



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

Our ref: DEV2020/1105

20 May 2020

Capital Transactions Pty Ltd
C/- Place Design Group
Att: Mr Angus Green
PO Box 419
FORTITUDE VALLEY QLD 4007

Email: angus.g@placedesigngroup.com

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 – CHILD CARE CENTRE AT 15 HERCULES STREET, HAMILTON DESCRIBED AS LOT 789 ON SL5992

On 20 May 2020 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 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
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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)	Northshore Hamilton	
Site address	15 Hercules Street, Hamilton	
Lot on plan description	Lot number	Plan description
	Lot 789	SL5992
PDA development application details		
DEV reference number	DEV2020/1105	
'Properly made' date	23 March 2020	
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 Child Care Centre (132 Children)	

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		20 May 2020	
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 (if applicable)	Date (if applicable)
1.	Cover Sheet, prepared by BSPN Architecture	A0.00, revision P4	13/03/2020
2.	Site Plans, prepared by BSPN Architecture	A1.01, revision P4	13/03/2020 (Amended in Red 13/05/2020)
3.	Floor Plan – GFA + Occupancy, prepared by BSPN Architecture	A1.10, revision P4	13/03/2020 (Amended in Red 13/05/2020)
4.	Existing / Demolition Floor Plan – Ground Floor, prepared by BSPN Architecture	A1.11, revision P4	13/03/2020
5.	Existing / Demolition Floor Plan – First Floor, prepared by BSPN Architecture	A1.12, revision P4	13/03/2020
6.	General Arrangement Plan – Ground Floor, prepared by BSPN Architecture	A1.21, revision P6	13/03/2020 (Amended in Red 13/05/2020)
7.	General Arrangement Plan – First Floor, prepared by BSPN Architecture	A1.22, revision P6	13/03/2020
8.	General Arrangement Plan – Rood, prepared by BSPN Architecture	A1.23, revision P4	13/03/2020
9.	Existing / Demolition Building Elevations, prepared by BSPN Architecture	A2.01, revision P4	13/03/2020
10.	Building Elevations, prepared by BSPN Architecture	A2.11, revision P4	13/03/2020 (Amended in Red 13/05/2020)
11.	Building Sections, prepared by BSPN Architecture	A3.01, revision P4	13/03/2020
12.	15 Hercules Street, Hamilton Landscape Concept	1120025, revision 01	12/03/2020 (Amended in Red 13/05/2020)

13.	Noise Assessment Report, prepared by Noise Measurement Services	4969BR1, revision 01	12/03/2020
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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.	15 Hercules Street, Hamilton Traffic Impact Assessment, prepared by Lambert & Rehbein	B19256TR001, revision D	11/03/2020
2.	Swept Path Assessment Refuse Collection Vehicle, prepared by Lambert & Rehbein	B19256-SK-001, Revision D	14/03/2020

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. **Certification Procedures Manual** means the document titled *Certification Procedures Manual*, prepared by the Department of Infrastructure, Local Government and Planning, dated 16 October 2017 (as amended from time to time).
3. **Contributed Asset**, in accordance with the Certification Procedures Manual, means an asset constructed under a PDA development approval or Infrastructure Agreement that will become the responsibility of an External Authority. For the purposes of operational works for a Contributed Asset the following meanings apply:
 - a. **External Authority** means a public-sector entity external to the MEDQ;
 - b. **Parkland** means carrying out operational works related to the provision of parkland infrastructure
 - c. **Roadworks** means carrying out any operational works within existing and proposed road, to a depth of 1.5m measured from the top of kerb, and includes streetscape works;
 - d. **Sewer Works** means carrying out any operational works related to the provision of waste water infrastructure;
 - e. **Streetscape Works** means carrying out any operational works within the footpath of a road related to landscape treatments, including footpath surface treatments, street furniture, street lighting and street trees;
 - f. **Stormwater Works** means carrying out any operational works related to the provision of stormwater infrastructure; and
 - g. **Water Works** means carrying out any operational works related to the provision of water infrastructure.
4. **Council** means Brisbane City Council.
5. **QUU** means the Queensland Urban Utilities.
6. **DSDMIP** means the Department of State Development, Manufacturing, Infrastructure and Planning.
7. **EDQ** means Economic Development Queensland.
8. **IFF** means the Economic Development Queensland Infrastructure Funding Framework as amended or replaced from time to time.
9. **MEDQ** means the Minister for Economic Development Queensland.
10. **PDA** means Priority Development Area.
11. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions – Material Change of Use		
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.	Certification of Operational Works (CPM) All operational works is to be undertaken in accordance with this approval are to comply with all requirements of and fulfil all responsibilities outlined in the <i>Certification Procedures Manual</i> .	As required by the <i>Certification Procedures Manual</i>
3.	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
4.	Limitation of Approval The proposal is limited to a maximum of 132 children onsite at any time.	At all times
5.	Hours of Operation Operation of the Child Care Centre is restricted to the following hours: 7:00am to 7:00pm, 7 days per week.	As indicated
Engineering		
6.	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: - noise and dust generated from the site during and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i>; - 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 nuisance to upstream or downstream properties; and - contaminated land (if required), including removal, treatment and replacement in accordance with a compliance permit from an approved contaminated land auditor.	a) Prior to commencement of site works

