

Department of Infrastructure, Local Government and Planning

Our ref: DEV2012/397

27 April 2016

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 (174 DWELLING UNITS), COMMERCIAL AND RETAIL WITHIN A HERITAGE PLACE (316M²) 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 April 2016 the Minister for Economic Development Queensland (MEDQ) decided to grant all of the amendment application 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 <u>http://dilgp.qld.gov.au/planning/development-assessment/priority-development-area-development-approvals.html</u>.

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	7 April 2016		
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 Method Structure Method Structure Development permit 		
Description of proposal applied for	Development Permit for Material Change of use for Multiple Residential (174 dwelling units), Commercial and Retail within a Heritage Place (316m ²) 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 application to change the PDA development approval, subject to PDA development conditions forming part of this decision notice		
	 The approved changes are summarised as follows: Change of unit typologies to create more one bedroom units — resulting in an additional 18 units, and a small increase in GFA of 612m²; Removal of access easement surrounding heritage house and deletion of associated Condition; Provision of one additional carpark; and Staging the development into two stages. 		
Original Decision date	30 May 2014		
1 st Change to approval date	9 April 2015		
2 nd Change to approval date	27 October 2015		
3 rd Change to approval date	27 April 2016		
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.

Арр	roved plans and documents	Number (if applicable)	Date (if applicable)		
Plar	Plans and documents approved as part of this approval				
1.	Cover sheet	TP01, Issue X	31/03/16, Amended in red 22/4/2016		
2.	Basement Car parking	TP02, Issue AA	22/04/16		
3.	Ground Level Plan	TP03, Issue AA	22/04/16, Amended in red 22/4/2016		
4.	Level 1 Plan	TP04, Issue AA	22/04/16		
5.	Level 2 Plan	TP05, Issue AA	22/04/16		
6.	Level 3 Plan	TP06, Issue AA	22/04/16		
7.	Level 5 Plan	TP07, Issue AA	22/04/16		
8.	Level 6 Plan	TP08, Issue AA	22/04/16		
9.	Level 7 Plan	TP09, Issue AA	22/04/16		
10.	Level 8 Plan	TP10, Issue AA	22/04/16		
11.	Level 9 Plan	TP11, Issue AA	22/04/16		
12.	Roof Plan	TP12, Issue AA	14/04/16		
13.	East & West Elevation	TP13, Issue AA	22/04/16, Amended in red 22/4/2016		
14.	North & South Elevation	TP14, Issue AA	22/04/16		

Арр	roved plans and documents	Number (if applicable)	Date (if applicable)
15.	Courtyard Elevations	TP15, Issue AA	22/04/16
16.	Sections	TP16, Issue AA	22/04/16
17.	Sections through Carpark	TP17, Issue AA	22/04/16
18.	Courtyard Detail Plan	TP18, Issue AA	22/04/16
19.	Building A Room Layouts – Level 1	TP19, Issue AA	22/04/16
20.	Building A Room Layouts – Level 2-5 Typical Floor	TP20, Issue AA	22/04/16
21.	Building A Room Layouts – Level 6-8 Typical Floor	TP21, Issue AA	22/04/16
22.	Building A Room Layouts – Level 9	TP22, Issue AA	22/04/16
23.	Building B Room Layouts – Level 1	TP23, Issue AA	22/04/16
24.	Building B Room Layouts – Level 2-5 Typical Floor	TP24, Issue AA	22/04/16
25.	Building B Room Layouts – Level 6-7 Typical Floor	TP25, Issue AA	22/04/16
26.	Building B Room Layouts – Level 8	TP26, Issue AA	22/04/16
27.	Building B Room Layouts – Level 9	TP27, Issue AA	22/04/16
28.	Staging Plan	TP28, Issue AA	22/04/16
Plan appr	s and documents previously approved oval	l on 27 October 2015 and	I still applicable to this
29.	Proposed Floor Plans 1	TP 101, Issue I	20/10/2015
30.	Proposed Floor Plans 2	TP 102, Issue I	20/10/2015
31.	Elevations	TP 103, Issue I	20/10/2015
32.	Colour Scheme	TP 104, Issue I	20/10/2015
33.	Details	TP 105, Issue I	20/10/2015
34.	Movement diagram	TP 108, Issue I	20/10/2015
35.	Landscape Concept Plan	40-744-SD002, Issue B	July 2015
36.	Traffic Engineering Assessment, prepared by Pekol Traffic & Transport	-	22 October 2015
Plans appro	s and documents previously approved oval	on 9 April 2015 and still	applicable to this
37.	Landscape Character	40-744-SD001, Issue A	02.12.2014
38.	Heritage Colour Scheme, prepared by Sally Osborne	-	02/03/15
39.	Site Plan & Notes Existing & Demolition Drawings	TP 110, Issue E	04/03/15
40.	Ground Floor Plan Existing & Demolition Drawings	TP 111, Issue E	04/03/15
41.	Section A	TP 112, Issue E	04/03/15

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Approved plans and documents		Number (if applicable)	Date (if applicable)
	Existing & Demolition Drawings		
42.	Elevations Existing & Demolition Drawings	TP 113, Issue E	04/03/15
43.	Elevations Existing & Demolition Drawings	TP 114, Issue E	04/03/15
44.	Noise Assessment Report, prepared by Noise Measurement Services	Report 3007, Revision 1	3 rd December 2014
45.	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:
 - i. 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).
 - ii. submit to MEDQ a duly completed compliance assessment form.
 - iii. submit to MEDQ plans/supporting information as required under the relevant condition of approval.
- 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.

