

Our ref: DEV2009/014

13 February 2015

Intercap Projects Pty Ltd
C/- Mr Ben Weaver
Urbis
Level 7, 123 Albert Street
BRISBANE QLD 4000

Dear Mr Weaver

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - MULTIPLE RESIDENTIAL, VISITOR ACCOMMODATION, FOOD PREMISES, SHOWROOM AND SHOP AT 5 AND 9 HERCULES STREET, HAMILTON DESCRIBED AS LOT 1 ON SP231749 AND LOT 645 ON SL2184

On 13 February 2015 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.dsdipl.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 Gerard McCafferty on 3452 7424.

Yours sincerely



Lyndy Rapson
A/ Director - EDQ Development Assessment

PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Northshore Hamilton	
Site address	5 & 9 Hercules Street, Hamilton	
Lot on plan description	Lot number	Lot description
	Lot 1	SP231749
	Lot 645	SL2184
PDA development application details		
MEDQ reference number	DEV2009/014	
Lodgement date	28 November 2014	
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	Material Change of Use for Multiple Residential Food Premises, Visitor Accommodation and Shop	

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	10 May 2011
Change to approval date	13 February 2015
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.	Perspectives	DA4002 Rev. B	11/11/2014
2.	Basement Level	DA1300 Rev. A	29/10/2014
3.	Ground Floor & Mezzanine Level	DA1301 Rev. G	4/11/2014 (as amended in red 23/01/2015)
4.	Level 01 & Level 02	DA1302 Rev. H	13/11/2014
5.	Level 03 & Level 04-18	DA1303 Rev. F	13/11/2014
6.	Roof Level	DA1304 Rev. D	29/10/2014
7.	Sections	DA4200 Rev. A	28/10/2014
8.	North & South Elevation	DA4101 Rev. A	29/10/2014
9.	West Elevation	DA4100 Rev A	3/11/2014
10.	Traffic Engineering Report	14BRT0310rep2	5/01/2015
Approved plans, reports and specifications previously approved on 10 May 2011		Number (if applicable)	Date (if applicable)
11.	5 Hercules Street, Hamilton Detail Plan - 1 Bed Accessible Housing Apartment / Levels 2-10	37.012.B08 7.01 (B)	01.04.2011
12.	Superior Design Outcome Report by Cundall	1003215 Revision B	25 January 2011
13.	TTM Report Proposed Mixed Use Development, 5-9 Hercules Street, Hamilton Environmental Noise Impact Assessment.	Ref. 25789 RO3	1 July 2010
14.	TTM Consulting Hercules St, Hamilton traffic Engineering Review	Ref No. 2488rep2	7 July 2009

15.	Bornhorst & Ward report Civil Engineering Report for Proposed Commercial & Residential Development at 5-9 Hercules Street, Hamilton	Project No. 09183 Revision A	July 2009
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PREAMBLE

For the purpose of interpreting this Approval, including the Conditions of Approval, the following applies:

Compliance assessment

Where a condition of this Approval requires compliance assessment, compliance assessment is required in accordance with the following.

- a) The applicant must pay the relevant fee associated with any request for compliance assessment, including any third party specialists review fees which will be charged on a 100% cost recovery basis. The assessment fee is set out in the MEDQ's development assessment fee schedule in force at the date the assessment is lodged.
- b) Compliance assessment and endorsement by EDQ Development Assessment, DSDIP is required prior to any work commencing, unless the works have been separately approved as enabling works or are exempt development.
- c) Compliance assessment and endorsement may be repeated where a different operational or building works design or solution to that already endorsed, is sought. Additional compliance assessment fees may be required.
- d) The process and timeframes that apply to compliance assessment are as follows:
 - i. the applicant submits plans and supporting information as required under the relevant condition for compliance assessment.
 - ii. **within 20 business days** – EDQ Development Assessment, DSDIP assesses the plans and supporting information and:
 1. if satisfied with the information as submitted - endorses the information and the condition of approval (or element of the condition) is determined to have been met; or
 2. if not satisfied with the information as submitted - notifies the applicant accordingly.
 - iii. if the applicant is notified under ii.2. above, the information and plans addressing the concerns are to be resubmitted to EDQ Development Assessment, DSDIP **within 20 business days** from the date of the notice.
 - iv. **within 20 business days** – EDQ Development Assessment, DSDIP assesses the re-submitted plans and supporting information and:
 1. if satisfied with the re-submitted information lodged - endorses the plans and supporting information and the condition of

