

Our ref: DEV2019/1047/2

21 December 2020

Pro-Invest Australian Hospitality Opportunity (ST) Pty Ltd
ATF The Pro-Invest HIE Sunshine Coast Trust
C/- Urbis Pty Ltd
Att: Ms Erin Brooks
Level 32, 300 George Street
BRISBANE QLD 4000

Email: ebrooks@urbis.com

Dear Erin

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - SHORT TERM ACCOMODATION (167 ROOMS), SHOP, OFFICE, INDOOR SPORT AND RECREATION, AND FOOD AND DRINK OUTLET AT 42 FIRST AVENUE, MAROOCHYDORE DESCRIBED AS LOT 74 ON SP308194

On 21 December 2020 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.statedevelopment.qld.gov.au/economic-development-qld/buying-and-developing-land/development-applications-and-assessment/current-applications-and-approvals.

Should you have any queries in relation to this PDA decision notice, please do not hesitate to contact Leila Torrens on 3452 7466 or at Leila.torrens@dsdti.qld.gov.au.

Yours sincerely



Jeanine Stone
Director
Development Assessment
Economic Development Queensland

PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Maroochydore	
Site address	42 First Avenue, Maroochydore	
Lot on plan description	Lot number	Plan description
	74	SP308194
PDA development application details		
DEV reference number	DEV2019/1074	
'Properly made' date	4 November 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	S99 change to an approval for MCU for short term accommodation (167 rooms), shop, office, indoor sort and recreation, food and drink outlet.	

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: ▪ Design changes to setback above tower; ▪ reduction in car parking numbers ▪ reduction in width of awning along Fairway Drive frontage ▪ relocation of services due to removal of upper parking deck; ▪ revised landscape concept; and ▪ increase in number of rooms to 181.
Original Decision date	29 August 2019
Change to approval date	21 December 2020
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 (if applicable)	Date (if applicable)
1.	Design Analysis Diagrams prepared by Kann Finch	DA.00.05 Rev H	30.10.2020
2.	Site Plan prepared by Kann Finch	DA.01.01 Rev P	23.11.2020
3.	Ground Floor Plan prepared by Kann Finch	DA.02.01 Rev Y	23.11.2020
4.	Level 1 Plan prepared by Kann Finch	DA.02.03 Rev X	23.11.2020
5.	Level 2-7 Typical Plan prepared by Kann Finch	DA.02.04 Rev U	30.10.2020
6.	Level 8 Pool – Plant Floor Plan prepared by Kann Finch	DA.02.05 Rev R	30.10.2020
7.	Level 9 Plant Floor Plan prepared by Kann Finch	DA.02.06 Rev E	30.10.2020
8.	North Elevation prepared by Kann Finch	DA.03.01 Rev O	23.11.2020
9.	East Elevation prepared by Kann Finch	DA.03.02 Rev O	23.11.2020
10.	South Elevation prepared by Kann Finch	DA.03.03 Rev O	23.11.2020
11.	West Elevation prepared by Kann Finch	DA.03.04 Rev N	03.11.2020
12.	Section 01 prepared by Kann Finch	DA.03.05 Rev N	23.11.2020

13.	Section 02 prepared by Kann Finch	DA.03.06 Rev J	21.10.2020
14.	Hi Ex Hotel Development, Maroochydore Landscape Concept Plans prepared by Aspect Studios	Rev J	30.10.2020
15.	Traffic Report prepared by MRCagney	File Name 6663-B-TE-R-002(1), Issue 1	03.11.2020
16.	Site Services and Stormwater Management Report prepared by Robert Bird Group Pty Ltd	Doc No. 19305-RBG-ZZ-XX-RP-CV-00001, Issue B	30.10.2020

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 Sunshine Coast Council.
 5. **DES** means the Department of Environment and Science.
 6. **DSDMIP** means the Department of State Development, Manufacturing, Infrastructure and Planning.
 7. **EDQ** means Economic Development Queensland.
 8. **IFF** means the Infrastructure Funding Framework, prepared by the Department of Infrastructure, Local Government and Planning, dated July 2017.
 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 All operational works, for contributed assets, 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, Maroochydore City Centre Infrastructure Agreement 2017, Maroochydore city Centre Water Infrastructure Agreement 2017 and any other executed Infrastructure Agreement and any other approval or endorsement required by these conditions.	

