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# Town Planning Assessment Report

'Lumina Night Walk'

Brisbane Botanic Gardens, Mount Coot-tha

*Lot 1 on SP266267 and Lot 6 on SP266267*

Prepared for Light Dreaming Pty Ltd

August 2022

## Disclaimer

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Date:	16 August 2022
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## Executive Summary

Place Design Group has been commissioned by Light Dreaming Pty Ltd (the 'Applicant') to prepare this Town Planning Assessment Report to support a development application, which seeks a Development Permit for a Material Change of Use (Impact assessable) for an Environment facility and Tourist attraction, on land at 170 Mount Coot-tha Road 152 Mount Coot-tha Road, Mount Coot-tha (also known as 100 Dean Street, Toowong) (the 'subject site'). The subject site is made up of two (2) allotments legally described as Lot 1 on SP266267 and Lot 6 on SP266267, with the relevant Owners' Consent granted for this application (see **Attachment 2**).

The proposed development is for a Lumina Night Walk. Lumina Night Walk is a world-class night-time production through visual and sound experiences that seek to educate visitors on local culture, fauna and flora. This project has emerged through a market-led Better Brisbane Proposal. The Better Brisbane Proposal initiative was introduced by Council to provide opportunities to enhance services, build jobs and strengthen the local economy for Brisbane – contributing to the Brisbane Vision 2031. Through discussion and non-binding commercial terms with Council, the Mount Coot-tha Botanic Gardens are considered both a valuable and appropriate location for the development, with social and economic benefits for the city. This aligns with Council's request for innovative and economic advantageous offerings to make Brisbane better. The Mount Coot-tha Botanic Gardens have operated creative night-time projects, installations and interactive artworks previously, such as the *Botanica: Contemporary Art Outside* which occurs annually.

With reference to the *Brisbane City Plan 2014* ('City Plan'), the subject site is located within the OS1 Open space (Local), OS2 Open space (District) and the OS3 Open space (Metropolitan) zones. In accordance with Table 5.5.12 of the City Plan, a Tourist attraction use is not listed therefore the application is triggered to Impact assessment.

This report provides an assessment of the proposed development against the applicable assessment benchmarks of the City Plan (being the applicable local categorising instrument) and finds that the proposal is compliant with the relevant assessment benchmarks. Whilst some Alternative Solutions are proposed in place of Acceptable Outcomes, it has been demonstrated how the proposed development complies with relevant Performance Outcomes and/or Overall Outcomes of the applicable codes (refer to Section 6). Notably, the proposal is consistent with the overall outcomes of the applicable Mt Coot-tha Neighbourhood Plan code through delivering a Tourist attraction activity and Environmental facility that is both small-scale and low-impact due to no built-form being required. The proposal maintains the existing facilities and usability of the Brisbane Botanic Gardens, enhancing the learning and leisure contributions that the site provides for the city.

This report also addresses the statutory requirements of the *Planning Act 2016* (Planning Act) and associated *Planning Regulation 2017* (Planning Regulation), as well as the applicable assessment benchmarks stated in the *South East Queensland Regional Plan* (Regional Plan) and *State Planning Policy* (SPP) 2017 and finds that the proposal is compliant (refer to Section 5).

This report further provides an overview of the relevant matters applicable to the proposal and include an overview of the community and social benefits, economic benefits, environmental considerations and the proposals consistency with Council's planning scheme and other Strategic plans (refer to Section 7).

For the reasons outlined in detail throughout this report, the development warrants Council's favourable decision, subject to reasonable and relevant conditions.

Further to the above overview, the key site details are provided in **Table 1**.

Table 1: Site and Applicable Planning Framework	
Site Address	170 Mount Coot-tha Road, Mount Coot-tha 152 Mount Coot-tha Road, Mount Coot-tha ( <i>also known as 100 Dean Street, Toowong</i> )
Real Property Description	Lot 1 on SP266267 Lot 6 on SP266267
Total Site Area	50.89 ha (Lot 1 and 6 only)
Freehold Land Owner	Brisbane City Council
Planning Scheme	<i>Brisbane City Plan 2014</i>
Zoning	OS1 Open space (Local) OS2 Open space (District) OS3 Open space (Metropolitan)
Neighbourhood Plan	Mount Coot-tha neighbourhood plan – Metropolitan tourist and visitor destination precinct NPP-003 Toowong-Indooroopilly district neighbourhood plan (Part of site)
Overlays	Airport environs overlay Bicycle network overlay Biodiversity areas overlay Bushfire overlay Community purposes network overlay Critical infrastructure and movement network overlay Flood overlay Heritage overlay Landslide overlay Potential and actual acid sulfate soils overlay Regional infrastructure corridor and substations overlay Road hierarchy overlay Streetscape hierarchy overlay Waterway corridors overlay
DAMS Mapping Layers	SEQ Regional Plan land use categories: Urban footprint Queensland heritage place Fish habitat areas Water resources Regulated vegetation (Category B) Koala habitat Key resource area (Koala habitat in SEQ region) State transport corridors

Development application details are provided in **Table 2**.

Table 2: Development Application Details	
Proposed Development	Development Permit for an Environment facility and Tourist attraction (Lumina Night Walk)
Category of Assessment	Impact assessment
Assessment Manager	Brisbane City Council
Referral Agencies	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – State Transport Infrastructure

Applicant details are provided in **Table 3**.

Table 3: Applicant Details	
Applicant	Light Dreaming Pty Ltd c/- Place Design Group
Contact Person	Amanda Taylor
Contact Details	3852 3922
Our Reference	1121096



# 1 Introduction

## 1.1 Introduction

Place Design Group has been engaged by Light Dreaming Pty Ltd (the 'Applicant') to lodge a development application seeking approval for a Development Permit for a Material Change of Use (Impact assessment) for an Environment facility and a Tourist attraction on land at 170 and 152 Mount Coot-tha Road, Mount Coot-tha (also known as 100 Dean Street, Toowong) (the 'subject site'). The subject site is made up of two (2) allotments legally described as Lot 1 on SP266267 and Lot 6 on SP266267. This is freehold land owned by the Brisbane City Council ('Council'), with the relevant Owners' Consent granted for this application (see **Attachment 2**).

The proposed development is for a Lumina Night Walk. Lumina Night Walk is a world-class night-time production through visual and sound experiences that seek to educate visitors on local culture, fauna and flora. This project has emerged through a market-led Better Brisbane Proposal. The Better Brisbane Proposal initiative was introduced by Council to provide opportunities to enhance services, build jobs and strengthen the local economy for Brisbane – contributing to the Brisbane Vision 2031. Through discussion and non-binding commercial terms with Council, the Mount Coot-tha Botanic Gardens are considered both a valuable and appropriate location for the development, with social and economic benefits for the city. This aligns with Council's request for innovative and economic advantageous offerings to make Brisbane better. The Mount Coot-tha Botanic Gardens have operated creative night-time projects, installations and interactive artworks previously, such as the *Botanica: Contemporary Art Outside* which occurs annually.

With reference to the *Brisbane City Plan 2014* ('City Plan'), the subject site is located within the OS1 Open space (Local), OS2 Open space (District) and the OS3 Open space (Metropolitan) zones. In accordance with Table 5.5.12 of the City Plan, a Tourist attraction use is not listed therefore the application is triggered to Impact assessment.

This report provides a detailed assessment of the proposed development against the applicable assessment benchmarks of the City Plan (being the applicable local categorising instrument) and finds that the proposal is compliant. Whilst some Alternative Solutions are proposed in place of Acceptable Outcomes, it has been demonstrated how the proposed development complies with relevant Performance Outcomes and/or Overall Outcomes of the applicable codes (refer to Section 6).

This report also addresses the statutory requirements of the *Planning Act 2016* (Planning Act) and associated *Planning Regulation 2017* (Planning Regulation), as well as the applicable assessment benchmarks stated in the *South East Queensland Regional Plan* (Regional Plan) and *State Planning Policy* (SPP) 2017 and finds that the proposal is compliant (refer to Section 5).

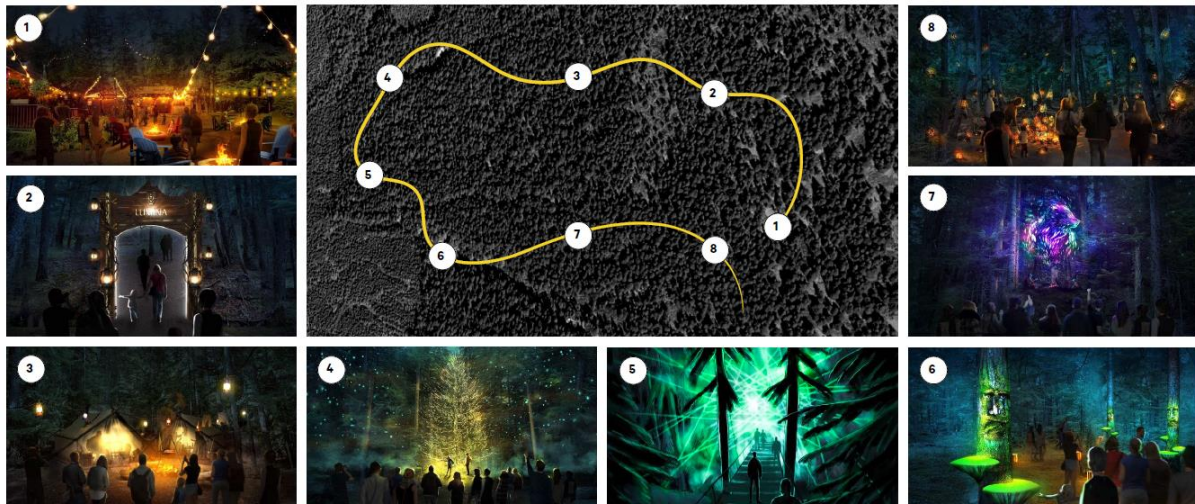
For the reasons outlined in this report, the development warrants Council's favourable decision, subject to reasonable and relevant conditions.

