

DEV2013/482

12 November 2013

Ms Tanya Martin
Senior Statutory Planner
Lend Lease Communities (Yarrabilba) Pty Ltd
PO Box 1512
MILTON QLD 4064

Dear Tanya

**SECTION 89(1)(a) PDA DEVELOPMENT APPROVAL FOR A PDA
DEVELOPMENT APPLICATION FOR A PDA DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE (INCLUSION OF FOOD PREMISE AS AN
APPROVED USE) AT 1568-1618 WATERFORD TAMBORINE ROAD,
YARRABILBA DESCRIBED AS LOT 911 ON SP258540**

On 12 November 2013 the Minister for Economic Development Queensland (MEDQ) approved the Priority Development Area (PDA) development application pursuant to s.85(4)(b) of the *Economic Development Act 2012*. MEDQ has decided to grant all of the PDA development approval applied for subject to PDA development conditions set out in the attached PDA Development Approval Package.

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

Should you have any queries in relation to the decision notice, please do not hesitate to contact Lyndy Rapson on (07) 3024 4181.

Yours Sincerely



Patrick Atkinson
Director – Development Assessment



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PDA Decision Notice – Approval

Site information		
Name of urban development area (PDA)	Yarrabilba	
Site address	1568 – 1618 Waterford Tamborine Road Yarrabilba	
Lot on plan description	Lot number	Lot description
	911	SP258540
PDA development application details		
MEDQ reference number	DEV2013/482	
Lodgement date	2 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	MCU with Plan of Development to include: - Food Premise as an approved use (in addition to the previously approved uses for Business, Fast Food Premises, Health Care Services, Market, Shop, Shopping Centre, Car Park, Child Care Centre, Community Facility, Education Establishment, Indoor Entertainment, Multiple Residential, Other Residential, Service Industry, Service Station and Showroom); and - car parking rates for the above uses.	

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.	
Decision date		12 November 2013	
Currency period		4 years from the 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.	Precinct One Plan of Development Superblock A – Mixed Use District Centre Focus	Dgn No. YB-P01-RPOD101118T Sheet 3B of 9	30 OCT 2013
2.	Precinct One Non-Residential Plan of Development Common Clauses Document	Dgn No. YB-P01-RPOD110408D	21 AUG 2013
PDA Development Conditions			
1	Carry out the approved development Carry out the approved development generally in accordance with the approved plans.	To be maintained	
2	Complete all Operational Work Complete all operational work associated with this development approval, including work required by any of the following conditions. Such operational work is to be carried out generally in accordance with the approved plans.	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 required by the conditions.	As indicated	
4	Certification Agreement In relation to all operational works undertaken on the site comply with all requirements and fulfil all responsibilities outlined in the <i>Economic Development Act 2012</i> Certification Procedures Manual.	Prior to commencement of works	
5	Pre-Construction Certification No work shall commence until the Development Assessment Division of the Department of State Development, Infrastructure and Planning (DSDIP) acknowledges in writing receipt of certification package(s) from the Project co-ordinator in accordance with the <i>Economic Development Act</i>	Prior to commencement of works	

	2012 Certification Procedures Manual.	
6	Post-Construction Certification Submit to the Principal Engineer, Development Assessment Division, DSDIP 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 constructed in accordance with the approved plans.	Prior to commencement of use
7	Construction Management Plan a) Submit to the Principal Engineer, Development Assessment Division, DSDIP a Site Based Construction Management Plan that includes but is not limited to: • provision for the management of traffic around and through the site during and outside of construction work hours in accordance with the <i>Traffic Management Plan</i> Condition required by this approval; • provision for parking and materials delivery during and outside of construction hours of work; • management of dust generated from the site during and outside construction work hours; • management of sedimentation and erosion in accordance with the <i>Erosion and Sediment Management</i> Condition required by this approval; • management of contaminated soils (if required), including removal, treatment and replacement in accordance with site remediation plans prepared and approved specifically for this site; • management of acid sulfate contaminated soils (if required) in accordance with the Queensland Acid Sulfate Soil Technical Manual, Soil Management Guidelines V3.8 or later; and • unless otherwise approved - hours of construction must be Monday to Saturday 6.30am to 6.30pm. Construction work in relation to the development must not be conducted outside the above hours or on Sunday or Public Holidays. The construction management plan shall be prepared in consultation with the civil contractor and professionals responsible for individual site related management plans to ensure that all aspects of the construction and environmental management are included. The construction management plan shall be reviewed and approved by the principal consultant overseeing and certifying the construction works. b) All work shall be undertaken in accordance with the construction management plan which must be current and available on site at all times during the construction period.	a) Prior to commencement of works b) At all times during construction

