

ULDA DECISION NOTICE

Address of Site	5 & 9 Hercules St Hamilton Qld 4007
Real Property Description	Lot(s) 901 and 907 on SP169072,
Type of Approval	UDA development approval subject to conditions
Aspects of Development	Material Change of Use
Description of Proposal	Tower 1 (Stage 1) – 5 Hercules Street 657m² retail (food premises, Showroom and Shop) GFA at ground floor 11 storeys 87 multiple residential units or visitor accommodation Tower 2 (Stage 2) - 9 Hercules Street 408m² of retail (food premises, Showroom and Shop) GFA at ground floor 19 storeys 82 multiple residential units or visitor accommodation 56 multiple residential units
ULDA Reference Number	DEV2009/014
Decision Date	10 May 2011
Currency period	4 years from Decision date

Approved Drawings or Documents	Number	Plan or Document Date
Superior Design Outcome Report by <i>Cundall</i>	1003215 Revision B	25 January 2011
TTM Report <i>Proposed Mixed Use Development, 5-9 Hercules Street, Hamilton Environmental Noise Impact Assessment.</i>	<i>Ref. 25789 RO3</i>	1 st July 2010
Bornhorst & Ward report <i>Civil Engineering Report for Proposed Commercial & Residential Development at 5-9 Hercules Street, Hamilton</i>	Project No. 09183 Revision A	July 2009
<i>TTM Consulting Hercules St, Hamilton Traffic Engineering Review</i>	Ref No.2488rep2	7 th July 2009
Plans Basement Levels 1 & 2	A.03.01 Rev C	31.05.10
Plans Ground Level, Levels 1 and 2	A.03.02 Rev K	23.08.10
Plans Terrace Levels	A.03.03 Rev G (As Amended in Red)	23.08.10
Plans Typical Tower Levels, Roof Level	A.03.04 Rev G (As Amended in Red)	23.08.10
Section A:A	A.05.01 Rev E	11.02.10
West Elevation	A.04.01 Rev I (As Amended in Red)	23.08.10
South Elevation	A.04.02 Rev I	22.06.10
North Elevation	A.04.03 Rev E (As Amended in Red)	01.06.10
Perspective View A	A.06.01 Rev B	07.07.10
Perspective View B	A.06.02 Rev B	07.07.10
Perspective View C	A.06.03 Rev B	07.07.10
5 Hercules Street, Hamilton Detail Plan - 1 Bed Accessible Housing Apartment / Levels 2-10	37.012.B08 7.01 (B)	01.04.2011
9 Hercules Street, Hamilton Detail Plan - 1 Bed Accessible Housing Apartment / Levels 4-18	37.012.B08 7.02 (A)	10.02.2011

PROJECT TEAM

Matt Toon Principal Planner Development Assessment Urban Land Development Authority	Emma Greenhalgh Principal Planner Affordable Housing Urban Land Development Authority
Con de Groot Principal Engineer Development Assessment Urban Land Development Authority	

CONDITION		TIMING
1	Carry out the approved development Carry out and complete the development generally in accordance with the approved documents and the conditions contained in this Decision Notice.	Prior to and during construction and then to be maintained
2	Complete all Operational and Building Works Complete all operational work associated with this development approval, including work required by any of the following conditions. Such operational work is to be carried out generally in accordance with the approved plans.	Prior to commencement of use
3	Affordable Housing Stage 1 - 5 Hercules St a) Deliver 5% RFGA ¹ of product as affordable housing ² in accordance with the approved I. Plans Ground Level Levels 1 and 2 number A.03.02 Rev K, II. Plans Terrace Levels number A.03.03 Rev G (As Amended in Red) and III. Plans Typical Tower Levels, Roof Level number A.03.04 Rev G (As Amended in Red) dated 23.08.10 b) Provide written evidence to the ULDA that part (a) of this condition has been complied with. Stage 2 - 9 Hercules St c) Deliver 15% RFGA ¹ of product as affordable housing ² in accordance with the approved drawings I. Plans Ground Level Levels 1 and 2 number A.03.02 Rev K, II. Plans Terrace Levels number A.03.03 Rev G (As Amended in Red) and III. Plans Typical Tower Levels, Roof Level number A.03.04 Rev G (As Amended in Red) dated 23.08.10 Percentage may be reduced in proportion with percentage increases above the 5% required in 5 Hercules St. d) Provide written evidence to the ULDA that part (c) of this condition has been complied with. <i>1. RFGA = Total GFA minus retail and commercial GFA with visitor accommodation included as commercial.</i> <i>2. Affordable Housing is defined herein as Studio and 1 Bedroom Apartments under \$370,000 and 2</i>	Prior to commencement of use of the relevant stage of development

