

DEV2010/059

5 March 2014

Citimark Properties Pty Ltd
c/- Ms Penny Cooper
RPS
PO Box 1559
FORTITUDE VALLEY QLD 4006

Dear Penny

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE RESIDENTIAL (228 DWELLING UNITS), FOOD PREMISES, MEDICAL CENTRE, OFFICE, SERVICE INDUSTRY AND SHOP (651M²) AT 35A HERCULES STREET, HAMILTON DESCRIBED AS LOT 901 ON SP169072 AND LOT 907 ON SP169072

On 4 March 2014 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://www.dsdiq.qld.gov.au/assessment-of-priority-development-areas/infrastructure-and-planning/development-applications/assessment-of-priority-development-areas.html>

Should you have any queries in relation to the decision notice, please do not hesitate to contact Brianna Fyffe on 3452 7167.

Yours Sincerely



Peita McCulloch
Manager – 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 901	SP169072
	Lot 907	SP169072
PDA development application details		
MEDQ reference number	DEV2010/059	
Lodgement date	14 October 2013	
Type of application	☒ Changing a PDA development approval	
Description of proposal applied for	Multiple residential (228 dwelling units), Food Premises, Medical Centre, Office, Service Industry, and Shop (651m ²)	

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	12 October 2010
1 st Change to approval date	19 October 2012
2 nd Change to approval date	4 March 2014
Currency period	6 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.	Site Plan	SD 1002, Issue 03	16.01.2014
2.	Floor Plan – Basement 01	SD 2001, Issue 05	16.01.2014
3.	Floor Plan – Ground Floor	SD 2002, Issue 07	22.01.2014
4.	Floor Plan – Level 01	SD 2003, Issue 07	22.01.2014
5.	Floor Plan – Level 02	SD 2004, Issue 06	16.01.2014
6.	Floor Plan – Level 03	SD 2005, Issue 06	22.01.2014
7.	Floor Plan – Level 04	SD 2006, Issue 06	22.01.2014
8.	Floor Plan – Level 05-16	SD 2007, Issue 01	22.01.2014
9.	Roof Plan – Lower	SD 2101, Issue 03	16.01.2014
10.	Roof Plan – Upper	SD 2102, Issue 02	16.01.2014
11.	CPA GFA Summary – Extended Balconies Levels	SD 2801, Issue 05	16.01.2014
12.	GFA Diagrams – Unit Areas	SD 2803, Issue 01	16.01.2014
13.	North Elevation	SD 3001, Issue 03	16.01.2014
14.	East Elevation	SD 3002, Issue 03	16.01.2014
15.	South Elevation	SD 3003, Issue 03	16.01.2014
16.	West Elevation	SD 3004, Issue 03	16.01.2014
17.	Section A	SD 3101, Issue 03	16.01.2014
18.	Section B	SD 3102, Issue 03	16.01.2014
19.	Adaptable Unit Plans	SD 4701, Issue 01	16.01.2014
20.	Schematic Design – Ground Floor, prepared by Dunn Moran	1307100 SD-01, Issue C	14-11-2013
21.	Schematic Design – Podium Level 3, prepared by Dunn Moran	1307100 SD-02, Issue C	14-11-2013
22.	Schematic Design – Planting Selection, prepared by Dunn Moran	1307100 SD-03, Issue C	14-11-2013
23.	Revised DA for Rivana (Building 6), Portside Wharf, Hamilton, Traffic Engineering Summary, prepared by TTM		8 October 2013
Plans, reports and specifications previously approved on 12 October 2010		Number (if applicable)	Date (if applicable)
24.	Bornhorst & Ward – Engineering Report	Rev c	08/2010

	for the Proposed Portside Wharf – Building 6		
25.	MWA – Environmental Amenity Impact Assessment Building 6 Development Application Portside Wharf Development Hamilton	Building 6 DA report	16/08/2010
26.	Cundall – ULDA Development Application : Sustainability 10002360 Building 6, Hercules St, Hamilton	Rev C	09/09/2010
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	
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 DSDIP – Development Assessment Division, in accordance with the relevant approval(s).	Prior to commencement of use	
3.	Sustainable Design a) Ensure the development achieves an average NatHERS rating of 8.5 stars. b) The design and delivery of the development will incorporate all elements of sustainability (P1 to P15) as per recommendations in the approved sustainability report prepared by Cundall for Citimark, titled <i>ULDA Development Application: Sustainability 10002360 Building 6, Hercules St, Hamilton</i> , Rev C dated 9 September 2010. c) Submit written confirmation from a suitably-qualified sustainability professional to the Director – Development Assessment, DSDIP certifying that the development has been constructed in accordance with parts a) and b) of this condition.	a) Prior to commencement of building works b) Prior to the commencement of use and then to be maintained c) Prior to survey plan endorsement	
4.	Accessible Housing Submit written confirmation to the Director of the Development Assessment Division of DSDIP that 12% accessible apartments (Type A3 and F1) have been constructed in accordance with the following stamped approved plans: - Adaptable Unit Plans – Type A3, SD 4701, Issue 01, dated 16.01.2014 - Adaptable Unit Plans – Type F1, SD 4701, Issue 01, dated 16.01.2014	Prior to survey plan endorsement	