## 1.2 Light Dreaming Pty Ltd

The Applicant, Light Dreaming Pty Ltd, is an Australian company who will commercially deliver the Lumina Night Walks – as designed and produced by Moment Factory (a Montreal based company). Lumina Night Walks transform outdoor sites to create world-class light and sound shows for storytelling. This has been undertaken successfully within local parks, national parks, zoos and heritage sites globally.

Within Australia, this immersive experience operates as 'Light Cycles' within the Adelaide Botanic Gardens. This Australian-first production transforms the Botanic Gardens' lush greenery with immersive technology to connect visitors to nature as part of an after-dark experience.

Further imagery and details are provided within the Lumina Night Walk Summary Presentation in **Attachment 6**. An example of the production and the different zone/station experiences included within the walk-through are provided below in **Figure 1**.



*Figure 1: Example of Zone/Station Experiences within a Lumina Night Walk Production (Source: Moment Factory)*

For more information, please refer to the below links:

Moment Factory – <https://momentfactory.com/home>

Botanica Lumina (Adelaide Botanic Gardens) – <https://www.youtube.com/watch?v=5wn1F8piCRU>

Lumina Series, Enchanted Night Walks – [https://www.youtube.com/watch?v=R85b\\_eKfKNM](https://www.youtube.com/watch?v=R85b_eKfKNM)

### 1.3 Application Attachments

This development application contains the following attachments:

**Attachment 1:** DA Form 1

**Attachment 2:** Owner's Consent

**Attachment 3:** Property Searches (Planning Scheme, and SARA)

**Attachment 4:** City Plan Code Responses

**Attachment 5:** Prelodgement Advice Meeting Minutes dated 6 April 2022

**Attachment 6:** Lumina Night Walks Summary Presentation

**Attachment 7:** Activity Area Plan prepared by Place Design Group

**Attachment 8:** Ecological Assessment Report prepared by 28 South Environmental

**Attachment 9:** Noise Impact Assessment prepared by Noise Measurement Services

**Attachment 10:** Traffic Impact Report prepared by Lambert & Rehbein

**Attachment 11:** Bushfire Emergency Management Plan prepared by Land and Environment Consulting

**Attachment 12:** Outdoor Lighting Impact Assessment prepared by WEBB Australia

Together these documents and the material they contain satisfy the properly made requirements detailed in Section 51 of the Planning Act.

## 2 Site Analysis

### 2.1 Site Characteristics

The subject land is located at 170 Mount Coot-tha Road (Anzac Park) and 152 Mount Coot-tha Road (Mount Coot-tha Botanic Gardens) (also known as 100 Dean Street, Toowong) and has a total area of 50.89ha.

An aerial photograph is provided in **Figure 2** below, with the subject site outlined in red. The approximate activity area location is identified in yellow below.



Figure 2: Subject Site (Source: SARA DA Mapping)

The subject site forms part of the broader the Mount Coot-tha Botanic Gardens, at its lowest point. The Botanical Gardens include 55ha of man-made manicured garden in an open space setting, comprising exotic landscaping works derived from exotic flora species from around the world. The Mount Coot-tha Botanic Gardens is currently open daily from 8am to 6pm in summer (September to March) and 8am to 5pm in winter (April to August).

The site:

- Comprises established lakes, walking tracks, picnic areas, playgrounds and other park facilities; and
- has road frontages to Centenary Motorway and Mount Coot-tha Road (with car parking entry from Mt Coot-tha Road).

A copy of the Mount Coot-tha Botanic Gardens Visitor Map is provided in **Figure 3** below providing further context of the subject site and its surrounds.





Figure 3: Botanical Gardens Mount Coot-tha Visitor Map (Source: BCC)

### 2.1.1 Display Area – Gardens Explorer Trail

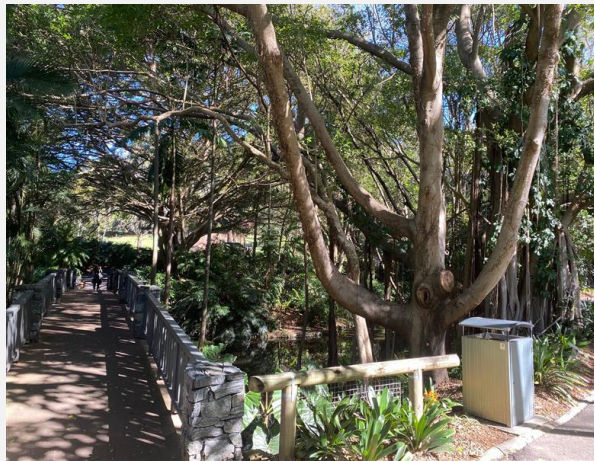
The specific part of the site proposed to be utilised for the Lumina Night Walk will be the centrally located along the Gardens Explorer Trail. The Gardens Explorer Trail is the primary walking path and main attraction area of the Botanical Gardens, displaying a collection of various flora, which is usually viewed by an estimated 30 minute walking tour. The Gardens Explorer Trail is further defined by the Ring Road, Café, Tropical Display Dome and car parking areas to the east.

The Gardens Explorer Trail was planted within the early 1970s, comprising of a man-made setting and not comparable to the remnant native vegetation within the surrounding Mount Coot-tha area. The area includes man-made drainage features, comprising of artificial ponds, waterways and retaining walls which creates a permanent water source.

Refer to figures in **Table 4** below for relevant site photos of the proposed activity area and display location of the Lumina Night Walk.



Table 4: Site photos from Botanical Gardens Activity Area





## 2.2 Surrounding Area

The subject site is a 15-minute drive west of the Brisbane CBD and is surrounded by a mixture of urban development, the major highway and parklands. The Mount Coot-tha Botanical Gardens are specifically bound by Mount Coot-tha Road, the Western Freeway and the Mount Coot-tha Quarry.

The subject site adjoins the residential suburb of Toowong. The closest residential areas of this suburb are primarily to the north and north-east of the subject site, which are favourably buffered with existing vegetation along Mount Coot-tha Road. With higher topography, this particular residential area on the northern side of Mount Coot-tha Road has views over the Mount Coot-tha Botanic Gardens, surrounding vegetative buffers, the Reserve and beyond.

Imagery of the subject site (outlined in red) and the surrounding area is provided below in **Figure 4**. The approximate proposed activity area is identified in yellow.

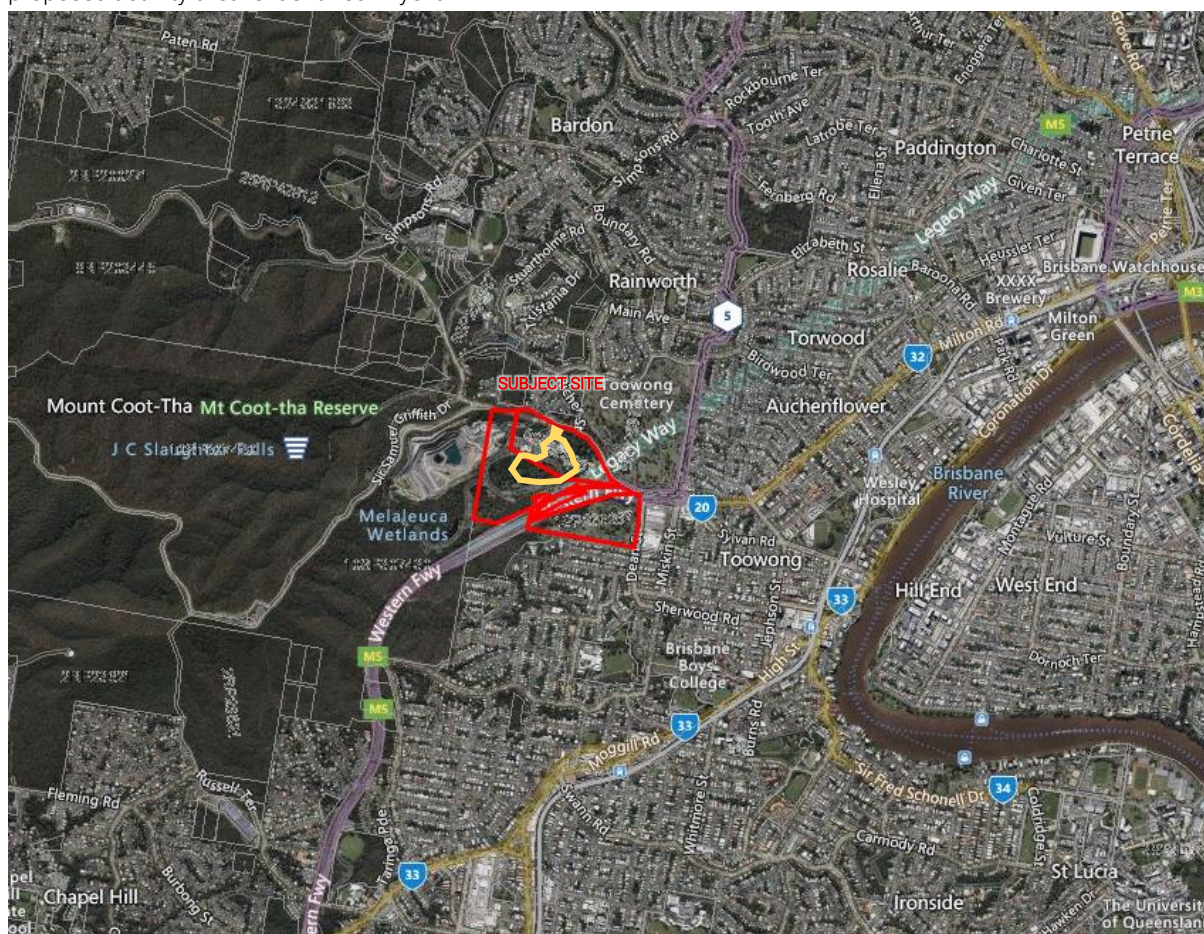


Figure 4: Surrounding Area (Source: SARA DA Mapping)

Table 5 below provides an overview of the surrounding area:

Table 5: Surrounding Area	
North, North East	Immediately north of the site is low density residential housing (separation of 200m), Community facilities (Toowong Cemetery) and the nearby suburbs of Bardon and Paddington
South	Riverside suburb of Toowong (1km separation from the site), localities of Taringa and Indooroopilly
East, South East	Character residential (infill housing) (1km separation from the site), Special purpose (Utility services), Brisbane River and the riverside suburbs of West End, Highgate Hill and South Brisbane
West	Conservation (Metropolitan) – Mount Coot-tha Reserve

## 3 Proposed Development

This development application seeks approval for a Development Permit for a Material Change of Use (Impact Assessment) for an Environment facility and Tourist attraction. The proposed development seeks to establish a 'Lumina Night Walk' within the Brisbane Botanic Gardens at Mount Coot-tha. The following section includes detail and an overview of the development, including key technical matters that have been considered in relation to site context and constraints.

