



Department of Infrastructure,  
Local Government and Planning

Our ref: DEV2016/755

7 June 2017

Modcol Pty Ltd  
C/- Ms Katherine Jaenke  
Tam Dang Planning Pty Ltd  
PO Box 2453  
FORTITUDE VALLEY BC QLD 4006

Dear Katherine

**SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – MULTIPLE RESIDENTIAL (12 DWELLING UNITS), OFFICE (EXTENSION TO EXISTING OFFICE) AND BUILDING WORK (PARTIAL DEMOLITION TO HERITAGE PLACE) AT 34-36 JEAYS STREET, BOWEN HILLS DESCRIBED AS LOTS 38 AND 39 ON RP9985 AND EASEMENT A ON RP202410 (EASEMENT A ON PART OF LOT 49 ON SP142478)**

On 2 June 2017 the Minister for Economic Development Queensland (MEDQ) decided to grant all of the amendment application applied for, subject to PDA development conditions set out in this PDA decision notice

The PDA decision notice and approved plans/documents can 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-applications.html>.

Should you have any queries in relation to this PDA decision notice, please do not hesitate to contact Gerard McCafferty on 3452 7424 or Leila Torrens on 3828 2990.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. Stone".

Jeanine Stone  
**Director – EDQ Development Assessment**

Minister for Economic Development  
Queensland  
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Brisbane Queensland 4001 Australia  
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## PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Bowen Hills	
Site address	34 – 36 Jeays Street, Bowen Hills	
Lot on plan description	Lot number	Plan description
	Lots 38 & 39	RP9985
	Easement A	RP202410 (Part of Lot 49 on SP142478)
PDA development application details		
DEV reference number	DEV2016/755	
'Properly made' date	4 May 2017	
Type of application	<input type="checkbox"/> New development involving:- <ul style="list-style-type: none"> <li><input type="checkbox"/> Material change of use               <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"/> 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 checked="" 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 – Multiple Residential (12 Dwelling Units), Office (Extension to Existing Office) and Building Work (Partial Demolition To Heritage Place)	

## PDA development approval details

Decision of the MEDQ	<p>The MEDQ has decided to grant all of the application to change the PDA development approval, subject to PDA development conditions forming part of this decision notice.</p> <p>The approved changes are summarised as follows:</p> <ul style="list-style-type: none"> <li>▪ Amendments to the approved plans; and</li> <li>▪ Amendments to the conditions to provide for the staging of the approval.</li> </ul>
Original Decision date	8 September 2016
Change to approval date	2 June 2017
Currency period	4 years from original decision date

## Plans and documents

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

Approved plans and documents		Number (if applicable)	Date (if applicable)
1.	Stage 1 – Demolition Lower Level Plan	DA06	3 April 2017
2.	Stage 1 – Demolition Upper Level Plan	DA07	3 April 2017
3.	Stage 1 – Demolition Roof Plan	DA08	3 April 2017
4.	Stage 1 – Proposed Site Plan	DA09	3 April 2017
5.	Stage 1 – Proposed Lower Level Plan	DA10	3 April 2017
6.	Stage 1 – Proposed Upper Level Plan	DA11	3 April 2017
7.	Stage 1 – Proposed Elevations	DA12	3 April 2017
8.	Stage 1 – Proposed Elevations	DA13	3 April 2017
9.	Stage 1 – Proposed Sections	DA14	3 April 2017
10.	Stage 1 – Proposed Sections	DA15	3 April 2017
11.	Stage 1 – Landscape Plan	DA16	3 April 2017
12.	Services Plan	DA17	3 April 2017
13.	Stage 2 - Existing Site Plan Showing Demolition	DA18	3 April 2017
14.	Stage 2 – Proposed Site Plan	DA19	3 April 2017
15.	Stage 2 – Ground Floor Plan	DA20	3 April 2017
16.	Stage 2 – Level 1 Plan	DA21	3 April 2017
17.	Stage 2 – Level 2 Plan	DA22	3 April 2017
18.	Stage 2 – Level 3 – 6 Plan	DA23	3 April 2017

19.	Stage 2 – Level 7 Plan	DA24	3 April 2017
20.	Stage 2 – Level 8 Plan Roof Terrace	DA25	3 April 2017
21.	Stage 2 – Roof Plan	DA26	3 April 2017
22.	Stage 2 – Proposed Elevations	DA27	3 April 2017 as amended in red (26 May 2017)
23.	Stage 2 – Proposed Elevations	DA28	3 April 2017 as amended in red (26 May 2017)
<b>Plans and documents previously approved on 8 September 2016</b>		<b>Number (if applicable)</b>	<b>Date (if applicable)</b>
24.	Landscape Plan – Streetscape External Works / Surface Finishes, prepared by Neylan Architecture	DD110, Revision A	01/04/16
25.	Section 4.2 (Noise Assessment) of Odour and Noise Assessment – 34-36 Jeays Street, Bowen Hills –FINAL, prepared by Air Noise Environment	Project Reference 4328, Page 29 of 34	27 October 2015 (Amended in Red on 31 August 2016)
26.	Concept Services Plan, prepared by Morgan Consulting Engineers	15129/SK01, Revision A0	01.10.15

