23 October 2026

Economic Development Queensland
GPO Box 2202
BRISBANE QLD 4001

Via Email: developmentservices@edq.qld.gov.au

Council Reference: DEV2024/1581-3
Attention: Elizabeth Piper

Dear Leila,

RE: Request to make a Change under Section 99 of the Economic Development Act 2012 to a Development Approval – Material Change of Use for Multiple Dwelling, Shop and Food and Drink Outlet, and Reconfiguring of a Lot for 1 into 2 at Part of 260 MacArthur Avenue, Hamilton

We write to EDQ (the responsible entity) on behalf of the Applicant, Silverstone Landholding No 20 Pty Ltd, with respect to the abovementioned approval issued over 260 MacArthur Avenue, Hamilton (Lot 182 on SP348282). The original approval was granted on 8 May 2025 and granted approval for a Material Change of Use for Multiple Dwelling, Shop and Food and Drink Outlet, and Reconfiguring of a Lot for 1 into 2 at Part of 260 MacArthur Avenue, Hamilton (vide: DEV2024/1581). A subsequent Section 99 Amendment Application was approved by EDQ on 14 August 2025 (vide: DEV2024/1581-3).

Since approval, the project has progressed to construction. Following market feedback, specifically strong buyer demand identified through 'off the plan' sales associated with the project and the developer's adjacent project of the north, the Applicant seeks to amend the approved unit mix and designs. Consequential changes are also proposed to the basement, ground floor and building facades. It is further proposed to amend Condition 34 to reflect the anticipated delivery of the landscape easement and to remove Conditions 36 and 37 following the recent Development Scheme amendment.

The Applicant now seeks to regularise the changes by requesting a Change (Amendment Application) to the approval, pursuant to Section 99 of the Economic Development Act 2012 ("The Act"). The changed proposal complies with the relevant assessment

benchmarks having regard to the existing approval. We therefore request the conditions are altered in accordance with Section 99 of the Act.

This request for a Section 99 Amendment to a Development Approval is accompanied by:

- PDA Development Application form;
- Amended Architectural Plans prepared by CARR;
- Amended Landscape Plan prepared by Dunn and Moran Landscape Architects; and
- Amended Transport Engineering Assessment prepared by Colliers.

This letter now sets out the changes proposed.

Site Details

The land is formally described as Lot 182 on SP348282, which has a total site area of 8,122m^2. The land is situated between Karakul St and MacArthur Ave (South)(Figure 1). The site currently presents as a construction site, with the granted approval in the process of being enacted.

