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27 November 2020

Matthew Watt
Brisbane City Council
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Via email: edaeast@brisbane.qld.gov.au

Dear Matthew,

# RESPONSE TO INFORMATION REQUEST - DEVELOPMENT APPLICATION FOR MULTIPLE DWELLINGS, RECONFIGURATION OF LOTS AND OPERATIONAL WORKS ON THE SITE COMMONLY REFERRED TO AS 108 LAMBERT STREET, KANGAROO POINT (COUNCIL REFERENCE: A005542190)

In accordance with Section 13.2 of the *Development Assessment Rules* and on behalf of *Main Street Projects Pty Ltd*, please find herein a full response to the information request issued by Council on 23 October 2020 for the abovementioned development application seeking approval of a Development Permit for a Multiple Dwelling, a Development Permit for Reconfiguring Lots and a Preliminary Approval for Operational Works on the site at 94, 98, 102, 102A, 104, 106 and 108 Lambert Street and 46 O'Connell Street, Kangaroo Point (Council Reference: A005542190).

This response is accompanied by the following supporting information:

**Attachment 1**: Amended architectural package prepared by Kris Kowalski Architects (3D modelling also provided to Council electronically);

**Attachment 2**: Response to Traffic Engineering Issues letter prepared by Q Traffic; and

**Attachment 3**: Preliminary Construction Management Plan prepared by Gleeds Australia (East) Pty Ltd.

Each item from Council's information request letter has been replicated below (*in italics*), and a response provided for each item.

## 1. BUILT FORM

*The proposal seeks performance outcomes for side boundary setbacks for Tower 1 and Tower 2, where not achieving a minimum side boundary setback of 6m to wall per AO3.1 of the Kangaroo Point Peninsula neighbourhood plan code.*

*Performance outcomes are also sought for building separation, where the proposed development does not achieve building separation in accordance with Table 7.2.11.1.3.F per AO3.2 of the neighbourhood plan code.*

*The justification detailed in the submitted assessment report (per PO3 of the Kangaroo Point Peninsula neighbourhood plan code) fails to adequately address amenity and privacy impacts and provision of light penetration and air circulation between buildings. The proposal has not been sited and designed to enable existing and future buildings to be well separated from each other.*

*a) Revise the proposed plans to further increase side boundary setbacks and building separation distances. Provide a minimum 6m side boundary setback to wall for each of the proposed towers. Provide further increased building setbacks between Tower 1 and Tower 3, and Tower 2 and Tower 3, as well as separation to adjoining established buildings.*

**Response:** It is significant to note that the area is intended for high residential development of up to 15 storeys in building height. Alteration of existing conditions in terms of light penetration, air-circulation and amenity is an expected result of the development anticipated to occur in the area. The approach taken by the proposed design in terms of side setbacks and internal building separation have been carefully considered in terms of the context of the site, with the proposed design appropriately managing potential impacts.

It is acknowledged that alternatives outcomes to achieve the relevant Performance Outcome are proposed regarding some sections of the northern boundary and southern boundary for Tower 1, and northern and western boundary for Tower 2. Significantly, the proposed setbacks along these boundaries range between 5m and 7.3m. The sections of Towers 1 and 2 which propose side setbacks of 5m represent only a minor reduction, just 16% less, than AO3.1 of the Kangaroo Point Peninsula neighbourhood plan code which refers to an acceptable outcome of a 6m setback.

Significantly, the minimum setbacks proposed have not been altered from the previously approved application (Council ref: A005260505). In fact, the total extent of the side boundary walls within 5 metres of the boundary has been reduced, and further articulation has been incorporated. This more varied design outcome represents a more favourable outcome for both the proposal and the adjoining developments compared with a slavish adherence to a uniform 6m setback.