8	Traffic Management Plan a) Submit to the Principal Engineer, Development Assessment Division, DSDIP a Traffic Management Plan (TMP) prepared and certified by a person holding a current Traffic Management Level 3 qualification or higher. A permit will need to be sought from Logan City Council prior to any temporary road closure. The TMP must ensure traffic impacts are minimised where possible during construction. The TMP plan must include but not be limited to:- • provision for the management of traffic around and through the site during and outside of construction work hours; • provision for parking and materials delivery during and outside of construction hours of work; • planning including risk identification and assessment, staging, etc; • implementation; • monitoring and measurement; • management review; and • traffic control plans or traffic control diagrams in accordance with Manual of Uniform Traffic Control Devices (MUTCD) for any temporary part or full road closures of any Council road(s). b) All work shall be undertaken in accordance with the traffic management plan which must be current and available on site at all times during the construction period.	a) Prior to commencement of site works b) As indicated
9	Filling and Excavation a) Submit to the Principal Engineer, Development Assessment Division, DSDIP an Earthworks Management Plan (EMP) certified by a Registered Professional Engineer Queensland (RPEQ). The EMP shall: • link with and support the Erosion and Sediment Control plans; • where appropriate, provide full detail of areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation; and • provide full details of any areas where surplus soils are to be stockpiled. b) Carry out the filling and excavation in accordance with approved EMP and AS3798 – 1996 <i>"Guidelines on Earthworks for Commercial and Residential Developments"</i>. c) Submit to the Principal Engineer, Development Assessment Division, DSDIP certification by a Registered Professional Engineer Queensland (RPEQ) that all filling and excavation works have been carried out in generally	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use

	accordance with the approved EMP and any unsuitable material encountered has been treated or replaced with suitable replacement material.	
10	Retaining Walls a) Submit to the Principal Engineer, Development Assessment Division, DSDIP detailed engineering plans, certified by a Registered Professional Engineer Queensland (RPEQ). b) Construct the works in accordance with the certified plans. c) Submit to the Principal Engineer, Development Assessment Division, DSDIP certification by a Registered Professional Engineer Queensland (RPEQ) that all retaining wall works have been carried out generally in accordance with the certified plans.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
11	Roads and Carparking – Internal a) Submit to the Principal Engineer, Development Assessment Division, DSDIP engineering design and construction drawings certified by a Registered Professional Engineer of Queensland (RPEQ) for internal roads and carparking generally in accordance with the MEDQ or Logan City Council relevant guidelines and Australian Standard AS2890 - Parking Facilities. b) Construct the works generally in accordance with the certified plans to the Logan City Council standards. c) On completion of the works, provide to the Principal Engineer, Development Assessment Division, DSDIP written certification from a RPEQ that the completed road construction and car park complies with a) and b) with this condition.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
12	Public Pedestrian/Cycle Access Construct pedestrian crossings and cycle pathways generally in accordance with the Precinct One Plan of Development Superblock A – Mixed Use District Centre Focus Dgn No YB-NRPOD101118T Sheet 3B of 9 dated 30 OCT 2013.	Prior to commencement of use
13	Water Connection Connect the development to the existing water reticulation network in accordance with the Logan City Council standards.	Prior to commencement of use