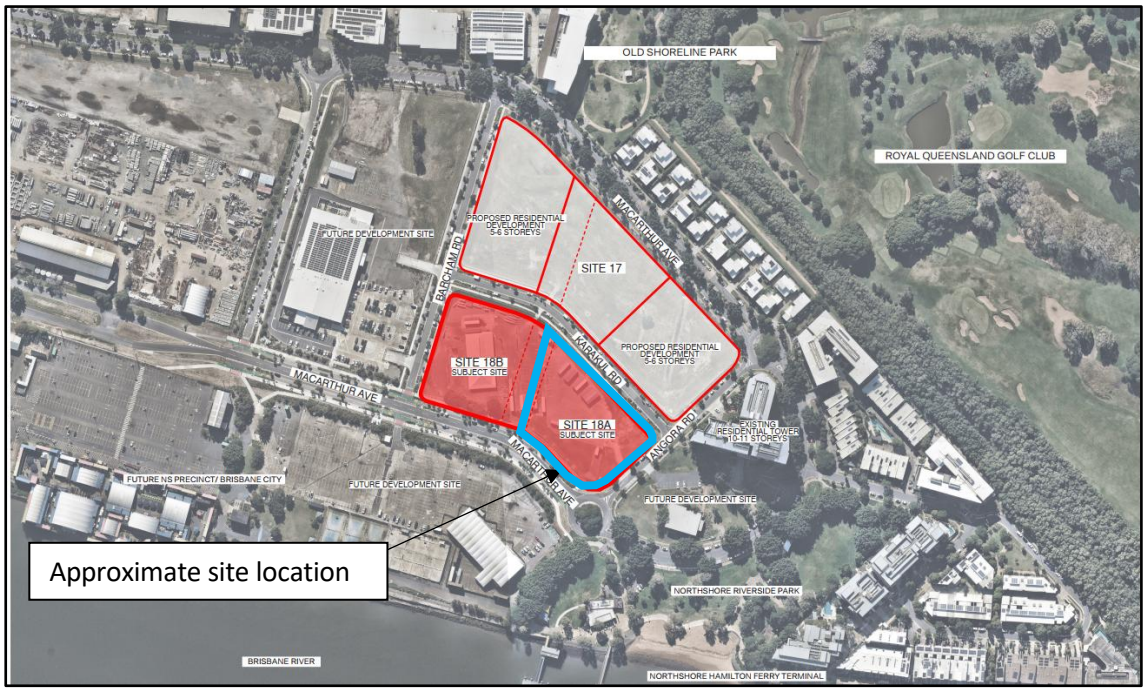


Figure 1: Subject site (Source: CARR Urban Context Report)

The subject site is located within the Hamilton Northshore Priority Development Area (PDA) (Figure 2). The Northshore Hamilton PDA Development Scheme includes the site in the Mixed Use High Density Zone. Development in this zone is intended to provide a wide range and intensity of commercial, retail, health and medical, community, entertainment, cultural activities, residential and accommodation uses in a

predominantly high-rise built form and is characterised by outstanding architecture which defines a unique skyline for the PDA.



Figure 2: Northshore Hamilton Priority Development Area (Source: NH PDA Development Scheme)

Application History

DEV2024/1581 – ROL & Material Change of Use

The application for a Material Change of Use for Multiple Dwelling, Shop and Food and Drink Outlet and Reconfiguring of a Lot was approved on 8 May 2025 (vide: DEV2024/1581).

Specifically, the development facilitated 2 x apartment buildings containing 176 units, comprising 20 x 1 bedroom (11% of total units), 136 x 2 bedroom (76%) and 22 x 3 bedroom units (13%) and the Cross Block Link that is proposed to connect to the adjacent sites to the north.

The development also provided 784m^2 of commercial space, comprising a large tenancy (392m^2) to accommodate a supermarket/grocer, plus 4 smaller tenancies ranging from 64m^2 to 181m^2 suitable for a range of businesses servicing a more local catchment (such as a bottle shop, baker, hairdresser and restaurant/café) (Figure 3).

The approval constituted the following:

- Material Change of Use (Development Permit) for a Multiple Dwelling, Shop and Food and Drink Outlet; and
- Reconfiguration of the land into 2 lots and a privately owned yet publicly accessible cross-block link through the creation of a volumetric access easement.

The application was assessed and approved under the Northshore Hamilton PDA Development Scheme Amendment No 1. (Effective October 2022) and the Economic Development Act 2012.

