

DEV2012/399

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

3 June 2013

Brookfield Residential Properties
C/- Ms Catherine Byrnes
RPS
PO Box 1559
FORTITUDE VALLEY QLD 4006

Dear Catherine

**SECTION 89(1)(a) PDA DEVELOPMENT APPROVAL FOR A PDA
DEVELOPMENT APPLICATION FOR A PDA DEVELOPMENT PERMIT AND
PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR
MULTIPLE RESIDENTIAL (31 DWELLING UNITS), SHOP, FOOD PREMISES AND
MEDICAL CENTRE AT 35A HERCULES STREET, HAMILTON DESCRIBED AS
LOT 910 ON SP172657 AND PART LOT 603 ON SP172640, LOT 605 ON
SP213403 AND COMMON PROPERTY ON SP172640**

On 30 May 2013 the Minister for Economic Development Queensland (MEDQ) approved the Priority Development Area (PDA) development application pursuant to s.85(4)(b) of the *Economic Development Act 2012*. MEDQ has decided to grant all of the PDA development approval applied for subject to PDA development conditions set out in the attached PDA Development Approval Package.

The PDA development application and the decision notice can also be viewed in the MEDQ Development Approvals Register via the MEDQ website <http://edq.qld.gov.au/infrastructure-and-planning/priority-development-area-development-approvals.html>.

Should you have any queries in relation to the decision notice, please do not hesitate to contact Brianna Fyffe on 3174 0206.

Yours Sincerely



Patrick Atkinson

Manager – Development Assessment

PDA Decision Notice – Approval

Site information		
Name of urban development area (PDA)	Northshore Hamilton	
Site address	35A Hercules Street, Hamilton	
Lot on plan description	Lot number	Lot description
	Lot 910	SP172657
	Part of Lot 603	SP172640
	Lot 605	SP213403
	Common Property	SP172640
PDA development application details		
MEDQ reference number	DEV2012/399	
Lodgement date	29 November 2012	
Type of application	☒ New development involving:- ☒ Material change of use ☒ Preliminary approval ☒ Development permit ☐ Reconfiguring a lot ☐ Preliminary approval ☐ Development permit ☐ Operational work ☐ Preliminary approval ☐ Development permit ☐ Changing a PDA development approval ☐ Extending the currency period of a PDA approval	
Description of proposal applied for	Multiple Residential (31 dwelling units), Shop, Food Premises, Medical Centre	

PDA development approval details

Decision of the MEDQ [delete other than the applicable decision]	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.
Decision date	30 May 2013
Currency period	4 Years from Decision Date

Plans and specification

The plans and specifications approved by the MEDQ and referred to in the PDA development conditions concerning the PDA development approval are detailed below.

Approved plans, reports and specifications		Number (if applicable)	Date (if applicable)
1.	Locality Context Plan	5325.3S.01 – (10)	13/03/2013
2.	Part Basement Level Plan	5325.3S.02 – (10)	13/03/2013
3.	Ground Level Plan	5325.3S.03 – (12)	13/03/2013, (Amended in Red 28/05/13)
4.	Level 1 Plan	5325.3S.04 – (11)	13/03/2013
5.	Level 2 & 3 Plans	5325.3S.05 – (10)	13/03/2013
6.	Level 4 & Roof Plans	5325.3S.06 – (6)	13/03/2013 (Amended in Red 28/05/13)
7.	East Elevation	5325.3S.07 – (12)	13/03/2013
8.	North Elevation	5325.3S.08 – (6)	13/03/2013
9.	West Elevation	5325.3S.09 – (13)	09/04/2013
10.	South Elevation	5325.3S.10 – (12)	13/03/2013
11.	Sections	5325.3S.11 – (11)	09/04/2013
12.	Typical Floor Plan	5325.3S.12 – (9)	13/03/2013
13.	Accessible Unit Plan	5325.3S.13 – (2)	13/03/2013
14.	Area Plans	5325.3S.14 – (9)	13/03/2013
15.	Small Balcony Handrail Detail	5325.3S.17 – (2)	13/03/2013
16.	Building 20: Proposed Residential & Retail Development Portside Landscape DA Package, prepared by Lat 27	12045.01_Portside DA Building 2- _A3_rev C	25 January 2013 (Amended in Red 28/05/13)
17.	Portside Wharf Development Building 20, Traffic Engineering Report, prepared by TTM	12BRT0348, Rev 2	12/12/2012
18.	Portside Building 20 Noise Impact Assessment, prepared by Acoustic Logic	20120601.1/1607A/R2JS, Rev 2	16/07/2012

