



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

Our ref: DEV2015/682/14

22 November 2019

Brookes JV Pty Ltd
C/- Wolter Consulting Group
Att: Ms Kimberley White
PO Box 436
NEW FARM QLD 4005

Dear Kimberley

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE RESIDENTIAL (130 DWELLING UNITS), BUSINESS, OFFICE, FAST FOOD PREMISES, FOOD PREMISES, SHOP, SHOWROOM, STORAGE AND DISPLAY FACILITIES (236M²) AT 61 BROOKES STREET, BOWEN HILLS DESCRIBED AS LOT 3 ON RP910687

On 22 November 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

Kylie Williams
**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	
Site address	61 Brookes Street, Bowen Hills QLD 4006	
Lot on plan description	Lot number	Plan description
	3	RP910687
PDA development application details		
DEV reference number	DEV2015/682/14	
'Properly made' date	9 October 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	Multiple Residential (130 dwelling units) and Business, Office, Fast Food Premises, Food Premises, Shop, Showroom, Storage and Display Facilities (236m ²)	

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: ▪ Amendments to architectural plans (including an increase of the retail/commercial area from 207m² to 236m²) ▪ Amendment to the package of superior design outcomes and ▪ Amendments to the PDA Development conditions 1, 20 and 26.
Original Decision date	14 October 2015
1 st Change to approval date	11 June 2018
2 nd Change to approval date	22 November 2019
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.	Statement of Proposed Superior Design Outcomes		November 2019
2.	Car Parking Area Layout Design Compliance Assessment, prepared by TTM	19BRT0363	1 November 2019
3.	Sustainable Design Initiatives Short Form Report, prepared by Energy Concepts Group, as amended in red to acknowledging the Wolter Consulting Group letter dated 11 September 2019 (Ref 19-0414E) and subject to resolution of the landscaping design to the podium carparking levels under condition 20 of this approval.	Revision C	6 May 2015 (Amended in red 21/11/2019)
4.	Floor Plan – Ground Floor, prepared by Cottee Parker	SD2001, Issue 05	12/11/2019
5.	Floor Plan – Mezzanine Tanks, prepared by Cottee Parker	SD2002, Issue 04	12/11/2019
6.	Floor Plan – Level 01 – Podium Car Park, prepared by Cottee Parker	SD2003, Issue 04	12/11/2019 (Amended in red 21/11/2019)
7.	Floor Plan – Level 02 – Podium Car Park, prepared by Cottee Parker	SD2004, Issue 04	12/11/2019 (Amended in red 21/11/2019)

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)
8.	Floor Plan – Level 03 – Podium Car Park, prepared by Cottee Parker	SD2005, Issue 04	12/11/2019 (Amended in red 21/11/2019)
9.	Floor Plan – Level 04 – Podium Car Park, prepared by Cottee Parker	SD2006, Issue 04	12/11/2019 (Amended in red 21/11/2019)
10.	Floor Plan – Level 05, prepared by Cottee Parker	SD2007, Issue 06	12/11/2019
11.	Floor Plan – Typical Levels 06-12, prepared by Cottee Parker	SD2008, Issue 04	12/11/2019
12.	Floor Plan – Typical Levels 13-17, prepared by Cottee Parker	SD2015, Issue 04	12/11/2019
13.	Roof Plan – Level 18 – Roof Terrace, prepared by Cottee Parker	SD2102, Issue 05	12/11/2019
14.	Roof Plan, prepared by Cottee Parker	SD2102, Issue 03	12/11/2019
15.	GFA Diagrams, prepared by Cottee Parker	SD2801, Issue 03	22/11/2019
16.	PWD Plans, prepared by Cottee Parker	WD2802, Issue 01	30/07/2019
17.	North Elevation, prepared by Cottee Parker	SD3001, Issue 03	12/11/2019
18.	South Elevation, prepared by Cottee Parker	SD3002, Issue 03	12/11/2019
19.	East Elevation – Brookes Street, prepared by Cottee Parker	SD3003, Issue 03	12/11/2019
20.	West Elevation – Exhibition Street, prepared by Cottee Parker	SD3004, Issue 03	12/11/2019
Plans and documents previously approved on 14 October 2015		Number (if applicable)	Date (if applicable)
1.	61 Brookes St, Fortitude Valley, prepared by Larc Collective	Revision B	05 May 2015
2.	Site Based Stormwater Management Plan – Quality, prepared by BG Group	Version 3	27 th July 2015
3.	Environmental Noise Assessment Report prepared by TTM	15BRA0015 R01	24/07/15
4.	Concept Bulk Earthworks Plan prepared by BG Group	C15-194 SK02 Rev B	08/05/15
5.	Concept Bulk Earthworks Sections prepared by BG Group	C15-194 SK03 Rev B	08/05/15

Supporting documents

To remove any doubt, the following documents are not approved for the purposes of the PDA development approval and are supporting documents only for information purposes.

