

An aerial photograph of a city skyline, likely Auckland, New Zealand, featuring the Sky Tower and other high-rise buildings. The image is dark and moody, with a heavy, overcast sky. The text is overlaid in the center in a bold, white, sans-serif font.

**INCONSISTENT ASSESSMENTS
OF 108 LAMBERT STREET
APPLICATIONS.
WHY LORD MAYOR?**

WHY IS THIS A SELF ASSESSABLE DEVELOPMENT WHEN THERE ARE 5 AMALAGATED SITES AND JUST AS MANY OWNERS?

We demand an impact assessment application

108 Lambert street-Summary of ownership and Caveat position as at 7 October 2020

Lot	Owner	Caveator	Comment
Lot 1 RP 79525	Peter Des Forges	46 O'Connell street Pty Ltd as trustee	The caveat was lodged on 18 April 2018. The caveat is pursuant to a Put and Call option dated 20 March 2018.
Lot 1 RP 10951	Lambert Property group Pty Ltd as trustee	108 Lambert street S1 Pty Ltd	This caveat was lodged on 17 January 2020. The caveat is pursuant to a Project Deed dated June 2019 which grants the caveator an option to purchase. The property is also subject to a mortgage to KS1 Pty Ltd.
Lot 1 RP 900166	Danielle and Sean Daly	Main Street Projects Pty Ltd	Caveat lodged 1 March 2019. The caveat is pursuant to an option to purchase dated 18 October 2018.
Lot 2 RP 900166	Sean Daly	Main Street Projects Pty Ltd	Caveat lodged 1 March 2019. The Owner has granted Main Street Projects an option to purchase dated 18 October 2018.
Lot 3 RP 900166	Danielle Daly	Main Street Projects Pty Ltd	Caveat lodged 1 March 2019. The caveat was pursuant to an option to purchase dated 18 October 2018.
Lot 3 RP 10951	Nicholas Brooke	Main Street Projects Pty Ltd	Caveat lodged 26 February 2019. The caveat was pursuant to an option to purchase dated 8 November 2018.
Lot 4 RP 10951	Tim Ilett	Main Street Projects Pty Ltd	Caveat lodged 26 February 2019. The caveat was pursuant to an option to purchase dated 8 November 2018.
Lot 5 RP 10951	Nicholas Ilett	Main Street Projects Pty Ltd	Caveat lodged 5 March 2019. The caveat was pursuant to an option to purchase dated 8 November 2018.

Company Name	Directors	Shareholders
Main Street Projects	Pedro Pikos	Pedro Pikos
46 O'Connell street Pty Ltd	Pedro Pikos Wai Kwok	50%-PCM Property Group Pty Ltd 50%-LPD Holdings (Aust) Pty Ltd
108 Lambert Street S1 Pty Ltd	Pedro Pikos	50%- Lambert Property group Pty Ltd 50%- PCM Property group Pty Ltd