5.	Affordable Housing - Deliver a minimum of 30% of the residential GFA for affordable housing. - Submit written confirmation, to the Director of the Development Assessment Division of DSDIP, that the development has delivered 30% of the total development GFA as dwelling units that are affordable to rent by households on the median household income for the Brisbane City Council local government area in accordance with (former) ULDA Housing Guideline no. 16.	Prior to survey plan endorsement
6.	Lighting - Enter into an agreement with an electricity supplier to provide a lighting system. - 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. - Ensure that all external lighting areas lights the building, particularly entrances and vegetated areas but does not overspill into other buildings or the sky. - 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. - Ensure lighting over publically accessible footpaths covered by permanent awnings to a minimum of 20 lux (horizontal plane) at footpath level - 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
7.	Community Management Statement Any Community Management Statement prepared under the Body Corporate and Community Management Act 1997 is to contain a copy of all conditions in the approval package which are applicable to the ongoing use.	Prior to the commencement of use and to be maintained
8.	Public Access – 24 hours through site Provide and maintain unimpeded and safe 24-hour public access through the public plaza area linking Hercules Street with the Portside Wharf Retail Mall, and ensure that access ways are designed to cater for disabled persons in accordance with "Australian Standard AS1428.1".	At all times
Architecture and Design		
9.	Submit external details Submit to DSDIP – Development Assessment Division: - Facade treatments; - Sun shading devices; and - External materials, colours and finishes.	Prior to approval for building works
10.	Balcony and Alfresco Apartment Design - All balconies are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures. - Where balconies are less than 9m² submit for Compliance Assessment to DSDIP – Development Assessment Division plans that illustrate - natural cross ventilation to the apartments when the balcony doors	- At all times - Prior to approval for building works

	are closed; • sunshading; and • weather protection.	
Engineering		
11.	Construction Management Plan a) Prepare and submit to DSDIP – Development Assessment Division Principal Engineer a site based construction management plan, certified by a Registered Professional Engineer of QLD (RPEQ) that includes but is not limited to: • A construction monitoring programme for the construction work. • Provision for the management of traffic around and through the site during and outside of construction work hours. • Provision for parking and materials delivery during and outside of construction hours of work. • Management of dust generated from the site during and outside construction work hours. • Management of sedimentation and erosion which complies with Brisbane City Council's Erosion and Sediment Control Standard (Version 9 or later). • Management of groundwater and surface water collection, treatment and disposal. • The construction does not pose a permanent or temporary obstruction or potential hazard to air craft movements in accordance with BCA, CASA and the Brisbane Airport Master Plan requirements. b) The construction management plan shall be prepared in consultation with the professionals responsible for individual site related management plans to ensure that all aspects of the construction and environmental management are included. The construction management plan shall be reviewed and approved by the principal consultant overseeing and certifying the construction works. c) All work shall be undertaken in accordance with the construction management plan which must be current and available on site at all times during the construction period.	a) Prior to commencement of site works b) As indicated c) While site works / operational works / building works are occurring
12.	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
13.	Filling and Excavation a) Submit to DSDIP – Development Assessment Division 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	a) Prior to commencement of site works b) Prior to commencement of use.

	have been carried out in accordance with AS3798 and any unsuitable material encountered has been treated or replaced with suitable replacement material.	
14.	On site Erosion and Stormwater Runoff a) Prepare and submit to DSDIP – Development Assessment Division 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
15.	Acid Sulphate a) Submit to DSDIP – Development Assessment Division an Acid Sulphate Management Plan (ASMP), prepared and certified by a suitable qualified and experienced professional. The ASMP 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 the commencement of works b) During the site works.
16.	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 DSDIP – Development Assessment Division 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
17.	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	a) Prior to commencement of site works

	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 DSDIP – Development Assessment Division all approval correspondence from QUU relating to part (a) and (b) of this condition.	b) Prior to commencement of use c) Prior to commencement of use
18.	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
19.	Stormwater system Connect the internal stormwater lines to the existing gully pit in Hercules Street as per Bornhurst & Ward <i>'Engineering Report For the Proposed Portside Wharf – Building No 6 dated August 2010'</i>	Prior to the commencement of use
20.	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
21.	Telecommunications a) Enter into an agreement with a telecommunication carrier to provide underground telecommunication services within and adjacent to the proposed development in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i>. b) Construct the services required in accordance with the agreement.	a) Prior to commencement of use. b) Prior to commencement of use
22.	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.
23.	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

