



Department of Infrastructure,  
Local Government and Planning

Our ref: DEV2012/397

27 October 2015

Starhill Property Group  
C/- Mr Adam Lockhart  
HAL Architects Pty Ltd  
46 Berwick Street  
FORTITUDE VALLEY QLD 4006

Dear Adam

**SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE RESIDENTIAL (156 DWELLING UNITS), COMMERCIAL AND RETAIL WITHIN A HERITAGE PLACE (316M<sup>2</sup>) AND PARTIAL DEMOLITION AND EXTENSION WORKS TO A HERITAGE PLACE AT 23-35 AND 39 ABBOTSFORD ROAD AND 28 CINTRA ROAD, BOWEN HILLS DESCRIBED AS LOTS 2, 3 AND 6 ON RP10087, LOTS 1 AND 2 ON RP10092, LOT 1 ON RP10091, LOT 17 ON RP47816 AND LOT 4 ON RP40430**

On 27 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 Brianna Fyffe on 3452 7167.

Yours sincerely

Beatriz Gomez  
Director – EDQ Development Assessment

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## PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Bowen Hills	
Site address	23-35 and 39 Abbotsford Road and 28 Cintra Road, Bowen Hills	
Lot on plan description	Lot number	Plan description
	Lot 2	RP10087
	Lot 3	RP10087
	Lot 6	RP10087
	Lot 1	RP10092
	Lot 2	RP10092
	Lot 1	RP10091
	Lot 17	RP47816
	Lot 4	RP40430
PDA development application details		
DEV reference number	DEV2012/397	
'Properly made' date	15 October 2015	
Type of application	<input type="checkbox"/> New development involving:- <ul style="list-style-type: none"> <li><input type="checkbox"/> Material change of use               <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary approval</li> <li><input type="checkbox"/> Development permit</li> </ul> </li> <li><input type="checkbox"/> Reconfiguring a lot               <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary approval</li> <li><input type="checkbox"/> Development permit</li> </ul> </li> <li><input type="checkbox"/> Operational work               <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary approval</li> <li><input type="checkbox"/> Development permit</li> </ul> </li> </ul> <input checked="" type="checkbox"/> Changing a PDA development approval <input type="checkbox"/> Extending the currency period of a PDA approval	
Description of proposal applied for	Development Permit for Material Change of use for Multiple Residential (156 dwelling units), Commercial and Retail within a Heritage Place (316m <sup>2</sup> ) and partial demolition and extension works to a Heritage Place	

### 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	30 May 2014
1 <sup>st</sup> Change to approval date	9 April 2015
2 <sup>nd</sup> Change to approval date	27 October 2015
Currency period	4 years from 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.	Cover Sheet	TP01, Issue P	20/10/2015
2.	Basement Carparking	TP02, Issue P	20/10/2015
3.	Ground Level Plan	TP03, Issue P	15/10/2015, Amended in red 26/10/2015
4.	Level 1 Plan	TP04, Issue P	20/10/2015
5.	Level 2 Plan	TP05, Issue P	20/10/2015
6.	Level 3 Plan	TP06, Issue P	20/10/2015
7.	Level 5 Plan	TP07, Issue P	20/10/2015
8.	Level 6 Plan	TP08, Issue P	20/10/2015
9.	Level 7 Plan	TP09, Issue P	20/10/2015
10.	Level 8 Plan	TP10, Issue P	20/10/2015
11.	Level 9 Plan	TP11, Issue P	20/10/2015
12.	Roof Plan	TP12, Issue P	20/10/2015
13.	East & West Elevation	TP13, Issue P	20/10/2015
14.	North & South Elevation	TP14, Issue P	20/10/2015
15.	Courtyard Elevations	TP15, Issue P	20/10/2015
16.	Sections	TP16, Issue P	20/10/2015
17.	Sections through car park	TP17, Issue P	20/10/2015
18.	Courtyard Detail Plan	TP18, Issue P	20/10/2015
19.	Tower 1 Room Layouts – Level 1	TP19, Issue P	20/10/2015
20.	Tower 1 Room Layouts – Levels 2-5 Typical Floor	TP20, Issue P	20/10/2015

