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APPLICATION REF
A007115879

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10 November 2026

Ruka Kearns
Urban Planner
Planning Services South
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Dear Ruka,

Response to submissions - 187 Oxford Street, Bulimba (BCC ref: A007115879)

We refer to the other change application for amendments to the Development Approval for a Material Change of Use for Shop, Food and Drink Outlet, Indoor Sport and Recreation and Office at 187 Oxford Street, Bulimba. The application was accepted as properly made by Brisbane City Council on 1 October 2026, and subsequently public notification was undertaken between 8 October and 30 October. During the public notification period, a total of 4 submissions were received, with 2 submissions lodged in support, along with two objections.

Notably the two submissions lodged in support of the proposed development make reference to the benefits that the development will provide to the Oxford Street precinct. The development is proposed to be occupied by two prominent national businesses (one retail and one health and wellness) which will drive activity within the precinct, which has traditionally been dominated by smaller finer grain tenancies. These smaller tenancies are critical to a precinct such as Oxford Street, however for them to thrive they do rely upon larger tenants which attract visitation to the precinct to ensure its ongoing success.

The purpose of this letter is to provide a response to the submissions which were lodged in objection to the proposed development. The responses to the matters raised in these submissions are outlined below.

In responding to the submissions, it is important to be clear about the scope of the assessment. The existing, lawful development approval – as changed by the Planning and Environment Court on 27 September 2024 and again on 17 June 2026 – forms part of the planning context that the assessment manager must consider. It is the starting point. It is not appropriate to assess the proposed changes as though the original approval did not exist, even where that approval departs to some extent from the relevant provisions and assessment benchmarks (for example, the acceptable outcome of 3 storeys and 10.5m for the Oxford Street B1 sub-precinct). The task is to test the proposed changes, and their impacts, against the relevant assessment benchmarks – not to reassess the underlying approved development.

This letter is structured to reflect that approach. **Section 1** describes each proposed change quantitatively and diagrammatically – what is being added, removed or modified, why, and what is not changing. **Section 2** identifies the positive and negative planning consequences of the changes. **Section 3** assesses the changes against the relevant assessment benchmarks. **Section 4** responds, item by item, to the submission prepared

by Corrs Chambers Westgarth (Corrs) dated 30 October 2026. **Section 5** suggests conditions that Council may choose to impose to reinforce the amended plans.

1 Background and description of the proposed changes

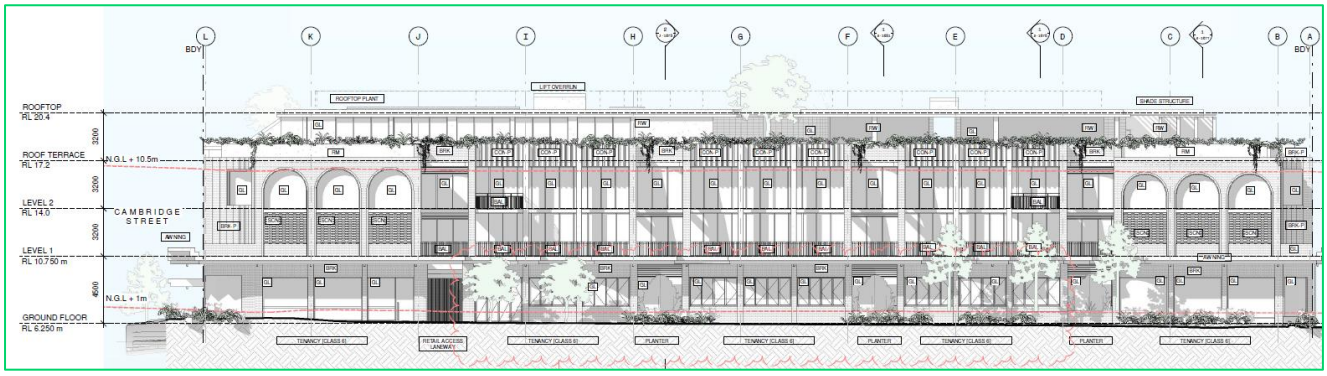
Initially, it is relevant to set out background to the current Other Change application and the development application history for the project. The following provides a brief outline of the development approval and application history of the project, which is relevant context given that the existing approval is the starting point for the assessment:

Original Development Approval (A006093746) – granted on 5 April 2023 for a Material Change of Use for Shop and Office. The building was predominantly a 3-storey office building with a small shop on the corner of Oxford and Cambridge Streets. The application was Code Assessable, given compliance with the Acceptable Outcome for building height of 3 storeys and 10.5m (measured from ground level) in the Bulimba District Neighbourhood Plan Code.

Other Change (A006379304) – lodged on 30 October 2023 and refused by Council on 1 March 2024. The change was approved by the Planning and Environment Court on 27 September 2024 (Appeal 671 of 2024). It added a fourth storey, increased the approved height by 4.4m and expanded the approved uses to include Shop, Food and Drink Outlet, Indoor Sport and Recreation, Bar (in place of the originally proposed Function Facility) and Office. A further 0.5m was approved for the lift overrun during the appeal.

