

DEV2012/399

1 October 2013

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

Brookfield Residential Properties
C/- Mr Michael Forwood
RPS
PO Box 1559
FORTITUDE VALLEY QLD 4006

Dear Michael

**SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA
DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE
RESIDENTIAL (32 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 1 October 2013 the Minister for Economic Development (MEDQ) approved the application to change the Priority Development Area (PDA) development approval pursuant to s.99 of the *Economic Development Act 2012*. The MEDQ has decided to grant all of the change to 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 Department of State Development, Infrastructure and Planning 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

Director – Development Assessment

PDA Decision Notice – Approval

Site information		
Name of priority 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	9 September 2013	
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 (32 dwelling units), Shop, Food Premises, Medical Centre	

PDA development approval details

Decision of the MEDQ	The MEDQ has decided to grant all of the PDA development approval applied for, subject to PDA development conditions forming part of this decision notice.
Original Decision date	30 May 2013
Change to approval date	1 October 2013
Currency period	4 Years from Original 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 Plan	5325.1W.01.001 Revision 2	03.09.2013
2.	Site & Setout Plan	5325.1W.01.002 Revision 3	03.09.2013
3.	Basement Floor Plan	5325.1W.02.001 Revision 6	03.09.2013
4.	Ground Floor Plan	5325.1W.02.002 Revision 13	03.09.2013, Amended in Red 30/09/2013
5.	Level 1 Floor Plan	5325.1W.02.004 Revision 10	03.09.2013
6.	Typical Floor Plan Level 2-4	5325.1W.02.005 Revision 11	03.09.2013
7.	Roof Plan	5325.1W.02.006 Revision 12	03.09.2013
8.	Typical Unit Layouts	5325.1W.02.007 Revision 2	03.09.2013
9.	Area Plans	5325.1W.02.021 Revision 1	03.09.2013
10.	North & East Elevations	5325.1W.04.001 Revision 7	03.09.2013
11.	South & West Elevations	5325.1W.04.002 Revision 7	03.09.2013
12.	Section 01	5325.1W.05.001 Revision 5	03.09.2013
13.	Section 02	5325.1W.05.002 Revision 9	03.09.2013
14.	Accessible Unit Plan	5325.3S.13 – (2)	13/03/2013
15.	Small Balcony Handrail Detail	5325.3S.17 – (2)	13/03/2013
16.	Legend / Material Sch. & Planting Sch.	L-B20-LE-002, Revision C	04.09.13
17.	Surface Finishes	L-B20-GE-101, Revision C	04.09.13
18.	Surface Finishes	L-B20-SF-201, Revision C	04.09.13
19.	Pavement Sand Blasting Setout	L-B20-SB-202, Revision B	04.09.13
20.	Pavement Jointing Plan	L-B20-JP-203, Revision B	04.09.13
21.	Landscape Levels	L-B20-LV-301, Revision B	04.09.13
22.	Landscape Lighting Plan	L-B20-LL-401, Revision C	04.09.13

23.	Planting Plan	L-B20-PP-501, Revision B	04.09.13
24.	Furniture Plan	L-B20-FRN-601, Revision B	04.09.13
25.	Typical Landscape Details	L-B20-DT-900, Revision B	04.09.13
26.	Typical Landscape Details	L-B20-DT-901, Revision B	04.09.13
27.	Typical Landscape Details	L-B20-DT-902, Revision B	04.09.13
28.	Portside Wharf Development Building 20, Traffic Engineering Report, prepared by TTM	12BRT0348, Rev 2	12/12/2012
29.	Portside Building 20 Noise Impact Assessment, prepared by Acoustic Logic	20120601.1/1607A/R2JS, Rev 2	16/07/2012
30.	Waste Management Plan, prepared by EnviroCom Australia		February 2013
31.	Energy Compliance Report for Development Application, prepared by John Armsby	Final Report	17 January 2013
Supporting documents		Number (if applicable)	Date (if applicable)
32.	Engineering Report for the proposed mixed use development Building 20, prepared by Bornhorst + Ward	11464, Revision B	November 2012

PDA Development Conditions

Condition		Timing
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	a) Prior to commencement of building works

	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.	b) Prior to commencement of use
5.	Affordable Housing Submit to EDQ's Manager – Development Assessment, evidence that the development delivers six (6) affordable units that are affordable to rent by households at \$449,280 or less, in accordance with the approved plans.	Prior to commencement of use
6.	Accessible Housing Submit to EDQ's Manager – Development Assessment, evidence that the development delivers four (4) 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 Shops on the Ground level is not appropriate.	Prior to approval for building 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.	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> .	a) While site works are occurring, then to be maintained

	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.	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 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.	a) Prior to commencement of site works 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 Surface Finishes, L-B20-SF-201, Revision C, dated 04.09.13 • 32 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	a) Prior to approval for building works b) Prior to commencement of use and to be maintained

	accessible to service vehicles on the site.	
20.	Bicycle Spaces Provide bicycle spaces and end of trip facilities in accordance with the approved Basement Floor Plan number 5325.1W.02.001 Revision 6 dated 03.09.2013 ensuring a total of 40 spaces in accordance with the Northshore Hamilton Urban 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>	Prior to commencement of use and to be maintained
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 <i>WSA 03-2002 Water Supply Code of Australia V2.3</i> and Brisbane City Council's <i>Supplementary Manual</i> .	Prior to commencement of use
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> .	a) Prior to commencement of use.

	b) Construct the services required in accordance with the agreement.	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 Landscape Drawings stipulated in the approved plans schedule (numbers 16-27). 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 tab, 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. The contribution has been calculated in accordance with the EDQ's <i>Infrastructure Funding Framework</i> (The Framework).	Prior to commencement of use

The current applicable general infrastructure charge is:		
32 Small units @ 0-60m ² GFA	\$12,574/ unit	\$402,368.00
522m ² Retail	\$15,061/ 100m ² GFA	\$90,366.00
The current applicable value uplift charge is:		
32 Small units @ 0-60m ² GFA	\$12,095/ unit	\$387,040.00
522m ² Retail	\$22,765 / 100m ² GFA	\$136,590.00
TOTAL		*\$1,016,364.00
<i>* Infrastructure charges will be indexed in accordance with the annual rate of the 3 year rolling average – expressed as a percentage to four (4) decimal places - of the movement of the Road and Bridge Construction Index (Queensland) calculated from that March which is three (3) years prior to the current year, to March of the current year.</i>		

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:

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

**** End of Package ****