



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our ref: DEV2019/1024

11 July 2019

Merlo Pty Ltd
C/- Place Design Group
Att: Mr Angus Green
3B / 830-832 Elizabeth Street
WATERLOO NSW 2017

Dear Angus

SECTION 89(1)(a) PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT APPLICATION FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SERVICE INDUSTRY (BAKERY) AND FOOD AND DRINK OUTLET (CAFÉ) AT 10 THOMPSON STREET, BOWEN HILLS DESCRIBED AS LOT 1 ON RP50734

On 11 July 2019 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*. The 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 website <http://www.dsdmip.qld.gov.au/economic-development-queensland/current-applications-and-approvals.html>.

Should you have any queries in relation to this PDA decision notice, please do not hesitate to contact Sarah Hampstead on 3452 7097, or by email at sarah.hampstead@dsdmip.qld.gov.au.

Yours sincerely

Beatriz Gomez
**Director
Development Assessment
Economic Development Queensland**

Minister for Economic Development
Queensland
GPO Box 2202
Brisbane Queensland 4001 Australia
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ABN 76 590 288 697

PDA Decision Notice – Approval

Site information		
Name of priority development area	Bowen Hills PDA	
Site address	10 Thompson Street, Bowen Hills	
Lot on plan description	Lot number	Plan description
	1	RP50734

PDA development application details	
DEV reference number	DEV2019/1024
'Properly made' date	30 April 2019
Type of application	☒ New development involving: ☒ Material change of use ☐ Preliminary approval ☒ Development permit ☐ Reconfiguring a lot ☐ Preliminary approval ☐ Development permit ☐ Operational work ☐ Preliminary approval ☐ Development permit ☐ Changing a PDA development approval ☐ Extending the currency period of a PDA approval
Description of proposal applied for	Material Change of Use for Service Industry (Bakery) and Food & Drink Outlet (Café)

PDA development approval details	
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	11 July 2019
Currency period	6 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.

Approved plans and documents		Number	Date
1.	Furniture Plan prepared by Maxwell Penhey Architects	A2.02, Revision 01	20 March 2019 (Amended in Red 25/06/2019)
2.	Exterior Plan prepared by Maxwell Penhey Architects	A1.03, Revision 02	18 June 2019 (Amended in Red 25/06/2019)
3.	Demolition Plan prepared by Maxwell Penhey Architects	A2.01, Revision 01	20 March 2019
4.	Partition Plan prepared by Maxwell Penhey Architects	A2.03, Revision 01	20 March 2019
5.	Floor Finishes Plan prepared by Maxwell Penhey Architects	A2.04, Revision 01	20 March 2019
6.	Reflected Ceiling Plan prepared by Maxwell Penhey Architects	A2.05, Revision 01	20 March 2019
7.	Existing Elevation Demolition prepared by Maxwell Penhey Architects	A3.02, Revision 01	20 March 2019
8.	Proposed Elevation prepared by Maxwell Penhey Architects	A3.03, Revision 01	20 March 2019
9.	Detailed Kitchen Plan prepared by Maxwell Penhey Architects	A4.01, Revision 01	20 March 2019
10.	Detailed Café Servery Plan prepared by Maxwell Penhey Architects	A4.02, Revision 01	20 March 2019
11.	Detailed Toilet prepared by Maxwell Penhey Architects	A4.03, Revision 01	20 March 2019
12.	Interior Elevations – Elevation A & B prepared by Maxwell Penhey Architects	A5.01, Revision 01	20 March 2019
13.	Interior Elevations – Elevation C prepared by Maxwell Penhey Architects	A5.02, Revision 01	20 March 2019
14.	Interior Elevations – Elevation D prepared by Maxwell Penhey Architects	A5.03, Revision 01	20 March 2019
15.	Interior Elevations – Elevation E prepared by Maxwell Penhey Architects	A5.04, Revision 01	20 March 2019
16.	Interior Elevations – Elevation F prepared by Maxwell Penhey Architects	A5.05, Revision 01	20 March 2019
17.	Interior Elevations – Elevation G prepared by Maxwell Penhey Architects	A5.06, Revision 01	20 March 2019

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

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 is to:
 - 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, DSDMIP 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, DSDMIP 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, DSDMIP 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, DSDMIP **within 20 business days** from the date of the notice.
 - v. **within 20 business days** – EDQ Development Assessment, DSDMIP 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, DSDMIP 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, DSDMIP endorses relevant plans/supporting information.

