



Department of Infrastructure,
Local Government and Planning

Our ref: DEV2014/543

14 July 2015

Mr Mark Sydney Von Somogy
Pamada North Shore No. 3 Pty Ltd
PO BOX 1446
DARLINGHURST NSW 1300

Dear Mark

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE RESIDENTIAL (168 DWELLING UNITS), SHOP AND FOOD PREMISES (135M²) AT 5 HERCULES STREET, HAMILTON DESCRIBED AS LOT 1 ON SP231749 AND PART LOT 2 ON SP231749 (EASEMENT 712867368)

On 14 July 2015 the Minister for Economic Development Queensland (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 this PDA decision notice.

The PDA decision notice and approved plans/documents can also be viewed in the MEDQ Development Approvals Register via the Department of Infrastructure, Local Government and Planning website <http://dilgp.qld.gov.au/planning/development-assessment/priority-development-area-development-approvals.html>

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

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 Hercules Street, Hamilton	
Lot on plan description	Lot number	Plan description
	Lot 1	SP231749
	Part Lot 2 on SP231749 (Easement 712867368)	
PDA development application details		
DEV reference number	DEV2014/543	
'Properly made' date	19 June 2015	
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 (168 dwelling units), Shop and Food Premises (135m 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	21 May 2014
Change to approval date	14 July 2015
Currency period	4 years from the original decision date

Plans and documents

The plans and documents approved by the MEDQ and referred to in the PDA development conditions concerning the PDA development approval are detailed below.

Approved plans and documents		Number	Date
1.	Schedules of Areas and Car Parking	DA227 [05]	03.06.15
2.	Basement 2 Plan	DA229 [05]	02.06.15
3.	Basement 1 Plan	DA230 [05]	02.06.15
4.	Ground Floor Plan	DA231 [05]	02.06.15, Amended in Red 9.7.2015
5.	Level P1 Plan	DA232 [05]	02.06.15, Amended in Red 9.7.2015
6.	Level P2 Plan	DA233 [05]	02.06.15, Amended in Red 9.7.2015
7.	Level P3 Plan	DA234 [05]	02.06.15, Amended in Red 9.7.2015
8.	Unit Levels 1-11	DA235 [05]	03.06.15
9.	Unit Levels 12-17	DA236 [05]	03.06.15
10.	Roof Terrace	DA237 [05]	02.06.15
11.	Roof Plan	DA238 [04]	02.06.15
12.	Section A	DA239 [05]	02.06.15
13.	Section B	DA240 [05]	02.06.15
14.	South Elevation – Main Building Entry	DA241 [05]	02.06.15
15.	North Elevation	DA242 [05]	02.06.15
16.	West Elevation – East Elevation	DA243 [05]	02.06.15
17.	Basement 2 GFA Plan	SK245 [C]	02.06.15
18.	Basement GFA Plan	SK246 [C]	02.06.15
19.	Ground Floor GFA Plan	SK247 [C]	02.06.15

20.	Level P1 GFA	SK248 [D]	02.06.15
21.	Level P2 GFA	SK249 [D]	02.06.15
22.	Level P3 GFA	SK250 [D]	02.06.15
23.	Unit Levels 1-11 GFA	SK251 [C]	02.06.15
24.	Unit Levels 12-17 GFA	SK252 [B]	02.06.15
25.	Roof Terrace GFA	SK253 [B]	02.06.15
Plans and documents previously approved on 21 May 2014		Number	Date
1.	Landscape Concept – Ground Plane	SK01	April 2014
2.	Metered Energy letter	Oslo – 05	8 May 2014
3.	Superior ESD Design Report, prepared by BE Collective	Revision 5	31/03/2014
4.	Civil Engineering Report, prepared by Bornhorst + Ward	Revision B	January 2014
5.	Contaminated Land Management, prepared by Butler Partners		24 January 2014
6.	Traffic Engineering Report, prepared by TTM	13BRT0625rep1, Revision 1	31/01/14
7.	Acoustic Assessment, prepared by TTM	13BRA0221 R01 2, Revision 2	23/12/2014
8.	Siteworks and Drainage Layout Plan (refer Civil Engineering Report), prepared by Bornhorst & Ward	SKC0010	January 2014

