Amendment Application (ED Act) Town Planning Assessment

MEWING PLANNING CONSULTANTS

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, 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 over the site at 11 Macarthur Avenue and Part of 23 Macarthur Avenue, Hamilton for a PDA Development Permit for Material Change of Use for Mixed Use High Density – Multiple Dwelling, Office (Co-Working Space), Shop (Dog Grooming Station), Food and Drink Outlet (Café), and Indoor Sport and Recreation (Gym) (DEV Reference Number: **DEV2023/1402**). A copy of the current development approval is included 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.

The purpose of the Amendment Application is to formalise changes in respect o Stage 2 of the development approval. Changes to Stage 2 have arisen from the detailed design process, evolving market conditions, constructability, and identified opportunities for improved design efficiencies.

The full extent of the proposed changes are discussed in **Section 3** of this report.

2. Background

2.1 Site and Relevant Planning Designations

The site is located at 11 Macarthur Avenue (developable area) and Part 23 Macarthur Avenue (developable area), Hamilton, formally described Lot 703 on SP287531 and Lot 705 on SP287529 (**the site**). The development site comprises an area of approximately 6574m2, as shown in **Figure 1** below. The development approval also includes Lot 951 on SP339942 (formerly identified as Lot 951 on SP287536) as it relates to Easement D on SP313542 (the access easement over the existing driveway to the west).



Figure 1: Site aerial (**Source:** Nearmap, 2026)

The development site has frontages to Macarthur Avenue (to the north) and Wharf Street (to the east) of approximately 107 metres and 60 metres, respectively. Stage 1 of the approved development is currently under construction on the site.

The registered owner of the site is Macarthur Avenue Project 2 Pty Ltd A.C.N 687 335 388. A copy of the Certificate of Title is included in **Appendix B**.

Having regard to the Certificate of Title and Easement documentation, the site is subject to two (2) easements which benefit and burden the land, as shown in **Figure 2** below.

The development benefits from an easement for access purposes (Easement D on SP313542), which applies over land to the west of the development site (Lot 951 on SP339942) and forms an existing service laneway that connects to Macarthur Avenue. The proposed development, consistent with the development approval, relies upon this easement for servicing purposes. The development is consistent with the terms of this access easement.

The site is partially burdened by an easement (Easement ELC on SP341715) for the purposes of electrical infrastructure (Energex Limited).The easement does not directly burden the development site.

Please refer to **Appendix B** for further information regarding the existing easement.

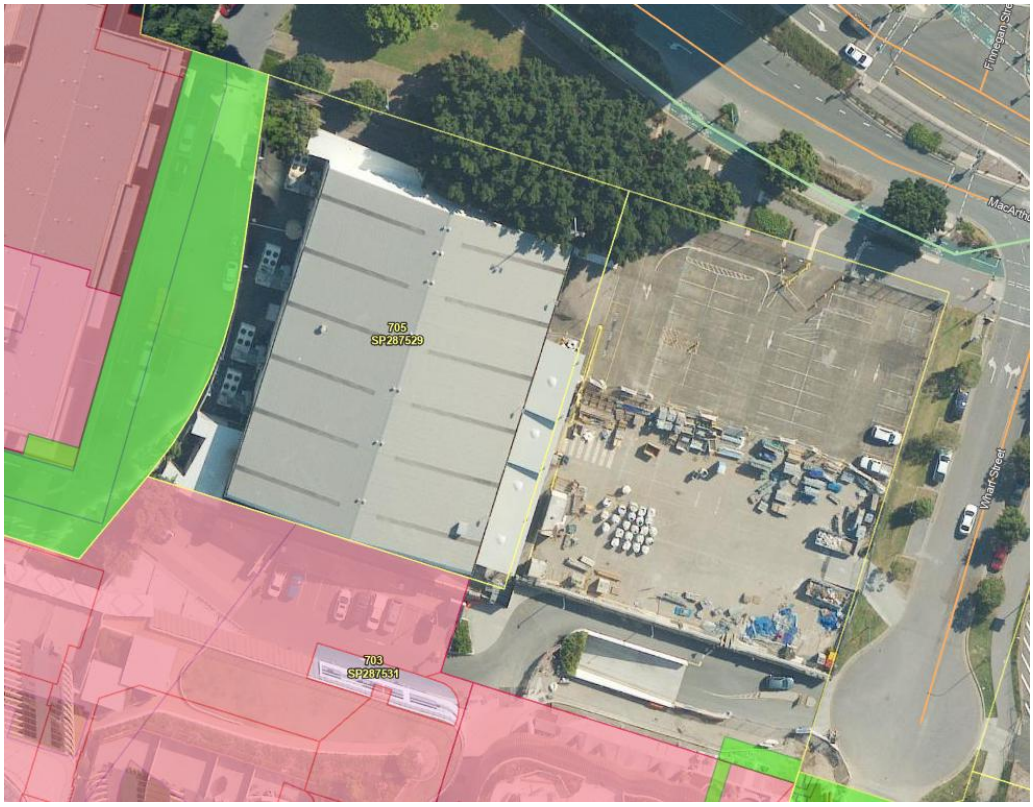


Figure 2: Easement locations (Source: QLD Globe, 2025)

The site is designated within the Northshore Hamilton Priority Development Area (**Northshore Hamilton PDA**), pursuant to the ED Act. Development and planning within the Northshore Hamilton PDA is subject of the Northshore Hamilton Development Area Development Scheme (November 2025) (**Development Scheme**).

Below is a summary of the planning framework and key planning designations under the Development Scheme that apply to the site.

Table 1 – Planning Framework and Town Planning Designations			
Component	**Original Approval**	**Current Development Approval**	**Proposed Amendment Application**
Relevant Legislation	Economic Development Act 2012		
Priority Development Area	Northshore Hamilton PDA		
Assessment Manager	Department of State Development, Infrastructure and Planning (Economic Development Queensland)		
Development Scheme	Northshore Hamilton PDA Development Scheme Amendment No.1 (October 2022)	Northshore Hamilton PDA Development Scheme Amendment (November 2025)	Northshore Hamilton PDA Development Scheme Amendment (November 2025)
Structure Plan	Mixed Use	Mixed Use	Mixed Use
Zone	Mixed Use High Density (No Precinct)	Mixed Use High Density (No Precinct)	Mixed Use High Density (No Precinct)

2.2 Approval Background

2.2.1 Original Approval – December 2023

The original PDA Development Approval over the site was granted by MEDQ by way of a PDA Decision Notice dated 22 December 2023 (MEDQ's reference: DEV2023/1402). The approval was for a PDA Development Permit for Material Change of Use for Mixed Use High Density – Multiple Dwelling – Built to Rent (560 Units), Office (Co-Working Space), Shop, Food and Drink Outlet (Café), Indoor Sport and Recreation (Gym) and Parking Station (Car Share Scheme).