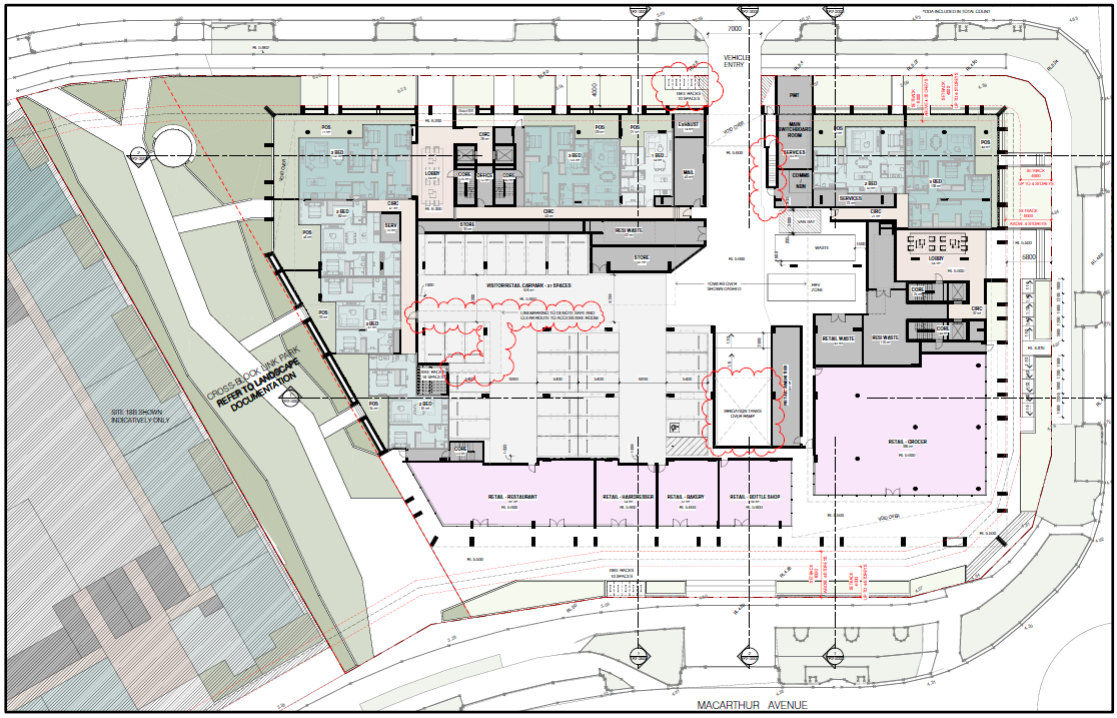


Figure 3: Approved Ground Level Plan (Source: CARR)

Section 99 Change Approval DEV2024/1581-3

On 14 August 2025, EDQ approved a Section 99 Change Application that sought varies changes to approval DEV2024/1581. Specifically, the following changes were approved:

- changes to the unit type and mix increase the total units provided to 195, with the distribution as follows:
  - 58 x 1 bedroom (30%)
  - 77 x 2 bedroom (39%)
  - 60 x 3 bedroom (31%)
- increase the above ground gross floor area to 19,251m^2 and the plot ration to 2.37.
- increase the total number of car parking spaces to 301 (267 residential and 34 retail/visitor) and 254 bicycle parking spaces.
- The total landscaping provided increased from 3,711m^2 to 3,785m^2.
- Various minor amendments to the basement and ground level.
- minor changes to the Level 1 and Rooftop Communal Open Space areas. Specifically, a total reduction of 12m^2 was approved to the Communal Open Spaces.
- minor facade changes via the introduction of landscape planters and screening.

Proposed Changes

This section sets out the key changes to the approved development. The development proposes changes to the approved unit mix and type, bicycle parking, and built form. Further, it is proposed to remove any condition requiring a minimum percentage of gross floor area to be provided as either a mix of public housing, social housing and affordable housing for the development, following the recent amendments to the Development Scheme. The proposed key changes are:

- Design change to ground floor and basement
- Total landscaping increasing from 3,785m^2 to 4,090m^2.
- Change to apartment mix resulting in one additional apartment (total 196 units). The proposed unit mix change is as follows:
  - Increase in 1 bedroom units from 58 to 60 units; and
  - Decrease in 3 bedroom units from 60 to 59 units.
  - Building 2 increases from 83 total units to 84 apartments. Building 1 maintains 112 total units.
- Increase in total car parking spaces incl Resident, visitor, and PWD as follows:
  - 301 total spaces to 306
  - Increase of 3 residential spaces in basement
  - Increase of 2 visitor spaces at ground level
  - Distribution of PWD car parks to basement and ground updated. PWD parking: total remains 6, redistributed from 4 in basement and to 2 at ground level, to 2 in basement and 4 at ground level.
- Removal of Conditions 36 and 37.
- General design changes to floor plate configuration and exterior.
- Entry pedestrian ramp change for accessibility requirements
- Minor reduction to total bicycle spaces from 254 to 247:
  - Reduction of 4 spaces in the basement
  - Reduction of 3 spaces at ground level
- Amend Condition 34 to delay commencement of works with landscape easement
- Minor increase to roof height. The upper roof datum increases from RL 49.500 to RL 50.000, which is a 500 mm increase.

Further details on the proposed changes are provided below.