- approval (or element of the condition) is determined to have been met; or
2. if not satisfied with the information as submitted – notifies the applicant accordingly.
- v. if EDQ Development Assessment, DSDIP is not satisfied that compliance has been achieved, within **20 business days** - repeat steps iii. and iv. above. 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 EDQ Development Assessment, DSDIP and applicant are both satisfied with the re-submitted information lodged - EDQ Development Assessment, DSDIP endorses the plans and supporting information and the condition of approval (or element of the condition) is determined to have been met.

- e) The following generally outlines the information required to be submitted for compliance assessment which may be more specifically identified in a particular condition of approval:
- 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. gross floor area schedule and apartment numbers;
 - iii. details of proposed building materials;
 - iv. public realm and landscape plans;
 - v. details of proposed roads and intersections (if required);
 - vi. end of trip facilities;
 - vii. access and car parking arrangements; and
 - viii. specialist assessment reports as required that may include traffic, heritage, civil engineering, geotechnical, flooding, acoustics and air quality.

PDA Development Conditions

1	Carry out the approved development Carry out and complete the development generally in accordance with the approved documents and the conditions contained in this Decision Notice.	Prior to and during construction and then to be maintained
2	Complete all Operational and Building Works 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	Affordable Housing Stage 1 - 5 Hercules Street a) Deliver 5% RFGA¹ of product as affordable housing² in accordance with the approved plans: I. Ground floor & Mezzanine level number DA1301 Rev.G, dated 4/11/2014 and amended in red 23/01/2015; II. Level 01 & Level 02 number DA1302 Rev. H dated 13/11/2014; and III. Level 03 & Level 04-18 number DA1303 Rev. F dated 13/11/2014. b) Provide written evidence to EDQ Development Assessment that part (a) of this condition has been complied with. Stage 2 - 9 Hercules Street c) Deliver 15% RFGA¹ of product as affordable housing² in accordance with the approved drawings: I. Ground floor & Mezzanine level number DA1301 Rev.G, dated 4/11/2014 and amended in red 23/01/2015; II. Level 01 & Level 02 number DA1302 Rev. H dated 13/11/2014; and III. Level 03 & Level 04-18 number DA1303 Rev. F dated 13/11/2014. Percentage may be reduced in proportion with percentage increases above the 5% required in 5 Hercules Street. d) Provide written evidence to EDQ Development Assessment DSDIP, that part (c) of this condition has been complied with. ¹ RFGA = Total GFA minus retail and commercial GFA with visitor accommodation included as commercial. ² Affordable Housing is defined herein as Studio and 1 Bedroom Apartments under \$370,000 and 2 Bedroom dual key apartments under \$500,000. Ratios relate to a percentage of Residential GFA (RGFA).	Prior to commencement of use of the relevant stage of development

