



Our ref: DEV2022/1270

11 March 2022

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

Watpac Construction Pty Ltd
C/ - Mewing Planning Consultants
Att: Téa Tsang
GPO Box 1506
BRISBANE QLD 4001

Email: Tea.tsang@mewing.com.au

Dear Téa

DEV2022/1270 – S89(1)(a) Approval of PDA development application

Development Permit for Material Change of Use for a Food and Drink Outlet and Bar at 470 St Paul's Terrace, Fortitude Valley described as Lot 30 on RP9713, Lot 31 on SP196762, Lot 32 on SP196761, Lot 33 on SP196760, Lot 34 on SP196759, Lot 35 on SP196758, Lot 36 on SP196757, Lot 37 on SP196756 and Lot 38 on SP192468

On 11 March 2022 the Minister for Economic Development Queensland (MEDQ) decided to grant of the PDA development application applied for, in accordance with the attached 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 Mr Essen Joseph (Principal Planner, Development Assessment, Economic Development Queensland), by telephone on (07) 3452 7196 or via email at essen.joseph@dsdilgp.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)	Bowen Hills	
Site address	470 St Pauls Terrace, Fortitude Valley	
Lot on plan description	Lot number	Plan description
	Lot 30	RP9713
	Lot 31	SP196762
	Lot 32	SP196761
	Lot 33	SP196760
	Lot 34	SP196759
	Lot 35	SP196758
	Lot 36	SP196757
	Lot 37	SP196756
	Lot 38	SP192468
PDA development application details		
DEV reference number	DEV2022/1270	
'Properly made' date	9 March 2022	
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 Food and drink outlet and Bar	
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	11 March 2022	
Currency period	Six (6) years from the 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.	Jubilee Place Rooftop Bar & Restaurant – Noise Assessment Report, prepared by SLR Consulting Australia Pty Ltd	620.30667-R01, Version 1.0	25 February 2022
2.	[Jubilee Place Rooftop] – Design Development Level 14	Un-numbered	17 August 2021, amended in red 9 March 2022

PREAMBLE

For the purpose of interpreting this PDA Development Approval, including the PDA Development Conditions, the following applies:

ABBREVIATIONS AND DEFINITIONS

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

AILA means a Landscape Architect registered by the Australian Institute of Landscape Architects.

BFP means Building Format Plan.

Council means the relevant local government for the land the subject of this approval

DSDILGP means the Department of State Development, Infrastructure Local Government and Planning

EDQ means Economic Development Queensland

EDQ DA means Economic Development Queensland's – Development Assessment team

EDQ TS means Economic Development Queensland's – Technical Services team

EP Act means the *Environmental Protection Act 1994*

IFF means the Infrastructure Funding Framework, prepared by the Department of State Development, Tourism and Innovation, dated 1 July 2020 (as amended from time to time)

MEDQ means the Minister for Economic Development Queensland

PDA means Priority Development Area

RPEQ means Registered Professional Engineer of Queensland

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.
- 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 either EDQ DA or EDQ TS, submit the documentation to:

- a) EDQ DA at: pdadevelopmentassessment@dsdmip.qld.gov.au.
- b) EDQ TS at: EDQ_PrePostConstruction@dsdmip.qld.gov.au.

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.

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 and documents.	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
2.	Maintain the approved development Maintain the approved development generally in accordance with the approved plans and documents.	At all times following commencement of use
Noise and patron management		
3.	Hours of operation Excluding public holidays, hours of operation are to be limited to: a) 6 a.m. to 12 a.m. (midnight) from Monday to Thursday; and b) 6 a.m. to 2 a.m. from Friday to Sunday. On public holidays, hours of operation are limited to 8 a.m. to 2 a.m.	At all times following commencement of use
4.	Patron capacity Limit patron numbers to 300 persons at any given time.	At all times following commencement of use
5.	Acoustic barrier Erect a minimum 1.2m high gap free glass balustrade with a minimum surface area density of 12.5kg/m ² as per Figure 3 of the approved Noise Assessment Report prepared by SLR, dated 25 February 2022. <i>Note – The ‘gap free’ requirement does not apply to drainage gaps, which are specifically considered in the approved Acoustic Assessment.</i>	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
6.	Access restriction – northern section of rooftop a) Install an operable gate or utilise a retractable barrier in the location shown on the approved plan (as amended in red). b) Restrict access by members of the public after 10 p.m.	a) Prior to commencement of use b) At all times following commencement of use

