



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

Our ref: DEV2023/1380

04 April 2023

Mr Josh Dixon
Senior Planner
Plan A Town Planning Pty Ltd
PO Box 1661
MILTON QLD 4064

Email: josh@planatp.com.au

Dear Mr Josh Dixon

S89(1)(a) Approval of PDA Development Application
**PDA Development Permit for Material Change of Use for a Hotel at 26 Jeays street,
Bowen Hills described as Lots 44 and 45 on RP9986**

On 04 April 2023, pursuant to s.85(4)(b) of the *Economic Development Act 2012*, the Minister for Economic Development Queensland (MEDQ) decided to grant all of the PDA development application applied for, in accordance with the attached 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 at www.dsdilgp.qld.gov.au/pda-da-applications.

If you require any further information, please contact Dr Jocelyn Bowyer, Principal Planner, Development Assessment, in Economic Development Queensland, by telephone on (07) 3214 9579 or at Jocelyn.bowyer@dsdilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely

Brandon Bouda
A/Director
Development Assessment
Economic Development Queensland

PDA Decision Notice

Site information		
Name of priority development area (PDA)	Bowen Hills PDA	
Site address	26 Jeays Street Bowen Hills	
Lot on plan description	Lot number	Plan description
	Lots 44 and 45	RP9986

PDA development application details	
DEV reference number	DEV2023/1380
'Properly made' date	15/03/2023
Type of application	<input checked="" type="checkbox"/> PDA development application for: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Material change of use <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Reconfiguring a lot <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input type="checkbox"/> Operational work <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input type="checkbox"/> Application to change PDA development approval <input type="checkbox"/> Application to extend currency period
Proposed development	Development Permit for a Material Change of Use for a Hotel Use in accordance with the Bowen Hills PDA Development Scheme.

PDA development approval details	
Decision of the MEDQ	<p>The MEDQ has decided to grant <u>all</u> of the PDA development approval applied for, subject to PDA development conditions forming part of this decision notice.</p> <p>The approval is for a Material Change of Use for Food and Drink Outlet</p>
Decision date	04/04/2023
Currency period	6 years from the date of the decision

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.	Floor Plan Revision A	TH-3	17/12/2021
2.	26 Jeays Street, Bowen Hills: Noise Impact Assessment – prepared by Assured Environmental	14130 – R2	23/03/2022 Amended in

Preamble, abbreviations, and definitions

PREAMBLE

The information contained in this preamble is provided as advice only. It does not form part of the PDA Development Conditions. It is provided for the purpose of interpreting this PDA Development Approval, including the PDA Development Conditions.

ABBREVIATIONS AND DEFINITIONS

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

BBC means Brisbane City Council.

CERTIFICATION PROCEDURES MANUAL means the document titled *Certification Procedures Manual*, prepared by EDQ, dated April 2020 (as amended from time to time).

CONTRIBUTED ASSET 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 definitions apply:

- a) **External Authority** means a public-sector entity other than the MEDQ;
- b) **Parkland** means carrying out operational work related to the provision of parkland infrastructure;
- c) **Roadworks** means carrying out any operational work within existing or proposed road(s), to a depth of 1.5m measured from the top of kerb, and includes Streetscape Works;
- d) **Sewer Works** means carrying out any operational work related to the provision of wastewater infrastructure;
- e) **Streetscape Works** means carrying out any operational work within the verge of a road, including footpath surface treatments, street furniture, street lighting and landscaping;
- f) **Stormwater Works** means carrying out any operational work related to the provision of stormwater infrastructure; and
- g) **Water Works** means carrying out any operational work related to the provision of water infrastructure.

COUNCIL means the relevant local government for the land the subject of this approval.

DCOP means Bowen Hills PDA Development Charges and Offset Plan.

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 IS means Economic Development Queensland's – Infrastructure Solutions team.

EP Act means the *Environmental Protection Act 1994*.

GFA means Gross Floor Area

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).

LTA means *Land Title Act 1994*.

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

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.

Where a condition of this approval requires documentation to be submitted to either EDQ DA or EDQ IS, use the following email addresses:

- a) EDQ DA: pdadevelopmentassessment@dasilgp.qld.gov.au.
- b) EDQ IS: EDQ_PrePostConstruction@dasilgp.qld.gov.au.

PDA development conditions		
No.	Condition	Timing
1.	Carry out the Approved Development Carry out the approved development generally in accordance with: i) the approved plans and documents; and ii) any other documentation endorsed via Compliance Assessment as required by these conditions.	Prior to commencement of use
2.	Maintain the Approved Development Maintain the approved development generally in accordance with: i) the approved plans and documents; and ii) any other documentation endorsed via Compliance Assessment as required by these conditions.	At all times following commencement of use.
3.	Hours of operation The business operating hours are limited to: i) 6am to 10pm from Monday to Thursday, and on Sundays; ii) 6am to 12am from Friday to Saturday; iii) 8am to 10pm on public holidays.	At all times following commencement of use.
Construction management		
3.	Hours of Work – Construction Unless otherwise endorsed, via Compliance Assessment for out of hours work, construction hours for the approved development are limited to Monday to Saturday between 6:30am to 6:30pm, excluding public holidays.	During construction unless otherwise endorsed.
4.	Out of Hours Work – Compliance Assessment Where out of hours work is proposed, submit to EDQ DA, for Compliance Assessment, an out of hours work request. The out of hours work request must include a duly completed out of hours work request form ³ .	Minimum of 10 business days prior to proposed out of hours work commencement date.
5.	Public Infrastructure (damage, repairs and relocation) a) Repair any damage to existing public infrastructure caused by works carried out in association with the approved development. b) Where existing public infrastructure require repair or relocation, due to the approved development and/or works associated with the approved development, repair and/or relocate the public	a) Prior to commencement of use. b) Prior to commencement of use.