4	Accessible Housing – Stage 1 – 5 Hercules Street a) Stage 1 - 5 Hercules St Construct 9 accessible units in accordance with approved 5 Hercules Street, Hamilton Detail Plan 37.012.B08 7.01 (B) dated 01.04.2011. b) Provide to EDQ Development Assessment DSDIP, written evidence that part (a) of this condition has been complied with.	Prior to commencement of use of the relevant stage of development
5	Accessible Housing – Stage 2 – 9 Hercules Street a) Submit for compliance assessment to EDQ Development Assessment DSDIP, accessible unit layout plans for 15 units in stage 2. The plans are to be prepared in accordance with <i>PDA Guideline no. 2 Accessible Housing</i> as amended from time to time. b) Construct 15 accessible units generally in accordance with the endorsed plans required by part a) of this condition. c) Submit to EDQ Development Assessment DSDIP, evidence that 15 accessible units have been constructed in accordance with part b) of this condition.	a) Prior to the commencement of works for stage 2. b) and c) Prior to commencement of use or endorsement of a building format plan for stage 2 whichever occurs first
6	‘As constructed’ sustainable design Submit written confirmation to EDQ Development Assessment DSDIP, from a suitable qualified sustainable building professional certifying that the development has been constructed in accordance with the recommendations as outlined in the approved Superior Design Outcome Report by Cundall No. 1003215 Revision B dated 25 January 2011.	Prior to commencement of use
7	Building Design Requirements a) Submit to EDQ Development Assessment DSDIP, further details of the buildings’: - western facades thermal performance, including glass type, sun shade blades, colours and finishes consistent with the approved plans; - awnings over public realm at ground level to ensure they are continuous and provide adequate rain cover; and - exterior materials and finishes. b) As confirmation of the delivery of a superior design outcome, the Architect as author of the approved design shall submit written confirmation to EDQ Development Assessment DSDIP, that the development has been constructed in accordance with the architect’s approved plans and part a) of this condition.	a) Prior to approval for building works b) Prior to the commencement of use
8	Acoustic treatment Submit to EDQ Development Assessment DSDIP, written confirmation from a Registered Professional Engineer of Queensland	Prior to commencement

	(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 TTM Report 'Proposed Mixed Use Development, 5-9 Hercules Street, Hamilton Environmental Noise Impact Assessment' Ref. 25789 RO3' dated 1 July 2010.	of use
9	Water Connection Connect each stage of the development to the existing water reticulation network in accordance with Queensland Urban Utility (QUU) current adopted standards.	Prior to the commencement of use of each stage
10	Sewerage Connection Connect each stage of the development to the existing sewerage reticulation network in accordance with Queensland Urban Utility (QUU) current adopted standards.	Prior to the commencement of use of each stage.
11	Stormwater system a) Submit to EDQ Development Assessment DSDIP, detailed design plans prepared by a RPEQ or by a suitably qualified hydraulic professional for separate stormwater treatment devices for each stage designed generally in accordance with PDA Guideline No. 13 Engineering standards – Stormwater quality as amended from time to time b) Construct the works generally in accordance with the plans required under part a) of this condition. c) Provide verification from a RPEQ or by a suitably qualified hydraulic professional that the works have been constructed in accordance with part (a) of this condition.	a) Prior to the commencement of works for each stage b) Prior to the commencement of use of each stage c) Prior to the commencement of use of the each stage
12	Easements over infrastructure – water supply, sewerage, drainage Where public utilities are located on private land, public utility easements must be provided in favour and at no cost to Brisbane City Council. The terms of the easements must be to the satisfaction of the Chief Executive Officer of the Brisbane City Council.	Prior to the commencement of use.
13	Existing Easements a) Easement No. 601401142 i. Easement No.601401142 (G295110) exists on lot 645 SP231749 (Servient Tenement) and benefits Lot 789 SL5992 (Benefiting Tenement). The existing rights and interests as outlined in Easement No. 601401142 must not be interfered with in carrying out any development in accordance with this	Prior to the commencement of site works

	development approval. ii. Submit to EDQ Development Assessment, management plan(s) demonstrating how the proposed development will ensure that the owner of Lot 789 SL5992 maintains the benefit of the common wall located on Lot 645 SP231749. b) Easement A RP201549 i. Extinguish Easement A on RP201549. ii. Submit evidence to EDQ Development Assessment DSDIP, that the existing Easement A on RP201549 has been extinguished.	
14	Geotechnical Submit to EDQ Development Assessment DSDIP, a geotechnical report prepared and certified by a Geotechnical Engineer (RPEQ) detailing subsurface investigation including an assessment of potential site contamination.	Prior to site excavation and soil removal from the site
15	Contaminated Land a) All investigative works, remedial works and validation works associated with contaminated land and groundwater is required to be approved by a Department of Environment and Resource Management (DERM) approved third party reviewer (TPR). This also includes the approval of all scopes of work associated with investigative, remedial and validation works such that sufficient works are undertaken to enable a suitability statement to be obtained at the completion of redevelopment works. b) Submit to EDQ Development Assessment DSDIP, an approved Remediation Plan and Environmental Management Plan.	Prior to site works commencing
16	Filling and Excavation a) Submit to EDQ Development Assessment an earthworks plan and cross sections for any work involving filling or excavation, checked and certified by a Registered Professional Engineer of Queensland (RPEQ-Civil). This is to be in accordance with Brisbane City Council's Filling and Excavation Code and Subdivision and Development Guidelines. The plan is to demonstrate that the finished level of all allotments is at least the ARI 100 flood level plus 300mm. b) 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 AS3798 and any unsuitable material encountered has been treated or replaced with suitable replacement material.	a) Prior to the commencement of works b) Prior to the commencement of use.