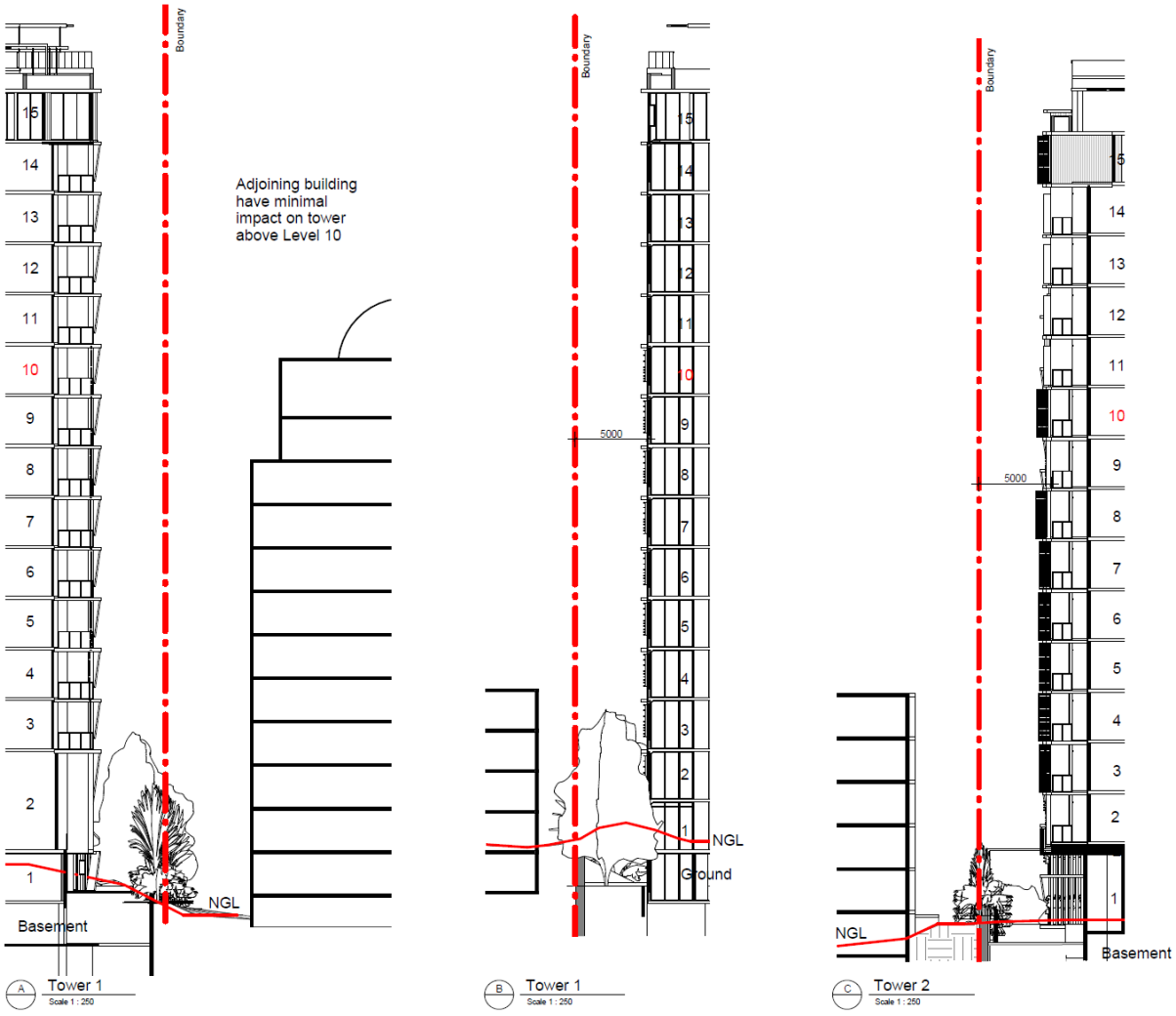
The existing approval is a relevant consideration as it establishes a community expectation for the form of development, including setbacks and separation, that has been recently approved and could be erected should the Applicant elect to proceed with the development of that concept.

Existing developments on adjoining sites do not exceed the tenth storey of the proposal and as such the additional 5 storeys proposed as part of this application are not expected to cause additional adverse and unacceptable amenity impacts with regards to light, air, privacy and air circulation. Refer to **Figures 1** and **2** below demonstrating the height of the proposal compared with adjacent developments, as well as the associated setbacks.

Please refer to the amended plans prepared by Kris Kowalski Architects at **Attachment 1** for further details regarding the proposed site setbacks.

