



Our ref: DEV2023/1392/2

24 July 2024

Hungry Jack's Pty Ltd
C/- Hickey Oatley Planning and Development Pty Ltd
Att: Ms Mia Hickey
PO Box 70
NEW FARM QLD 4005

Email: Mia@hickeyoatley.com.au

Dear Ms Hickey

Section 99 Approval - Application to Change PDA Development Approval
Material Change of Use for a Food and Drink Outlet at 270 Abbotsford Road, Bowen Hills described as Lot 10 on SP335757

On 24 July 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 [Current applications and approvals](#).

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@edq.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)	Bowen Hills	
Site address	270 Abbotsford Road, Bowen Hills	
Lot on plan description	Lot number	Plan description
	10	SP335757
PDA development application details		
DEV reference number	DEV2023/1392/2	
'Properly made' date	29 May 2024	
Type of application	<input type="checkbox"/> PDA development application for: <ul style="list-style-type: none"> <input type="checkbox"/> Material change of use <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input type="checkbox"/> Reconfiguring a lot <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input type="checkbox"/> Operational work <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input checked="" type="checkbox"/> Application to change PDA development approval <input type="checkbox"/> Application to extend currency period	
Description of proposal applied for	Material Change of Use for a Food and Drink Outlet	
PDA development approval details		
Decision of the MEDQ	<p>The MEDQ has decided to grant <u>all</u> of the PDA development approval applied for, <u>subject to</u> PDA development conditions forming part of this decision notice</p> <p>The approval is for:</p> <ul style="list-style-type: none"> • Amended Condition 27 – Sustainability and Efficiency. • Updated Condition 28 with correct plan references. • Added Condition 2A – Outdoor Dining Area. • Built form amendments: <ul style="list-style-type: none"> ○ Amended pedestrian entry from Abbotsford Road. ○ Added walk up window to the outdoor dining area. ○ Added lightweight sheet roofing over the external bin area. ○ Added two (2) 5kL rainwater tanks. ○ Added screening on Taylor Street front boundary and staff car parking. 	
Original Decision date	01 September 2023	
Change to approval date	24 July 2024	
Currency period	6 years from the original decision date	

Assessment Team	
Assessment Manager (Lead)	Chessa Lao, Planner, EDQ DA
Manager	Peita McCulloch, Manager, EDQ DA
Engineer	Sanjib Bhowmick, Senior Engineer, EDQ IS
Delegate	Beatriz Gomez, Director, EDQ DA

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.	Site Plan, prepared by KAS Architects	A001, Rev. 3	16 July 2024
2.	Signage Location & Linemarking Plan, prepared by KAS Architects	A011, Rev. 1	16 July 2024
3.	Site Signage Details 1 of 3, prepared by KAS Architects	A012, Rev. 1	16 July 2024
4.	Site Signage Details 2 of 3, prepared by KAS Architects	A013, Rev. 1	16 July 2024
5.	Site Signage Details 3 of 3, prepared by KAS Architects	A014, Rev. 1	16 July 2024
6.	Proposed Floor Plan, prepared by KAS Architects	A101, Rev. 9	16 July 2024
7.	Elevations 1 of 2, prepared by KAS Architects	A201, Rev. 3	16 July 2024
8.	Elevations 2 of 2, prepared by KAS Architects	A202, Rev. E	10 April 2024 (Amended In Red 17 July 2024)
Plans and documents previously approved on 01 September 2024		Number	Date
1.	Landscape Concept Plan, prepared by LAUDink, Rev: E	2208-015 as amended in red 23/08/2023	14/07/2023
2.	Civil Engineering Assessment Report, prepared by HCE Engineers, Rev: 3	22224	20/07/2023
Supporting plans and documents		Number	Date
3.	254-270 Abbotsford Road, Bowen Hills – Traffic Impact Assessment, prepared by Pekol Traffic and Transport, Rev.: D	23-114	24/07/2023
4.	Stormwater Management Plan, prepared by HCE Engineers, Rev: 3	22224	20/07/2023

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:

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

BFP means Building Format Plan.