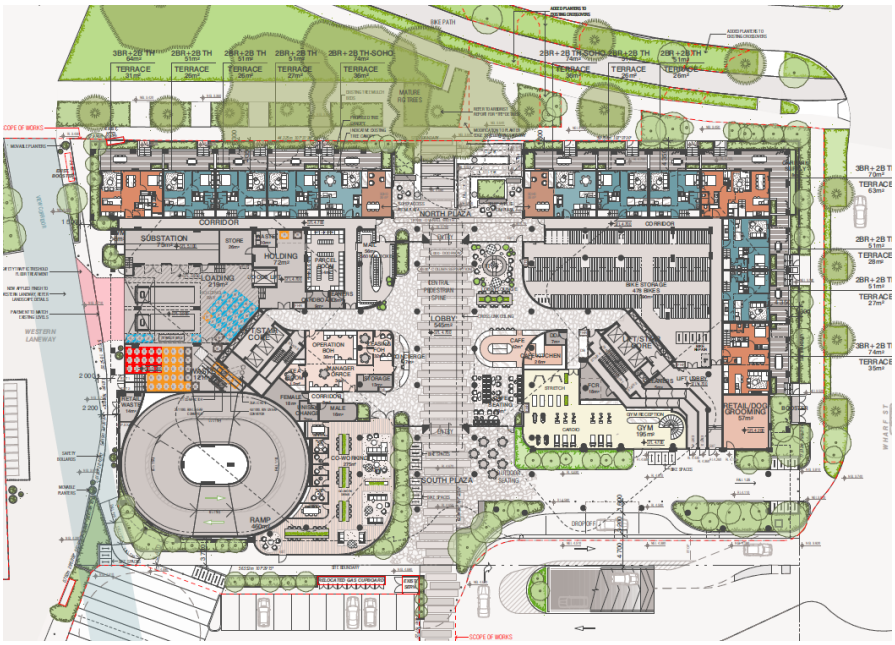


Figure 3: Approved Ground Floor Plan (Source: Fender Katsalidis, 2023)



Figure 4: Approved Northern Elevation (Source: Fender Katsalidis, 2023)

2.2.2 Amendment Application 1 – October 2025

On 16 October 2025, by way of a PDA Decision Notice, EDQ granted an amendment approval (MEDQ Reference: **DEV2023/1402**) to the original PDA Development Approval over the site. The approval was for a Material Change of Use for Mixed Use High Density – Multiple Dwelling, Office, Shop, Food and Drink Outlet, Indoor Sport and Recreation (Gym) and Parking Station (Car Share Scheme).

The amendment approval included the following changes to the original development approval.

- Reduction in gross floor area from 42,144m^2 to approximately 40,117m^2.
- Reduction in the number of units from 560 to 429. The change to the unit provision and mix reflects the Applicant's decision to deliver built to sell units.
- Removal of the basement.
- Increase in the car parking provision from 436 to 651 spaces.
- Changed vehicle access.
- Enhanced public realm with centralised pedestrian cross-block link.
- Minor adjustments to tower floor plates, setbacks and internal building separation.
- Removal of lots no longer relevant to this approval, including Lot 101 on SP287542 and Lot 201 on SP287543.

2.2.3 Amendment Application 2 – April 2026

On 1 April 2026, by way of a Changed PDA Decision Notice, MEDQ granted an amendment approval (MEDQ Reference: **DEV-2026-NSH-4461**) to the current PDA Development Approval over the site. The approval was for a Material Change of Use for Mixed Use High Density – Multiple Dwelling, Office (Co-Working Space), Shop (Dog Grooming Station), Food and Drink Outlet (Café), and Indoor Sport and Recreation (Gym).

The amendment approval included the following changes to the development approval.

- Removal of the Parking Station land use.
- Removal of the basement level.
- Changes to Condition 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 22, 23, 24, 25, 28 – 41, in addition to updated approved plans and documents.

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

2.3 Pre-lodgement meeting

The Applicant attended a pre-lodgement meeting with Economic Development Queensland (EDQ) on the 3 September 2026 (EDQ Reference: **PRE26 NSH 5287**) to discuss the proposed changes to the development approval. The matters raised and discussed in the meeting have been considered in preparing the amendment application material.

3. Proposed Changes

3.1 Overview of Proposed Changes

This Amendment Application proposes changes to the approved development, arising from the detailed design process, evolving market conditions, constructability, and identified opportunities for improved design efficiencies.

The Applicant has commenced construction of Stage 1 of the development following a successful market response. As part of the Stage 1 detailed design process and pre-sales campaign, the Applicant has identified several refinements to be incorporated into Stage 2 of the development. These include adjustments to the unit mix to better align with demonstrated market demand and purchaser preference that was expressed through the Stage 1 pre-sales process.

At the outset, the fundamental design and operational aspects of the development remain unchanged. The proposed development continues to represent a twenty-four (24) storey, residential-led, mixed use development outcome comprising a consolidated podium and two (2) towers, consistent with the approved development.

Table 2 below provides a comparison of the approved and proposed development outcome.

Table 2: Comparison of approved and proposed development scheme

	Approved	Proposed
Unit numbers	429 units total • 114 x 1 bedroom units • 224 x 2 bedroom units • 76 x 3 bedroom units	372 units total • 41 x 1 bedroom units • 18 x 2 bedroom units • 56 x 3 bedroom units • 38 x 3 bedroom dual key units • 19 x 4 bedroom units (**Changed**)
Retail GFA	295m^2	543m^2 (**Changed**)
Building height	24 storeys and 85m AHD	24 storeys and 85m AHD
Podium height	5 storeys	5 storeys
Gross floor area	40,117m^2	42,004m^2 (**Changed**)
Car parking	678 spaces, including: • 618 resident spaces; and • 60 visitor spaces.	687 spaces, including: • 639 resident spaces; and • 48 visitor spaces. (**Changed**)
Bicycle parking	466 spaces	418 spaces (**Changed**)

Further detail of the changes is provided in the respective sections below.

3.2 Detailed Analysis of Proposed Changes

A detailed summary of the proposed changes is provided herein.

3.2.1 Residential Unit Provision and Type

The Applicant proposes to reduce the number of units within Stage 2 from 229 units to 172 units, resulting in seven (7) units per tower floor plate (compared to the 10 units per floor per the current development approval). The proposed change to the unit mix and typical tower floor is illustrated in **Figure 5** below.



Figure 5: Approved Stage 2 Typical Floor Level (Left), Proposed Stage 2 Typical Floor Level (Right)

The change proposes to support the provision of larger units, including the introduction of four (4) bedroom units. A comparison of the approved and proposed tower floor plate configuration is provided in **Table 3** below.