**Figure 1** – Extract from DA15.0476 – 3D imagery of the proposal and existing adjacent developments

**Figure 2** – Extract from DA15.0483 – Sections of the proposed 5m setbacks and adjacent developments



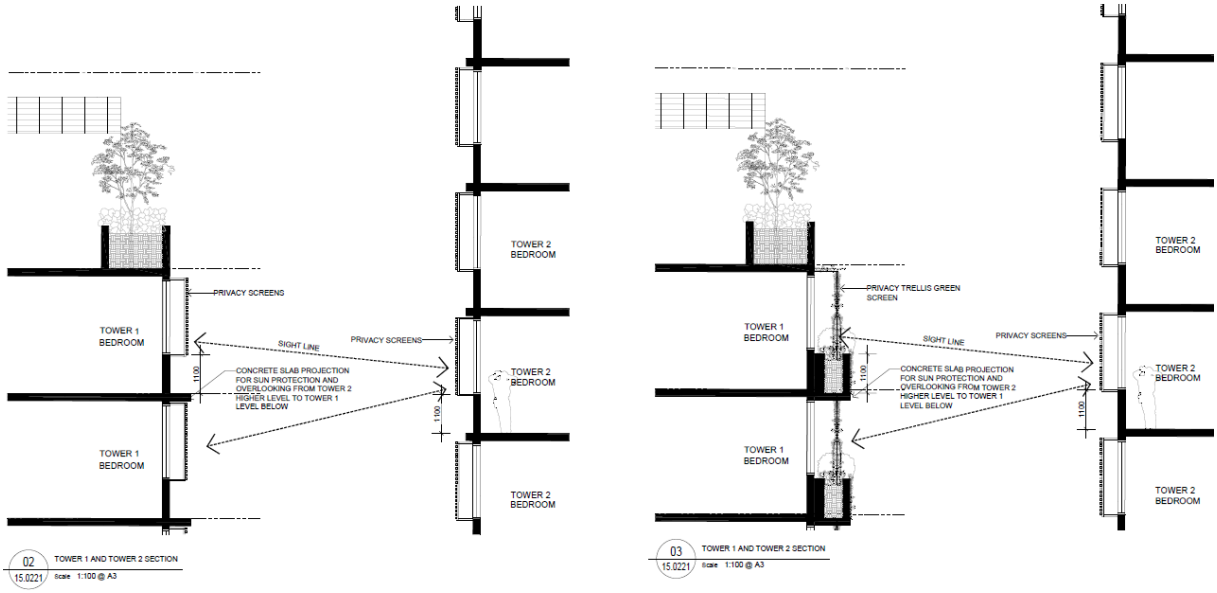

With regards to the tower separation distance between Tower 1 and Tower 3, the proposed building separation of 21.9m is compliant with the AO3.2 of the Kangaroo Point Peninsula Neighbourhood Plan which notes a 12m separation distance for part of a building less than 15 storeys and 20m for part of a building 15 storeys and above. Significantly, this separation distance is also increased from the existing approval which provided for a separation of 18.9m.

With regard to the tower separation distance between Tower 2 and Tower 3, it is noted that the proposed building separation of a minimum of 11m represents only a minor reduction, just 8% less, than AO3.2 of the Kangaroo Point Peninsula Neighbourhood Plan which notes a 12m separation distance. Such a minor reduction is unlikely to result in any discernible change or the generation of any additional adverse and acceptable impacts. Additionally, the proposed separation of 11m is an improvement from the existing approval which provided for a separation of 8.95m between Tower 2 and Tower 3.

Furthermore, with regard to the tower separation distance between Tower 1 and Tower 2, additional documentation regarding amenity, privacy, provision of light penetration and air circulation between buildings has been prepared by Kris Kowalski Architects and is provided at **Attachment 1**. It is noted that the proposed building separation of a minimum of 8.5m is consistent with the existing approval.

**Figure 3** below demonstrates that the topography of the site and the design of the towers ensures that privacy impacts are minimised due to staggered floor levels and slab projections, as well as appropriate screening and landscaped elements.

**Figure 3** – Extract from DA15.0482 detailing the minimisation of privacy concerns




With regard to light penetration, **Figure 4** below, provides details regarding the winter and summer solstice. Due to the topography of the site and the resulting difference in building height, it is noted that a compliant 12m tower separation would not result in significant additional light penetration around the winter solstice. Additionally, **Figure 5** below confirms that the proposed separation distance of 8.5m provides both internal facing facades of both Towers 1 and 2 with direct sun across the course of the day, in addition to ambient light across the day.

The proposed building setbacks and building separation achieve compliance with Performance Outcome PO3 of the Kangaroo Point Peninsula Neighbourhood Plan Code.