### 3.1 Overview of Development

The Lumina Night Walk experience is a visual and sound storytelling production, seeking to educate visitors to the attraction on culture, fauna and flora by lighting up the environmental values of the area after-hours. Visitors to the attraction can purchase tickets to the hour long experience, and walk through the eight (8) environmentally considerate visual/sound stations within the identified activity area of the Mount Coot-tha Botanic Gardens Explorer Trail, via an existing 2-metre-wide and 1km long walking trail.

The Gardens Explorer Trail has been determined as an appropriate location for the proposed display due to its more formalised setting, already improved by a loop pathway adjacent planting and open space areas. The display area does not impact upon any native fauna and natural drainage features, but rather is proposed to be sited amongst a lesser quality of habitat amenity within the man made environment inclusive of endemic fauna to minimise environmental harm. No vegetation will be removed to establish the proposed display, emphasising the cohesive blend of technology and nature that will elevate the visitor experience.

The detailed visual and sound design parameters of the Lumina Night Walk will be prepared in accordance with the recommendations and limitations within the prepared technical reports to ensure no adverse amenity or ecological impacts. Refer to further details within Section 4 and the associated specialist reports in the Attachments.

### 3.2 Key Development Parameters

The key development parameters are outlined below in **Table 6**.

Table 6: Key Development Parameters	
<b>Proposed Use</b>	Environment facility and Tourist attraction.
<b>Attraction Use Area</b>	4512m <sup>2</sup> inclusive of 8 areas (approximately 314m <sup>2</sup> in size) connected to each other via a 1km long walking trail (approximately 2 metres wide).
<b>Operational Overview</b>	<ul style="list-style-type: none"> <li>- Four (4) to Six (6) ticketed sessions to run over the course of the operational hour period.</li> <li>- Each of the above sessions has capacity for 600 patrons.</li> <li>- Each session ranges from 50minutes to 60-minute period, beginning every 10 minutes in waves.</li> <li>- Each wave within a session can include up to 100 people.</li> </ul>
<b>Operational Days and Hours</b>	Operations to occur for a total of 150 days per year across. Hours of operation will vary dependant on the season and daylight hours, approximately 6.00pm – 11.00pm Monday to Sunday (inc. public holidays).
<b>Maximum Visitors/Guests</b>	Approximately 2400 max patrons per night.



<b>Maximum Staffing Requirements</b>	<p>Approximately 17 staff members during an operational evening including:</p> <ul style="list-style-type: none"> <li>- Two (2) people checking tickets on the door,</li> <li>- Two (2) AV technicians</li> <li>- Eight (8) tour guides</li> <li>- Four (4) carpark and traffic staff</li> <li>- One (1) supervisor</li> <li>- One (1) / two (2) bus shuttle bus drivers as required</li> </ul>															
<b>Car Parking and Access</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0e0e0;"> <th style="text-align: left;">Parking Area</th> <th style="text-align: left;">Access via</th> <th style="text-align: left;">Carparking Availability</th> </tr> </thead> <tbody> <tr> <td>Parking Area #1 (on site)</td> <td>Mount Coot-Tha Road</td> <td>184 Visitor Parking Spaces</td> </tr> <tr> <td>Overflow Parking Area #2 (off site)</td> <td>Mount Coot-Tha Scenic Drive</td> <td>164 Visitor Parking Spaces</td> </tr> <tr> <td>Overflow Parking Area #3 (off site)</td> <td>Sir Samuel Griffith Scenic Drive</td> <td>40 Parking Spaces (incl. Staff)</td> </tr> <tr style="background-color: #e0e0e0;"> <td colspan="3" style="text-align: center;"><b>Total Parking: 349 Visitor Parking Spaces + 40 Overflow (incl. Staff) Spaces</b></td> </tr> </tbody> </table>	Parking Area	Access via	Carparking Availability	Parking Area #1 (on site)	Mount Coot-Tha Road	184 Visitor Parking Spaces	Overflow Parking Area #2 (off site)	Mount Coot-Tha Scenic Drive	164 Visitor Parking Spaces	Overflow Parking Area #3 (off site)	Sir Samuel Griffith Scenic Drive	40 Parking Spaces (incl. Staff)	<b>Total Parking: 349 Visitor Parking Spaces + 40 Overflow (incl. Staff) Spaces</b>		
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<b>Facilities</b>	<ul style="list-style-type: none"> <li>- Patrons will utilise existing three (3) public toilets at the site located within the Planetarium and Office.</li> <li>- The Planetarium does not form part of the subject application and will not be accessible to Lumina Night Walk visitors unless the Planetarium operators choose to open for a separate event.</li> </ul>															

A Lumina Night Walk Activity Area Plan is provided below in **Figure 5**. This plan identifies the existing tracks, as well as the key activity area, ticketing location and lumina track for the proposal.



Figure 5: Activity Area Plan (Source: Place Design Group)



## 4 Specialist Reports

To assist in the assessment of this application and the subsequent operational parameters, the following specialist reports have been prepared in support of the proposed development and are summarised below:

- Ecological Assessment Report prepared by 28 South Environmental (**Attachment 8**)
- Noise Impact Assessment prepared by Noise Measurement Services (**Attachment 9**)
- Transport Impact Assessment prepared by Lambert & Rehbein (**Attachment 10**)
- Bushfire Emergency Management Plan prepared by Land and Environment Consultants (**Attachment 11**)
- Outdoor Lighting Impact Assessment prepared by WEBB Australia (**Attachment 12**)

The specialist reports have been prepared to respond to and mitigate any potential impacts from lighting and noise on the surrounding ecology and sensitive residential noise receivers which will inform the detailed design of the project.

### 4.1 Ecological Assessment Report

An Ecological Assessment Report prepared by 28 South Environmental involved an in-field and desktop assessment to guide and assess the location of the Lumina Night Walk display. The Report indicated that the proposal will not result in a significant impact to the statutory Matters of National, State or Local Environmental Significance. This is resultant of the proposal maintaining the recommendations detailed within the Report, which include

- Locating the display in a manicured garden comprising of artificial ponds, waterfalls and exotic plantings;
- No proposal to physically remove trees, and pruning be kept at a minimum and completed under the approval and supervision of the Mount Coot-tha Botanic Gardens Curators;
- No proposal to construct new footpaths or infrastructure; and
- Operating for a short time of the nocturnal periods of the year, front ended to the early evening and at a maximum operational period of approximately 9.84% of the night period across the year.

The recommendations of the Ecological Assessment Report should be conditioned by Council as part of the development approval to appropriately mitigate any ecological impacts as a result of the proposed operation.

### 4.2 Noise Impact Assessment

A Noise Impact Assessment prepared by Noise Measurement Services concludes the following:

- Subject to the considerations as presented in this Report, it is then opinion of this consultancy that the proposed development can meet the requirements of the Brisbane City Plan 2014, and be otherwise compliant with relevant regulatory requirements;
- The site is well buffered from noise sensitive areas (i.e. adjacent residential areas), with a buffer distance of approximately 225m from the designated walking track; and
- Subject to controls on the amplification systems, noise emissions are forecast to meet criteria at all receivers during the proposed hours of operation.

From this, it is recommended that acoustic testing be conducted once installation is complete to calibrate amplification systems to ensure compliance with criteria. Calculations predict compliance at all receivers assuming levels of 85 dB(A) at 1m, although higher levels may be compliant depending on the source material music/soundscapes.

The recommendations of the Noise Impact Assessment should be conditioned by Council to ensure that the proposed development is designed to comply with the noise criteria and that noise emissions to nearby sensitive receivers are appropriately mitigated.

### 4.3 Traffic Impact Report

A Traffic Impact Report prepared by Lambert & Rehbein concludes the following:

- The proposed parking arrangement to accommodate visitors to the attraction is considered to be an acceptable volume of parking spaces for the anticipated arrival and departure flow of vehicles; and
- Given the volume of anticipated traffic as a result of the use, the development is considered to have negligible impact on the surrounding road network.

This is supported by a Traffic Management Plan Framework that has been developed to assist with the implementation of 'Lumina Night Walks' into Brisbane Botanic Gardens Mount Coot-tha and provide an indicative structure to the management of the pedestrian and vehicular movements associated with this event. This report establishes the framework for the future the preparation of the Traffic Management Plan prior the commencement of the use.

The Traffic Management Framework should be conditioned by Council to ensure the on-going management and efficiency of traffic flow and parking for the duration of the event.

### 4.4 Bushfire Emergency Management Plan

A Bushfire Emergency Management Plan has been prepared by Land and Environment Consultants. The subject site is located within the Bushfire overlay and the Bushfire Hazard Area in the State's Interests for Hazards, Risk and Resilience. The Plan has been prepared in response to Council's advice during the pre-lodgement meeting. This includes:

- A description of how the Plan was developed;
- Bushfire hazard characteristics of the site;
- Primary actions in the event of an unplanned bushfire;
- Provisions for sheltering within the site and site evacuation;
- Actions for different stages of a bushfire emergency; and
- Bushfire Emergency Management Plan training and testing requirements.

The Bushfire Emergency Management Plan should be conditioned by Council to ensure the safety and efficient emergency responsiveness at the subject site.

