



Department of Infrastructure,  
Local Government and Planning

Our ref: DEV2016/812

3 January 2017

Perpetual Corporate Trust Limited ATF 41G Investments Trust  
C/- Mr Michael Cattoni  
Urbis Pty Ltd  
Level 7, 123 Albert Street  
BRISBANE QLD 4000

Dear Michael

**SECTION 89(1)(a) PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT APPLICATION FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – FOOD AND DRINK OUTLETS AND EXTENSION TO EXISTING OFFICE AT 41 GEORGE STREET, BRISBANE DESCRIBED AS LOT 1 ON RP159900**

On 22 December 2016 the Minister for Economic Development Queensland (MEDQ) approved the Priority Development Area (PDA) development application pursuant to s.85(4)(b) of the *Economic Development Act 2012*. MEDQ has decided to grant all of the PDA development approval applied for subject to PDA development conditions set out in this PDA decision notice.

The PDA decision notice and approved plans/documents can also be viewed in the MEDQ Development Approvals Register via the Department of Infrastructure, Local Government and Planning website <http://www.edq.qld.gov.au/planning/development-assessment/priority-development-area-development-approvals.html>.

Should you have any queries in relation to this PDA decision notice, please do not hesitate to contact Laura Shobbrook on 3452 7196.

Yours sincerely

Jeanine Stone  
**Director – EDQ Development Assessment**

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ABN 76 590 288 697

## PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Queens Wharf Brisbane	
Site address	41 George Street, Brisbane	
Lot on plan description	Lot number	Plan description
	Lot 1	RP15990
PDA development application details		
DEV reference number	DEC2016/812	
'Properly made' date	24 November 2016	
Type of application	<input checked="" type="checkbox"/> New development involving:- <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Material change of use               <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary approval</li> <li><input checked="" type="checkbox"/> Development permit</li> </ul> </li> <li><input type="checkbox"/> Reconfiguring a lot               <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary approval</li> <li><input type="checkbox"/> Development permit</li> </ul> </li> <li><input type="checkbox"/> Operational work               <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary approval</li> <li><input type="checkbox"/> Development permit</li> </ul> </li> </ul> <input type="checkbox"/> Changing a PDA development approval <input type="checkbox"/> Extending the currency period of a PDA approval	
Description of proposal applied for	Material change of use – Food and Drink Outlets and extension to existing Office (Stages 1 & 2)	

<b>PDA development approval details</b>	
Decision of the MEDQ	The MEDQ has decided to grant all of the PDA development approval applied for, subject to PDA development conditions forming part of this decision notice.
Decision date	22 December 2016
Currency period	4 years from Decision date

**Plans and documents**

The plans and documents approved by the MEDQ and referred to in the PDA development conditions are detailed in the table below.

<b>Approved plans and documents</b>		<b>Number (if applicable)</b>	<b>Date (if applicable)</b>
1.	Basement 1 Plan	DA07 rev.1	09.11.2016
2.	Stage 1 – Ground Floor Plan	DA08 rev.2	11.11.2016
3.	Stage 2 – Ground Floor Plan	DA09 rev.2	11.11.2016
4.	Proposed Level 1 Plan	DA10 rev.2	09.11.2016
5.	Proposed Level 2 Plan	DA11 rev.1	09.11.2016
6.	West Elevation – George St	DA15 rev.1	09.11.2016 (As amended in Red 22/12/16)
7.	South Elevation – Margaret St	DA16 rev.1	09.11.2016 (As amended in Red 22/12/16)
8.	Façade Elevation – George St	DA17 rev.1	09.11.2016 (As amended in Red 22/12/16)
9.	Façade Elevation – Margaret St	DA18 rev.1	09.11.2016 (As amended in Red 22/12/16)
10.	GFA Plans	DA22 rev.2	11.11.2016

**PREAMBLE**

For the purpose of interpreting this PDA Development Approval, including the PDA Development Conditions, the following applies:

**Compliance assessment**

Where a condition of this PDA Development Approval requires compliance assessment, compliance assessment is required in accordance with the following:

- a) The applicant must:
  - i. pay to MEDQ at the time of submission the relevant fee for compliance assessment, including any third party peer review costs which will be charged on a 100% cost recovery basis. The compliance assessment fees are set out in the MEDQ’s development assessment fee schedule (as amended from time to time).
  - ii. submit to MEDQ a duly completed compliance assessment form.