**Figure 4** – Extract from DA15.0481 – Tower 1 and 2 Section regarding winter and summer solstice

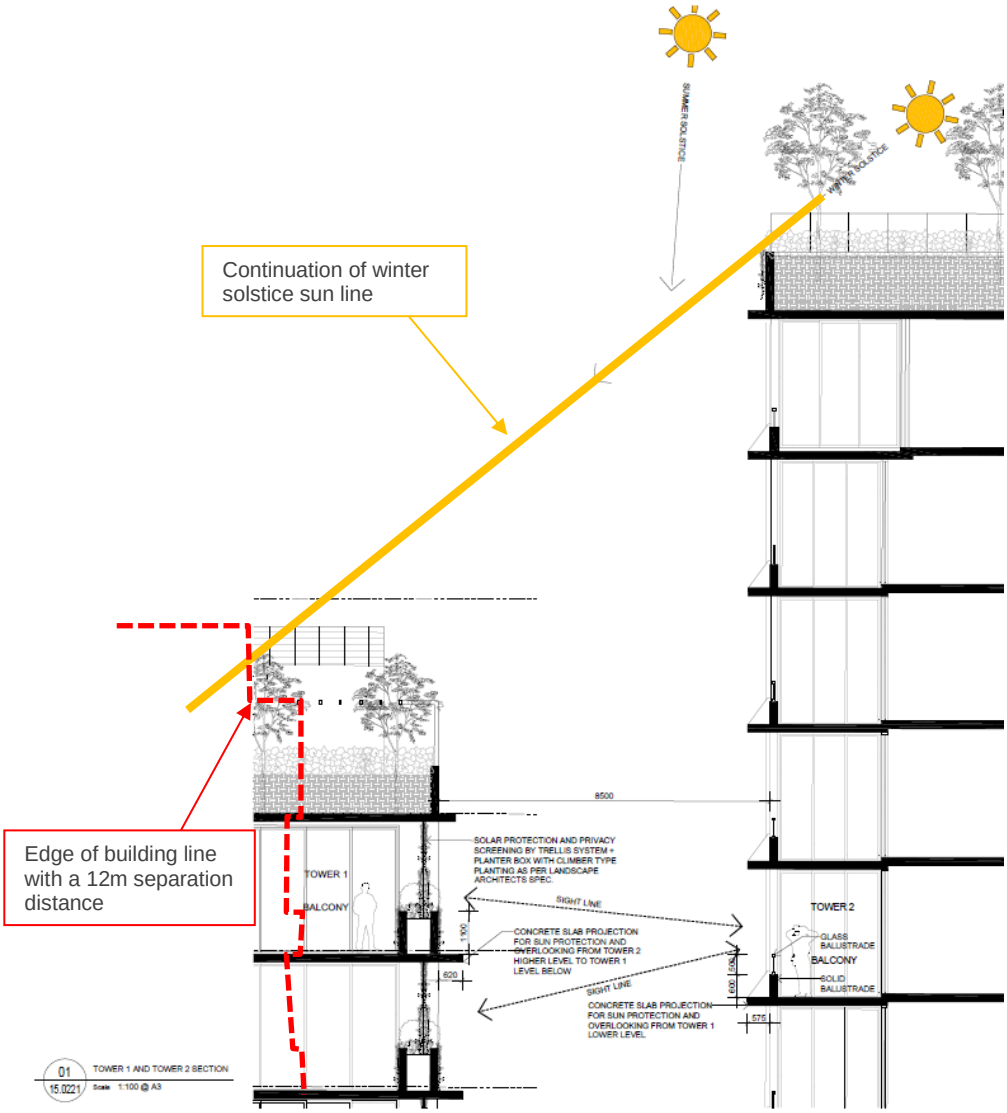
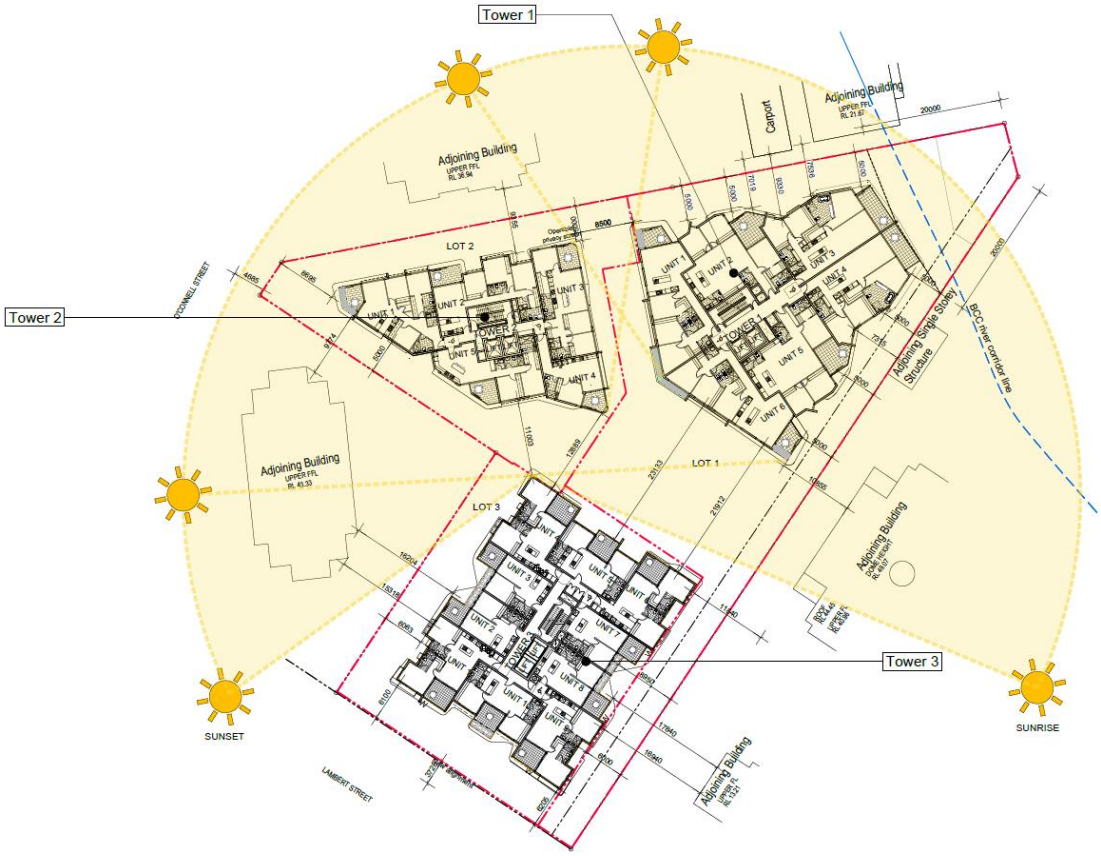