Attachment A. Comparisons of assessments

<div><div><div>Lucy Stenzel – Oct 2019</div><div>DID NOT SUPPORT</div><div>A005260505 – 3 towers X 10-storey</div></div><div><div>Lucy Stenzel – Jan 2020</div><div>DID NOT SUPPORT</div><div>A005260505 – 3 towers X 10-storey</div></div><div><div>Matthew Watt – July 2020</div><div>DID SUPPORT</div><div>A005260505 – 3 towers X 10-storey</div></div><div><div>Matthew Watt – Oct 2020</div><div>REQUEST FOR INFORMATION</div><div>A005542190 – 3 towers X 15-storey</div></div><div>Interpretation of contrasts between assessor statements for A005542190 and A005260505</div></div>					
1. Pre-1911 buildings	To stay	No change	No change	Pre-1911 buildings to be removed and relocated	Major change to A005260505 to which assessor Watt makes no comment
2. Tower 3 design	Cantilevered around - inadequate to allow for natural daylight and natural air penetration	Cantilevered design tower 3 around pre-1911 buildings does not comply with Overall outcome (2)(e)(i), (2)(k), PO5, and PO17 MDC	No comment	No longer relevant	
3. Building bulk and scale	Site cover 49.5% site cover Does not comply with PO14 or overall outcome 5 (e) high density residential zone code	Proposal is required to be significantly amended to respond to PO3, PO4 and PO6 of the KPPNP code, and PO8, PO9, PO11, PO13, PO14, PO26 and PO30 MDC	AO14/PO14 – site cover of 48% exceeds acceptable outcome of 40% for high density residential zoned land BUT site cover is not disproportional to the utility of the large 5291m2 site. AND PO11 has been addressed where development has ensured proportion of buildings to open space and landscaping is in keeping with intended form and character intensity of local area and immediate streetscape.	No comment	Assessor Watt acknowledges A005260505 is not compliant with AO14/PO14 but deems development capable of satisfying AO14/PO14 and PO11, contrary to Assessor Stenzel. Assessor Watt makes no comment for this item in regards to A005542190
4. Building envelope (setbacks and separation)	Not compliant with PO5	Not compliant with PO5	Not compliant with AO5 MDC which states that development must be contained within the building envelope for the site created by applying (b) front, rear and side boundary setback requirements in Table 9.3.14.3.C and (d) building separation requirements in Table 9.3.14.3.F. BUT PO5 satisfied where the development is of a bulk and scale that is consistent with the intended form and character of the local area having regard to existing buildings that are to be retained BUT pre-1911 buildings are to be removed.	No comment	The pre-1911 buildings are to be removed and the building height has been raised to 15 stories so this invalidates the previous statement by Assessor Watt for A005260505 that the bulk and scale of the building is consistent with the intended form and character of the local area having regard to existing buildings. He makes no comment in regards to A005542190
5. Building separation	Does not comply with PO8/AO8.1 MDC	Remains non-compliant	PO8 is satisfied where development separates buildings from existing or future buildings within a site and to adjoining sites to be consistent with the form and character intent of the local area, protects residential amenity including access to natural light, sunlight and breeze and provides visual privacy to reduce the need for fixed screening.	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 KPPNP code. 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. 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	Assessor Watt acknowledges that the building separation for A005542190 is not in accordance with the KPPNP code and that the application does not provide sufficient detail in addressing amenity and privacy impacts and provision of light penetration and air circulation between buildings. This is in contrast to his assessment for A005260505 that, despite no change in building footplate or separation, PO8 can be satisfied. This is also in contrast to Assessor Stenzel's assessment for A005260505.
6. Side boundary setbacks	Are not 10m as required by KPPNP AO6	Remains non-compliant	Not compliant with AO6 BUT side boundary setbacks are supported, where building height remains compliant with the prescribed acceptable outcome, and a suitable balance of landscaping is achieved on the site proportional to structural form (including compliant deep planting). Not compliant with PO6 BUT has been satisfied where the development ensures building setbacks ameliorate amenity impacts on adjacent buildings and maintain high levels of amenity for proposed dwelling units on a site, buildings on adjoining sites, and the public domain.	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 KPPNP code. Provide a minimum 6m side boundary setback to wall for each of the proposed towers	Assessor Watt acknowledges that the minimum side boundary of 6m must be met for A005542190 to be compliant with the KPPNP code as of February which contradicts his previous assessment of A005260505 where the submitted setbacks for (variable from 5m to 7.2m), while not compliant with PO6, could be deemed satisfactory if amenity impacts on adjacent dwellings can be ameliorated.
7. Gross floor area	In excess of PO3/AO3 – 20,907m2 more than triple acceptable plot ratio	Remains non-compliant	Not compliant with AO3(b) where maximum gross floor area 125% of site area is exceeded BUT PO3 is satisfied where the development has ensured building size and bulk are consistent with high density of locality and retain an appropriate residential scale and relationship with other buildings on the city skyline. BUT consideration of site cover has been undertaken with awareness of residential amenity (both internal and external to the site), management of side setbacks and building separation. PO11 has been addressed where the development has ensured that the proportion of buildings to open space and landscaping on a site is in keeping with the intended form and character intensity of the local area and immediate streetscape	No comment	Assessor Watt stated A005260505 was not compliant with AO3 and it surely must be even less compliant with the addition of 5 more stories to each tower in A005542190. He deems PO3 satisfied if building size and bulk are consistent with high rise and relation to skyline of adjacent buildings, but diagram (Attachment B) of A005542190 clearly shows these towers are well above height of adjacent buildings. Similarly, Assessor Watt's impression that PO11 was adequately addressed in A005260505 is also invalid and deserves specific comment with the addition of 5 more stories to each tower in A005542190.
8. Private open space	<12m2 – not compliant with PO28/AO28.1 MDC	Remains non-compliant	PO28/AO28 is not met in select occurrences BUT development meets PO28 where each dwelling is afforded attractive and functional private open space for residents, noting that the residents of the unit complex are additionally afforded access to communal open spaces with a range of adaptable and functional recreation uses. Screening has been applied to these balconies responsive to AO28.2 MDC in the interest of providing an attractive and functional private open space for residents and AO35.1/PO35 to limit overlooking between residences.	The submitted reporting responsive to AO28.1 of the MDC 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.	Assessor Watt acknowledges that a minimum private open space of 19m2 is required to satisfy AO28.1 of MDC for A005542190 but, despite this code not being met for A005260505, he deemed that PO28 was met if 'each building is afforded attractive and functional private open space for residents' – this seems a circular argument and has no basis in fact and is not consistent with the stated codes.

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9. North easterly aspect of units	No specific mention	No specific mention	PO29 /AO29 MDC requires development to provide a minimum of 75% of a dwelling's outdoor living area positioned to the north or north-east BUT site is positioned with its longest axis along a generally East-West alignment, meaning the northern aspect of each of the towers is to the side, with variability in access to a N-E aspect from direct to indirect. BUT development provides residents with functional outdoor living space that receives natural light but is shaded to protect from the resident from direct sunlight responsive to PO29	No comment	Assessor Watt indicated that PO29/AO29 were not met for A005260505 if residents were not provided with functional outdoor living space that received natural light but were, at the same time, shaded to protect from direct sunlight. This assessment is invalid for A005542190 as the orientation of the units has not changed and 5 additional stories have been added with less functional outdoor living space per unit household, as stated for item 8.
10. Communal open space	Overlooks private open space – not compliant with PO27 MDC	Remains non-compliant	No comment except in point 3 of 7. Statement of reasons for decision which states: ‘development provides communal open space and covered outdoor private open spaces..’	No comment	Given non-compliance of A005260505 according to assessor Stenzel on 2 occasions, this item requires more commentary from assessor Watt with reference to specific codes.
11. Pedestrian access	Not compliant with PO8/PO32 MDC	Remains non-compliant	PO8 – pedestrian and cyclist access Development must meet PO8 and provide pedestrian and cyclist access to and from the site which is located to take advantage of safe crossing points of the adjacent road system, key destinations and public transport facilities. Development complies with PO8.	Pedestrian access 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. 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. 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 TAPS PSP. 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 MDC	Assessor Watt acknowledges that pedestrian movement is required to be safe, legible and delineated from trafficable surfaces in A005542190 given the constrained frontage width with O’Connell St and that a pedestrian path at least 1.5m wide must be provided. This contradicts his assessment of compliance with this requirement (under code PO8) for A005260505.
12. Buildings that Breathe	Units in Tower 1 below ground level – not compliant with PO20 MDC	Remains non-compliant	No comment	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 MDC. 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), showing 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 MDC. Subtropical design response Per PO20 of MDC, 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.	Assessor Watt acknowledges for A005542190 that some units are recessed as partial subterranean spaces because of deep cuts into slanting slope and need for high retaining walls which, for basements, should not be greater than 2m under AO21.3 MDC. It seems odd that no reference was made to this requirement in his assessment of A05260505. Similarly, Assessor Watt asks for further revision/ commentary for A005542190 under code PO20 of MDC in regards to tropical design outcomes of the common lobby spaces for each tower but made no reference to this in his assessment of A005260505
13. Material variation and articulation of towers	Not compliant with PO17-PO20 MDC	No specific comment	Articulation is achieved	No comment	Given non-compliance of A005260505 according to assessor Stenzel on previous occasion, this item requires more commentary from assessor Watt with reference to specific codes.

