

Our ref: DEV2013/482

16 October 2015

Lend Lease Communities (Yarrabilba) Pty Ltd
C/- Ms Emma Moller
RPS
PO Box 1559
FORTITUDE VALLEY QLD 4006

Dear Emma

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (INCLUSION OF FOOD PREMISES AS AN APPROVED USE) IN ACCORDANCE WITH MODIFIED PLAN OF DEVELOPMENT AT YARRABILBA DRIVE, YARRABILBA DESCRIBED AS LOTS 5040 - 5044 ON SP258541 (FORMERLY DESCRIBED AS PART OF LOT 911 ON SP258540)

On 15 October 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 Jennifer Davison on 3452 7127.

Yours sincerely



Jeanine Stone
Director – EDQ Development Assessment

PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Yarrabilba	
Site address	1568 – 1618 Waterford Tamborine Road, Yarrabilba	
Lot on plan description	Lot number	Plan description
	Lot 5040	SP258541
	Lot 5041	SP258541
	Lot 5042	SP258541
	Lot 5043	SP258541
	Lot 5044	SP258541
PDA development application details		
DEV reference number	DEV2013/482	
'Properly made' date	8 October 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	Change to PDA Development Approval for a PDA Development Permit (Inclusion of Food Premises as an Approved Use) in accordance with modified Plan of Development	

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 November 2013	
Change to approval date		15 October 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 (if applicable)	Date (if applicable)
1.	Precinct One – Plan of Development – Superblock A – Mixed Use District Centre Focus, prepared by Lend Lease	YB-P01-NRPOD101118T Sheet 3B of 9	11 May 2015
2.	Precinct One – Non-residential Plan of Development, Common Clauses Document, prepared by Lend Lease	YB-P01-NRPOD110408D	11 May 2015

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 Logan City Council.
4. **DILGP** means The Department of Infrastructure, Local Government and Planning.
5. **EDQ** means Economic Development Queensland.
6. **MEDQ** means The Minister of Economic Development Queensland.
7. **PDA** means Priority Development Area.
8. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions		
No.	Condition	Timing
1.	Carry out the approved development Carry out the approved development generally in accordance with the approved plans.	Prior to commencement of use
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>Certification Procedures Manual</i> .	Prior to commencement of works
5.	Pre-Construction 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 the <i>Certification Procedures Manual</i> .	Prior to commencement of works
6.	Post-Construction Certification Submit to EDQ Development Assessment, DILGP Post-Construction (Practical Completion) Certification, approved forms and "As Constructed" plans including an asset register, certified by a 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 EDQ Development Assessment, DILGP 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	a) Prior to commencement of site works

	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.	b) At all times during construction
8.	Traffic Management Plan a) Submit to EDQ Development Assessment, DILGP 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 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).	a) Prior to commencement of site works

	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.	b) As indicated
9.	Filling and Excavation a) Submit to EDQ Development Assessment, DILGP an Earthworks Management Plan (EMP) certified by a 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 EDQ Development Assessment, DILGP certification by a RPEQ that all filling and excavation works have been carried out in generally accordance with the approved EMP 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 c) Prior to commencement of use
10.	Retaining Walls a) Submit to EDQ Development Assessment, DILGP detailed engineering plans, certified by a RPEQ. b) Construct the works in accordance with the certified plans. c) Submit to EDQ Development Assessment, DILGP certification by a 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 EDQ Development Assessment, DILGP engineering design and construction drawings certified by a RPEQ for internal roads and carparking generally in accordance with the MEDQ or Council relevant guidelines and Australian Standard AS2890 - Parking Facilities. b) Construct the works generally in accordance with the certified plans to the Council standards.	a) Prior to commencement of site works b) Prior to commencement of use

	c) On completion of the works, provide to EDQ Development Assessment, DILGP written certification from a RPEQ that the completed road construction and car park complies with a) and b) with this condition.	c) Prior to commencement of use
12.	Water Connection Connect the development to the existing water reticulation network in accordance with the Council standards.	Prior to commencement of use
13.	Sewerage Connection Connect the development to the existing sewerage reticulation network in accordance with the Council standards.	Prior to commencement of use
14.	Stormwater Connection Connect the development to the existing stormwater network at a lawful point of discharge in accordance with Council standards.	Prior to commencement of use
15.	Electricity Submit to EDQ Development Assessment, DILGP 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
16.	Telecommunications Submit to EDQ Development Assessment, DILGP 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
17.	Broadband Provide infrastructure within the development to accommodate Opticomm services in accordance with the NBN Co Limited 'New Developments: Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers', Doc. No NBN-TE-CTO-194, issue date 1 st April 2011.	Prior to commencement of works
18.	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