Supporting plans, reports and specifications		Number (if applicable)	Date (if applicable)
1.	Omega Apartments Bowen Hills – Sustainability Report Updates, prepared by Wolter Consulting Group	19-0414E	11 September 2019

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 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).
- 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

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 Infrastructure, Local Government and Planning, effective 16 October 2017 (as amended from time to time)
3. **Council** means Brisbane City Council.
4. **DSDMIP** means The Department of State Development, Manufacturing, Infrastructure and Planning.
5. **EDQ** means Economic Development Queensland.
6. **MEDQ** means The Minister of Economic Development Queensland.
7. **PDA** means Priority Development Area.
8. **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/drawings and/or documents.	Prior to commencement of use
2.	Maintain the approved development Maintain the approved development (including landscaping, parking, driveways and other external spaces) in accordance with the approved drawing(s) and /or documents, and any relevant DSDMIP or other approval required by the conditions.	As indicated
3.	Community Management Statement Any Community Management Statement for the development must include the following requirements: a) Ensure evidence of adequate public liability insurance; b) Ensure the provision on-site for 7 visitor parking spaces remains available for use by all bona-fide visitors, guests or invitees of the site's tenants; c) Delineate and sign one (1) car share space to be provided at Ground Floor and accessible for use at all times; d) Maintain a directional visitor parking sign at the vehicle entrances to the site adjacent to, or clearly visible from, the vehicle entrance to the site; e) Maintain the acoustic damping of any metal grills, metal plates or similar subject to vehicular traffic to prevent environmental nuisance; f) Maintain all areas, including the collection of refuse, repair of infrastructure, reinstatement of damaged infrastructure etc; and g) Access for service authorities to enter the site to undertake all necessary work.	Prior to Building Format Plan endorsement

Engineering

4.	Construction Management Plan a) Submit to EDQ Development Assessment DSDMIP a Site Based Construction Management Plan prepared by the principal site contractor that includes but is not necessarily limited to the following: i. management of noise and dust generated from the site during and outside construction work hours; ii. Management of stormwater flows around or through the site without increasing the concentration of total suspended solids or Prescribed Water Contaminants (as defined in the Environmental Protection Act 1994), causing erosion, creating any ponding and causing any actionable nuisance to upstream or downstream properties; and iii. management of contaminated soils (if required), including removal, treatment and replacement in accordance with site remediation plans prepared and approved specifically for this site. b) Undertake all works generally in accordance with the construction management plan which must be current and available on site at all times during the construction period.	a) Prior to commencement of site works b) At all times during construction
5.	Traffic Management Plan a) Submit to EDQ Development Assessment, DSDMIP a Traffic Management Plan (TMP) prepared and certified by a person holding a current Traffic Management Level 3 qualification or higher. The TMP must ensure adverse traffic impacts are minimised during construction. The TMP must include: i. provision for the management of traffic around and through the site during and outside of construction work hours; ii. provision for worker parking and materials delivery during and outside of construction hours of work; iii. planning including risk identification and assessment, staging, etc.; iv. implementation; v. monitoring and measurement; vi. management review; and vii. traffic control plans or traffic control diagrams in accordance with Manual of	a) Prior to commencement of site works

Engineering		
	Uniform Traffic Control Devices (MUTCD) for any temporary part or full road closures of any Council road(s). b) Implement the certified TMP, which must be current and available on site at all times.	b) At all times during construction
6.	Filling and Excavation a) Submit to EDQ Development Assessment, DSDMIP detailed earthworks plans certified by a RPEQ, generally in accordance with the approved concept plans. b) Carry out the earthworks generally in accordance with the certified plans required under part a) of this condition. c) Submit to EDQ Development Assessment, DSDMIP certification by a RPEQ that all earthworks have been carried out generally in 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.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
7.	Vehicle Access Construct vehicle crossovers generally in accordance with the approved plans and Council's adopted standards.	Prior to commencement of use and to be maintained
8.	Car Parking a) Provide car parking spaces, delineated and signed generally in accordance with the approved plans. b) Car parking spaces are to be designed in accordance with <i>AS2890 – Parking Facilities</i>. c) Demonstrate parking facilities have been provided in accordance with parts a) and b) of this condition.	Prior to commencement of use and to be maintained
9.	Bicycle Parking a) Provide bicycle parking facilities delineated and signed generally in accordance with the approved plans. b) Bicycle parking spaces are to be designed in accordance with <i>AS2890.3 – 1993 Bicycle parking facilities</i>. c) Demonstrate bicycle parking facilities have been provided in accordance with parts a) and b) of this condition.	Prior to commencement of use and to be maintained