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14. Deep planting	not compliant with PO14, AO25.2, AO25.3 and AO30.1 - AO30.4 MDC	Remains non-compliant	Development provides 12.6% of site area as deep planting, exceeding 10% site area which is acceptable outcome	No comment	Given non-compliance of A005260505 according to assessor Stenzel on 2 occasions, this item requires more commentary from assessor Watt with reference to specific codes.
15. Landscaping	not compliant with PO14, Landscape works code AO4.1 - AO4.3, PO13 MDC	Remains non-compliant	No specific comment except point 4 in 7. Statement of reasons for decision – ‘development provides on-site landscaping character and contributes to microclimate of neighbourhood and site..’	No comment	Given non-compliance of A005260505 according to assessor Stenzel on 2 occasions, this item requires more commentary from assessor Watt with reference to specific codes.
16. Side boundary planting	Not compliant with AO26.2 and Landscape works code PO2, PO3, AO4.3 and PO7 MDC	Remains non-compliant	No comment	No comment	Given non-compliance of A005260505 according to assessor Stenzel on 2 occasions, this item requires more commentary from assessor Watt with reference to specific codes.
17. Frontage landscaping and utilities	not compliant with AO25.2 and AO26.1 MDC	Remains non-compliant	No comment	No comment	Given non-compliance of A005260505 according to assessor Stenzel on 2 occasions, this item requires more commentary from assessor Watt with reference to specific codes.
18. Streetscape and street tree requirements	not compliant with streetscape hierarchy overlay code AO2.1 and AO2.1	Remains non-compliant	No comment	No comment	Given non-compliance of A005260505 according to assessor Stenzel on 2 occasions, this item requires more commentary from assessor Watt with reference to specific codes.
19. Significant landscape tree overlay	Not compliant with SLT Overlay Code AO1/ PO1	Remains non-compliant	No comment	<p>Land at 46 O’Connell Street is partially within the Significant landscape tree overlay, with tree located on 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.</p> <p>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.</p>	Assessor Watt acknowledges that A005542190 may impact on a protected tree from significant on-site works and excavation, but made no reference to this in his assessment of A005260505 which surely would have presented the same problem.
20. Traffic	<p>Vehicular access road of width less than 6.5m – not compliant with TAPS PSP for two-way traffic flow</p> <p>No comment on cyclist access</p>	Remains non-compliant	No comment	<p>Cyclist access</p> <p>Proposed layout is inconsistent with AO7 of TAPS code and revision of the following is required:</p> <p>a) Visitor cycle parking is required to be located close to the building entrance and discernible from the street frontage.</p> <p>b) 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.</p> <p>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</p> <p>Revised traffic reporting – Traffic impact assessment</p> <p>Provide revised traffic reporting which addresses the following matters:</p> <p>a) The report is to quantify the available sight distance at the driveway accesses, taking into consideration the vertical geometry on approaches; and</p> <p>b) Detail the accident history in the vicinity of the site; and</p> <p>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.</p> <p>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.</p> <p>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 TAPS code.</p> <p>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.</p>	<p>Assessor Watt acknowledges that A005542190 provides insufficient detail about cyclist access , design of cyclist parking, and ramp grades, but made no reference to these points in his assessment of A005260505 which surely would have presented the same issues.</p> <p>Assessor Watt acknowledges that A005542190 provides insufficient detail about cyclist access, design of cyclist parking, and ramp grades, but made no reference to these points in his assessment of A005260505 which surely would have presented the same issues. We also note that Bitzios Consulting gave different estimates of traffic volumes for A005260505 which Watt noted but did not refute</p> <p>Assessor Watt acknowledges that A005542190 requires driveway access to be 6.5m (and this failure to comply was noted by assessor Stenzel on 2 occasions for A005260505) but stated in his assessment of A005260505 that ‘the driveways are proportional to the size and dimensions of the site.’ The question needs to be asked – why was a width <6.5m allowable for A005260505 but not for A005542190.</p>