Changes to Unit Mix and Types

The development was approved with 195 units, via the recent amendment application, distributed as follows:

- 58 x 1 bedroom (30%)
- 77 x 2 bedroom (39%)
- 60 x 3 bedroom (31%)

The change to the unit mixes and types increased the above ground gross floor area to 19,295m^2 and the plot ratio to 2.37 however, the maximum site cover and approved setbacks were not altered to accommodate the changes to the unit mixes.

Following advise obtained during detailed design, it is proposed to amend the approved apartment mix to remove a 3 bedroom unit on ground floor to facilitate the provision of 2 additional 1 bedroom units. Specifically, the development now proposes a total of 196 units, distributed as follows:

- 60 x 1 bedroom
- 77 x 2 bedroom
- 59 x 3 bedroom

The proposed change to the unit mixes and types will decrease the above ground gross floor area to 19,192m^2 and the plot ratio to 2.36 however, the maximum site cover and approved setbacks will not be altered.

Notably, the Development Scheme was amended on 21 November 2025 and no longer requires that a minimum of 5% of the total residential gross floor area is to be provided as either or a mix of public housing, social housing and affordable housing, distributed throughout the development. Notwithstanding, the proposed change to the units still provides an affordable mix of housing types.

It is also proposed to amend the layouts of the ground floor units, as per Figure 4 overleaf:

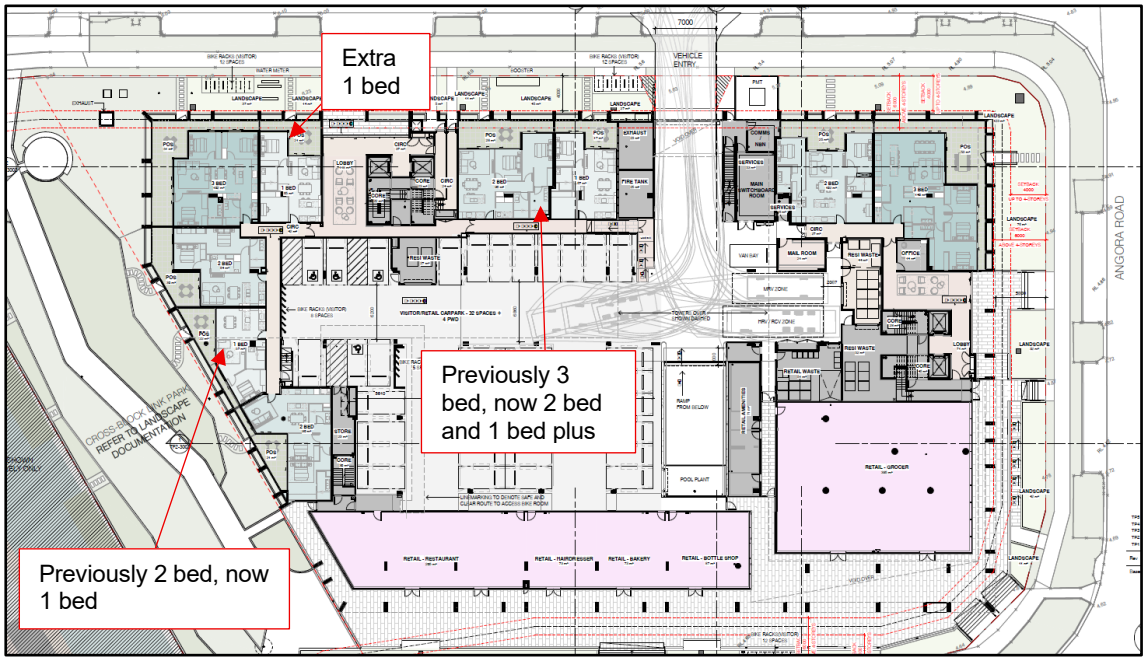


Figure 4: Amended Ground Floor Unit Mix (Source: CARR)

Changes to Car & Bicycle Parking

The approval provided 301 car park spaces (267 residential and 34 retail/visitor) and 254 bicycle spaces. Following progression of detailed design, minor amendments are required to the basement and ground floor plan that directly effect the existing parking arrangements.