23.	Easements over infrastructure Where public utilities are located on private land, public utility easements must be provided in favour of and at no cost to the grantee, over infrastructure located in private land that becomes contributed assets. 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.	Prior to commencement of use																																																																																																												
24.	Municipal and state charges 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																																																																																																												
25.	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 dwelling unit</th><th colspan="2">Part B Charge per</th></tr><tr><td></td><td>Small ¹</td><td>Medium ¹</td><td>Large ¹</td></tr><tr><td>For residential dwellings for:</td><td></td><td></td><td></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><th colspan="4">Non-residential uses</th></tr><tr><th colspan="2">Land Use Category</th><th colspan="2">Part B Charge per sqm of GFA</th></tr><tr><th colspan="4">Commercial</th></tr><tr><td colspan="2">Business</td><td colspan="2">\$35.62</td></tr><tr><td colspan="2">Car park</td><td colspan="2">\$35.62</td></tr><tr><td colspan="2">Health care services</td><td colspan="2">\$35.62</td></tr><tr><th colspan="4">Industrial</th></tr><tr><td colspan="2">Service industry</td><td colspan="2">\$45.87</td></tr><tr><th colspan="4">Retail</th></tr><tr><td colspan="2">Fast food premises</td><td colspan="2">\$45.87</td></tr><tr><td colspan="2">Food premises</td><td colspan="2">\$45.87</td></tr><tr><td colspan="2">Market</td><td colspan="2">\$nil</td></tr><tr><td colspan="2">Service station</td><td colspan="2">\$45.87</td></tr><tr><td colspan="2">Shop</td><td colspan="2">\$45.87</td></tr><tr><td colspan="2">Shopping centre</td><td colspan="2">\$45.87</td></tr><tr><td colspan="2">Showroom</td><td colspan="2">\$35.62</td></tr><tr><th colspan="4">Service, community and other uses</th></tr><tr><td colspan="2">Child care centre</td><td colspan="2">\$35.62</td></tr><tr><td colspan="2">Community facility</td><td colspan="2">\$17.81</td></tr><tr><td colspan="2">Educational establishment</td><td colspan="2">\$35.62</td></tr><tr><th colspan="4">Sport, recreation and entertainment</th></tr><tr><td colspan="2">Indoor entertainment</td><td colspan="2">\$51</td></tr></table> Small < 60m² GFA, Medium = 60m² GFA to 100m² GFA, Large > 100m² GFA	Residential - other than a House dwelling unit		Part B Charge per			Small ¹	Medium ¹	Large ¹	For residential dwellings for:				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 issuing of the certificate of classification For <u>non- residential uses</u> , the earlier of: i. prior to commencing the relevant use or ii. prior to the issuing of the certificate of classification
Residential - other than a House dwelling unit		Part B Charge per																																																																																																												
	Small ¹	Medium ¹	Large ¹																																																																																																											
For residential dwellings for:																																																																																																														
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																																																																																																												

	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. 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. <i>Advisory note: 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>									
26.	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="2">Residential – other than a house charge</th><th colspan="2">Part B</th></tr><tr><td>For Multiple residential and Other residential</td><td>Small ¹ \$1,051 per dwelling unit</td><td>Medium¹ \$1,341 per dwelling unit</td><td>Large ¹ \$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: - The aforementioned contribution for the implementation covers employment and community development and ecological sustainable and innovation projects completed as part of a development. - 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.	Residential – other than a house charge		Part B		For Multiple residential and Other residential	Small ¹ \$1,051 per dwelling unit	Medium ¹ \$1,341 per dwelling unit	Large ¹ \$1,617 per dwelling unit	For <u>residential uses</u> the earlier of: - prior to endorsement of a building format plan or - prior to commencing the relevant use
Residential – other than a house charge		Part B								
For Multiple residential and Other residential	Small ¹ \$1,051 per dwelling unit	Medium ¹ \$1,341 per dwelling unit	Large ¹ \$1,617 per dwelling unit							

27.	Housing affordability and accessibility a) Where multiple residential uses are developed, submit to EDQ Development Assessment 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 EDQ Development Assessment, DILGP 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%											
28.	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 EDQ or their delegate; (b) a Certifier as agreed to by EDQ; or (c) if the site is no longer within a declared PDA 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 EDQ or their delegate; or (b) if the site is no longer within a declared PDA under the Act, the local government or entity responsible for assessing and deciding planning and/or development applications in the area. The process and timeframes that apply to compliance assessment are:	Prior to commencement of use										

(iii) the applicant submits plans and supporting information as required for compliance assessment (iv) 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. (v) 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. (vi) within 10 business days the nominated assessing authority assesses the re-submitted plans and supporting information and: (a) if satisfied with the re-submitted information lodged - endorses the plans and supporting information; or (b) if not satisfied with the information as submitted notifies the applicant accordingly. (vii) 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; (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.	
--	--	--

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.

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.

**** End of Package ****