BASIC (SLOW) CHARGERS means an electric vehicle charging facility on a dedicated electrical circuit, typically used in long park situations such as dwellings and workplaces. Basic (slow) EV chargers use AC (240 volts) power and require a minimum 20 Amps, as well as installation of an Electric Vehicle Supply Equipment (EVSE) unit capable of supplying up to 7kW of power.

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

CONTRIBUTED ASSET means an asset constructed under a PDA development approval or Infrastructure Agreement that will become the responsibility of an External Authority. For the purposes of operational works for a Contributed Asset, the following definitions apply:

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

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

DCOP means the Development Charges and Offset Plan that applies to the PDA as amended or replaced from time to time.

DESTINATION (REGULAR) CHARGERS means an electric vehicle charging facility capable of supplying up to 25kW of power. Destination (regular) charging is typically used for short term parking, up to 2 hours duration. Destination (regular) charging usually requires three-phase (415 volts) power with 20-32 Amps. However, if three-phase power is unavailable, single-phase power with 40 Amps is acceptable.

EDQ means Economic Development Queensland.

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

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

EP Act means the *Environmental Protection Act 1994*.

MEDQ means the Minister for Economic Development Queensland.

PDA means Priority Development Area.

RPEQ means Registered Professional Engineer of Queensland.

Compliance assessment

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

- a) The applicant must:
 - i) pay to MEDQ at the time of submission the relevant fee for Compliance Assessment, including any third party peer review costs which will be charged on a 100% cost recovery basis. The Compliance Assessment fees are set out in EDQ Development Assessment Fees and Charges Schedule¹ (as amended from time to time).
 - ii) submit to EDQ DA a duly completed Compliance Assessment form².
 - iii) submit to EDQ DA the documentation as required under the relevant condition.
- b) Where EDQ is satisfied the documentation submitted for Compliance Assessment meets the requirements of the relevant condition (or element of the condition), EDQ will endorse the documentation and advise by written notice.
- c) Compliance Assessment and endorsement can be repeated where a different design or solution, to that already endorsed, is sought.
- d) The process and timeframes that apply to Compliance Assessment are as follows:
 - i) applicant submits items required under a) above to EDQ DA for Compliance Assessment.
 - ii) **within 20 business days** – EDQ assesses the documentation and:
 1. if satisfied, endorses the documentation; or
 2. if not satisfied, notifies the applicant accordingly.
 - iii) if the applicant is notified under ii.2. above, revised documentation must be submitted **within 20 business days** from the date of notification.
 - iv) **within 20 business days** – EDQ assesses the revised documentation and:
 1. if satisfied, endorses the revised documentation; or
 2. if not satisfied, notifies the applicant accordingly.
 - v) where EDQ notifies the applicant as stated under iv.2. above, repeat steps iii. and iv. above. If either party is not satisfied by the outcome of this process, that party can elect to enter into a mediation process with an independent mediator agreed to by both parties.

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.

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@edq.qld.gov.au
- b) EDQ IS: PrePostConstruction@edq.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 documents and any other documentation endorsed via Compliance Assessment as required by these conditions.	Prior to commencement of use
2.	Maintain the approved development Maintain the approved development generally in accordance with the approved plans and documents and any other documentation endorsed via Compliance Assessment as required by these conditions.	At all times following commencement of use
2A.	Outdoor Dining Area The approved outdoor dining area must be constructed and maintained in accordance with the approval and must remain unenclosed with no shutters, screens, additional walls or doors, other than as shown in <i>Proposed Floor Plan</i> , prepared by KAS Architects (dwg no. A101 Rev. 9, dated 16 July 2024).	At all times
Construction management		
3.	Hours of Work – Construction Unless otherwise endorsed, via Compliance Assessment for out of hours work, construction hours for the approved development are limited to Monday to Saturday between 6:30am to 6:30pm, excluding public holidays.	During construction unless otherwise endorsed
4.	Out of Hours Work – Compliance Assessment Where out of hours work is proposed, submit to EDQ DA, for Compliance Assessment, an out of hours work request. The out of hours work request must include a duly completed out of hours work request form ³ .	Minimum of 10 business days prior to proposed out of hours work commencement date