Table 3: Unit type per typical tower floor level		
	Approved	**Proposed**
One bedroom	2	-
Two bedroom	6	1
Three bedroom	2	5
Four bedroom	-	1

As presented in **Table 3** above, the proposed change results in the removal of one (1) bedroom units from the Stage 2 residential tower mix. Whilst the one bedroom unit have been removed from the tower, Stage 2 continues to accommodate forty-one (41) x one-bedroom units across the ground and podium levels in order to support the diversity outcomes anticipated under the PDA Development Scheme.

The proposed change results in a reduction in the total number of units provided across both respective stages from 429 x units to 372 x units (~ 52 x units).

The revised unit mix across both Stage 1 and Stage 2 is outlined herein.

- One bedroom units: 91 x units;
- Two bedroom units: 130 x units;
- Three bedroom units: 132 x units; and
- Four bedroom units: 19 x units.

The proposed development supports housing choice and diversity to meet a range of different household and lifestyle needs, as desired under the Development Scheme.

Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.

3.2.2 Dual Key Units

In conjunction with the changes described in **Section 3.2.1**, the Applicant is proposing to introduce thirty-eight (38) dual key units (2 units per tower level). The dual key offering relates a portion of the three (3) bedroom units, providing two (2) self-contained residences on a single title. As presented in **Figure 6** below, each dual key unit comprises a primary two (2) bedroom unit alongside a separate studio residence that is connected via a shared private foyer through separate lockable doors. The proposed layout of the dual key rooms is presented in **Figure 6** below.

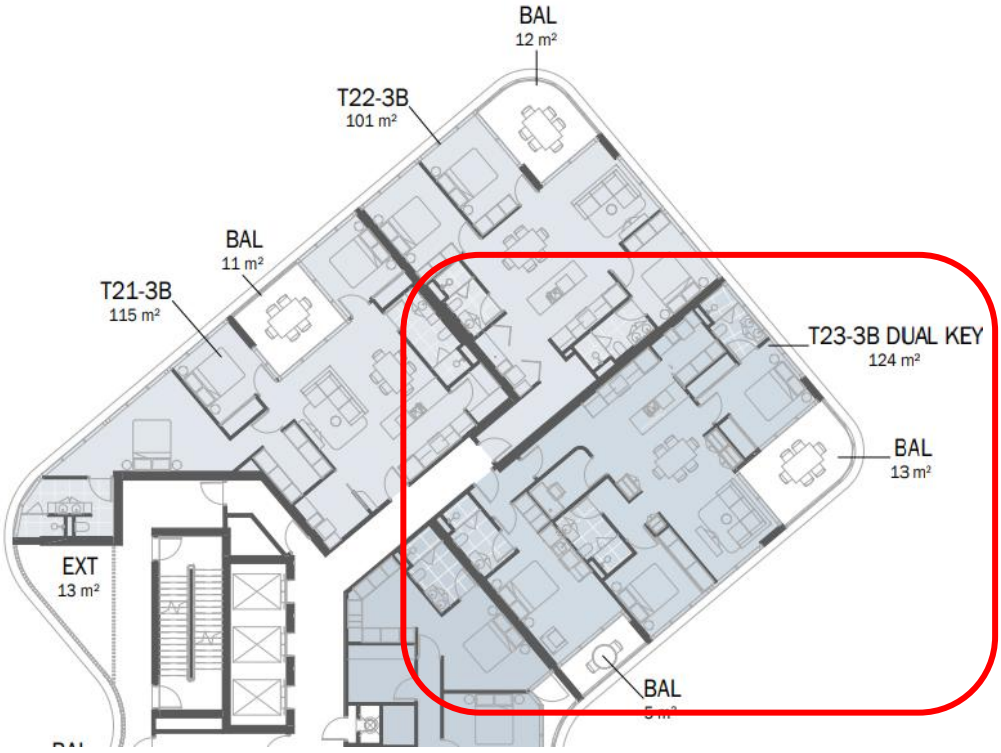


Figure 6: Proposed dual-key unit (Source: TVS Architects, 2026)

The proposed dual key arrangement provides a flexible housing option that supports intergenerational living while maintaining privacy and independence for families. Examples whereby dual key arrangements may be desired include:

- A family that occupies the main dwelling, while elderly parents live within the self-contained secondary unit.
- Families with young adult children that are seeking independence or alternately, an affordable housing option whilst studying or early employment.

- Families that have a family member or members that require care, allowing the family to continue to live independently whilst providing for the day-to-day needs and medical attention as required.

With respect to car parking, there is a sufficient number of car parking spaces provided within Stage 2 for the three (3) bedroom apartments (including the dual key units) to have two (2) car parking spaces. The proposed car parking arrangement will support the function of the dual key units.

Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.

3.2.3 Tower Floor Plate

The Applicant does not propose any changes to the form of the tower, however as a consequence of the change to the unit provision and configuration the articulation of tower 2, in respect of the position, size and configuration of the balconies, will vary from Tower 1 and the current development approval. The variation in the articulation of the two towers will create a positive distinction in the skyline. The architectural language of the tower will remain consistent with the development approval.

As presented on the Architectural Plans (**Appendix C**), the lift core has been shifted west within the tower floor plate as a consequence of changes to the layout and configuration of the Tower 2 floor plates, as detailed in **Section 3.2.1**. The revised configuration facilitates tower floor plates that maximise the number of units within a north, east and south orientation towards Macarthur Avenue, Wharf Street and the Brisbane River.

The proposed change does not result in a reduction in building setbacks to the boundaries of the site, nor does it result in a reduction in the building separation that is achieved to Tower 1 in accordance with the current development approval. As presented on the Architectural Plans (**Appendix C**), the proposed development represents a high quality tower design that is varied in scale and form through the integration of varied balcony forms, vertical projections, slab projections and varied materiality.

Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.

3.2.4 Ground Level

As presented on the Architectural Plans (**Appendix C**), the proposed development continues to achieve a highly activated ground plane and well-defined north-south cross block link that runs centrally throughout the site, in accordance with the approved development (and being delivered as part of Stage 1).

The Applicant proposes several minor changes to the ground plane that are in direct response to amended in red markups made by EDQ as part of the previous approval, in addition to other changes required to improve the overall functionality and design efficiency of certain aspects.

The following changes are proposed to the ground level.

- Accommodation of a PMT within the Wharf Street frontage following advice received from Energex.
- Changes to the configuration of the lobby, waste room and bicycle storage area within Stage 2, as a consequence of changes to the location of the lift core and fire stairs.
- A retail space (73m^2) has been incorporated in the southern corner adjacent to the internal pedestrian entrance, which was marked in red under the current approved plans. As presented in **Figure 7** below, the retail space has a dual frontage consistent with the original EDQ markup.