Engineering		
10.	Water connection Connect the development to the existing water reticulation network in accordance with QUU current adopted standards.	Prior to commencement of use
11.	Sewer connection Connect the development to the existing sewer reticulation network in accordance with QUU current adopted standards. Advice Note <i>At the time of this approval, the downstream sewerage network did not have sufficient capacity to service the development. A trunk sewer augmentation from St Pauls Terrace to Ann Street is expected to be constructed by others and completed by the end of 2016. When completed, this trunk sewer augmentation will provide sufficient capacity to service the development.</i> <i>Where the commencement of use is prior to the completion of the Ann Street connection sewer works, and subject to QUUs approval, EDQ provides in principle support for a temporary solution such as an on-site storage tank and off-peak pump out system. Offsets may be available to cover the reasonable costs of the temporary solution.</i>	Prior to commencement of use
12.	Stormwater connection Connect the development to a lawful point of discharge with 'no-worsening' to upstream or downstream properties for storm events up to 1% Annual Exceedance Probability (AEP) in accordance with Council's current adopted standards.	Prior to commencement of use
13.	Stormwater Quality Install stormwater treatment devices (first flush devices and filter baskets) generally in accordance with the recommendations in the approved Site Based Stormwater Management Plan – Quality C15-194 SBSMP Quality Version 3 dated April 2015 prepared by BG Civil.	Prior to commencement of use
14.	Outdoor Lighting Outdoor lighting within the development shall be designed and installed to minimise light spill in the adjacent residential properties in accordance with AS 4282:1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	Prior to commencement of use and to be maintained

15.	Electricity Submit to EDQ Development Assessment DSDMIP either: a) written evidence from Energex confirming that existing underground low-voltage electricity supply or overhead where agreed to by the local council is available to the development; or b) written evidence from Energex confirming that the applicant has entered into an agreement with it to provide underground or overhead where agreed to by the local council electricity services.	Prior to commencement of site works
16.	Telecommunications Submit to EDQ Development Assessment DSDMIP documentation from an authorised telecommunication service provider confirming that satisfactory agreements have been made for the provision of underground telecommunication services to the proposed development.	Prior to commencement of site works
17.	Broadband Submit to EDQ Development Assessment DSDMIP a written agreement from an authorised telecommunications service provider that infrastructure within the development as defined under the <i>Telecommunications Act 1997 (Fibre Deployment Bill 2011)</i> can be provided in accordance with the Communications Alliance G645:2011 guideline, to accommodate services which are compliant with the Federal Government's National Broadband Network policy.	Prior to commencement of site works
18.	Gas If required, submit to EDQ Development Assessment, DSDMIP documentation from an authorised gas service provider confirming that an agreement has been entered into for the provision of underground gas services to the proposed development.	Prior to commencement of use
19.	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

Landscape and Environment		
20.	Compliance assessment – Landscape Works a) Submit for compliance assessment to EDQ Development Assessment DSDMIP detailed landscape plans, certified by an AILA registered Landscape Architect and in accordance with the approved plans and Statement of Proposed Superior Design Outcomes – Amended November 2019. The detailed plans are to identify: i. Landscape treatment to the building frontage on Brookes Street ii. Landscape treatment of the podium levels to Brookes Street and Exhibition Street iii. Landscape treatment to Level 5 iv. Landscape treatment to the rooftop common area v. Planting species, pot size at the time of planting and height and width at 3, 6 and 12 months of growth and at full maturity, having regard to the planting environment and vi. A feeding, watering and general maintenance regime for all on-site landscaping. b) Construct the landscaping works in accordance with the endorsed landscape plans; or pay to the MEDQ a Bond in the amount of \$100,000. The Bond must be in the form of a bank guarantee or Insurance Bond and on terms acceptable to the MEDQ. c) Provide certification from an AILA that the landscaping works have been constructed in accordance with the endorsed landscape plans.	a) The sooner of the following: I. prior to endorsement of the first survey plan related to the approved development; or II. if a Bond has been secured under part (b) of this condition - within 1 month of endorsement of the first survey plan related to the approved development. b) Either: I. prior to endorsement of the first survey plan related to the approved development; or II. if a Bond has been secured under part (b) of this condition - the sooner of the following: A. within 3 months of endorsement of the first survey plan related to the approved development; or B. by 31st March 2020. c) Within 2 weeks of completion of the landscaping works.
21.	Compliance Assessment – Public Streetscape Improvements a) Submit for compliance assessment to EDQ Development Assessment, DSDMIP detailed landscape plans for all proposed public	a) Prior to commencement of streetscape works

