



Department of
State Development and Infrastructure

Our ref: DEV2021/1200/11
Your ref: 10591

03 April 2024

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

Email: AnnaHavill@saundershavill.com

Dear Anna

Section 99 Approval - Application to Change PDA Development Approval

Material Change of Use for Temporary Events at 33, 89, 97, 175, 189, 221, 221D, 221E, 257 & 281 Macarthur Avenue and 18 Bincote Street, Hamilton described as Lot 900 on SP257483, Lot 301 on SP257483, Lot 711 on SL4546, Lot 303 on SP338484 (*Formerly Described as part Lot 302 SP257483*), Lot 1 on SP338484 (*Formerly Described as part Lot 302 SP257483*), Lot 2 on SP338484 (*Formerly Described as part Lot 302 SP257483*), Lot 302 on SP338484 (*Formerly Described as part Lot 302 SP257483*), Lot 1201 on SP160055, Lot 1202 on SP160055, Lot 1302 on SP195300 and Lot 10 on SP335049

On 03 April 2024 the Minister for Economic Development Queensland (MEDQ) decided to grant **all** of the amendment application applied for, subject to PDA development conditions set out in this PDA decision notice.

The PDA decision notice and approved plans/documents can be viewed in the MEDQ Development Approvals Register via the Department website www.dsdilqp.qld.gov.au/pda-da-applications.

If you require any further information, please contact Ms Chessa Lao, Planner, Development Assessment, in Economic Development Queensland, by telephone on (07) 3452 7425 or at Chessa.Lao@dsdilqp.qld.gov.au, who will assist.

Yours sincerely

Beatriz Gomez
Director
Development Assessment
Economic Development Queensland

PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Northshore Hamilton	
Site address	33, 89, 97, 175, 189, 221, 221D, 221E, 257 & 281 Macarthur Avenue and 18 Bincote Street, Hamilton	
Lot on plan description	Lot number	Plan description
	Lot 900	SP257483
	Lot 301	SP257483
	Lot 711	SL4546
	Lot 303	SP338484 (Formerly Described as part Lot 302 SP257483)
	Lot 1	SP338484 (Formerly Described as part Lot 302 SP257483)
	Lot 2	SP338484 (Formerly Described as part Lot 302 SP257483)
	Lot 302	SP338484 (Formerly Described as part Lot 302 SP257483)
	Lot 1201	SP160055
	Lot 1202	SP160055
	Lot 1302	SP195300
	Lot 10	SP335049
PDA development application details		
DEV reference number	DEV2021/1200/11	
'Properly made' date	08 February 2024	
Type of application	☐ PDA development application for: ☐ Material change of use ☐ Preliminary approval ☐ Development permit ☐ Reconfiguring a lot ☐ Preliminary approval ☐ Development permit ☐ Operational work ☐ Preliminary approval ☐ Development permit ☒ Application to change PDA development approval ☐ Application to extend currency period	
Description of proposal applied for	Material Change of Use for Temporary Events	

PDA development approval details	
Decision of the MEDQ	The MEDQ has decided to grant all of the PDA development approval applied for, subject to PDA development conditions forming part of this decision notice. The amendment approval is for: • Replace the Approved Land Use Plan (prepared by Landpartners) with the Proposed Events/Transitional Activations Location Plan (prepared by Saunders Havill Group). • Revised Land Use Plan (prepared by Landpartners) is added as a supporting document. • Removed <i>Schedule 1: Proposed Schedule of Temporary Activities</i> from the approved documents. • Addition of the definitions for Events, Transitional Activations and Temporary Events within the preamble of this Decision Notice. • Condition 2 – Duration of Interim use has been extended by 2 years and 5 months and part a) has been amended to include the specific end date for the duration of the interim use. • Condition 4 – Updated the condition to reflect the new <i>Events Local Law 2022</i>. Where the condition previously referred to an ‘Entertainment Event Permit’, it has been amended to refer to, ‘Self-Assessable event Permit or an Assessable Event Permit’. • Condition 5 – Removed as <i>Schedule 1: Proposed Schedule of Temporary Activities</i> has been removed. • Condition 5A – Added a new condition which replaces <i>Schedule 1: Proposed Schedule of Temporary Activities</i>. • Condition 7 – The wording has been amended to be more general and adaptable to a wider range of Transitional Activations. • Condition 10 – Amended to reflect the appropriate recipient for the submitted documentation. The documentation title has also been amended to ‘Contamination Assessment’ (where previously it was ‘Site Contamination Risk Assessment’). • Condition 13 – Amended to add an additional requirement under part a) to ensure that each Temporary Event has adequate car parking. • Condition 14 – Amended to reflect the appropriate recipient for the submitted documentation. • Condition 18 – Amended to provide clarity on when the infrastructure charges is payable.
Original Decision date	28 July 2022
Change to approval date	03 April 2024
Currency period	6 years from the original decision date

