

26 May 2025

Chief Executive Officer  
Brisbane City Council  
GPO Box 1434  
BRISBANE QLD 4001

Attn: Shirley Mills

Via Email: Shirley Mills - [shirley.mills@brisbane.qld.gov.au](mailto:shirley.mills@brisbane.qld.gov.au);  
CPAS-DS-PlanningSupport - [dsplanningsupport@brisbane.qld.gov.au](mailto:dsplanningsupport@brisbane.qld.gov.au)

Council Reference: A006710893 (Minor Change); A006534875 (Original Approval)

Dear Shirley

**RE: Response to Further Issues Request – Minor Change Application over 37  
Ross Street and & 176 Breakfast Creek Rd, Newstead**

We write in response to Council requests as provided via emails and subsequent verbal discussions including an on-line meeting, regarding the two stage development at 37 Ross Street and 176 Breakfast Creek Rd, Newstead.

This letter provides a response to Council's requests and is accompanied by:

- Minor Change Development Application plans by Plazibat Architects
- Design Report (including response to Council plan markups) by Plazibat Architects
- Survey Proposal Plan (removing Durong St verge widening) by Toohey Surveys
- Landscape Concept Plans by Wild Studio
- Irrigation Water Usage, Catchment & Irrigation Strategy by Irrigation Design Australia
- Traffic Engineering Letter by Modus

This letter sets out the applicant's response to each matter raised.

## 1.0 Architectural Design

Council's comments and information provided to the applicant regarding the previously approved application, including mark ups on the elevations to help explain the previous design rationale, and the suggested amendments shown as mark ups on the proposed plans, have been carefully considered.

In response, the project architect has prepared a full suite of amended plans, and a design report that provides a detailed analysis of the changes that have been undertaken.

To assist with the explanation of the changes undertaken to address Council's concerns, the design report includes where appropriate comparisons with:

- the plans previously submitted as part of the Minor Change application; and
- the previously approved plans.

A short summary of the key changes is set out below, with more detailed responses to specific design matters set out in the subsequent sections of this letter and contained in the design report where necessary.

### 1.1 Durong Street Road Widening

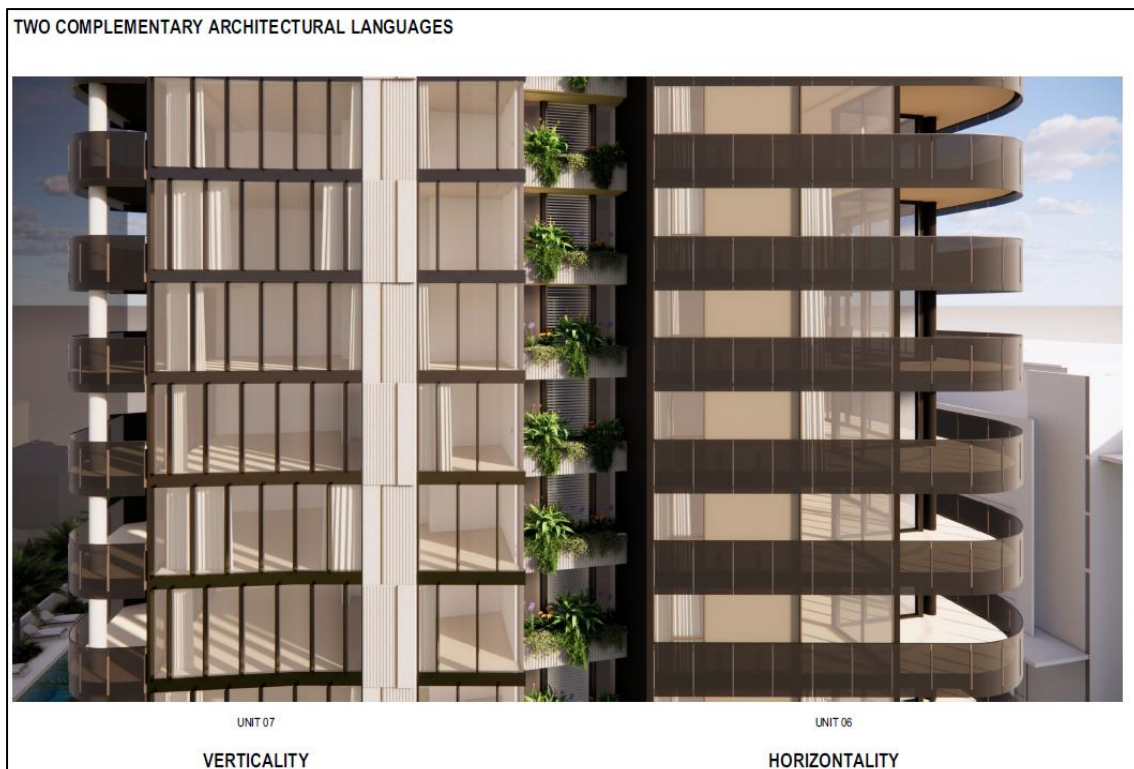
The survey, architectural and landscape plans have been amended to remove the requirement for the verge widening to Durong Street. The plans now provide the ultimate 3-chord corner truncation for a 3.75m verge widening to Breakfast Creek Road.