17	Acid Sulphate a) Submit to EDQ Development Assessment DSDIP, an Acid Sulphate Management Plan (ASMP), prepared and certified by a suitable qualified and experienced Registered Professional Engineer of Queensland (RPEQ). 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 ASMP 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.
18	Traffic Engineering Submit to EDQ Development Assessment DSDIP, certification from a Registered Professional Engineer Qld (RPEQ) that site access, delivery vehicle movement (parking and loading) and pedestrian and cyclist facilities has been constructed generally in accordance with the following approved documents: i. TTM Consulting Hercules St, Hamilton Traffic Engineering Review Ref No.2488rep2 dated 7 th July 2009; and ii. TTM report Traffic Engineering Report 14BRT0310rep2 dated 05/01/2015.	Prior to the commencement of use.
19	Electricity (Underground Supply Area) Enter into an agreement with an authorised electricity supplier to provide underground services to the building.	Prior to the commencement of use.
20	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 Subdivision and Development Guidelines. b) Construct services in accordance with the agreement.	Prior to the commencement of use.
21	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 Subdivision and Development Guidelines.	Prior to the commencement of use.
22	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 the commencement of use

23	Public Lighting a) Enter into an agreement with an electricity supplier to provide a lighting system within all areas where the public will be given access. 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.	Prior to commencement of use and to be maintained
24	Construction Management Plan a) Prepare and submit to EDQ Development Assessment DSDIP, for endorsement a site based construction management plan, certified by a Registered Professional Engineer of QLD (RPEQ) that specifies the practices that will be employed to manage the impacts that will result during construction. The plan must include, but is not limited to: i. manage traffic flow and parking around and through the site during and outside of construction work hours. In particular the plan is to demonstrate the management of construction worker car parking (this must address how off-site car parking requirements of sub-contractors is to managed without a reliance on on-street car parking spaces); ii. manage the delivery of materials during and outside of construction hours of work; iii. management of dust generated from the site during and outside construction work hours; iv. management of sedimentation, erosion and dust generated from the site during and outside construction work hours, which complies with Brisbane City Council's Erosion and Sediment Control Standard (Version 9 or later); v. management of groundwater and surface water collection, treatment and disposal; vi. where required management of Acid Sulfate Soils in accordance with management plans prepared specifically for the site; vii. efficiently sort and minimise waste and maximise recycling opportunities; viii. manage rock anchors and other treatment systems used to ensure soil stability during excavation and foundation works; and ix. manage contaminated soils, including removal, treatment, disposal and / or replacement. b) The construction management plan must be prepared in consultation with the professionals responsible for the 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	a) Prior to commencement of site works for each stage of development b) Prior to commencement of site works for each stage of development