### 4.5 Outdoor Lighting Impact Assessment

An Outdoor Lighting Impact Assessment has been prepared by WEBB Australia. With the assessment, three (3) scenarios were provided by the designers as typical installations for consideration. The lighting impact was assessed against the worst-case scenario (Scenario 1). The proposed Lighting will be able to comply with the requirements of AS/NZS 4282:2019 for a Zone A2 environment under operation during curfew hours - refer Section 4 and 5 of this report. For the proposed design, the following design controls must be met in order to achieve compliance:

- Design is undertaken to comply with the requirements of AS/NZS 4282;
- Direct sighting of fittings is check during design; and
- Testing is undertaken of the Illuminance levels confirming compliance.

The recommendations of the Outdoor Lighting Impact Assessment should be conditioned by Council as part of the development approval. This will ensure that the future detailed lighting design of the production complies with the recommended controls and requirements

## 5 State Assessment

### 5.1 Planning Act 2016

This section provides an overview of the legislative context of the application under the provisions of the Planning Act and associated Planning Regulation 2017 (Planning Regulation). The Planning Act is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments.

The Planning Act establishes the current development assessment framework, by which the Brisbane City Council Local Government Area (and State agencies in particular circumstances) assess and make decisions on development applications.

Pursuant to the provisions of the Planning Act, the proposal involves ‘*carrying out building work; or plumbing or drainage work; or operational work; or reconfiguring a lot; or making material change of use of premises*’ and therefore constitutes ‘development’.

The Brisbane City Council City Plan is the local categorising instrument and categorises the proposed development as Impact Assessable, and is to be assessed in accordance with Section 45(5) of the Planning Act (refer to below). Therefore, the application requires public notification in this instance.

According to Section 45(5) of the Planning Act:

- “(5) An impact assessment is an assessment that—*
- a) must be carried out—*
    - i. against the assessment benchmarks in a categorising instrument for the development; and*
    - ii. having regard to any matters prescribed by regulation for this subparagraph; and*
  - b) may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.”*

### 5.2 Planning Regulation 2017

The Planning Regulation outlines the mechanism for the operation of the Planning Act.

Assessment benchmarks are described in Section 30 of the Planning Regulation:

- “(1) For section 45(5)(a)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—*
- a) the assessment benchmarks stated in—*
    - i. the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - ii. the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - iii. a temporary State planning policy applying to the premises;*

*b) if the development is not in a local government area—any local planning instrument for a local government area that may be materially affected by the development;*

*c) if the local government is an infrastructure provider—the local government’s LGIP*

*(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 31 of the Regulation describes the matters impact assessment must have regard to generally:

*“For section 45(5)(a)(ii) of the Act, the impact assessment must be carried out having regard to—*

*(a) the matters stated in schedules 9 and 10 for the development; and*

*(b) if the prescribed assessment manager is the chief executive—*

*(i) the strategic outcomes for the local government area stated in the planning scheme; and*

*(ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and*

*(iii) the strategic intent and desired regional outcomes stated in the regional plan for a region; and*

*(iv) the State Planning Policy, parts C and D; and*

*(v) for premises designated by the Minister—the designation for the premises; and*

*(c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*

*(d) if the prescribed assessment manager is a person other than the chief executive—*

*(i) the regional plan for a region; and*

*(ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

*(iii) for designated premises—the designation for the premises; and*

*(e) any temporary State planning policy applying to the premises; and*

*(f) any development approval for, and any lawful use of, the premises or adjacent premises; and*

*(g) the common material.*

*(2) However—*

*(a) an assessment manager may, in assessing development requiring impact assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*

*(b) if an assessment manager is required to carry out impact assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

The assessment manager for this development application is the Brisbane City Council. The following sections include an assessment of the proposal against the relevant State Government planning instruments, legislative requirements and the Brisbane City Council City Plan.



## 5.1 South East Queensland Regional Plan 2017

The South East Queensland Regional Plan (SEQRP) 2017 'Shaping SEQ' was given effect on Friday 11 August 2017 to replace the SEQRP. Shaping SEQ sets out a 25-year strategy to manage growth to 2041 and a 50-year vision to guide development through to 2066. The vision of the SEQRP is underpinned by five key themes, being Grow, Prosper, Connect, Sustain and Live.

Under the SEQRP, the subject site is situated within the Urban Footprint, which in Shaping SEQ is the land required to meet the region's urban development needs through to 2041 (refer to **Figure 7**).

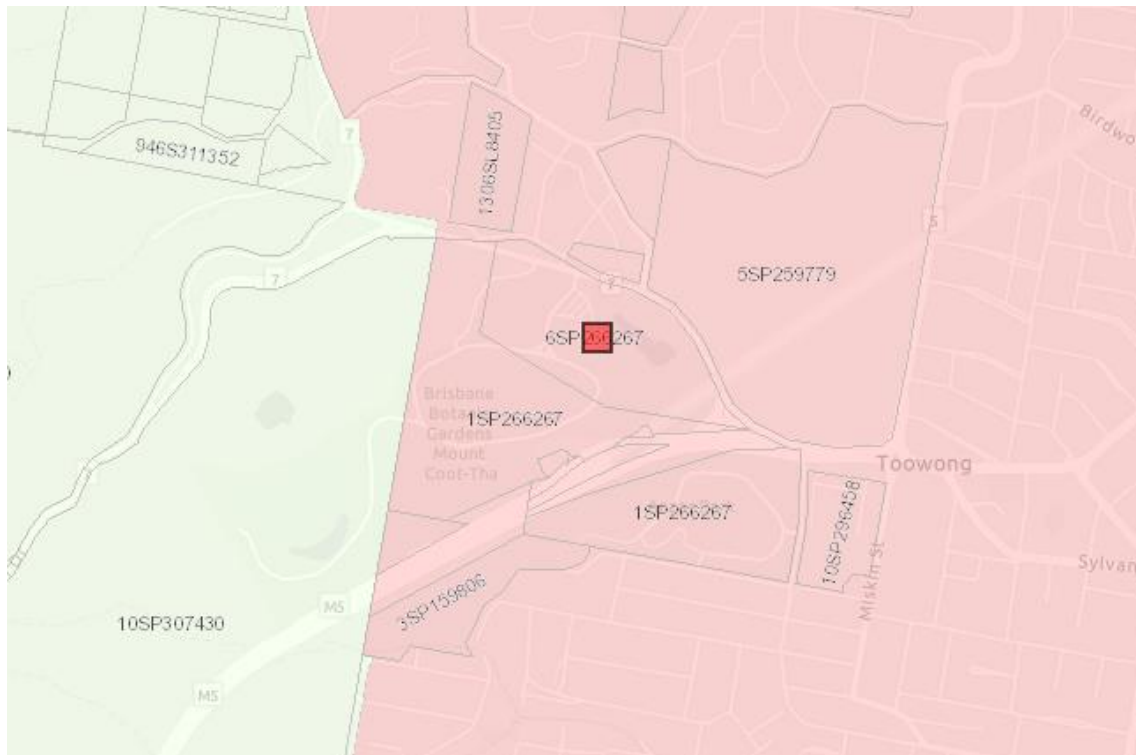


Figure 7: Extract from mapping for ShapingSEQ – Urban Footprint Designation

The Urban Footprint promotes a compact settlement pattern and seeks to consolidate urban development within established communities. The area incorporates the full range of urban uses including housing, industry, business, infrastructure, community facilities and other integral components of well-planned urban environments, such as local areas for sport and recreation and urban open space. The proposed development is considered to be consistent with the intent of Shaping SEQ, as further detailed herein.

ShapingSEQ states that land in the Urban Footprint may be unsuitable for urban purposes for other reasons including constraints such as flooding, land slope and scenic amenity, and the need to protect significant vegetation, which may include matters of national environmental significance and parts of the regional biodiversity network.

The proposal supports and complies with the strategic direction and approach to development within South East Queensland, specifically supporting the establishment of new business and economic growth within the urban area, and supporting growth of the tourism sector.

## 6 Local Planning Framework

### 6.1 Local Categorising Instrument

The *Brisbane City Plan 2014*, version 24 (the 'City Plan') (effect 27 May 2022) is the current planning scheme relevant to the site. The provisions of the City Plan relevant to the proposed development are identified and addressed in the following sections of this report.

### 6.2 Defined Land Use

The proposed development will involve an Environment facility and Tourist attraction use, which is defined in Schedule 1 Use definitions of the City Plan, as outlined below in **Table 7**.

Use	Definition	Examples include	Examples do not include
Environment facility	<p><i>Environment facility</i>—</p> <p>a. means the use of premises for a facility for the appreciation, conservation or interpretation of an area of cultural, environmental or heritage value; but</p> <p>b. does not include the use of premises to provide accommodation for tourists and travellers.</p>	Nature-based attractions, walking tracks, seating, shelters, boardwalks, observation decks, bird hides	-
Tourist attraction	<p><i>Tourist attraction</i> means the use of premises for—</p> <p>a. providing entertainment to, or a recreation facility for, the general public; or</p> <p>b. preparing and selling food and drink for consumption on the premises, if the use is ancillary to the use in paragraph (a).</p>	Theme park, zoo	Hotel, major sport, recreation and entertainment facility, nightclub entertainment facility

### 6.3 Category of Assessment and Benchmarks

The City Plan identifies the category of assessment for assessable development. The subject site is designated within the following precincts of the zone (see **Figure 8**):

- OS1 Open space (Local)
- OS2 Open space (District)
- OS3 Open space (Metropolitan)



