

Amendment Application (ED Act) Town Planning Assessment

1. Introduction

This town planning assessment is prepared in respect of an Application to Change a PDA Development Approval (**Amendment Application**) made to the Minister for Economic Development Queensland / Department of State Development, Manufacturing, Infrastructure and Planning (**MEDQ**) pursuant to section 99 of the Economic Development Act 2012 (**ED Act**).

The Amendment Application relates to the existing PDA Development Approval (DEV2020/1124/3) over the site at 12-18 Thompson Street, Bowen Hills for a PDA Development Permit for Material Change of Use for Office, Research and Technology Industry, Health Care Service, Hospital, Food and Drink Outlet (<250m²), Shop (where located at ground level and not exceeding 250m² per tenancy), and Park and a Preliminary Approval for a Material Change of Use for a Master Plan for Office, Research and Technology Industry, Health Care Services, Hospital, Food and Drink Outlet (<250m²), Shop (where located at ground level and not exceeding 250m² per tenancy), Showroom, Warehouse, Indoor Sport and Recreation (Gymnasium), and Park. A copy of the current approval is contained in **Appendix A**.

The Amendment Application is made in accordance with the requirements for amendment applications pursuant to section 99 of the ED Act, as it is made in the approved form and is accompanied by the written consent of the owner (**Appendix B**), and the required fee will be paid upon receipt of MEDQ's fee quote to be issued following lodgement of the Amendment Application.

2. Background

2.1 Site and Relevant Planning Designations

The subject site is located at 12-18 Thompson Street, Bowen Hills, being more properly described as Lot 1 on RP121293 and Lot 4 on SP312302. The site has a total area of 12,611m².

Having regard to the Certificate of Title for the site, the current owner of the site is Gansons Pty Ltd, Ganboys Pty Ltd & Ganbros Pty Ltd. The land is not burdened or benefited by any registered easements. A copy of the Certificates of Title are included in **Appendix B**.

The site is designated within the Bowen Hills Priority Development Area (**Bowen Hills PDA**), pursuant to the ED Act. Development and planning within the Bowen Hills PDA is subject of the Bowen Hills Priority Development Area Development Scheme 2018 (**Development Scheme**). The following key planning designations of the Development Scheme apply to the site.

Area	Urban Area
Zone	Mixed Industry and Business
Precinct	No precinct

2.2 Approval Background

Original Approval – December 2021

The original PDA Development Approval (**Original Development Approval**) over the site was granted by MEDQ by way of a PDA Decision Notice dated 22 December 2021 (MEDQ's reference: DEV2020/1124). The approval was for a PDA Development Permit for Material Change of Use for Office, Research and Technology Industry, Health Care Service, Hospital, Food and Drink Outlet (<250m²), Shop (where located at ground level and not exceeding 250m² per tenancy), and Park and a Preliminary Approval for a Material Change of Use for a Master Plan for Office, Research and Technology Industry, Health Care Services, Hospital, Food and Drink Outlet (<250m²), Shop (where

located at ground level and not exceeding 250m² per tenancy), Showroom, Warehouse, Indoor Sport and Recreation (Gymnasium), and Park.

One (1) properly made submission was received during the public notification period of the original application. The one submission was made in support of the proposed development.

A copy of the development approval is included within **Appendix A**.

Amendment Application – December 2022

On 14 June 2022, an application to change the PDA Development Approval (MEDQ reference: DEV2020/1124/2) was submitted to MEDQ. The amendment application arose as a consequence to securing a hospital operator within Tower 1 of the development and subsequent detailed design outcomes.

The request to change the PDA development approval was withdrawn pursuant to section 93 of the Economic Development Act 2012 on 22 December 2022.

Amendment Application – June 2023

On 15 February 2023, a second application to Change a PDA Development Approval (MEDQ's reference: DEV2020/1124/3) was submitted to MEDQ regarding the original PDA Development Approval. The majority of the proposed changes were those that had been identified in the previous (withdrawn) Change Application and were the result of securing a hospital operator for Tower 1.

In response to engagement with the hospital operator and working to resolve the changes from the withdrawn Change Application, the following approved changes were made as part of the Amendment Application.

- Inclusion of an underground bunker level to facilitate cancer treatment associated with the hospital;
- Increases to the gross floor area (GFA) of the building as a consequence of providing the underground bunker level;
- Reduction in car parking and inclusion of 3 x short-term electric vehicle car parks, in accordance with EDQ conditions of approval;
- Addition of end of trip facilities (EOTF);
- Proposed changes to the reconfiguration and arrangement of the approved ground level;
- Addition of a balcony on Level 2 and void above Level 3;
- Changes to the Level 5 floorplate;
- Changes to Level 6 to accommodate a plant room and increased landscaping for screening and interface purposes;
- Increased landscaping on Level 7;
- Proposed redesign and rearrangements to the Rooftop Level to accommodate the plant room and increase in landscaping;
- Expansion of the roof plate to accommodate chiller plants and improve the useability of the rooftop space;
- Increase in overall building height resulting from proposed increases in floor to ceiling heights on Levels 6 and 7 to facilitate hospital operations, the Level 3 carpark, and the roof level;

- Proposed plant screening and introduction of solar panels on the roof; and
- Façade changes arising from amendments to Level 2, Level 3, Level 5, and Level 6 outlined above.

The Amendment Application over the site was granted by MEDQ by way of a PDA Decision Notice dated 19 June 2023. This decision represents the current development approval over the site (**Amendment Approval**).

3. Proposed Changes

3.1 Overview of Proposed Changes

This Amendment Application relates to changes to the existing approval arising principally to enable viable construction and delivery to progress, and as a consequence of changes to the requirements of the secured tenants, who will continue to occupy the basement and various tower levels changes in market conditions and the appointment of a builder.

The changes to the development are summarised below and in the Amended Architectural Package included in **Appendix C**. A marked Architectural Package that identifies each proposed change, accompanied by an itemised list of the changes, is included in **Appendix D** for further reference.

1. Building height

As a consequence of changes in the demand for commercial / healthcare floor space together with construction and project viability and delivery aspects, the Applicant proposes to reduce the building height of Tower 1 from 14 storeys to eight (8) storeys. The revised building height outcome satisfies the building height outcome for the Mixed Industry and Business Zone under Development Scheme and will allow the Applicant to proceed with the construction and delivery of the development immediately.

The eight (8) storey building height will be achieved by:

- Removing one (1) podium car parking level; and
- Removing five (5) levels of tenancy space, including the roof terrace level.

The revised building height outcome will continue to represent a visible entrance marker in its location at the corner of Thompson Street and Murray Street.

Figure 1 illustrates the changed building height outcome.

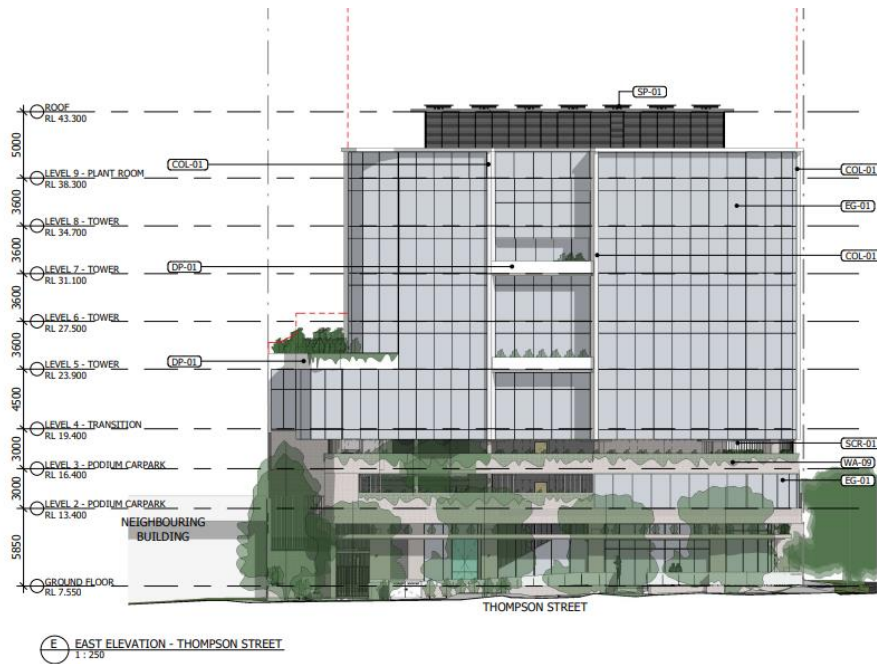


Figure 1: Proposed building height

2. Gross floor area

As a consequence of the change to the building height the gross floor area is proposed to reduce from 12,576m² to 8,025m².