21.	Tower 1 Room Layouts – Levels 6-8 Typical Floor	TP21, Issue P	20/10/2015
22.	Tower 1 Room Layouts – Level 9	TP22, Issue P	20/10/2015
23.	Tower 2 Room Layouts – Level 1	TP23, Issue P	20/10/2015
24.	Tower 2 Room Layouts – Level 2-5 Typical Floor	TP24, Issue P	20/10/2015
25.	Tower 2 Room Layouts – Level 6-7 Typical Floor	TP25, Issue P	20/10/2015
26.	Tower 2 Room Layouts – Level 8	TP26, Issue P	20/10/2015
27.	Tower 2 Room Layouts – Level 9	TP27, Issue P	20/10/2015
28.	Proposed Floor Plans 1	TP 101, Issue I	20/10/2015
29.	Proposed Floor Plans 2	TP 102, Issue I	20/10/2015
30.	Elevations	TP 103, Issue I	20/10/2015
31.	Colour Scheme	TP 104, Issue I	20/10/2015
32.	Details	TP 105, Issue I	20/10/2015
33.	Movement diagram	TP 108, Issue I	20/10/2015
34.	Landscape Concept Plan	40-744-SD002, Issue B	July 2015
35.	Traffic Engineering Assessment, prepared by Pekol Traffic & Transport		22 October 2015
<b>Plans and documents previously approved on 9 April 2015</b>		<b>Number</b>	<b>Date</b>
1.	Landscape Character	40-744-SD001, Issue A	02.12.2014
2.	Heritage Colour Scheme, prepared by Sally Osborne		02/03/15
3.	Site Plan & Notes Existing & Demolition Drawings	TP 110, Issue E	04/03/15
4.	Ground Floor Plan Existing & Demolition Drawings	TP 111, Issue E	04/03/15
5.	Section A Existing & Demolition Drawings	TP 112, Issue E	04/03/15
6.	Elevations Existing & Demolition Drawings	TP 113, Issue E	04/03/15
7.	Elevations Existing & Demolition Drawings	TP 114, Issue E	04/03/15

8.	Noise Assessment Report, prepared by Noise Measurement Services	Report 3007, Revision 1	3 <sup>rd</sup> December 2014
9.	Stormwater Management Plan, prepared by Umbrella Group Pty Ltd	Issue 01	12/12/2014

## **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. **DEHP** means The Department of Environment and Heritage Protection.
5. **DILGP** means The Department of Infrastructure, Local Government and Planning.
6. **EDQ** means Economic Development Queensland.
7. **MEDQ** means The Minister of Economic Development Queensland.
8. **PDA** means Priority Development Area.
9. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions		
No.	Condition	Timing
<b>General/ Planning Requirements</b>		
1.	<b>Carry out the Approved Development</b>  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.	<b>Certification of Operational Works</b>  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.	<b>Maintain the Approved Development</b>  Maintain the approved development (including landscaping, parking, driveways and other external spaces) in accordance with the approved drawings and documents, and any relevant Council engineering or other approval required by the conditions.	As indicated
4.	<b>Titling arrangement</b>  Development subject to this approval cannot straddle a common boundary.	At all times
5.	<b>Approval of 'as constructed' sustainable design</b>  a) Ensure the development can achieve an average NatHERS rating of 7.5 stars.  b) Submit to EDQ Development Assessment, DILGP written evidence, from a suitably qualified sustainability professional, 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.	<b>Affordable Housing</b>  Submit to EDQ Development Assessment, DILGP, written evidence that the development delivers 5% of the housing stock as affordable units in accordance with EDQ Guideline no. 16 Housing.	Prior to commencement of use
7.	<b>Accessible Housing</b>  Submit to EDQ Development Assessment, DILGP, written evidence that the development delivers 10% accessible units.	Prior to commencement of use