Appeal of Other Change (Planning and Environment Court Application 2445 of 2025) – approved by the Court on 17 June 2026. This approval converted the layout to suit the two major Shop and Indoor Sport and Recreation tenants, and included the active use of the rooftop as part of the Indoor Sport and Recreation use (pool, juice bar and saunas). It also increased the height of rooftop plant and equipment, with Condition 13 amended to provide that the rooftop must not exceed 20.4m AHD, plant and equipment must not exceed 21.90m AHD and the lift overrun must not exceed 21.65m AHD. **Figure 1** illustrates the current approved north elevation, including the approved increase in height from the original approval of 10.5m above natural ground.

Figure 1 - Existing approved north elevation



A further Other Change application has now been lodged to address inconsistencies in delivering the development in the manner approved by the Court on 17 June 2026. Firstly, the Level 2 slab (which has been poured) is approved at 14.0m AHD, however the as-built level of the Level 2 slab is 14.25m AHD. Further, there

appears to have been insufficient structural capacity allowed for in the Level 3 (roof terrace) slab to enable the development to be completed in a way which complied with the heights specified in Condition 13.

Following review of the project for this Other Change application, the applicant reviewed the ability to complete the development in accordance with the current approval. That review determined that some works had been constructed that were not in accordance with the approval, and that further structure would be required to accommodate the lower and upper rooftop levels.

As a result, the applicant reviewed the design on the basis of minimising the extent of increased built structure needed to complete the development, and deliver the community the uses it is expecting. The following changes are proposed:

- Removal of Tenancy 4 (a 179.5m² enclosed tenancy on the upper roof level) and its replacement with plant and equipment (Mechanical Zone 2, 255m²);
- Rationalisation of the plant and equipment areas into two mechanical zones beneath a single pitched roof form, with the sprinkler tank (195m²) and pool pump room (26m²) located within the footprint shown as 'substructure' beneath the pool deck on the approved plans;
- Relocation of the male and female amenities from the lower roof level to the upper roof level. The amenities have been changed in size (female increased from 40.9m² to 62m²; male 39.2m² marginally reduced to 39m², being unchanged in substance) to ensure they provide sufficient amenities for users of the wellness space; and
- Adjustments to structure and roof levels necessary to complete the building (Level 2 slab, roof terrace slab, eaves, roof ridge and lift overrun), as set out in Table 1.

The key changes resulting from the above are shown in **Figures 2 and 3** (the existing approved plan is shown first and the proposed plan second in each figure).

Figure 2 - Approved and proposed lower roof plan (existing first and proposed second