3. Podium height

As a consequence of the proposed change to building height, the podium height is reduced from five (5) to four (4) storeys, consistent with the built form provisions for the Mixed Industry and Business Zone. The reduced podium height outcome will remove the alternate setback for the lower tower level / fifth podium level.

As part of the revised podium outcome the Applicant proposes to retain the landscape edge to Thompson Street and Murray Street, albeit accommodated at level 3, to maintain the visual distinction between the podium and tower that was achieved under the Amendment Approval.

Under the Amendment Approval landscaping was provided on the top of the podium at Level 6 along the southern and western edge. The proposed development will continue to provide landscaping on the top of the podium, however it has been relocated to Level 5 to reflect the change to the podium height.

Figure 2 illustrates the changes podium height outcome.

The development maintains the podium activation outcome at level 2, and activation to the ground plane, and results in less podium car parking than the approval.



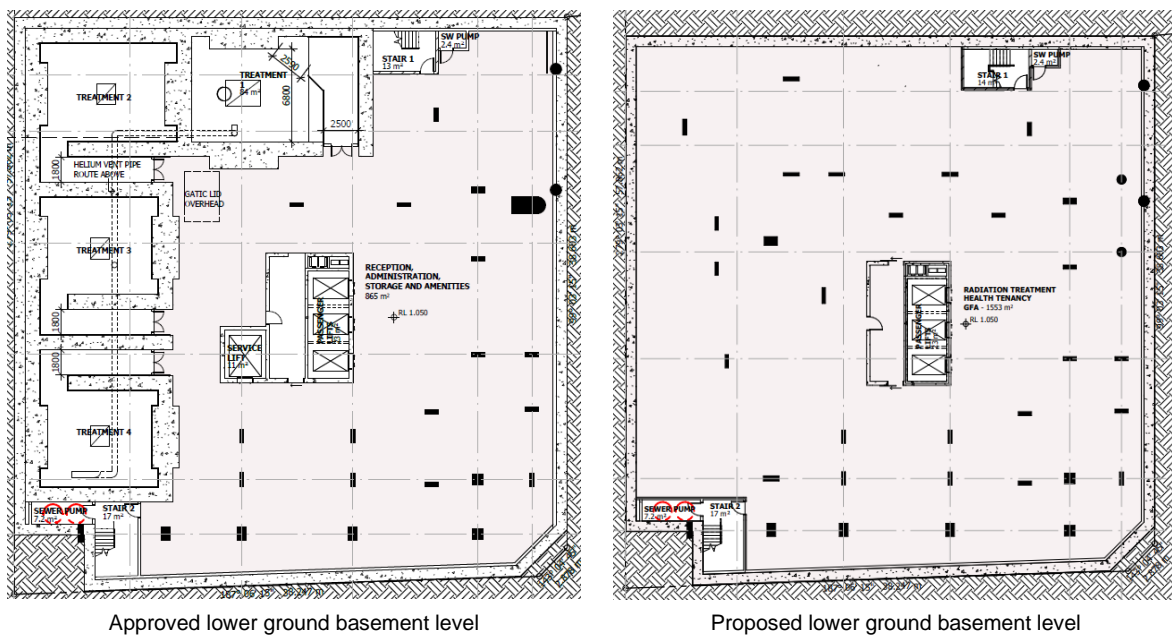
Figure 2: Comparison of the approved and proposed podium

4. Basement Level and Associated Lower Ground Mezzanine

The hospital operator will maintain the cancer treatment bunker in the basement level, however instead of providing four (4) treatment rooms plus the reception / administrative space, the proposal will provide a single space that is able to be used for radiation purposes. Other minor changes include the removal of the service lift. For further detail refer to **Figure 3**.

The Mezzanine level remains generally consistent with the Amendment Approval, except for the removal of the dedicated service lift and minor changes to the configuration of some of the plant / service spaces.

The changes to the configuration of the basement level and associated mezzanine will not substantially change the appearance of the development as these spaces are located below ground level. The changes to the configuration will not change the ability for the development to operate as per the Amendment Approval.



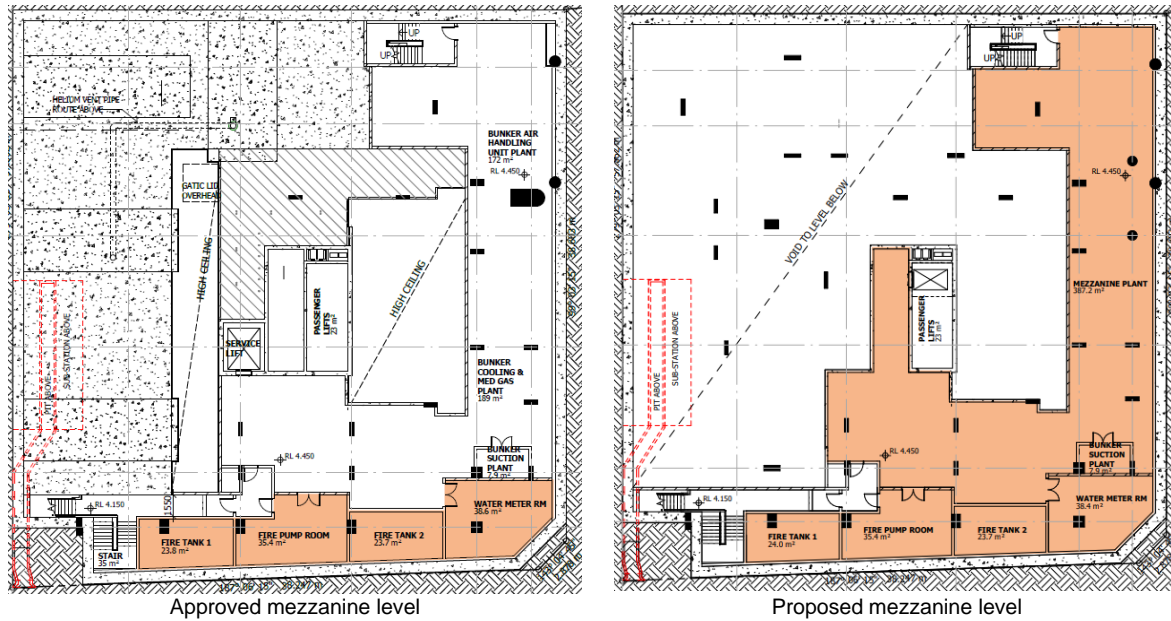


Figure 3: Comparison of approved basement and mezzanine levels

5. Ground Level Configuration

The following minor changes are proposed to the ground level configuration. A comparison of the approved and proposed ground level layout is included in **Figure 4**.

- Increase in the provision of retail floor space from 253m² to 392m² of gross floor area, providing additional ground level activation. The change to the retail space includes the removal of the internal stairs that connected to the mezzanine space, which continues to be provided and will contribute to the activation of the podium.
- Reconfiguration of the foyer to gain access from Murray Street only as a consequence of the increased retail floor spaces which has been accommodated to Thompson Street.
- Minor changes to the pedestrian pathway resulting in a straighter alignment along Thompson Street. Pedestrian access (including two separate access points along Thompson Street) to and from the development remains in locations consistent with the Amendment Approval.
- Change to configuration and a reduction in the size of the EOTF. The area of the EOTF is proposed to reduce from 98.9m² to 59.3m². The proposed EOTF will accommodate 26 bicycle spaces, which is a reduction from the 45 spaces under the Amendment Approval.

The reduced bicycle parking provision is in response to the reduction in the overall gross floor area of the building. The Traffic Advice prepared by Stantec, and included in **Appendix E**, confirms that the revised bicycle parking provision complies with rates under the Transport, Access, Parking and Servicing Planning Scheme Policy.

- Change to the configuration of refuse room and other building service at ground level. Consistent with the Amendment Approval the refuse room and building services are concealed within the building and are not visible from the street frontages.

The abovementioned changes continue to provide a pedestrian oriented and activated ground level, which maintains the following key elements of the Amendment Approval.

- Provision of an active and permeable (both visually and physically) edge to Thompson Street and Murray Street, including retail / health space and the building foyer.
- Accommodation of a dedicated pedestrian path, multiple access points, landscaping and an outdoor seating / dining area within the front setback along Thompson Street and at the corner of Murray Street and Thompson Street.
- Provision of vehicle access, via a porte-cochere, from Murray Street.
- Concealment of building services within the building.