**Figure 5** – Extract from DA15.0245 – Floor plan and access to sunlight




## 2. PEDESTRIAN ACCESS

*Given the constrained frontage width to O'Connell Street, further detail is required as to how potential conflicts between vehicle and pedestrian movements will be addressed to facilitate safe pedestrian access to the site. Landscape drawing SK002 indicates a site entry path separated from the vehicle crossover and trafficable surface, however this detail is not present on the corresponding architectural drawing (refer to Drawing 1786_DA15.0106 Rev D), for access to Tower 2. Furthermore, there does not appear to be step free/gradient appropriate access for pedestrians accessing Tower 1 from the Lambert Street frontage, which is not acceptable. A pedestrian path is to be 1.5m wide to comply with the provisions of the Transport, access, parking and servicing PSP.*

*On-street and off-street provision of pedestrian facilities associated with new development must achieve fair, safe and equitable access and mobility. The reliance on external stairs parallel to the access driveway presents mobility challenges to persons with reduced mobility.*

*a) Provide revised drawings and documents which rationalise the pedestrian movement outcomes from both the Lambert Street and O'Connell Street frontages. Pedestrian movement is required to be safe, legible and delineated from trafficable surfaces per AO32.2/PO32 of the Multiple dwelling code.*

**Response:** As requested by Council, revised drawings prepared by Kris Kowalski Architects (refer to **Attachment 1**) have been updated in yellow to clarify the pedestrian movement outcome for the development for both the Lambert Street and O'Connell Street frontages. It should also be noted that 1.5m annotations have been included as requested.

The 6m O'Connell Street frontage provides limited opportunity for separate pedestrian access, noting that a 6m driveway is required by Council. However, given the slow-speed environment, direct sightlines, and obvious pedestrian entryway, a shared zone of approximately 4.5m in length is considered an acceptable outcome and one that will not compromise safe or legible access for pedestrians to Tower 2. Refer to **Figure 6** below.

Additionally, the amended drawings including DA15.0107 and DA15.0216 at **Attachment 1** also now provide for safe and equitable access from Lambert Street to Tower 1, with an alternate route provided free of stairs.

The proposed development achieves compliance with Performance Outcome PO32 of the Multiple Dwelling Code (now PO12 of the amended Multiple Dwelling Code).

**Figure 6** – Extract from DA15.0106 – Pedestrian access from O'Connell Street


# 3. CYCLIST ACCESS

*The proposed layout is inconsistent with AO7 of the Transport, access, parking and servicing code and revision of the following is required:*

*a) Visitor cycle parking is required to be located close to the building entrance and discernible from the street frontage.*

*b) The design of the cycle parking and facilities access must meet AS2890.3:2015 and Austroads standards. Cycle parking in walls above car spaces is difficult to access and use especially where bikes are required to be lifted from the ground.*

*c) Ramp grades need to be limited to a maximum of 1:12 to be in accordance with clause 2.6.4 AS2890.3:2015 to achieve ease of access for cyclists.*

*Should it be proposed that Cyclists use the lift system, lifts will need to be sized for use with a minimum of 2 bikes. It is recommended that additional treatment, such as threshold colour or texture is used to highlight conflict points should cyclists need to circulate within the carpark.*

**Response:** Visitor bicycle parking has been provided as close as practicable to the building and basement entrances for ease of wayfinding. Importantly, the parking spaces are located with sight lines to building lifts as well as building entryways. For Tower 2, the visitor cycle parking is directly beside the Foyer entry and accessed directly from the pedestrian pathway. For Tower 3, visitor cycle parking is located at the end of the pedestrian pathway/ramp at Basement 3A. For Tower 1, the visitor parking is also located directly to the left as visitors enter the basement, it will be accessed via ramp or alternatively via the pedestrian ramp at ground level and lifts taken down into the basement.

Bicycle hooks are to be provided at the end of designated resident parking spaces. The hooks will be provided at such a height that is easily lifted to and adequate space will be provided between car and bike hook. This is a commonly applied and accepted approach.

The basement and ramp gradients are in alignment with the previously approved development over the site for the 10-storey scheme. No change is proposed to the gradients given they have been previously considered acceptable and consequently approved by Council.

# 4. REFUSE COLLECTION

*It is not clear how Tower 1 refuse storage areas are accessed and serviced. It appears refuse collection for Towers 1 and 3 are combined into one service area. However, upon review of the submitted plans there is no designated bins storage in Tower 1. This detail is required to be shown and notated on revised plans. Furthermore, detail of the pathway of bins transfer from storage areas for collection is not clearly detailed. Section 3.4 of the Traffic Report is required to be revised to include further details regarding bins storage area within Tower 1 and how these bins are collected.*

*a) Provide revised drawings and a detailed assessment of refuse collection arrangements, particularly with regards to Towers 1 and 3 to demonstrate compliance with the Refuse Planning Scheme Policy.*

*b) The gradients shown on driveways to access the service area do not achieve compliance with Table 12 of the TAPS PSP and are steeper than the 1:10 maximum gradient. Where a performance outcome is proposed, this is to be examined, documented and endorsed by an RPEQ responsive to AO19.1-AO19.3 of the Transport, access, parking and servicing code.*

*c) Reporting regarding refuse collection is also required to be updated to show the swept paths for service vehicles entering and leaving the site at both access locations.*

**Response:** In response to the refuse collection matters raised and as requested:

(a) Revised drawings have been prepared by Kris Kowalski Architects and included in **Attachment 1** providing further detail on refuse collection pathways including DA15.0104, DA15.0106, DA15.1097, DA15.1099 and DA15.3097. With specific regard to Tower 1, refuse

is to be collected from the Tower 1 basement bin store via quod bike/tractor and pulled to the refuse collection bay in Tower 3 via the ramp access.

