



Our ref: DEV2012/327/9

Department of
**State Development, Infrastructure,
Local Government and Planning**

28June 2021

Economic Development Queensland
C/- Saunders Havill Group
Att: Ms Anna Havill
9 Thompson Street
BOWEN HILLS QLD 4006

Email: annahavill@saundershavill.com

Dear Ms Havill

Section 99 Approval - application to change PDA development application
Material Change of Use for Events Venue (temporary) at Part 97 and 221 Macarthur Avenue, Hamilton (previously part 221 Macarthur Avenue, Hamilton) described as Part Lot 301, 302 and 900 on SP257483 (previously described as part lot 1303 on SP195300)

On 28 June 2021 the Minister for Economic Development Queensland (MEDQ) decided to grant **part** 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.dsdilgp.qld.gov.au/pda-da-applications.

If you require any further information, please contact Ms Marissa Bais, Planner, Development Assessment, in Economic Development Queensland, by telephone on (07) 3452 7344 or at Marissa.Bais@dsdilgp.qld.gov.au, who will be pleased to assist.

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	Part 97 and 221 Macarthur Avenue, Hamilton (previously part 221 Macarthur Avenue, Hamilton)	
Lot on plan description	Lot number	Plan description
	Part Lot 301	SP257483 (previously described as Part Lot 1303 on SP195300)
	Lot 302	SP257483 (previously described as Part Lot 1303 on SP195300)
	Lot 900	SP257483 (previously described as Part Lot 1303 on SP195300)
PDA development application details		
DEV reference number	DEV2012/327/9	
'Properly made' date	27/04/2021	
Type of application	☐ PDA development application for: ☐ Material change of use ☐ Preliminary approval ☐ Development permit ☐ Reconfiguring a lot ☐ Preliminary approval ☐ Development permit ☐ Operational work ☐ Preliminary approval ☐ Development permit ☒ Application to change PDA development approval ☐ Application to extend currency period	
Description of proposal applied for	Events Venue (Temporary)	

PDA development approval details

Decision of the MEDQ	The MEDQ has decided to grant part of the PDA development approval applied for, subject to PDA development conditions forming part of this decision notice. The approval is for: • Update the approved plans and documents section to include the revised Schedule 1 and Plan attached to this application; • Amend Schedule 1 – Schedule of Activities to allow for ‘Amplified music concerts – only where a BCC Entertainment Event Permit is in place’; • Amended proposal plan – which reflects current cadastral boundaries and updated temporary use extents; • Amend Condition 2 to reflect a duration of interim use of 13 years; • Various amendments to Condition 4 to facilitate temporary events via EDQ compliance assessment or BCC Entertainment Event Permit; • Delete previous Condition 7; • Amend Condition 6 – to allow for occasional higher tier events, that might exceed 3 months, with the prior approval of EDQ; • Amendment to Condition 9 to manage non-event temporary buildings; and • Delete previous Condition 11.
Original Decision date	24/10/2012
1 st Change to approval date	9/10/2013
2 nd Change to approval date	3/07/2020
3 rd Change to approval date	28/06/2021
Currency period	10 years from the Original Decision Date

Approved plans and documents

The plans and documents approved by the MEDQ and referred to in the PDA development conditions for the PDA development approval are detailed below.

Approved plans and documents		Number	Date
1.	Schedule 1 – Schedule of Activities		23/03/2021 (as amended in red 19/05/2021)
2.	Proposed Temporary Events Venue prepared by Saunders Havill Group	10505 P 01 Rev D	16/06/2021

PDA development conditions

PREAMBLE

For the purpose of interpreting this approval, including the conditions, the following applies:

ABBREVIATIONS AND DEFINITIONS:

The following is a list of abbreviations utilised in this approval:

1. **Council** means the relevant local government for the land the subject of this approval.
2. **DSDILGP** means the Department of State Development, Infrastructure Local Government and Planning.
3. **EDQ** means Economic Development Queensland.
4. **EDQ DA** means Economic Development Queensland's – Development Assessment team.
5. **MEDQ** means the Minister for Economic Development Queensland.
6. **PDA** means Priority Development Area.
7. **Event temporary buildings and structures** mean any temporary stages, marquees or other temporary structures to be installed for and removed at the conclusion of a particular event. Examples of event temporary buildings and structures could include:
 - a. marquees
 - b. viewing towers
 - c. tents
 - d. spectator seating stands
 - e. stages
 - f. amenities
 - g. refuse storage areas etc.