19.	Waste Management Plan, prepared by EnviroCom Australia		February 2013
20.	Energy Compliance Report for Development Application, prepared by John Armsby	Final Report	17 January 2013
Supporting documents		Number	Date
21.	Engineering Report for the proposed mixed use development Building 20, prepared by Bornhorst + Ward	11464, Revision B	November 2012
PDA Development Conditions			
General/ Planning Requirements			
1.	Carry out the Approved Development Carry out the development generally in accordance with the approved plan(s), drawing(s) and document(s).	Prior to commencement of use and to be maintained	
2.	Complete all Operational Works Complete all operational work associated with this development approval, including work required by any of the conditions included in the Conditions Package. Such operational work is to be carried out generally in accordance with the approved drawing(s), and/or documents or, if requiring a further approval from the EDQ, in accordance with the relevant approval(s).	Prior to commencement of use	
3.	Maintain the Approved Development Maintain the approved development (including landscaping, parking, driveways and other external spaces) in accordance with the approved drawing(s) and/or documents, and any relevant engineering or other approval/s required by the conditions.	To be maintained	
4.	Approval of 'as constructed' sustainable design a) Ensure the development achieves a minimum 3 star rating with an average 3.5 star rating in accordance with the approved Energy Compliance Report for Development Application, prepared by John Armsby – Final Report dated 17 January 2013. b) Submit written confirmation from a suitably qualified sustainability professional to EDQ's Manager – Development Assessment certifying that the development has been constructed to meet the objectives and recommendations as outlined in the approved Energy Compliance Report for Development Application, prepared by John Armsby – Final Report dated 17 January 2013.	a) Prior to commencement of building works b) Prior to commencement of use	
5.	Affordable housing Submit to EDQ's Manager – Development Assessment, evidence that the development delivers affordable units that are affordable to rent by households on the median household	Prior to commencement of use	

	income for the Brisbane City Council local government area, in accordance with the approved plans.	
6.	Accessible housing Submit to EDQ's Manager – Development Assessment, evidence that the development delivers accessible units, in accordance with the approved plans.	Prior to commencement of use
7.	Lighting a) Enter into an agreement with an electricity supplier to provide a lighting system. b) Install and maintain a suitable system of lighting to operate from dusk to dawn within all areas where the public will be given access, including car parking areas. c) Ensure that all external lighting areas lights the building, particularly entrances and vegetated areas but does not overspill into other buildings or the sky. d) Ensure that all external lighting is in accordance with AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting so as not to cause nuisance to nearby residents or passing motorists. e) Ensure lighting over publically accessible footpaths covered by permanent awnings to a minimum of 20 lux (horizontal plane) at footpath level f) Ensure lighting is to be maintained by the owner of the building in a safe and good working order.	Prior to commencement of use and to be maintained
8.	Way finding Submit to EDQ's Manager – Development Assessment, details of clear and concise way finding signage from the basement car park to the entry of the building.	Prior to commencement of use
Architecture and Design		
9.	Window sill treatments Window sills on all ground floor and Shop tenancies are to be within 100-300mm above the corresponding footpath level. The use of reflective glass for all Shop at both Ground and Level 1 is not appropriate.	Prior to approval for building works
10.	Submit external details Submit to EDQ's Manager – Development Assessment: a) Facade treatments; b) Sun shading devices; and c) External materials, colours and finishes.	Prior to approval for building works
11.	Balcony design a) All balconies are to remain unenclosed. b) Balconies less than 9m ² are to be constructed in accordance with the approved Small Balcony Handrail Detail drawing number 5325.3S.17 – (2) dated 13/03/2013.	Prior to commencement of use and to be maintained