Figure 7: Proposed retail space (Source: TVS Architects, 2026)

- The loading bay has been relocated south along Wharf Street to account for the accommodation of the PMT. The loading bay will continue to support the approved servicing outcome. As part of the Traffic Response a crossover plan has been provided for the repositioned loading bay.
- Incorporation of an additional seven (7) visitor parking spaces which are located along the southern boundary of the development area, adjacent to the existing driveway. The proposed visitor parking arrangement is discussed in further detail in **Section 3.2.5** below.
- Introduction of a pedestrian pathway along the southern edge of the ground plane, which will provide for safe and unimpeded access to the proposed visitor parking spaces. The proposal provides a range of design features and a layout that promotes casual surveillance to the pedestrian pathway. Specifically, the proposed development includes the following elements and measures that provide for security and casual surveillance –
    - As presented on the Architectural Plans (**Appendix C**), opportunities for causal surveillance and onlooking are afforded through the active uses and spaces proposed at the ground level, including the position of the two (2) southern retail spaces and bicycle storage area. Each respective space has a direct interface with, or directly overlooks the pedestrian footpath and will provide for casual surveillance.
    - Furthermore, lighting will be provided throughout the pedestrian pathway and surrounding areas.

Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.

3.2.5 Car Parking

The proposed change involves an increase in car parking numbers from 678 to 687 spaces, comprising 639 resident spaces and 48 visitor spaces (plus 3 motorbike visitor spaces). Visitor parking for the multiple dwelling component has been removed from the podium levels and facilitated entirely at ground level, with resident parking provided across Level 2 – 5 in accordance with the current development approval. Refer to the Architectural Plans prepared by TVS included in **Appendix C** for further detail.

The proposed car parking provision addresses the proposed build to sell outcome and market demands, in addition to ease of accessibility to visitor parking spaces. The proposed resident car parking provision complies with the car parking rates under Schedule 2 of the development scheme.

The proposed visitor parking provision is appropriate for the reasons expressed below.

- The provision is coherent with the rate that has been applied by EDQ under the current development approval.
- Bitzios have undertaken a conservative assessment of the shared-use temporal demand model to 372 units, gives a peak demand of approximately 39-40 spaces at 6pm (circa 37 from residential visitors plus a small retail contribution). The assessment confirms that there are sufficient visitor spaces to meet the expected demand during the peak period for the site.
- Under the TAPS Policy motorcycles can be provided as a portion of the car parking rate requirement.

The proposed resident provision does not exceed the maximum rate under the Development Scheme and responds to the demands of the commercial market.

A Traffic Impact Statement has been prepared by Bitzios Consulting to support the proposed changes and is included within **Appendix D**.

The Traffic Assessment confirms that notwithstanding the change to the car parking provision, the traffic generation is coherent with the original approval and will not result in any significant changes to the traffic impacts to the local road network.

Other changes to the proposed car parking arrangement include:

- Integration of seven (7) angled visitor spaces (comprising V42 – V48) to the south of the Stage 2 ground plane and will be accessed via the existing driveway crossover from Wharf Street. The proposed visitor parking spaces have been intentionally angled to appropriately mitigate a conflict at the interface between the Gallery House basement ramp and the one-way circulation road. Refer to **Figure 8** below.

  It is noted that the basement ramp has priority, with vehicles exiting the ramp expected to experience minimal delays as a consequence of the proposed change. Additional treatments will be included (i.e, convex mirrors) will be incorporated to mitigate potential conflicts and manage vehicle speeds at this interface.

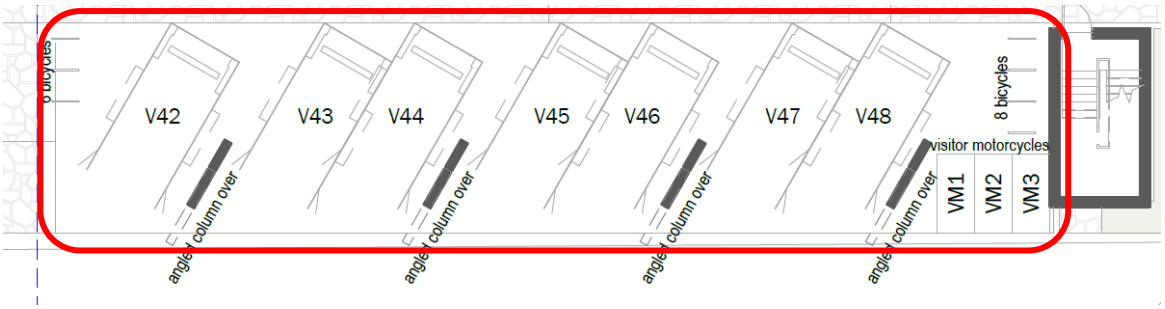


Figure 8: Proposed visitor parking alignment (Source: TVS Architects, 2026)

- An aisle extension has been incorporated adjacent to visitor space V37 to ensure that vehicles entering the Stage 2 visitor parking aisle can safely manoeuvre and turnaround within the aisle.

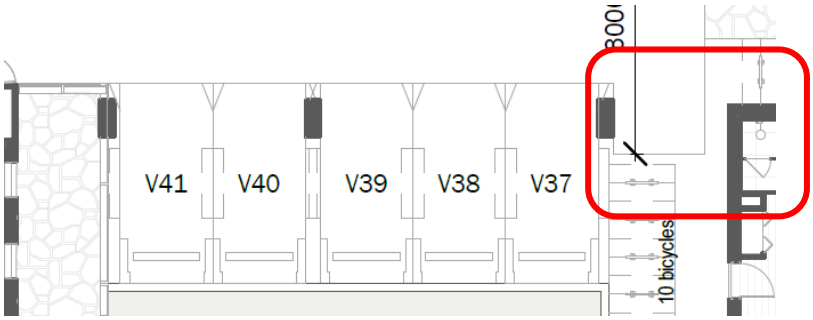


Figure 9: Proposed aisle extension (Source: TVS Architects, 2026)

3.2.6 Servicing

As detailed in **Section 3.2.4** above, the Stage 2 loading bay has been relocated south along Wharf Street as a consequence of the changes to the padmount location. The proposed change will continue to support the approved servicing outcome, in accordance with the current development approval.

The approved and revised loading bay location is shown in **Figure 10** and **11** below.

