

3 December 2012

ULDA Ref. No: DEV2012/326

Urban Land Development Authority
C/- Saunders Havill Group
9 Thompson Street
BOWEN HILLS QLD 4006

Attention Anna Havill

Dear Anna

RE: SECTION 59(1)(a) UDA DEVELOPMENT APPROVAL FOR AN UDA DEVELOPMENT APPLICATION FOR A UDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR EVENTS VENUE (TEMPORARY) AT PART 221 AND 257-281 MACARTHUR AVENUE, HAMILTON DESCRIBED AS PART LOT 1303 ON SP195300, LOT 1302 ON SP195300, LOT 1201 & LOT 1202 ON SP160055

On 28 November 2012 the ULDA approved the UDA development application pursuant to s. 55(4)(b) of the *Urban Land Development Authority Act 2007*. The Urban Land Development Authority (ULDA) has decided to grant all of the UDA development approval applied for subject to UDA development conditions set out in the attached UDA Development Approval Package.

The UDA development application and the decision notice can also be viewed in the ULDA Development Approvals Register via the ULDA website www.ulda.qld.gov.au.

Should you have any queries in relation to the decision notice, please do not hesitate to contact Brianna Fyffe on 07 3174 0206.

Yours sincerely



Matt Toon
PRINCIPAL PLANNER

UDA Decision Notice – Approval

Site information		
Name of urban development area (UDA)	Northshore Hamilton	
Site address	Part 221 & 257–281, MacArthur Avenue, Hamilton	
Lot on plan description	Lot number	Lot description
	Part Lot 1303	SP195300
	Lot 1302	SP195300
	Lot 1201	SP160055
	Lot 1202	SP160055
UDA development application details		
ULDA reference number	DEV2012/326	
Lodgement date	19 July 2012	
Type of application	☒ New development involving:- ☒ Material change of use ☒ Development permit	
Description of proposal applied for	Material Change of Use for Events Venue (Temporary)	
UDA development approval details		
Decision of the ULDA [delete other than the applicable decision]	The ULDA has decided to grant all of the UDA development approval applied for, subject to UDA development conditions forming part of this decision notice	
Decision date	28 November 2012	
Currency period	4 Years from Decision Date	
Plans and specification		
The plans and specifications approved by the ULDA and referred to in the UDA development conditions concerning the UDA development approval are detailed below.		
Approved plans, reports and specifications	Number (if applicable)	Date (if applicable)
1. Proposed Temporary Events Venue	6484 P 01 B Rev. B	19.07.2012
2. Schedule 1 – Schedule of Activities		19.11.2012
UDA Development Conditions		
1. Carry out the approved development		

	Carry out the approved development generally in accordance with the approved plans and/or documents.	Prior to commencement of use and to be maintained																
2.	Duration of Interim Use (5 years) This UDA development approval is for a period of 5 years until 30 November 2017.	As indicated																
3.	Enter into a Licence Agreement or Lease with the ULDA Each prospective activity/event operator must enter into a Licence Agreement or Lease with the ULDA prior to the commencement of each respective activity/event. Conditions of such Licence Agreement or Lease, may include, but may not necessarily be limited to, hours of operation, insurance, indemnity & release; power & lighting management plan; level of noise, light and dust pollution, traffic management plan; emergency management plan; provision of water supply and sanitary conveniences; telecommunication provisions; refuse storage & collection; and an environment & complaints management plan.	Prior to the commencement of use																
4.	For other uses not listed in Schedule 1 – Schedule of Activities Submit to the ULDA – Manager, Development Assessment, for compliance endorsement a report demonstrating that the proposed activity is generally in accordance with the approved temporary Events Venue use.	Prior to a lease being entered into with the ULDA																
5.	Frame Area Activities Identified on Proposed Temporary Events Venue, 6484P 01 B Rev. B, dated 19.07.2012, the Frame Area is to be limited to car parking, storage and other ancillary activities to the main activity.	Ongoing																
6.	Event frequency The approval grants access for temporary events to occur in the following tier based system: <table border="1"><thead><tr><th></th><th>Low tier</th><th>Medium tier</th><th>High tier</th></tr></thead><tbody><tr><td>Patrons during course of event</td><td><2000 persons</td><td>2001-10,000 persons</td><td>>10,000 persons</td></tr><tr><td>Duration of event</td><td>Max. 2 weeks</td><td>Max. 4 weeks</td><td>Max. 3 months</td></tr><tr><td>No. of events per year</td><td>Up to 26</td><td>No more than 6</td><td>No more than 4*</td></tr></tbody></table> *excluding regular market (or similar) that may occur on a weekly basis over the term of the approval.		Low tier	Medium tier	High tier	Patrons during course of event	<2000 persons	2001-10,000 persons	>10,000 persons	Duration of event	Max. 2 weeks	Max. 4 weeks	Max. 3 months	No. of events per year	Up to 26	No more than 6	No more than 4*	Ongoing
	Low tier	Medium tier	High tier															
Patrons during course of event	<2000 persons	2001-10,000 persons	>10,000 persons															
Duration of event	Max. 2 weeks	Max. 4 weeks	Max. 3 months															
No. of events per year	Up to 26	No more than 6	No more than 4*															
7.	Notice to ULDA A minimum of 2 weeks (for low tier events) and 4 weeks (for medium or high tier events) prior to the commencement of use, provide to the	Prior to commencement of use																