Engineering

12.	Flood Evacuation Management Plan (FEMP) Submit to EDQ Principal Engineer a flood evacuation management plan for the orderly evacuation of cars from the basement car parks in the event of a potential flood, prepared and certified by a suitably qualified and experienced professional. The FEMP shall be current and displayed on each level of the basement car parks at all times.	Prior to commencement of use
13.	Construction Management Plan a) Prepare and submit to EDQ Principal Engineer a site based construction management plan, certified by a Registered Professional Engineer of QLD (RPEQ) that includes but is not limited to: • A construction monitoring programme for the construction work. • Provision for the management of traffic around and through the site during and outside of construction work hours. • Provision for parking and materials delivery during and outside of construction hours of work. • Management of dust generated from the site during and outside construction work hours. • Management of sedimentation and erosion which complies with Brisbane City Council's Erosion and Sediment Control Standard (Version 9 or later). • Management of groundwater and surface water collection, treatment and disposal. • The construction does not pose a permanent or temporary obstruction or potential hazard to air craft movements in accordance with BCA, CASA and the Brisbane Airport Master Plan requirements. b) The construction management plan shall be prepared in consultation with the professionals responsible for individual site related management plans to ensure that all aspects of the construction and environmental management are included. The construction management plan shall be reviewed and approved by the principal consultant overseeing and certifying the construction works. c) All work shall be undertaken in accordance with the construction management plan which must be current and available on site at all times during the construction period.	a) Prior to commencement of site works b) As indicated c) While site works / operational works / building works are occurring
14.	Easements over Infrastructure Where public utilities are located on private land, public utility easements must be provided in favour and at no cost to the relevant service provider entities. The terms of the easements must be to the satisfaction of the Chief Executive Officers of the entities.	Prior to survey plan endorsement

15.	Filling and Excavation a) Submit to EDQ Principal Engineer an earthworks plan and cross sections (if required), checked and certified by a Registered Professional Engineer of Queensland (RPEQ-Civil). This is to be in accordance with Brisbane City Council's <i>Filling and Excavation Code</i> and <i>Subdivision and Development Guidelines</i>. b) Undertake all works in accordance with the endorsed plan required in part (a) and submit certification from a RPEQ specialising in geotechnical engineering stating that all constructed cut/fill batters and/or retaining structures have achieved adequate stability with a factor of safety greater than 1.5 and that all cut and fill operations have been carried out in accordance with <i>AS3798</i> and any unsuitable material encountered has been treated or replaced with suitable replacement material.	a) Prior to commencement of site works b) Prior to commencement of use.
16.	On site Erosion and Stormwater Runoff a) Prepare and submit to EDQ Principal Engineer an Erosion and Sediment Control (ESC) Management Plan for the site certified by a suitably qualified professional in accordance with the Healthy Waterways document "Controlling Stormwater Pollution on Your Building Site" 2006 (or later version) and Brisbane City Council's "Erosion and Sediment Control Standard" (Version 9 or later). b) Implement and maintain the ESC Management Plan on-site for the duration of the operational or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydro-mulched, concreted, landscaped). The prepared ESC Management Plan must be available on-site during these works.	a) Prior to commencement of site works b) While site works/operational works/building works is occurring
17.	Protecting Existing Infrastructure a) Where there is existing infrastructure in the vicinity of the proposed work, then the new work must not damage or compromise the working ability of the existing infrastructure. Should it be required to provide alterations to public utility mains, existing mains, services or installations, then the developer is required to meet the costs of the alteration/s, which is to be carried out in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i>. b) A building over sewer (BOS) application and/or a building over/near stormwater (BONSW) are to be submitted and approved by the relevant service provider entities to ensure no loading is transferred to the trunk main during construction and no diversion for the trunk main over site is required.	a) While site works are occurring, then to be maintained b) Prior to commencement of site works
18.	Internal Service Lane a) Submit to EDQ Principal Engineer for compliance endorsement engineering design drawings of a one-way publicly-accessible and privately-owned internal service	a) Prior to commencement of site works