### 1.2 Facade Changes

To address Council's request that the proposed façade of the residential tower addressing Breakfast Creek Road and Durong St (shown as units 06 and 07) be given more distinction, the following has been provided:

- The units that address the corner of Breakfast Creek Road and Durong St (shown as Units 06) have been refined to strengthen the architectural expression and are expressed 'horizontally', with key improvements being:
  - A larger corner balcony to assist with providing more accentuation at the corner and improve liveability. The balcony has been pushed out 600mm towards Durong Street;
  - A strong dark balustrade band that extends above and below the slab and wraps around the entire unit, creating a horizontal gesture that defines the architectural expression of the corner;
  - The sliding screen removed from the balcony edge to assist with banding definition of the corner.

- The units that face east on to Breakfast Creek Road (shown as Units 07) have been given a distinct architectural language distinct from Units 06 that emphasises ‘verticality’, in contrast to the horizontal lines of Units 06. Improvements include:
  - Uninterrupted floor to ceiling glass window walls;
  - The glazing line of this part of the tower has been pushed back from the future road resumption alignment, allowing the introduction of vertical staggered fins aligned with the mullions of the window wall;
  - A vertical precast textured feature wall that creates a strong and distinctive vertical element;
  - The corner balcony at the southeast edge has been increased in width by 600mm to again emphasise the corner over the adjacent body of building and improve liveability;
  - Balustrade design has been changed that extends above and below the slab and is the same strong dark balustrade used in the type 06



**Figure 1: Tower Facing Breakfast Creek Road - Demonstrating the design rationale of breaking the Tower Form into separate components and emphasising the corner treatment (Source: Plazibat Architects Design Report)**



Figure 2: Tower Facing Breakfast Creek Road – Left hand image is the elevation submitted at the time of lodgement, right hand image is the proposed amendment (Source: Plazibat Architects Design Report)



Figure 3: Treatment of Tower at the corner of Breakfast Creek Road and Dulong St – Left hand image is the elevation submitted at the time of lodgement, right hand image is the proposed amendment (Source: Plazibat Architects Design Report)



Figure 4: Tower Facing During Street – Left hand image is the elevation submitted at the time of lodgement, right hand image is the proposed amendment (Source: Plazibat Architects Design Report)

- The rooftop northeast corner crown element at the junction of Breakfast Creek Road and Dulong Street has been increased in height for more dramatic expression (refer Figure 5)



**Figure 5: Rooftop northeast corner crown element at the junction of Breakfast Creek Road and Dulong Street. Left hand image is the elevation submitted at the time of lodgement, right hand image is the proposed amendment (Source: Plazibat Architects Design Report)**

- The building colours have been adjusted so as to further emphasise the tower element of Unit 06

### **1.3 Floor Level Increase**

- To address Council's revised flood levels since the time of the original approval, the floor levels from the ground floor upwards have been raised by 200mm, raising the overall height of the tower by 200mm;
- Basement levels have remained the same;
- Ramping gradients have been adjusted where required. The main driveway entrance into ground floor gradients has changed; the ground floor to B1 ramp gradient has remained the same, with some additional ramping on B1 to pick up the additional 200mm height difference

### **1.4 Pedestrian Connectivity**

- Pedestrian connection between Stages 1 and 2 has been provided by amending the ground floor plans for both stages.