- iii. submit to MEDQ plans/supporting information as required under the relevant condition of approval.
- b) Compliance assessment and endorsement by EDQ Development Assessment, DILGP is required prior to any work commencing.
- c) Compliance assessment and endorsement can be repeated where a different design or solution, to that already endorsed, is sought.
- d) The process and timeframes that apply to compliance assessment are as follows:
  - i. the applicant liaises with EDQ Development Assessment, DILGP to determine the relevant plans/supporting information required to be submitted.
  - ii. the applicant submits plans/supporting information as required under the relevant condition of approval for compliance assessment.
  - iii. **within 20 business days** – EDQ Development Assessment, DILGP assesses the plans/supporting information and:
    - 1. if satisfied with the plans/supporting information as submitted - endorses the plans/supporting information and the condition of approval (or element of the condition) is determined to have been met; or
    - 2. if not satisfied with the plans/supporting information as submitted – notifies the applicant accordingly
  - iv. if the applicant **is** notified under iii.2. above, revised plans/supporting information are to be re-submitted to EDQ Development Assessment, DILGP **within 20 business days** from the date of the notice.
  - v. **within 20 business days** – EDQ Development Assessment, DILGP assesses the revised plans/supporting information and:
    - 1. if satisfied with the revised plans/supporting information - endorses the revised plans/supporting information and the condition of approval (or element of the condition) is determined to have been met; or
    - 2. if not satisfied with the revised plans/supporting information as submitted – notifies the applicant accordingly.
  - vi. if EDQ Development Assessment, DILGP is not satisfied that compliance has been achieved within **20 business days** - repeat steps iv. and v. above. If either party is not satisfied by the outcome of this process, that party can elect to enter into a mediation process with an independent mediator agreed to by both parties.

Despite note vi. above, the condition of approval (or element of the condition) is determined to have been met only when EDQ Development Assessment, DILGP endorses relevant plans/supporting information.

## **ABBREVIATIONS**

For the purposes of interpreting the PDA Development Conditions, the following is a list of abbreviations utilised:

1. **AILA** means a Landscape Architect registered by the Australian Institute of Landscape Architects.
2. **Certification Procedures Manual** means Certification Procedures Manual, prepared by The Department of State Development, Infrastructure and Planning, September 2013 (as amended from time to time).
3. **Council** means Brisbane City Council.
4. **DEHP** means The Department of Environment and Heritage Protection.
5. **DILGP** means The Department of Infrastructure, Local Government and Planning.
6. **EDQ** means Economic Development Queensland.
7. **MEDQ** means The Minister of Economic Development Queensland.
8. **PDA** means Priority Development Area.
9. **RPEQ** means Registered Professional Engineer of Queensland.

<b>PDA Development Conditions</b>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
<b>General</b>		
<b>1.</b>	<b>Carry out the Approved Development</b>  Carry out the approved development generally in accordance with the approved plans and documents.	Prior to commencement of use
<b>2.</b>	<b>Maintain the Approved Development</b>  Maintain the approved development (including landscaping, parking, driveways and other external spaces) generally in accordance with the approved plans and documents, and any other approval or endorsement required by these conditions.	As indicated
<b>Engineering</b>		
<b>3.</b>	<b>Construction Management Plan</b>  a) Submit to EDQ Development Assessment, DILGP a Site Based Construction Management Plan (CMP), prepared by the principal site contractor, that manages the following: i. noise and dust generated from the site during	a) Prior to commencement of site works for the relevant stage

	<p>and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i>;</p> <p>ii. stormwater flows around or through the site without increasing the concentration of total suspended solids or Prescribed Water Contaminants (as defined in the <i>Environmental Protection Act 1994</i>), causing erosion, creating any ponding and causing any actionable nuisance to upstream or downstream properties;</p> <p>b) Undertake all works generally in accordance with the CMP which must be current and available on site at all times during the construction period.</p>	<p>b) At all times during construction</p>
<b>4.</b>	<p><b>Out-of-Hours Works</b></p> <p>a) Submit to EDQ Development Assessment, DILGP for assessment all requests for Out-of-Hours construction works.</p> <p>Requests must be in writing on the EDQ Out-of-Hours Application Form and shall be accompanied by the following information:</p> <p>i) reason for the request;</p> <p>ii) site plan(s), where applicable;</p> <p>iii) demonstration that the proposed works can only reasonably or safely be undertaken out of normal construction hours;</p> <p>iv) potential adverse impacts and proposed mitigation strategies/measures; and</p> <p>v) a community engagement strategy and outcomes therefrom.</p> <p>b) Undertake all works generally in accordance with the approval obtained under part a) of this condition.</p>	<p>a) No less than 10 business days prior to the proposed works, unless demonstrated mitigating circumstances deem otherwise</p> <p>b) As indicated</p>
<b>5.</b>	<p><b>Bicycle Parking</b></p> <p>a) Provide bicycle parking facilities delineated and signed generally in accordance with the following approved plans:</p> <p>i. Basement 1 Plan, DA07 rev.1 dated 09.11.2016</p> <p>Bicycle parking spaces are to be designed in accordance with <i>AS2890.3 – 1993 Bicycle parking facilities</i>.</p>	<p>Prior to commencement of use of the relevant stage and to be maintained</p>
<b>6.</b>	<p><b>Public Infrastructure - Damage, Repairs and Relocation</b></p> <p>Repair any damage to existing public infrastructure (including the original Brisbane tuff kerbing) that occurs during works carried out in association with the</p>	<p>Prior to commencement of use of the relevant stage</p>