CONDITION		TIMING
	<i>Bedroom dual key apartments under \$500,000. Ratios relate to a percentage of Residential GFA (RGFA).</i>	
4	Accessible Housing a) Stage 1 - 5 Hercules St Construct 9 accessible units in accordance with approved 5 Hercules Street, Hamilton Detail Plan 37.012.B08 7.01 (B) dated 01.04.2011. Stage 2 - 9 Hercules St Construct 15 accessible units in accordance with approved 9 Hercules Street, Hamilton Detail Plan 37.012.B08 7.02 (A) dated 10.02.2011. b) Provide to the ULDA written evidence that part (a) of this condition has been complied with.	Prior to commencement of use of the relevant stage of development
5	'As constructed' sustainable design Submit written confirmation to the ULDA's DA Manager from a suitable qualified sustainable building professional certifying that the development has been constructed in accordance with the recommendations as outlined in the approved Superior Design Outcome Report by <i>Cundall No. 1003215 Revision B</i> dated 25 January 2011.	Prior to commencement of use
6	Building Design Requirements a) Submit to the ULDA's DA Manager further details of the buildings': ▪ western facades thermal performance, including glass type, sun shade blades, colours and finishes consistent with the approved plans ▪ awnings over public realm at ground level to ensure they are continuous and provide adequate rain cover and ▪ exterior materials and finishes. b) As confirmation of the delivery of a superior design outcome, the Architect as author of the approved design shall submit written confirmation to the ULDA's DA Manager that the development has been constructed in accordance with the architect's approved plans and part a) of this condition.	a) Prior to approval for building works b) Prior to the commencement of use
7	Acoustic treatment Submit to the ULDA written confirmation from a Registered Professional Engineer of Queensland (RPEQ) who is suitably qualified in acoustic engineering, that the development has been constructed to meet the objectives for controlling noise intrusion into both the residential and commercial buildings specified within the approved document TTM Report '<i>Proposed Mixed Use Development, 5-9 Hercules Street, Hamilton Environmental Noise Impact Assessment</i>' Ref. 25789 RO3' dated 1st July 2010.	Prior to commencement of use
8	Sewer & Water Connection Nominated Assessing Authority – Queensland Urban Utilities (QUU) a) Seek and obtain approval from QUU to connect into the existing water and sewerage infrastructure. Submit for approval to the QUU Engineering plans showing the design of any sewer property connections to serve the development. A Registered Professional Engineer of Qld (RPEQ) is to verify the plan and ensure	a) Prior to the commencement of site works

CONDITION		TIMING
	the design is in accordance with QUU current Sewerage Standards. b) Construct the sewer and water connection in accordance with the approved plans required in part (a) of this condition. Submit to the QUU and the ULDA as-constructed plans verified by a Registered Professional Engineer of Qld (RPEQ) confirming all works have been completed in accordance with the approved plans. c) Provide to the ULDA all approval correspondence from QUU relating to part (a) of this condition.	b) Prior to commencement of use c) Prior to commencement of use
9	Service, meter assembly & meter box Provide a water service, approved meter assembly and meter box to the boundary of proposed development in accordance with the <i>WSA 03-2002 Water Supply Code of Australia V2.3</i> and Brisbane City Council's <i>Supplementary Manual</i>.	Prior to the commencement of use.
10	Stormwater system a) The stormwater quantity and quality systems shall be designed and constructed in accordance with Bornhorst & Ward report <i>Civil Engineering Report for Proposed Commercial & Residential Development at 5-9 Hercules Street, Hamilton Project No. 09183 Revision A</i> dated July 2009. b) Submit to the ULDA engineering plans checked and certified by a Registered Professional Engineer of Queensland (RPEQ-Civil) demonstrating the stormwater system has been constructed in accordance with part (a) of this condition.	Prior to the commencement of use
11	Easements over infrastructure – water supply, sewerage, drainage Where public utilities are located on private land, public utility easements must be provided in favour and at no cost to Brisbane City Council. The terms of the easements must be to the satisfaction of the Chief Executive Officer of the Brisbane City Council.	Prior to the commencement of use.
12	Existing Easements a) Easement No. 601401142 - Easement No.601401142 (G295110) exists on lot 645 SP231749 (Servient Tenement) and benefits Lot 789 SL5992 (Benefiting Tenement). The existing rights and interests as outlined in Easement No. 601401142 must not be interfered with in carrying out any development in accordance with this development approval. - Submit to the ULDA management plan(s) demonstrating how the proposed development will ensure that the owner of Lot 789 SL5992 maintains the benefit of the common wall located on Lot 645 SP231749. b) Easement A RP201549 - Extinguish Easement A on RP201549 - Submit evidence to the ULDA that the existing Easement A on RP201549 has been extinguished.	Prior to the commencement of site works