### **1.5 Reduction in Unit Numbers**

- Due to the re-evaluation of the work required to provide the facade improvements, including the stepping in of the gazing line of Units 07, a number of units on levels 15 to 26 have been merged, decreasing the overall unit numbers from 176 to 164;

- The unit breakdown is now as follows:
  - 2 bedrooms: 114 units
  - 3 bedrooms: 48 units
  - 4 bedrooms: 2 units

### **1.6 Retention of Podium / Tower Form**

A key design rationale has been the retention of the distinct tower form floating above a strong podium base, as shown at Figure 6. It is acknowledged that the previous approved plan provided a different design arrangement facing on to Durong Street, whereby the tower merged with the podium, resulting in an elongated building form that emphasized the overall height of the development. Whilst this outcome provides one design pathway, we are of the firm opinion that the proposed alternative provides an exemplar building form that surpasses the approved outcome.

Of relevance, a podium / tower design rationale is supported in the Newstead North Neighbourhood Plan:

*PO7 Development accommodates buildings of a scale and design that:*

- c. incorporates a clear podium and tower form with towers set back to reduce their bulk and visibility from the street;*

It can also be noted that the nearby Bowen Hills PDA planning scheme, that provides for 30 storey outcomes, expects the following design outcomes for tall buildings:

*Development comprises a tower and podium typology which addresses the street, within a range of building heights, dependent on site area.*

*High-rise buildings must have distinct lower, middle and upper sections, including the ground floor, podium and tower levels, providing for variation in the built form.*



LODGED MC APPLICATION  
NORTH-EAST CORNER VIEW



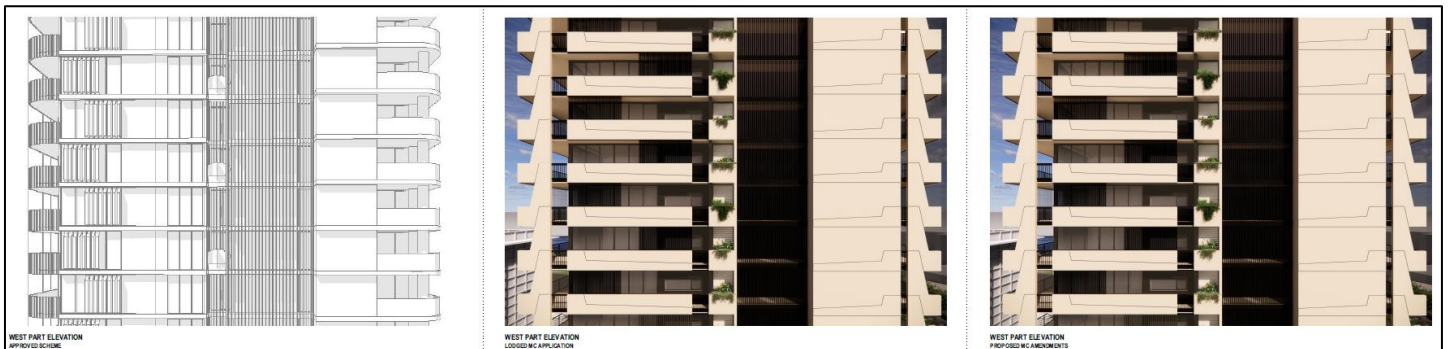
PROPOSED MC AMENDMENTS  
NORTH-EAST CORNER VIEW

Figure 6: A key design rationale has been the retention of the distinct tower form floating above a strong animated podium base (Source: Plazibat Architects Design Report)

We also note that ‘stand-alone’ elevations of the South and West towers from the previous development approval were not included as part of the approval package. As demonstrated in Figures 7 and 8 which have been extracted by Plazibat Architects from the 3D model lodged as part of that previous approval, these elevations could be considered to be lacking in architectural finesse. In contrast, the lodged Minor Change elevations, and now the subsequent amended elevations, provide a high degree of architectural detailing, as shown throughout the Plazibat Architects Design Report and Plazibat Architects Design Drawings.



