a height, bulk, scale and form which is not tailored to its specific location and to the characteristics of the site and the centre including the characteristics identified in overall outcome (5)(a)(i) to (vii);

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E, G and H above;

- (xxii) overall outcome (5)(g) of the Major Centre Zone Code because the development does not provide vehicular access arrangements that minimise impacts on surrounding land and protect the functionality of both local and higher order road networks;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)H above;

- (xxiii) overall outcome (5)(j) of the Major Centre Zone Code because the development is not sensitively designed and

operated to avoid or mitigate any potential adverse impacts on an adjoining use;

(xxiv) the purpose of the Major Centre Zone Code because the development does not achieve the overall outcomes for development location and uses and development form, in particular, overall outcomes (4)(a), (b), (d), (e) and (5)(a), (g) and (j);

(xxv) overall outcome (2)(d) of the Centre or Mixed Use Code because the development will not manage the impacts to lower intensity uses and sensitive uses in and adjoining the development, namely Middenbury House, St. Briavels and surrounding low rise residential uses;

(xxvi) overall outcome (2)(g) of the Centre or Mixed Use Code because the development intensity, bulk, scale and form is not consistent with the intended function, spatial arrangement and type of centre or corridor, as expressed in the zone and neighbourhood plan outcomes;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E, F and H above;

(xxvii) overall outcome (2)(p) of the Centre or Mixed Use Code because the development does not use side boundary

setbacks and built form height transitions in or adjoining a low density residential area to manage the interface with those areas and reflect the amenity, privacy, form and character of those areas;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

(xxviii) overall outcome (2)(r) of the Centre or Mixed Use Code because the development is location on a landmark site and does not retain and support site features such as views and heritage values, namely Middenbury House and the view from Middenbury House to the Brisbane River;

(xxix) the purpose of the Centre or Mixed Use Code because the development does not achieve overall outcomes (2)(d), (g), (p) and (r);

(xxx) Performance Outcome PO16 of the Centre or Mixed Use Code because the development:

A does not provide a land use mix which supports the intended function of the centre;

B prevents commercial and/or employment growth;
and

- C does not include complementary uses such as retail and employment;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)F above;

(xxx) Performance Outcome PO19 of the Centre or Mixed Use Code because the development does not ensure that the buildings' bulk and scale is consistent with the intended form and character of the centre considering:

- A the buildings to be retained;
- B adjoining existing and proposed building heights;
- C adjoining existing and proposed building setbacks and separation of buildings necessary to ensure impacts on amenity and privacy are minimised; and
- D building height transitions;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

(xxxii) Performance Outcome PO20 of the Centre or Mixed Use Code because the development does not ensure that

building height is consistent with the centre intent and local and street context considering:

- A the height of existing adjoining buildings and proposed heights;
- B street conditions, such as street width;
- C the topography and the site slope;
- D view points and corridors;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A and G above;

(xxxiii) Performance Outcome PO21 of the Centre or Mixed Use Code because the development, which shares a common boundary with premises in the low-medium residential zone, does not provide buildings that reduce in bulk and form to provide a transitional built form of a compatible scale which protects the amenity of lower density residential areas bordering the centre and does not:

- A step down in height and scale; and
- B minimise impacts including those from overlooking and visual dominance;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

(xxxiv) Performance Outcome PO24 of the Centre or Mixed Use Code because the development does not ensure that side boundary setbacks minimise the impact of development on the amenity and privacy of adjoining existing residents and do not consider future development;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)B, C, D and E above;

(xxxv) Performance Outcome PO25 of the Centre or Mixed Use Code because the development does not ensure that the separation of buildings within a site and to an adjoining existing or future buildings which includes a residential dwelling is consistent with the form and character intent for the local area and reasonably addresses and considers the amenity of adjoining residents and future development potential;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)E above;

(xxxvi) Performance Outcome PO58 of the Centre or Mixed Use Code because the development does not minimise direct overlooking between buildings and to adjoining residential uses not located within the centre through site planning, building design, screening and landscaping;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D and E above;

(xxxvii) Performance Outcome PO65 of the Centre or Mixed Use Code because the development does not minimise visual impacts to view corridors or local significance and does not enhance opportunities for observation of key vistas and views from identified view points, namely, the view from Middenbury House to the Brisbane River and from West End to Middenbury House;

(xxxviii) Performance Outcome PO67 of the Centre or Mixed Use Code because the development is on a landmark site and does not provide a prominent visual reference and contribution to the city's public realm by respecting the prominence of any adjoining or nearby heritage place, namely Middenbury House and St. Briavels;

(xxxix) overall outcome (2)(d) of the Multiple Dwelling Code because the development negatively impacts on the

development potential and future residential amenity of adjoining sites;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D and E above;

- (xl) overall outcome (2)(e) of the Multiple Dwelling Code because the development bulk, scale, form and intensity that does not integrate with the existing and intended neighbourhood structure for the area as expressed by the neighbourhood plan outcomes and is not consistent with the location and street context of the site;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

- (xli) overall outcome (2)(i) of the Multiple Dwelling Code because the development does not provide setbacks and separation of buildings that contribute to the amenity of residents on adjoining sites;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)B, C, D and E above;

- (xlii) overall outcome (2)(j) of the Multiple Dwelling Code because the development adjoins lower density residential areas and does not use side boundary setbacks and built form height transitions to manage the interface with those areas and reflect the amenity, form and character of those areas;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