The following amendments have been made to the Basement:

- Additional resident parking space now adjoining the PWD space in north-west corner.
- Remove 2 total bike racks and redistribution of parking areas.
- Introduce GPO charged Ebike racks to north-west storage area.

These proposed changes are illustrated in Figure 6 overleaf.

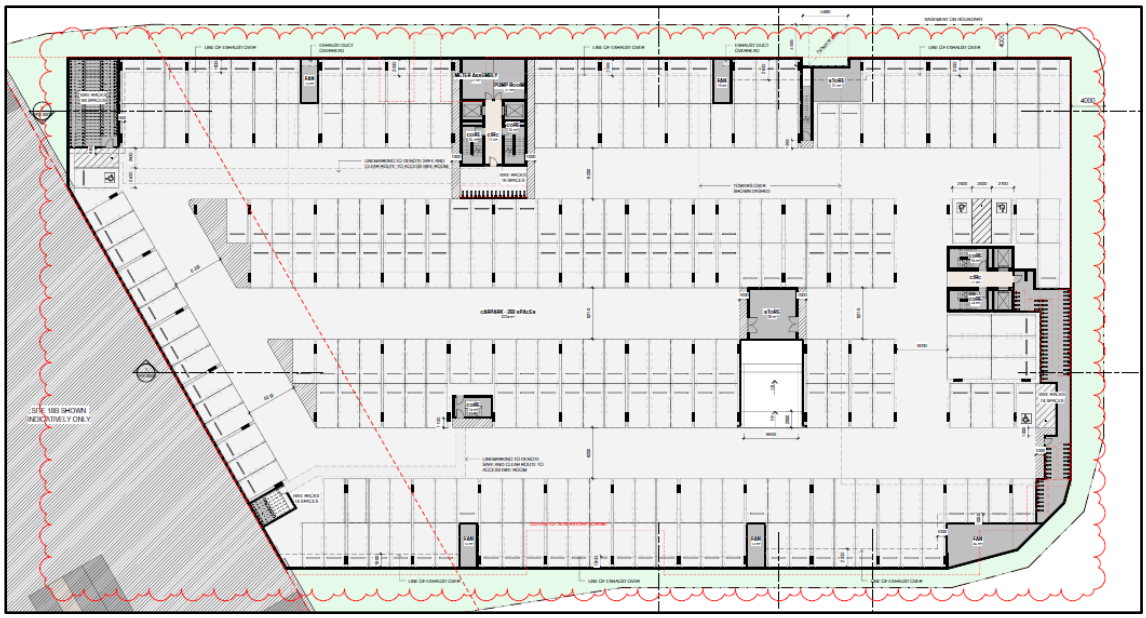


Figure 5: Approved Basement 01 Plan (DEV2024/1581-3) (Source: CARR)