Engineering		
4.	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 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.	a) Prior to commencement of site works b) Prior to commencement of site works c) At all times during construction
5.	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

6.	Retaining Walls a) Submit to EDQ Development Assessment, DSDMIP detailed engineering plans, certified by an RPEQ, of all retaining walls 1.0m or greater in height. Retaining walls are to be generally in accordance with <i>PDA Practice Note No. 10 – Plans of development</i> unless otherwise approved by EDQ Development Assessment, DSDMIP. 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 certification by a RPEQ that all retaining wall works 1.0m or greater in height have been carried out generally in accordance with the certified plans submitted under part a) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
7.	Filling and Excavation a) Submit to EDQ Development Assessment, DSDMIP detailed earthworks plans certified by a RPEQ, generally in accordance with <i>AS3798 – 2007“Guidelines on Earthworks for Commercial and Residential Developments</i>. The certified earthworks plans are to: - include a geotechnical soils assessment of the site; - be consistent with the Erosion and Sediment Control plans as required by condition 22 – Erosion and Sediment Management; - provide full detail of areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation; and - provide full details of any areas where surplus soils are to be stockpiled. b) Carry out the earthworks generally in accordance with the certified plans submitted under part a) of this condition. c) Submit to EDQ Development Assessment, DSDMIP certification by a RPEQ that all earthworks have been carried out in generally accordance with the certified plans submitted 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
8.	Vehicle Access a) Construct a vehicle crossover generally in accordance with the approved plans and designed and constructed in accordance with the relevant Council standards.	a) Prior to commencement of use and to be maintained

	b) Submit to EDQ Development Assessment, DSDMIP certification by a RPEQ written evidence Demonstrating that the crossover{s} have been provided in accordance with part a) of this condition	b) Prior to commencement of use
9.	Car Parking a) Provide car parking spaces, delineated and signed generally in accordance with AS2890 – <i>Parking Facilities</i> and the relevant local development or planning schemes. 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) Submit to EDQ Development Assessment, DSDMIP certification by a RPEQ demonstrating that the parking facilities have 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
10.	Bicycle Parking b) Provide bicycle parking facilities delineated and signed generally in accordance with AS2890.3 – <i>1993 Bicycle parking facilities</i> and the relevant local development or planning schemes. c) Submit to EDQ Development Assessment, DSDMIP written evidence demonstrating bicycle parking facilities have 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
11.	Water Connection Connect the development to the existing water reticulation network in accordance with Unitywater’s current adopted standards.	Prior to commencement of use
12.	Sewer Connection Connect the development to the existing sewer reticulation network in accordance with Unitywater’s current adopted standards.	Prior to commencement of use
13.	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 current adopted standards.	Prior to commencement of use
14.	Stormwater Management (Quality) a) Submit to EDQ Development Assessment, DSDMIP detailed engineering drawings, certified by a RPEQ for the proposed stormwater treatment devices designed generally in accordance with <i>PDA Guideline No. 13 Engineering standards – Stormwater quality</i> and the approved Site Services and Stormwater Management Report prepared by Robert Bird Group Pty Ltd Issue B dated 30.10.2020 b) Construct the works generally in accordance with the certified plans submitted under part a) of this condition.	a) Prior to commencement of stormwater works b) Prior to commencement of use

	c) Provide evidence from a RPEQ that the works have been constructed generally in accordance with the certified plans submitted under part a) of this condition.	c) Prior to commencement of use
15.	Outdoor Lighting Outdoor lighting within the development is to be designed and installed 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
16.	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 use
17.	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
18.	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
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 to EDQ Development Assessment, DSDMIP detailed landscape plans prepared by an AILA, for landscape works within the proposed development, in accordance with the Hi Ex Hotel Development, Maroochydore Landscape Concept Plans prepared by Aspect Studios Rev J dated 21.10.2020 b) Construct the works generally in accordance with the approved plans submitted under part a) of this condition.	a) Prior to commencement of building works above ground level b) Prior to commencement of use and to be maintained
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
22.	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 following guidelines: i. Urban Stormwater Quality Planning Guidelines, dated 2010, prepared by the former Department of Environment and Heritage Protection; and ii. Best Practice Erosion and Sediment Control, dated November 2008, prepared by the International Erosion Control Association Australasia (as amended from time to time). b) Implement the certified ESCP as submitted under part a) of this condition.	a) Prior to commencement of site works b) At all times during construction
23.	Waste Collection System a) Submit to EDQ Development Assessment, DSDMIP, a copy of the Prescribed Waste Infrastructure Consent given by the Council for the establishment of the internal waste collection system. b) Establish the internal waste collection system in accordance with the Council's Prescribed Waste Infrastructure Consent. c) Manage the internal waste collection system in accordance with the Prescribed Waste Infrastructure Consents.	a) Prior to the commencement of building works b) Prior to the commencement of use. c) At all times

Surveying, land transfers and easements		
24.	Easements over Infrastructure Public utility easements are to 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 are to 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
Infrastructure Charges		
25.	Infrastructure Contributions Unless an Infrastructure Agreement (IA) states otherwise, pay to the MEDQ infrastructure charges in accordance with the IFF, indexed to the date of payment . Where the application is a MCU, certified and submitted plans to council detailing the GFA must also be provided at the time 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 ****