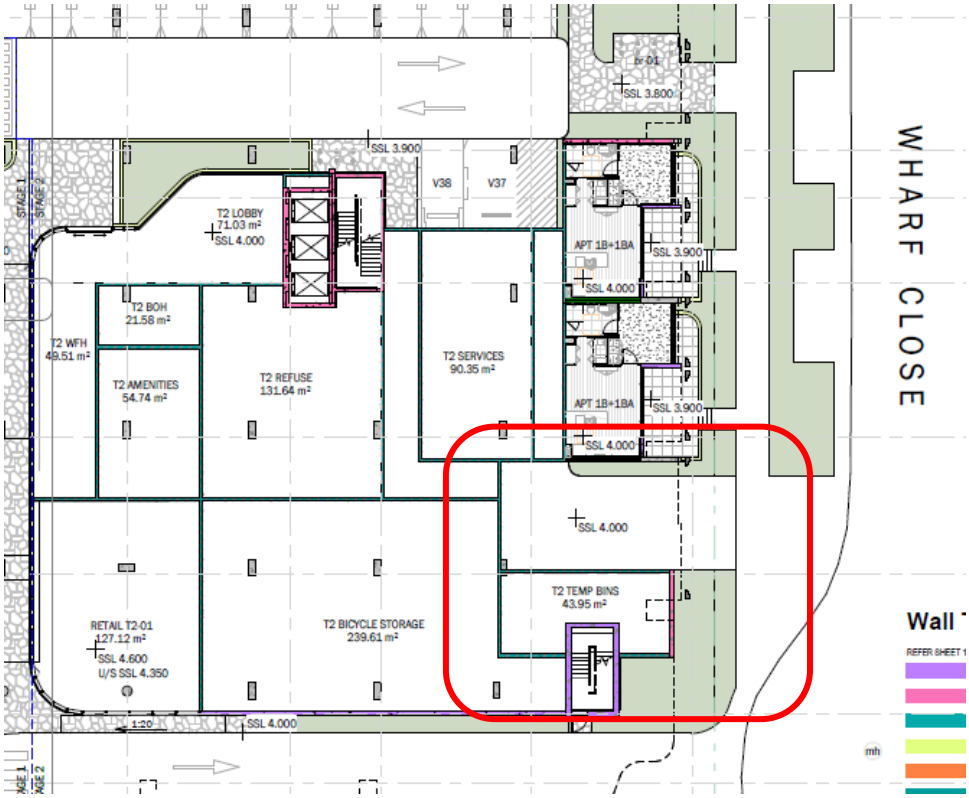


Figure 10: Approved loading bay location (Source: TVS Architects, 2026)

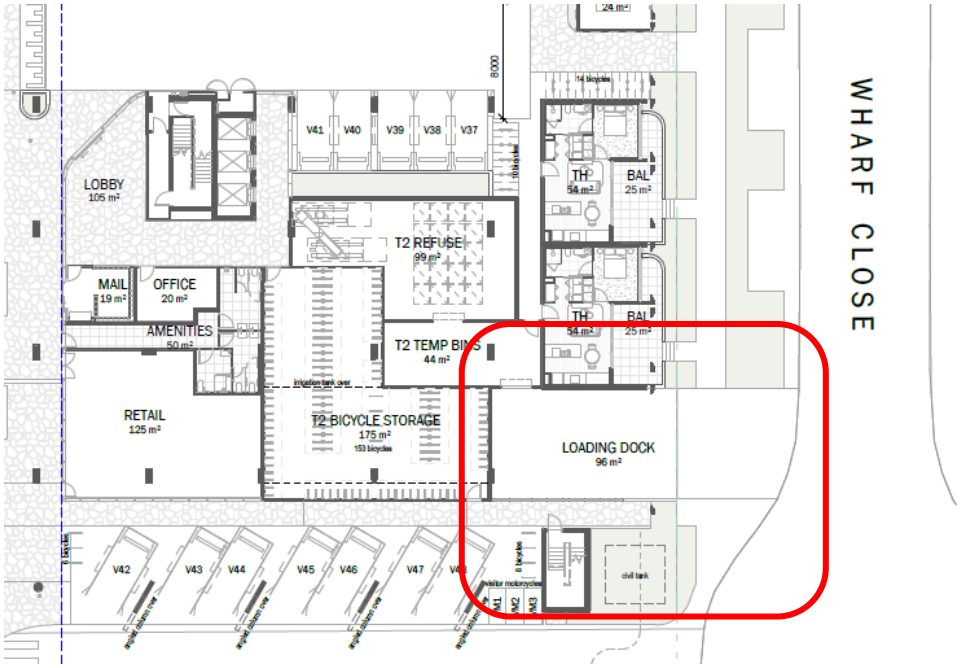


Figure 11: Proposed loading bay location (Source: TVS Architects, 2026)

Refer to the Traffic Impact Statement prepared by Bitzios Consulting (**Appendix D**) for further detail.

3.2.7 Bicycle Parking

The following changes are proposed to the approved bicycle parking arrangement:

- The number of bicycle parking spaces proposed within Stage 2 of the development has reduced, which is directly correlated with the proposed reduction in the number of residential units to be delivered within Stage 2. The development proposes a total of 185 x bicycle parking spaces (comprising 153 x resident spaces and 32 x visitor spaces) within Stage 2. Across the two stages the development provides 418 spaces, including 376 resident spaces and 42 visitor spaces.
- For resident bicycle parking, the Brisbane City Plan TAPS PSP rates have been adopted, however the previous approval's visitor parking bicycle rates adopted requirements outlined in the *Austroads Guide to Traffic Management Park 11: Parking Management Techniques*.

  The proposed development seeks an alternate outcome to the minimum bicycle parking requirements for resident bicycle parking, however in total across the project the development achieves a compliant bicycle provision. Refer to the Traffic Assessment prepared by Bitzios Consulting included in **Appendix D**.
- The layout and configuration of the approved Tower 2 bicycle storage room at the ground level has been amended as a consequence of detailed design and changes to the retail and servicing configuration. Specifically, the bicycle storage room has been reduced from 239m^2 to 175m^2 (~64m^2). The revised bicycle storage room is illustrated in **Figure 13** below.
- The proposed bicycle parking is designed to be highly accessible, featuring direct ground floor connectivity and integrated end-of-trip amenities. As presented on the Architectural Plans (**Appendix C**), all bicycle parking facilities (both secured and visitor) will be located within visible locations, with appropriate signage and security features to be implemented.

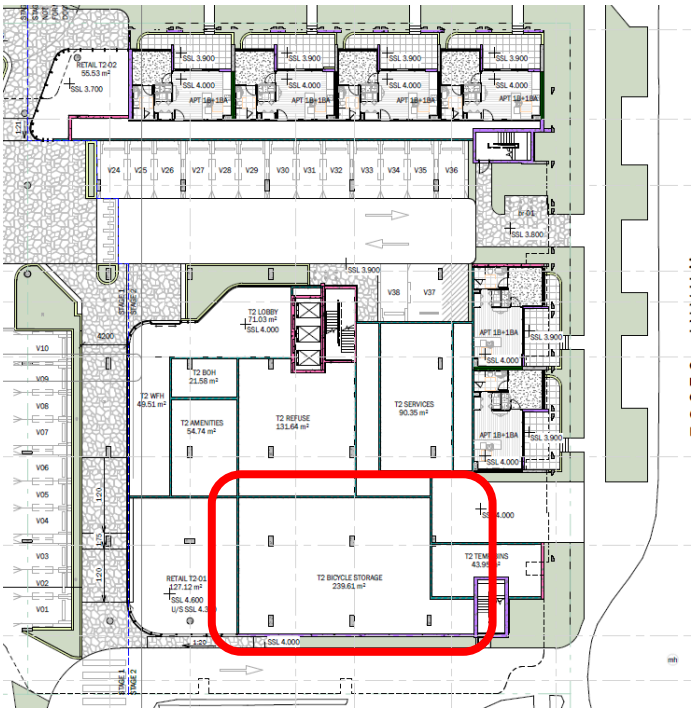


Figure 12: Approved bicycle parking arrangement (Source: TVS Architects, 2026)