Approved plans and documents			
The plans and documents approved by the MEDQ and referred to in the PDA development conditions for the PDA development approval are detailed below.			
Approved plans and documents		Number	Date
1.	Proposed Events/Transitional Activations Location Plan, prepared by Saunders Havill Group	10591 P 01 Rev C – CON 01	23/02/2024
Plans and documents previously approved on 28 July 2022		Number	Date
1.	Schedule 2: Baseline Carparking Capacity Tech Memo, prepared by Cardno	CEB06642	28/09/2021
2.	Preliminary Hazard Assessment, prepared by iCubed	Version 2	1/07/2021
3.	Broadscale Contamination Assessment Northshore Hamilton, prepared by Butler Partners		26/08/2021
4.	Draft Preliminary Contamination Assessment Industrial Site – Revision One prepared by Butler Partners	CBRE Project no 018-150M	4/07/2022
5.	Revised Events Site Tech Memo, prepared by Cardno	CEB06642	27/09/2021
6.	Serviceability Report, prepared by Bornhorst & Ward	Rev C	Jan 2022
7.	Linemarking Plan, prepared by Bornhorst and Ward	SK-C0008 Rev B	24/01/22
Supporting Plans and documents			
To remove any doubt, the following documents are not approved for the purposes of this PDA development approval, but rather are supporting documents.			
Supporting plans, reports and specifications		Number	Date
8.	Land Use Plan, prepared by Landpartners	BRMM7695-000-147-16	14/12/2023
Preamble, Abbreviations, and Definitions			
PREAMBLE For the purpose of interpreting this approval, including the conditions, the following applies: ABBREVIATIONS AND DEFINITIONS The following is a list of abbreviations utilised in this approval: Council means the relevant local government for the land the subject of this approval. DSDILGP means the Department of State Development, Infrastructure, Local Government and Planning. EDQ means Economic Development Queensland. EDQ DA means Economic Development Queensland's – Development Assessment team. EDQ IS means Economic Development Queensland's – Infrastructure Solutions team. EP Act means the <i>Environmental Protection Act 1994</i>. Event temporary buildings and structures mean any temporary stages, marquees or other temporary structures to be installed for and removed at the conclusion of a particular event. Examples of event temporary buildings and structures could include: - marquees			

- b. viewing towers
- c. tents
- d. spectator seating stands
- e. stages
- f. amenities
- g. refuse storage areas etc.

8. **Event/s** means any temporary pop-up activities with a duration of no more than four (4) months, unless otherwise agreed to in writing by the Director EDQ-DA.
9. **MEDQ** means the Minister for Economic Development Queensland.
10. **PDA** means Priority Development Area.
11. **Transitional Activation/s** means any temporary land use with a duration of more than four (4) months (unless otherwise agreed to in writing by the Director EDQ-DA), which may involve semi-permanent structures/improvements, but do not extend beyond the life of the PDA Development Approval. All Transitional Activations will need to be approved via Compliance Assessment application, pursuant to the conditions of this approval.
12. **Temporary Events** refers to both Events and Transitional Activations as defined under this approval
13. **RPEQ** means Registered Professional Engineer of Queensland.

Compliance assessment

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

- a) The applicant must:
 - i) pay to MEDQ at the time of submission the relevant fee for Compliance Assessment, including any third party peer review costs which will be charged on a 100% cost recovery basis. The Compliance Assessment fees are set out in EDQ Development Assessment Fees and Charges Schedule¹ (as amended from time to time).
 - ii) submit to EDQ DA a duly completed Compliance Assessment form².
 - iii) submit to EDQ DA the documentation as required under the relevant condition.
- b) Where EDQ is satisfied the documentation submitted for Compliance Assessment meets the requirements of the relevant condition (or element of the condition), EDQ will endorse the documentation and advise by written notice.
- c) Compliance Assessment and endorsement can be repeated where a different design or solution, to that already endorsed, is sought.
- d) The process and timeframes that apply to Compliance Assessment are as follows:
 - i) applicant submits items required under a) above to EDQ DA for Compliance Assessment.
 - ii) **within 20 business days** – EDQ assesses the documentation and:

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

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

1. if satisfied, endorses the documentation; or
 2. if not satisfied, notifies the applicant accordingly.
- iii) if the applicant is notified under ii.2. above, revised documentation must be submitted **within 20 business days** from the date of notification.
- iv) **within 20 business days** – EDQ assesses the revised documentation and:
1. if satisfied, endorses the revised documentation; or
 2. if not satisfied, notifies the applicant accordingly.
- v) where EDQ notifies the applicant as stated under iv.2. above, repeat steps iii. and iv. above. If either party is not satisfied by the outcome of this process, that party can elect to enter into a mediation process with an independent mediator agreed to by both parties.