	lane located between Buildings 20 and 6. The lane is for access from Hercules Street and shall have: • no kerbs, • a width of approximately 7.64m, • a 3.0m traffic lane, • the vehicular path and loading spaces delineated from the pedestrian zone using raised retro-reflective pavement markers and metal bollards, • signs and delineations in accordance with the Manual of Uniform Traffic Control Devices and Austroads b) Construct the stormwater drainage in accordance with the endorsed drawings required in parts (a) of this condition.	b) Prior to commencement of use
19.	Carparks, Signs, and Lines a) Submit to EDQ Principal Engineer for compliance endorsement an amended Ground Floor Plan certified by a RPEQ demonstrating: • one parking space for a MRV provided outside of the one way service driveway generally in accordance with the approved Ground Level Plan, 5325.3S.03 – (12), dated 13/03/2013 (Amended in Red 28/05/13) • 31 spaces for residents • 6 spaces for retail visitors • 2 loading bays and • in accordance with the relevant Australian Standards AS2890.1 and AS2890.2 b) Construct and delineate or sign the following requirements generally in accordance with the endorsed plan from part a) of this condition and the approved Traffic Engineering Report, prepared by TTM, number 12BRT0348, Rev 2 dated 12/12/2012 (except to the extent varied by the conditions of this approval): 1) Delineate and sign the internal roads and designated vehicle entry point. 2) A minimum of 2.3 metres height clearance to all undercover parking areas and a minimum of 2.5 metres above parking spaces for people with disabilities; 3) A height clearance sign located at the entrance(s) to undercover car parking areas and a directional visitor parking sign at the vehicle entrance to the site adjacent to or clearly visible from the vehicle entrance to the site. 4) internal paved areas are to be signed and delineated in accordance with the approved plans, Manual of Uniform Traffic Control Devices and Austroads 5) An appropriate area for the storage and collection of refuse, including recyclables, in a position which is accessible to service vehicles on the site.	a) Prior to approval for building works b) Prior to commencement of use and to be maintained
20.	Bicycle Spaces Provide bicycle spaces and end of trip facilities in accordance with the approved Part Basement Level Plan number 5325.3S.02 – (10) dated 13/03/2013 ensuring a total of 40 spaces in accordance with the Northshore Hamilton Urban	Prior to commencement of use and to be maintained

	Development Area Development Scheme. <i>Note. It is requested that provided bicycle spaces be in accordance with the following UDA provisions.</i> <i>In apartment sites</i> <i>Residents – a secure space per dwelling according to AS2890.3</i> <i>Visitors – a secure space per 400m² according to AS2890.3</i> <i>In non-residential sites</i> <i>Workers – a secure space per 200m² NLA</i> <i>Visitors – a secure space per 1000m².</i>	
21.	Sewerage System and Connection – Queensland Urban Utilities (QUU) Nominated Assessing Authority a) Submit and obtain approval from QUU engineering design drawings detailing the sewerage system including connections to existing sewerage infrastructure, checked and certified by a Registered Professional Engineer of QLD (RPEQ) required to service the development. The RPEQ is to verify the plans and ensure the design is in accordance with QUU's current Standards. b) Construct the sewerage system and connections in accordance with the approved plans required in part (a) of this condition. Submit to the QUU and the EDQ 'As-Constructed' drawings verified by a RPEQ confirming all works have been completed in accordance with the approved plans. c) Provide to the EDQ all approval correspondence from QUU relating to part (a) and (b) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
22.	Water System and Connection – Queensland Urban Utilities (QUU) Nominated Assessment Authority a) Submit and obtain approval from QUU, engineering design plans detailing the water system including connections to existing water infrastructure, checked and certified by a Registered Professional Engineer of Queensland (RPEQ-Civil) required to service the development. The RPEQ is to verify the plans and ensure the design is in accordance with QUU's current Standards. b) Construct the water system and connection in accordance with the approved plans required in part (a) of this condition. Submit to the QUU and the EDQ 'As-Constructed' drawings verified by a RPEQ confirming all works have been completed in accordance with the approved plans c) Provide to EDQ all approval correspondence from QUU relating to part (a) and (b) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
23.	Service, Meter Assembly & Meter box Provide water services, approved meter assembly and meter box to the boundary of the proposed development in accordance with the WSA 03-2002 Water Supply Code of	Prior to commencement of use