COMPLIANCE ASSESSMENT:

Where a condition of this approval requires Compliance Assessment, Compliance Assessment is required in accordance with the following:

- a) The applicant must:
 - 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 EDQ Development Assessment Fees and Charges Schedule¹ (as amended from time to time).
 - ii) submit to EDQ DA a duly completed Compliance Assessment form².
 - iii) submit to EDQ DA the documentation as required under the relevant condition.

¹ The EDQ Development Assessment Fees and Charges Schedule is available at EDQ's website.

² The Compliance Assessment form is available at EDQ's website. It sets out how to submit documentation for Compliance Assessment and how to pay Compliance Assessment fees.

- b) Where EDQ is satisfied the documentation submitted for Compliance Assessment meets the requirements of the relevant condition (or element of the condition), EDQ will endorse the documentation and advise by written notice.
- 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) applicant submits items required under a) above to EDQ DA for Compliance Assessment.
 - ii) **within 20 business days** – EDQ assesses the documentation and:
 - 1. if satisfied, endorses the documentation; or
 - 2. if not satisfied, notifies the applicant accordingly.
 - iii) if the applicant is notified under ii.2. above, revised documentation must be submitted **within 20 business days** from the date of notification.
 - iv) **within 20 business days** – EDQ assesses the revised documentation and:
 - 1. if satisfied, endorses the revised documentation; or
 - 2. if not satisfied, notifies the applicant accordingly.
 - v) where EDQ notifies the applicant as stated under iv.2. above, repeat steps iii. and iv. 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 v. above, the condition (or element of the condition) is determined to have been met only when EDQ endorses relevant documentation.

SUBMITTING DOCUMENTATION TO EDQ:

Where a condition of this approval requires documentation to be submitted to EDQ DA, submit the documentation to pdadevelopmentassessment@dsgmip.qld.gov.au.

No.	Condition	Timing
1.	Carry out the approved development Carry out the approved development generally in accordance with the approved plans and/or documents.	Prior to commencement of use and to be maintained
2.	Duration of Interim Use (13 years) a) This PDA development approval is for a period of 13 years from the original decision date. b) Submit to the EDQ DA, a decommissioning strategy for compliance assessment outlining how all buildings and constructed infrastructure as a result of the PDA development approval, will be removed and the site rehabilitated to its original state. c) Carry out all necessary works as a result of part b) of this condition.	a) As indicated b) Six (6) months prior to the expiry of the duration of use indicated in part a) of this condition c) Within three (3) months of the expiry of the duration of use indicated in part a) of this condition
3.	Enter into a Licence Agreement or Lease with the landowner Each prospective activity/event operator, that is not the landowner, must enter into a Licence Agreement or Lease with the landowner prior to the commencement of each respective activity/event.	Prior to the commencement of use
4.	Compliance Assessment – Event Management Plan a) Where an Entertainment Event Permit is not required to be obtained from Brisbane City Council, submit to the EDQ DA, for compliance assessment an Events Management Plan detailing: • an access and car parking plan (which includes all car parking spaces, aisles and access arrangements and which nominates any PWD or VIP parking that may be proposed/required); • a traffic management plan prepared by a suitably qualified and experienced person/entity (which involves all vehicular movements generated by the operator's use and addresses, proposed staffing and/or directional signage, traffic flow, safe pedestrian movement to, from and within the event and from any external car park or street parking relied upon); • hours of operation (noting the event is not to operate past 10pm), insurance, indemnity and release; • power and lighting management plan; • level of noise (noting local laws regulating noise in residential areas are to be adhered to), light and dust pollution; • emergency management plan;	a) A minimum of 2 weeks (for low tier events) and 4 weeks (for medium or high tier events) prior to the commencement of use