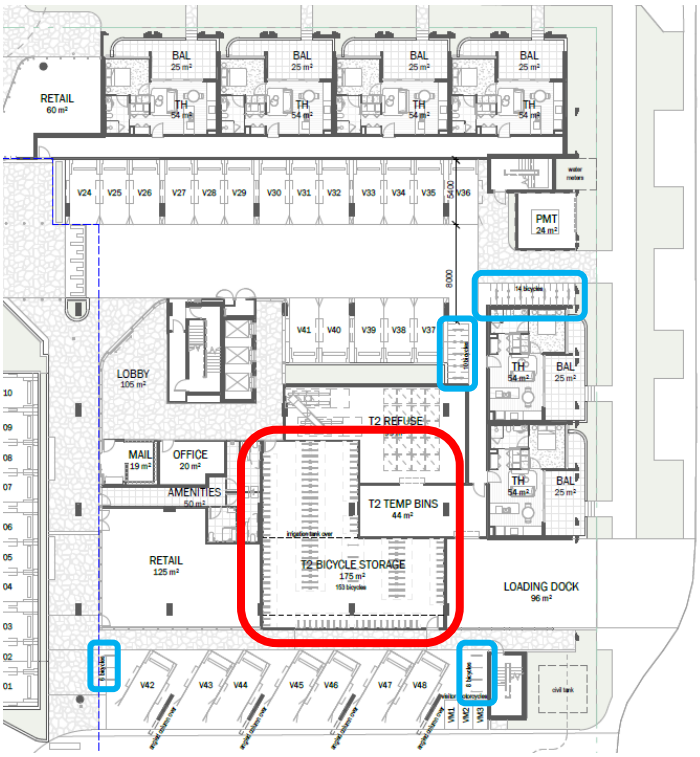


Figure 13: Proposed bicycle parking arrangement (Additional visitor bicycle spaces in **blue** (Source: TVS Architects, 2026)

Refer to the Traffic Impact Statement prepared by Bitzios Consulting (**Appendix D**) for further detail.

3.2.8 Stage 1

Throughout the detailed design and construction phases of the development, the Applicant has identified various changes that are required to be made including:

- Relocation of the water meter to the northwest corner, adjacent to Macarthur Avenue, pursuant to the requirements of Queensland Urban Utilities.
- Change to the height of the rooftop level and lift overrun, by approximately 500mm, driven by services design requirements.
- Change to the precast concrete screens within the tower to a powder coated aluminium, driven by constructability considerations.

Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.

3.3 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.

3.3.1 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**
~~Level 01 Ground Overall Plan prepared by TVS Architects~~ **Floor Plan – Level 01 Ground Level prepared by TVS Architects**	~~6481-A-0101 Rev. 11~~ **6481.1S.DA101 Rev G**	~~28/1/2026~~
~~Level 02 Ground Overall Plan prepared by TVS Architects~~ **Floor Plan – Level 02 Podium Carparking prepared by TVS Architects**	~~6481-A-0102 Rev. 11~~ **6481.1S.DA102 Rev G**	~~28/1/2026~~
~~Level 03 Overall Plan prepared by TVS Architects~~ **Floor Plan – Level 03 Podium Carparking prepared by TVS Architects**	~~6481-A-0103 Rev. 7~~ **6481.1S.DA103 Rev G**	~~28/1/2026~~
~~Level 04 Overall Plan prepared by TVS Architects~~ **Level 04 Podium Carparking prepared by TVS Architects**	~~6481-A-0104 Rev. 6~~ **6481.1S.DA104 Rev C**	~~28/1/2026~~
~~Level 05 Overall Plan prepared by TVS Architects~~ **Level 05 Podium Carparking prepared by TVS Architects**	~~6481-A-0105 Rev. 6~~ **6481.1S.DA105 Rev C**	~~28/1/2026~~
Level 06 Podium Carparking prepared by TVS Architects	**6481.1S.DA106 Rev G**	
Floor Plan – Level 07 – 24 Typical Residential	**6481.1S.DA107 Rev G**	
Floor Plan – Level 25 Rooftop Recreation	**6481.1S.DA125 Rev G**	
Floor Plan – Level 26 Roof	**6481.1S.DA126 Rev E**	
Elevation – North	**6481.1S.DA200 Rev D**	
Elevation – East	**6481.1S.DA201 Rev D**	
Elevation – South	**6481.1S.DA202 Rev D**	
Elevation – West	**6481.1S.DA203 Rev D**	
Building Section A	**6481.1S.DA300 Rev C**	
Building Section B	**6481.1S.DA301 Rev C**	
Building Section C	**6481.1S.DA302 Rev C**	
Landscape Concept Plans – Stage 2	**Issue B**	**02/10/2026**
Traffic Assessment – Stage 2	**P7112.001L**	**06/10/2026**
Sustainability Statement prepared by E-LAB Consulting	P02271, Rev. P1	06/02/2026 and amended in red by MEDQ on 14/08/2025
Plans and Documents Previously Approved on 16 October 2025		
Architecture Plans – "Portside 11 – 23 Macarthur Avenue, Hamilton 4007 Amendment Application", prepared by Plus Architecture	71084	August 2025 and marked up in red by MEDQ on 14/08/2025
Traffic Impact Statement, prepared by Bitzios Consulting	~~P7112.002R 11_23 MacArthur Avenue Minor Change TIA 003~~	~~06/08/2025~~
~~Landscape Plan – "Portside 11 – 23 Macarthur Avenue, Hamilton 4007 Amendment Application", prepared by Verde~~	~~Issue B~~	~~August 2025~~

Table 2 – Changes to Approved Drawings and Documents		
Drawing or Document	**Number**	**Date**

3.3.2 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 ~~strikethrough~~, and replacements in **green**).