**Figure 7: Southern view of Tower 1. Left hand image has been extracted from the 3d Model of the previous approval, noting that Council did not stamp a standalone elevation as part of that approval. The middle image was submitted as part of the current Minor Change request, and the right hand image is the proposed amendment (Source: Plazibat Architects Design Report)**



**Figure 8: Western view of Tower 1. Left hand image has been extracted from the 3d Model of the previous approval, noting that Council did not stamp a standalone elevation as part of that approval. The middle image was submitted as part of the current Minor Change request, and the right hand image is the proposed amendment (Source: Plazibat Architects Design Report)**

### 1.7 Unresolved Issues from Previous Approval

With regards to Council’s comment that the previous approved plan for Tower 1 was “...a well-resolved...proposal...”, we respectfully cannot agree with this statement. As detailed in the original submitted documentation and again in the documents provided in this response, a significant number of design flaws and deferred design matters were present. The list is extensive, and includes:

- The approved sleeved podium spaces are disconnected, inaccessible, hidden from view, and non-compliant with the NCC/Building Codes. The retail areas are poorly positioned, do not allow for back of house areas, and may have sat dormant/empty. The 'work from home' and Recreation spaces were badly placed with no amenity which would have resulted in limited use.
- Fire stairs did not connect through the building, were missing stair pressurisation or did not achieve compliance.
- Critical life safety requirements of Fire Pump rooms, fire control rooms were either not provided or placed in non-compliant areas.
- PMT is set at the wrong height and size.
- Fire tanks undersized, Main Switchboard room accessed via a ladder.
- A major non-compliance in the approved tower is the width of balconies. Balconies measuring as small as 200mm wide to 500mm wide is not only a major safety design flaw it is a major useability and amenity design flaw. TDD's building certifier Bartley Burns deemed the narrow balconies non-compliant for climb ability and set a minimum clear width of 600mm for narrow balconies. It was deemed a child could climb this space using the glazed windows and handrail in combination. This necessitated the redesign of the balconies.

We have appreciated Council taking the time to provide us with several mark ups of the previous development plans and explaining the outcomes thought to have been achieved.

However, it has come to our attention that several of the 3D images and plans marked up by Council and provided as examples of outcomes thought to have been achieved, missed the fact that the plans were subsequently amended by council as part of the approval package.

On the following pages is a series of mark-ups of the previously submitted (but not approved) architectural 3D renders, and approved elevations and floor plans that clearly show the areas where the architectural features and encroachments have been conditioned by Council to be removed, or were removed prior to the final approval, where they encroach into the future road widening area.

In particular, in response to Council RFI items, plans were amended by adding in projections to the eastern elevations of both the North and East towers facing Breakfast Creek Road. The added projections can be seen in the below perspectives and elevations within the blue boxes on Figures 9 and 10 and Attachment A.

However, after these additions were added to address items raised in the RFI's, they were then deleted in red on the approval.

Extract of the final MAS stamped approval clearly shows:

- the projections on the southern side of the eastern elevation of the North Tower have been removed.
- Planters on the North Tower levels two and four have been removed.
- Part of the East Elevation podium planting area on level five of the north and east tower has been removed
- The screens and planters of the eastern elevation of the east tower have been marked up in red to be removed.

Consequently, the architecture of the 3D's presented to us as being the approved outcome is not representative of the final approval, where all of the projections on the eastern elevations have been removed. Therefore, the actual approved development has reduced features on the eastern elevations, resulting in 'flat' facades with incomplete architecture.