Despite note v. above, the condition (or element of the condition) is determined to have been met only when EDQ endorses relevant documentation.

Submitting Documentation to EDQ

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

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

PDA Development Conditions

No.	Condition	Timing
1.	Carry out the approved development Carry out the approved development generally in accordance with the approved plans and/or documents.	Prior to commencement of use and to be maintained
2.	Duration of Interim Use (8 years and 5 months) a) This PDA development approval is in effect up to 31 December 2030. b) Submit to the EDQ DA, a decommissioning strategy for compliance assessment outlining how all buildings and constructed infrastructure as a result of the PDA development approval, will be removed and the site rehabilitated to its original state (unless otherwise approved in writing by EDQ DA that buildings and constructed infrastructure can remain). c) Carry out all necessary works as a result of part b) of this condition.	a) As indicated b) Six (6) months prior to the expiry of the duration of use indicated in part a) of this condition c) Within three (3) months of the expiry of the duration of use indicated in part a) of this condition
3.	Enter into a Licence Agreement or Lease with the landowner Each prospective activity/event operator, that is not the landowner, must enter into a Licence Agreement or Lease with the landowner prior to the commencement of each respective activity/event.	Prior to the commencement of use

4.	Compliance Assessment – Event Management Plan a) Where a Self-Assessable Event Permit or an Assessable Event Permit is not required to be obtained from Brisbane City Council, and the event involves more than 500 people*, submit to EDQ DA, for compliance assessment an Event Management Plan detailing: • an access and car parking plan (which includes all car parking spaces, aisles and access arrangements and which nominates any PWD or VIP parking that may be proposed/required); • a traffic management plan prepared by a suitably qualified and experienced person/entity (which involves all vehicular movements generated by the operator's use and addresses, proposed staffing and/or directional signage, traffic flow, safe pedestrian movement to, from and within the event and from any external car park or street parking relied upon); • hours of operation (noting the event is not to operate past 10pm), insurance, indemnity and release; • power and lighting management plan; • level of noise (noting local laws regulating noise in residential areas are to be adhered to), light and dust pollution; • emergency management plan; • provision of water supply and sanitary conveniences; • telecommunication provisions; • refuse storage and collection (timing of collection and RCV access arrangements are to be detailed in the traffic management plan); • an environment and complaints management plan (including communication strategy and details to be notified to the residential community proximate to the event site about the event); and • a general arrangement plan, showing temporary buildings/site improvements b) Where a Self-Assessable Event Permit or an Assessable Event Permit is required to be obtained from Brisbane City Council, submit the following details in writing to EDQ DA: • Summary of the event proposed to be located on the site; • Contact details of the event organiser; and • the proposed dates of commencement and cessation of the event and • A copy of the Brisbane City Council Self-Assessable Event Permit or an Assessable Event Permit. *Note: for events involving less than 500 people, the Event operator will still need to enter into a Licence Agreement with EDQ – Urban Development which will include a Events Checklist and risk assessment requirement.	a) A minimum of 2 weeks (for low tier events) and 4 weeks (for medium or high tier events) prior to the commencement of use b) Prior to the commencement of use
5.	(Removed)	(Removed)
5A	Transitional Activations and Events a) For the purposes of this approval, Transitional Activations and Events include the following land uses as defined within the Northshore Hamilton PDA Development Scheme: • Bar;	a) At all times.