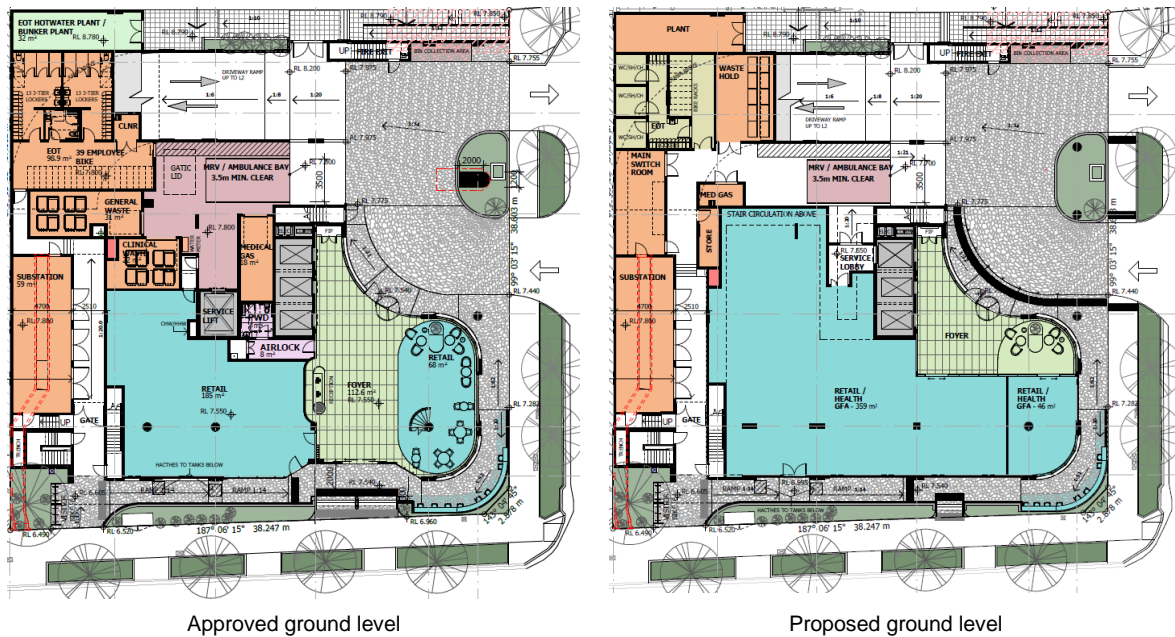


Figure 4: comparison of approved and proposed ground level

6. Car parking

As a result of the reduction in building height and gross floor area the number of car parks within the development (contained within the podium consistent with the Amendment Approval) is proposed to reduce from 114 to 78 car parks, inclusive of 4 van bays and three (3) approved electric vehicle charging stations, consistent with the Amendment Approval.

The Traffic Advice, included in **Appendix E**, confirms that the revised car parking provision complies with the maximum rate identified under the Transport, Access, Parking and Servicing Planning Scheme Policy.

7. Tower Levels 4 – 8

The tower floor plates are generally consistent with the Amendment Approval, with no changes proposed to the setbacks. The updated Architectural Plans identify the following minor changes.

- Removal of the service lift.
- At level 6 the plant room has been removed and replaced with commercial / health floor space.

- A balcony and landscaping have been integrated into the Thompson Street façade at Level 7.
- At level 8 the balcony and landscaping that had been accommodated within the Thompson Street façade has been relocated to the Murray Street façade.
- The landscaping that was accommodated in the western elevation at Level 7 under the Amendment Approval has been removed as the step in the tower form has been removed. A consistent building line is proposed within the tower to the western elevation.

8. Rooftop Plant

The development proposes a dedicated plant room on the roof of development (Level 9 under the updated Architectural Plans). The proposed plant room accommodates the plant rooms that were accommodated within the tower levels under the Amendment Approval but have been removed as part of this Amendment Application. The roof plant is centralised on the roof (to minimise its visibility from the surrounding context), is integrated into the overall architectural design of the building and includes solar panels on top of the plant, consistent with the solar panels that were accommodated under the Amendment Approval.

Figure 5 illustrates to proposed rooftop plant.

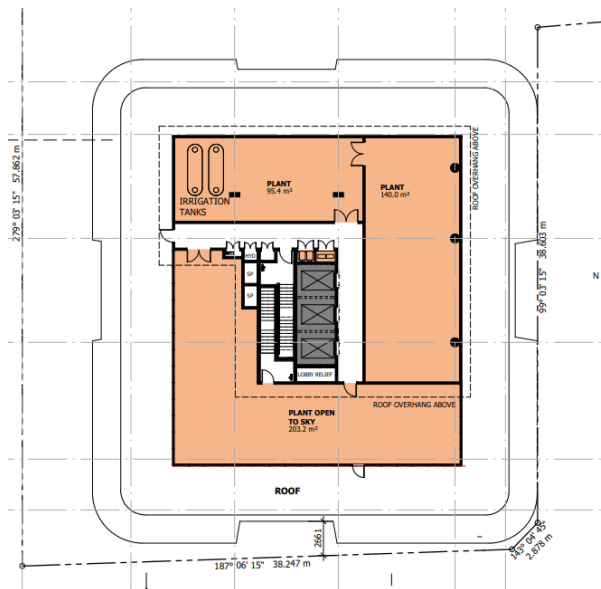


Figure 5: Rooftop Plant

9. Façade Details

As a consequence of the change to the building and podium height minor amendments are proposed to the façade and architectural details. Overall, the architectural design, façade articulation and use of materials and colours is consistent with the Amendment Approval, albeit with the minor changes described below.

- Within level 4 of the podium adjacent to the southern boundary the development has introduced a glazed element, previously identified as rendered and painted block work. The glazed element will provide variation in the treatment of the podium as well as an active element to the southeast corner of the podium. Refer to Figure 6.

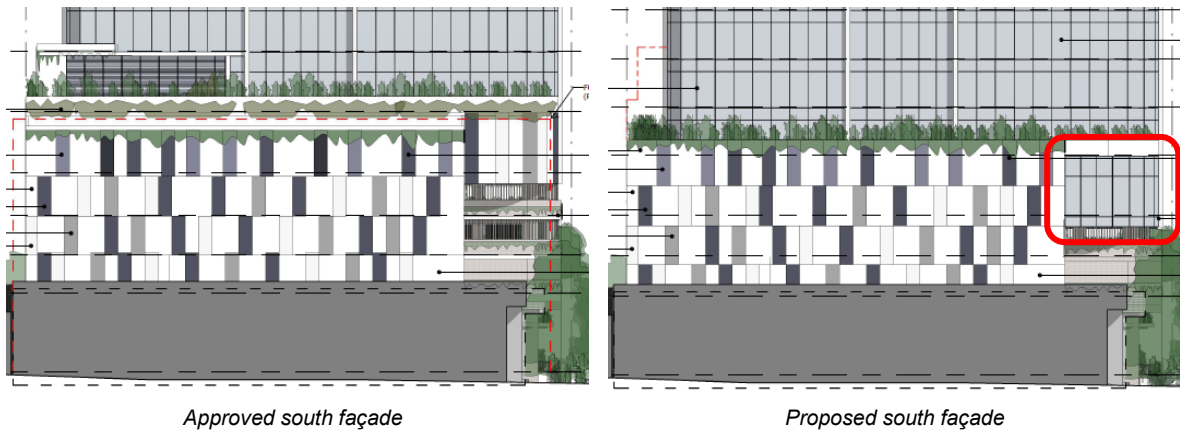


Figure 6: Comparison of approved and proposed south façade

- Glazing is proposed at level 4 to the western elevation, previously identified as rendered and painted block work. The glazed element will provide variation in the treatment of the podium as well as an active element to the western elevation. Refer to **Figure 7**.

