



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

Our ref: DEV2019/1024

22 October 2019

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

Dear Angus

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL 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 22 October 2019 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 website
www.dsdmip.qld.gov.au/pda-da-applications.

Should you have any queries in relation to this PDA decision notice, please do not hesitate to contact Sarah Hampstead on 07 3452 7097.

Yours sincerely

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

Minister for Economic Development
Queensland
GPO Box 2202
Brisbane Queensland 4001 Australia
Website www.edq.qld.gov.au
ABN 76 590 288 697

PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Bowen Hills PDA	
Site address	10 Thompson Street, Bowen Hills	
Lot on plan description	Lot number	Plan description
	Lot 1	RP50734
PDA development application details		
DEV reference number	DEV2019/1024	
'Properly made' date	27 August 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 and Drink Outlet (Café)	

PDA development approval details	
Decision of the MEDQ	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. The approved changes are summarised as follows: ▪ Reconfigure access arrangements; ▪ Reconfigure internal layout; ▪ Remove deck to Thompson Street frontage; and ▪ Amend building façade design.
Original Decision date	11 July 2019
Change to approval date	22 October 2019
Currency period	6 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	Date
1.	Furniture Plan, prepared by Maxwell Penhey Architects	A2.02, Revision 02	26 June 2019 (Amended in Red 18/10/2019)
2.	Exterior Proposed Plan, prepared by Maxwell Penhey Architects	A1.03, Revision 06	20 March 2019 (Amended in Red 18/10/2019)
3.	Existing Elevation, prepared by Maxwell Penhey Architects	A3.01, Revision 02	20 March 2019
4.	Existing Elevation Demolition, prepared by Maxwell Penhey Architects	A3.02, Revision 04	20 March 2019
5.	Proposed Elevation, prepared by Maxwell Penhey Architects	A3.03, Revision 05	20 March 2019
6.	Demolition Plan, prepared by Maxwell Penhey Architects	A2.01, Revision 02	26 June 2019
7.	Partition Plan, prepared by Maxwell Penhey Architects	A2.03, Revision 02	26 June 2019
8.	Floor Finishes Plan, prepared by Maxwell Penhey Architects	A2.04, Revision 01	26 June 2019
9.	Reflected Ceiling Plan, prepared by Maxwell Penhey Architects	A2.05, Revision 01	26 June 2019
10.	Detailed Kitchen Plan, prepared by Maxwell Penhey Architects	A4.01, Revision 02	26 June 2019
11.	Detailed Café Servery Plan, prepared by Maxwell Penhey Architects	A4.02, Revision 02	26 June 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. **MEDQ** means the Minister for Economic Development Queensland.
7. **PDA** means Priority Development Area.
8. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions		
No.	Condition	Timing
	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. 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.	b) Prior to commencement of use 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	Prior to commencement of use

PDA Development Conditions		
No.	Condition	Timing
	compliance with relevant standards and statutory requirements.	
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 charges 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 ****

Document Name	Current Version	Date	Author	Verified	Amendment
Section 99 Notice of decision change to development approval – applicant	Version 1	20 November 2012	Clinton Hanney		
Section 99 Notice of decision change to development approval – applicant	Version 2	23 July 2013	Clinton Hanney		Letterhead update
Section 99 Notice of decision change to development approval – applicant	Version 3	3 February 2014	Clinton Hanney		Letterhead update
Section 99 Notice of decision change to development approval - applicant	Version 4	10 March 2014	Patrick Atkinson	Teresa Luck	Formatting update
Section 99 Notice of decision change to development approval - applicant	Version 5		Patrick Atkinson	Lyndy Rapson	Content update
Section 99 Notice of decision change to development approval - applicant	Version 6	3 February 2015	Owen Haslam	Lyndy Rapson	Content update
Section 99 Notice of decision change to development approval - applicant	Version 7	13 April 2015	Cheryl Broughton	Lyndy Rapson	Letterhead update
Section 99 Notice of decision change to development approval - applicant	Version 8	11 November 2015	Liz Hussey	Beatriz Gomez	Shorten the first paragraph and align with the wording with the Act. Include a new section to summarise the approved changes
Section 99 Notice of decision change to development approval - applicant	Version 9	6 December 2016	Cheryl Broughton	Anne Edmonds	Footer update
Section 99 Notice of decision change to development approval - applicant	Version 10	8 January 2018	Cheryl Broughton	Anne Edmonds	Update Department references – DILGP to DSDMIP