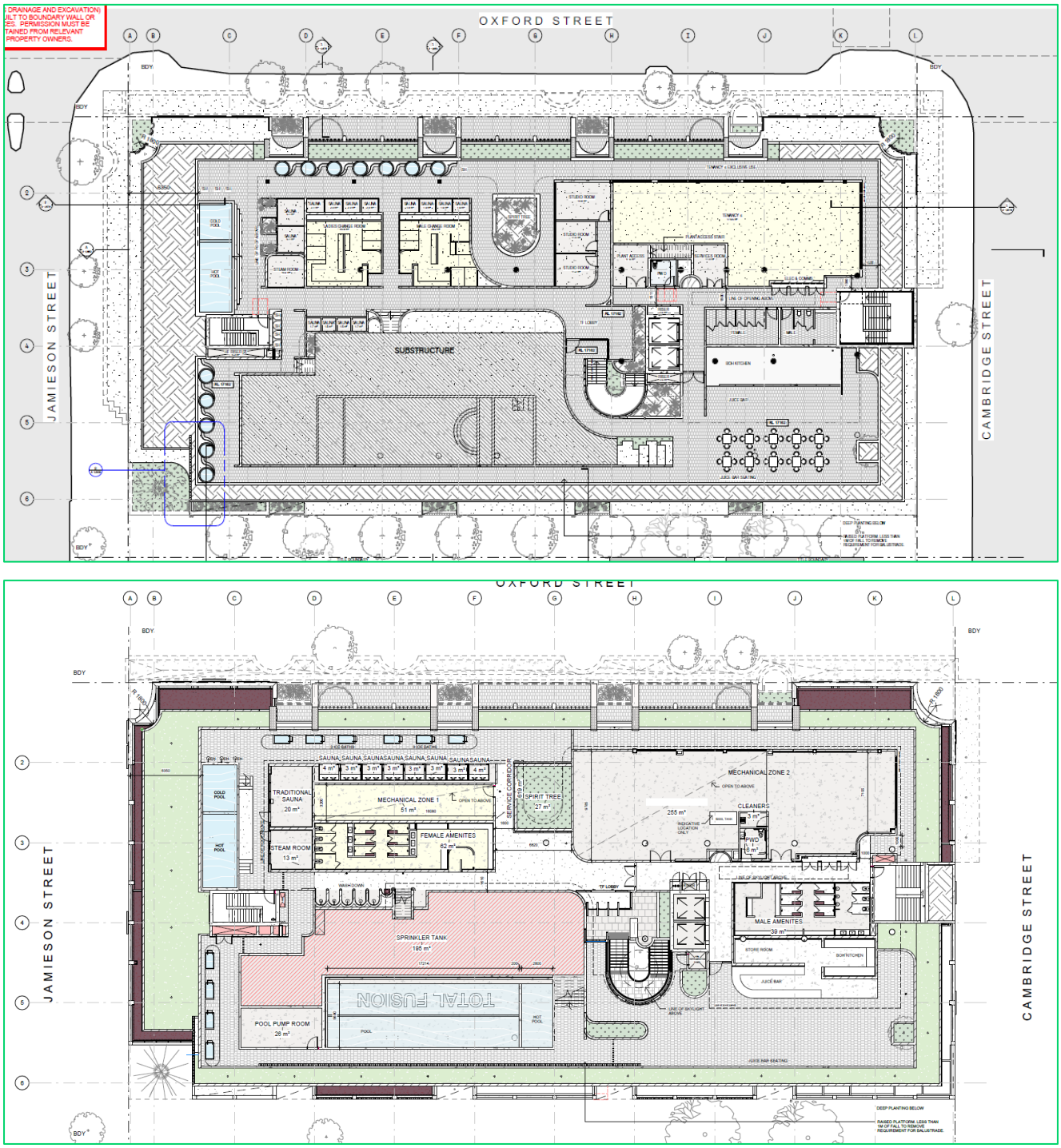


Figure 3 - Approved and proposed upper roof plan (existing first and proposed second)

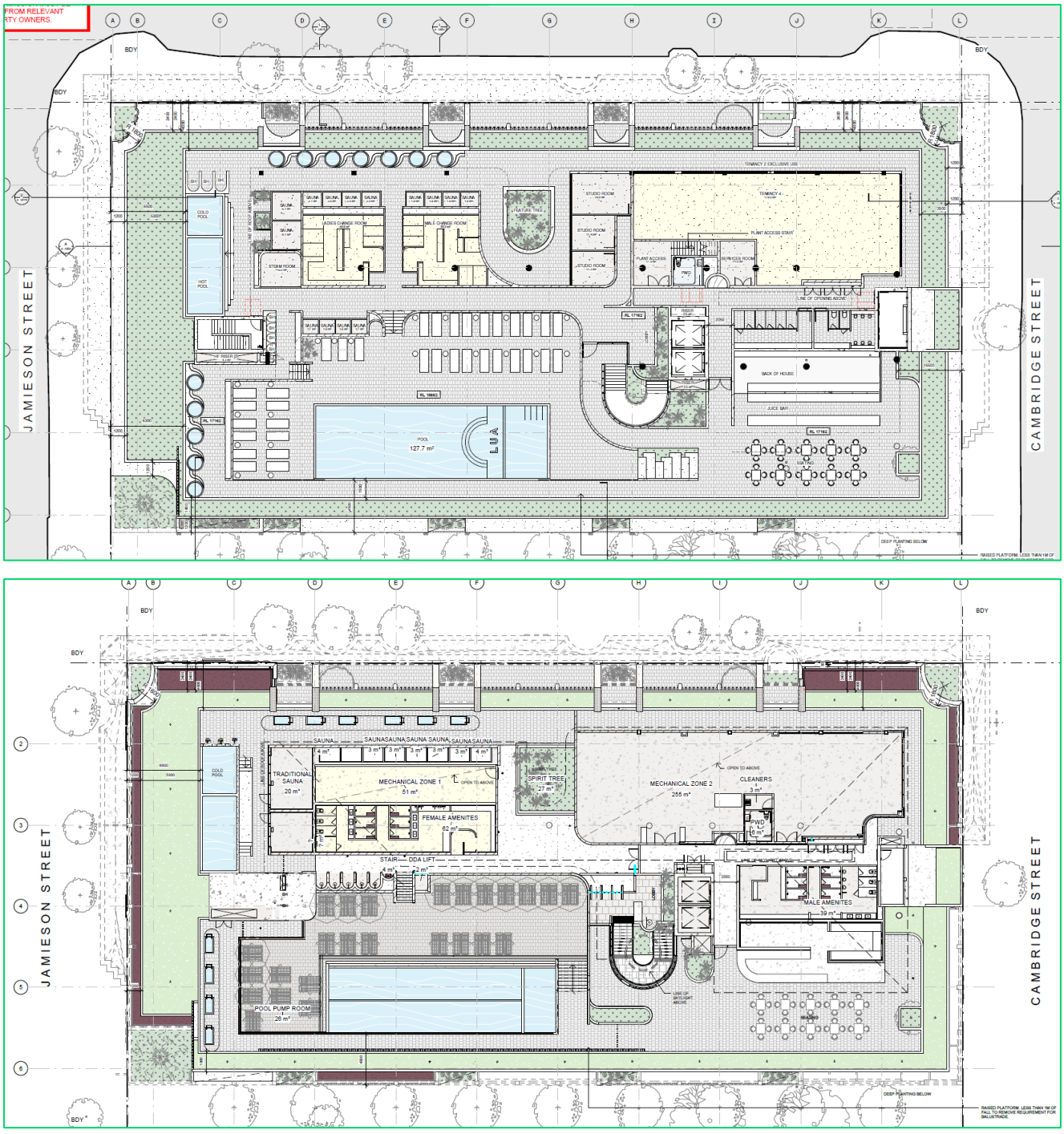


Table 1 outlines the changes to heights.