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

PDA Development Conditions		
No.	Condition	Timing
7.	Erosion and Sediment Management <p>a) Submit to EDQ IS an Erosion and Sediment Control Plan (ESCP), certified by a RPEQ or an accredited professional in erosion and sediment control, and prepared generally in accordance with the following:</p> <ul style="list-style-type: none"> i) construction phase stormwater management design objectives of the <i>State Planning Policy 2017</i> (Appendix 2 Table A); ii) <i>Healthy Land and Water Technical Note: Complying with the SPP – Sediment Management on Construction Sites</i>. <p>b) Implement the certified ESCP submitted under part a) of this condition.</p>	<p>a) Prior to commencing work</p> <p>b) During construction</p>
8.	Traffic Management Plan <p>a) Submit to EDQ IS a Traffic Management Plan (TMP), certified by a person holding a current Traffic Management Design qualification. The TMP must include the following:</p> <ul style="list-style-type: none"> i) provision for the safe and functional management of traffic around and through the site during and outside of construction work hours; ii) provision for the safe and functional management of pedestrian traffic, including alternative pedestrian routes past, through or around the site; iii) provision of parking for workers and materials delivery; iv) risk identification, assessment and identification of mitigation measures; v) ongoing monitoring, management review and certified updates (as required); and vi) traffic control plans and/or traffic control diagrams, prepared in accordance with <i>Austroads Guide to Temporary Traffic Management</i>, for any temporary part or full road closures. <p>b) Carry out all construction work generally in accordance with the certified TMP submitted under part a) of this condition, which is to be current and available on site.</p> <p><i>NOTE: Operational traffic changes, such as temporary and permanent lane modifications, relaxation of clearway zone hours or footpath closures may require authorisation from Council or DTMR as road manager. It is recommended that applicants engage directly with the applicable road manager.</i></p>	<p>a) Prior to commencing work</p> <p>b) During construction</p>
9.	Public Infrastructure (Damage, Repairs and Relocation) <p>a) Repair any damage to existing public infrastructure caused by works carried out in association with the approved development.</p> <p>b) Where existing public infrastructure require repair or relocation, due to the approved development and/or works associated with the approved development, repair and/or relocate the public</p>	<p>a) Prior to commencement of use</p> <p>b) Prior to commencement of use</p>

PDA Development Conditions		
No.	Condition	Timing
	<p>infrastructure at no cost to others and in accordance with statutory requirements and the External Authority's design standards.</p> <p><i>NOTE: It is recommended applicants record their own dated photographic evidence of the condition of relevant existing public infrastructure both before and after works carried out in association with the approved development.</i></p>	
10.	<p>Earthworks</p> <p>a) Submit to EDQ IS 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</i> and the approved Civil Engineering Assessment Report, prepared by HCE Engineers and dated 20 July 2023. <p>The certified earthworks plans are to:</p> <ol style="list-style-type: none"> include a geotechnical soils assessment of the site; accord with the Erosion and Sediment Control Plans, as required by condition 7 – Erosion and sediment management; include the location and finished surface levels of any cut and/or fill; detail areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation; provide details of any areas where surplus soils are to be stockpiled; detail protection measures to: <ol style="list-style-type: none"> ensure adjoining properties and roads are not impacted by ponding or nuisance stormwater resulting from earthworks associated with the approved development; preserve all drainage structures from structural loading impacts resulting from earthworks associated with the approved development; and 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 IS RPEQ certification that:</p> <ol style="list-style-type: none"> all earthworks have been carried out generally in accordance with the certified plans submitted under part a) of this condition; and any unsuitable material encountered has been treated or replaced with suitable material. 	<p>a) Prior to commencing earthworks</p> <p>b) Prior to commencement of use</p> <p>c) Prior to commencement of use or BFP endorsement, whichever occurs first.</p>