CONDITION		TIMING
13	Geotechnical Submit to the ULDA a geotechnical report prepared and certified by a Geotechnical Engineer (RPEQ) detailing subsurface investigation including an assessment of potential site contamination.	Prior to site excavation and soil removal from the site
14	Contaminated Land a) All investigative works, remedial works and validation works associated with contaminated land and groundwater is required to be approved by a Department of Environment and Resource Management (DERM) approved third party reviewer (TPR). This also includes the approval of all scopes of work associated with investigative, remedial and validation works such that sufficient works are undertaken to enable a suitability statement to be obtained at the completion of redevelopment works. b) Submit approved Remediation Plan and Environmental Management Plan to the ULDA's Manager – Development Assessment.	Prior to site works commencing
15	Filling and Excavation a) Submit to the ULDA an earthworks plan and cross sections for any work involving filling or excavation, checked and certified by a Registered Professional Engineer of Queensland (RPEQ-Civil). This is to be in accordance with Brisbane City Council's <i>Filling and Excavation Code</i> and <i>Subdivision and Development Guidelines</i>. The plan is to demonstrate that the finished level of all allotments is at least the ARI 100 flood level plus 300mm. b) Submit certification from a RPEQ specialising in geotechnical engineering stating that all constructed cut/fill batters and/or retaining structures have achieved adequate stability with a factor of safety greater than 1.5 and that all cut and fill operations have been carried out in accordance with <i>AS3798</i> and any unsuitable material encountered has been treated or replaced with suitable replacement material.	a) Prior to the commencement of works b) Prior to the commencement of use.
16	Acid Sulphate a) Submit to the ULDA an Acid Sulphate Management Plan (ASMP), prepared and certified by a suitable qualified and experienced Registered Professional Engineer of Queensland (RPEQ). The ASMP shall be reviewed and approved by the principal consultant overseeing and certifying the construction works. b) All work shall be undertaken in accordance with the ASMP which must be current and available on site at all times during the construction period.	a) Prior to the commencement of works b) During the site works.
17	Traffic Engineering Submit certification to ULDA's Principal Engineer from a Registered Professional Engineer Qld (RPEQ) that site access, delivery vehicle movement (parking and loading) and pedestrian and cyclist facilities has been constructed generally in accordance with the approved <i>TTM Consulting Hercules St, Hamilton Traffic Engineering Review Ref No.2488rep2</i> dated 7th July 2009.	Prior to the commencement of use.
18	Electricity (Underground Supply Area)	Prior to the

CONDITION		TIMING
	Enter into an agreement with an authorised electricity supplier to provide underground services to the building.	commencement of use.
19	Telecommunications a) Enter into an agreement with a telecommunication carrier to provide underground telecommunication services within and adjacent to the proposed development in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i> . b) Construct services in accordance with the agreement.	Prior to the commencement of use.
20	Service Conduits & Mains Supply and install all service conduits and meet the cost of any alterations to public utility mains, existing mains, services or installations required in association with the approved development in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i> .	Prior to the commencement of use.
21	Repair damage to Kerb, Footpath or Road 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 development	Prior to the commencement of use
22	Public Lighting a) Enter into an agreement with an electricity supplier to provide a lighting system within all areas where the public will be given access. b) Install and maintain a suitable system of lighting to operate from dusk to dawn within all areas where the public will be given access.	Prior to commencement of use and to be maintained
23	Construction Management Plan a) Prepare and submit to the ULDA for endorsement a site based construction management plan, certified by a Registered Professional Engineer of QLD (RPEQ) that specifies the practices that will be employed to manage the impacts that will result during construction. The plan must include, but is not limited to: i. manage traffic flow and parking around and through the site during and outside of construction work hours. In particular the plan is to demonstrate the management of construction worker car parking (this must address how off-site car parking requirements of sub-contractors is to managed without a reliance on on-street car parking spaces) ii. manage the delivery of materials during and outside of construction hours of work iii. management of dust generated from the site during and outside construction work hours iv. management of sedimentation, erosion and dust generated from the site during and outside construction work hours, which complies with Brisbane City	a) Prior to commencement of site works for each stage of development