Table 1 - Height differences

Element	Existing approval	Proposed change	Difference
Level 2 slab (existing structure)	14.0m AHD	14.25m AHD	+0.25m
Roof terrace slab	17.2m AHD	17.75m AHD	+0.55m
Rooftop level / top of eaves	20.4m AHD	21.02m AHD	+0.62m
Roof ridge (new pitched roof form)	No pitched roof (flat rooftop at 20.4m AHD)	21.64m AHD (RL 21.638)	+1.24m above approved rooftop level; see below
Plant and equipment (maximum)	21.90m AHD	21.90m AHD	Same
Lift overrun	21.65m AHD	22.22m AHD	+0.57m
Pool deck level	18.662m AHD	19.46m AHD	+0.798m

The ridge of the pitched roof is shown at RL 21.638m AHD on the proposed elevations (DA-1600 and DA-1601). The Corrs submission refers to a ridge height of 22.00m AHD; we have been unable to find that figure on the proposed plans. In any event, the comparison made by Corrs (a '2 metre' increase from 20.4m AHD) compares the proposed ridge with the approved rooftop slab level and ignores that the approved plant and equipment could already extend to 21.90m AHD. Against that approved maximum, the top of the proposed roof form is lower, not higher.

Figure 4 below illustrates the approved and proposed north elevation in terms of appearance from Oxford Street. As illustrated the changes are largely indiscernible given the very minor increases in the heights of the various elements outlined above.

Figure 4 - North Elevation comparison



1.1 Detailed schedule of proposed changes

Each change is identified quantitatively in **Table 2**, together with what is added, removed or modified, why, and the expected effect. Dimensions for roof and wall setbacks are those identified in the Corrs submission, which correspond to the dimensions on the approved rooftop plan (A-1108).

Table 2 - Schedule of proposed changes

Change	Existing approval	Proposed	Why	Expected effect
Level 2 slab	14.0m AHD	14.25m AHD (as built)	Slab was constructed 0.25m above the approved level.	0.25m increase to an existing, constructed element. No change to floor plate, setbacks or use.
Roof terrace slab	17.2m AHD	17.75m AHD	Additional structural slab depth is required to structurally accommodation the lower and upper rooftop levels, including plant, pool and landscape loads.	0.55m increase in top of slab. Slab footprint and building perimeter unchanged.

Change	Existing approval	Proposed	Why	Expected effect
Eaves / rooftop level	20.4m AHD	21.02m AHD	Consequential on the roof terrace slab increase and the roof form that now encloses the plant.	0.62m increase, set back behind the approved perimeter planters (Figure 4).
Roof form and plant envelope	Flat rooftop with open plant zones (including the 'Harris Farm plant zone' and condenser zones) to a maximum of 21.90m AHD	Pitched roof over Mechanical Zones 1 (51m²) and 2 (255m²); ridge at 21.64m AHD (i.e. less than presently approved)	Consolidates plant into a single, contained roof form – change in roof form and extent only not height.	Maximum plant envelope reduces by 0.26m; plant is enclosed rather than open.
Lift overrun	21.65m AHD	22.22m AHD	Consequential on the higher roof terrace slab.	0.57m increase to a small-footprint element.
Tenancy 4	179.5m² enclosed tenancy on the upper roof ('Tenancy 4 – exclusive use')	Removed and replaced by plant (Mechanical Zone 2)	Reduces enclosed floor space and the rooftop bulk that would otherwise be occupied.	Removes an enclosed, occupied tenancy from the roof. No new use or occupants.
Sprinkler tank and pool pump room	'Substructure' beneath the pool deck (solid, undifferentiated)	Sprinkler tank (195m²) and pool pump room (26m²) within the same footprint	Fire services and pool services required for the approved development.	No additional built form above the pool deck. Tank is static; pump room is enclosed.
Amenities	Ladies change room 40.9m²; male change room 39.2m² (lower roof)	Female amenities 62m²; male amenities 39m² (upper roof)	Adequate facilities for wellness users.	Female amenities +c.21m²; male unchanged. No increase in patron capacity.
Roof and wall setbacks (as identified by Corrs)	Sauna pods (Oxford St) 7.7m; traditional sauna (Jamieson St) 13.96m; steam room (Jamieson St) 12.89m. Roofline: Oxford 5.7m; Jamieson 12.2m; Cambridge 5.4m; south-east 12.686m	Sauna pods 7.3m; traditional sauna 12.58m; steam room 12.58m. Roofline: Oxford 5.1m; Jamieson 11.6m; Cambridge 4.285m; south-east 11.57m	Roof eaves and gutters project beyond the enclosed walls of the roof form due to the change in form of the roof.	Reductions of 0.3m to 1.4m, all to internal rooftop structures. The nearest roofline to a residential boundary remains 11.57m from the southern boundary.
Pool deck	RL 18.662m AHD; 1.2m metal pool barrier (A-1806, A-1807)	RL is 19.46m AHD and same footprint and barrier detail	Pool deck level follows the roof terrace slab (it is 1.5m above the terrace on the approved plans).	Increase equal to the roof terrace slab increase; no change to pool footprint.