PDA Development Conditions		
No.	Condition	Timing
11.	Acid Sulfate Soils Management Plan <ul style="list-style-type: none"> a) Where on-site Acid Sulfate Soils (ASS) are encountered, submit to EDQ IS an ASS Management Plan, prepared in accordance with the <i>Queensland Acid Sulfate Soil Technical Manual Soil Management Guidelines v4.0 2014</i> (as amended from time to time). b) Excavate, remove and/or treat on site all disturbed ASS generally in accordance with the ASS Management Plan submitted under part a) of this condition. c) Submit to EDQ IS a Validation Report, certified by a suitably qualified environmental or soil scientist, confirming that all earthworks have been carried out in accordance with the ASS Management Plan submitted under part b) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of or during earthworks b) Prior to commencement of use c) Prior to commencement of use or BFP endorsement, whichever occurs first.
12.	Vehicle Access <p>Construct a vehicle crossover:</p> <ul style="list-style-type: none"> a) located generally in accordance with the approved plans; and b) designed generally in accordance with Brisbane City Council's adopted standards for a Type B1 Vehicle Crossing. 	Prior to commencement of use
13.	Car Parking <ul style="list-style-type: none"> a) Construct, sign and delineate car parking spaces (including Accessible Parking Bays) generally in accordance with <i>Australian Standard AS2890 – Parking Facilities</i> and the approved plans. b) Submit to EDQ IS RPEQ certification that parking facilities have been constructed in accordance with part a) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of use b) Prior to commencement of use
14.	Electric Vehicle Readiness <ul style="list-style-type: none"> a) Include electric vehicle readiness in the development as follows: <ul style="list-style-type: none"> i) Provision of electrical capacity for Basic (slow) EVSE chargers to all non-visitor parking bays, including provision of dedicated conduits and circuits to individual parking bays; and ii) Installation of a Destination (regular) EVSE chargers to at least one (1) visitor parking bay. b) Electric vehicle charging shall be: <ul style="list-style-type: none"> i) capable of electrical load control to manage the development's electricity demand profile in the context of the network supply profile; and ii) designed with regard to fire retardance and ventilation. c) Submit to EDQ TS, certified evidence from a suitably qualified and experienced electrical engineer, that the electric vehicle 	For all parts of this condition, prior to commencement of the use

PDA Development Conditions		
No.	Condition	Timing
	readiness required by parts a) and b) of this condition has been provided.	
15.	Bicycle Parking Construct, sign and delineate bicycle parking facilities generally in accordance with <i>Australian Standard AS2890.3 – 1993 Bicycle parking facilities</i> and the approved plans.	Prior to commencement of use
16.	Water Connection Connect the approved development to the existing water reticulation network generally in accordance with Councils current adopted standards.	Prior to commencement of use
17.	Sewer Connection Connect the approved development to the existing sewer reticulation network generally in accordance with Councils current adopted standards.	Prior to commencement of use
18.	Stormwater Connection Connect the approved development to a lawful point of discharge generally in accordance with the approved plans with 'no-worsening' to upstream or downstream properties for storm events up to 1% Annual Exceedance Probability, and generally in accordance with Council's current adopted standards.	Prior to commencement of use or BFP endorsement, whichever occurs first.
19.	Stormwater Management (Quality) a) Submit to EDQ IS detailed engineering drawings, certified by a RPEQ, for stormwater treatment devices designed generally in accordance with PDA Guideline No. 13 Engineering standards – Stormwater quality b) Construct stormwater works generally in accordance with the certified plans submitted under part a) of this condition.	a) Prior to commencement of stormwater works b) Prior to commencement of use
20.	Electricity a) Submit to EDQ IS a Certificate of Electricity Supply from Energex for the provision of electricity supply to the approved development. b) Connect the approved development in accordance with the Certificate of Electricity Supply submitted under part a) of this condition.	a) Prior to commencement of use b) Prior to commencement of use