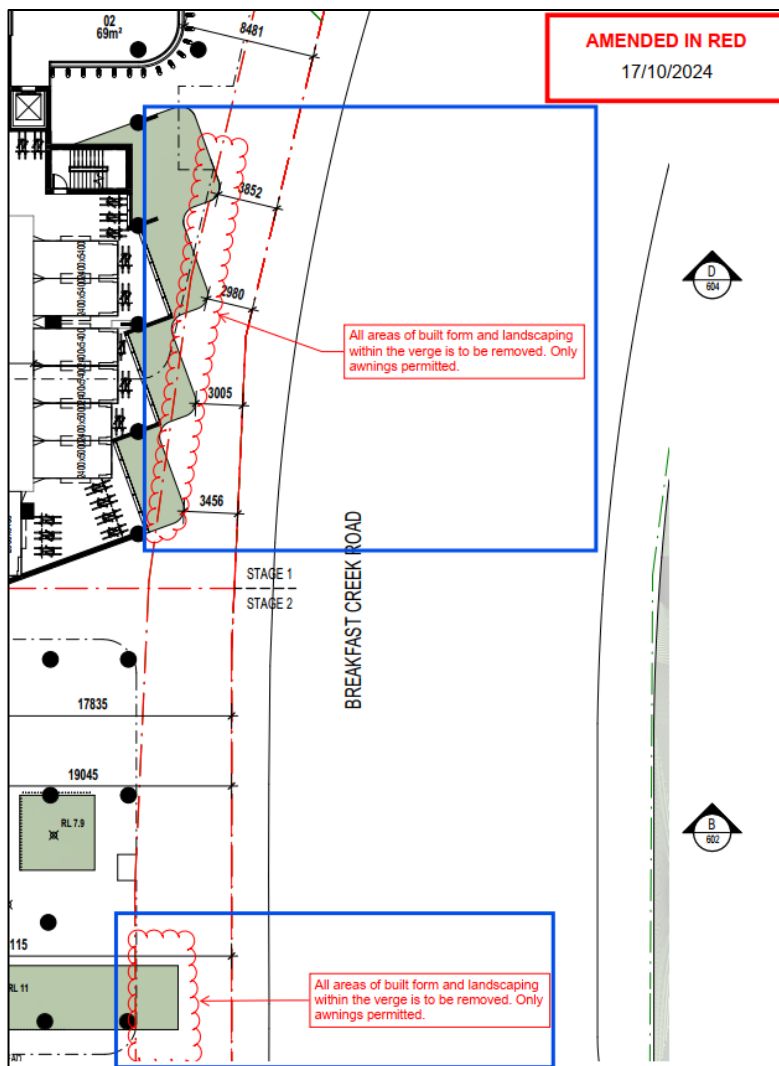


Figure 9: Example of Projections Deleted from Approval – Refer Att A (Source: Approved Plans A006534875)



Figure 10: 3D Renders Depicting Projections in Conflict with the Approved Plans

We are fully aware that Council will not approve any intrusion into the future road resumption area, and consequently all amendments made are within the ultimate property boundary. There will be no need for Council to amend the submitted plans prior to approval.

## 2.0 Tower Setback to Northwest Boundary

Council raised no issue with the amended northwestern side boundary setback of the tower adjacent to the low rise building in its request for amendments sent of 21 April. However, in a subsequent email dated 13 May, Council “recommended” that the balcony extension (which is now 2m from the side boundary) be removed from levels 7 to 26.

This recommendation has been considered, however we are of the opinion that the currently proposed 2m setback to the balcony (and 3m to the wall) remains appropriate on the following grounds:

### 2.1 Adjoining Site Circumstances

- The adjoining site contains an Easement 3m wide that runs the full length of that site’s east boundary where it abuts Lot 2 which is the subject of the current application (refer Figure 12). This easement provides access to services for Lot 2 and cannot be built on or over, and therefore ensures that on that site, no part of a building will be closer than 3m to the side boundary;
- As a consequence, the gap between the subject tower and any future tower on the adjoining site would be a minimum of 5m, and 6m to walls (refer Figure 12);
- The adjoining lot is 1002sqm and has a depth of 20m, and as such the Acceptable Outcome building height is 5 storeys. Assuming that building contained a 5 storey podium to match in with the proposed podium, then the setback for any additional storeys would be 3m, with no further development above. If an impact assessable tower form was proposed to emerge on the adjoining site, then such a proposal would need to respond to the development approval on the subject site, including consideration of tower separation and amenity protection;
- Taking into consideration the limited depth, it is considered very unlikely that the side of the building would contain balconies instead of usable internal floor space, and as such the likelihood of balconies facing each other is improbable.