	• Educational Establishment; • Food and Drink Outlet; • Function Facility; • Garden Centre; • Indoor Sport and Recreation; • Nature-Based Tourism; • Outdoor Sport and Recreation; • Shop; • Showroom; • Theatre; • Tourist Attraction; • Community Facility; • Office; and, • Research and Technology Industry. b) Any other use not listed in part a) is to be agreed to in writing by the Director EDQ-DA as being consistent with the Vision for Northshore’s waterfront precinct.	b) <u>For Transitional Activations:</u> Prior to commencement of site works. <u>For Events:</u> A minimum of 2 weeks (for low tier events) and 4 weeks (for medium to high tier events) prior to the commencement of use.																
6.	Event frequency Temporary activities/events to occur in the following tier-based system: <table><tr><td></td><td>Low tier</td><td>Medium tier</td><td>High tier</td></tr><tr><td>Patrons during course of each temporary event</td><td><2000 persons</td><td>2001-10,000 persons</td><td>>10,000 persons</td></tr><tr><td>Duration of each temporary event</td><td>Max. 2 weeks**</td><td>Max. 4 weeks</td><td>Max. 4 months ***</td></tr><tr><td>No. of each temporary events per year</td><td>No limit</td><td>No more than 6*</td><td>No more than 3</td></tr></table> *excluding regular ‘Market’ (Eat Street) that may occur daily in accordance with condition 7 (hours of operation). *** maximum duration of high tier events is 4 months unless otherwise agreed to in writing by Director, EDQ DA.		Low tier	Medium tier	High tier	Patrons during course of each temporary event	<2000 persons	2001-10,000 persons	>10,000 persons	Duration of each temporary event	Max. 2 weeks**	Max. 4 weeks	Max. 4 months ***	No. of each temporary events per year	No limit	No more than 6*	No more than 3	Ongoing
	Low tier	Medium tier	High tier															
Patrons during course of each temporary event	<2000 persons	2001-10,000 persons	>10,000 persons															
Duration of each temporary event	Max. 2 weeks**	Max. 4 weeks	Max. 4 months ***															
No. of each temporary events per year	No limit	No more than 6*	No more than 3															

7.	Hours of operation a) Outdoor sport and recreation (Tennis Courts): 6am to 10pm, 7 days a week. b) Market (Eat Street): i. Friday and Sunday (and Public Holidays that fall on these days) – 10am to 10pm. c) Unless otherwise agreed via a subsequent Compliance Assessment process, other 'Transitional Activations' do not operate after 10pm, with all venues vacated by 11pm. d) If a residential or mixed-use building is constructed within 150m of an individual Transitional Activation operating under this planning approval on any other area within the Proposed Events/Transitional Activations Location Area: i. the hours of operation are to be reduced to 8pm; or ii. submit to EDQ DA for compliance assessment a Management Plan (or plans) demonstrating how potential adverse impacts from Transitional Activations will be mitigated for the residents of the residential or mixed use building/s.	a) As indicated b) As indicated c) As indicated d) Prior to the occupation of the building by residents
8.	General Development Works Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footpaths, roads, kerb and channel and stormwater gullies and drain lines) that may occur during any works carried out in association with the approved events.	Prior to commencement of use and at end of an activity/event
9.	Compliance Assessment - Schedule 1 - Transitional Activations - temporary buildings and structures a) Where the construction of non-Event temporary buildings and/or structures is proposed, submit to EDQ DA for compliance assessment, plans/supporting information demonstrating the proposed building and/or structure is temporary in nature, and a full set of plans with dimensions (site plan, floor plans, elevations, sections, roof plans, building materials, a materials schedule etc.) must be prepared by a suitably qualified professional, and detail the following: i. site location ii. site size and configuration (with dimensions) iii. building height, gross floor area and site cover iv. interface with existing and proposed adjoining development (both internal and external to the site where relevant); v. parking and servicing arrangements; vi. site servicing – including sewerage, water supply, stormwater management, electricity, telecommunications; vii. Earthworks plans detailing proposed works and how they tie in with adjoining land; viii. an RPEQ certified, car parking demand analysis, for the proposed 'transitional activation' demonstrating any changes to peak demand; and ix. any other information deemed necessary by the MEDQ at the time of assessment	a) Prior to commencement of works on site for temporary buildings and structures