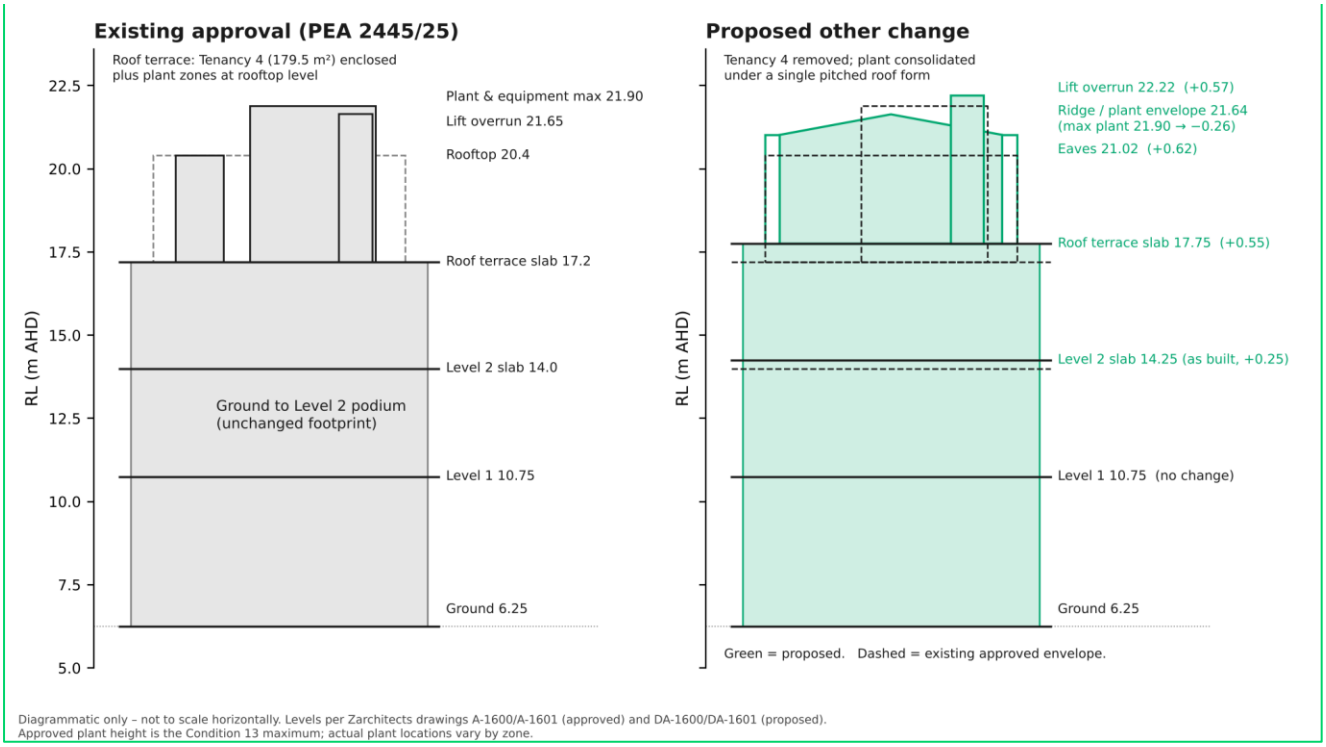
Importantly, the application does not seek to change the use or operation of the building from that approved. It is a change of detail to ensure the major tenancies can be accommodate in line with community expectations and needs. In particular, there is no change to:

- the approved uses (Shop, Food and Drink Outlet, Indoor Sport and Recreation, Bar and Office), the hours of operation or any other operational condition, other than the removal of tenancy no. 4, which was subordinate to the two major tenancies included within the development. The inclusion of tenancy no. 4 was opportunistic and was not a key component of how the development will operate, It would also be questionable as to the potential viability of a standalone tenancy in this location being able to successfully operate;
- the number of storeys (four, as approved by the Court);
- the building footprint, site cover (90%, 2,781m²) or the podium setbacks to Oxford, Jamieson and Cambridge Streets and the southern boundary from Ground to Level 2;
- car parking (265 spaces), bicycle parking, vehicle access, the loading dock and servicing arrangements;
- ground floor activation, shopfront design and the Oxford Street awning; and
- deep planting (275m²) and the approved perimeter planters and screens at roof terrace level.

Diagrammatic comparison of height and bulk

Figure 5 is a diagrammatic comparison of the approved and proposed vertical profile of the building. It shows that the changes are confined to small increases in slab, eaves and lift overrun levels, while the maximum height of the plant envelope falls and an enclosed rooftop tenancy is removed.

Figure 5 - Diagrammatic comparison of approved and proposed vertical profile



On the roof, the net effect on bulk is neutral to slightly beneficial: the plant is consolidated beneath a single roof form with a ridge below the approved 21.90m AHD plant maximum, and the 179.5m² Tenancy 4 is removed. At the podium and terrace levels the bulk increase is limited to 0.25m (Level 2 slab) and 0.55m (roof terrace slab) on an unchanged footprint.