### 2.2 Setback of Approved Building

- The Setback shown on the Approved Drawings to the western boundary is 3,015mm to the wall (only 15mm different to proposed) which then has a ledge and screens extending beyond the external wall reducing the setback dimension (refer Figure 11). These protrusions result in the following lesser setbacks:
  - 2,602mm to screen
  - 2,712mm to ledge

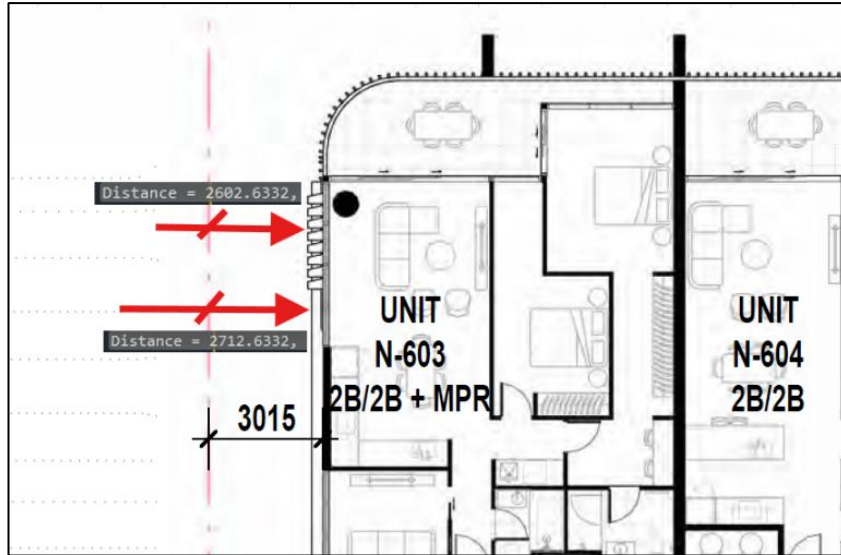


Figure 11: Setbacks of approved building are 2,602mm to the screen and 2,712mm to ledge Western  
(Source: MAS Architects and marked up by TDD)

### 2.3 Setback of Proposed Building

- The proposed setback is 2,000mm to the balcony (refer Figure 12) which is a difference of just 602mm to the screens or 712mm to the ledge as compared to the approved setback;
- The building facade proper (i.e. edge of external wall) is 3,000mm to the boundary and therefore complies with NCC 2022 fire separation setbacks;

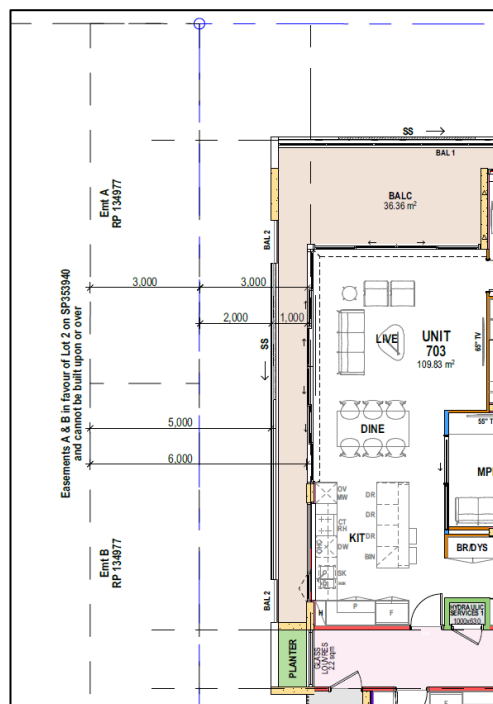


Figure 12: Diagram showing location of easements on adjoining site and proposed setbacks  
(Source: Plazibat Architect Architectural Drawings)

- Inclusion of the balconies provides improved climatic amenity for the residents by allowing the full opening of sliding doors adjacent to the living and dining area. The solid balustrade is 1100 high and only 800 mm wide internally, therefore not wide enough for the location of any furniture, reinforcing that its purpose is to allow for the opening of sliding doors and provides a much better result for the amenity of the apartment. If the balcony was not present, window openings would be restricted to a small gap at the base of hopper windows.
- The balconies also provide the opportunity for the inclusion of sliding screens on the west-facing facade, resulting in a kinetic façade while also improving privacy outcomes and sun shielding.