Table 3 – Changes to Conditions	
Condition	**Reason for Change**
8. Sufficient Grounds – Compliance Assessment – Accessible Housing Submit to EDQ DS evidence that the approved development delivers the following accessible housing outcome, pursuant to the Gold Level Livable Housing Design Guide. • Stage 1: 37 units, including 18 x two bedroom units and 19 x three bedroom units. • Stage 2: ~~37 units, including 18 x two bedroom units and 19 x three bedroom units~~ **38 units, including 19 x three bedroom units and 19 x four bedroom units.**	To reflect the revised composition of units to be delineated as accessible housing, pursuant to the Gold Level Liveable Housing Design Guide. Refer to the revised Architectural Plans prepared by TVS Architecture included in **Appendix C**.
22. Car parking a) Submit to EDQ DA Engineering detailed engineering plans, certified by a RPEQ, for all car parking. The RPEQ certified engineering plans must be designed generally in accordance with: i. Provide minimum ~~60~~ **51** visitor carparking numbers, **including three motorbike spaces**. ii. Provide minimum ~~429~~ **639** resident carparking numbers. iii. Australian Standard AS2890 – Parking Facilities and the approved plans. b) Construct, sign and delineate car parking spaces generally in accordance with the certified plans submitted under part a) of this condition. c) Submit to EDQ DA Engineering REPQ certification that parking facilities have been constructed in accordance with part a) of this condition.	The proposed change involves changes to the approved car parking (both resident and visitor) rates specified in Condition 22. Recommended amendments are identified in **green**.

3.3.3 Condition Compliance

In accordance with the pre-lodgement discussions with EDQ, the Applicant has resolved to submit a suite of detailed plans for condition compliance assessment and is intended to be assessed in conjunction with the amendment application.

Table 4 below provides a breakdown of detailed plans and/or documents that have previously been submitted to EDQ for assessment, in addition to those detailed plans submitted for compliance assessment for ease of reference.

Table 4: Condition Compliance Assessment	
Condition	**Comment**

3) Compliance Assessment – Quantitative Wind Assessment	The Quantitative Wind Assessment submitted with the condition compliance for Stage 1 included an assessment for the Stage 2 building. It is thus considered that an individual Quantitative Wind Assessment is not required to be submitted for Stage 2 to demonstrate compliance with Condition 3.
4) Compliance Assessment – Significant Vegetation Protection	An Arboricultural Impact Assessment Report was submitted as part of the condition compliance assessment phase for Stage 1. The Applicant acknowledges that the significant vegetation protection matters have already been addressed and will not change as a consequence of the Stage 2 works and proposed changes. As such, the resubmission of an Arboricultural Impact Assessment Report for Stage 2 is not necessitated to satisfy Condition 4.
5) Sufficient Grounds – Compliance Assessment – Detailed Public Realm Strategy	A Detailed Public Realm Strategy has been previously submitted to Economic Development Queensland to satisfy Condition 5 of the development approval. As detailed within Section 3.2 of this Town Planning Assessment, the public realm strategy within Stage 2 remains generally consistent with the approved outcome (albeit minor changes to the configuration of the lobby and retail spaces). The proposed public realm strategy remains coherent to that previously submitted and thus an additional detailed public realm strategy is not necessitated for the Stage 2 works.
6) Compliance Assessment – Detailed Landscape Plans	Refer to the detailed Landscape Plan prepared by Vee Design included in **Appendix E**, for further detail.
7) Compliance Assessment – Streetscape Works	Streetscape work plans will be separately provided to EDQ to Wharf Street and part of Macarthur Avenue.
8) Sufficient Grounds – Compliance Assessment – Accessible Housing	Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.
9) Sustainability and Efficiency – Compliance Assessment	A detailed sustainability report prepared by a suitably qualified person with supporting plans, calculations, performance objectives and quantified sustainability measures in accordance with the relevant guidelines was submitted to EDQ for compliance assessment for Stage 1. There are no changes proposed as part of Stage 2 that would otherwise necessitate a reassessment or submission of an additional detailed sustainability report.

10) Compliance Assessment – Visitor Parking	Refer to the Architectural Plans prepared by TVS Architects included in **Appendix C**, for further detail.

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).

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) For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – introduces new social impacts or increase the severity of known social impacts; or

i) Removes an incentive or offset component that would have balanced a negative impact of the development; or

j) 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 Statutory 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 already approved, being a Multiple Dwelling, Office, Shop, Food and Drink Outlet and Indoor Sport and Recreation.
Does not result in the application applying to a new parcel of land	The proposal continues to apply over the land to which the current approval applies.
Does not dramatically change the built form in terms of bulk, scale, appearance	The proposed change does not dramatically change the bulk, scale and appearance of the approved development for the reasons set out herein. • The overall building composition remains unchanged, achieving a consolidated five (5) storey podium form outcome with two x 19 storey towers above. The development has a total building height of 24 storeys, consistent with the development approval. • There are no changes to the approved podium form. As presented on the Architectural Plans (**Attachment C**), the podium is characterised by a mix of residential units, landscaping and a high quality, articulated façade that appropriately screens the podium parking in accordance with the development approval. • There are no changes to the tower form. As detailed in Section 3 of this report, there are consequential changes to the unit provision and configuration of tower 2 in respect to the position, size and configuration of the balconies. The variation in the articulation of the two towers will create a positive distinction in the skyline. • The proposed ground level continues to maintain a high quality, activated and well-defined north-south cross block link that runs centrally through the site, consistent with the approved development. The key design and operational aspects of the

Table 4 – Assessment against Substantially Different Development Criteria	
Minor Change Criteria	**Assessment**
	ground level have been maintained by the development, as described below. ○ Residential units are maintained along the Macarthur Avenue and Wharf Street frontages; ○ Retention of the north-south pedestrian cross block link which achieves a central alignment, with the introduction of a secondary pedestrian link that runs in an east-west direction to Wharf Street. The proposed pedestrian link will provide for safe and unimpeded pedestrian access to the proposed visitor parking spaces and will be activated by the bicycle store and retail uses at the ground plane. ○ The pedestrian link continues to be activated by a range of active uses and spaces, including retail tenancies (i.e., cafe, shop etc.), co-working spaces (communal space), residential lobbies and outdoor seating / dining areas; ○ Integration of plazas and open space outcomes at either end of the cross block link; and ○ Extensive landscaped areas along the frontage and throughout the ground level. • The development continues to accommodate communal space at ground level, podium rooftop and rooftop levels, providing a combination of indoor and outdoor spaces, including work from home facilities, gym, pool, sauna, outdoor dining / barbeque spaces, play equipment, seating and lawn areas. The location and type of communal facilities is consistent with the development approval. • Within the tower the façade continues to be defined by tinted glazing, slab projections, modulated balcony forms and vertical projections, in an irregular pattern, that create interest and variation in the façade. Refer to **Section 5.2** for further detail.
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 a Multiple Dwelling, Office, Shop, Food and Drink Outlet and Indoor Sport and Recreation. The proposed changes to the approval do not alter or impede the ability of the proposal to operate as intended.
Does not remove a component that is integral to the operation of the development	The proposed minor change will not change the ability of the approved development to operate as intended. The proposal remains for a residential-led, mixed-use development.
Does not significantly impact on traffic flow and the transport network, such as increasing traffic to the site.	The proposed development will continue to obtain access via the existing driveway (to the south) from Wharf Street. The changed visitor car parking arrangement to the south of Stage 2 will not impact on the existing traffic movements and network. For further detail refer to the traffic impact assessment included in **Appendix E.** The proposed change involves an increase in car parking numbers from 678 spaces to 687 spaces. The increase in car parking numbers responds to market demand. As demonstrated in the Traffic Impact