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21. Traffic – visitor car parking	Insufficient parking	Remains insufficient	No comment	No comment	Given A005260505 according to assessor Stenzel on 2 occasions stated visitor car parking was insufficient, this item requires more commentary from assessor Watt with reference to specific codes given the addition of 100 additional apartments with on average 2 cars per household.
22. Refuse collection	No comment	No comment	Refuse storage collection and access locations have been located in a manner which is safe, accessible and functional.	<p>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.</p> <p>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.</p>	Assessor Watt expresses uncertainty as to siting and access to refuse collection, and compliance with relevant refuse policy, in A005542190 which contradicts his assessment of A005260505, despite no substantial change in the building layout.
23. Earthworks	insufficient detail	<p>Filling & excavation code especially PO1 and AO1 have not been addressed satisfactorily.</p> <p>Excessively high retaining walls proposed that need to be addressed now rather than at Compliance Assessment stage</p>	<p>PO2 – cut, fill and retaining walls</p> <p>Development will result in cutting, filling, retaining walls and earthworks that will have greater than a maximum vertical and horizontal dimensions of 1m – not compliant with AO2.1 of the Subdivision code BUT extent of cut and fill is generally associated with the combined Material change of use (for example, basement excavation). Material change of use permits has been conditioned to require the applicant to design and construct all retaining walls and associated fences, in accordance with the relevant Brisbane Planning Scheme Codes.</p> <p>Retaining walls in excess of 1.0m in height must be designed and certified by a Registered Professional Engineer Queensland. Development satisfies PO2 of the code where it ensures that the lot size and layout minimises impacts from cutting, filling, retaining walls and earthworks, and those areas of cut, fill and retaining walls are suitably managed via condition compliance.</p> <p>PO1 – retaining walls</p> <p>Development does not meet AO1 of the code where the total height of cut and fill exceeds 1m (noting that the Multiple dwelling requires basement excavation). BUT development satisfies PO1 of the code where proposed retaining walls and earthworks will not create adverse visual impacts to the surrounding properties</p>	<p>Preliminary construction management plan</p> <p>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:</p> <p>a) Overall construction schedule and duration;</p> <p>b) Work methodology required to safely excavate the site addressing:</p> <ul style="list-style-type: none">– 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. <p>c) Proposed haulage solution for removal of excavated material, including proposed haulage route (road or river); and</p> <p>d) Construction to manage ground water post construction, including the basement design features.</p>	<p>Assessor Watt introduces, for A005542190, the requirement for a preliminary construction plan, but which was lacking in his assessment of A005260505, despite the fact that both developments involved major earthworks and, in his previous assessment of A005260505, Watt noted non-compliance with Subdivision code and issues with codes AO1/PO1 but to which he gave allowance if certain engineering reports were provided. We were advised by Rory Kelly that Construction Management Plans are not required prior to DA approval, so why has this more stringent and detailed requirement been introduced for A005542190 but was missing for A005260505.</p> <p>This preliminary construction plan includes all of the following items:</p> <p>PO9 – Management of run-off and peak flows</p> <p>PO10 – effective stormwater management</p> <p>PO13 – management of erosion, turbidity, sediment</p> <p>PO14 – stabilisation against erosion</p> <p>PO15 – management of suspended solids in run-off</p> <p>PO17 – discharge of wastewater</p> <p>In his assessment of A005260505, compliance with all these codes were reliant on post-approval reports from various consultants and agencies.</p>
24. Virtual Brisbane model	not supplied	Insufficient information	Not supplied	Requested	
25. Park infrastructure	Brisbane’s Long Term Infrastructure Plan (LTIP) identifies riverfront land in this location to be acquired as a corridor park as per Table 10.3.1A of the Brisbane City Plan 2014. Allowance for this is not labelled on revised plans and area must not be prejudiced by built form	Insufficient information	<p>Development has been conditioned to ensure it must not prejudice the future land dedication along the Brisbane River frontage of the site by keeping the area clear of permanent improvements and structures associated with the approved development. The extent of the land to be set aside for a future land dedication is 148m2, 4.5m from Brisbane River MHWS for the full Brisbane River frontage of the site. BUT subject site no longer identified as containing the LGIP item (it is now rather a Long Term Infrastructure Item) and accordingly, the development has been conditioned to preserve the area along the riverfront as a Future Park</p> <p>Dedication. PO7 is achieved where the development has been conditioned to preserve a defined area for riverfront park and public access.</p>	No comment	This is a breach of trust by Council to the residents of Kangaroo Point who were led to believe on several occasions since the 2010 floods that a walkway and an access easement and public space would be provided as part of the Story Bridge-Mowbray Park walkway. This has clearly been permanently deferred and this development if it goes ahead as proposed, will make such a walkway impossible given the absence of suitable setback from the Brisbane River.

<div><div><div>Lucy Stenzel – Oct 2019</div><div>DID NOT SUPPORT</div><div>A005260505 – 3 towers X 10-storey</div></div><div><div>Lucy Stenzel – Jan 2020</div><div>DID NOT SUPPORT</div><div>A005260505 – 3 towers X 10-storey</div></div><div><div>Matthew Watt – July 2020</div><div>DID SUPPORT</div><div>A005260505 – 3 towers X 10-storey</div></div><div><div>Matthew Watt – Oct 2020</div><div>REQUEST FOR INFORMATION</div><div>A005542190 – 3 towers X 15-storey</div></div><div>Interpretation of contrasts between assessor statements for A005542190 and A005260505</div></div>					
26. Acid sulfate soils	No comment	No comment	No comment	<p>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.</p> <p>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:</p> <ul style="list-style-type: none">– Acid sulfate 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.	<p>Assessor Watt introduces a new requirement in regards to testing of subterranean acid sulfate soil which, if exposed to oxygen during excavation, causes the pyrite in the soil to oxidise into sulphuric acid, which can cause damage to the environment and to buildings, roads and other structures. It can also be washed into waterways causing fish kill and other forms of biological contamination. With excavation of more than 10,000 cubic feet of soil to excavate down to 6 basement levels, this would be a significant danger. But no mention of this is made in Watt’s assessment of A005260505 which conceivably would be associated with the same problem.</p>
27. Utilities infrastructure	No comment	No comment	No comment	<p>Electricity transformers</p> <p>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.</p> <p>Water and sewer connections</p> <p>Council does not undertake water and sewer assessment of any planning applications. Contact Urban Utilities on (07) 3432 2200 to discuss any water and sewer issues and whether you are required to submit an application to Urban Utilities for assessment.</p>	<p>Assessor Watt introduces this item for A005542190 but makes no reference to it in assessment A005260505 which again seems odd as the same issue would have applied to the latter.</p> <p>Assessor Watt suggests Urban Utilities be contacted to advise on whether an application should be submitted for an assessment on how these utilities would be connected to the development. It is more than likely that connecting these utilities to 3 separate towers containing 300 apartments, with the main connection points at the corner of Lambert and Castlebar Streets, would involve major digging up and closing off of Lambert Street for many weeks – just connecting 28 apartments at Thornclyffe has taken 6 weeks with major disruption to traffic. Again no reference is made to this issue in A005260505.</p>

Lord Mayor & Deputy Lord Mayor,

Please explain how there are such differences between Lucy’s rejections and Matthew’s approval?