- (xliii) Performance Outcome PO2 of the Multiple Dwelling Code because the development negatively impacts upon the development potential and future residential amenity of adjoining sites;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D and E above;

- (xliv) Performance Outcome PO3 of the Multiple Dwelling Code because the development does not integrate with the existing neighbourhood through building height and setback transitions to adjoining existing dwelling houses and areas of lower density residential development;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

- (xiv) Performance Outcome PO5 of the Multiple Dwelling Code because the development is of a bulk and scale that is not consistent with the intended form and character of the local area having regard to the matters identified in subparagraphs (a) to (e);

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

- (xlv) Performance Outcome PO6 of the Multiple Dwelling Code because the development has a building height that is not consistent with the streetscape local context and intent for the area having regard to the matters identified in subparagraphs (a) to (g);

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)A, B, C, D, E and G above;

- (xlvii) Performance Outcome PO8 of the Multiple Dwelling Code because the development does not separate buildings from existing or future buildings within a site or on an adjoining site to achieve the matters contained in sub-paragraphs (a) to (c);

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)B, C, D, E and G above;

- (xlviii) Performance Outcome PO11 of the Multiple Dwelling Code because the development does not provide side boundary setbacks that achieves the matters identified in sub-paragraphs (a) to (d);

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)B, C, D, E and G above;

- (xlix) Performance Outcome PO47 of the Multiple Dwelling Code because the development is on a landmark site but does not provide a prominent visual reference and contribution to the city's public realm by respecting the prominence of adjoining heritage places, namely Middenbury House and St. Briavels;

- (i) Performance Outcome PO48 of the Multiple Dwelling Code because the development does not minimise visual impacts on a view corridor of local significance or enhance opportunities for observation of key vistas and views from identified view points, namely the view from Middenbury House to the Brisbane River and from West End to Middenbury House;
- (ii) overall outcome (2)(a) of the Heritage Overlay Code because the development detracts from the cultural heritage significance of Middenbury House and St. Briavels;
- (iii) the purpose of the Heritage Overlay Code because the development does not achieve overall outcomes (2)(a) and (b);
- (liii) Performance Outcome PO1 of the Heritage Overlay Code because the development damages and diminishes the cultural heritage significance of Middenbury House, in particular, the aesthetic values and the views to the Brisbane River and from West End;
- (liv) overall outcome (2)(b) of the Road Hierarchy Overlay Code because the development will compromise the road hierarchy in its use, function, flow or capacity by buses, pedestrians and cyclists;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)H above;

- (lv) overall outcome (2)(d) of the Transport, Access, Parking and Servicing Code because the development will impact adversely on the efficiency and safety of the transport network and diminish the amenity of nearby land uses;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)H above;

- (lvi) overall outcome (2)(e) of the Transport, Access, Parking and Servicing Code because the development does not provide site access arrangements to ensure that any adverse impacts on other redevelopment, 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;

Particulars

the Appellant repeats and relies upon the particulars contained in paragraph 7(a)(i)H above;

- (lvii) overall outcome (2)(f) of the Transport, Access, Parking and Servicing Code because the development does not ensure 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;

(lviii) Performance Outcome PO1 of the Transport, Access, Parking and Servicing Code because the development is not in accordance with the standards in the Transport, Access, Parking and Servicing Planning Scheme Policy;

- (b) the proposed development will unreasonably increase traffic congestion and create a traffic hazard on Coronation Drive and Archer Street;
- (c) the proposed development will overshadow and overlook the Appellant's land, including the house and private living areas, and development adjoining the Land to the south, in a way which will unacceptably adversely impact upon the amenity and privacy of that land;
- (d) the scale and density of the proposed development is out of character with the character of existing development in the area, which is predominantly comprised of one and two storey single detached dwellings and low rise mixed use and multiple dwellings, in a way which adversely impacts upon the existing and future amenity of the area; and

- (e) the calculations for private and public open space are inaccurate and overstated given the calculations include areas that are inaccessible such as setbacks and areas beyond the MHWS line.
- 8. There are no sufficient grounds to justify approval of the Development Application despite the conflicts identified with *City Plan 2014*.
- 9. In the premises:
 - (a) the appeal should be allowed and the Development Application refused; and
 - (b) the Respondent and Co-Respondent ought pay the Appellant's costs of the proceeding.

PARTICULARS OF THE APPELLANT:

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Connor O'Meara

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CONNOR O'MEARA
Solicitors for the Appellant
Dated: 20/07/2015

If you are named as a respondent in this notice of appeal and wish to be heard in this appeal you must:

- (a) within 10 business days after being served with a copy of this Notice of Appeal, file an Entry of Appearance in the Registry where this notice of appeal was filed or where the court file is kept; and**
- (b) serve a copy of the Entry of Appearance on each other party.**

The Entry of Appearance should be in Form PEC – 5 for the Planning and Environment Court.

If you are entitled to elect to be a party to this appeal and you wish to be heard in this appeal you must:

- (a) within 10 business days of receipt of this Notice of Appeal, file a Notice of Election in the Registry where this Notice of Appeal was filed or where the court file is kept; and**
- (b) serve a copy of the Notice of Election on each other party.**

The Notice of Election should be in Form PEC – 6 for the Planning and Environment Court.