Table 4 – Assessment against Substantially Different Development Criteria	
Minor Change Criteria	**Assessment**
	Statement (**Appendix E**), the proposed car parking rate complies with the minimum and maximum car parking rates prescribed under the Development Scheme. Whilst there is an increase in the number of parking spaces proposed on-site, the traffic assessment confirms that the change in traffic generation is coherent with the original approval and will not result in any significant changes to the traffic impacts to the local road network. For further detail, please refer to the Traffic Impact Statement prepared by Bitzios Consulting, included in **Appendix E**.
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, for the reasons set out below. • The proposed changes to the tower, as discussed above, do note reduce the minimum setbacks to the boundaries. Furthermore, the change to the tower separation, maintains well separated towers and provides screening where necessary to ensure that there is no impact on the amenity or privacy of the residential units. • The changes will not have an adverse impact on the road network for the reasons discussed above and detailed within the Traffic Impact Statement prepared by Bitzios (**Appendix E**). For the reasons set out above, the proposed change will not increase any existing impacts or introduce new impacts. Refer to **Section 5.2** for further detail.
For a development prescribed by the Planning Regulation as requiring social impact assessment as identified under section 106T of the Act – introduces new social impacts or increase the severity of known social impacts.	The proposed development is not in relation to an approval subject to a social impact assessment.
Does not remove and incentive or offset component that would have balanced a negative impact of the development	The superior design outcomes and other sufficient grounds forming part of the approval remain unchanged.
Does not impact on infrastructure provisions	The development proposes to reduce the number of units over the site and therefore will not place any additional demand on the infrastructure network. The changed number of units will be reflected in a revied infrastructure charges notice for the development.

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 proposed amendments do not alter the development's assessment against any relevant State interest.
- 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 Northshore Hamilton PDA Development Scheme (October 2022). The proposal remains consistent at the time of this change application with the assessment benchmarks of the Northshore Hamilton PDA Development Scheme.
- A summary of the development's compliance with the built form provisions is provided below:
    - **Building Height** – The application does not propose to change the approved 24 storey building height, and therefore continues to comply with the planning framework, as per the original assessment. The same building height provisions under the original planning framework continue to apply to the current planning framework.
    - **Housing** – The proposed development maintains and enhances the diversity of housing choice that will be delivered as part of the proposal, pursuant to Section 2.5.6 of the Development Scheme. The development proposes a total of 372 x units, including:
        - One bedroom units: 91 x units;
        - Two bedroom units: 130 x units;
        - Three bedroom units: 132 x units; and
        - Four bedroom units: 19 x units.

      Whilst the approved one (1) bedroom units have been removed from the tower, Stage 2 continues to accommodate 41 x one-bedroom units across the ground and podium levels to support the diversity outcomes under the Development Scheme.

      Furthermore, the Applicant proposes to introduce thirty-eight (38) dual key units that relate to a portion of the three (3) bedroom units. The proposal provides two self-contained residences on a single title, comprising a primary two bedroom unit alongside a separate studio residence. The dual key function is being proposed as a way to diversity the type and function of the units.

      Having regard to the above, the proposed development supports housing choice and diversity to meet a range of different household and lifestyle needs, as desired under the Development Scheme.
    - **Sustainability** – As per the ESD Report included as part of the current development approval, the development will achieve the sustainable building outcomes under Section 2.5.4 of the Development Scheme and Condition 10 of the development approval.

- **Built Form** – The application does not propose to change the building composition, maintaining the consolidated five (5) storey podium outcome and two (2) x 19 storey towers above. The proposed development therefore continues to comply with the planning framework, as per the original assessment and current planning framework (unchanged in this respect).
- **Podium** – The development does not propose any changes to the podium form. The proposed development therefore continues to comply with the planning framework, as per the original assessment and current planning framework (unchanged in this respect).
- **Tower Floor Plate** – The proposed development does not involve any changes to the form of the tower, however as a consequence of the change to the unit provision and configuration the articulation of Tower 2 with respect to the position, size and configuration of the balconies. The proposed setbacks continue to comply with the minimum approved setbacks to the boundaries. The proposed development continues to comply with the planning framework, as per the original assessment and current planning framework (unchanged in this respect).
- **Minimum Building Separation** – The proposed separation responds to the outcomes under Section 2.5.1.3 of the Development Scheme, which is consistent with the planning framework applicable to the original assessment.
- **Private Open Space** – The development application proposes some changes to the location and configuration of balconies within the building, however the development maintains the minimum areas specified under the Development Scheme and therefore continues to comply with the planning framework, as per the original assessment and the current planning framework. Refer to the Architectural Plans prepared by TVS Architects (**Appendix C**) for further detail.
- **Communal Open Space** – The development proposes 4,798m^2 of communal spaces, including a range of active and passive recreation spaces. Consistent with the vision and PDA-wide criteria (see Section 2.5.1.3) under the Development Scheme the proposed communal space will deliver a variety of passive and active (internal and external) recreation opportunities, including work from home spaces, a gym . yoga studio, sauna, pool, barbeque and outdoor dining areas, outdoor seating, lawn areas and play areas, that will benefit and cater for the different needs of the buildings occupants. The communal open space will also compliment the spaces and activities that are accommodated within the surrounding public realm and within nearby developments.
- **Car Parking** – The proposed change involves an increase in car parking numbers from 678 spaces to 687 spaces. The proposed car parking provision complies with the minimum and maximum car parking rates prescribed under Schedule 2 of the development scheme. Refer to the Traffic Impact Statement prepared by Bitzios Consulting included in **Appendix D**.
- **Bicycle Parking** – The Development Scheme does not prescribe bicycle parking rates for the development and hence the original assessment relied upon the rates specified under the *Brisbane City Plan 2014* TAPS PSP and the relevant Austroads Guide.

  The proposed development does not change the quantum of bicycle parking approved and continues to comply with the minimum requirements stipulated under both the City Plan and Austroads guide, respectively. Refer to the Traffic Impact Statement prepared by Bitzios Consulting included in **Appendix D**.
- **Servicing** – The Development Scheme does not prescribe the type and number of service vehicles for the development and hence the original assessment relied upon the rates specified under the *Brisbane City Plan 2014* TAPS PSP.

The proposed servicing bays are appropriately designed and located for the required service vehicles, in accordance with the requirements specified under the Brisbane City Plan TAPS PSP. Refer to the Traffic Impact Statement prepared by Bitzios Consulting included in **Appendix D**.

The proposed change is therefore consistent with the provisions and intent of the current planning framework.

6. Summary

This Town Planning Assessment in respect of the proposed Amendment Application for the development approval at 11 – 23 Macarthur Avenue, Hamilton, 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.