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>		
1.	<p><b>Carry out the approved development</b></p> <p>Carry out the approved development generally in accordance with the approved plans and documents.</p>	Prior to commencement of use for the relevant stage
2.	<p><b>Certification of Operational Works</b></p> <p>All operational works, for contributed assets, undertaken in accordance with this approval must comply with all requirements of and fulfil all responsibilities outlined in the <i>Certification Procedures Manual</i>.</p> <p>This applies to the following conditions of this approval:</p> <ol style="list-style-type: none"> <li>i. Condition 11 – Sewer Augmentation</li> <li>ii. Condition 13 – Stormwater Augmentation</li> </ol>	As required by the <i>Certification Procedures Manual</i>
3.	<p><b>Maintain the Approved Development</b></p> <p>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.</p>	As indicated
4.	<p><b>Access</b></p> <p>Submit to EDQ Development Assessment, DILGP, easement documentation that demonstrates lawful access to the development on Lot 38 and 39 on RP9985 over the area of land identified as Easement A on RP202410, generally in accordance with the approved Site Plan and Proposed Services Reconfiguration Plan, drawing no. DD101, Rev C, dated 01/04/16.</p>	Prior to commencement of site works for stage 2
<b>Engineering</b>		
5.	<p><b>Construction Management Plan</b></p> <p>a) Submit to EDQ Development Assessment, DILGP, a Site Based Construction Management Plan (CMP), prepared by the principal site contractor, that manages the following:</p> <ol style="list-style-type: none"> <li>i. noise and dust generated from the site during and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i>;</li> <li>ii. stormwater flows around or through the site</li> </ol>	a) Prior to commencement of site works for each stage

	<p>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>iii. contaminated land (if required), including removal, treatment and replacement in accordance with a compliance permit from an approved contaminated land auditor.</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>
6.	<p><b>Traffic Management Plan</b></p> <p>a) Submit to EDQ Development Assessment, DILGP, a Traffic Management Plan (TMP), certified by a person holding a current Traffic Management Level 3 qualification or higher.</p> <p>The TMP must include the following:</p> <ul style="list-style-type: none"> <li>i. provision for the management of traffic around and through the site during and outside of construction work hours;</li> <li>ii. provision of parking for workers and materials delivery during and outside of construction hours of work;</li> <li>iii. planning including risk identification and assessment, staging, etc.;</li> <li>iv. ongoing monitoring, management review and certified updates (as required); and</li> <li>v. traffic control plans and/or traffic control diagrams, prepared in accordance with Manual of Uniform Traffic Control Devices (MUTCD), for any temporary part or full road closures of any Council or State road(s).</li> </ul> <p>b) Undertake all works generally in accordance with the certified TMP which must be current and available on site at all times.</p>	<p>a) Prior to commencement of site works for each stage</p> <p>b) At all times during construction</p>
7.	<p><b>Filling and Excavation</b></p> <p>a) Submit to EDQ Development Assessment, DILGP, detailed earthworks plans certified by a RPEQ, generally in accordance with AS3798 – 1996 <i>“Guidelines on Earthworks for Commercial and Residential Developments.”</i></p> <p>The certified earthworks plans shall:</p> <ul style="list-style-type: none"> <li>i. include a geotechnical soils assessment of the site;</li> <li>ii. be consistent with the Erosion and Sediment Control plans;</li> <li>iii. provide full detail of areas where dispersive soils</li> </ul>	<p>a) Prior to commencement of site works for the relevant stage</p>