PREAMBLE

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

Compliance assessment

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

- a) The applicant must pay to MEDQ at the time of submission the relevant fee for compliance assessment, including any third party peer review costs which will be charged on a 100% cost recovery basis. The compliance assessment fees are set out in the MEDQ's development assessment fee schedule (as amended from time to time).
- b) Compliance assessment and endorsement by EDQ Development Assessment, DILGP is required prior to any work commencing.
- c) Compliance assessment and endorsement can be repeated where a different design or solution, to that already endorsed, is sought.
- d) The process and timeframes that apply to compliance assessment are as follows:
 - i. the applicant liaises with EDQ Development Assessment, DILGP to determine the relevant plans/supporting information required to be submitted.
 - ii. the applicant submits plans/supporting information as required under the relevant condition of approval for compliance assessment.
 - iii. **within 20 business days** – EDQ Development Assessment, DILGP assesses the plans/supporting information and:
 1. if satisfied with the plans/supporting information as submitted - endorses the plans/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 plans/supporting information as submitted – notifies the applicant accordingly
 - iv. if the applicant is notified under iii.2. above, revised plans/supporting information are to be re-submitted to EDQ Development Assessment, DILGP **within 20 business days** from the date of the notice.
 - v. **within 20 business days** – EDQ Development Assessment, DILGP assesses the revised plans/supporting information and:
 1. if satisfied with the revised plans/supporting information - endorses the revised plans/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 revised plans/supporting information as submitted – notifies the applicant accordingly.
- vi. if EDQ Development Assessment, DILGP is not satisfied that compliance has been achieved within **20 business days** - repeat steps iv. and v. 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.

Despite note vi. above, the condition of approval (or element of the condition) is determined to have been met only when EDQ Development Assessment, DILGP endorses relevant plans/supporting information.

ABBREVIATIONS

For the purposes of interpreting the PDA Development Conditions, the following is a list of abbreviations utilised:

1. **AILA** means a Landscape Architect registered by the Australian Institute of Landscape Architects.
2. **Certification Procedures Manual** means Certification Procedures Manual, prepared by The Department of State Development, Infrastructure and Planning, September 2013 (as amended from time to time).
3. **Council** means Brisbane City Council.
4. **DILGP** means The Department of Infrastructure, Local Government and Planning.
5. **DEHP** means the Department of Environment and Heritage Protection
6. **EDQ** means Economic Development Queensland.
7. **MEDQ** means The Minister of Economic Development Queensland.
8. **PDA** means Priority Development Area.
9. **QUU** means Queensland Urban Utilities.
10. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions		
No.	Condition	Timing
General		
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.	Certification of Operational Works All operational works, for contributed assets, undertaken in accordance with this approval must comply with all requirements of and fulfil all responsibilities outlined in the <i>Certification Procedures Manual</i> .	As required by the <i>Certification Procedures Manual</i>
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 Council engineering or other approval required by the conditions.	As indicated
4.	Demolish or Relocate Buildings Demolish or relocate buildings/structures that are not on the Brisbane and Queensland Heritage Register in accordance with the approved plans.	Prior to commencement of building works
5.	Approval of 'as constructed' sustainable design a) Ensure the development can achieve an average NatHERS rating of 5.5 stars. b) Submit to EDQ Development Assessment, DILGP written confirmation from a suitably qualified sustainability professional certifying that the development has been constructed to meet part a) of this condition.	a) Prior to commencement of building works b) Prior to commencement of use
6.	Affordable Housing Submit to EDQ Development Assessment, DILGP written evidence that the development delivers 42 (25%) affordable units in accordance with the approved plans and EDQ Guideline no. 16 Housing.	Prior to commencement of use

7.	Outdoor Lighting – Public Areas Outdoor lighting required to illuminate public areas must comply with Australian Standard No. AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.	Prior to commencement of use and to be maintained
8.	Community Management Statement Any Community Management Statement for the site is to contain the following requirements: a) All balconies shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures unless otherwise noted in this approval. b) The driveway, including any associated landscaping, visitor parking spaces, disabled parking space and vehicle turning areas as shown on the approved plans of layout shall form part of the common property and shall not be designated for the exclusive use of any unit. The visitor parking spaces are to remain available for use by all bona-fide visitors, guests or invitees of the site's tenants. c) The north-west balconies on Levels P2 and P3 are to be secured for the exclusive use of Unit 1 only. d) Provision on site for 5 visitor parking spaces (including 1 PWD space, 3 residential visitor spaces and 1 retail visitor space) to remain common property and shall not be included within an exclusive use area. e) Provision of bicycle spaces and end of trip facilities in accordance with the Northshore Hamilton Urban Development Area Development Scheme. f) Main Street entrance security gate is to remain open to allow for visitor carparking between 8am and 6pm daily. Ongoing access is to be provided for bona fide visitors to all visitor parking spaces through the use of managed intercom system at vehicle entrance between the hours of 6.00pm to 8.00am. Ongoing access is to be provided for residents through the use of a remote access system between the hours of 6.00pm to 8.00am. g) Delineate and sign two (2) car share spaces to be provided at ground level and publically accessible	Prior to commencement of use and to be maintained