LUCY STENZEL - LETTER DATED OCTOBER 2019



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Brisbane City Council ABN 72 002 765 795

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1 October 2019

108 Lambert St S1 Unit Trust
C/- Mewing Planning Consultants Pty Ltd
GPO Box 1506
BRISBANE QLD 4001

ATTENTION: Ms Frances Cassaniti

Application Reference: A005260505
Address of Site: 108 LAMBERT ST KANGAROO POINT QLD 4169

Dear Ms Cassaniti,

RE: Information request under the *Planning Act 2016*

An initial review of the application, supporting information and the response to the 'Action Notice' dated 10 September 2019 (Action Notice), has identified that further information is required to fully assess the proposed development, the extent of demolition, design, and integration of the pre-1911 dwelling houses within the proposed development. Retention of the pre-1911 dwelling houses in situ and inclusion of these dwellings within the overall proposal is supported subject to addressing the matters outlined within this request.

1. Pre-1911 dwelling houses

In response to the Action Notice it is noted that the proposal retains the three pre-1911 dwelling houses (likely pre 1900 houses) within the subject site. To clarify how these dwelling houses are to be incorporated into the proposed development submit:

- Plans and elevations of the existing pre-1911 dwelling houses at a recognisable scale including any building work proposed;
- Floor plans for each of the pre-1911 dwelling houses showing the proposed internal layout nominating the proposed use of these dwellings, bedrooms, amenities and utility areas, private open space and car parking associated with the use.

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2. Tower 3 design

In response to the Action Notice a site plan showing Tower 3 cantilevered over the pre-1911 dwellings was submitted. To fully assess the impact of the revised Tower 3 building design changes provide the following:

- Amended site plans, sections and elevations clearly showing the changes to Tower 3 and the extent of cantilever over the retained houses. Note that a full assessment of building separation of the impact of any cantilever element will be undertaken upon receipt of revised plans specifically with regards to the Multiple dwelling code requirements for building separation, impacts on residential amenity, privacy, and access to natural sunlight and the High density residential zone code overall outcomes 5(e) and 5(f).
- Provide a revised Buildings that Breathe response noting the retention of the pre-1911 dwellings and incorporation of these dwellings within the development, noting the cantilever design of Tower 3. A revised response is needed to demonstrate how the development responds specifically to the requirements of "Illuminate with natural daylight" and "Natural air and ventilation".

3. Building bulk and scale

Revision of overall building bulk, design, placement, and landscaping outcomes for the three towers with regards to the Kangaroo Point Peninsula neighbourhood plan, High density residential zone code, and Multiple dwelling code are also required in order to progress this application as follows:

a) Site cover

The proposed site cover of 49.5% does not comply with PO14 of the Multiple dwelling code or with Overall outcome 5(e) of the High density residential zone code, which requires the built form to be "set within a landscaped space with relatively low site coverage". The site cover is in excess of the 40% acceptable minimum and has direct impact upon achieving minimum compliance with landscaping outcomes for the proposal combined with other issues of building bulk, separation, and design outcomes within this Information Request. Accordingly, provide the following:

- Amended plans showing reduced site cover to achieve a more appropriate balance between built form and open space, including additional deep planting and improved boundary setbacks;
- A plan that clearly shows all parts of the site included in calculations of site cover and specifies where any parts of the basement are above ground level.

b) Building separation

Internal and external building separation as proposed is considered insufficient in the local context. The application has not provided adequate justification against the relevant performance outcome to allow non-compliance with PO8/AO8.1 of the Multiple dwelling code. Tower 1 is shown to be 10.855m from the adjoining Multiple dwelling at 39 Castlebar Street. Furthermore, balconies and habitable rooms are provided on each side of the tower and therefore have potential to impact on residential amenity. The reliance on privacy screening on the majority of habitable rooms for some units is not a desired outcome when considering access to sunlight and daylight and sought outcomes in Council's Buildings that Breathe.

The internal separation distance between Towers 1 and 2 at 7m is also considered to be insufficient when considering the collection of issues regarding bulk and scale of the development as a whole, such as site cover and the ability to provide adequate landscaping outcomes.

Notwithstanding the provision of screening of habitable rooms within Tower 1 units that face Tower 2, the 7m separation between these towers raises particular concern in relation to amenity of habitable rooms.

- Provide amended plans increasing the proposed separation distance from adjoining development.

- ii) Increase the separation distance between Towers 1 and 2 paying particular attention to the orientation of habitable rooms and balconies facing habitable rooms of the opposite tower.
- iii) Provide a table showing required and proposed distances in accordance with the Multiple dwelling code PO8 at each level of the buildings.
- iv) Provide additional context information and internal elevations, showing the location of the habitable rooms or balconies of all adjoining properties and their separation distance with the proposed development. If building separation does not achieve acceptable outcome, the proposal layout should be amended or demonstrate how residential amenity and privacy of adjoining residential can be protected.

c) Side boundary setbacks

The applicable acceptable outcome in the Kangaroo Point Peninsula Neighbourhood Plan (KPPNP) requires 10m for side and rear setbacks. The development shows side setbacks of a minimum of 5m for the majority of the proposal to 8.3m for smaller recessed areas. The proposed boundaries are not considered sufficient to separate the buildings sufficiently from existing boundaries and adjoining development.

Provide amended plans that demonstrate increased setbacks to achieve a performance outcome against the applicable assessment criteria noting the requirement for increased building separation in item 4.

d) Gross floor area

The proposed gross floor area (gfa) of the development results in a building size and bulk which are in excess of the intended built form scale in the locality as per PO3/AO3 of the Kangaroo Point peninsula neighbourhood plan (KPPNP). The 20,907m² gfa proposed is more than triple the acceptable plot ratio outlined in the code.