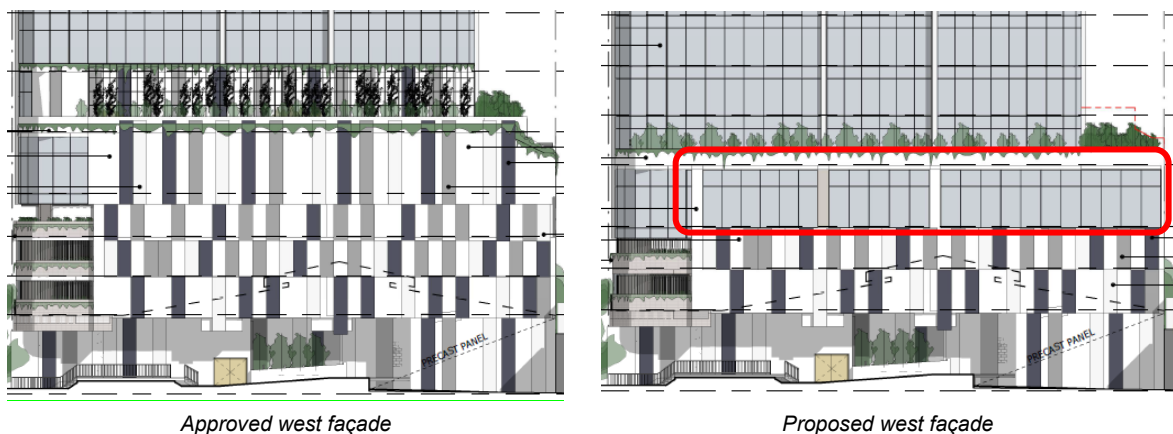


Figure 7: Comparison of approved and proposed west façade

10. Sufficient Grounds

As part of the Original Development Approval and Amendment Approval the development included a number of sufficient ground outcomes to address the non-compliance that arose for that design, which predominately related to building height. With the building height proposed to reduce to eight (8) storeys, in compliance with the building height outcome for the Mixed Industry and Business Zone under the Development Scheme, the number and extent of the non-compliances have been substantially reduced and are limited to the front setback and part of the side setback for the tower.

As a consequence of the reduced number of non-compliances the Applicant proposes to change the sufficient grounds to reflect the non-compliances. The Applicant proposes to retain the incorporation of creative lighting, solar generation, smart technology, the provision of two (2) additional destination EV chargers and the accommodation of a cohesive area of landscaping to the podium roof to support the reduction of heat impacts. The delivery of the public open space (both the interim and ultimate outcome) is proposed to be removed from the approval for Tower 1. The park outcome is proposed to remain in the Masterplan under the Preliminary Approval as reflected in the Plan of Development.

To reflect the proposed changes to the sufficient ground package the Applicant has made amendments to the conditions, which are reflected in Section 3.2.2 of this assessment.

3.2 Changes to Approval Documentation

As part of this Amendment Application, we endeavour to assist MEDQ with relevant process matters to the greatest extent possible. In this regard, we have identified where the Amendment Application will result in amendments to the current approval package, including the approved drawings and documents and conditions of approval.

3.2.1 Changes to Approved Drawings and Documents

We recommend that the following changes are made to the approved drawings and documents (existing documents to be removed in strikethrough, and replacement documents in **green**). Only the documents subject of change are identified below; all other approved documents are unchanged.

Table 2 – Changes to Approved Drawings and Documents		
Drawing or Document	Number	Date
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Title Page prepared by DWP	N/A-DD-000 Issue 18	15 December 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Area Summary prepared by DWP	DA-002, Rev. 29 DD-002, Issue 31	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Tower 1 Entry From Thompson Street prepared by DWP	DA-010, Rev. 24	15 December 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Tower 1 Entry From Murray Street prepared by DWP	DA-011, Rev. 24	15 December 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Site Plan – Overall prepared by DWP	DA-050, Rev. 8	1 June 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Site Plan – Ultimate Park and Road Reserve prepared by DWP	DD-051, Rev 13	14 November 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Lower Ground prepared by DWP	DD-090, Issue 24 DD-090, Issue 27	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Lower Ground – Mezzanine prepared by DWP	DD-091, Issue 24 DD-091, Issue 26	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Ground Floor prepared by DWP	DD-100, Issue 56 DD-100, Issue 64	27 April 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 2 – Typical Carpark prepared by DWP	DA-102, Rev. 50 DD-102, Issue 55	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 3 – Typical Carpark prepared by DWP	DA-103, Rev. 48 DD-103, Issue 53	20 April 2023 23 November 2023

Table 2 – Changes to Approved Drawings and Documents		
Drawing or Document	Number	Date
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 4 – Typical Carpark prepared by DWP 12-16 Thompson Street, Bowen Hills 4006 Project 22-033 – Level 4 – Tower (Lower) prepared by DWP	DA-104, Rev. 48 DD-104, Issue 44	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 5 – Tower (Lower) prepared by DWP 12-16 Thompson Street, Bowen Hills 4006 Project 22-033 – Level 5 – Tower prepared by DWP	DA-105, Rev. 39 DD-106, Issue 55	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 6 – Tower prepared by DWP 12-16 Thompson Street, Bowen Hills 4006 Project 22-033 – Level 6 – Tower prepared by DWP	DA-107, Rev. 50 DD-107, Issue 39	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 7 – Tower prepared by DWP 12-16 Thompson Street, Bowen Hills 4006 Project 22-033 – Level 7 – Tower prepared by DWP	DA-108, Rev. 34 DD-109, Issue 15	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 8 – Tower prepared by DWP 12-16 Thompson Street, Bowen Hills 4006 Project 22-033 – Level 9 – Plant Room prepared by DWP	DA-110, Rev. 9 DD-110, Issue 49	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 10, 11, 13 – Tower Typical (A) prepared by DWP	DD-111, Rev.18	20 April 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 9 & 12 – Tower Typical (B) prepared by DWP	DD-112, Rev.43	20 April 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level 13 – Tower prepared by DWP	DD-113, Rev. 22	20 April 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level – Roof Terrace prepared by DWP	DA-114, Rev. 48	20 April 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Level – Roof Plan prepared by DWP	DA-115, Rev. 14 DD-112, Issue 18	27 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Elevation - North prepared by DWP	DA-200, Rev. 39 DD-200, Issue 44	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Elevation - East prepared by DWP	DA-201, Rev.39 DD-201, Issue 42	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Elevation - South prepared by DWP	DA-202, Rev. 38 DD-202, Issue 41	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Elevation - West prepared by DWP	DA-203, Rev. 39 DD-203, Issue 42	20 April 2023 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Section A prepared by DWP	DA-300, Rev. 34 DD-300, Issue 37	14 November 2022 23 November 2023

Table 2 – Changes to Approved Drawings and Documents		
Drawing or Document	Number	Date
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Section B prepared by DWP	DA-301, Rev. 33 DD-301, Issue 38	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Section C prepared by DWP	DA-302, Rev. 33 DD-302, Issue 36	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Section D prepared by DWP	DA-303, Rev. 34 DD-303, Issue 34	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Podium Details – Murray Street prepared by DWP	DA-400, Rev. 19	15 December 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Podium Details – Podium Corner prepared by DWP	DA-401, Rev. 19	15 December 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – Landscape Area Plans prepared by DWP	DA-402, Rev. 18	14 November 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 - Landscape Area Plans prepared by DWP	DA-600, Rev. 23	14 November 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 - Landscape Area Plans prepared by DWP	DA-601, Rev. 25	14 November 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 - GFA Area Plans prepared by DWP	DA-610, Rev. 20 DD-610, Issue 21	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 - GFA Area Plans prepared by DWP	DA-611, Rev. 20 DD-611, Issue 21	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – GFA Area Plans prepared by DWP	DA-612, Rev. 23	14 November 2022
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 - NLA Area Plans prepared by DWP	DA-620, Rev. 20 DD-620, Issue 21	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 - NLA Area Plans prepared by DWP	DA-621, Rev. 20 DD-621, Issue 21	14 November 2022 23 November 2023
12-16 Thompson Street, Bowen Hills 4006 Project 22-0033 – NLA Area Plans prepared by DWP	DA-622, Rev. 23	14 November 2022
'Plan of Development', prepared by Mewing Planning Consultants	N/A	May 2023 November 2023

The changes to the Plan of Development relate to removal of the sub-staging to Stage 1 and the corresponding conditions and sufficient grounds, for reasons discussed in this assessment.

3.2.2 Changes to Decision Notice and Conditions of Approval

As a consequence of the proposed changes identified above, the application proposes the following change to conditions (elements to be removed in ~~strike through~~, and replacements in **green**).