2 Planning consequences of the proposed changes

Table 3 sets out the positive and negative planning consequences of the proposed changes against the matters Council would ordinarily consider. Where there is no change, that is stated expressly.

Table 3 - Positive and negative planning consequences

Consideration	What changes	Impact of changes
(a) Built form and urban design	Pitched roof form replaces open rooftop plant zones; slab, eaves and lift overrun levels rise by 0.25–0.62m.	Plant is consolidated and contained within one coherent roof form behind the approved planters. Completes the building as designed. No change to façade composition, awnings or active frontages (Figure 4). The pitched roof is a new roof form. The change is largely indiscernible from Oxford Street (Figure 4), and from further afield presents as a resolved building design with a roof form compatible with the prevailing vernacular in the area.
(b) Height, bulk, scale and setbacks	Eaves +0.62m; roof terrace slab +0.55m; Level 2 slab +0.25m; lift overrun +0.57m; roofline setbacks reduced by 0.6m–1.1m.	Maximum plant envelope falls by 0.26m. 179.5m² enclosed Tenancy 4 removed. Podium setbacks, footprint and storeys unchanged. Small increases to eaves and lift overrun. Roofline setbacks to rooftop structures reduced slightly; the nearest to a residential boundary remains 11.57m. Increased setbacks would be imperceptible to residents and users of Oxford Street and surrounds and are not expected to cause any adverse impacts.
(c) Traffic and access	None. Tenancy 4 is removed, not added.	Marginal reduction in useable floor area on the roof. Reduced demand for parking given the removal of tenancy no. 4. Parking (265 spaces), access and loading are unchanged. The gym use and its traffic were assessed and approved by the Court and are not altered.
(d) Infrastructure	None. No change in use or intensity.	Sprinkler tank and pump room are located within an approved substructure footprint.
(e) Residential amenity (noise, light, outlook)	Plant consolidated into Mechanical Zones 1 and 2 beneath a roof; tank and pump room located in substructure.	Plant is enclosed rather than open. Enclosed Tenancy 4 has been removed. No new noise-generating use is included in the change application. Existing noise conditions continue to apply and an acoustic certification condition is suggested (Section 5). Final plant selection is not yet made, so noise is managed by condition rather than by a separate assessment.

Consideration	What changes	Impact of changes
(f) Privacy, overlooking and overshadowing	Roof terrace slab and pool deck levels rise by up to c.0.6m.	No new openings, uses or terraces. Perimeter planters and screens unchanged. Nearest roof element remains 11.57m from the southern boundary. The increase in slab level of the pool deck will have no perceptible change to impacts.
(g) Community expectations, including at the residential interface	No change to storeys, podium setbacks or use.	The Court has approved a four-storey building at this interface, most recently with rooftop plant to 21.90m AHD. The changes remain within that expectation: the plant envelope falls and the change to eaves is 0.62m. It is relevant to reinforce that the assessment of the changes are the changes which were approved in the most recent Court approval, and not the original development approval which is no longer in effect.
(h) Other relevant considerations	Completion of the building.	Two submissions in support identify benefits of two national tenants activating the Oxford Street precinct. Refusal would likely result in a partly built, non-complying structure at the gateway to the precinct, with uncertain completion, and the Oxford Street outcomes of the Bulimba District Neighbourhood Plan would not be realised.

3 Assessment against the relevant assessment benchmarks

The assessment manager must undertake a genuine planning assessment and reach an evaluative judgment about the changes and their impacts. It is not a pass/fail exercise: the Planning and Environment Court has made clear that an assessment manager should not approach an other change application on the basis that any failure to comply with a benchmark necessarily requires refusal. **Table 4** therefore deals with each benchmark that is relevant to a change, explaining why it is relevant, the consequences of the changes against it, compliance, the planning significance of any non-compliance and why Council should

approve the change application in the exercise of its discretion. The benchmarks raised by Corrs are addressed first. Matters unrelated to the changes are not reassessed.

Table 4 - Assessment of the changes against the relevant benchmarks

Benchmark	Why relevant and consequence of the changes	Compliance and planning significance	Reasons Council should approve
Bulimba District Neighbourhood Plan – Overall Outcome 5(d)(ii): scale consistent with the low-rise village scale of Oxford Street (raised by Corrs)	Relevant because the changes increase some roof, slab and lift overrun levels. The building remains four storeys. Slab and eaves levels rise by 0.25–0.62m, the plant envelope falls by 0.26m and an enclosed tenancy is removed from the roof.	The approved building already departs from a strictly 2–3 storey outcome. The changes do not alter the number of storeys or the scale at the street frontage, and the additional height is small in degree. Significance of any additional departure is low, and should not be determinative against an approval when considered in context.	The Court has accepted the four-storey scale. The streetscape is unchanged in any discernible way (Figure 4). The changes are necessary to complete the approved building and do not create any new category of impact, and do not exacerbate any impacts that have been assessed and accepted as a natural concomitant of the current approval.
Overall Outcome 5(d)(vi): manage impacts on adjoining low–medium density residential areas through building siting, design and landscape treatments (raised by Corrs)	Relevant to the southern interface. Podium siting, setbacks, perimeter planters, screens and deep planting are unchanged. The nearest roof element is 11.57m from the southern boundary.	Achieved to the same extent as the approval. No new unacceptable adverse amenity impact arises or is exacerbated. Significance of any difference is negligible.	The siting and design measures the Court relied on remain in place. The marginal changes do not alter the level of protection afforded to southern neighbours.
Neighbourhood plan code PO1: height, scale and form that achieves the intended outcome for the precinct and improves amenity (raised by Corrs)	Relevant to the roof form and heights. PO1 is a performance outcome: the question is whether the building, with the changes, still achieves the intended outcome of an activated, village-scale commercial precinct with good amenity.	Consistent. The building continues to deliver the approved shops, food and drink, indoor sport and recreation and offices that activate Oxford Street. The changes do not diminish that outcome and PO1 is met in substance.	Approval allows completion of a building that achieves PO1's intended outcome. Refusal would not improve amenity; it would leave a partly built non-compliant structure.