CONDITION	TIMING
Council's Erosion and Sediment Control Standard (Version 9 or later) v. management of groundwater and surface water collection, treatment and disposal vi. where required management of Acid Sulfate Soils in accordance with management plans prepared specifically for the site vii. efficiently sort and minimise waste and maximise recycling opportunities viii. manage rock anchors and other treatment systems used to ensure soil stability during excavation and foundation works and ix. manage contaminated soils, including removal, treatment, disposal and / or replacement. b) The construction management plan must be prepared in consultation with the professionals responsible for the individual site related management plans to ensure that all aspects of the construction and environmental management are included. The construction management plan shall be reviewed and approved by the principal consultant overseeing and certifying the construction works c) All work shall be undertaken in accordance with the endorsed construction management plan for each stage which must be current and available on site at all times during the construction period.	b) Prior to commencement of site works for each stage of development c) During site works and prior to the commencement of use.
24 Construct footpath a) Submit engineering plans checked by a Registered Professional Engineer Qld (RPEQ) showing the design of the footpath to Hercules Street is generally in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i>, interim <i>Brisbane Streetscape Design Guidelines</i> and <i>Centres Detailing Design Manual</i> (CDDM) including any signs and traffic safety signs, markings and devices. b) Construct footpaths in accordance with part a) of this condition	a) Prior to approval for building works b) Prior to survey plan endorsement
25 Provide street trees a) Provide semi-advanced street trees to the Hercules Street frontage at spacing complying with the Brisbane City Council's interim <i>Brisbane Streetscape Design Guidelines</i> and <i>Centres Detailing Design Manual</i> (CDDM). b) Provide 12 months maintenance to the street trees, commencing on receipt of written confirmation from the ULDA that planting is satisfactory.	a) Prior to commencement of use b) As indicated