14	Sewerage Connection Connect the development to the existing sewerage reticulation network in accordance with the Logan City Council standards.	Prior to commencement of use
15	Stormwater Connection Connect the development to the existing stormwater network at a lawful point of discharge in accordance with Logan City Council standards.	Prior to commencement of use
16	Electricity Submit to the Principal Engineer, Development Assessment Division, DSDIP either: a) written evidence from Energex confirming that the existing underground low-voltage electricity supply is available to the development; or b) written evidence from Energex confirming that the applicant has entered into an agreement with an authorised electricity supplier (e.g. Energex) to provide underground electricity services.	a) Prior to commencement of works b) Prior to commencement of works
17	Telecommunications Submit to the Principal Engineer, Development Assessment Division, DSDIP documentation from an authorised telecommunication service provider confirming that satisfactory agreements have been made for the provision of underground telecommunication services the development.	Prior to commencement of works
18	Broadband Provide infrastructure within the development to accommodate Opticomm services in accordance with the NBN Co Limited <i>'New Developments: Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers'</i> , Doc. No NBN-TE-CTO-194, issue date 1 st April 2011.	Prior to commencement of works
19	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 connection with the approved development in accordance with the relevant authority or utility standards.	Prior to commencement of use
20	Outdoor Lighting Design and install outdoor lighting to minimise light spill in the adjacent residential properties to be in accordance with <i>AS 4282:1997 Control of the Obtrusive Effects of Outdoor</i>	Prior to commencement of use and to be maintained