	• provision of water supply and sanitary conveniences; • telecommunication provisions; • refuse storage and collection (timing of collection and RCV access arrangements are to be detailed in the traffic management plan); • an environment and complaints management plan (including communication strategy and details to be notified to the residential community proximate to the event site about the event); and • a general arrangement plan, showing temporary buildings/site improvements b) Where an Entertainment Event Permit is required to be obtained from Brisbane City Council, submit the following details in writing to EDQ DA: i. Summary of the event proposed to be located on the site; ii. Contact details of the event organiser; and iii. the proposed dates of commencement and cessation of the event and iv. A copy of the Brisbane City Council Entertainment Event Permit.	b) Prior to the commencement of use																
5.	Compliance assessment – Other uses not listed in Schedule 1 – Schedule of Activities For uses not listed in the stamped approved Schedule 1 – Schedule of Activities submit for compliance assessment to EDQ DA, a report detailing the proposed activity and how it is generally in accordance with the approved temporary Events Venue use	A minimum of 2 weeks (for low tier events) and 4 weeks (for medium or high tier events) prior to the commencement of use																
6.	Event frequency The approval grants access for temporary activities/events to occur in the following tier-based system: <table><tr><td></td><td>Low tier</td><td>Medium tier</td><td>High tier</td></tr><tr><td>Patrons during course of each temporary event</td><td><2000 persons</td><td>2001-10,000 persons</td><td>>10,000 persons</td></tr><tr><td>Duration of each temporary event</td><td>Max. 2 weeks**</td><td>Max. 4 weeks</td><td>Max. 4 months</td></tr><tr><td>No. of each temporary events per year</td><td>No limit</td><td>No more than 6*</td><td>No more than 3</td></tr></table> *excluding regular 'Market' that may occur up to 3 times per week over the term of the approval.		Low tier	Medium tier	High tier	Patrons during course of each temporary event	<2000 persons	2001-10,000 persons	>10,000 persons	Duration of each temporary event	Max. 2 weeks**	Max. 4 weeks	Max. 4 months	No. of each temporary events per year	No limit	No more than 6*	No more than 3	Ongoing
	Low tier	Medium tier	High tier															
Patrons during course of each temporary event	<2000 persons	2001-10,000 persons	>10,000 persons															
Duration of each temporary event	Max. 2 weeks**	Max. 4 weeks	Max. 4 months															
No. of each temporary events per year	No limit	No more than 6*	No more than 3															

	**excluding 'Circus - training and classes' that may occur daily over the term of the approval.	
7.	General Development Works Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footpaths, roads, kerb and channel and stormwater gullies and drainlines) that may occur during any works carried out in association with the approved events.	Prior to commencement of use and at end of an activity/event
8.	Compliance Assessment - Non-Event temporary buildings and structures Where the construction of non-Event temporary buildings and/or structures is proposed, submit to EDQ DA for compliance assessment, plans/supporting information demonstrating that including a covering report demonstrating how the proposed building and/or structure is temporary in nature, and a full set of plans with dimensions (site plan, floor plans, elevations, sections, roof plans, building materials, a materials schedule etc.) must be prepared by a suitably qualified professional, and detail the following: i. site and stage location ii. site size and configuration (with dimensions) iii. site features iv. building height, gross floor area and site cover v. interface with existing and proposed adjoining development (both internal and external to the site where relevant) vi. parking and servicing arrangements vii. any other information deemed necessary by the MEDQ at the time of assessment	Prior to commencement of use
9.	Public Access within and around the site Provide and maintain unimpeded and safe public access including lighting within and around the site and ensure that access ways are designed to cater for disabled persons in accordance with "Australian Standard AS1428.1".	Prior to commencement of use and then to be maintained

STANDARD ADVICE

Please note that in order to lawfully undertake development, it may be necessary to obtain approvals other than this PDA development approval, some specific advices are outlined below. Other advices may include other approvals under the *Economic Development Act 2012* as well as the *Planning Act 2012* (e.g. for building work), the *Plumbing and Drainage Act 2018* and the *Commonwealth Environmental Protection and Biodiversity Act 1999*. Carrying out development may also be subject to 'duty of care' legislation such as the *Aboriginal Cultural Heritage Act 2003*. For advice on other approvals that may be necessary in relation to your proposal, please seek professional advice.

Other Approvals/Licences

This development approval in no way negates the requirement to obtain approvals/licences under other legislation, including, but not necessarily limited to BCC's Local Law (Entertainment Venues and Events 1999); Liquor Act; Food Act 2006; Explosives Regulation etc. All other requisite approvals/licences relevant to each intended activity/event must be obtained, and any conditions complied with, prior to the commencement of the specific use.

Noise and Dust Emissions

All development involving the emission of noise and dust from building/construction activities requires that the emission be in accordance with the requirements of the *Environmental Protection Act 1994*. Pursuant to Division 3 Section 440R of the *Environmental Protection Act 1994*, a builder or building contractor must not carry out building work on a building site in a way that makes or causes audible noise to be made from the building work-

- (a) Sundays or public holidays, at any time; or
- (b) Saturdays or business days, before 6.30 a.m. or after 6.30 p.m.

Please note: The above information has been provided to the applicant as an advice only, and does not form part of the development approval conditions. This advice has been provided to the applicant to inform them of other obligations they may have to comply with (under state legislation or local laws) prior to their activity commencing.

**** End of Package ****