	streetscape works, certified by an AILA registered Landscape Architect and generally in accordance with Council's <i>Schedule 6 Planning Scheme Policy SC6.16 Infrastructure design planning scheme policy</i>. Where applicable, the detailed streetscape plans are to include: vii. a schedule of proposed standard and non-standard assets to be transferred to Council; viii. location and type of street lighting in accordance with Australian Standard AS1158 – '<i>Lighting for Roads and Public Spaces</i>'; ix. footpath treatments; x. location and types of streetscape furniture; xi. location and size of stormwater treatment devices; and xii. street trees, including species, size (semi-advanced), spacing and location generally in accordance with the Council's adopted planting schedules and guidelines. b) Construct the works generally in accordance with the endorsed plans required under part a) of this condition. c) Submit to EDQ Development Assessment, DSDMIP 'As Constructed' plans and asset register, in a format acceptable to Council, certified by an AILA registered Landscape Architect. d) Provide 12 months maintenance to the street trees, commencing on receipt of written confirmation from EDQ Development Assessment, DSDMIP that planting is satisfactory.	b) Prior to commencement of use c) Prior to commencement of use d) As indicated
22.	Acid Sulfate Soils (ASS) a) Where acid sulfate soils are found on site, submit to EDQ Development Assessment, DSDMIP an Acid Sulfate Soils Management Plan (ASSMP). The ASSMP must be: i. prepared generally in accordance with the State Planning Policy, July 2014 (as amended from time to time) and relevant guidelines; and ii. certified by a suitably qualified professional in soils and/or erosion sediment control. b) Excavate, remove and/or treat on-site all acid sulfate soils generally in accordance with the certified ASSMP.	a) Prior to commencement of or during site works b) Prior to commencement of use

23.	Erosion and Sediment Management a) Submit to EDQ Development Assessment, DSDMIP 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 the Brisbane City Council's <i>Erosion and Sediment Control Standard (Version 9 or later)</i> . b) Implement the certified ESCP as required under part a) of this condition.	a) Prior to commencement of works b) At all times during construction
24.	Refuse Collection Submit to EDQ Development Assessment, DSDMIP refuse collection approval from Council or a private waste contractor.	Prior to commencement of use
25.	Acoustic treatments Undertake acoustic treatments to the development generally in accordance with the recommendations in the following approved document: Environmental Noise Assessment Report 15BRA0015 R01 prepared by TTM and dated 24/07/15.	Prior to commencement of use
26.	Ecologically Sustainable Design Submit to EDQ Development Assessment, DSDMIP written evidence from a suitable qualified sustainability professional, that the development has been constructed generally in accordance with the undertakings in the Sustainable Design Initiatives Short Form Report, prepared by Energy Concepts Group and dated 6 May 2015, acknowledging the updates identified in the Wolter Consulting Group letter dated 11 September 2019 (Ref 19-0414E) and subject to endorsement of the landscaping design to the podium carparking levels under condition 20 of this approval.	Prior to commencement of use or within 1 month of endorsement of the first survey plan related to the approved development, whichever occurs first.
Surveying, land transfers and easements		
27.	Easements over Infrastructure Public utility easements must be provided, in favour of and at no cost to the grantee, over infrastructure located in land that becomes contributed assets. The terms of the easements must be to the satisfaction of the Chief Executive Officer of the authority which ultimately is to takeover and maintain the contributed assets.	Prior to commencement of use or endorsement of a Building Format Plan, whichever occurs first

Architecture and Design		
28.	Window sill treatments Window sills on all ground floor and Shop tenancies are to be within 0-300mm above the corresponding footpath level. The use of reflective glass for all Shops on the Ground level is not appropriate. b	Prior to commencement of use
29.	Compliance Assessment – External materials and colours a) Submit to EDQ Development Assessment, DSDMIP for compliance assessment, drawings illustrating the facades, external materials, colours and finishes, generally in accordance with the approved plans. b) Carry out the works in accordance with the endorsed plans required by part a) of this condition.	a) Prior to commencement of building works b) Prior to commencement of use
30.	Compliance Assessment – Artwork a) Submit to EDQ Development Assessment, DSDMIP for compliance assessment, drawings illustrating the artwork proposed along the Brookes Street frontage, identified on the approved plans. b) Carry out the works in accordance with the endorsed plans required by part a) of this condition.	a) Prior to commencement of building works b) Prior to commencement of use
Affordable and Accessible Housing		
31.	Affordable Housing Submit to EDQ Development Assessment, DSDMIP evidence that the approved development delivers 7 affordable units in accordance with the <i>PDA (ULDA) Guideline no. 16 Housing</i> .	Prior to commencement of use
32.	Accessible Housing Submit to EDQ Development Assessment, DSDMIP evidence that the approved development delivers 14 accessible units, generally in accordance with the approved plans.	Prior to commencement of use
Infrastructure Charges		
33.	Infrastructure Contributions Pay to MEDQ infrastructure charges in accordance with the Infrastructure Funding Framework (IFF) July 2015 indexed to the date of payment.	In accordance with the IFF

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 ****