	The terms of the easements must be to the satisfaction of the Chief Executive Officer of the authority which ultimately is to takeover and maintain the contributed assets.																																																																																																													
25	Infrastructure charge In lieu of paying an infrastructure charge for municipal and state infrastructure, design, construct and complete, comply with or provide the works required to connect to the development.	As required by the relevant conditions																																																																																																												
26	Sub-regional charge a) Unless a relevant infrastructure agreement provides to the contrary, pay to the MEDQ the sub-regional charge in accordance with Table 1 Part A below. Table 1 Part A <table><tr><th colspan="2">Residential - other than a House</th><th colspan="2">Part B</th></tr><tr><th colspan="2">Charge per dwelling unit</th><th></th><th></th></tr><tr><td>For residential dwellings for:</td><td>Small ¹</td><td>Medium ¹</td><td>Large ¹</td></tr><tr><td>Multiple residential</td><td>\$3,132</td><td>\$4,176</td><td>\$5,428</td></tr><tr><td>Other residential</td><td></td><td></td><td></td></tr><tr><td colspan="4">Non-residential uses</td></tr><tr><th colspan="2">Land Use Category</th><th colspan="2">Part B Charge per sqm of GFA</th></tr><tr><td colspan="4">Commercial</td></tr><tr><td>Business</td><td colspan="3">\$35.62</td></tr><tr><td>Car park</td><td colspan="3">\$35.62</td></tr><tr><td>Health care services</td><td colspan="3">\$35.62</td></tr><tr><td colspan="4">Industrial</td></tr><tr><td>Service industry</td><td colspan="3">\$45.87</td></tr><tr><td colspan="4">Retail</td></tr><tr><td>Fast food premises</td><td colspan="3">\$45.87</td></tr><tr><td>Food premises</td><td colspan="3">\$45.87</td></tr><tr><td>Market</td><td colspan="3">\$nil</td></tr><tr><td>Service station</td><td colspan="3">\$45.87</td></tr><tr><td>Shop</td><td colspan="3">\$45.87</td></tr><tr><td>Shopping centre</td><td colspan="3">\$45.87</td></tr><tr><td>Showroom</td><td colspan="3">\$35.62</td></tr><tr><td colspan="4">Service, community and other uses</td></tr><tr><td>Child care centre</td><td colspan="3">\$35.62</td></tr><tr><td>Community facility</td><td colspan="3">\$17.81</td></tr><tr><td>Educational establishment</td><td colspan="3">\$35.62</td></tr><tr><td colspan="4">Sport, recreation and entertainment</td></tr><tr><td>Indoor entertainment</td><td colspan="3">\$51</td></tr></table> 1. Small < 60m ² GFA, Medium = 60m ² GFA to 100m ² GFA, Large > 100m ² GFA b) Sub-regional works or land contributions, external to the PDA, including Council roads, State roads, sub-regional sewer and water may be offset against the sub-regional charge through agreement with the MEDQ.	Residential - other than a House		Part B		Charge per dwelling unit				For residential dwellings for:	Small ¹	Medium ¹	Large ¹	Multiple residential	\$3,132	\$4,176	\$5,428	Other residential				Non-residential uses				Land Use Category		Part B Charge per sqm of GFA		Commercial				Business	\$35.62			Car park	\$35.62			Health care services	\$35.62			Industrial				Service industry	\$45.87			Retail				Fast food premises	\$45.87			Food premises	\$45.87			Market	\$nil			Service station	\$45.87			Shop	\$45.87			Shopping centre	\$45.87			Showroom	\$35.62			Service, community and other uses				Child care centre	\$35.62			Community facility	\$17.81			Educational establishment	\$35.62			Sport, recreation and entertainment				Indoor entertainment	\$51			For <u>residential uses</u> the earlier of: i. prior to endorsement of a building format plan or ii. prior to commencing the relevant use or iii. prior to the issue of the certificate of classification For non- residential <u>uses</u> , the earlier of: i. prior to commencing the relevant use or ii. prior to the issue of the certificate of classification
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	c) From 1 July each year, the 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. Advisory note: <i>An insurance bond may be lodged to cover the infrastructure charges which will be refundable where an infrastructure agreement has been entered into. Where an infrastructure agreement has not been entered into within one year of the date of this approval the insurance bond may be called up.</i>																	
27	Implementation charge a) Unless a relevant infrastructure agreement provides to the contrary, pay to the MEDQ the Implementation charge in accordance with Table 1 Part A below. Table 1 Part A <table><tr><th colspan="4">Residential – other than a house</th></tr><tr><th colspan="4">Part B charge</th></tr><tr><td>For</td><td>Small ¹</td><td>Medium¹</td><td>Large ¹</td></tr><tr><td>Multiple residential and Other residential</td><td>\$1,051 per dwelling unit</td><td>\$1,341 per dwelling unit</td><td>\$1,617 per dwelling unit</td></tr></table> ¹ Small < 60m² GFA, Medium = 60m² GFA to 100m² GFA, Large > 100m² GFA b) Infrastructure contributions may be offset against the Implementation charge through agreement with the MEDQ. c) From 1 July each year, the 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. Advisory notes: <i>The aforementioned contribution for the implementation covers employment and community development and ecological sustainable and innovation projects completed as part of a development.</i> <i>An insurance bond may be lodged to cover the infrastructure charges which will be refundable where an infrastructure agreement has been entered into. Where an infrastructure agreement has not been entered into within one year of the date of this approval the insurance bond may be called up.</i>	Residential – other than a house				Part B charge				For	Small ¹	Medium ¹	Large ¹	Multiple residential and Other residential	\$1,051 per dwelling unit	\$1,341 per dwelling unit	\$1,617 per dwelling unit	a) For residential uses the earlier of: - prior to endorsement of a building format plan or - prior to commencing the relevant use
Residential – other than a house																		
Part B charge																		
For	Small ¹	Medium ¹	Large ¹															
Multiple residential and Other residential	\$1,051 per dwelling unit	\$1,341 per dwelling unit	\$1,617 per dwelling unit															