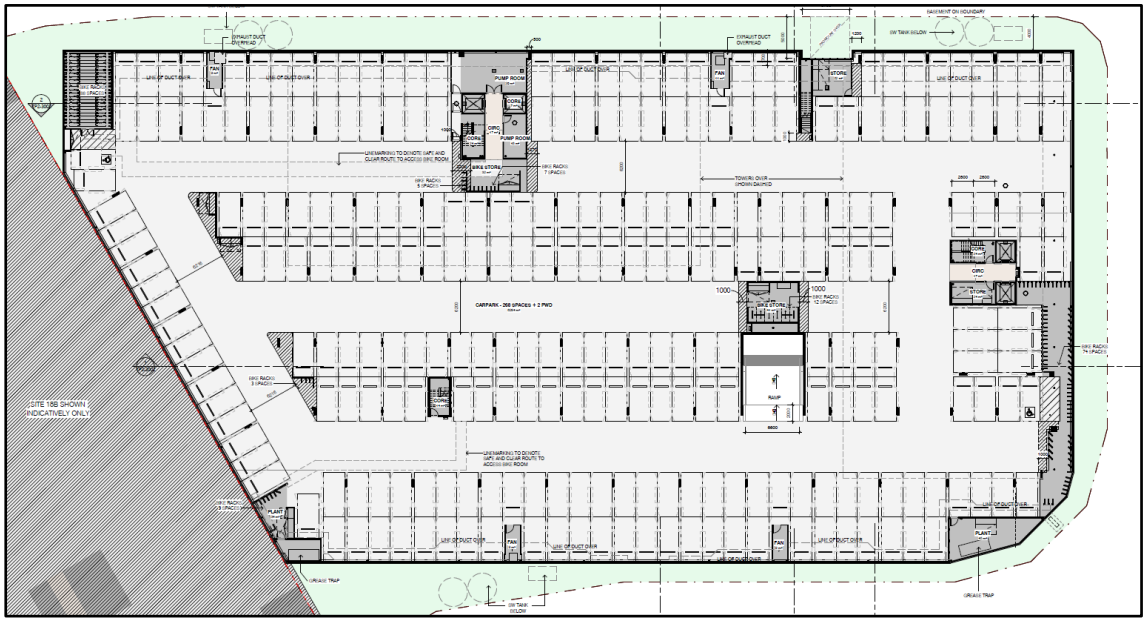


Figure 6: Proposed Basement Floor Plan (Source: CARR)

The following amendments have been made to the Ground Level:

- 4 PWD spaces have been provided at ground level and relocated near the building lobby.
- Reduction of 3 bicycle parking spaces.

The application is accompanied by an updated Transport Engineering Report prepared by Colliers.

In summary, the Colliers considers that the proposed development will not result in a higher traffic generation potential compared to that previous contemplated for the subject site in previous PDA transport modelling. On this basis, no further assessment of the potential traffic impacts of the development is considered necessary. Further, the proposed access and servicing arrangements are considered acceptable.

Minor Built Form Changes

As demonstrated in Figures 7 and 8 below and overleaf, and the updated Architectural Plans prepared by CARR, the development proposes minor façade changes to the landscape planters and screening. The changes result in additional articulation throughout each façade and further reduce the perceived bulk and scale of the development. It is not proposed to change the approved material palette.

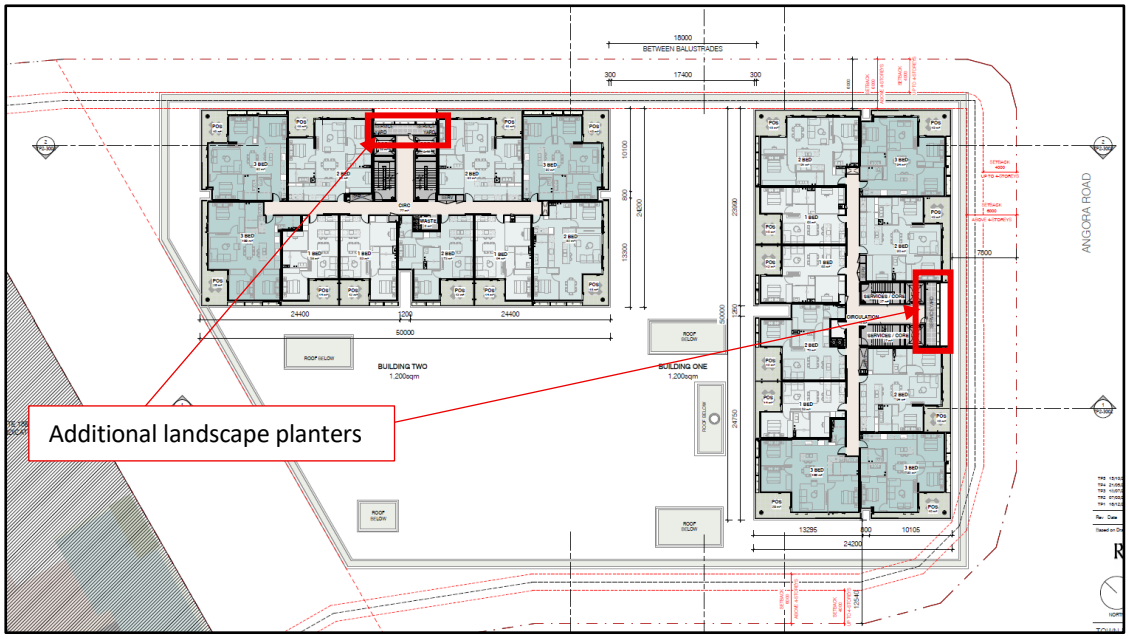


Figure 7: Proposed Level 2-8 Floor Plan (Source: CARR)



Figure 8: Updated North Elevation (Top) vs Approved North Elevation (Bottom) (Source: CARR)

Further, the maximum building height of the roof is proposed to increase by 500mm, which will result is an amended maximum RL of 50m AHD. This additional height does not constitute a 'storey' as defined within the Development Scheme.