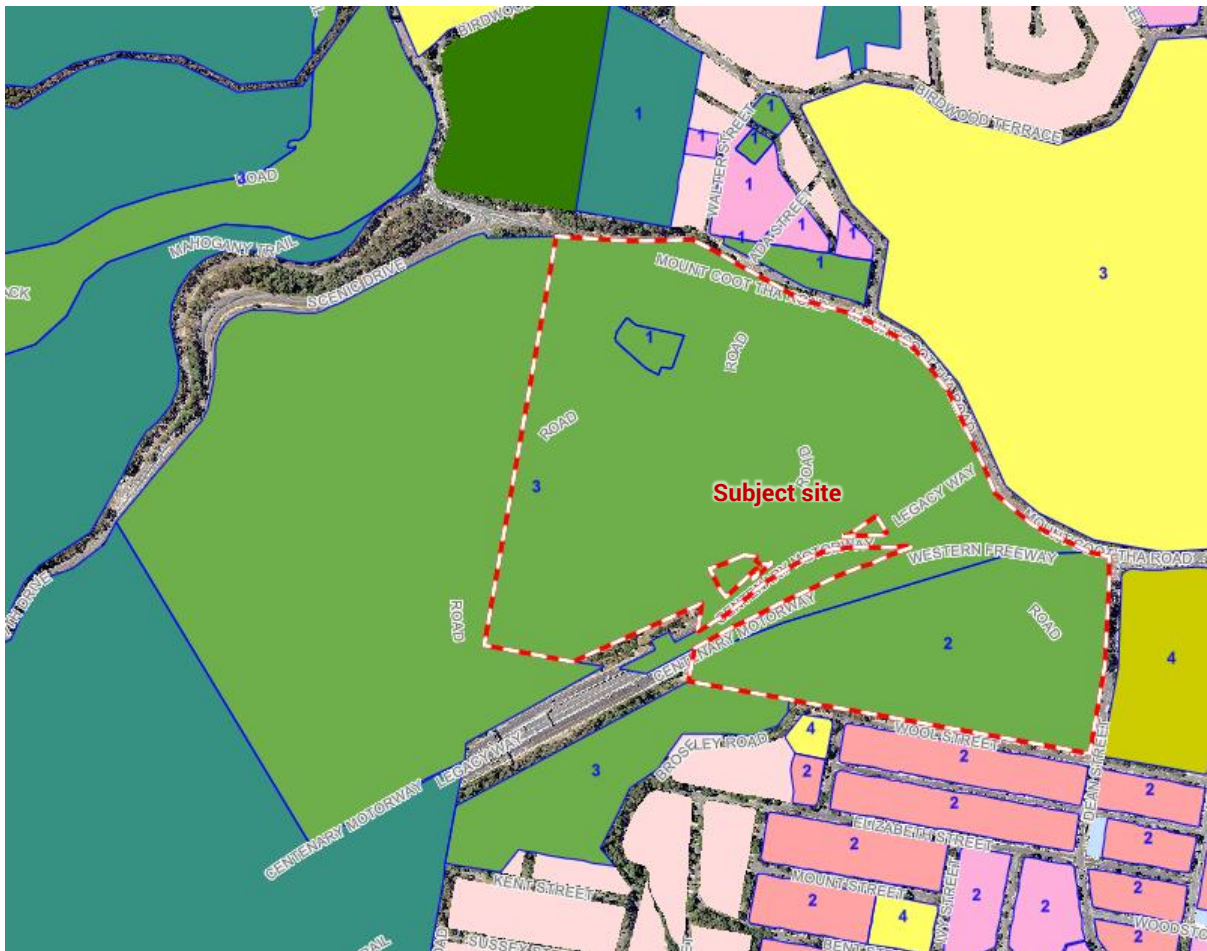


Figure 8: Extract from mapping for Brisbane City Plan – Zoning Map

Pursuant to Table 5.5.12 – Open space zone, the proposed Environment facility use is provisionally identified as Accepted development, subject to compliance with identified requirements (if complying with all acceptable outcomes in the Park code) or Assessable development (Code assessment) if not complying with all acceptable outcomes in the Park code. However, the additional proposed Tourist attraction use is not listed within the table, therefore the proposal is triggered to an **Impact assessment**. This includes a public notification for a period of 15 business days, where Council are able to consider any properly made submissions when deciding the development application.

The relevant assessment benchmarks for a Material Change of Use (Impact assessment) for an Environment facility and Tourist attraction are identified within **Table 8** below.

Table 8: City Plan Assessment Benchmarks

<b>Planning Scheme</b>	Strategic Framework	
<b>Zone Code</b>	OS1 Open space (Local) OS2 Open space (District) OS3 Open space (Metropolitan)	
<b>Neighbourhood Plan</b>	Mt Cootha neighbourhood plan: Metropolitan tourist and visitor destination precinct – NPP-003  Toowong-Indooroopilly district neighbourhood plan – Part of site on the southern side of the Centenary Motorway. The subject proposal is not situated within this area.	
<b>Overlay Code</b>	Airport environs overlay Bicycle network overlay Biodiversity areas overlay Bushfire overlay Community purposes network overlay Critical infrastructure and movement network overlay Flood overlay Heritage overlay	Landslide overlay  Potential and actual acid sulfate soils overlay  Regional infrastructure corridor and substations overlay Road hierarchy overlay Streetscape hierarchy overlay Waterway corridors overlay
<b>Other Development Codes</b>	Outdoor lighting code Transport, access, parking and servicing code	

Detailed consideration to the extent relevant of each of the codes and assessment benchmarks is provided under the headings below. Full code template responses for applicable codes are provided in **Attachment 4**, or otherwise detailed throughout the following sections of this report.

## 6.4 Strategic Framework

The Strategic framework sets the policy direction for the planning scheme and forms the basis of ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

The proposal is subject to an Impact assessable application, therefore pursuant to the Planning Act is required to be assessed against with the provisions of the Strategic framework. As also noted above, the subject site is mapped within the Open Space zone, and the overall outcomes require the proposed development to be considered against specific aspects of the Strategic framework. The subject site is located within the:

- Greenspace and Rural neighbourhoods (within Greenspace system) (in Map SFM-001 and Map SFM-002); and
- Major Parks and Recreation, and the Conservation and Environmental Management and Biodiversity areas (in Map SFM-004).

Each of the five (5) key themes and applicable elements have been considered in the assessment of the proposal and include:

- Theme 1: Brisbane's globally competitive economy
- Theme 2: Brisbane's outstanding lifestyle

- Theme 3: Brisbane's clean and green leading environmental performance
- Theme 4: Brisbane's highly effective transport and infrastructure networks
- Theme 5: Brisbane's CityShape

#### 6.4.1 Theme 1: Brisbane's globally competitive economy

- Element 1.1 – Brisbane as a centre for global business

This strategic theme seeks strategic outcomes that support the continuation and strengthening of the City with a globally competitive economy. Overall, the proposal aligns with the strategic intent of the City Plan, and Theme 1 by contributing a unique lighting and sound experience within the State's premier subtropical Botanic Gardens. The proposal respects the local environmental values, while seeking to enhance the site's usability and potential beyond the existing operational hours. As a privately delivered project, this unique proposal has ample economic and social benefits that align with the envisioned cultural and creative direction of the city that align to its vision of being a globally competitive City. The proposed development involves no built-form and respects the scenic and greenspace amenity values (of the Greenspace System) that are essential to the city's liveability. This proposal will reinforce Brisbane's innovative potential by optimising the creative usability of the city's Botanic Gardens within the night-time economy. Similar to the delivery of the project in other cities around the world, the proposal will engage and educate the audience on the site-specific values and context of the Botanic Gardens.

#### 6.4.2 Theme 2: Brisbane's outstanding lifestyle

- Element 2.1 – Brisbane's identity
- Element 2.3 – Brisbane's healthy and safe communities
- Element 2.3 – Brisbane's community facilities, services, open space and recreation infrastructure

Strategic theme 2 seeks an outstanding lifestyle for Brisbane, which includes maintaining open space and mature urban vegetation to provide amenity and visual difference to the dominant City Centre. The proposal complies with the strategic outcomes of this theme by maintaining and enhancing the outdoor amenity value of the Botanic Gardens. The proposal does not jeopardise the outdoor lifestyle values of the site and will protect its use for socialising and outdoor activities.

Pursuant to the City Plan, the subject site is identified within the Bushfire overlay, Flood overlay and Potential acid sulfate soils overlay. The proposal considers these constraints and adopts a risk-management approach to identified hazards, with the proposal being suitably designed and constructed to tolerate, not worsen, and adapt to natural hazards.

The proposal seeks to diversify the after-hours use of the open space area, providing a visual and sound experience for patrons through an Environment facility and Tourist attraction at the site. The proposal celebrates the natural values of the site by educating patrons on the surrounding environmental and landscape values of the Mount Coot-tha Botanic Gardens. Overall, the proposal offers a unique experience within an optimal environmental location, while protecting the open space value of the site. The proposal is therefore compliant with L3.1.

The proposal offers Brisbane a new visual and sound attraction, therefore supporting arts and culture for the city. The subject site is located within the Metropolitan tourist and visitor destination precinct NPP-003 of the Mount Coot-tha neighbourhood plan. The overall outcomes of the neighbourhood plan for the Botanic Gardens can include the impact assessable use of a Tourist attraction – where it is a small-scale and low-impact development. Pursuant to Section 7.2.13.9 of the City Plan, outcomes include:

- *'interpretive and visitors facilities are provided to actively engage visitors in education and learning experiences, including sustainable living exhibitions and programs;*

In light of the above, the development is considered to be in accordance with the neighbourhood plan, by delivering an audio/visual learning experience and introduces no built form to the subject site. Therefore, the proposal echoes the planning scheme's strategic direction of supporting arts and cultural development, while ensuring the neighbourhood plan's overall outcomes for '*...providing options for learning and leisure*' (6a (i))' are maintained.

The proposal does not introduce any urban infrastructure. However, the proposal does not compromise the open spaces values of the subject site's zoning and will not result in any loss – demonstrating compliance with the intention of SO8.

### 6.4.3 Theme 3: Brisbane's clean and green leading environmental performance

Strategic theme 3 seeks to ensure the protection and integrity of Brisbane's Greenspace System. Pursuant to Schedule 2 of the City Plan, the subject site falls within this Greenspace System of the Strategic maps. The proposal aligns with the intent of this strategic theme and the relevant elements as detailed herein.

The proposed development protects the function and value of the site's positioning within the Botanic Gardens. The proposal will enhance the current recreational capacity and cultural value of the site by allowing patrons to interact with the area after the existing operational hours. The proposal protects the overall intent of the strategic theme and element, ensuring that the significance of the site as functional and valued greenspace for Brisbane is protected.