	b) Undertake all works generally in accordance with the certified TMP which must be current and available on site at all times.	b) At all times during construction
<b>11.</b>	<p><b>Filling and Excavation</b></p> <p>a) Submit to EDQ Development Assessment, DILGP detailed earthworks plans certified by a RPEQ, generally in accordance with AS3798 – 1996 “<i>Guidelines on Earthworks for Commercial and Residential Development</i>”.</p> <p>The certified earthworks plans shall:</p> <ul style="list-style-type: none"> <li>i. include a geotechnical soils assessment of the site;</li> <li>ii. be consistent with the Erosion and Sediment Control plans;</li> <li>iii. provide full detail of areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation;</li> <li>iv. provide full details of any areas where surplus soils are to be stockpiled.</li> </ul> <p>b) Carry out the earthworks generally in accordance with the certified plans required under part a) of this condition.</p> <p>c) Submit to EDQ Development Assessment, DILGP certification by a RPEQ that all earthworks have been carried out in generally accordance with the certified plans required under part a) of this condition and any unsuitable material encountered has been treated or replaced with suitable material.</p>	<p>a) Prior to commencement of site works</p> <p>b) Prior to commencement of use</p> <p>c) Prior to commencement of use</p>
<b>12.</b>	<p><b>Vehicle Access</b></p> <p>Design and construct vehicle crossovers, including entry/exit signage, generally in accordance with the approved plans and with Council's adopted standards.</p>	Prior to commencement of use and to be maintained
<b>13.</b>	<p><b>Car Parking</b></p> <p>a) Provide car parking spaces, delineated and signed generally in accordance with the approved plans and documents.</p> <p>b) Car parking spaces are to be designed in accordance with AS2890.1 – 2004 - <i>Off Street Car Parking</i>.</p>	Prior to commencement of use and to be maintained
<b>14.</b>	<p><b>Bicycle Parking</b></p> <p>a) Provide bicycle parking spaces delineated and signed generally in accordance with the approved plans and documents.</p>	Prior to commencement of use and to be maintained

	b) Bicycle parking spaces are to be designed in accordance with <i>AS2890.3 – 1993 Bicycle parking facilities</i> .	
<b>15.</b>	<b>Refuse Collection</b>  Submit to EDQ Development Assessment, DILGP refuse collection approval from Council or a private waste contractor.	Prior to commencement of use
<b>16.</b>	<b>Sewer</b>  a) Submit to EDQ Development Assessment, DILGP a Sewer Network Analysis, endorsed by QUU, that the site can be serviced by sewer.  b) Submit to EDQ Development Assessment, DILGP detailed engineering plans, certified by an RPEQ, to upgrade the existing sewer reticulation, in accordance with part a) of this condition.  c) Construct the upgraded sewer system and connections in accordance with the certified plans required in part (b) of this condition. Submit to EDQ Development Assessment, DILGP 'As Constructed' drawings certified by an RPEQ confirming all works have been completed in accordance with the certified plans.	a) Prior to commencement of site works  b) Prior to commencement of sewer works  c) Prior to commencement of use
<b>17.</b>	<b>Water</b>  a) Submit to EDQ Development Assessment, DILGP a Water Network Analysis, endorsed by QUU that the site can be serviced by water.  b) Submit to EDQ Development Assessment, DILGP detailed engineering plans, certified by an RPEQ, to upgrade the existing water reticulation, in accordance with part a) of this condition.  c) Construct the upgraded water system and connections in accordance with the certified plans required in part (b) of this condition. Submit to EDQ Development Assessment, DILGP 'As Constructed' drawings certified by an RPEQ confirming all works have been completed in accordance with the certified plans.	a) Prior to commencement of site works  b) Prior to commencement of water reticulation works  c) Prior to commencement of use
<b>18.</b>	<b>Stormwater quantity and quality</b>  a) Design and construct the stormwater drainage system, certified by an RPEQ, generally in accordance with <i>PDA Guideline No. 13 Engineering standards – Stormwater quantity and Stormwater quality</i> and the following approved documents;	a) Prior to commencement of use