	<p>will be disturbed, treatment of dispersive soils and their rehabilitation;</p> <p>iv. provide full details of any areas where surplus soils are to be stockpiled.</p> <p>b) Carry out the earthworks 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 earthworks have been carried out in generally accordance with the certified plans required under part a) of this condition and any unsuitable material encountered has been treated or replaced with suitable material.</p>	<p>b) Prior to commencement of use for the relevant stage</p> <p>c) Prior to commencement of use for the relevant stage</p>
8.	<p><b>Vehicle Access</b></p> <p>Construct a vehicle crossover generally in accordance with the approved plans and designed and constructed in accordance with Council adopted standards.</p>	<p>Prior to commencement of use for stage 2 and to be maintained</p>
9.	<p><b>Car Parking</b></p> <p>Provide car parking spaces, delineated and signed generally in accordance with the approved plans and <i>AS2890 – Parking Facilities</i>.</p>	<p>Prior to commencement of use for each stage and to be maintained</p>
10.	<p><b>Bicycle Parking</b></p> <p>Provide 18 bicycle parking spaces and bicycle parking facilities delineated and signed generally in accordance with the <i>AS2890.3 – 1993 Bicycle parking facilities</i>.</p>	<p>Prior to commencement of use for stage 2 and to be maintained</p>
11.	<p><b>Water connection</b></p> <p>Connect the development to the existing water reticulation network in accordance with QUU current adopted standards.</p>	<p>Prior to commencement of use for the relevant stage</p>
12.	<p><b>Sewer Augmentation</b></p> <p>a) Submit to EDQ Development Assessment, DILGP, detailed sewer augmentation design plans, certified by a RPEQ, generally in accordance with the approved Concept Services Plan, drawing no. 15129/SK01 and <i>PDA Guideline No. 13 Engineering standards – Water and Sewer</i>.</p> <p>b) Construct the works generally in accordance with the certified plans required under part b) of this condition.</p> <p>c) Submit to EDQ Development Assessment, DILGP, 'as-constructed' plans, asset register, pressure and CCTV results in accordance with QUU current adopted standards.</p>	<p>a) Prior to commencement of site works for stage 2</p> <p>b) Prior to commencement of use for stage 2</p> <p>c) Prior to commencement of use for stage 2</p>



13.	<b>Sewer connection</b>  Connect the development to the existing sewer reticulation network in accordance with QUU current adopted standards.	Prior to commencement of use for the relevant stage
14.	<b>Stormwater Augmentation</b>  a) Submit to EDQ Development Assessment, DILGP, detailed design plans and hydraulic calculations, certified by a RPEQ, for the proposed augmentation, connected to a lawful point of discharge, to the stormwater system generally in accordance with <i>PDA Guideline No. 13 Engineering standards – Stormwater quantity</i> and the approved Concept Services Plan, drawing no. 15129/SK01.  b) Construct the works in accordance with the certified plans as required under part a) of this condition.  c) Submit to EDQ Development Assessment, DILGP, "as constructed" plans including an asset register and test results, certified by a RPEQ, in a format acceptable to the Council.	a) Prior to commencement of site works for stage 2  b) Prior to commencement of use for stage 2  c) Prior to commencement of use for stage 2
15.	<b>Outdoor Lighting</b>  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> .	Prior to commencement of use for the relevant stage and to be maintained
16.	<b>Electricity</b>  Connect the development to the existing electricity network in accordance with Energex current adopted standards.	Prior to commencement of use for the relevant stage
17.	<b>Telecommunications</b>  Connect the development to the existing telecommunications network in accordance with an authorised telecommunications service provider's current adopted standards.	Prior to commencement of use for the relevant stage
18.	<b>Broadband</b>  Connect, or make provision to connect, the development to the existing broadband network in accordance with an authorised telecommunications service provider's current adopted standards.	Prior to commencement of use for the relevant stage
19.	<b>Gas</b>  Connect the development to the existing gas reticulation network in accordance with an authorised gas service provider's current adopted standards.	Prior to commencement of use for the relevant stage

20.	<p><b>Public Infrastructure - Damage, Repairs and Relocation</b></p> <p>Repair any damage to existing public infrastructure that occurred during works carried out in association with the 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.</p>	Prior to commencement of use for the relevant stage
<b>Landscape and Environment</b>		
21.	<p><b>Landscape Works</b></p> <p>a) Submit to EDQ Development Assessment, DILGP, detailed landscape plans, certified by an AILA, for improvement works within the proposed development generally in accordance with the approved concept plan.</p> <p>b) Construct the works generally in accordance with the certified plans required under part a) of this condition.</p>	<p>a) Prior to commencement of site works for the relevant stage</p> <p>b) Prior to commencement of use for the relevant stage and to be maintained</p>
22.	<p><b>Acid Sulfate Soils (ASS)</b></p> <p>a) Where acid sulfate soils are found on site, submit to EDQ Development Assessment, DILGP, an Acid Sulfate Soils Management Plan (ASSMP). The ASSMP must be:</p> <ul style="list-style-type: none"> <li>i. prepared generally in accordance with the <i>State Planning Policy</i> (as amended from time to time) and relevant guidelines; and</li> <li>ii. certified by a suitably qualified professional in soils and/or erosion sediment control.</li> </ul> <p>b) Excavate, remove and/or treat on-site all acid sulfate soils generally in accordance with the certified ASSMP.</p>	<p>a) Prior to commencement of or during site works for the relevant stage</p> <p>b) Prior to commencement of use for the relevant stage</p>
23.	<p><b>Erosion and Sediment Management</b></p> <p>a) Submit to EDQ Development Assessment, DILGP, an Erosion and Sediment Control Plan (ESCP) certified by a RPEQ or an accredited professional in erosion and sediment control (CPESC) generally in accordance with Council standards.</p> <p>b) Implement the certified ESCP as required under part a) of this condition.</p>	<p>a) Prior to commencement of site works for the relevant stage</p> <p>b) At all times during construction for the relevant stage</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.

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