³ The out of hours work request form is available at EDQ's website.

PDA development conditions		
No.	Condition	Timing
	<p>infrastructure at no cost to others and in accordance with statutory requirements and the External Authority's design standards.</p> <p><i>NOTE: It is recommended applicants record their own dated photographic evidence of the condition of relevant existing public infrastructure both before and after works carried out in association with the approved development.</i></p>	
Engineering		
6.	<p>Vehicle Access</p> <p>Submit evidence to EDQ IS that vehicle crossovers into the car park are designed and constructed generally in accordance with Council's adopted standards for a 7.0m wide Type B2 driveway suitable for use by a LRV, and in accordance with BCC Standard Drawing BSD-2021.</p>	Within 30 business days of the issuance of this development approval.
7.	<p>Bicycle Parking</p> <p>Construct, sign and delineate any bicycle parking facilities generally in accordance with <i>Australian Standard AS2890.3 – 1993 Bicycle parking facilities</i> and the approved plans.</p>	Prior to commencement of use.
8.	<p>Water Connection</p> <p>Connect the approved development to the existing water reticulation network generally in accordance with Urban Utilities current adopted standards.</p>	Prior to commencement of use.
9.	<p>Sewer Connection</p> <p>Connect the approved development to the existing sewer reticulation network generally in accordance with Urban Utilities current adopted standards.</p>	Prior to commencement of use.
10.	<p>Stormwater Connection</p> <p>Maintain the existing connection for the approved development to a lawful point of discharge with 'no-worsening' to upstream or downstream properties for storm events up to 1% Annual Exceedance Probability; and generally in accordance with Council's current adopted standards.</p>	Prior to commencement of use.
11.	<p>Refuse Management – Compliance Assessment</p> <p>a) Submit to EDQ DA, a Waste Management Plan for compliance assessment, inclusive of the following details:</p> <ul style="list-style-type: none"> i) Plans showing the location of waste collection; ii) Timing of waste collection, ensuring that: <ul style="list-style-type: none"> A. bins are not left on the kerb for more than 2 hours, and B. noise impacts from any glass products are managed within standard business hours; iii) Screening devices, ensuring the waste storage areas are screened and prevented from being viewed from the street. <p>b) Submit to EDQ IS evidence demonstrating part a) of this condition has been fulfilled.</p>	<p>a) Within 20 business days of the issuance of this development approval.</p> <p>b) Within 20 business days of the issuance</p>

PDA development conditions		
No.	Condition	Timing
	c) Implement and maintain refuse collection arrangements for general waste, general recycling (including glass), and cardboard waste as per the waste management plan approved under part a) of this condition.	of this development approval. c) At all times following the commencement of use.
12.	Acoustic Treatments 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) <i>LCeq,T 88dB for approved activities before 11.30pm on Sundays to Thursdays, or to midnight on Fridays and Saturdays; and</i> ii) <i>LCeq,T 65dB and LLeq,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.</i> b) No outdoor patrons in the evening period are permitted. Establishment is permitted to have indoor patrons only. Evening hours are specified in the approved acoustic report prepared by Assured Environmental dated 31/03/2022. c) Submit to EDQ DA evidence that the requirements of part a) of this condition have been met. d) Carry out the development and manage the use in accordance with the requirements of parts a) and b) of this condition.	a) Prior to commencement of use b) Prior to commencement of use c) Prior to commencement of use d) Prior to commencement of use
13.	Noise Complaints Register a) Maintain a register of noise complaints containing 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. c) Provide evidence of noise monitoring undertaken by a suitably qualified expert to demonstrate compliance with the approved acoustic report, if required to do so by an 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 c) Upon request by a relevant authority
14.	Outdoor Lighting Outdoor lighting within the site is to be designed and constructed in accordance with <i>Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.</i>	Prior to commencement of use.
15.	Energy efficiency – Compliance assessment	

PDA development conditions		
No.	Condition	Timing
	<p>a) Submit to EDQ DA for compliance assessment an energy efficiency management strategy, adopting one or more of the following measures:</p> <ul style="list-style-type: none"> i) integration of solar generation technology; ii) integration of green roofs, green walls or other sustainable landscape elements within the built form and the public realm; iii) integration of smart technology which passively controls the use of electricity. <p>b) Install and maintain the energy efficiency measures approved under part a) of this condition.</p> <p>c) Submit to EDQ IS evidence that the requirements of part a) of this condition have been met.</p>	<p>a) Within 20 business days of the issuance of this development approval.</p> <p>b) Prior to commencement of use.</p> <p>c) Prior to commencement of use.</p>
16.	<p>Contaminated Land</p> <p>Submit to EDQ IS a copy of a site suitability statement, confirming that the site is suitable for the use, as required under the EP Act. The site suitability statement must be prepared by a suitably qualified person and be certified by an approved auditor in accordance with the EP Act.</p> <p><i>NOTE: For the purpose of this condition a suitably qualified person is defined in the EP Act.</i></p> <p><i>NOTE: A list of approved auditors can be found at the following website:</i> https://www.qld.gov.au/environment/pollution/management/contaminated-land/auditor-engagement.</p>	<p>Prior to commencement of use</p>
Infrastructure Contributions		
17.	<p>Infrastructure Charges</p> <p>Pay to the MEDQ infrastructure charges in accordance with the DCOP, indexed to the date of payment. Certified construction plans detailing the GFA must be provided to the MEDQ prior to commencement of use for calculation of final charges.</p>	<p>In accordance with the DCOP.</p>

STANDARD ADVICE

Please note that 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 ****