

Our ref: DEV2020/1105/2

22 December 2020

Capital Transactions Pty Ltd
C/- Place Design Group
Att: Mr Angus Green
PO Box 419
FORTITUDE VALLEY QLD 4006

Email: angus.g@placdesigngroup.com

Dear Angus

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL 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 22 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 Karina McGill on 07 3452 7518 or at karina.mcgill@dsdti.qld.gov.au.

Yours sincerely



Beatriz Gomez
Director
Development Assessment
Economic Development Queensland

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	4 November 2020	
Type of application	☒ Changing a PDA development approval	
Description of proposal applied for	Material Change of Use – Child Care Centre (132 Children)	

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 relate only to those requested and are summarised as follows: ▪ The demolition plans have been revised to clearly illustrate the extent of demolition per floor level (the building is not heritage listed); ▪ The existing footpath along Hercules Street has been widened to the boundary; ▪ The overall gross floor areas has been slightly reduced to 1,615m² and the external area has been slightly increased to 490m²; ▪ The entry gatehouse on Hercules Street has been altered; ▪ Minor alterations to the classrooms and internal rooms; ▪ Outdoor play areas and landscaping has been revised; and ▪ Minor façade changes.
Original Decision date	20 May 2020
Change to approval date	22 December 2020
Currency period	6 years from the 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.	Cover Sheet, prepared by BSPN Architecture	DA0.00, revision P6	02/10/2020 (As amended in red 15/12/2020)
2.	Site Plans, prepared by BSPN Architecture	DA1.01, revision P5	25/09/2020 (As amended in red 15/12/2020)
3.	Floor Plan – GFA + Occupancy, prepared by BSPN Architecture	DA1.10, revision P5	02/10/2020
4.	Existing / Demolition Floor Plan – Ground Floor, prepared by BSPN Architecture	DA1.11, revision P5	25/09/2020
5.	Existing / Demolition Floor Plan – First Floor, prepared by BSPN Architecture	DA1.12, revision P5	25/09/2020
6.	General Arrangement Plan – Ground Floor, prepared by BSPN Architecture	DA1.21, revision P7	02/10/2020
7.	General Arrangement Plan – First Floor, prepared by BSPN Architecture	DA1.22, revision P6	02/10/2020
8.	Building Elevations, prepared by BSPN Architecture	DA2.11, revision P4	25/09/2020 (As amended in red 15/12/2020)
9.	Building Sections, prepared by BSPN Architecture	DA3.01, revision P5	25/09/2020
Plans and documents previously approved on 20 May 2020		Number (if applicable)	Date (if applicable)
1.	General Arrangement Plan – Roof, prepared by BSPN Architecture	A1.23, revision P4	13/03/2020
2.	Existing / Demolition Building Elevations, prepared by BSPN Architecture	A2.01, revision P4	13/03/2020
3.	15 Hercules Street, Hamilton Landscape Concept	1120025, revision 01	12/03/2020 (Amended in Red 13/05/2020)
4.	Noise Assessment Report, prepared by Noise Measurement Services	4969BR1, revision 01	12/03/2020

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, DSDILGP 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, DSDILGP 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, DSDILGP 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, DSDILGP **within 20 business days** from the date of the notice.
- v. **within 20 business days** – EDQ Development Assessment, DSDILGP 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, DSDILGP 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, DSDILGP 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, Infrastructure, Local Government 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

PDA Development Conditions – Material Change of Use

No	Condition	Timing
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, DSDILGP 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. 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
7.	Traffic Management Plan a) Submit to EDQ Development Assessment, DSDILGP 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: - provision for the management of traffic around and through the site during and outside of construction work hours; - provision of parking for workers and materials delivery; - risk identification, assessment and identification of mitigation measures; - ongoing monitoring, management review and certified updates (as required); and - traffic control plans and/or traffic control diagrams, prepared in accordance with Manual of Uniform Traffic	a) Prior to commencement of site works

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
	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.	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, DSDILGP 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. b) Submit to EDQ Development Assessment, DSDILGP 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 a) Provide a minimum of 10 on site bicycle parking facilities delineated and signed generally in accordance with AS2890.3 – <i>1993 Bicycle parking facilities</i> and the following approved plans: i. Building Elevations, prepared by BSPN Architecture, A2.11, revision P4, dated 13/03/2020 (Amended in Red 13/05/2020). b) Submit to EDQ Development Assessment, DSDILGP 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 QUU current adopted standards.	Prior to commencement of use
12.	Sewer Connection Connect the development to the existing sewer reticulation network in accordance with QUU current adopted standards.	Prior to commencement of use

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
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.	Outdoor Lighting Outdoor lighting within the development is to be designed and installed in accordance with <i>AS 4282:1997 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, DSDILGP 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
16.	Telecommunications Submit to EDQ Development Assessment, DSDILGP 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, DSDILGP 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

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
Landscape and Environment		
19.	Private Landscape Works a) Submit to EDQ Development Assessment, DSDILGP 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, DSDILGP 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> . 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 –'Lighting for Roads and Public Spaces'; iii. footpath widening generally in accordance with approved plan 15 <i>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.	a) Prior to commencement of streetscape works

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
	b) Construct the works generally in accordance with the endorsed plans required under part a) of this condition. c) Submit to EDQ Development Assessment, DSDILGPMIP '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
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.	Refuse Collection and Service Vehicles a) Submit to EDQ Development Assessment, DSDMIP refuse collection approval from Council or a private waste contractor. b) All refuse collection and service vehicles are to ingress and egress from the property in a forward gear. All deliveries and collection to be undertaken are not permitted between 7.00am to 9.30am and 3.30pm to 5.30pm.	(a) Prior to commencement of use (b) As indicated and to be maintained

PDA Development Conditions – Material Change of Use		
No	Condition	Timing
24.	Acoustic treatments Undertake acoustic treatments to the development in accordance with the recommendations in the following approved document i. Noise Assessment Report, prepared by Noise Measurement Services, 4969BR1, revision 01, dated 12/03/2020.	Prior to commencement of use
Surveying, land transfers and easements		
25.	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		
26.	Infrastructure Contributions Unless a relevant infrastructure agreement provides to the contrary, pay to the MEDQ, the applicable infrastructure charges under the IFF calculated as follows: —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.	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 ****