	<i>Australia V2.3 and Brisbane City Council's Supplementary Manual.</i>	
24.	Stormwater Drainage a) Submit to EDQ Principal Engineer engineering drawings detailing stormwater drainage including any relocation of existing stormwater infrastructure required to service the development, checked and certified by a Registered Professional Engineer of Queensland (RPEQ). b) Demonstrate that the stormwater runoff from the site does not adversely impact on flooding or drainage (peak discharge and duration for all events up to the 100 year Average Recurrence Interval (ARI)) of properties that are upstream, downstream or adjacent to the site. c) Construct the stormwater drainage in accordance with the submitted stormwater drainage plans required in part (a) of this condition. Submit to the EDQ 'As-Constructed' drawings and asset register verified and signed by a RPEQ confirming all works have been completed in accordance with the plans from part (a) of this condition.	a) Prior to commencement of site works b) Prior to commencement of site works c) Prior to commencement of use
25.	Stormwater Quality a) Submit to EDQ Principal Engineer a Stormwater Quality Management Plan prepared by a suitably qualified consultant that details how the proposal will reduce the potable water consumption through the use of water efficient fixtures and details the proposed best practice stormwater management to treat stormwater runoff in accordance with the Healthy Waterways document 'Controlling Stormwater Pollution on Your Building Site' 2006 (or later version). b) Construct the infrastructure in accordance with the submitted plans required in part (a) of this condition. Submit to the EDQ 'As-Constructed' drawings and asset register verified and signed by a RPEQ confirming all works have been completed in accordance with the plans from part (a) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use
26.	Electricity Provide underground electricity services in accordance with an approved electricity reticulation plan and the Brisbane City Council's <i>Subdivision and Development Guidelines</i>.	Prior to commencement of use
27.	Telecommunications a) Enter into an agreement with a telecommunication carrier to provide underground telecommunication services within and adjacent to the proposed development in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i>. b) Construct the services required in accordance with the agreement.	a) Prior to commencement of use. b) Prior to commencement of use

28.	Service Conduits & Mains Supply and install all service conduits and meet the cost of any alterations to public utility mains, existing mains, services or installations required in association with the approved development in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i> .	Prior to commencement of use.
29.	Broadband Provide to EDQ Principal Engineer a written agreement from an authorised telecommunications service provider that infrastructure within the development as defined under the Telecommunications Act (Fibre Deployment Bill 2011) can be provided in accordance with the Communications Alliance G645:2011 guideline, to accommodate services which are compliant with the Federal Government's National Broadband Network policy.	Prior to commencement of use.
30.	Repair Damage to Kerb, Footpath or Road Repair any damage to existing kerb and channel, footpath or roadway (including removal of concrete slurry from footpaths, roads, kerb and channel and stormwater gullies and drainlines) that may occur during any works carried out in association with the approved development	Prior to commencement of use
31.	Refuse Collection a) Submit to EDQ Principal Engineer refuse collection approval from City Waste Services, BCC or a private waste contractor. b) Provide a screened bin corral and locate as indicated on the approved plans for the storage of bulk bins, which is to be shared between all tenants. c) The applicant/owner shall notify future owners/body corporate that the development has been approved on the basis that an indemnity is provided for refuse collection vehicles to enter the property.	a) Prior to approval for building works b) Prior to commencement of use and to be maintained. c) Prior to commencement of use and to be maintained.
32.	Waste management plan Submit to EDQ's Principal Engineer written confirmation that the requirements of the approved Waste Management Plan, prepared by EnviroCom Australia and dated February 2013 has been complied with.	Prior to commencement of use and to be maintained
Certification Process		
33.	Certification Agreement Comply with all requirements and fulfil all responsibilities outlined in EDQ Certification Procedure Manual. No work is to commence until the certification documents submitted by the Project Coordinator is acknowledged in writing by the EDQ.	Prior to commencement of site works