Change to Landscaping

The development proposes additional landscaping throughout, resulting in a total increase from 3,785m^2 to 4,090m^2. The minor built form changes described above include additional or altered planters for the tower levels (Figure 7).

As shown in the amended Landscape Schematic Design prepared by Dunn Moran, no changes are proposed to the Landscaping easement that adjoins the development.

Changes to Approved Drawings and Documents List

This application proposes to amend the approved plans and documents in accordance with the changes described above. The approved plan list is shown in the table overleaf, with the proposed plan changes highlighted in red.

Approved Plans and Documents		Number	Date
1.	Flood Assessment Report prepared by Water Engineering Partners	R.30253.002.01	16 December 2024
2.	Air Quality Assessment for 260 MacArthur Avenue prepared by Trinity Consultants	247401.0190.R01V02	17 December 2024
3.	Acoustic Report for proposed residential development Lot 18a MacArthur Avenue, Hamilton prepared by Acoustic Works	2024503.R0IC	12 March 2025
4.	Site 18a, 260 MacArthur Avenue, Civil Engineering Report prepared by Meloria Consulting Engineers	24125 Rev 02	13 March 2025
5.	Transport Engineering Report prepared by Colliers	Rev 1	16.12.24
6.	Schematic Design 330 MacArthur Avenue on part lot 6 SP326594 prepared by Dunn and Moran	2404600 Issue E	2026-08-28
7.	Preliminary Subdivision Plan prepared by Landpartners	BRMM8547-000-10-1	17/12/2024
8.	Development Summary prepared by Carr	TP2-0002 Rev TP5	18/07/2025
9.	Compliance with Planning Requirements - Landscape Area prepared by Carr	TP2-0004 Rev TP3	18/07/2025
10	Compliance with Planning Requirements - Communal Open Space compliance prepared by Carr	TP2-0005 Rev TP5	18/07/2025
11.	Area summary typical level prepared by Carr	TP2-0006 Rev TP5	18/07/2025
12.	GFA plans prepared by Carr	TP2-0301 Rev TP5	18/07/2025
13.	GFA plans prepared by Carr	TP2-0302 Rev TP5	18/07/2025
14.	Compliance with Planning Requirements – Landscape Area compliance prepared by Carr	TP2-0004 Rev TP5	18/07/2025
15.	Basement 01 prepared by Carr	TP2-1001 Rev TP5	18/07/2025
16.	Ground level prepared by Carr	TP2-1002 Rev TP5	18/07/2025
17.	Level 1 podium prepared by Carr	TP2-1003 Rev TP5	18/07/2025
18.	Level 2-8 (TYP. Tower) prepared by Carr	TP2-1004 Rev TP5	18/07/2025
19.	Level 9-11 prepared by Carr	TP2-1013 Rev TP5	18/07/2025
20.	Roof prepared by Carr	TP2-1014 Rev TP5	18/07/2025
21.	Elevation North + South prepared by Carr	TP2-2001 Rev TP6	18/07/2025
22.	Elevation East + West prepared by Carr	TP2-2002 Rev TP6	18/07/2025
23.	Building Sections prepared by Carr	TP2-3001 Rev TP5	18/07/2025
24.	Building Sections prepared by Carr	TP2-3002 Rev TP6	18/07/2025
25.	Building Sections prepared by Carr	TP2-3003 Rev TP6	18/07/2025
26.	Material Palette	TP2-4001 Rev TP5	18/07/2025

Conditions to be Altered

Deletion of Conditions 36 and 37

On 21 November 2025, the Northshore Hamilton PDA Development Scheme was amended. Specifically, the amendment removed the direct requirement for development to provide affordable and adaptable housing. As discussed above, more recent

Development Approvals in the PDA area have not contained conditions necessitating the provision of affordable accommodation or adaptable units. It is sought that conditions necessitating adaptability and affordability (conditions 36 and 37) be removed. The one bedroom units that form part of the project continue to meet the historic affordability targets and all National Construction Code requirements in relation to adaptability are met, however in the Development Scheme no longer setting specific benchmarks for affordability and adaptability it is considered appropriate to remove the current conditions mandating these items.