### 6.4.4 Theme 4: Brisbane's highly effective transport and infrastructure networks

- Element 4.1 – Brisbane's transport infrastructure networks
- Element 4.2 – Brisbane's other infrastructure networks
- Element 4.3 – Brisbane's coordinated infrastructure planning and delivery

The strategic theme seeks to ensure '*Brisbane is served by appropriate infrastructure...*', which includes strategic outcomes, aligned to the themes of Brisbane's:

- globally competitive economy;
- outstanding lifestyle; and
- clean and green leading environmental performance.

The proposal does not introduce any additional transport or infrastructure networks as part of the development. However, this theme has been considered in the context of both demonstrating compliance with the overall strategic intent and ensuring that the proposal can be efficiently serviced. This involves demonstrating that the proposal will mitigate any potential negative impacts to the surrounding transport network and that the existing functionality of the Botanic Gardens access arrangements will meet the anticipated demand of the proposal. With respect to this, a Traffic Assessment Report (see **Attachment 10**) has been prepared to demonstrate the suitability of the existing infrastructure on site and the surrounding area to accommodate the use.

In addition to the transport network, the proposal benefits from the existing infrastructure arrangements (ie. water, waste, energy and stormwater) of the Botanic Gardens which accommodates for high visitation and patronage at the site. Therefore, the proposed after-hours operation of the site will ensure the ongoing and effective infrastructural integrity of this Greenspace System as part of Brisbane's strategic intentions.

### 6.4.5 Theme 5: Brisbane's CityShape

- Element 5.6 – Brisbane's Greenspace System

Strategic theme 5 elevates Brisbane's emergence as a 'new world city' with key outcomes for the city's urban form and structure. Pursuant to Schedule 2 of the City Plan, the subject site is located within the Greenspace System of the Strategic maps, therefore the proposal intends to demonstrate compliance with the relevant Element 5.6 of the Strategic theme. The proposal is consistent with the Specific outcomes and Land use strategies, maintaining the values, functionality and values of the subject site. This ensures that Brisbane's Greenspace System is protected, valued and continues to support recreational pursuits. Introducing a visual/noise experience reinforces environmental and social connection within the Greenspace System. The proposal will ensure that any potential impacts to habitats, environmental values and ecosystem functions will be mitigated within the design to maintain and protect the site. Overall, the proposal will enhance the environmental identity for the city through a new interactive experience cultivating innovation and cultural richness within Brisbane's Greenspace System.

## 6.5 Open Space Zone Code

The subject site is located within the Open space zone code, specifically the following precincts: OS1 Open space (Local), OS2 Open space (District), and OS3 Open space (Metropolitan), as shown below in **Figure 9**.

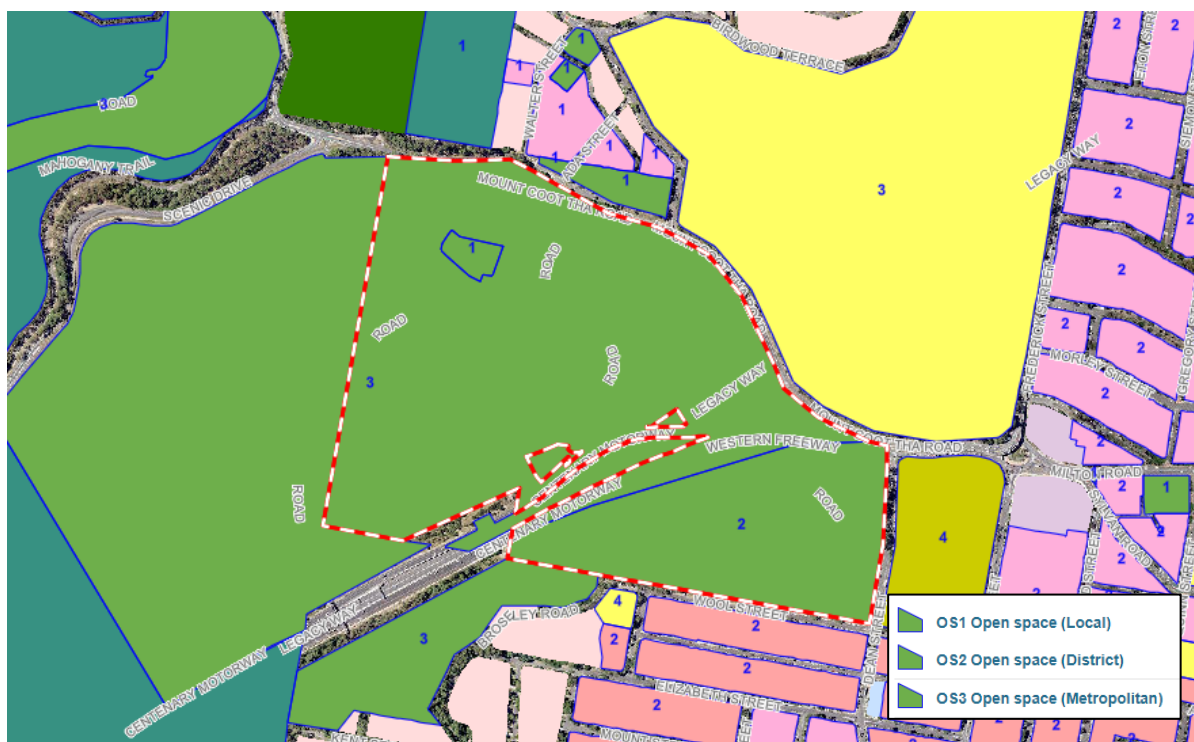


Figure 9: Subject Site Zoning (Source: Brisbane City Council City Plan 2014)

### 6.5.1 Zone Purpose

The purpose of the Open space zone code is to provide for:

- a. local, district and regional parks for the use of residents and visitors; and
- b. facilities and infrastructure that support, and are required by, users of the parks.

The proposal maintains the site's Open space values, continuing to support the area's use for residents and visitors. The proposal will benefit from the existing facilities and infrastructure at Mount Coot-tha Botanic Gardens, therefore ensuring the expected requirements of the park are fulfilled for locals and visitors.

## 6.5.2 Zone Overall Outcomes

The purpose of the Open space zone code is to be achieved through a range of overall outcomes. An assessment of the proposal against the overall outcomes for the zone is provided below in **Table 9** to demonstrate compliance.

**Table 9: Open Space Zone Code Overall Outcomes**

Development Location and Uses:	
Overall Outcome	Assessment
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.	<b>Complies</b> – The proposal does not inhibit the continued informal and casual use of the Botanic Gardens for recreational use and activities for the community and visitors, and further provides other opportunities to utilise the space outside of the Botanic gardens operational hours.
b. Development serves the recreational needs of Brisbane's residents, workers and visitors on a local, district and metropolitan scale.	<b>Complies</b> – The proposed development increases the site's recreational capacity beyond the existing hours of operation. This expands the site's opportunities for recreational visitation by locals and visitors.
c. Development tailors the nature and range of activities to the type of park, as shown in the zone precincts.	<b>Complies</b> – The proposed use of the Botanic Gardens is consistent with the overall outcomes of the three (3) zone precincts within Section 6.5.3. Refer to detailed consideration of use within each precinct in Section 6.6
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.	<b>Complies</b> – The proposed development involves an Environment facility use accessible to the general public. This maintains the outdoor activities at the site and supports further activities beyond the existing operational hours of the Mount Coot-tha Botanic Gardens.
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.	<b>Complies</b> – The proposed development does not involve any built form that will jeopardise the Open space zone qualities. The proposal ensures that the site will maintain its contribution to providing visual relief and an environmental retreat within Brisbane.
f. Development requiring permanent facilities is accommodated where it is located in a district- or metropolitan-scale park.	<b>Complies</b> – The proposed development does not involve permanent facilities and the equipment for the proposal will be packed down during the off-season.
g. Development provides for a wide range of informal and limited formal recreational, cultural and educational activities.	<b>Complies</b> – The proposed development includes displays
h. Development provides for open space qualities that are valued by residents to be maintained.	<b>Complies</b> – The proposal values and celebrates the open space qualities at the site and does not jeopardise their function and/or their value to nearby residents.



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.	Not applicable – The proposed development involves an Environment facility and Tourist attraction use.
j. Development provides park infrastructure, generally in accordance with recommendations for public park infrastructure embellishments in the Local government infrastructure plan.	Not applicable – The proposal does not involve park infrastructure.

Development Form:	
Overall Outcome	Assessment
a. Development minimises any adverse impact on surrounding land uses through appropriate location, site design and management.	<b>Complies</b> – The proposed development will minimise any potential adverse impacts to surrounding land uses through the recommendations of the relevant specialist reporting as provided within <b>Attachment 8 to Attachment 12</b> of this application package.
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.	<b>Complies</b> – The proposal will not compromise the existing flooding and drainage resilience at the site.
c. Development is designed to incorporate sustainable practices including water sensitive urban design.	Not applicable – The proposal is for a visual/sound experience within the existing Botanic Gardens setting. There is no built form proposed as part of this project, therefore the requirement of WSUD practices is not applicable.
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.	<b>Complies</b> – The proposal will utilise the existing transport infrastructure at the subject site. The operational hours of the proposal fall outside of the existing public opening hours of the Botanic Gardens, therefore the patronage is anticipated to be appropriately supported.  Further details are provided within the Transport Impact Assessment prepared by Lambert & Rehbein in <b>Attachment 10</b> .
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.	<b>Complies</b> – The proposed development will be designed to respond appropriately to the constraints of the site, including mitigating any adverse impacts to the environmental values of the Mount Coot-tha Botanic Gardens.

### 6.5.3 Zone Precincts

As the subject site is identified within the Local, District and Metropolitan precincts of the zone code, the overall outcomes include development that: *provides a park setting that will attract and cater for users from:*

- a local area (i.e. 1 suburb, area of approximately 750m radius);
- a district (i.e. 2 to 3 suburbs, area of approximately 3-5km radius); and

- across the Brisbane metropolitan area.'

The proposal maintains the existing park setting and enhances it to promote the after-hours use as a Tourist attraction and Environment facility. The project has seen successful within its delivery across various cities around the world, attracting patrons from the local area and beyond. Similarly, the proposal intends to leverage off the already renowned and premier Botanic Gardens to deliver a new night-time experience which can attract and cater for wide-ranging audience – aligning with the intentions of the three (3) different zone precincts.