### **3.0 Arcade Connection**

An arcade connection between Stages 1 and 2 has been provided as demonstrated on the amended plans by a re-introduction of a pedestrian pathway on Stage 1 and rearrangement of a planter bed on Stage 2.

The applicant has now contracted to purchase Stage 2 at 37 Ross Street and will subsequently be lodging a new development application over this Stage 2 property, further ensuring that the arcade connection will be retained.

### **4.0 Awning over Breakfast Creek Road**

The re-connection of the arcade allows the retention of the awning on Stage 1 with no impact on Stage 2.

### **5.0 Podium Active Uses**

As identified in the information lodged with the Minor Change application and again set out above and in the architect design report, the approved supposed 'active' uses have a number of design flaws including poor location, inappropriate functionality, and non-compliance with several building code requirements.

The proposed minor change application retains and enhances active uses at ground level. The 6m high commercial tenancy which fronts Breakfast Creek Road (with approx. 240sqm of internal area) provides a strong street address and approximately 24m of continuous frontage. The residential foyer with its 25m of active frontage establishes a clear sense of entry and arrival. The extent of active frontage is 62%, which exceeds the recommended minimum 60% suggested as set out in the Subtropical Building Design Planning Scheme Policy.

The proposed podium treatment above ground level provides a more appropriate design outcome than the unresolved and flawed approved arrangement, and offers a highly resolved animated edge, topped with an expansive communal recreation area that looks out over the public realm.

## 6.0 Residential Recreational Use Areas

We confirm that the recreational area on top of the podium is for the exclusive use of the residents of Stage 1 and there is no objection to Council imposing a condition stating that the Indoor sport and recreation uses are ancillary to the Multiple dwellings for Stage 1 of the application.

## 7.0 Irrigation Calculations

Council has requested updated irrigation calculations and further information on the proposed stormwater tanks.

In response, please refer to the attached Irrigation Water Usage, Catchment & Irrigation Strategy prepared by Irrigation Design Australia, and the location of the 4 x 12,500l stormwater tanks in the amended landscape plans by Wild Studio (refer P43) and architect plans (refer DA106).

In summary, it is noted by IDA that the 50kL of tank storage provides for a minimum 109% (in summer) and maximum 273% (in winter), thus exceeding the 95% Council requirement.

## 8.0 Durong Street Road Reserve

Council's advice that *"...the verge widening to 3.75m to Durong Street is no longer required and therefore, a volumetric easement is not required along this frontage."* is noted and appreciated. Accordingly, all relevant plans have been amended so that the ultimate 3-chord corner truncation allows only for a 3.75m verge widening to Breakfast Creek Road.

## 9.0 Verge Pavement Treatment

As requested by Council, *"Provide simple verge pavement treatment which distinguishes between the private and public verge and provides a consistent experience for all users, including the vision impaired, without impacting slip resistance/texture etc."* has been incorporated to some extent into the Landscape design plans prepared by Wild Studio. Council is invited to provide a condition of approval setting out this requirement.

## 10.0 Bike Room Opening

Council have noted that:

*DA104-A – shows a narrow opening door to the secure bike room. Cyclists would benefit from an automated sliding door to open to allow walking with a bicycle.*

We advise that the Bike storerooms shown on DA 104 issue 1, Level 2 & DA 105 issue 1, Level 3, are for electric bike and scooter charging, and are therefore required to be 2hr fire rated. To achieve the fire rating a 920mm fire rated door is required. An automated door will not achieve these requirements.