	<p>i. Stormwater Management Plan Proposed Multi Unit Residential Development at 25 – 39 Abbotsford Road, Bowen Hills, Qld 4006, prepared by Umbrella Group Pty Ltd, Issue 01, dated December 2014.</p> <p>b) Connect the development to a lawful point of discharge in accordance with Council current adopted standards.</p>	<p>b) Prior to commencement of use</p>
<b>19.</b>	<p><b>Outdoor Lighting</b></p> <p>Outdoor lighting within the development shall be designed and installed in accordance with <i>AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>	<p>Prior to commencement of use and to be maintained</p>
<b>20.</b>	<p><b>Electricity</b></p> <p>Submit to EDQ Development Assessment, DILGP either:</p> <p>a) written evidence from Energex confirming that existing underground low-voltage electricity supply or overhead, where agreed to by Council, is available to the development; or</p> <p>b) written evidence from Energex confirming that the applicant has entered into an agreement with it to provide underground or overhead where agreed to by the local council electricity services.</p>	<p>Prior to commencement of site works</p>
<b>21.</b>	<p><b>Telecommunications</b></p> <p>Submit to EDQ Development Assessment, DILGP documentation from an authorised telecommunication service provider confirming that an agreement has been entered into for the provision of underground telecommunication services to the proposed development.</p>	<p>Prior to commencement of site works</p>
<b>22.</b>	<p><b>Broadband</b></p> <p>Submit to EDQ Development Assessment, DILGP a written agreement from an authorised telecommunications service provider that infrastructure within the development as defined under the <i>Telecommunications Act (Fibre Deployment Bill 2011)</i> 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.</p>	<p>Prior to commencement of site works</p>
<b>23.</b>	<p><b>Gas</b></p> <p>Submit to EDQ Development Assessment, DILGP documentation from an authorised gas service provider confirming that an agreement has been entered into for the provision of underground</p>	<p>Prior to commencement of site works</p>

	gas services to the proposed development.	
<b>24.</b>	<b>Damage and Repairs</b>  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 occurred during any works carried out in association with the approved development.	Prior to commencement of use
<b>Landscape and Environment</b>		
<b>25.</b>	<b>Landscape Works</b>  a) Submit to EDQ Development Assessment, DILGP, detailed landscape plans certified by an AILA registered Landscape Architect for improvement works within the proposed development generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• Landscape Character, 40-744-SD001, Issue A, dated 02.12.2014; and</li> <li>• Landscape Concept Plan, 40-744-SD002, Issue B, dated July 2015.</li> </ul> b) Construct the works generally in accordance with the certified plans required under part a) of this condition. c) Provide verification by an AILA registered Landscape Architect that the works have inspected and completed generally in accordance with the endorsed plans required under part a) of this condition.	a) Prior to commencement of landscape works  b) Prior to commencement of use and to be maintained  c) Prior to commencement of use
<b>26.</b>	<b>Compliance Assessment – Streetscape Works</b>  a) Submit to EDQ Development Assessment, DILGP for compliance assessment detailed streetscape works drawings, including a schedule of proposed standard and non-standard assets to be transferred to Council, certified by an AILA registered Landscape Architect, generally in accordance with the following plans/ documents: <ul style="list-style-type: none"> <li>i. Council's <i>Infrastructure design planning scheme policy (PSP)</i> included in Schedule 6 of <i>City Plan 2014</i></li> </ul> The detailed streetscape plans are to include where applicable: <ol style="list-style-type: none"> <li>1. location and type of street lighting in accordance with Australian Standard AS1158 –<i>Lighting for Roads and Public Spaces</i>;</li> <li>2. footpath treatments;</li> <li>3. location and types of streetscape furniture;</li> <li>4. location and size of stormwater treatment devices; and</li> </ol>	a) Prior to commencement of site works