	b) Carry out works in accordance with the compliance assessment endorsement provided under part a) of this condition. c) Transitional activations must not be located within 10m of the riverfront.	b) Prior to the commencement of the relevant transitional activation c) At all times and to be maintained
10.	Compliance Assessment - Site suitability a) Where earthworks or other activities are proposed that disturb the surface of the land or where a built enclosed structure is to be constructed, submit to EDQ – IS for compliance assessment, a site specific Contamination Assessment having proper regard to the proposed works and end use. b) Carry out works in accordance with the compliance endorsement required under part a) of this condition.	a) At all times b) Prior to commencement of any surface disturbing activities
11.	Public Access Provide and maintain unimpeded and safe public access including lighting within and around the site and ensure that access ways are designed to cater for disabled persons in accordance with “Australian Standard AS1428.1”.	Prior to commencement of use and then to be maintained
12.	Construction Management Plan (Schedule 1 - Transitional Activations - temporary buildings) a) Submit to EDQ IS, a site-based Construction Management Plan (CMP), prepared by the principal site contractor and reviewed by a suitably qualified and experienced person responsible for overseeing the site works, to manage construction impacts, including: i. noise and dust in accordance with the EP Act; ii. stormwater flows around and through the site without increasing the concentration of total suspended solids or Prescribed Water Contaminants (as defined in the EP Act), causing erosion, creating any ponding and causing any actionable nuisance to upstream and downstream properties; iii. contaminated land, where required under a site suitability statement prepared in accordance with section 389 of the EP Act; iv. complaints procedures; v. site management: 1. for the provision of safe and functional alternative pedestrian routes, past, through or around the site; 2. to mitigate impacts to public sector entity assets, including street trees, on or external to the site; 3. for safe and functional temporary vehicular access points and frequency of use; 4. for the safe and functional loading and unloading of materials including the location of any remote loading sites; 5. for the location of materials, structures, plant and equipment;	a) Prior to the commencement of site works

	6. of waste generated by construction activities; 7. detailing how materials are to be loaded and / or unloaded; 8. of proposed external hoardings and gantries (with clearances to street furniture and other public sector entity assets); 9. of employee and visitor parking areas; 10. of anticipated staging and programming; 11. for the provision of safe and functional emergency exit routes; and 12. any out of hours work as endorsed via Compliance Assessment. b) A copy of the CMP submitted under part a) of this condition must be current and available on site. c) Carry out all construction work generally in accordance with the CMP submitted under part a) of this condition.	b) At all times c) As indicated
13.	Car parking (Schedule 1 - Transitional Activations - temporary buildings) a) Where a transitional activation use requires a specific car parking area, submit to EDQ – IS, an updated car parking layout plan in accordance with Schedule 2: Baseline Carparking Capacity Tech Memo, prepared by Cardno, CEB06642, dated 28/09/21 and AS2890- Parking Facilities which includes: - any signs and line marking - a traffic technical memo, to demonstrate no adverse impact arising from a net loss of car parking bays on site - all current Transitional Activations / Events / leases and the respective number of car parking spaces utilised by each tenancy. b) Construct the works generally in accordance with the certified plans required under part a) of this condition	a) Prior to commencement of site works for the relevant transitional activation. b) Prior to commencement of use.
14.	Compliance Assessment - Contamination Management Plan c) Submit to EDQ IS, for compliance assessment, a contamination management plan for the removal of any Ilmenite from the site, endorsed by QLD Health, generally in accordance with the Draft Preliminary Contamination Assessment Industrial Site – Revision One prepared by Butler Partners dated 4 July 2022. d) Carry out necessary works in accordance with the recommendations in the report required under part a) of this condition.	a) Prior to the removal of any Ilmenite from the site. b) Prior to commencement of any activities on site
15.	Outdoor lighting Outdoor lighting within the site shall be designed and installed in accordance with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.	At all times

16.	Hours of work – construction Unless otherwise endorsed, via Compliance Assessment for out of hours work, construction hours for any approved activity are limited to Monday to Saturday between 6.30am to 6.30pm, excluding public holidays.	At all times during construction
17.	Out of hours – Compliance Assessment a) Where out of hours work is proposed, submit to EDQ DA, for Compliance Assessment, an out of hours work request. The out of hours work request must include payment of the applicable fee and a duly completed out of hours work request form. b) Undertake all out-of-hours works in accordance with the approval obtained under part a) of this condition.	a) Min. 10 business days prior to proposed out of hours work commencement date b) At all times
Infrastructure		
18.	Infrastructure Charges According to Appendix 7 – Interim use charges conditions: Infrastructure charges are payable on approved Transitional Activations after 28 July 2028 in accordance with the DCOP as amended from time to time. Infrastructure charges are not applicable to Events occurring under Condition 6 for a period of less than four (4) months (unless otherwise agreed to in writing by Director EDQ-DA).	At all times

STANDARD ADVICE

Please note that to lawfully undertake development, it may be necessary to obtain approvals other than this PDA development approval. For advice on other approvals that may be necessary in relation to your proposal, it is recommended that you seek professional advice.

Other Approvals/Licences

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

Noise and Dust Emissions

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

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

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

**** End of Package ****