(b) Ramp gradients have been illustrated on plans as 1:5 and 1:8 for motorised bin handling utilising the bin puller. Bins are to be moved by hand where shown on ramps at 1:20 at Tower 3. Responses to AO19.1-AO19.3 of the Transport, access, parking and servicing code were provided as part of the Traffic Engineering Report prepared by QTraffic and lodged with the application.

(c) Please refer to the updated Plans provided by Kris Kowalski Architects at **Attachment 1**. Revised drawings now illustrate bin collection and swept paths associated with this process – refer to DA15.0104, DA15.0106, DA15.1097, DA15.1099 and DA15.3097. The swept paths for refuse vehicle collection at Tower 3 (including Tower 1 disposal) has also been provided below at **Figure 7**.

Figure 7 - Swept Paths for Tower 3 Refuse Vehicle Collection


# 5. PRELIMINARY CONSTRUCTION MANAGEMENT PLAN

*The proposed development includes areas of cut and fill and general earthworks on a sloping site in proximity to the Brisbane River and established land uses. Provide a Preliminary Construction Management Plan that addresses the following, responsive to the Filling and excavation code:*

*a) Overall construction schedule and duration;*

*b) Work methodology required to safely excavate the site addressing: o the structural support of adjoining land,*

- *the need for any temporary propping and/or ground anchoring into or under adjoining road reserves and lots and long-term removal of the same,*
- *ground water management, and*
- *potential noise and vibration impacts to adjoining sites.*

*c) Proposed haulage solution for removal of excavated material, including proposed haulage route (road or river); and*

*d) Construction to manage ground water post construction, including the basement design features*

**Response:** As requested by Council, a Preliminary Construction Management Plan which addresses the identified matters has been prepared by Gleeds Australia (East) Pty Ltd and is provided as **Attachment 3**.

In any event, we anticipate that Council would impose a condition requiring the preparation of a major construction management plan prior to works commencing. We note that the same approach was taken with the existing approval over the site.

# 6. REVISED TRAFFIC REPORTING – TRAFFIC IMPACT ASSESSMENT

*Provide revised traffic reporting which addresses the following matters:*

*a) The report is to quantify the available sight distance at the driveway accesses, taking into consideration the vertical geometry on approaches; and*

*b) Detail the accident history in the vicinity of the site; and*

*c) Consider the potential modification of the corner located next to the access to Towers 1 and 3 in order to ensure provision of an access which maximises visibility of the road and ensures safe pedestrian movements along the road verge.*

**Response:** As requested by Council Q Traffic undertook further investigations regarding site distances, accident history and potential modification of the Tower 1 and 3 access.

In all locations the measured sightlines meet or exceed 50-55m. This exceeds the minimum requirement of 45m as stipulated in the Australian Standard (AS2890.1). It was observed that vehicle speeds in this locality appear lower than the 50km/hr speed limit which reflects the horizontal and vertical alignment of the road network.

In the period of 2001-2018 there has only been a single accident (side swipe) which occurred in 2014. No change to the corner located next to the access to Towers 1 and 3 is required from a traffic engineering perspective as exiting vehicles have a clear sight line to pedestrians on the verge.

Please refer to **Attachment 2** for further details.

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# 7. ACID SULFATE SOILS

*The site is located within the Potential and actual acid sulfate soils overlay and the proposal involves up to 6 levels of basement with some of the levels at below 5m AHD. As the proposed development includes soil disturbance of greater than 100m3 at below 5m AHD, further information is required to demonstrate that the site is not affected by, or will not disturb, actual or potential acid sulfate soils, as per the acid sulfate soils provisions within the State Planning Policy and guidance material, and Potential and actual acid sulfate soils overlay code and corresponding planning scheme policy.*

*a) Submit an Acid Sulfate Soils (ASS) Investigation Report and Management Plan prepared by an appropriately qualified and experienced person. The Investigation Report and any subsequent Management Plan shall be prepared in accordance with the following:*
- *Acid sulfate soils requirements/recommendations in the State Planning Policy and SPP state interest guidance material - Emissions and hazardous activities;*
- *Potential and actual acid sulfate soils overlay code and PSP; and*
- *Other associated technical guidelines such as the Queensland Acid Sulfate Soil Guidelines: sampling guidelines; laboratory methods guidelines/manuals; and Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines.*

**Response:** The management of Acid Sulfate Soils risk during construction is not a matter that materially affects the design of the proposed development, particularly having regard to the existing approval. In the circumstances, it is respectfully requested that Council appropriately condition this matter – an approach commonly taken in our experience. The timing of the condition can ensure that no operational works involving excavation can commence prior to the relevant condition requirements being satisfied.