Table 3 – Changes to Conditions

Condition	Reason for Change
<p>6) Electric Vehicle Charging Station Capacity</p> <p>a) Install the following:</p> <ul style="list-style-type: none"> i) Electrical capacity for Basic AC charging on all non-visitor (i.e. employee) parking spaces. The Basic AC charging must be installed such that it can be readily replaced with a dedicated electric vehicle charger at a later date. ii) Electrical load control to manage development peak demand for electronic vehicle charging. <p>b) Submit to EDQ TS evidence that the requirements of part a) of this condition have been met.</p>	<p>The Applicant proposes to remove this condition on the basis that the proposed eight (8) storey development represents a compliant scheme, and the areas of non-compliance are limited to the front setback and part of the side setback for the tower. As a consequence of the reduction in the nature and extent of the non-compliances the Applicant proposes to amend the sufficient ground outcomes that applied under the Amendment approval, which includes the removal of the electrical vehicle charging station capacity requirement.</p>
<p>8) Sufficient Grounds – Landscape works Interim Park (Stage 1B) – Compliance Assessment</p> <p>a) Submit to EDQ DA, for Compliance Assessment, detailed landscape plans, certified by an AILA Registered Landscape Architect, for the proposed landscape works within the interim park area as outlined on approved plan <i>Site Plan – Ultimate Park & Road Reserve</i>, prepared by DWP (DD-051, Issue 13, 14 November 2022). The certified plans must include a schedule of proposed standard and non-standard Contributed Assets and landscape works designed generally in accordance with:</p> <ul style="list-style-type: none"> i) Council Standards; and ii) the following approved plans: <ul style="list-style-type: none"> 1. <i>‘Site Plan Overall’, prepared by DWP (DD-050, Issue 8, 1 June 2022)</i> 2. <i>‘Site Plan – Ultimate Park & Road Reserve’, prepared by DWP (DD-051, Issue 13, 14 November 2022)</i> 3. <i>‘Tower 1 Landscape Design Report’, prepared by RPS (PR145652-1, Issue O, 20 April 2021 (Amended in Red 13 December 2021)</i> <p>The certified plans are to include, where relevant:</p> <ul style="list-style-type: none"> 1. existing contours or site levels, services and features; 2. clear delineation between park and streetscape; 3. proposed finished levels, including sections across and through the open space at critical points (e.g. interface with roads); 4. location of proposed drainage and stormwater works within open space, including cross-sections and descriptions; 	<p>The Applicant proposes to remove this condition on the basis that the proposed eight (8) storey development represents a compliant scheme, and the areas of non-compliance are limited to the front setback and part of the side setback for the tower. As a consequence of the reduction in the nature and extent of the non-compliances the Applicant proposes to amend the sufficient ground outcomes that applied under the Amendment approval, which includes removing the delivery of the interim park area and associated works as part of the delivery of Tower 1.</p>

Table 3 – Changes to Conditions

Condition	Reason for Change
<ul style="list-style-type: none"> 5. locations of electricity and water connections to parks; 6. location and details of any proposed vehicle barriers/bollards/landscaping along park frontages to prevent unauthorised vehicular access; details and locations of any proposed building works including park furniture, picnic facilities, play equipment, public amenities, car parking, driveways, footpaths and cycling paths; 7. trees and plants, including species, size and location generally in accordance with Council's adopted planting schedules and guidelines; and 8. public lighting in accordance with Australian Standard AS1158 – Lighting for Roads and Public Spaces. b) Provide a bond or bank guarantee to the MEDQ, to the satisfaction of the MEDQ, for the full cost of the works and allowances endorsed in part a) of this condition, to secure its compliance. e) Construct landscape works generally in accordance with the plans endorsed under part a) of this condition. d) Submit to EDQ TS, 'as constructed' plans, certified by an AILA Registered Landscape Architect, in accordance with part a) of this condition. e) The interim park must be open and available for the free use of public 24 hours a day 7 days per week. f) Obtain and maintain public liability insurance for the park of at least \$20 Million, and submit a certificate of insurance as evidence of insurance to EDQ DA for Compliance Assessment. 	
<p>9) Sufficient Grounds – Landscape works Ultimate Park (Stage 1C) – Compliance Assessment</p> <ul style="list-style-type: none"> a) Submit to EDQ DA, for Compliance Assessment, detailed landscape plans, certified by an AILA Registered Landscape Architect, for proposed landscape works within the ultimate park as identified on approved plan Site Plan – Ultimate Park & Road Reserve', prepared by DWP (DD-051, Issue 13, 14 November 2022). The certified plans must include a minimum 800m² of unconstrained privately owned land for park and a schedule of proposed standard and non-standard Contributed Assets and landscape works designed generally in accordance with: <ul style="list-style-type: none"> a. Council Standards; and b. the following approved plans: c. 'Site Plan Overall', prepared by DWP (DD-050, Issue 8, 1 June 2022) d. 'Site Plan – Ultimate Park & Road Reserve', prepared by DWP (DD-051, Issue 13, 14 November 2022) 	<p>The Applicant proposes to remove this condition on the basis that the proposed eight (8) storey development represents a compliant scheme, and the areas of non-compliance are limited to the front setback and part of the side setback for the tower. As a consequence of the reduction in the nature and extent of the non-compliances the Applicant proposes to amend the sufficient ground outcomes that applied under the Amendment approval, which includes removing the delivery of the ultimate park area and associated works as part of the delivery of Tower 1.</p>

Table 3 – Changes to Conditions

Condition	Reason for Change
<p>e. ‘Tower 1 Landscape Design Report’, prepared by RPS (PR145652-1, Issue O, 20 April 2021 (Amended in Red 13 December 2021)</p> <p>The certified plans are to include, where relevant:</p> <p>a. existing contours or site levels, services and features;</p> <p>b. clear delineation between park and streetscape;</p> <p>c. proposed finished levels, including sections across and through the open space at critical points (e.g. interface with roads);</p> <p>d. location of proposed drainage and stormwater works within open space, including cross-sections and descriptions;</p> <p>e. locations of electricity and water connections to parks;</p> <p>f. location and details of any proposed vehicle barriers/bollards/landscaping along park frontages to prevent unauthorised vehicular access;</p> <p>g. details and locations of any proposed building works including park furniture, picnic facilities, play equipment, public amenities, car parking, driveways, footpaths and cycling paths;</p> <p>h. trees and plants, including species, size and location generally in accordance with Council’s adopted planting schedules and guidelines; and</p> <p>i. public lighting in accordance with Australian Standard AS1158 – Lighting for Roads and Public Spaces.</p> <p>b) Provide a bond or bank guarantee to the MEDQ, to the satisfaction of the MEDQ, for the full cost of the works and allowances endorsed in part a) of this condition, to secure its compliance.</p> <p>e) Construct landscape works generally in accordance with the plans endorsed under part a) of this condition.</p> <p>d) Submit to EDQ TS, ‘as constructed’ plans, certified by an AILA Registered Landscape Architect, and asset register in a format acceptable to Council.</p> <p>e) The ultimate park must be open and available for the free use of the public 24 hours per day, 7 days per week.</p> <p>f) Obtain and maintain public liability insurance for the park of at least \$20 Million, and submit a certificate of insurance as evidence of insurance to EDQ DA for Compliance Assessment.</p>	
<p>10) Sufficient Grounds – Ultimate Park Covenant (Stage 1C) – Compliance Assessment</p> <p>a) Submit to EDQ DA, for Compliance Assessment, a survey plan, certified by a registered surveyor, to accurately identify the area of the Ultimate Park in accordance with the Ultimate Park Extents Plan in section 2.3 of the approved ‘Tower 1 Landscape Design</p>	<p>The Applicant proposes to remove this condition in response to the removal of Condition 9.</p>

Table 3 – Changes to Conditions

Condition	Reason for Change
<p>Report, prepared by RPS (PR145652-1, Issue O, dated 20 April 2021 (Amended in Red 13 December 2021)) (Covenant Ultimate Park Area).</p> <p>b) Register an instrument of covenant with respect to the use of the Covenant Ultimate Park Area and the protection of those parts of Lot 1 on RP121293 and Lot 4 on SP312302 areas identified as the Ultimate Park Area in Lot 1 on RP121293 and Lot 4 on SP312302 in the approved 'Tower 1 Landscape Design Report', prepared by RPS (PR145652-1, Issue O, dated 20 April 2021 (Amended in Red 13 December 2021)) and on the approved Survey Plan endorsed under Condition 10(a):</p> <p style="padding-left: 20px;">i. The purpose of the covenant is to preserve for delivery the area of the Ultimate Park, and prohibit its use for any purpose other than for Park purposes under section 97A of the Land Title Act 1994, subject to the current building Lease Dealing number 720666540, which is excepted.</p> <p style="padding-left: 20px;">ii. The covenant precludes the sale or transfer of any part of the Covenant Area and for the retention of the Ultimate Park other than by a transfer to MEDQ or the Council after the landscaping and embellishment requirements imposed by any applicable approval have been completed.</p> <p>e) The details of the covenant must include:</p> <p style="padding-left: 20px;">i. The extent of the Covenant Ultimate Park Area on the survey plan endorsed by EDQ DA.</p> <p style="padding-left: 20px;">ii. The restrictions/obligations that apply with respect to the land the subject of the covenant – with reference to section 97A(3)(a)(i) and 97A(3)(c)(i) of the Land Title Act 1994.</p> <p style="padding-left: 20px;">iii. the covenant terms in approved plan 'Covenant Form 31', prepared by McCullough Robertson, dated 20 December 2021 (Amended in Red 20 December).</p> <p>d) Register the covenant prior to commencement of any works for the use (i.e. before Stage 1A).</p> <p>e) Submit to EDQ DA, for Compliance Assessment, evidence that a covenant complying with the above requirements has been registered to the titles of Lot 1 on RP121293 and Lot 4 on SP312302.</p>	
<p>11) Landscape works (Stage 1A) – Compliance Assessment</p> <p>Submit to EDQ DA, for Compliance Assessment, detailed landscape plans prepared and certified by an AILA Registered Landscape Architect with experience in the design and maintenance of green facades / walls. The detailed landscape plans shall be generally in accordance with the approved plans and address the following:</p> <p><u>Planting – generally</u></p> <p>Provide details, locations, pot size and all plant species to be utilised in the podium and façade landscape.</p> <p><u>Podium planters</u></p>	<p>The Applicant requests that the roof terrace section of the condition is removed as the roof terrace has been removed from the development.</p>