## 6.6 Neighbourhood Plans

### 6.6.1 Mt Coot-tha Neighbourhood Plan Code

The Mt Coot-tha Neighbourhood Plan code applies to assessing a Material Change of Use in the Mt Coot-tha neighbourhood plan area. As seen below in **Figure 10**, part of the site is mapped within the Mt Coot-tha Neighbourhood Plan Code – specifically the Metropolitan tourist and visitor destination NPP-003.



Figure 10: Subject Site and the Applicable Neighbourhood Plan (Source: City Plan Interactive Mapping)

The overall outcomes of the Metropolitan tourist and visitor destination NPP-003 are:

- a. *Brisbane Botanic Gardens area:*
  - i. *This area provides visitor services and facilities that contribute to Brisbane's sustained prosperity and provide options for learning and leisure.*
  - ii. *Impact assessable uses that may be consistent with the outcomes sought, where **small-scale and low-impact** development, include:*
    - A. **tourist attraction**



The proposal is consistent with the overall outcomes of the Mt Coot-tha Neighbourhood Plan code through delivering a Tourist attraction activity and Environmental facility that is both small-scale and low-impact due to no built-form being required. The proposal maintains the existing facilities and usability of the Brisbane Botanic Gardens, enhancing the learning and leisure contributions that the site provides for the city.

No further Performance outcomes and acceptable outcomes apply to the subject site as it is not located within the 'Mt Coot-tha neighbourhood plan/NP-001' and is not located within a 'view significance area' or within a 'landscape improvement area'.

## 6.6.2 Toowong—Indooroopilly District Neighbourhood Plan Code

Part of site (southern side of the Centenary Highway and Western Freeway on-ramp) is subject to the Toowong – Indooroopilly District Neighbourhood Plan code, therefore the code is not consider to apply to this application. However, the proposal still demonstrates compliance with the overall outcomes of the code, ensuring the protection of the Mount Coot-tha ecological corridors and the protection of the existing walking and cycling infrastructure. As also intended within the code, the proposal will mitigate any potential traffic impacts on the surrounding network and residential areas (see the Traffic Impact Report prepared by Lambert & Rehbein in **Attachment 10** for further detail).

## 6.7 Other Development Codes

### 6.7.1 Outdoor Lighting Code

The Outdoor Lighting Code applies to assessing *'impact assessable development, to the extent relevant'*. The purpose of the code is to *'assess the suitability of outdoor lighting'*. Pursuant to the City Plan Schedule 1.2 Administrative Definitions, outdoor lighting is defined as *'any form of permanently installed lighting system whether internal or external which emits light that may have an impact beyond the site'*. The Outdoor Lighting Impact Assessment prepared by WEBB Australia is included as **Attachment 12** which demonstrates the proposal's compliance with the requirements of AS/NZS4282.

### 6.7.2 Transport, Access, Parking and Servicing Code

The Transport, access, parking and servicing code applies to assessing *'impact assessable development, to the extent relevant'*. The purpose of the code is to *'access the suitability of the transport, access, parking and servicing aspects of development'*. A full code response, to the extent relevant, is provided within the Transport Impact Assessment prepared by Lambert & Rehbein (see **Attachment 10**).

## 6.8 Overlay Codes

The City Plan Interactive Mapping identifies the subject site within a number of overlays. An assessment against each of the applicable overlay codes, to the extent relevant to the proposal, is provided below in **Table 10**.

Table 10: Overlay Codes


Overlay Code	Comment/Assessment
<p data-bbox="204 369 454 398">Airport environs overlay</p>  <p data-bbox="212 907 464 990"> <b>Airport environs overlay</b>  <span style="color: blue;">▭</span> Procedures for air navigation surfaces (PANS)  <span style="color: yellow;">▭</span> BBS zone - Distance from airport 8-13km         </p>	<p data-bbox="863 369 1390 510">The subject site is mapped within the procedures for air navigation surfaces (PANS) sub-category of the Airport environs overlay and the bird and bat strike (BBS) zone of the overlay.</p> <p data-bbox="863 521 1390 768">Advice from correspondence with Civil Aviation Safety Authority ('CASA') (refer Appendix A of the Outdoor Lighting Impact Assessment in <b>Attachment 12</b>) indicates that the proposal will not have any negative impacts to aircraft operations. The proposal will have no impact on the BBS requirements.</p> <p data-bbox="863 779 1390 884">A full code response for the Airport environs overlay code is provided within <b>Attachment 4</b> of this application package.</p>
<p data-bbox="204 1012 454 1041">Bicycle network overlay</p> 	<p data-bbox="863 1012 1390 1294">The subject site includes a Secondary cycle route located at the northern boundary and south of the Centenary Motorway, and a Local cycle route along part of the southern boundary edge. <i>'The overlay deals with the provision of bikeway infrastructure and facilities to encourage the safe and efficient movement of pedestrians and cyclists through the movement network.'</i></p> <p data-bbox="863 1305 1390 1447">The proposed development protects the cycle routes of the bicycle network mapped within the overlay, therefore is compliant with the requirements of the code.</p>

Table 10: Overlay Codes

Overlay Code	Comment/Assessment
<p>Biodiversity areas overlay</p>  <p><b>Biodiversity areas overlay</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #00FF00; margin-right: 5px;"></span> High ecological significance sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed #00FF00; margin-right: 5px;"></span> High ecological significance strategic sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #00FF00; margin-right: 5px;"></span> General ecological significance sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; margin-right: 5px;"></span> Matters of state environmental significance (MSES) sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid #90EE90; margin-right: 5px;"></span> Matters of state environmental significance (MSES) sub-category</li> </ul>	<p>The subject site includes High ecological significance sub-category and General ecological significance sub-category within the Biodiversity areas overlay. This mapping is located outside of the proposed activity zone, therefore does not comprise the ecological value of these areas.</p> <p>A full code response for the Biodiversity areas overlay code is provided within the Ecological Assessment Report prepared by 28 South Environmental in <b>Attachment 8</b>.</p>
<p>Bushfire overlay</p>  <p><b>Bushfire overlay</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #FF0000; margin-right: 5px;"></span> High hazard area sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #FFA500; margin-right: 5px;"></span> Medium hazard area sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed #FF0000; margin-right: 5px;"></span> High hazard buffer area sub-category</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed #FFA500; margin-right: 5px;"></span> Medium hazard buffer area sub-category</li> </ul>	<p>The subject site is mapped within the Bushfire overlay. A Bushfire Emergency Management Plan has been prepared by Land and Environment Consultants (see <b>Attachment 11</b>). The Plan indicates various stages, actions and triggers for the proposal to ensure appropriate preparation, response and recovery at the site.</p> <p>A full code response for the Bushfire overlay code is provided within <b>Attachment 4</b> of this application package.</p>



Table 10: Overlay Codes



Overlay Code	Comment/Assessment
<p data-bbox="204 371 609 398">Community purposes network overlay</p> 	<p data-bbox="861 371 1388 434">The subject site includes the following mapped sub-categories:</p> <ul data-bbox="893 450 1388 685" style="list-style-type: none"> <li>- Existing trunk park sub-category</li> <li>- Existing non-trunk park sub-category</li> <li>- Existing community facilities and land for community facilities sub-category</li> <li>- LGIP planned park upgrade specific location sub-category</li> </ul> <p data-bbox="861 701 1388 1055">The purpose of the code is to implement the policy direction of specific themes/elements of the Strategic framework and to ensure the suitability of development within the overlay. The proposal does not introduce any additional infrastructure and maintains the existing arrangements at the site. The proposal ensures that Community purposes are not compromised, therefore compliant with the requirements of the overlay code.</p>
<p data-bbox="204 1088 769 1115">Critical infrastructure and movement network overlay</p>  <div data-bbox="204 1628 564 1771" style="border: 1px solid black; padding: 5px;"> <p data-bbox="204 1628 517 1650"><b>Community purposes network overlay</b></p> <p data-bbox="204 1659 552 1709">--- Critical infrastructure and movement network overlay</p> <p data-bbox="204 1718 526 1767">- - - Critical infrastructure and movement planning area sub-category</p> </div>	<p data-bbox="861 1088 1388 1509">The subject site is wholly located within the Critical infrastructure and movement planning area sub-category. The purpose of the overlay code is to implement the policy direction of specific themes/elements of the Strategic framework and to ensure the suitability of development within the overlay. The proposal will consider all relevant access and evacuation needs at the site. Therefore, the proposal will not compromise the purpose and requirements of the Critical infrastructure and movement network overlay code</p>

Table 10: Overlay Codes



Overlay Code	Comment/Assessment
<p>Flood overlay</p>  <p><b>Flood overlay</b></p> <p><b>Overland flow flood planning area</b></p> <p>Overland flow flood planning area sub-category</p>	<p>The subject site includes overland flow planning area constraints. The purpose of the Flood overlay code is to implement the policy direction of specific themes/elements of the Strategic framework and ensure flood risk is minimised or mitigated. Due to the nature of the proposal, the development will not cultivate adverse impacts to property or the safety of people. Therefore, the proposal will not compromise the purpose and requirements of the Flood overlay code.</p>
<p>Heritage overlay</p>  <p><b>Heritage overlay</b></p> <p>Local heritage place sub-category</p>	<p>The subject site is mapped within the Local heritage place sub-category of the Heritage overlay. The proposal is compliant with the requirements of the code and will not damage or diminish the heritage of the site. The proposal will enhance the cultural heritage significance of the site and retain the mapped importance of the Local heritage area. Therefore, the proposal will not compromise the purpose and requirements of the Heritage overlay code.</p>