28	Housing affordability and accessibility a) Where Multiple residential uses are developed, submit to the Development Assessment Division DSDIP evidence that the development delivered 25 % housing that is affordable as per the Income Range and sub-targets detailed in the following matrix. <table><tr><td>Income Range (Ref: ULDA Guideline No. 16)</td><td>%</td></tr><tr><td>Band 1</td><td>5%</td></tr><tr><td>Band 2</td><td>10%</td></tr><tr><td>Band 3</td><td>10%</td></tr><tr><td>Total:</td><td>25%</td></tr></table> b) Where Multiple residential uses are developed, submit to the Development Assessment Division DSDIP evidence that the development delivered 10% housing that is accessible.	Income Range (Ref: ULDA Guideline No. 16)	%	Band 1	5%	Band 2	10%	Band 3	10%	Total:	25%	a) Prior to commencement of use b) Prior to commencement of use
Income Range (Ref: ULDA Guideline No. 16)	%											
Band 1	5%											
Band 2	10%											
Band 3	10%											
Total:	25%											
29	Plans of Development (POD) Residential and Non-residential approved uses within the POD are subject to Compliance assessment. Compliance assessment means the process of having plans, works, documents, reports, strategies or the like, as required by a Plan of Development or condition of approval, endorsed by the nominated assessing authority. Nominated assessing authority, pursuant to section 88 of the <i>Economic Development Act 2012</i> (the Act), for the conditions of approval means:- (i) for engineering works: a) the Chief Executive Officer of the Economic Development Queensland (EDQ) or their delegate; b) a Certifier as agreed to by the EDQ; or c) if the site is no longer within a declared Priority Development Area under the Act, the local government or entity responsible for assessing and deciding planning and/or development applications in the area. (ii) for other matters: a) the Chief Executive Officer of the Economic Development Queensland (EDQ) or their delegate; or b) if the site is no longer within a declared Priority Development Area under the Act, the local government or entity responsible for assessing and deciding	Prior to commencement of use										

	planning and/or development applications in the area. The process and timeframes that apply to compliance assessment are: i. the applicant submits plans and supporting information as required for compliance assessment ii. within 15 business days the nominated assessing authority assesses the plans and supporting information and:- a) if satisfied with the information as submitted - endorses the information; or b) if not satisfied with the information as submitted notifies the applicant accordingly. (iii) if the applicant is notified under (ii)b) above, within the next 10 business days - the information and plans addressing the concerns are to be resubmitted to the nominated assessing authority. (iv) within 10 business days the nominated assessing authority assesses the re-submitted plans and supporting information and:- i. if satisfied with the re-submitted information lodged - endorses the plans and supporting information; or ii. if not satisfied with the information as submitted notifies the applicant accordingly. (v) if the nominated assessing authority is not satisfied that compliance has been achieved, within 10 business days - the nominated assessing authority and applicant will repeat steps (iii) and (iv). If either party is not satisfied by the outcome of this process, that party can elect to enter into a mediation process with an independent mediator agreed to by both parties. When the nominated assessing authority and applicant are both satisfied with the re-submitted information lodged - the nominated assessing authority endorses the plans and supporting information. The following generally outlines the information required to be submitted for compliance assessment:- i. plans for each building (site plan, floor plans, elevations, sections, roof plans, private and visitor car parking, private and semi-private open space etc); ii. details of proposed building materials; iii. access and car parking arrangements; iv. engineering drawings and documents;	
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	v. specialist assessment reports as required that may include traffic, civil engineering, geotechnical, flooding, acoustics and air quality; and vi. landscape plans. A fee, payable to the nominated assessing authority, will be required to accompany any request for compliance assessment. The total fees payable will be in accordance with the MEDQ Fee Schedule in force at the time of lodgement. Where additional input is required from specialist consultants to assess the application, the cost of this specialist input will be determined in consultation with the nominated assessing authority.	
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STANDARD 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 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 Conservation 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

All development involving the emission of noise and dust from building/construction activities requires that the emission be in accordance with the requirements of the *Environmental Protection Act 1994*.

Pursuant to Division 3 Section 440R of the Environmental Protection Act 1994, a builder or building contractor must not carry out building work on a building site in a way that makes or causes audible noise to be made from the building work-

- (a) on a Sunday or public holiday, at any time; or
- (b) on a Saturday or business day, before 6:30am or after 6:30pm.

OTHER ADVICE

Special Infrastructure Levy

An annual special infrastructure levy may be applied to properties in the Yarrabilba PDA to assist in funding strategies to mitigate potential development impacts outside the PDA. Potential landowners must be made aware of the special infrastructure levy prior to the purchase of land.

Please note: The above information has been provided to the applicant as an advice only, and does not form part of the development approval conditions. This advice has been provided to the applicant to inform them of other obligations they may have to comply with (under state legislation or local laws) prior to their activity commencing.

**** End of Package ****