We note that the same approach was taken with the existing approval over the site.

# 8. UNITS PARTIALLY BELOW NATURAL GROUND LEVEL

*The proposed development involves extensive site work to provide three separate buildings which results in extensive retaining walls. Due to site terrain and extent of cut, it is observed that some of the dwellings are recessed as partial subterranean spaces (in particular, Tower 1, per Section A – A 1786_DA15.0471 Rev B and Section B – B 1786_DA15.0472 Rev B). The sections provided show portions of dwellings and living areas below natural ground level, interfacing with retaining walls.*

*a) Amend the tower design and/or provide further information to demonstrate that the lower level apartments receive adequate daylight and natural breezes. The maximum height of retaining walls for basements should not be greater than 2m under AO21.3 of the Multiple dwelling code. It is acknowledged the submitted Buildings That Breathe design response includes selected sections of some of the recessed units at finer detail, with winter solstice sun depiction. Revised drawings (including renders or diagrammatic images), show external openings afforded to these recessed dwellings would assist in confirming that these units can readily access light and breezes. The development must demonstrate that it achieves a high level of amenity for occupants including access to open and landscaped spaces, natural light, sunlight and breeze to support outdoor subtropical living per overall outcome 2(k) of the Multiple dwelling code.*

**Response:** The elevations in Drawing DA15.1202 provides further detail on the units below natural ground level and demonstrates that they have a clear separation from the side boundary providing

adequate access to light and air circulation. Additionally, the required deep planting has been stepped below natural ground level in order to facilitate light voids given the slope of the site as illustrated on drawings DA15.1203 and DA15.1305. The units are provided with balconies of a minimum area of 12m$^2$ and residents will have access to the communal open spaces in addition to these private open spaces. No specific changes have been made to the architectural design as it is consistent with the approach taken in the existing approval. Please refer to the plans prepared by Kris Kowalski Architects at **Attachment 1** for further details.

In any event, the proposed development achieves compliance with Overall Outcome 2(k) of the Multiple Dwelling Code as referred to by Council, which requires the following:

> *"Development positively contributes to the amenity of the immediate streetscape and pedestrian environment with highly articulated building facades, varied roof form elements, high quality landscaping at the front of the site and direct pedestrian access from the development to the street."*

# 9. SUBTROPICAL DESIGN RESPONSE

> *Per PO20 of the Multiple dwelling code, development is to provide subtropical design elements that support Brisbane's subtropical design character and sustainable tropical living. The Buildings that Breathe guideline promotes that development is to provide well ventilated buildings with natural daylighting to private and communal spaces. It is considered a positive outcome would be to adapt the lobby spaces of each of the proposed towers, so they achieve access to natural daylighting and ventilation for each floor. Currently all the common lobbies have no views to the outside or natural light and breeze.*
>
> *a) Provide revised plans and/or commentary which examines the subtropical design outcomes of the common lobby spaces for each of the towers.*

**Response:** Council's reference to Performance Outcome PO20 of the Multiple Dwelling Code appears to be in error as it relates to air quality matters and, in any event, the proposed development achieves compliance with the corresponding acceptable outcomes to the extent relevant.

Notwithstanding, the Buildings that Breathe Guideline, which is not an assessment benchmark, is a holistic approach to development that seeks to create subtropical outcomes for new development. As previously noted by Kris Kowalski Architects in the lodgement material, the proposed development meets 30 of the 31 Buildings that Breath elements. The lobby spaces on each floor of the towers are transient areas which are wholly internal to the building, consistent with the existing Approval. Priority of access to natural ventilation, light and air has been given to the proposed units and habitable living spaces, and this is considered a far more favourable design outcome by Kris Kowalski Architects in this instance.

# 10. 3D MODEL PROVISION

> *Provide a detailed and textured digital 3D model in Autodesk compatible format to include in the Brisbane City Council Virtual Brisbane 3D Model. This information is required to fully assess the proposed built form and layout of the development in context with the surrounding development and character. For more information regarding the lodgement of the Virtual Brisbane 3D Model please see https://forms.brisbane.qld.gov.au/virtualbrisbane3drequirements. If you require assistance submitting the information or to organising a large file transfer link for the model, please contact* virtual.brisbane@brisbane.qld.gov.au

**Response:** As requested by Council, a 3D model prepared by Kris Kowalski Architects has been prepared and is submitted as part of this response package.