Benchmark	Why relevant and consequence of the changes	Compliance and planning significance	Reasons Council should approve
Oxford Street precinct (NPP-002) and B1 sub-precinct (NPP-002a) acceptable outcomes for height (3 storeys, 10.5m)	Relevant only because the baseline approval already exceeds these acceptable outcomes. The changes add small increments to that existing departure.	Non-compliant with the acceptable outcome, as is the approved development. The additional departure is up to 0.62m (0.57m for the lift overrun). Acceptable outcomes are not mandatory where the performance outcome is met, which the Court has accepted.	The assessment manager must consider the approved height as the baseline. A further minor incremental increase of this height in parts, with no new impacts, does not warrant a refusal of the changes sought.
Strategic framework of City Plan (neighbourhood character, built form and amenity)	Relevant to the extent the neighbourhood plan implements it. The changes do not alter the use mix, the Oxford Street frontage or the intensity of use.	Consistent. The strategic outcomes sought for the Oxford Street centre are advanced by completion of the approved development. Notably, the delivery of the two major tenancies delivers the key functions of the development, and the removal of tenancy no. 4 is not considered to have a material impact on how the development operates. The Oxford Street precinct continues to provide a wide range of larger and smaller tenancies along the length of the street.	No strategic outcome is compromised by the changes.
Noise and amenity provisions for non-residential uses and plant (raised by Corrs)	Relevant to the plant and equipment on the roof. Plant remains at rooftop level, is consolidated and is enclosed beneath a roof. Tank is static and pump room is enclosed. No new noise-generating use is introduced and Tenancy 4 is removed.	Capable of compliance with the existing noise conditions, supported by a suggested condition requiring acoustic certification before plant installation. Significance of any residual risk is low and manageable by condition.	The changes are beneficial changes to detail only, and the existing noise conditions continue to protect adjoining residents.
Transport, access and parking (raised by Corrs)	Relevant only because Corrs raises traffic from the gym. There is no change to the use, floor area of the gym. Removal of Tenancy 4 will only improve), parking, access or servicing.	No relevant change from the approval. Nothing to assess against these benchmarks.	The traffic impacts of the use were assessed and approved by the Court. The changes do not alter them, other than potentially beneficially.

In the exercise of its planning discretion, Council should approve the changes for the following reasons:

(i) the existing approval is the baseline against which the other change is required to be assessed and the assessment is practically confined to the changes and their impacts;
(ii) the changes are small – 0.25m to 0.62m to slabs and eaves, 0.57m to the lift overrun – and the plant envelope is lower than approved;
(iii) no new amenity, traffic or infrastructure impact arises;
(iv) the use and operation of the building do not change to add impacts or uses;
(v) completion of the building delivers the activation and facilities approved by the Court, whereas refusal would leave a partly built building at the gateway to the precinct; and
(vi) conditions can reinforce the amended plans and manage the remaining matters. Any non-compliance with a benchmark is of low planning significance and is outweighed by these considerations which are compelling in favour of an approval.

4 Response to the submission

Table 5 responds item by item to the submission, by paragraph number. Matters of detail are cross-referenced to Sections 1 to 3.

Table 5 - Response to the submission

Corrs para.	Issue raised	Response
1–3	Corrs acts for the submitter, who object to the other change application.	Noted. The objection is addressed in this response.
4–6	Planning context: Bulimba District Neighbourhood Plan, Oxford Street precinct; Overall Outcomes 5(d)(ii) and 5(d)(vi); PO1.	Agreed that these are relevant. They are assessed against the changes only in Section 3. The assessment is not of the approved development as a whole.
7–10	Development history, including Council's refusal of 1 March 2024 and Court approvals of 27 September 2024 and 17 June 2026.	The history is correctly summarised and is set out in Section 1. The Court approvals are the planning context: Council's earlier refusal was overturned on appeal, and the Court again approved the layout and rooftop plant height on 17 June 2026. The existing approval is the starting point and it cannot be disregarded.
11	Summary of the proposed height changes.	Confirmed in Table 1 and Table 2, with one correction: the ridge of the roof form is shown at RL 21.638m AHD on DA-1600 and DA-1601, not 22.00m AHD. The lift overrun is 22.22m AHD.
12	The top of the roof form has been raised by almost 2 metres.	Incorrect as a measure of change. The comparison appears to be with the approved rooftop level of 20.4m AHD, but the approved plant and equipment could rise to 21.90m AHD. Against that, the proposed roof form (21.64m AHD) is 0.26m lower. The eaves rise 0.62m and the lift overrun 0.57m (Table 1; Figure 5).