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26	Detailed landscape plan a) Submit for approval from the ULDA's DA Manager a detailed landscape plan for all internal landscaped common areas as indicated on approved Ground Level and Level 1 Plan No.A.03.02 Rev K dated 23.08.10 and Level 2 and 3 Plan No. A.03.03 Rev G dated 23.08.10 and Roof Plan No. A.03.04 Rev G dated 23.08.10. The plan is to illustrate details but not limited to: - Green screen wall system to open deck car park as illustrated on approved North Elevation Pan No. A.04.03 Rev E dated 01.06.10 and maintenance regime - details of the landscaped green roof including shade structures to the roof (sky) gardens. The plans are to be prepared and certified by an Australian Institute of Landscape Architects (AILA) registered landscape architect. b) Provide written confirmation from an AILA registered landscape architect or a Building Services Authority (BSA) QLD licensed and experienced landscape contractor that the constructed works comply with the ULDA approved landscape plan.	a) Prior to approval for building works b) Prior to commencement of use and to be maintained																														
27	Infrastructure Contributions Pay to the Urban Land Development Authority a monetary contribution towards the cost of the provision of essential infrastructure. The contribution has been calculated in accordance with the ULDA's <i>Interim Infrastructure Framework</i> (The Framework) which will apply for all development approvals issued prior to 30 June 2011. The Framework specifies that the charge will be adjusted each July in accordance with the 5 year rolling average of the Road and Bridge Construction Queensland Index. The current applicable charge is: Stage 1(Tower 1) – 5 Hercules St <table border="1"> <thead> <tr> <th>GFA type</th><th>Cost</th><th>Total</th></tr> </thead> <tbody> <tr> <td>66 Small units @ <60m²GFA</td><td>\$11,235 per unit</td><td>\$741,510</td></tr> <tr> <td>21 Medium units @ 60m² to 100m²GFA</td><td>\$15,685 per unit</td><td>\$329,385</td></tr> <tr> <td>657m² retail GFA</td><td>\$13,460 per 100m² GFA</td><td>\$94,220</td></tr> <tr> <td>TOTAL</td><td></td><td>\$1,165,115.00</td></tr> </tbody> </table> <i>*Charge will be adjusted each July in accordance with the 5 year rolling average of the Road and Bridge Construction Queensland Index</i> Stage 2 (Tower 2) – 9 Hercules St <table border="1"> <thead> <tr> <th>GFA type</th><th>Cost</th><th>Total</th></tr> </thead> <tbody> <tr> <td>70 Small units @ <60m²GFA</td><td>\$11,235 per unit</td><td>\$786,450</td></tr> <tr> <td>68 Medium units @ 60m² to 100m²GFA</td><td>\$15,685 per unit</td><td>\$1,066,580</td></tr> <tr> <td>408m² retail GFA</td><td>\$13,460 per 100m² GFA</td><td>\$67,300</td></tr> <tr> <td>TOTAL</td><td></td><td>\$1,920,330.00</td></tr> </tbody> </table> <i>*Charge will be adjusted each July in accordance with the 5 year rolling average of the Road and Bridge Construction Queensland Index</i>	GFA type	Cost	Total	66 Small units @ <60m ² GFA	\$11,235 per unit	\$741,510	21 Medium units @ 60m ² to 100m ² GFA	\$15,685 per unit	\$329,385	657m ² retail GFA	\$13,460 per 100m ² GFA	\$94,220	TOTAL		\$1,165,115.00	GFA type	Cost	Total	70 Small units @ <60m ² GFA	\$11,235 per unit	\$786,450	68 Medium units @ 60m ² to 100m ² GFA	\$15,685 per unit	\$1,066,580	408m ² retail GFA	\$13,460 per 100m ² GFA	\$67,300	TOTAL		\$1,920,330.00	Prior to commencement of use of the relevant stage of development
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CONDITION	TIMING
28 Environmentally Relevant Activities (ERA) Brisbane City Council (BCC) – Nominated Assessing Authority a) Before: ▪ starting a new environmentally relevant activity on the land ▪ increasing the threshold for an environmentally relevant activity on the land ▪ re-establishing on the land an environmentally relevant activity that has been abandoned ▪ materially increasing the intensity or scale of an environmentally relevant activity on the land ▪ continuing an environmentally relevant activity on the land where: i. an approval for the activity ceases to have effect because of the operation of sections 619(2)(e) or 624(2)(b) of the <i>Environmental Protection Act 1994</i> or ii. there is no approval for the activity and it was, at any time before 4 October 2004, carried out without an environmental authority as required under the <i>Environmental Protection Act 1994</i> ▪ continuing on the land an environmentally relevant activity, carried out under an approval mentioned in 624(1)(b) of the <i>Environmental Protection Act 1994</i> or ▪ continuing an activity on the land, after the activity becomes an environmentally relevant activity an ERA management report must be provided to the Central Highlands Regional Council (the “nominated assessing authority”) for assessment against relevant standards and requirements and approval by the nominated assessing authority. NOTE: An ERA management report must be completed in accordance with the ULDA’s Guideline for Assessment of ERAs, available from the ULDA’s website. b) Comply with the ERA management report as approved by the nominated assessing authority.	As indicated

STANDARD ADVICE

Brisbane City Council (BCC) or Queensland Urban Utilities (QUU) Endorsement

For any conditions in this package that require the consideration of BCC or QUU, you will need to submit the relevant forms, plans and/or reports and fee to the entity nominated in the condition/s. When satisfied that the condition has been met, the applicable entity will issue a response in the manner required by the condition/s (e.g. a letter of endorsement or authorisation, an approval or a permit).

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) on a Sunday or public holiday, at any time; or
- (b) on a Saturday or business day, before 6:30am or after 6:30pm.

Advertising Signs

Brisbane City Council is responsible for administering the Local Law that regulates how, where and what kind of advertising signs can be displayed outdoors in Brisbane. For further information please contact BCC Licence & Compliance on 3403 8888.

Food Hygiene

All development involving the preparation, packing, storing, handling, serving, selling or carrying of food requires that its design, installation and operation be approved pursuant to the *Food Hygiene Regulations of 1989*. The premises are required to be registered and the operator is to hold a licence with Brisbane City Council to operate the business under the above regulations.

Prior to building works plans and specifications are to be lodged for approval to Brisbane City Council-Licensing & Compliance.

Equitable Access

Ensure that there is equitable access for disabled persons to and within the site in accordance with the Queensland Anti-Discrimination Act 1991, the Federal Disability Discrimination Act 1982 and Australian Standard AS1428 Parts 1-4 Australian Standard for Access and Mobility.

You are notified of your responsibility to ensure that access is appropriately designed and constructed for all users as required by relevant legislation and standards. This development of compliance with these requirements is the sole responsibility of the owner/builder/developer of the proposal.

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.