# 11. PLAN REVISIONS AND REPORTING REVISIONS – GENERAL

a) *The total site area is listed in the report as 5,284m², whereas the subdivision plan indicates proposed lots of 1,447.7m², 1,259.9m², 2,574.3m² (totalling 5281.9m²). Clarify the minor difference in area values.*
b) *Subdivision plan 1786_DA15.8001 Rev C is required to depict existing structures on the site and confirm which existing structures are intended for removal.*
c) *The submitted reporting responsive to AO28.1 of the Multiple dwelling code indicates private open space provision between 19m² and 109m², however examples of 10m² and 11m² balconies are proposed for select units proposed (see Tower 2). Provide plan revisions and/or a revised assessment response per AO28.1/PO28 of the Multiple dwelling code. The private open spaces must be attractive and functional for use by residents.*
d) *Drawing 1786_DA15.0107 Rev D shows labelling which references 'transformer under' at a location near the Lambert Street frontage of the site. However, it is unclear from the drawings as to what the dimensions of this transformer is and if the intended location is a functional and accessible location given these items require access form attending service vehicles. It is unclear if additional transformers are intended to service the other two towers in the complex. Provide revised drawings and commentary which confirms padmount transformer locations throughout the complex and confirm if a single transformer services the entire development or if additional transformers are located elsewhere within the site. Given the reconfiguration of the lot aspect of this proposal, it must be demonstrated that each of the three Multiple dwelling towers can function independently.*
e) *The driveway access from Lambert Street needs to be consistently shown as 6.5m in diameter in order to accommodate refuse collection vehicles (RCV). Some drawings, including 1786_DA15.0102 Rev F inconsistently depict 6.0m wide driveway widths. Provide revised drawings which address this matter.*
f) *The land at 46 O'Connell Street is partially within the Significant landscape tree overlay, with the tree located on the land at 40 O'Connell Street adjoining. Submitted reporting suggests the proposed development will not impact the significant landscape tree, however this has not been verified by any supporting specialist material. The development proposes significant on-site works and excavation, which may potentially impact on the adjoining tree. Provide plans demonstrating that the development has been set back outside of the Tree protection zone (TPZ) or provide certification from a Level 5 Arborist that the proposed works will not impact the trees health and stability responsive to AO1/PO1 of the Significant landscape tree overlay code, including a Vegetation Management Plan (VMP) demonstrating that the proposed works can occur without any negative long-term impact on the health of the trees. The VMP should include a tree survey and construction methodology.*
g) *Clarify the rationale for the inclusion of 7.0m floor to ceiling heights for the Tower 1 Level 1 unit.*

**Response:** Please refer to the below summary of the applicant's response to Council's requested plan and reporting revisions:

a) Subdivision areas shown on the proposed plans have been amended to correct the minor drafting errors and reflect the correct size of the total site at 5,284m². Please refer to the

amended plans prepared by Kris Kowalski Architects included herewith as **Attachment 1** to this correspondence.

b) Plan DA15.8001 is provided to illustrate the existing buildings on site and those which are to be relocated. Refer to the amended plans prepared by Kris Kowalski Architects at **Attachment 1**.
c) Balconies of 10m$^2$ and 11m$^2$ within Tower 2 are generally associated with smaller unit sizes to reflect the overall number of persons associated with the space. Importantly, a minimum dimension of 3m is provided for those balconies. Updated plans have been provided (refer to **Attachment** 1) to illustrate that those spaces comfortably fit outdoor dining furniture to provide residents with a functional outdoor space to relax and use in accordance with Performance Outcome PO28 of the Multiple Dwelling Code..
d) As confirmed by Kris Kowalski Architects, there is no separate transformer required for Tower 1. It is most likely that only one transformer will be required for the whole development subject to further detailed design. To ensure adequate space is provided for transformers close to the street, as is required, two potential transformer locations have been shown on plans.
e) It should be noted that the width of the driveway up to the refuse collection point at Tower 3 is 6.5m to accommodate the required service vehicle as illustrated on DA15.0107. The driveway then tapers in some parts to 6.2m for the remaining stretch to Tower 1 as no refuse vehicles enter the Tower 1 basement and it is primarily for resident and visitor car parking use. It should be noted that the 6m dimension referred to in Council's request on plan DA15.0102 is not the driveway dimension. Please refer to **Attachment 1** fort further detail.
f) The Significant Landscape Tree is wholly located on the land at 40 O'Connell Street which is not part of the application. It is respectfully requested that Council appropriately condition the protection of the tree as part of any approval, similar to the approach taken with the existing approval over the subject site.
g) The floor to ceiling height for Tower 1 Level 1 is a response to the sloping topography of the land and is consistent with the ceiling height in this location in the existing approval.

This correspondence constitutes the total extent of the Applicant's response to the Information Request made by Council and as such, all information requests have been responded to and Part 3 of the *Development Assessment Rules* is now complete.

We ask that Council proceed with the assessment and determination of the application in accordance with Section 13.3 of the *Development Assessment Rules.*

Please note that any change is explicably in response to and is therefore made as a direct consequence of, Council's Information Request.

If you have any questions regarding the attached material, please do not hesitate to contact the undersigned or Ben Lyons on (07) 3007 3800.

Yours sincerely,

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