Table 10: Overlay Codes





Overlay Code	Comment/Assessment
<p>Landslide overlay</p> 	<p>There are minor Landslide overlay constraints at the site. The proposal involves no earthworks and will not compromise the suitability of the development within the overlay. This ensures that the proposal will not pose a risk or increase the risk of landslide at the subject site. Therefore, the proposal will not compromise the purpose and requirements of the Landslide overlay code</p>
<p>Potential and actual acid sulfate soils overlay</p>  <p><b>Potential and actual acid sulfate soils overlay</b></p> <ul style="list-style-type: none"> <li> Potential and actual acid sulfate soils sub-category</li> <li> Land above 5m AHD and below 20m AHD sub-category</li> </ul>	<p>The subject site is subject to Potential and actual acid sulfate soils. The proposal does not involve earthworks, therefore ensuring no disturbances or potential environmental harm from the development. Therefore, the proposal will not compromise the purpose and requirements of the overlay code</p>

Table 10: Overlay Codes


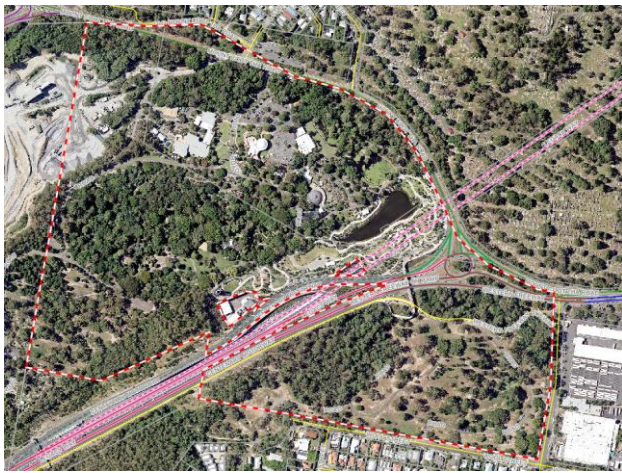



Overlay Code	Comment/Assessment
<p>Regional infrastructure corridors and substations overlay</p>  <p><b>Regional infrastructure corridors and substations overlay</b></p> <p>Major sub-surface transport infrastructure (Legacy Way)</p>	<p>The subject site is mapped within the Major sub-surface transport infrastructure (Legacy Way). The proposed development will not compromise the integrity, operation or maintenance of the sub-surface transport infrastructure. Refer to the Traffic Impact Report in <b>Attachment 10</b> for further detail.</p>
<p>Road hierarchy overlay</p> 	<p>The subject site is mapped within the Road hierarchy overlay, due to the site's frontage and access to roads identified on the map. The proposal does not compromise the safe and efficient operation of the road hierarchy. Refer to the Traffic Impact Report in <b>Attachment 10</b> for further detail.</p>



Table 10: Overlay Codes

Overlay Code	Comment/Assessment
<p>Streetscape hierarchy overlay</p> 	<p>The Streetscape hierarchy overlay applies to the subject site. The purpose of the code is to implement the specific Strategic framework themes/elements and ensure the suitability of the development within the overlay. The proposal does not involve any changes to the verge treatments or access arrangements at the site. Therefore, the proposal will not compromise the purpose and requirements of the overlay code.</p>
<p>Waterway corridors overlay code</p>  <p><b>Waterway corridors overlay</b></p> <p> Local waterway corridor sub-category</p>	<p>Part of the subject site is located within the Local waterway corridor sub-category of the Waterway corridors overlay.</p> <p>A code template response for the Waterway corridors overlay code is provided within the Ecological Assessment Report in <b>Attachment 8</b>.</p>



## 7 Other Relevant Matters

Section 45 of the Planning Act 2016 outlines the assessment matters for different categories of development. For an application subject to impact assessment, an assessment manager may carry out assessment against, or having regard to, relevant matters other than assessment benchmarks and matters prescribed by regulation.

Other relevant matters applicable to the assessment of the proposed development are outlined below:

### 7.1 Compliance with Planning Scheme Intent and Other City Strategic Documentation

The proposal aligns with the overall intent of the Planning Scheme, whereby the Council seeks to deliver planning outcomes pro-actively while respecting local values. The Council envisions Brisbane's future as a new world class city. The proposal celebrates the city's natural environment and the importance of the Greenspace System for the local community and tourism. The operation of the proposal ensures that the valued environmental characteristics of the Mount Coot-tha Botanic Gardens are maintained and protected. This supports the ongoing recreational and social benefits of the site, while evolving the site's economic development potential. The outstanding lifestyle associated with living in Brisbane will be demonstrated to visitors to the city.

The subject site's Open Space values will continue to provide open-air recreation, visual built-form relief and environmental experience for all users. The proposal will not compromise the safe operational capacity of the site, ensuring any potential traffic impacts are mitigated. Existing infrastructural networks will also benefit the proposal's accessibility, efficiency and safety.

The proposal intends on offering new employment opportunities, with flow on economic benefits to the locality and beyond. These benefits will support the economic growth of Brisbane and the region into the future. The proposal will demonstrate the city's ability to maximise and respond to its subtropical context and setting.

#### Lighting of Council Assets

The Council seeks to deliver opportunities that promote culture and vibrancy within the city. This proposal is the perfect opportunity to elevate the city's delivery of innovative and interactive experiences. As part of the 'Lighting of Council assets', the Council supports lighting up sites within the city. This can result in permits for assets that involve a significant local, state or national event that has benefits and is attractive for Brisbane residents. This can include events that attract 10,000 participants, which the proposal intends on exceeding. The proposal clearly aligns with this 'light up' intention of Council and will promote the envisioned creative and cultural direction of the city.

### 7.2 Community and Social Benefit

The proposed Lumina Night Walk is new innovative experience that provides entertainment, education and social engagement. The production is delivered in a visual and audio format through a universal design language that speaks to all audiences. This ensures that the experience can be enjoyed by all ages and attracts a wide-ranging audience – from local Brisbane residents to international patrons. A visual and audio experience includes all audiences within the nightlife of Brisbane.

The story development of the Lumina Night Walk production will be prepared in close consultation with Council and where applicable, Council's Brisbane Botanic Gardens' staff. The development can also involve collaboration potential with the local community. Past productions have seen success through this, developing an experience that elevates the local culture and identity of the area.

### 7.3 Environmentally Considerate

Moment Factory and Light Dreaming have experience in developing the proposed experience within a range of site types – such as parks, zoos, heritage sites, national parks and botanic gardens. The Applicant has Australian experience with the delivery in Adelaide within a Botanic Gardens context. This previous experience and the adoption of environmental monitoring efforts through similar operations will benefit the operational integrity of this particular proposal. Similar productions have created unique environmental experiences through sustainable and low-impact installations that respect the site's natural context and cultural heritage of the site. This treatment involves installations that will seamlessly integrate within the natural beauty of the site and invisible within the site's day-time operations. Low invasive techniques have been used in previous set-ups to secure the installation elements to trees. The proposal will also achieve carbon neutral outcomes through the use of solar power and renewable energy solutions at the site.

The Ecological Assessment Report prepared by 28 South Environmental outlines the ecological value and environmental context of the site (refer to **Attachment 8**). The report considers that the proposal is unlikely to result in a significant direct or indirect impact to any conservation significant species of local resident fauna at the site. The recommendations formulated through the in-field assessment and analysis of the site's habitats and vegetation will be considered within the future detailed design of the experience.

As outlined within this Town Planning Assessment Report, the proposal benefits from the existing footpaths and infrastructure at the Mount Coot-tha Botanic Gardens. Therefore, the proposal does not require any construction or built form to facilitate the experience. Overall, the proposal seeks to enhance the night-time environmental experience of Brisbane's premier sub-tropical gardens. This is a unique proposition which promotes environmental sensitivity and consideration at the core of its production – blending technology and nature.

### 7.4 Economic Benefit

The proposal has significant economic benefits for the local area, wider Brisbane and the region. The proposal will activate the night-time economy of the site, enhancing the under-utilised potential of site. With appropriate infrastructure already in-place for the operational hours, it is considered the perfect economic opportunity to maximise operations. Activating the Mount Coot-tha Botanic Gardens after-hours establishes a secondary identity as a destination. It is anticipated that locals familiar with the site will have a reignited interest and reason to visit because of this unique new drawcard. The visual aesthetic of the production will promote and attract people to purchase tickets and attend the event.

Previous operation experience has demonstrated the benefits to regional economic offsets as a result of the operation. Within the municipality of Coaticook, Canada, an overall economic benefits measurement was developed from the Lumina Night Walk experience. The study revealed an increase in tourists to the region (+80%), an increase in restaurant patronage (+200%), an increase in hotel occupancy (+100%), and an increase in patronage at other regional attractions (+30%). This demonstrates the potential benefits of the operation on the immediate Brisbane area and wider regional area, with flow on tourism spending contributions.

Local jobs will be created as a result of the proposal's requirements for installation and operation. Jobs will include box office attendants at the site, traffic management officials and technicians for the successful operation of the project.

Overall, the proposal is a competitive new offering to brand, differentiate and promote the location, with economic benefits for Brisbane and the region.

## 8 Conclusion

This Town Planning Assessment Report has been prepared on behalf of Light Dreaming (the Applicant) in relation to a Development Application seeking a Development Permit for a Material Change of Use (Impact assessment) for Environment facility and Tourist attraction at 170 and 152 Mt Coot-tha Road, Mt Coot-tha (Lot 1 on SP266267 and Lot 6 on SP266267).

The proposed development is intended to provide a Lumina Night Walk experience for the purpose of interacting and improving the community and visitors' knowledge of the City's natural environment. This is a unique opportunity for Brisbane to enhance the use of existing Council assets while respecting and celebrating the natural values of the Mount Coot-tha area. The Council envisions Brisbane's future as a new world class city. The proposal will provide significant social and economic contributions to Brisbane. It is anticipated to attract over 250,000 people annually, enhancing the environmental tourism sector and create local jobs for the city.

The proposal has been assessed against the relevant statutory benchmarks required for an Impact assessable development application. This report demonstrates how the proposed development is compliant with applicable assessment benchmarks of the City Plan (being the applicable local categorising instrument). Whilst some Alternative Solutions are proposed in place of Acceptable Outcomes, it has been demonstrated how the proposed development complies with relevant Performance Outcomes and/or Overall Outcomes of the applicable codes. On this basis, it is requested that Council approve this development application, subject to reasonable and relevant conditions.