Table 3 – Changes to Conditions

Condition	Reason for Change
<p>Provide podium planter details demonstrating the following minimum media depths can be achieved:</p> <ul style="list-style-type: none"> i) Ground covers with a mature height of 200mm or less – minimum 300mm; ii) Ground covers with a mature height of 200mm or more – suitable depth to support plant growth and longevity, as per media depth requirements established through compliance assessment; iii) Shrubs with a mature height of 200mm or more – minimum 600mm; iv) Trees – minimum 1200mm or rootball depth plus 200mm whichever is greater. v) Specify the light-weight media types for Horizon A and Horizon B media profile that are suitable for planting on built structures. <p><u>Façade planting</u></p> <p>Provide details about the planting and maintenance of any planting on each façade, including:</p> <ul style="list-style-type: none"> i) Structure – details of all elements attached to structure to support plant growth / climbing. ii) Media type – specification of light-weight media suitable for vertical planting on built structures. iii) Media volume – upper levels: <ul style="list-style-type: none"> a) Minimum planting depth 400mm minimum media volume. b) 100L media for every 1m² foliage at 100mm of thickness. c) The system is to be designed to achieve and maintain suitable organic matter, nutrient and water balance to sustain vegetation. <p><u>Rooftop planting</u></p> <p>Approved plan ‘Level – Roof Terrace’, prepared by DWP (DD-114, Issue 48, 20 April 2023) to achieve a minimum 9m wide landscape buffer on the southern edge to the boundary of the adjoining site and provide details demonstrating the following minimum media depths can be achieved:</p> <ul style="list-style-type: none"> i) Ground covers with a mature height of 200mm or less – minimum 300mm; ii) Ground covers with a mature height of 200mm or more – suitable depth to support plant growth and longevity, as per media depth requirements established through compliance assessment; iii) Shrubs with a mature height of 200mm or more – minimum 600mm; iv) Trees – minimum 1200mm or rootball depth plus 200mm whichever is greater. v) Specify the light-weight media types for Horizon A and Horizon B media profile that are suitable for planting on built structures. <p><u>Irrigation and maintenance</u></p> <p>Provide design details for all irrigation and maintenance which demonstrate the planting will achieve and maintain suitable organic matter, nutrient and water balance to establish and sustain vegetation.</p>	

Table 3 – Changes to Conditions

Condition	Reason for Change
<p>21) Earthworks</p> <p>a) Submit to EDQ TS detailed earthworks plans, certified by a RPEQ, and designed generally in accordance with:</p> <ol style="list-style-type: none"> i) Australian Standard AS3798 – 2007 Guidelines on Earthworks for Commercial and Residential Developments; and ii) the approved Preliminary Earthworks Layout Plan (Stage 1), prepared by Inertia (Job 8858, DWG No. SK010, Rev E, dated 19 April 2021) Bulk Earthworks Plan (22292-RBG-zz-xx-DR-CV-82001 Re. P02), prepared by Rovbert Bird Group, dated 17 November 2023 subject to changes resulting from the amended plans approved as part of the change to approval. <p>The certified detailed earthworks plans shall:</p> <ol style="list-style-type: none"> i) include a geotechnical soils assessment of the site; ii) accord with the Erosion and Sediment Control Plans, as required by conditions of this approval; iii) include the location and finished surface levels of any cut and/or fill; iv) detail areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation; v) provide details of any areas where surplus soils are to be stockpiled; vi) detail protection measures to: <ol style="list-style-type: none"> 1. ensure adjoining properties and roads are not impacted by ponding or nuisance stormwater resulting from earthworks associated with the approved development; 2. preserve all drainage structures from structural loading impacts resulting from earthworks associated with the approved development; and vii) where rock or ground anchors are required within adjoining road or land, include consents from relevant road manager(s) and/or landowner(s). <p>b) Carry out earthworks generally in accordance with the certified plans submitted under part a) of this condition.</p> <p>c) Submit to EDQ TS RPEQ certification that:</p> <ol style="list-style-type: none"> i) all earthworks have been carried out generally in accordance with the certified plans submitted under part a) of this condition; and ii) any unsuitable material encountered has been treated or replaced with suitable material. 	<p>The applicant has amended the reference to the Earthworks Layout Plan to reflect the updated plan that has been provided in the Engineering Memorandum, prepared by Robert Bird Group and included in Appendix F.</p>
<p>24) Sufficient Grounds – Murray Street Streetscape Works – Compliance Assessment</p> <p>a) Submit to EDQ TS, for Compliance Assessment, detailed streetscape works drawings demonstrating the works to be delivered in Stage 1A and Stage 1B, certified by an AILA, for proposed streetscape works, including a schedule of proposed standard and non-standard Contributed Assets to be transferred to Council.</p>	<p>The Applicant proposes to remove this condition on the basis that the proposed eight (8) storey development represents a compliant scheme, and the areas of non-compliance are limited to the front setback and part of the side setback for the tower. As a</p>

Table 3 – Changes to Conditions	
Condition	Reason for Change
<p>The certified drawings must be designed generally in accordance with the following, where relevant:</p> <ul style="list-style-type: none"> i approved plans;— ii Council's standards; iii location and type of street lighting in accordance with AS1158 'Lighting for Roads and Public Spaces'; iv. footpath treatments iv Driveways cross overs treatment including tactile paver treatments; v location and specifications of streetscape furniture; vi location and size of stormwater treatment devices; and vii street trees and plants, including species, size and location generally in accordance with Council's adopted planting schedules and guidelines; <ul style="list-style-type: none"> b) Provide a bond or bank guarantee to the MEDQ, to the satisfaction of the MEDQ, for the full cost of the Stage 1B works and allowances endorsed in part a) of this condition, to secure its compliance. e) Construct Stage 1A streetscape works generally in accordance with the streetscape plans endorsed under part a) of this condition. d) Submit to EDQ TS 'as constructed' plans for the Stage 1A streetscape works, certified by an ALLA, and asset register in a format acceptable to Council. e) Maintain the works constructed in Stage 1A. f) Construct Stage 1B streetscape works generally in accordance with the streetscape plans endorsed under part a) of this condition. g) Submit to EDQ TS 'as constructed' plans for the Stage 1B streetscape works, certified by an ALLA, and asset register in a format acceptable to Council. h) Maintain the works constructed in Stage 1B. 	<p>consequence of the reduction in the nature and extent of the non-compliances the Applicant proposes to amend the sufficient ground outcomes that applied under the Amendment approval, which includes removing the requirement to undertake streetscape improvement works to Murray Street.</p>
<p>25) Sufficient Grounds – Murray Street Roadworks – Compliance Assessment</p> <ul style="list-style-type: none"> a) Submit to EDQ TS, for Compliance Assessment, amended Murray St Roadworks Functional Layout Plans demonstrating the works to be delivered in Stage 1A and Stage 1B, certified by a RPEQ, in accordance with Council requirements, PDA Guideline No. 13 Engineering standards, and approved plan 'Preliminary External Road Layout Plan (Stage 1)', prepared by Inertia (8858, SK014, Rev. D, dated 16 April 2021) <p>The amended functional layout plan must:</p> <ul style="list-style-type: none"> i) demonstrate and label kerb returns are in accordance with BCG Ch3 Road Corridor Design or provide justifications for any departure; ii) detail the length of the indented car parking bays to be 6.3m to comply with BCG TAPS, Figure 1 – Parallel parking iii) remove the proposed pedestrian crossing, shown as 	<p>The Applicant proposes to remove this condition in response to the removal of Condition 24.</p>