In order to further comply with the KPPNP, provide amended plans showing a reduction in the overall plot ratio so as to be more aligned with the character intent for the location. This could be achieved by addressing items regarding site cover, setbacks, and building separation as mentioned above in this Information request.

e) Private open space

Private open space for various units are proposed with areas less than 12m² as required by PO28/AO28.1 of the Multiple dwelling code. Tower 1 in particular proposes a 10m² balcony for 3 bedroom units and 11m² balcony for 2 bedroom units.

Provide amended plans showing increased balcony sizes for 2 and 3 bedroom units to a minimum of 12m².

f) Communal open space

There is concern over the outlook for the rooftop communal open space for Tower 1 as it appears to overlook private open space and bedrooms of Tower 2.

To meet the requirements of Multiple Dwelling Code PO27 is suggested that the roof top communal open space for Tower 2 is re-oriented to the north-east to provide residents with an outlook and minimize overlooking within the site.

g) Pedestrian access

It is noted that pedestrian and visitor entry to Tower 1 is via a pathway adjacent to the vehicular driveway from Lambert Street. However, it is unclear on plans how this pathway connects to the lobby entrance area of the tower that is compliant with PO32 of the Multiple dwelling code. It appears on plans that the pedestrian walkway may conflict with vehicular movements and is not considered to be a safe, secure and convenient access.

To ensure compliance with PO32, provide amended plans clarifying a pedestrian pathway that is safe, secure and convenient for Tower 1, noting the requirement for an increased width for vehicular entry in item 6(a) of this Information Request.

4. Buildings that breathe

a) Subtropical design

It is acknowledged that there are topographical constraints on the development site that require stepping of the buildings. However, PO20 of the Multiple dwelling code requires the development to provide subtropical design elements that support Brisbane's subtropical design character and sustainable tropical living. The Brisbane City Council Buildings that Breathe guideline for development also requires well ventilated buildings with natural daylighting to private and communal spaces/lobby spaces.

It appears that there may be numerous apartments on the lower levels of Tower 1 which are located below the existing ground level and may not receive sufficient daylight, sunlight or breezes. Furthermore, it appears that these apartments may also face into a wall of the basement areas of Tower 3. In order to address this issue, provide the following:

- i) Amended plans showing revised heights of lower level units of all towers such that they are located wholly above existing ground level;
- iii) Amended plans that showing lobby spaces with natural daylighting and ventilation for each floor. Currently all the common lobbies have no views to the outside or natural light and breeze.

b) Material variation and articulation of towers

Whilst some architectural qualities are present in the design, including green wall features, additional design detail is required to improve the façade treatment of the towers to reflect the residential nature of the building. A revised design response is to be provided in addressing PO16 to PO20 of the Multiple Dwelling Code in consideration of the Buildings that Breathe document.

- i) Provide amended plans addressing the architectural design of the towers in the form further variation to the building form, recessions and projections of the roof and wall plane, and material variation as per PO17-PO20 of the Multiple dwelling code.

Note: For information on the level of detail required, refer to Council's "Façade detail on tall buildings" fact sheet on the Brisbane City Council website available at the following link: https://www.brisbane.qld.gov.au/sites/default/files/20171010_-_facade_on_tall_buildings.docx

5. Landscaping

a) Deep planting

It is acknowledged that some areas of deep planting have been provided, however the plans submitted state a 13.4% calculation of deep planting on the site. This area includes planting areas restricted by underground services, and bio basin. The development is not considered to meet deep planting requirements and design changes will be required.

Deep planting areas are required to allow the establishment of large sub-tropical shade trees to balance the bulk and scale of the built form provide shade to the open spaces and contribute to the overall subtropical character of the development. To meet the requirements of the Multiple Dwelling Code PO14, AO25.2, AO25.3 and AO30.1 through to AO30.4 provide the following:

- i) Amended plans showing a minimum 10% of the site is provided for deep planting of 'large subtropical shade trees'. The minimum horizontal dimension at ground level for any deep planting area is to be 4m internal width. Planting areas are required to be located throughout the site including within the frontages to help balance the bulk and scale of the development. This will require changes to basement setbacks, underground services locations and building levels above.

Notes:

- ☐ Deep planting areas shown on amended plans need to be viable. The areas demonstrated need to be of sufficient size/width and have adequate building setbacks to accommodate the growth of a large subtropical shade trees that can balance the overall bulk and scale of the development. At a minimum these areas must be open to the sky (no building above) and have no underground development or services (including basement). Deep planting areas must have the ability to facilitate the growth of a 5m canopy diameter and 5m tall shade tree at 5 years maturity. The mature canopy spread should be demonstrated on plans. A minimum 4m internal dimension is considered to meet these requirements.
- ☐ Balancing the scale and height of the building will be more effective if the deep planting areas are not consolidated to one section of the development.
- ☐ Amended plans are to demonstrate basement wall thickness to demonstrate that this will not impact deep planting areas.

b) Landscaping outcomes

The development relies heavily on podium planting and green walls to achieve the tower within a landscape setting intent of the Kangaroo Point peninsula neighbourhood plan. Provided that compliant deep planting is provided as per item 7, the use of planters is supported in principle. However, further information is required to demonstrate that planting will be viable, including in terms of construction integration, sustainable water consumption, ongoing maintenance and growing area. Unless this information is provided, containerised planting cannot be considered an achievable long term outcome.

To meet the requirements of Multiple dwelling code PO14, Landscape works code AO4.1 through to AO4.3, PO13. Provide amended Landscape Concept Plans and supporting documentation that demonstrate the following:

- i) Conceptual construction details including growing media, container size (internal widths and depths) and integration with building/structural design.
- ii) Increased internal planter widths and Increased internal depths to all planters that do not rely on mounding to create required depth. Where trees are proposed the minimum internal depth should be 1.5m. planters are to comply with BSD- 9004.