An extract of the requirements set by the Fire Engineering consultant is as follows:

j) A fire rated enclosure with an FRL of 120/120/120 is to be provided to facilitate EV **bike** storage and charging.

### 11.0 Waste Bin Holding Room Residential Label

The labelling for the Waste bin holding room shown on DA102-2 has been amended to now refer to Residential Use.

### 12.0 Medical Waste Condition

Council has queried whether the Medical Waste condition is still required. The condition reads:

*In the event a Health Care Service occupies **one** of the approved tenancies medical/regulated waste is required to be stored internally within the tenancy and collected by the authorised private regulated waste contractor.*

*Should the proposal seek external storage of clinical or related waste outside of the tenancy, contact Waste and Resource Recovery Services regarding the proposed location and servicing arrangements. Note: as a result of the relocated storage, a Change application may be required, OR*

*Delete c55 Medical Healthcare tenancy if no longer required.*

At this point in time it is unknown whether a Health Care Service may become a future tenant, and consequently the condition is required to be retained.

### 13.0 Flood Immunity Level Changes

Council has informed us that the site is now modelled to be subject to higher levels of flood than existed at the time of the most recent approval. Advice received has included the following table that sets out the existing and proposed (ie recommended minimum) floor levels:

<i>Condition 52</i>	<i>Existing</i>	<i>Proposed</i>
<i>The minimum habitable floor level must be</i>	<i>3.6 m AHD</i>	<i>is now 4.0m AHD (Class 2 MUD) (CAT A 1% Creek +500)</i>
<i>The minimum non-habitable floor level must be</i>	<i>3.4 m AHD</i>	<i>is now 3.8m AHD (Class 2 MUD) (CAT B 1% Creek +300)</i>
<i>The minimum retail/office/food and drink use floor level must be</i>	<i>3.1m AHD</i>	<i>is now 3.5m AHD (CLASS 6 – Café) (CAT C 1% Creek)</i>
<i>The minimum basement entry (carpark level and vehicle manoeuvring level) must be</i>	<i>3.4 m AHD</i>	<i>is now 3.8m AHD (CAT C 1% Creek +300)</i>
<i>The minimum level for essential electrical services must be</i>	<i>3.6 m AHD</i>	<i>is now 4.0m AHD (CAT A 1% CREEK +500)</i>

We confirm that the amended plans comply with the proposed minimum floor levels as set out in the table and Council is invited to impose a new condition requiring compliance.

To achieve this outcome the ground floor has been lifted by 200mm, increasing the overall height by 200mm. Basements 1 & 2 will remain at the same RL heights. We note that lifting the ground floor will create a 200mm misalignment with the Stage 2 ground floor and podium levels. Conditions for Stage 2 will therefore also need to be amended to ensure that its floor levels meet the new requirements.

This outcome was presented to Council in our email dated 12 May, and subsequently agreed to by Council in the response dated 13 May, subject to ensuring the following:

- *Ensure that all Essential electrical services include any area or room used for fire control panel, telephone PABX, sensitive substation equipment including transformers, low voltage switch gear, high voltage switch gear, battery chargers, protection control and communication equipment, low voltage cables, high voltage cables, and lift or pump controls; and*
- *The redesign will require consideration of the new access ramp level of 3.8m AHD and the current ramp level to B1 which is currently 3.65m turn to go down the ramp must (sic), this should also be at 3.80m AHD*

TDD confirms that all Essential electrical services comply with the updated minimum floor levels of 4.0m AHD.

Regarding the changes to the access level ramp gradients that have resulted from the lift to the floor levels, Modus have provided the accompanying letter confirming that the amendments comply with expected standards.

#### **14.0 In Conclusion**

We trust the above and accompanying information suitably addresses the comments of the Council and we look forward to further dialogue if necessary, prior to finalising the application.

The proposal continues to amount to no more than a Minor Change in accordance with the Planning Act 2016.

We would also appreciate the opportunity to review draft conditions of approval, particularly as there is no opportunity to seek a Negotiated Decision Notice on a Minor Change application.

Yours faithfully

**URBAN STRATEGIES PTY LTD**



**Lochlan Mummery**  
**DIRECTOR**