Table 3 – Changes to Conditions

Condition	Reason for Change
<ul style="list-style-type: none"> a. a raised pedestrian crossing shown in the ‘Tower 1 Landscape Design Report’, prepared by RPS (PR145652-1, Issue O, dated 20 April 2021 (Amended in Red 13 December 2021)); and b. a zebra crossing on ‘Preliminary External Road Layout Plan (Stage 1)’, prepared by Inertia (8858, SK014, Rev. D, dated 16 April 2021) (Amended in Red 17 December 2021) iv) extend the northern kerb buildout in line with the existing kerb return; v) provide a sightline assessment which include an assessment of the proposed landscaping and streetscaping and building obstructions at all crossing points; vi) provide details of line marking and signage; vii) provide details of stormwater upgrades required to service the site; viii) provide street lighting pole location(s); ix) must be coordinated with the streetscape plans; x) must provide dimensions to for on-street car parking, carriageways, lane and verge widths; and xi) safe and effective design treatments to address user conflicts between pedestrians, cyclists and vehicles b) Submit to EDQ TS detailed engineering design, certified by an RPEQ, that all works are generally in accordance with the endorsed Functional Layout Plans under part a) of this condition. e) Provide a bond or bank guarantee to the MEDQ, to the satisfaction of the MEDQ, for the full cost of the Stage 1B works and allowances endorsed in part a) of this condition, to secure its compliance d) Carry out Stage 1A roadworks and drainage works generally in accordance with the certified plans submitted under part b) of this condition. e) Maintain the works constructed in Stage 1A. f) Submit to EDQ TS the following for Stage 1A: <ul style="list-style-type: none"> i) RPEQ certification that all roadwork and drainage has been constructed generally in accordance with the certified plans submitted under part b) of this condition; ii) all documentation as required by the Construction Procedures Manual; and iii) As-constructed drawings, asset register and test results, certified by a RPEQ, in a format acceptable to Council for all works constructed in accordance with this condition. g) Carry out Stage 1B roadworks and drainage works generally in accordance with the certified plans submitted under part b) of this condition. h) Submit to EDQ TS the following for Stage 1B: <ul style="list-style-type: none"> i) RPEQ certification that all roadwork and drainage has been constructed generally in accordance with the certified plans submitted under part b) of this condition; ii) all documentation as required by the Construction Procedures Manual; and iii) As-constructed drawings, asset register and test results, certified by a RPEQ, in a format acceptable to Council 	

Table 3 – Changes to Conditions

Condition	Reason for Change
<p style="text-align: center;">for all works constructed in accordance with this condition.</p> <p>i) Maintain the works constructed in Stage 1B.</p>	
<p>33) Stormwater management – quality</p> <p>i) Submit to EDQ TS detailed engineering drawings and hydraulic calculations, certified by a RPEQ, for the stormwater drainage system designed generally in accordance with:</p> <p>ii) PDA Guideline No. 13 Engineering standards – Stormwater quantity and:</p> <p>iii) ‘Site Layout Plan, Post Development Drainage and Services (Stage 1)’, drawing number, 8858, SK002 rev C, prepared by Inertia, dated 23 March 2020 Stormwater Drainage Plan, Drawing No. 22292-RBG-ZZ-XX-DR-CV-87001 Rev No. P02, prepared by Robert Bird Group, dated 17 November 2023.</p> <p>iv) Construct stormwater works generally in accordance with the certified plans submitted under part a) of this condition.</p> <p>v) Submit to EDQ TS "as constructed" plans, certified by a RPEQ including an asset register in a format acceptable to Council.</p>	<p>The applicant has amended the reference to the Site Layout Plan, to reflect the updated plan that has been provided in the Engineering Memorandum, prepared by Robert Bird Group and included in Appendix F.</p>
<p>34) Stormwater management – quantity</p> <p>a) Submit to EDQ TS detailed engineering drawings and hydraulic calculations, certified by a RPEQ, for the stormwater drainage system designed generally in accordance with:</p> <p>i) PDA Guideline No. 13 Engineering standards – Stormwater quantity and:</p> <p>ii) ‘Site Layout Plan, Post Development Drainage and Services (Stage 1)’, drawing number, 8858, SK002 rev C, prepared by Inertia, dated 23 March 2020 Stormwater Drainage Plan, Drawing No. 22292-RBG-ZZ-XX-DR-CV-87001 Rev No. P02, prepared by Robert Bird Group, dated 17 November 2023.</p> <p>b) Construct stormwater works generally in accordance with the certified plans submitted under part a) of this condition.</p> <p>c) Submit to EDQ TS "as constructed" plans, certified by a RPEQ including an asset register in a format acceptable to Council.</p>	<p>The applicant has amended the reference to the Site Layout Plan to reflect the updated plan that has been provided in the Engineering Memorandum, prepared by Robert Bird Group and included in Appendix F.</p>
<p>44) Land transfers – park and open space</p> <p>Where the ultimate park is to be transferred to Council, transfer, in fee simple, to Council as trustee the subject land and undertake any required Reconfiguration of Lot.</p>	<p>The Applicant proposes to amend this condition in response to the removal of Condition 9.</p>

4. Statutory Town Planning Framework

This section of our Town Planning Assessment identifies the applicable components of the statutory town planning framework relating to an Amendment Application, and their relevance to the changes proposed by the Applicant.

Section 99 of the ED Act sets out the procedure for changing approvals, and is reproduced below.

99 Application to change PDA development approval

- (1) A person may apply (the **amendment application**) to MEDQ to change a PDA development approval.
- (2) However, the amendment application may be made only if MEDQ is satisfied the change would not result in the relevant development being substantially different.
- (3) Division 3 applies for the amendment application as if—
 - (a) a reference in the division to a PDA development application were a reference to the amendment application; and
 - (b) a reference in the division to a PDA development approval were a reference to a changed PDA development approval; and
 - (c) a reference in the division to the granting of a PDA development approval were a reference to the making of the change.
- (4) Despite subsection (3), section 84(2) to (6) applies for the amendment application only in a circumstance mentioned in section 84(1)(c).
- (5) If the person is not the owner of the relevant land for the PDA development approval, the amendment *application must be accompanied by the owner's consent.*

Whilst the Development Assessment Rules (DA Rules) established by the Planning Act 2016 do not explicitly apply to development within a PDA, it provides a useful guide to determining 'substantially different development' (being a term used in the assessment of an amendment application). However, it is important to note that MEDQ is not bound by these guidelines, given the different legislative context, and instead a key aspect guiding assessment is the purpose of the ED Act which state "to facilitate economic development, and development for community purposes, in the State".

Schedule 1 of the DA Rules sets out the circumstances in which a 'minor change' (relevant to the Planning Act 2016) would not result in substantially different development. The DA Rules explain that, although it will depend on the individual circumstances of the development, and although it is not intended to be exhaustive, the following list identifies the types of changes that may result in a substantially different development. We have had regard to this list in the Town Planning Assessment.

A change may be considered to result in a substantially different development if the proposed change:

- a) Involves a new use; or
- b) Results in the application applying to a new parcel of land; or
- c) Dramatically changes the built form in terms of scale, bulk and appearance; or
- d) Changes the ability of the proposed development to operate as intended; or
- e) Removes a component that is integral to the operation of the development; or
- f) Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or
- g) Introduces new impacts or increases the severity of known impacts; or
- h) Removes an incentive or offset component that would have balanced a negative impact of the development; or

- i) Impacts on infrastructure provisions.

Section 87 of the ED Act prescribes the matters which MEDQ must have regard to in assessing the application, as follows.