PDA Development Conditions		
No	Condition	Timing
7.	External speaker Where a portable sound system is used on the roof terrace: a) Ensure no more than one (1) speaker is used; b) Place the speaker in the position and orientation shown in Noise Assessment Report prepared by SLR, dated 25 February 2022; and c) Ensure the overall sound level does not exceed 80 dBA and 86 dBC, and $L_{Ceq, T}$ 77dB and $L_{Leq, T}$ 78dB in any one-third octave band between and including 31.5Hz and 125Hz.	Prior to commencement of use or issuance of a building classification certificate (whichever occurs first), and to be maintained
8.	Amplified sound management a) Install a Sound Limiting Device into the amplification system and set at a level to ensure compliance will be achieved with an Amplified Music Venue Permit, or if no Amplified Music Venue Permit exists then designed to achieve an amplified music noise level at 1m external to any point of the premises of not greater than: i. $L_{Ceq, T}$ 88dB for approved activities before 11.30pm on Sundays to Thursdays, or to midnight on Fridays and Saturdays; and ii. $L_{Ceq, T}$ 65dB and $L_{Leq, T}$ 55dB in any one-third octave band between and including 31.5Hz and 125Hz, for approved activities after 11.30pm on Sundays to Thursdays, or after midnight on Fridays and Saturdays. b) Carry out the development and manage the use in accordance with the requirements of part a) of this condition. <i>Note – See also condition 10, in relation to overall evidentiary requirements to be satisfied prior to the commencement of the use.</i>	a) Prior to commencement of use b) During construction and all times following commencement of use
9.	Live performances Live music and performances are to be excluded from the roof terrace area. <i>Notes –</i> – Amplified sound/music from a DJ or “in-house” piped system is permitted. – An Amplified Music Venue Permit may be required from Brisbane City Council, separate to this development permit.	At all times following commencement of use

PDA Development Conditions		
No	Condition	Timing
10.	Disposal of glass bottles Restrict disposal of glass bottles into external bins within the hours of 7 a.m. to 6 p.m. to minimize noise emissions impacts on sensitive uses.	At all times following commencement of use
11.	Evidentiary requirements Submit to EDQ DA evidence prepared / certified by a suitably qualified acoustic expert to demonstrate that the requirements specified in the approved acoustic report and the conditions of approval within this development permit have been met. Plant and mechanical noise is to be considered in ensuring that the approved noise limits are not exceeded.	Prior to commencement of use
12.	Complaints management a) Should complaints be received by the EDQ, commission a suitably qualified acoustic expert to undertake noise monitoring, at the applicant's expense, to verify whether the requirements of the development permit and approved documents are being met, and submit the review documentation for EDQ's review. b) If required, implement noise management or mitigation measures to rectify non-compliance with the requirements of this development permit, taking into account any recommendations of the acoustic expert identified in part a) of this condition. <i>Note</i> – EDQ may seek assistance from third party noise experts as part of a complaints review process. – Part a) of this condition is not intended to be enacted for vexatious or frivolous complaints. Discretion is to be exercised by investigating officers to determine when the need for an acoustic investigation, as required by this condition, is to be triggered.	a) Upon request by EDQ b) Within 20 business days of the requirements being identified to EDQ, or as otherwise agreed in writing by EDQ
13.	Complaints register a) Maintain a register of complaints and provide a copy of the register to the primary building / property manager on a bi-annual basis at minimum. The register is to contain the name and contact details of the complainant, as well as the details of the complaint. b) Make available the complaint register to EDQ, Brisbane City Council (BCC), or any other authority responsible for the management environmental nuisance or similar matters.	a) At all times following commencement of use b) Upon request by a relevant authority

PDA Development Conditions		
No	Condition	Timing
Engineering		
14.	Water connection Connect the approved development to the existing water reticulation network generally in accordance with Council's current adopted standards.	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
15.	Sewer connection Connect the approved development to the existing sewer reticulation network generally in accordance with Council's current adopted standards.	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
16.	Stormwater connection Connect the approved development to the stormwater management system associated with the existing commercial building on which the rooftop uses are located.	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
17.	Electricity Submit to EDQ TS written evidence from the electricity supplier to confirm that the development has been connected to the electricity network.	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
18.	Telecommunications and broadband Submit to EDQ TS written evidence that the rooftop land uses have been connected to telecommunications and broadband networks.	Prior to commencement of use or issuance of a building classification certificate, whichever occurs first
Operational requirements		
19.	Deliveries and servicing a) Ensure that delivery and servicing vehicles comply with the requirements for the design vehicle set by Development Permit DEV2017/891. b) Ensure that deliveries and servicing occur within the parameters set by the approved traffic management plan under Development Permit DEV2017/891, and any waste management approval issued by Council.	At all times following commencement of use

PDA Development Conditions		
No	Condition	Timing
20.	Refuse collection a) Submit to EDQ TS evidence of approved refuse collection arrangements, from Council or a private waste contractor, for the approved development. b) Implement the refuse collection arrangements submitted under part a) of this condition.	a) Prior to commencement of use or issuance of a building classification certificate, whichever occurs first b) At all times following commencement of use
Infrastructure planning		
21.	Infrastructure contributions Pay to MEDQ infrastructure charges in accordance with the Infrastructure Funding Framework (IFF), 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 ****