	approved development. Should existing public infrastructure require relocation, due to the approved development, the developer is responsible for these costs together with compliance with relevant standards and statutory requirements.	
<b>7.</b>	<p><b>Retaining Walls</b></p> <p>a) Submit to EDQ Development Assessment, DILGP detailed engineering plans, certified by an RPEQ, of all retaining walls 1.0m or greater in height.</p> <p>b) Construct the works generally in accordance with the certified plans required under part a) of this condition.</p> <p>c) Submit to EDQ Development Assessment, DILGP, certification by a RPEQ that all retaining wall works, 1.0m or greater in height, have been carried out generally in accordance with the certified plans.</p>	<p>a) Prior to commencement of site works</p> <p>b) Prior to commencement of use for each stage</p> <p>c) Prior to commencement of use for each stage</p>
<b>8.</b>	<p><b>Compliance Assessment – External Materials and Colours</b></p> <p>a) Submit to EDQ Development Assessment, DILGP for compliance assessment, a schedule of materials and accompanying plans illustrating the external materials, colours and finishes of the development (including the Margaret Street retaining wall), generally in accordance with the approved plans.</p> <p>The schedule of materials should address the following:</p> <p>i) the level of light reflectivity from the glazing incorporated in the approved development does not exceed 20%</p> <p>b) Carry out the works in accordance with the endorsed plans required by part a) of this condition.</p>	<p>a) Prior to commencement of buildings works for the relevant stage</p> <p>Prior to the commencement of use for the relevant stage</p>
<b>Public Realm and Environment</b>		
<b>9.</b>	<p><b>Compliance Assessment – Public Realm Works</b></p> <p>a) Submit to EDQ Development Assessment, DILGP for compliance assessment a detailed public realm plan, certified by an AILA, for improvement works, including landscape and streetscape works, within the proposed development.</p> <p>The detailed public realm plan should detail the following:</p> <p>i) Compliance with the relevant Brisbane City Council Planning Scheme Codes/Policies;</p> <p>ii) Lighting design for the public realm, including full street frontage of the development and</p>	<p>a) Prior to commencement of public realm works for the relevant stage</p>

	<p>under-awning lighting. Lighting design should comply with <i>AS 115.3.1 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and Design requirements</i>;</p> <p>iii) Proposed finished levels of the surface levels at the site/lot boundary;</p> <p>iv) Detailing the supply, installation and maintenance of artworks;</p> <p>v) Proposed ground floor levels;</p> <p>vi) Awnings including location, height and materials. A minimum clearance of 1.5m must be provided between any tree trunk and the awning;</p> <p>vii) Balustrades or any other structures;</p> <p>viii) Location and description of street furniture;</p> <p>ix) Hazard and/or directional tactile ground surface indicators;</p> <p>x) Reconstruction of kerb and channel;</p> <p>xi) Reconstruction of kerb ramps;</p> <p>xii) A landscape plan identifying:</p> <ul style="list-style-type: none"> <li>• Raised planters must have adequate width, depth and suitability of soil for the proposed planting;</li> <li>• Materials specifications; and</li> <li>• Proposed planting plan, including species, size (semi-advanced), spacing and location.</li> </ul> <p>b) Carry out the works in accordance with the endorsed plans required by part a) of this condition.</p> <p>c) Submit to EDQ Development Assessment, DILGP certification by an AILA that the works have been constructed in accordance with the endorsed detailed public realm plan.</p>	<p>b) Prior to the commencement of use for the relevant stage and to be maintained</p> <p>c) Prior to the commencement of use for the relevant stage</p>
<p><b>10.</b></p>	<p><b>Outdoor Lighting</b></p> <p>Outdoor lighting within the development shall be designed and installed in accordance with <i>AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>	<p>Prior to commencement of use and to be maintained</p>
<p><b>11.</b></p>	<p><b>Retain and Protect Existing Street Tree(s)</b></p> <p>Identify, retain and protect the existing street trees unless otherwise agreed in writing by EDQ Development Assessment, DILGP.</p>	<p>At all times during construction</p>
<p><b>12.</b></p>	<p><b>Erosion and Sediment Management</b></p> <p>a) Prepare an Erosion and Sediment Control Plan (ESCP) certified by a RPEQ or an accredited</p>	<p>a) Prior to commencement of site works</p>



	<p>professional in erosion and sediment control (CPESC) generally in accordance with Council's <i>Erosion and Sediment Control Standard (Version 9 or later)</i>.</p> <p>b) Implement the certified ESCP as required under part a) of this condition.</p>	<p>b) At all times during construction</p>
<b>Infrastructure Charges</b>		
<b>13.</b>	<p><b>Infrastructure Contributions</b></p> <p>Pay to MEDQ infrastructure charges in accordance with the Infrastructure Funding Framework (IFF), dated 1 July 2016 indexed to the date of payment.</p>	<p>In accordance with the IFF</p>

### **STANDARD ADVICE**

Please note that in order to lawfully undertake development, it may be necessary to obtain approvals other than this PDA development approval. For advice on other approvals that may be necessary in relation to your proposal, it is recommended that you seek professional advice.

All proposed footpath and temporary road closures will require Council approval, and may require erection of additional directional / informational signage.

**\*\* End of Package \*\***