	for use at all times. h) Screening for any externally mounted air conditioning or mechanical plant installations in accordance with the following requirements: • No unscreened installations on the proposed development are to be visible from the surrounding sites; and • Any installations which are required to be located on roof, wall or garden areas are to be appropriately screened or shaped according to the acoustic requirements of this development package and so as to integrate in a complementary manner with the overall design of the roof, wall or garden area in which the installation is to be located. i) all residential apartments and all non-residential tenancies are to be subject of the long term electricity supply agreement. j) Refuse and recyclable bins are to be stored and to be collected from the nominated refuse storage/collection points and remains the responsibility of the Body Corporate/ Tenants. k) All sealed traffic areas must be cleaned as necessary to prevent emissions of particulate matter. l) All landscaped areas are to be maintained generally in accordance with the certified landscape plans. m) Trees are to be maintained regularly to achieve their ultimate height and form by a qualified Arborist in accordance with <i>Australian Standard AS4373</i>. n) Maintain a directional visitor parking sign at the vehicle entrances to the site adjacent to or clearly visible from the vehicle entrance to the site. o) Maintain the acoustic damping of any metal grills, metal plates or similar subject to vehicular traffic to prevent environmental nuisance.	
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	Prior to commencement of use

	subject of the long term electricity supply agreement. b) Submit to EDQ Development Assessment, DILGP for compliance endorsement, written confirmation of an undertaking that the long term electricity supply agreement will be reflected in the sales contracts for all residential apartments. c) Submit to EDQ Development Assessment, DILGP for compliance endorsement: • Evidence of the long term electricity supply agreement; • Evidence from a lawyer certifying that all sales or lease contracts include the disclosure that all residential apartments and non-residential tenancies will be subject to the long term electricity supply agreement; and • Evidence that sub-metres connected to the central electricity supply are installed to each unit or tenancy.	b) Prior to commencement of building works c) Prior to commencement of use
--	---	--

Engineering

14.	Acid Sulfate a) If Acid Sulfate Soils are found on the site, submit to EDQ Development Assessment, DILGP an Acid Sulfate Soils Management Plan (ASSMP), prepared and certified by a suitable qualified and experienced professional. The ASSMP shall be reviewed and approved by the principal consultant overseeing and certifying the construction works. b) Treat on-site or excavate and remove of acid sulphate soils in accordance with the approved ASSMP.	a) Prior to commencement of works b) During the site works
15.	Environmental Management Register a) Contaminated land is to be managed in accordance with the Contaminated Land Management document prepared by Butler Partners, 24 January 2014. b) Land is to be remediated in accordance with the Department of Environment and Heritage Protection's (DEHP) Draft Guidelines for the Assessment & Management of Contaminated Land	a) Prior to and during site works b) Prior to survey plan endorsement

	in Queensland. c) Submit to EDQ Development Assessment, DILGP a Suitability Statement obtained from DEHP removing the site from the Environmental Management Register (EMR).	c) Prior to survey plan endorsement
16.	Carparks, Signs, and Lines Provide car parking spaces, delineated and signed in accordance with the stamped approved plans ensuring a total of 168 spaces are provided, in the following configuration: • 1 on-street car park to be provided on Hercules Street; • 2 spaces at ground floor allocated to car share scheme; • 1 space at ground floor allocated to the retail visitor; • 3 spaces at ground floor allocated to residential visitors; • 1 PWD space at ground floor; • 1 SRV space at ground floor; • 1 HRV located on Main Street; and • 156 spaces allocated to residents, comprising 135 regular parking spaces, and 13 double spaces in the basement and 8 tandem spaces in the basement and podium levels. Parking spaces must be designed in accordance with AS2890.1 – 2004- Off Street Car Parking	Prior to commencement of use and to be maintained
17.	Car share Scheme a) Provide 2 car park spaces in accordance with approved Ground Floor Plan, DA231 [04], dated 03.04.14 for the future Car share Scheme. These spaces are to be publically accessible for use at all times in the location illustrated on the above stamped approved plan. b) Submit to EDQ Development Assessment, DILGP a written agreement between the Body Corporate and a car share provider.	a) Prior to commencement use and to be maintained b) Prior to commencement of use
18.	Bicycle Parking Submit to DILGP amended plans providing 206 bicycle spaces in accordance with the Northshore Hamilton Urban Development Area Development Scheme provisions. These can be provided within the	Prior to commencement of use and to be maintained

	Basement, Podium Level or within apartments. <i>Note:</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>	
19.	Streetscape Works a) Submit to EDQ Development Assessment, DILGP for compliance endorsement streetscape plans certified by a Registered Landscape Architect detailing the proposed streetscape works in Hercules Street generally in accordance with Brisbane City Council's <i>Subdivision and Development Guidelines</i> and <i>Centres Detailing Design Manual</i> (CDDM). b) Construct the works in accordance with the approved streetscape plans required under part (a) of this condition. c) Submit to EDQ Development Assessment, DILGP "as constructed" plans and an asset register certified by a Registered Landscape Architect in a format acceptable to Brisbane City Council demonstrating compliance with this condition.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
20.	Construction Management Plan a) Submit to EDQ Development Assessment, DILGP a site based construction management plan, certified by a RPEQ that includes but is not limited to: • Prepare a construction monitoring programme during in-ground 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 noise and dust generated from the site during and outside construction work hours including the nomination of a complaint manager.	a) Prior to commencement of site works