Therefore, it is proposed to remove Condition 36 and 37 from the approval.

Condition 34 – Amendment to Timing of Delivery
As discussed above, the developer of the subject site controls the adjoining site to the east.

Construction of the adjoining buildings is to occur concurrent to that of the subject project, however with construction of the adjoining project not being completed for up to 30 months after that of the current project.

The adjoining project is to be constructed to the common boundary. Scaffold for construction is therefore to extend into the subject site.

There is a desire from the developer to provide the link and associated embellishments at the time of the construction of the project, to allow for the immediate delivery of this benefit to the community and residents of the subject property.

With this in mind it is sought that the cross-block link and the associated easement be provided in accordance with the current condition, however that the timing of the condition be amended, in a similar way to how EDQ have amended the clause for the developers adjoining project to the north (vide: DEV-2026-NSH-4692). This situation ensures the timely and safe delivery of the link, provides certainty as to the timing for the delivery of the deferred embellishments and allows for the construction of the adjoining project.

To this regard, it is requested that the 'Timing' of the condition is amended to ensure the works are completed within **30 months** of an approval being given. EDQ is invited to include a specific date within the condition, that is 30 months from the approval date.

Statutory Requirements

Application to Change PDA Development Approval

In accordance with Section 99 (2), the amendment application may be made only if MEDQ is satisfied the change would not result in the relevant development being substantially different. In accordance with Section 99 (3), Division 3 (PDA Development Applications) applies for an amendment application.

In accordance with Division 3, Section 85(4) of the Economic Development Act 2012, EDQ must decide to:

> *"(a) grant all or part of the PDA development approval applied for; or*
> *(b) grant all or part of the PDA development approval applied for subject to conditions decided by MEDQ (each a PDA development condition); or*
> *(c) refuse to grant a PDA development approval."*

The proposed changes are largely internal do not result in a substantial change to the development's appearance.

Prohibited Development

The proposed development is not identified as being prohibited development.

Referral Agencies

The original approval did not trigger referral to any state agencies and the change proposed would not trigger any referral agencies.

Level of Assessment

When initially approved, the development was defined as Permissible Development. The proposed changes would not alter the formal level of assessment for this application.

Submissions

The original approval was defined as Permissible Development and did not require public notification. No submissions were noted as having been received. The proposed amendment application does not require public notification.

Changes to Planning Instruments

Pursuant to Section 87(1)(d)(ii) of the Economic Development Act 2012, the MEDQ 'must consider –

"(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"

The development was approved under the Northshore Hamilton Priority Development Area Development Scheme No. 1 (Effective October 2022), which has since been amended to Northshore Hamilton Priority Development Area Development Scheme No. 1 (Effective 21 November 2025). As demonstrated this application, the development remains consistent with the relevant planning instruments.

Conclusion

We write in relation to proposed alterations to the approved Material Change of Use for Multiple Dwelling, Shop and Food and Drink Outlet, and Reconfiguring of a Lot for 1 into 2 at Part of 260 MacArthur Avenue, Hamilton (vide: DEV2024/1581-3). We are of the opinion that the proposed alterations meet the criteria to constitute a Change within the meaning of Section 99 of the Economic Development Act 2012. We therefore request that the change is assessed and decided pursuant to Division 3 the Act.

Thank you for your consideration of this request. Should you require any further clarification or information, please don't hesitate to contact our office on (07) 3360 4200.

Yours faithfully
URBAN STRATEGIES PTY LTD



Joshua Daley
SENIOR TOWN PLANNER