Corrs para.	Issue raised	Response
13–17	Roof terrace and roofline setbacks reduced; visual prominence of the fourth storey increased.	The figures quoted by Corrs are accepted for the purposes of this response only. The reductions (0.3m to 1.4m) apply to rooftop structures, roof eaves and gutters, not to the podium. Setbacks to Oxford, Jamieson and Cambridge are to street frontages, not residential boundaries. The nearest roofline to the southern boundary remains 11.57m. The approved perimeter planters and screens are unchanged, and the elevation comparison shows the change is largely indiscernible from any perspective (Figure 4). The enclosed Tenancy 4 is removed.
18–19	Building height has progressively increased through successive changes.	The history is accurate, but each approval was assessed on its merits by the Court. The present changes are not a further deliberate intensification: they respond to as-built conditions (Level 2 slab at 14.25m AHD) and the structure needed to complete the approved rooftop. The present assessment is of the proposed changes contained in the Other Change application only. It is not an assessment of a minor change.
20–21	Applicant is inserting an effective additional level; ceiling heights; the applicant should have reduced scope or deleted a level.	The building remains four storeys, as approved by the Court. The slab and eaves adjustments are 0.25m–0.62m and are explained in Section 1. Matters of applicant motive or disclosure are not planning matters. The suggestion that a level should be deleted would reassess the approved development, which is not the task. The test is the impact of the proposed changes (Section 3).
22–23	Pool deck and balustrade have increased in height as the sprinkler tank and pool pump room are in the substructure; RL omitted from plans.	The sprinkler tank (195m²) and pool pump room (26m²) are in the footprint labelled 'substructure' on approved plan A-1107, so no new footprint arises. The pool deck was 1.5m above the roof terrace on the approved plans and moves with the roof terrace slab (Table 1 and Table 2). The approved pool barrier is a 1.2m balustrade (A-1806, A-1807), which is a pool safety element and not an additional storey.
24–25	Section and edge-section drawings (A-1650, A-1651, A-1675, A-1676, A-1677) omitted.	A diagrammatic comparison is provided at Figure 5.
26	Site is the gateway to the precinct and will set precedent for community expectations.	The Court has already set the expectation by approving a four-storey building at this location. The proposed changes do not alter storeys, use or setbacks at the podium and add no new precedent. Each application is required to be decided on its merits as required by the decision rules under the Planning Act.
27–32	Rooftop plant, tank, pump room, kitchen, ice baths and seating add noise; no noise assessment.	The back-of-house kitchen, juice bar, ice baths and seating are shown on the approved plans (A-1106, A-1107, A-1809). The sprinkler tank and pump room are in the approved substructure. Plant is consolidated and enclosed beneath a roof. Tenancy 4 is removed. No new use is added and no operational change is sought. Existing noise conditions continue to apply and Section 5 suggests a condition requiring acoustic certification of plant upon completion of the development to confirm compliance.

Corrs para.	Issue raised	Response
33–35	No detailed assessment against benchmarks; no reference to City Plan; no shadow diagrams, visual impact assessment or montages.	Sections 2 and 3 of this response provide that assessment against the City Plan, confined to the changes. Figure 4 compares the north elevation and Figure 5 compares the profile.
36–38	A conservative approach is appropriate; gym traffic and noise.	A cautious approach is met by assessing the changes carefully, as done here. The gym use, parking and traffic were assessed and approved by the Court. The changes do not alter use, increase floor area (Tenancy 4 is removed), parking or access.
39–41	Application should be refused; fatal flaws.	For the reasons in Sections 1 to 3, the application for the proposed changes to the existing approval should be approved. The issues raised by the submitters are either not changes arising from the application, are addressed by the information in this letter, or can be managed by conditions.

5 Suggested conditions

To reinforce the amended plans and the fact that the use and operation of the building do not change, the following conditions are suggested:

- Amend Condition 13 to read: 'The rooftop eaves must not exceed 21.02m AHD, the roof ridge and plant and equipment must not exceed 21.64m AHD and the lift overrun must not exceed 22.22m AHD;
- Replace the approved roof plans, elevations and sections with the amended drawings (DA-1106, DA-1107, each showing the pool deck RL.
- The pool deck slab finished level must not exceed 19.46m AHD and the pool barrier must not exceed 1.2m in height above that level;
- Prior to installation of rooftop plant and equipment, a suitably qualified acoustic consultant must certify that the plant will comply with the noise requirements of the existing conditions of approval.

6 Conclusion

In summary, the changes are minor in nature, necessary to complete the approved building, and do not alter the use or operation of the development, or give rise to no new or unacceptable amenity impact. The plant envelope is lower than approved and an enclosed tenancy is removed from the roof. We respectfully request that Council approve the Other Change application subject to the suggested conditions.

We would be pleased to provide any further information to assist in your assessment. Please contact me on the details below if you wish to discuss.

Yours sincerely,



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