- iii) Detailed estimates of required weekly water consumption for irrigation for each calendar month by an Irrigation Association of Australia certified irrigation designer, holding a Diploma of irrigation.
- iv) Proposed size and location of any rainwater storage tanks or other non-mains water source for irrigation, sufficient to provide at least 95% of irrigation needs.
- v) Preliminary ongoing annual maintenance schedule for planting, growing media, irrigation and structural elements, including details of maintenance access.
- vi) Conceptual planting design completed by a specialist green wall designer that demonstrates planting appropriate to container type, size and location, taking into account orientation, shading and wind assessment of wind impacts on planting.
- vii) To ensure that planters are being integrated into the design of the building architecture drawings provided should also demonstrate the water storage areas, maintenance access points and planter dimensions.
- viii) It is acknowledged that small sections have been provided. however given the extent of the site, the level changes, and extent of podium planting, provide sections through the site to enable full assessment of the relationship with adjoining sites and what is proposed on the ground plane.

c) Side boundary planting

The side boundary planting adjacent to both driveways and the pedestrian walkway along the north western side boundary are insufficient to provide the required buffering and screening planting required.

To meet the requirements of Multiple dwelling code AO26.2 and Landscape works code PO2, PO3, AO4.3 and PO7 provide amended plans and sections through the side boundary planting areas that demonstrate the following:

- i) Where container planting is being used internal planter depths and widths that meet the requirements of BSD-9004.
- ii) A minimum 1m wide planting area is being provided where adjacent to the driveway.
- iii) A minimum 1.5m wide planting area where not adjacent to a driveway.
- iv) Location, depth and width of trellis/footings to demonstrate their location will not impact required planting areas.

d) Frontage landscaping and utilities

The plans provided demonstrate frontage landscaping and deep planting which is supported however no utilities are shown on plans provided. To ensure the requirements of Multiple dwelling code AO25.2 and AO26.1 will be met provide amended plans and landscape concept plans that demonstrate the following:

- i) Clarification that a Pad mount transformer and hydrant booster will not be required; or
- ii) Alternatively, to meet the requirements of Multiple dwelling code provide an additional viable area of deep planting within the frontage that can establish a large subtropical shade tree.

e) Streetscape and street tree requirements

The verge profile demonstrated on the Landscape sections provided is not supported. Streetscape upgrades will be required to both frontages with existing Street trees to be retained and protected. To meet the requirements of the Streetscape hierarchy overlay code AO2.1 and AO2.1 and associated Infrastructure design planning scheme policy provided amended plans that demonstrate:

- i) A verge crossfall of 1:50 away from the property boundary;
- ii) Retention of existing street trees.

f) Significant landscape tree overlay

There is a significant landscape tree (SLT) mapped over this site. As such an assessment against the Significant landscape tree overlay code is required to demonstrate that the development, including construction, earthworks, retaining wall and access points will not impact the adjoining SLT tree.

To meet the requirements of SLT Overlay Code AO1/ PO1 amended plans and Arborist report is required that demonstrate the following:

- i) Plans demonstrating that the development has been set back outside of the Tree protection zone (TPZ); or
- ii) Certification from a Level 5 Arborist that the proposed works will not impact the trees health and stability- SLT Overlay Code AO1/ PO1. 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.

6. Traffic

a) Vehicular access

The proposed 5m wide access way from Lambert Street does not comply with Table 12 of the Transport, Access, Parking and Servicing Planning Scheme Policy (TAPS PSP) for two-way traffic flow. Tower 1 is situated in excess of 60m from the road entry, and there is an increased chance of a Refuse collection vehicle (RCV) needing to pass another vehicle within this accessway. Therefore, the access easement needs to be widened to 6.5 meters for two-way traffic flow. Any pedestrian pathway is to be located outside of this 6.5m traffic access way.

- i) Provide amended plans increasing the width of the 2-way vehicle access way that servicing Towers 1 and 3 from Lambert Street. Ensure that a pedestrian pathway is not located within the 6.5m area. Note that side boundary landscaping requirements adjacent to the driveway area are still to be provided.

b) Visitor parking

Basement plans state that visitor car parking is provided, however the visitor spaces are not clearly labelled on plans. Provide updated plans showing all visitor car parking spaces clearly shown in accordance with requires of the TAPS PSP.

7. Earthworks

To ensure the proposed earthworks comply with the Filling and excavation code, further detail is required as follows.

- a) Provide plans identifying the extent of cut and filling proposed (expressed in m/AHD) and demonstrate compliance the Filling and excavation code.
- b) Provide concept earthworks plans for the development showing retaining walls and existing and proposed levels.

Note: As basement excavation is proposed then ground borne vibration is not to exceed the criteria listed within Tables 9.4.3.3.D/E/F and G of the code.

8. Virtual Brisbane

Submit 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

9. Park infrastructure

Brisbane's Long Term Infrastructure Plan (LTIP) identifies riverfront land in this location to be acquired as a corridor park as per Table 10.3.1A of the *Brisbane City Plan 2014*. Ensure this area is labelled on revised plans and the area is not prejudiced by built form.

Queensland Urban Utilities (QUU)

Brisbane City Council does not undertake water and sewer assessment of any planning applications. Contact QUU on (07) 3432 2200 to discuss any water and sewer issues and whether you are required to submit an application to QUU for assessment.

Responding to this request

Your response should include a summary table which outlines any changes to performance outcomes and plans that have resulted from addressing the issues outlined above. The table should also include details of any supporting documentation.

If a response is not provided within the prescribed response period of three (3) months assessment of the application will continue from the day after the day on which the response period would have otherwise ended.