34.	Pre-Construction Self Certification No work shall commence until the EDQ acknowledges in writing receipt of certification package(s) from the Project Coordinator in accordance with EDQ Certification Procedures Manual.	Prior to commencement of site works
35.	Post-Construction Self Certification Submit Post-Construction (Practical Completion) Certification, approved forms and "as Constructed" plans including an asset register, certified by a Registered Professional Engineer Queensland (RPEQ), that the plans are a true record of the works "as constructed" are in accordance with the approved plans.	Prior to the commencement of use
Landscaping		
36.	Detailed Landscape Plan a) Submit to the EDQ Principal Engineer for compliance endorsement a detailed landscape plan certified in accordance with EDQ Certification Procedures Manual by an Australian Institute of Landscape Architects registered landscape architect generally in accordance with the approved Building 20: Proposed Residential & Retail Development Portside Landscape DA Package prepared by Lat 27 number 12045.01_Portside DA Building 2-_A3_rev C, dated 25 January 2013 (Amended in Red 28/05/13). b) On completion, provide written certification to EDQ from a licensed and experienced Landscape Architect or Landscape Contractor that the completed landscaping complies with the approved detailed landscape plan.	a) Prior to commencement of site works b) Prior to commencement of use
Pollution		
37.	Acoustics Submit to EDQ written confirmation from a Registered Professional Engineer of Queensland (RPEQ) that the development has been constructed to meet the recommendations in the approved Portside Building 20 Noise Impact Assessment report prepared by Acoustic Logic number 20120601.1/1607A/R2JS, Rev 2 dated 16/07/2012.	Prior to commencement of use
38.	Food outlet refuse bin washing facility If the development involves a food outlet, construct an on-site refuse bin washing facility for food outlet refuse bins. The area must be provided with a slab, paved with an impervious material, graded and drained to sewer subject to the requirements and recommendations of Queensland Urban Utilities.	Prior to the commencement of use and to be maintained
Monetary Contributions		
39.	Infrastructure Contributions Pay to Economic Development Queensland a monetary contribution towards the cost of the provision of essential infrastructure.	Prior to commencement of use

The contribution has been calculated in accordance with the ULDA's *Infrastructure funding framework* (The Framework). The Framework specifies that the charge will be adjusted each July in accordance with the 3 year rolling average of the Road and Bridge Construction Queensland Index.

The current applicable general infrastructure charge is:

31 Small units @ 0-60m ² GFA	\$12,256/ unit	\$379,936.00
522m ² Retail	\$14,680/ 100m ² GFA	\$88,080.00

The current applicable value uplift charge is:

31 Small units @ 0-60m ² GFA	\$11,789/ unit	\$365,459.00
522m ² Retail	\$22,189 / 100m ² GFA	\$133,134.00
TOTAL		*\$966,609.00

* Charge will be adjusted each July in accordance with the 3 year rolling average of the Road and Bridge Construction Queensland Index

ADVICE

Please note that in order to lawfully undertake development, it may be necessary to obtain approvals other than this PDA development approval, some specific advices are outlined below. Other advices may include other approvals under the *Economic Development Queensland Act 2012* as well as the *Sustainable Planning Act 2009* (e.g. for building work), the *Plumbing and Drainage Act 2002* and the *Commonwealth Environmental Protection and Biodiversity Act 1999*. Carrying out development may also be subject to 'duty of care' legislation such as the *Aboriginal Cultural Heritage Act 2003*. For advice on other approvals that may be necessary in relation to your proposal, please seek professional advice.

Noise and Dust Emissions

You are advised that all development involving the emission of noise and dust from building/construction activities requires that such emissions be in accordance with the requirements of the *Environmental Protection Act 1994*.

Pursuant to Division 3 Section 440R of the Act, a builder or building contractor must not carry out building work on a building site in a way that makes or causes audible noise to be made from the building work:

- a) on a Sunday or public holiday, at any time, or
- b) on a Saturday or business day, before 6.30 a.m. or after 6.30 p.m.

**** End of Package ****