	c) All work shall be undertaken in accordance with the endorsed construction management plan for each stage which must be current and available on site at all times during the construction period.	c) During site works and prior to the commencement of use.
25	Construct footpath a) Submit EDQ Development Assessment DSDIP, engineering plans checked by a Registered Professional Engineer Qld (RPEQ) showing the design of the footpath to Hercules Street is generally in accordance with Brisbane City Council's Subdivision and Development Guidelines, interim Brisbane Streetscape Design Guidelines and Centres Detailing Design Manual (CDDM) including any signs and traffic safety signs, markings and devices. b) Construct footpaths in accordance with part a) of this condition	a) Prior to approval for building works b) Prior to survey plan endorsement
26	Provide street trees a) Provide semi-advanced street trees to the Hercules Street frontage at spacing complying with the Brisbane City Council's interim Brisbane Streetscape Design Guidelines and Centres Detailing Design Manual (CDDM). b) Provide 12 months maintenance to the street trees, commencing on receipt of written confirmation from EDQ Development Assessment that planting is satisfactory.	a) Prior to commencement of use b) As indicated
27	Detailed landscape plan a) Submit for approval from EDQ Development Assessment DSDIP, a detailed landscape plan for all internal landscaped common areas as indicated on the approved plan Ground Level Levels Ground floor & Mezzanine level number DA1301 Rev.G, dated 4/11/2014 and amended in red 23/01/2015. The plan is to illustrate details but not limited to: • details of the landscaped green roof including shade structures to the roof (sky) gardens. The plans are to be prepared and certified by an Australian Institute of Landscape Architects (AILA) registered landscape architect. b) Provide written confirmation from an AILA registered landscape architect or a Building Services Authority (BSA) QLD licensed and experienced landscape contractor that the constructed works comply with EDQ Development Assessment approved landscape plan.	a) Prior to approval for building works b) Prior to commencement of use and to be maintained

28	Infrastructure Contributions Pay to the Minister for Economic Development Queensland a monetary contribution towards the cost of the provision of essential infrastructure. The contribution has been calculated in accordance with the ULDA's Interim Infrastructure Framework (The Framework) which will apply for all development approvals issued prior to 30 June 2011. The Framework specifies that the charge will be indexed each July in accordance with the 5 year rolling average of the Road and Bridge Construction Queensland Index to the date of payment. The applicable charge as calculated on the original date of approval (10 May 2011) is as follows: Stage 1 (Tower 1) – 5 Hercules St (using 10/11 rates) <table> <tr> <th>GFA type</th><th>Cost</th><th>Total</th></tr> <tr> <td>66 Small units @ <60m² GFA</td><td>\$11,235 per unit</td><td>\$741,510.00</td></tr> <tr> <td>21 Medium units @ 60m² to 100m² GFA</td><td>\$15,685 per unit</td><td>\$329,385.00</td></tr> <tr> <td>657m² retail GFA</td><td>\$13,460 per 100m² GFA</td><td>\$94,220.00</td></tr> <tr> <td>TOTAL</td><td></td><td>\$1,165,115.00</td></tr> </table> <i>*Charge will be adjusted each July in accordance with the 5 year rolling average of the Road and Bridge Construction Queensland Index</i> Stage 2 (Tower 2) – 9 Hercules St (using 10/11 rates) <table> <tr> <th>GFA type</th><th>Cost</th><th>Total</th></tr> <tr> <td>71 Small units @ <60m² GFA</td><td>\$11,235 per unit</td><td>\$797,685.00</td></tr> <tr> <td>70 Medium units @ 60m² to 100m² GFA</td><td>\$15,685 per unit</td><td>\$1,097,950.00</td></tr> <tr> <td>263m² retail GFA</td><td>\$13,460 per 100m² GFA</td><td>\$40,380.00</td></tr> <tr> <td>TOTAL</td><td></td><td>\$1,936,015.00</td></tr> </table> <i>*Charge will be adjusted each July in accordance with the 5 year rolling average of the Road and Bridge Construction Queensland Index</i>	GFA type	Cost	Total	66 Small units @ <60m ² GFA	\$11,235 per unit	\$741,510.00	21 Medium units @ 60m ² to 100m ² GFA	\$15,685 per unit	\$329,385.00	657m ² retail GFA	\$13,460 per 100m ² GFA	\$94,220.00	TOTAL		\$1,165,115.00	GFA type	Cost	Total	71 Small units @ <60m ² GFA	\$11,235 per unit	\$797,685.00	70 Medium units @ 60m ² to 100m ² GFA	\$15,685 per unit	\$1,097,950.00	263m ² retail GFA	\$13,460 per 100m ² GFA	\$40,380.00	TOTAL		\$1,936,015.00	Prior to commencement of use of the relevant stage of development or endorsement of the building format plan, whichever occurs first
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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. For advice on other approvals that may be necessary in relation to your proposal, it is recommended that you seek professional advice.

**** End of Package ****