	• Management of sedimentation and erosion which complies with Council's Erosion and Sediment Control Standard (Version 9 or later). • Management of groundwater and surface water collection, treatment and disposal. • That 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.	b) As indicated c) As indicated
21.	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 the relevant service provider entities. The terms of the easements must be to the satisfaction of the Chief Executive Officer of the entities.	Prior to commencement of use
22.	Filling and Excavation a) Submit to EDQ Development Assessment, DILGP an earthworks plan and cross sections, checked and certified by a RPEQ-Civil. This is to be in accordance with Council's <i>Filling and Excavation Code</i> and <i>Subdivision and Development Guidelines</i>. b) Submit certification from a RPEQ specialising in geotechnical engineering stating that all constructed cut/fill batters 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 commencement of site works b) Prior to commencement of use

23.	Erosion & Sediment Management a) Prepare an Erosion and Sediment Control (ESC) Management Plan for the site 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 site works commencing b) At all times during site works
24.	Protecting Existing Infrastructure 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 "Subdivision and Development Guidelines".	While site works are occurring, then to be maintained
25.	Sewer connection Connect the development to the existing sewerage reticulation network in accordance with QUU standards.	Prior to commencement of use
26.	Water connection Connect the development to the existing water reticulation network in accordance with QUU standards.	Prior to commencement of use
27.	Gas connection a) To coordinate the provision of gas infrastructure for the development on Lot 815 on SP172649, provide a trench on Lot 815 on SP172649 with a minimum width of 800mm and minimum depth of 860mm to the invert of the trench, to be backfilled in accordance with APA specifications. Above ground, provide sufficient space to ensure all gas meters	a) Prior to commencement of use and to be maintained

	are enclosed, to be generally located east of the Main Street vehicle cross-over. b) If the development requires gas, make provision for metered gas infrastructure to be located along the southern boundary.	b) Prior to commencement of use
28.	Stormwater Management Connect the development to the existing stormwater reticulation system, generally in accordance with the Siteworks and Drainage Layout Plan, SKC0010 (refer Civil Engineering Report), prepared by Bornhorst & Ward, to Council standards.	Prior to commencement of use
29.	Refuse Collection a) Submit to the Principal Engineer, EDQ Development Assessment, DILGP refuse collection approval from City Waste Services, BCC or a private waste contractor. b) 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
30.	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
31.	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 services in accordance with the agreement.	a) Prior to commencement of use. b) Prior to commencement of use
32.	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</i>	Prior to commencement of use.

	<i>Guidelines.</i>	
33.	Broadband Submit to EDQ Development Assessment, DILGP, 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.
34.	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 drainage lines) that may occur during any works carried out in association with the approved development.	Prior to commencement of use
Certification Process		
35.	Certification Agreement Comply with all requirements and fulfil all responsibilities outlined in the Certification Procedures Manual. No work is to commence until the certification documents submitted by the Project Co-ordinator is acknowledged in writing by DSDIP.	Prior to commencement of site works
36.	Pre-Construction Self Certification No work shall commence until EDQ Development Assessment, DILGP acknowledges in writing receipt of certification package(s) from the Project Co-ordinator in accordance with Certification Procedures Manual.	Prior to commencement of construction
37.	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

Pollution		
38.	Food premises refuse bin washing facility If the development involves a food premises, construct an on-site refuse bin washing facility for food premises refuse bins. The area must be provided with a tap, 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
Landscape Architecture		
39.	Detailed Landscape Plan a) Submit to EDQ Development Assessment, DILGP for compliance endorsement, a detailed landscape plan, certified by an AILA registered landscape architect, generally in accordance with the approved Landscape Concept – Ground Plane, SK01, dated April 2014 and Roof Terrace, DA237 [04], dated 02.04.14. b) Construct the works in accordance with the certified plans. c) On completion of the works, provide to EDQ Development Assessment, DILGP written certification from a licensed and experienced Landscape Architect or Landscape Contractor that the completed landscaping complies with this condition.	a) Prior to commencement of landscape works b) Prior to commencement of use c) Prior to commencement of use
Monetary Contributions		
40.	Infrastructure Contributions Pay to MEDQ infrastructure charges in accordance with the Infrastructure Funding Framework (IFF) July 2015 indexed to the date of payment.	In accordance with the Infrastructure Funding Framework

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 ****