Email your response to edaeast@brisbane.qld.gov.au quoting the application reference number A005260505. Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely



Lucy Stenzel
Senior Urban Planner
Planning Services East
Phone: 07 3403 6729
Email: Lucy.Stenzel@brisbane.qld.gov.au
Development Services
Brisbane City Council

LUCY STENZEL - LETTER DATED 30 JANUARY 2020



Dedicated to a better Brisbane

30 January 2020

108 Lambert St S1 Unit Trust
C/- Mewing Planning Consultants Pty Ltd
GPO Box 1506
BRISBANE QLD 4001

ATTENTION: Frances Cassaniti

Application Reference: A005260505
Address of Site: 108 LAMBERT ST KANGAROO POINT QLD 4169

Dear Frances,

RE: Advice about development application

Further to Council's acknowledgement of your request of 14 January 2020 to stop the decision period for the above application and ongoing discussions, I wish to reiterate the significant issues regarding the design and built form of the proposal that have resulted in Council's current position that the application is not supported.

It is noted that three towers are proposed over a subject site that now includes additional parcels of land when compared to previous applications. The proposal presents as a significant departure from the community's expectations regarding the nature of development to be built in this location. The following outlines the critical issues and performance outcomes that are required to be addressed via provision of a design change to this development application proposal.

Building bulk and scale

- 1) A combination of proposed performance outcomes regarding site cover, building separation and setbacks have resulted in an overall bulk and scale that does not appropriately respond to the site characteristics and impacts on the residential amenity of the adjoining sites and future residents of the proposed towers. The proposed setbacks reduce access to natural light and breezes and result in privacy concerns between the buildings. Further, the proposed site cover of 48% restricts the site's ability to provide landscaping and deep planting within the site and provide appropriate setbacks, site cover and building separation.

The proposal does not correlate to the utility of the site, which is specifically evident through the building proposing performance outcomes for site cover, setbacks and separation distances, particularly between towers 1 and 2, and between the proposed towers and neighbouring buildings. The proposal is required to be significantly amended to respond to PO3, PO4 and PO6 of the Kangaroo Point peninsula neighbourhood plan code, PO8, PO9, PO11, PO13, PO14, PO26 and PO30 of the Multiple dwelling code.

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Pre-1911 dwelling houses

- 2) While it is acknowledged that the pre-1911 dwelling houses are now proposed to be retained on the development site, the cantilevered tower 3 structure that extends completely over all three pre-1911 dwelling houses is not of a form or scale that integrates with the existing or intended neighbourhood structure for the area, nor is this design consistent with the street context of the site. Tower 3 appears to completely overshadow and cover the roof tops of the pre-1911 dwelling houses, which presents poorly to the streetscape.

The cantilevered tower 3 structure also presents issues in terms of adequate building separation and access to daylight and sunlight for the future occupants of the units proposed within the pre-1911 dwellings.

The design of tower 3 is required to be significantly amended by removing the cantilevered structure that fully extends over the top of the pre-1911 buildings in order to appropriately respond to Overall outcome (2)(e)(i), (2)(k), PO5, and PO17 of the Multiple dwelling code.

Deep planting

- 3) Some areas of deep planting have been provided however the plans submitted state a deep planting calculation of 13.4% over the site. This area includes planting areas restricted by underground services, a bio basin and the future park area given this the development is not considered to meet deep planting requirements and design changes will be required.

Retaining walls

- 4) Filling & excavation code especially P01 and AO1 have not been addressed satisfactorily. It is important at this stage to identify retaining wall heights to confirm compliance with the code. A performance outcome is to be addressed during the application stage if AO1 is not achievable. This is due to the extent of the proposed cut on the site as this application now includes a larger site area and additional tower.

There are excessively high retaining walls proposed that need to be addressed now rather than at Compliance Assessment stage as suggested.

Noting that the decision period will recommence on 10 February 2020, please be advised that the outstanding issues are required to be addressed via submission of amended plans to be reassessed for the application to favourably progress. It is recommended that the Decision period be extended should amended plans be submitted.

Any amended plans submitted to address the key issues with the proposal as outlined in this letter will be fully re-assessed, noting items within Council's original Information Request dated 01 October 2019 are considered unresolved.

The assessment team is willing to organise a meeting with you to further discuss a revised design of this proposal should you wish to make changes to proposed plans.

LUCY STENZEL - LETTER DATED 30 JANUARY 2020

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Please phone me on telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely



Lucy Stenzel
Senior Urban Planner
Planning Services East
Phone: 07 3403 6729
Email: Lucy.Stenzel@brisbane.qld.gov.au
Development Services
Brisbane City Council

MATTHEW WATT - LETTER DATED 23 OCTOBER 2020



Dedicated to a better Brisbane

23 October 2020

Main Street Projects Pty Ltd
C/- Urbis Pty Ltd
Level 32, 300 George Street
BRISBANE CITY QLD 4000

ATTENTION: Katherine Matthews

Application Reference: A005542190
Address of Site: 108 LAMBERT ST, KANGAROO POINT QLD 4169

Dear Katherine,

RE: Information request under the *Planning Act 2016*

Council has carried out an initial review of the above application and has identified that further information is required to fully assess the proposal.

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.

- 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.

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.

Brisbane City Council ABN 72 002 765 795

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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.

- 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.

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:

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

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.

- 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.
- 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.
- 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.

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:

- Overall construction schedule and duration;
- Work methodology required to safely excavate the site addressing:
 - the structural support of adjoining land,

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- o 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,
 - o ground water management, and
 - o 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.

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.

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.

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), showing

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.

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.

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

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 from 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,

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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.

Urban Utilities (QUU)

Council does not undertake water and sewer assessment of any planning applications. Contact Urban Utilities on (07) 3432 2200 to discuss any water and sewer issues and whether you are required to submit an application to Urban Utilities for assessment.

Responding to this request

Your response should include a summary table which outlines any changes to performance outcomes and plans that have resulted from addressing the issues outlined above. The table should also include details of any supporting documentation. If a response is not provided within the prescribed response period of three (3) months assessment of the application will continue from the day after the day on which the response period would have otherwise ended. Email your response to edaeast@brisbane.qld.gov.au quoting the application reference number A005542190.

Please phone me on the telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely,



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Development Services
Brisbane City Council