ABBREVIATIONS AND DEFINITIONS

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. **Council** means Brisbane City Council.
3. **DCOP** means the **Bowen Hills Priority Development Area Development Charges and Offsets Plan effective 21 June 2019**.
4. **DSDMIP** means the Department of State Development, Manufacturing, Infrastructure and Planning.
5. **EDQ** means Economic Development Queensland.
6. **IFF** means the Infrastructure Funding Framework, prepared by the Department of Infrastructure, Local Government and Planning, dated November 2018.
7. **MEDQ** means the Minister for Economic Development Queensland.
8. **PDA** means Priority Development Area.
9. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions		
No.	Condition	Timing
General		
1.	Carry out the Approved Development Carry out the approved development generally in accordance with the approved plans and documents.	Prior to commencement of use
2.	Maintain the Approved Development 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.	At all times
3.	Construction Management Plan a) Submit to EDQ Development Assessment, DSDMIP 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 and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i> ; 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	a) Prior to commencement of site works

PDA Development Conditions		
No.	Condition	Timing
	nuisance to upstream or downstream properties; and iii. contaminated land (if required), including removal, treatment and replacement in accordance with a compliance permit from an approved contaminated land auditor. b) Prior to submitting the CMP under part a), the CMP shall be reviewed and approved by a suitably qualified person responsible for overseeing the construction works. c) Undertake all works generally in accordance with the CMP submitted under part a) of this condition, which is to be current and available on site at all times during the construction period.	b) Prior to commencement of site works c) At all times during construction
4.	Compliance Assessment – Detailed Design of Street Frontage a) Submit to EDQ Development Assessment, DSDMIP for Compliance Assessment detailed landscape plans certified by an AILA, generally in accordance with the approved plans. The detailed plans are to identify: i) The interface relationship with the street; ii) Proposed finished levels and grades, including sections; iii) Levels and grades, including cross sections; iv) Finishes, treatments and landscaping, including species, size and location; v) The location and specification of all proposed planting and tree species; vi) Location and details of vehicle barriers/bollards/landscaping proposed to prevent unauthorised vehicular access, including the area identified on approved drawing – Exterior Plan, A1.03, Revision 02, dated 18 June 2019, as Amended in Red on 25.06.19; vii) Demonstrate that the kerb and channel will be reinstated generally in accordance with Council standards; viii) Details and locations of any proposed building works, including furniture, seating, shade structures and awnings; ix) Location and details of lighting proposed. Public lighting in accordance with AS1158 –“Lighting for Roads and Public Spaces” and AS4282 – “Control of the Obtrusive Effects of Outdoor Lighting”; and x) The public open space areas are designed to cater for disabled persons in accordance with AS1428.1. b) Construct the works in accordance with plans approved under part a) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use

PDA Development Conditions		
No.	Condition	Timing
	c) Submit to EDQ Development Assessment, DSDMIP certification from an AILA, that the works have been inspected and completed generally in accordance with parts a) and b) of this condition.	c) Prior to commencement of use
5.	Kerb Reinstatement a) Submit to EDQ Development Assessment, DSDMIP engineering design and construction drawings, certified by a RPEQ, for kerb instatement works and pedestrian footpath works, generally in accordance Council's Standards. b) Construct the works generally in accordance with the certified plans submitted under part a) of this condition. c) Submit to EDQ Development Assessment, DSDMIP 'as constructed' drawings, asset register and test results, certified by a RPEQ, in a format acceptable to the Council of all kerb works constructed in accordance with this condition.	a) Prior to the commencement of site works b) Prior to commencement of use c) Prior to commencement of use
6.	Public Infrastructure – Damage, Repairs and Relocation 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.	Prior to commencement of use
Infrastructure Charges		
7.	Infrastructure Charges a) Submit to EDQ Development Assessment, plans certified by a private certifier which identify the Gross Floor Area of the development. b) Pay to the MEDQ infrastructure changes as follows: i) where the material change of use commences on or before six (6) years from the original decision date, payment in accordance with the DCOP in force at the time of the original decision date (July 2019); OR ii) where the material change of use commences more than six (6) years from the original decision date, payment in accordance with the DCOP in force at the time of payment.	a) Prior to commencement of use b) In accordance with the DCOP

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 ****