87 Matters to be considered in making decision

- (1) In deciding the application, MEDQ must consider—
 - (a) the main purpose of this Act; and
 - (b) any relevant State interest; and
 - (c) any submissions made to it about the application, during the submission period; and
 - (d) the following instruments—
 - (i) for an application for development in, or PDA-associated development for, a provisional priority development area—
 - (A) if a provisional land use plan is in effect for the area when the application is decided—the provisional land use plan; or
 - (B) otherwise—the draft provisional land use plan for the area;
 - (ii) for an application for development in, or PDA-associated development for, another priority development area—
 - (A) if a development scheme is in effect for the area when the application is decided—the development scheme; or
 - (B) if a development scheme is not in effect for the area when the application is decided, but there is a proposed development scheme for the area—the interim land use plan for the area and the proposed development scheme; or
 - (C) if a development scheme is not in effect for the area when the application is decided and there is no proposed development scheme for the area—the interim land use plan for the area; and
 - (e) any PDA preliminary approval in force for the relevant land; and
 - (f) any preliminary approval under the Planning Act in force for the relevant land.
- (2) Also, in deciding an application for development in, or PDA-associated development for, a priority development area other than a provisional priority development area, if—
 - (a) there is—
 - (i) a development scheme or interim land use plan for the area; and
 - (ii) a proposed development scheme for the area; and
 - (b) the proposed development scheme was prepared after the development scheme or interim land use plan took effect;

MEDQ may, subject to section 86, give the weight it considers appropriate to the proposed scheme.
- (3) In deciding an application for PDA-associated development for a priority development area, MEDQ may, subject to section 86, give the weight it considers appropriate to any of the following instruments that would, under the Planning Act, have regulated the development if it were not PDA-associated development for the area—
 - (a) a planning instrument that applies to the relevant land;
 - (b) assessment benchmarks for the development prescribed by regulation under the Planning Act;

- (c) assessment benchmarks for the development made under another Act for the Planning Act.
- (4) Subsection (1)(c) does not prevent MEDQ from considering a submission about the application made to it after the submission period has ended.

An assessment of the proposed changes against the ‘substantially different development’ definition of the DA Rules, together with an assessment against the Development Scheme, pursuant to section 87 of the ED Act, is included in section 5 of this Town Planning Assessment.

5. Amendment Application Guideline Assessment

5.1 Assessment against Substantially Different Criteria

The following table provides an assessment against the guidelines for substantially different development as identified in Schedule 1 of the Development Assessment Rules.

Table 4 – Assessment against Substantially Different Development Criteria	
Minor Change Criteria	Assessment
Does not involve a new use	The proposed change maintains the same land uses as those identified under the Amendment Approval, being for Office, Research and Technology Industry, Health Care Service, Hospital, Food and Drink Outlet (<250m ²), Shop (where located at ground level and not exceeding 250m ² per tenancy), and Park within Stage 1, and Office, Research and Technology Industry, Health Care Services, Hospital, Food and Drink Outlet (<250m ²), Shop (where located at ground level and not exceeding 250m ² per tenancy), Showroom, Warehouse, Indoor Sport and Recreation (Gymnasium), and Park across the Masterplan.
Does not result in the application applying to a new parcel of land	The proposal continues to apply over the land to which the original development approval and amendment approval applies.
Does not dramatically change the built form in terms of bulk, scale, appearance	<p>The proposal results in a change to the overall building height from 14 storeys to 8 storeys. The proposed building height is consistent with the planned building height for the Mixed Industry and Business Zone under the Development Scheme and therefore the development is consistent with the intended built form and scale for the site and does not result in a ‘dramatic’ change in the context of what is intended to be developed on the site and within the surrounding zone. It continues to provide a contemporary landmark tower at this corner.</p> <p>The other proposed changes do not dramatically change the bulk, scale and appearance of the development for the reasons set out below.</p> <ul style="list-style-type: none"> • The development continues to represent a podium and tower form. The reduction in the height of the podium does not dramatically change the built form outcome and is consistent with the Amendment Approval. • The development, consistent with the Amendment Approval, continues to provide an active and permeable (both visually and physically) edge at ground level to Thompson Street and Murray Street, including retail / health space and the building foyer.

Table 4 – Assessment against Substantially Different Development Criteria

Minor Change Criteria	Assessment
	<ul style="list-style-type: none"> • The development, consistent with the Amendment Approval, includes an active space within the podium at the corner of Murray Street and Thompson Street. • The development continues to provide a pedestrian oriented an amenable interface to site’s frontages, including the accommodation of a dedicated pedestrian path, multiple pedestrian access points, landscaping and an outdoor seating / dining area within the front setback along Thompson Street and at the corner of Murray Street and Thompson Street. • The tower floor plates maintain the form and minimum setbacks, consistent with the Amendment Approval. The minor variation to some of the stepping and articulation (in terms of landscaping and balconies) in the tower form, as described above, does not dramatically change the form and appearance of the tower. • The architectural design, articulation within the façade and selection of materials is consistent with the Amendment Approval. • The changes to the configuration and number of the cancer treatment rooms within the basement are not visible from the street and therefore there is no change to the form or appearance of the development. • Car parking continues to be concealed within the podium, consistent with the amendment approval. • Vehicle access continues to be provided from Murray Street via a porte-cochere arrangement, consistent with the Amendment Approval
Does not change the ability of the approved development to operate as intended	The proposed changes do not alter the ability of the approved development to operate as intended. The proposal remains for a mixed use development, comprising, Office, Research and Technology Industry, Health Care Service, Hospital, Food and Drink Outlet (<250m ²), Shop (where located at ground level and not exceeding 250m ² per tenancy), and Park within Stage 1, and Office, Research and Technology Industry, Health Care Services, Hospital, Food and Drink Outlet (<250m ²), Shop (where located at ground level and not exceeding 250m ² per tenancy), Showroom, Warehouse, Indoor Sport and Recreation (Gymnasium), and Park across the Masterplan.
Does not remove a component that is integral to the operation of the development	<p>The proposed will not remove a component of the approved development that is integral to the operation of the development.</p> <p>The proposed changes continue to deliver a viable development where a day hospital and related tenants, together with office and commercial uses, can function appropriately.</p> <p>The removal of some of the aspects associated with the sufficient ground outcomes that were previously required to support the non-compliances under the Amendment Approval are not integral to the operation of the development therefore there is no impact as a</p>

Table 4 – Assessment against Substantially Different Development Criteria

Minor Change Criteria	Assessment
	consequence of their removal. The development application continues to facilitate these ultimate outcomes.
Does not significantly impact on traffic flow and the transport network, such as increasing traffic to the site	<p>The proposed changes reduce the number of car parking spaces, in direct response to the reduced gross floor area of the building and therefore the development is expected to have a reduced traffic generation and impact on the transport network.</p> <p>No changes are proposed to the approved access and servicing arrangements.</p> <p>For further detail, please refer to the Traffic Assessment prepared by Stantec, included in Appendix E.</p>
Does not introduce new impacts or increase the severity of known impacts	The proposed change does not introduce new impacts or increase the severity of known impacts.
Does not remove and incentive or offset component that would have balanced a negative impact of the development	The proposed changes superior design outcomes and other sufficient grounds forming part of the Amendment Approval does not represent the removal of an incentive component. The proposed changes to sufficient grounds reflect the reduction in the nature and extent of the non-compliances, in particular the removal of the building height non-compliance.
Does not impact on infrastructure provisions	The proposed changes result in an overall reduction in the gross floor area of Tower 1 and hence will not impact on infrastructure provision. It is anticipated that the changed outcome will have less of a demand on the infrastructure networks.

5.2 Assessment against Applicable Planning Framework

Section 87 of the ED Act provides the matters to which MEDQ must consider in assessing the Amendment Application (which are consistent with the assessment of any PDA development application). This includes: the main purpose of the ED Act; any relevant State interest; any submissions made about the application; and the development scheme.

Relevant aspects to the assessment of the Amendment Application are provided below.

- The development continues to further the main purpose of the ED Act, being “to facilitate economic development, and development for community purposes, in the State”. The project is leased and shovel ready, pending approval of this Amendment Application.
- The proposed amendments do not alter the development’s assessment against any relevant State interest.
- One (1) properly made submission was received during the public notification period of the original application. The one submission was in support.
- The proposed changes to the development will not alter the approved development’s compliance with the town planning framework applicable at the time the original application was made or the matters that apply at the time this Amendment Application is made.

- The original application was assessed against the applicable provisions of the Bowen Hills PDA Development Scheme (effective on 3 July 2009). The proposal remains consistent at the time of this change application with the assessment benchmarks of the Bowen Hills PDA Development Scheme.
- Relevantly, the change to the building height aligns with the building height for the Mixed Business and Industry Zone under the current Development Scheme (and the building height under the Development Scheme applicable to the original application) and therefore the change increases the development's compliance with the planning framework.

6. Summary

This Town Planning Assessment in respect of the proposed Amendment Application for the development approval at 12-18 Thompson Street, Bowen Hills, has assessed the proposed changes having regard to the relevant statutory town planning framework of the ED Act.

This Town Planning Assessment concludes that the proposed Amendment Application satisfies the relevant statutory town planning framework.

We recommend that the Amendment Application be approved, with the drawings and documents, and conditions updated as per the recommendations identified within this Town Planning Assessment.