	<p>5. street trees, including species, size and location generally in accordance with the Council adopted planting schedules and guidelines.</p> <p>b) Construct the works generally in accordance with the certified streetscape plans as required under part a) of this condition.</p> <p>c) Submit to EDQ Development Assessment, DILGP 'As Constructed' plans and asset register in a format acceptable to Council certified by an AILA registered Landscape Architect.</p>	<p>b) Prior to commencement of use</p> <p>c) Prior to commencement of use</p>
<b>27.</b>	<p><b>Acid Sulfate Soils (ASS)</b></p> <p>a) Where acid sulfate soils are found on site, submit to EDQ Development Assessment, DILGP an Acid Sulfate Soils Management Plan (ASSMP). The ASSMP must be:</p> <ol style="list-style-type: none"> <li>prepared generally in accordance with the <i>State Planning Policy, July 2014</i> (as amended from time to time) and relevant guidelines; and</li> <li>certified by a suitably qualified professional in soils and/or erosion sediment control.</li> </ol> <p>b) Excavate, remove and/or treat on-site all acid sulfate soils generally in accordance with the certified ASSMP.</p>	<p>a) Prior to commencement of or during site works</p> <p>b) Prior to commencement of use</p>
<b>28.</b>	<p><b>Erosion and Sediment Management</b></p> <p>a) Submit to EDQ Development Assessment, DILGP an Erosion and Sediment Control Plan (ESCP) certified by a RPEQ or an accredited professional in erosion and sediment control (CPESC) generally in accordance with the following guidelines:</p> <ol style="list-style-type: none"> <li>Council's "<i>Erosion and Sediment Control Standard</i>" (Version 9 or later).</li> </ol> <p>b) Implement the certified ESCP as required under part a) of this condition.</p>	<p>a) Prior to commencement of site works</p> <p>b) At all times during construction</p>
<b>29.</b>	<p><b>Acoustic treatments</b></p> <p>a) Submit an updated noise assessment report to include noise mitigation assessment for air-conditioning and other on-site mechanical plant, certified by a RPEQ.</p> <p>b) Undertake acoustic treatments to the development generally in accordance with the recommendations in the updated report submitted in part a).</p>	<p>a) Prior to commencement of site works</p> <p>b) Prior to commencement of use</p>

<b>Heritage Place</b>		
<b>30.</b>	<b>Heritage works</b>  Carry out all conservation, restoration and adaptation work to the Heritage Place in accordance with the approved drawings, good heritage conservation practice and the Burra Charter of Australia ICOMOS.	At all times during heritage works and to be maintained
<b>31.</b>	<b>Partial demolition of a Heritage Place</b>  Partial demolition of the Heritage Place is to be carried out in accordance with the approved drawings.	At all times during heritage works
<b>Surveying, land transfers and easements</b>		
<b>32.</b>	<b>Publically accessible easement</b>  As part of a subsequent application for a development permit, submit to EDQ Development Assessment, DILGP all documentation facilitating public access around the perimeter of the Heritage Place, as illustrated on the stamped approved plan, Ground Floor Plan, TP03, Issue P, dated 20/10/2015, Amended in Red 26/10/2015.	Prior to survey plan endorsement
<b>33.</b>	<b>Easements over Infrastructure</b>  Public utility easements must be provided, in favour of and at no cost to the grantee, over infrastructure located in 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 or endorsement of a Building Format Plan, whichever occurs first
<b>Monetary Contributions</b>		
<b>34.</b>	<b>Infrastructure Contributions</b>  Pay to MEDQ the infrastructure charges in accordance with the Infrastructure Funding Framework (IFF), dated February 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 \*\***