Landscaping

24.	Detailed Landscape Plan a) Submit to DSDIP – Development Assessment Division 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 Schematic Design – Ground Floor, 1307100 SD-01, Issue C, dated 14-11-2013, Schematic Design – Podium Level, 1307100 SD-02, Issue C, dated 14-11-2013 and Schematic Design – Planting Selection, 1307100 SD-03, Issue C , dated 14-11-2013 prepared by Dunn Moran. b) On completion, provide written certification to DSDIP – Development Assessment Division 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
25.	Streetscape Works a) Prepare and submit to DSDIP – Development Assessment Division for approval Streetscape Works Plan detailing proposed works to be undertaken within the Hercules Street Portside Wharf Retail Mall footpath reserves. The plans are to detail: • appropriate pavement treatments including finished surface levels, cross-falls and longitudinal grades • street tree location and species, the ground preparation works and we month maintenance plan • location of lighting within the development demonstrating how it will supplement the existing external street lighting and contribute to a safe environment] • location of driveways and pedestrian access. Tactile pavers should be used in all driveways and kerb ramps in accordance with AS1428.4 • road uses adjacent to the kerbing (e.g. public transport stops, parking bays, No Standing zones etc). • awning location and treatment The plan is to be prepared by an Australian Institute of Landscape Architects registered landscape architect. b) Undertake the works in accordance with the approved streetscape works required under part a) of this condition. Works are to be carried out in accordance with the following standards: • AS1428.1 Design of Access and Mobility • AS1428.4 Tactile Ground Surface Indicators • Best Trade Practice (Part B of the Compliance Certificate – Landscape Works) • AS/NZA 1158.3.1, 1999 pedestrian Area Lighting This work is to be certified by a suitably qualified urban design/landscape architect or registered Practicing Engineer – Queensland RPEQ professional in accordance with the ULDA Certification Procedures Manual and to the satisfaction of the ULDA. On completion of this work submit written certification and “as constructed” plans to DSDIP – Development Assessment Division demonstrating compliance with this condition.	a) Prior to commencement of use b) Prior to commencement of use

Pollution																	
26.	Acoustic treatment a) Submit to DSDIP – Development Assessment Division written confirmation from a Registered Professional Engineer of Queensland (RPEQ) who is suitably qualified in acoustic engineering, that the development has been constructed to meet the objectives for controlling noise intrusion into both the residential and commercial buildings specified within the approved document entitled <i>Environmental Amenity Impact Assessment Building 6 Development Application Portside Wharf Development Hamilton</i>- prepared by MWA for Citimark Properties, dated 16 August 2010. b) All recommendations to mitigate potential noise impacts made in the <i>Environmental Amenity Impact Assessment</i> report will be incorporated into the project design and during the construction and operational stages.	a) Prior to commencement of use b) Prior to commencement of use and to be maintained															
Monetary Contributions																	
27.	Infrastructure Contributions Pay to Minister 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). The current applicable general infrastructure charge is: <table border="1"> <thead> <tr> <th>GFA type</th><th>Charge</th><th>Total</th></tr> </thead> <tbody> <tr> <td>144 Small units @ <60m²GFA</td><td>\$12,601 per unit</td><td>\$1,814,544</td></tr> <tr> <td>84 medium units @60m² to 100m²GFA</td><td>\$17,592 per unit</td><td>\$1,477,722</td></tr> <tr> <td>651m² retail</td><td>\$15,096 per m² GFA</td><td>\$98,275</td></tr> <tr> <td>TOTAL</td><td></td><td>\$3,390,547*</td></tr> </tbody> </table> <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>	GFA type	Charge	Total	144 Small units @ <60m ² GFA	\$12,601 per unit	\$1,814,544	84 medium units @60m ² to 100m ² GFA	\$17,592 per unit	\$1,477,722	651m ² retail	\$15,096 per m ² GFA	\$98,275	TOTAL		\$3,390,547*	Prior to commencement of use
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651m ² retail	\$15,096 per m ² GFA	\$98,275															
TOTAL		\$3,390,547*															

ADVICE

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

Noise and Dust Emissions

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

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

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

Food Hygiene

All development involving the preparation, packing, storing, handling, serving, selling or carrying of food requires that its design, installation and operation be approved pursuant to the *Food Hygiene Regulations of 1989*. The premises are required to be registered and the operator is to hold a licence with Brisbane City Council to operate the business under the above regulations.

Prior to building works plans and specifications are to be lodged for approval to Brisbane City Council-Licensing & Compliance.

**** End of Package ****