PDA Development Conditions		
No.	Condition	Timing
21.	Telecommunications <ul style="list-style-type: none"> a) Submit to EDQ IS documentation from an authorised telecommunication service provider confirming that an agreement has been entered into for the provision of underground telecommunication services to the approved development. b) Connect the approved development in accordance with the documentation submitted under part a) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of use b) Prior to commencement of use
22.	Broadband <ul style="list-style-type: none"> a) Submit to EDQ IS written agreement, from an authorised telecommunications service provider, confirming that fibre-ready pit and pipe infrastructure designed to service the approved development can accommodate services compliant with <i>Industry Guideline G645:2017 Fibre-Ready Pit and Pipe Specification for Real Estate Development Projects</i>. b) Construct the fibre-ready pit and pipe infrastructure specified in the agreement submitted under part a) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of use b) Prior to commencement of use
23.	Landscape Works <ul style="list-style-type: none"> a) Submit to EDQ IS detailed landscape plans, certified by an AILA, for the development's landscape works. The detailed landscape plans must be designed generally in accordance with the approved Landscape Concept Plan, prepared by LAUDink, Job No.: 2208-015 and dated 14 July 2023 and incorporate any amendments required in response to providing Stormwater Management (Quality) Infrastructure in accordance with Condition 19 above. b) Construct landscape works generally in accordance with the certified plans submitted under part a) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of building work. b) Prior to commencement of use
24.	Refuse Collection <ul style="list-style-type: none"> a) Submit to EDQ IS evidence of approved refuse collection arrangements, from Council or a private waste contractor, for general waste, recycling (including glass) and cardboard waste for the approved development. b) Implement the refuse collection arrangements submitted under part a) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of use b) At all times following commencement of use
25.	Outdoor Lighting <p>Outdoor lighting within the site is to be designed and constructed in accordance with <i>Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>	<p>Prior to commencement of use</p>

PDA Development Conditions		
No.	Condition	Timing
26.	<p>Streetscape Works</p> <p>a) Submit to EDQ DA, detailed streetscape works drawings, certified by an AILA, for proposed streetscape works, including a schedule of proposed standard and non-standard Contributed Assets to be transferred to Council. The streetscape works must be designed generally in accordance with the following approved plans/ documents:</p> <p>i) Landscape Concept Plan, prepared by LAUDink, Job No.: 2208-015 and dated 14 July 2023.</p> <p>The certified drawings are to include, where relevant:</p> <ol style="list-style-type: none"> 1. location and type of street lighting in accordance with AS1158 –<i>Lighting for Roads and Public Spaces</i>; 2. footpath treatments; 3. location and specifications of streetscape furniture; and 4. street trees and plants, including species, size and location generally in accordance with Council's adopted planting schedules and guidelines. <p>b) Construct streetscape works generally in accordance with the streetscape plans endorsed under part a) of this condition.</p> <p>c) Submit to EDQ IS 'as constructed' plans, certified by an AILA, and asset register in a format acceptable to Council.</p>	<p>a) Prior to commencement of streetscape works</p> <p>b) Prior to commencement of use</p> <p>c) Prior to commencement of use</p>
27.	<p>Sustainability and Efficiency</p> <p>a) Construct the approved development to achieve one of the following sustainability ratings:</p> <ol style="list-style-type: none"> ii) a minimum 6 leaf EnviroDevelopment certification iii) a minimum 4 star Green Star Buildings certification, or iv) an equivalent rating under an alternative rating system. <p>b) Submit to EDQ IS a report prepared by a suitably qualified sustainability consultant that the requirements of part a) of this condition have been met.</p> <p>c) Submit to EDQ IS evidence of certification achieved under part a) of this condition</p>	<p>a) Prior to commencement of use</p> <p>b) Prior to commencement of use</p> <p>c) Within 12 months of commencement of use</p>
28.	<p>Road Dedication</p> <p>Dedicate as new road, land identified on the following approved plan as road widening and truncation:</p> <p>a) Proposed Site plan prepared by KAS Architects (dwg no. A001, Rev.3) and dated 16 July 2024.</p>	<p>Prior to commencement of use</p>

PDA Development Conditions		
No.	Condition	Timing
Infrastructure Contributions		
29.	Infrastructure Contributions Pay to the MEDQ infrastructure charges in accordance with the DCOP, in place at the date of payment. Certified construction plans detailing previous and proposed the GFA must be provided to the MEDQ prior to commencement of use for calculation of final charges.	In accordance with the DCOP.

STANDARD ADVICE

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

**** End of Package ****