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
	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
7.	Traffic Management Plan a) Submit to EDQ Development Assessment, DSDMIP a Traffic Management Plan (TMP), certified by a person holding a current Traffic Management Level 3 qualification or higher. The TMP is to include the following: i. provision for the management of traffic around and through the site during and outside of construction work hours; ii. provision of parking for workers and materials delivery; iii. risk identification, assessment and identification of mitigation measures; iv. ongoing monitoring, management review and certified updates (as required); and 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). b) Undertake all works generally in accordance with the certified TMP submitted under part a) of this condition, which is to be current and available on site at all times.	a) Prior to commencement of site works b) At all times during construction
8.	Vehicle Access a) Construct a vehicle crossover generally in accordance with the approved plans and design and construct in accordance with the relevant Council standards. for a Council Standard for Crossover. b) Submit to EDQ Development Assessment, DSDMIP certification by a RPEQ written evidence Demonstrating that the crossover has been provided in accordance with part a) of this condition	a) Prior to commencement of use and to be maintained b) Prior to commencement of use
9.	Car Parking a) Provide a minimum of 25 car parking spaces, delineated and signed generally in accordance with AS2890 – <i>Parking Facilities</i> and the following: i. All PWD spaces not associated with a residential use are required to be available at all times to bona fide visitors to the approved development.	a) Prior to commencement of use and to be maintained

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
16.	Telecommunications Submit to EDQ Development Assessment, DSDMIP documentation from an authorised telecommunication service provider confirming that an agreement has been entered into for the provision of underground telecommunication services to the proposed development.	Prior to commencement of use
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 Legislation Amendment (Fibre Deployment) Act 2011</i>) can be provided in accordance with the Communications Alliance G645:2017 guideline, to accommodate services which are compliant with the Federal Government's National Broadband Network policy.	Prior to commencement of use
18.	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		
19.	Private Landscape Works a) Submit to EDQ Development Assessment, DSDMIP detailed landscape plans, certified by an AILA, for landscape works within the proposed development generally in accordance with the following plans: i. Landscape Concept Plan prepared by Place dated 12/03/2020 reference 1120025 Revision 1 (amended in red). b) Construct the works generally in accordance with the certified plans submitted under part a) of this condition.	a) Prior to private landscape works b) Prior to commencement of use and to be maintained
20.	Public Streetscape Works a) Submit to EDQ Development Assessment, DSDMIP detailed landscape plans for all proposed public 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 and the approved Landscape Concept Plan prepared by Place dated 12/03/2020 reference 1120025 revision 1 (amended in red).</i>	a) Prior to commencement of streetscape works

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
	Where applicable, the detailed streetscape plans are to include: i. a schedule of proposed standard and non-standard assets to be transferred to Council; ii. location and type of street lighting in accordance with Australian Standard AS1158 – ‘<i>Lighting for Roads and Public Spaces</i>’; iii. footpath widening generally in accordance with approved plan <i>15 Hercules Street, Hamilton Landscape Concept, 1120025, revision 01 dated 12/03/2020 (amended in red 13/05/2020)</i> iv. footpath treatments to match in with existing honed finish precinct throughout the precinct. v. location and types of streetscape furniture; vi. location and size of stormwater treatment devices; and vii. street trees, including species, size (semi-advanced), spacing and location generally in accordance with the Council’s for areas that need to be rectified due to the removal of the existing driveway crossovers. viii. Details of rectification works for the areas where existing driveways are to be removed ix. Details of tactile ground surface treatment (TGSI) to match treatments used within the precinct. x. Details of line marking for the bikeway treatment for the new driveway crossover location. xi. Details of kerb replacement certified by RPEQ where existing driveways are being removed. 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 streetscape, commencing on receipt of written confirmation from EDQ Development Assessment, DSDMIP that streetscape accepted on-maintenance in accordance with the CPM.	b) Prior to commencement of use c) Prior to commencement of use d) As indicated
21.	Acid Sulfate Soils (ASSMP) a) Where acid sulfate soils are found on site, submit to EDQ Development Assessment, DSDMIP an Acid Sulfate Soils Management Plan (ASSMP). The ASSMP is to be prepared 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 submitted under part a) of this condition.	a) Prior to commencement of or during site works b) Prior to commencement of use

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
	—where a plan of subdivision or building format plan is submitted for endorsement or the use has commenced on or before 6 years from the original decision date – in accordance with the IFF in force at the time of the original decision date; or — where a plan of subdivision or building format plan is submitted for endorsement or the use has commenced more than 6 years from the original decision date – in accordance with the IFF in force at the time of the payment. — Where the application is a MCU, certified construction plans detailing the GFA must also be provided to the MEDQ prior to commencement of use for calculation of final charges.	

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 ****