	ULDA Manager – Development Assessment details of: a) the proposed event to be located on the site b) the proposed dates of commencement and cessation of the event.	
8.	General Development Works Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footpaths, roads, kerb and channel and stormwater gullies and drainlines) that may occur during any works carried out in association with the approved events.	Prior to commencement of use and at end of event
9.	Public Access within and around the site Provide and maintain unimpeded and safe public access including lighting within and around the site and ensure that access ways are designed to cater for disabled persons in accordance with “ <i>Australian Standard AS1428.1</i> ”.	Prior to commencement of use and then to be maintained

STANDARD ADVICE

Please note that in order to lawfully undertake development, it may be necessary to obtain approvals other than this UDA development approval, some specific advices are outlined below. Other advices may include other approvals under the *Urban Land Development Authority Act 2007* as well as the *Sustainable Planning Act 2009* (e.g. for building work), the *Plumbing and Drainage Act 2002* and the Commonwealth *Environmental Protection and Biodiversity Act 1999*. Carrying out development may also be subject to ‘duty of care’ legislation such as the *Aboriginal Cultural Heritage Act 2003*. For advice on other approvals that may be necessary in relation to your proposal, please seek professional advice.

Other Approvals/Licences

This development approval in no way negates the requirement to obtain approvals/licences under other legislation, including, but not necessarily limited to, BCC’s Local Law (Entertainment Venues and Events) 1999; Liquor Act; Food Act 2006; Explosives Regulation etc. All other requisite approvals/licences relevant to each intended activity/event must be obtained, and any conditions complied with, prior to the commencement of the specific use.

Noise and Dust Emissions

All development involving the emission of noise and dust from building/construction activities requires that the emission be in accordance with the requirements of the *Environmental Protection Act 1994*. Pursuant to Division 3 Section 440R of the *Environmental Protection Act 1994*, a builder or building contractor must not carry out building work on a building site in a way that makes or causes audible noise to be made from the building work-

- (a) Sundays or public holidays, at any time; or
- (b) Saturdays or business days, before 6.30 a.m. or after 6.30 p.m.

Please note: The above information has been provided to the applicant as an advice only, and does not form part of the development approval conditions. This advice has been provided to the applicant to inform them of other obligations they may have to comply with (under state legislation or local laws) prior to their activity commencing.

SCHEDULE 1 – Schedule of Activities

The activities that are permitted include:

- Boxing or wrestling contests, display or exhibition;
- Cinema;
- Circus, including associated entertainments;
- Drive-in theatre;
- Zoo park;
- Reception lounges / venue (includes for wedding receptions, birthdays and other parties);
- Fetes, fairs, fleamarkets and markets (held regularly throughout a year – if held once a year must have an event permit);
- Live artist not involving amplified music;
- Mini golf;
- Skating rink (including ice skating);
- Festivals – eg. food & wine, cultural;
- Travelling performances (other than circus);
- Amplified music concerts – venue for conducting concerts as a primary activity and inside a building;
- Live music or entertainment of a minor nature not an amplified music concert;
- Ten-pin bowling;
- Theatre and theatre restaurant;
- Outdoor sport and recreation centre; and
- Motor vehicle / bike racing.