No.	Condition	Timing				
Gene	General / Planning					
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					
	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</i> <i>Manual</i>				
3.	Maintain the Approved Development					
	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.	Titling arrangement					
	Development subject to this approval cannot straddle a common boundary.	At all times				
5.	Approval of 'as constructed' sustainable design					
	a) Ensure the development can achieve an average NatHERS rating of 7.5 stars.	a) Prior to commencement of building works				
	 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. 	b) Prior to commencement of use				
6.	Affordable Housing					
	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.	Accessible Housing					
	Submit to EDQ Development Assessment, DILGP, written evidence that the development delivers 10% accessible units.	Prior to commencement of use				

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8.	Submit External Details	
	Submit to EDQ Development Assessment, DILGP, further details of the building, facade treatment and external materials, colours and finishes generally consistent with the approved plans.	Prior to commencement of building works
Engi	eering	
9.	Construction Management Plan	
	 a) Submit to EDQ Development Assessment, DILGP a Site Based Construction Management Plan (CMP), prepared by the principal site contractor, that manages the following: noise and dust generated from the site during and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i>; stormwater flows around or through the site without increasing the concentration of total suspended solids or Prescribed Water Contaminants (as defined in the <i>Environmental Protection Act 1994</i>), causing erosion, creating any ponding and causing any actionable nuisance to upstream or downstream properties; contaminated land (if required), including removal, treatment and replacement in accordance with a compliance permit from an approved contaminated land auditor. 	a) Prior to commencement of site works
	 b) Undertake all works generally in accordance with the CMP which must be current and available on site at all times during the construction period. 	b) At all times during construction
10.	Traffic Management Plan	
	 a) Submit to EDQ Development Assessment, DILGP a Traffic Management Plan (TMP), certified by a person holding a current Traffic Management Level 3 qualification or higher. 	a) Prior to commencement of site works
	 The TMP must include the following: 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; ongoing monitoring, management review and certified updates (as required); traffic control plans and/or traffic control diagrams, prepared in accordance with Manual of Uniform 	

	Traffic Control Devices (MUTCD), for any temporary part or full road closures of any Council or State road(s).	
	 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
11.	Filling and Excavation	
	 a) Submit to EDQ Development Assessment, DILGP detailed earthworks plans certified by a RPEQ, generally in accordance with AS3798 – 1996 "Guidelines on Earthworks for Commercial and Residential Development". 	a) Prior to commencement of site works
	 The certified earthworks plans shall: include a geotechnical soils assessment of the site; be consistent with the Erosion and Sediment Control plans; provide full detail of areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation; provide full details of any areas where surplus soils are to be stockpiled. 	
	 b) Carry out the earthworks generally in accordance with the certified plans required under part a) of this condition. 	b) Prior to commencement of use
	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.	c) Prior to commencement of use
12.	Vehicle Access	
	Design and construct vehicle crossovers, including entry/exit signage, generally in accordance with the approved plans and with Council's adopted standards.	Prior to commencement of use and to be maintained
13.	Car Parking	
	 a) Provide car parking spaces, delineated and signed generally in accordance with the approved plans and documents. 	Prior to commencement of use and to be maintained
	 b) Car parking spaces are to be designed in accordance with AS2890.1 – 2004 - Off Street Car Parking. 	

14.	Bicycle Parking		
	a) Provide bicycle parking spaces delineated and signed generally in accordance with the approved plans and documents.		ior to commencement of e and to be maintained
	b) Bicycle parking spaces are to be designed in accordance with <i>AS2890.3 – 1993 Bicycle parking facilities.</i>		
15.	Refuse Collection		
	Submit to EDQ Development Assessment, DILGP refuse collection approval from Council or a private waste contractor.		rior to commencement of se
16.	Sewer .		·······
	 a) Submit to EDQ Development Assessment, DILGP a Sewer Network Analysis, endorsed by QUU, that the site can be serviced by sewer. 	a)	Prior to commencement of site works
	 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. 	b)	Prior to commencement of sewer works
	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.	c)	Prior to commencement of use
17.	Water		
	 a) Submit to EDQ Development Assessment, DILGP a Water Network Analysis, endorsed by QUU that the site can be serviced by water. 	a)	Prior to commencement of site works
	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.	b)	Prior to commencement of water reticulation works
	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.	c)	Prior to commencement of use

18.	Stormwater quantity and quality	
	 a) Design and construct the stormwater drainage system, certified by an RPEQ, generally in accordance with <i>PDA Guideline No. 13 Engineering standards</i> – Stormwater quantity and Stormwater quality and the following approved plan; i. Stormwater Management Plan, prepared by Umbrella Group Pty Ltd, Issue 01, dated 12/12/2014. 	a) Prior to commencemen of use
	b) Connect the development to a lawful point of discharge in accordance with Council current adopted standards.	b) Prior to commencement of use
19.	Outdoor Lighting	
	Outdoor lighting within the development shall be designed and installed in accordance with AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.	Prior to commencement of use and to be maintained
20.	Electricity	
	Submit to EDQ Development Assessment, DILGP either:	Prior to commencement of site works
	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	
	 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. 	
21.	Telecommunications	
	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.	Prior to commencement of site works
22.	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 <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.	Prior to commencement of site works

23.	Gas	
	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 gas services to the proposed development.	Prior to commencement of site works
24.	Damage and Repairs	
	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.	use
Lands	scape and Environment	
25.	Landscape Works	
	 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: Landscape Character, 40-744-SD001, Issue A, dated 02.12.2014; and Landscape Concept Plan, 40-744-SD002, Issue B, dated July 2015. 	a) Prior to commencement of landscape works
-	 b) Construct the works generally in accordance with the certified plans required under part a) of this condition. 	 b) Prior to commencement of use and to be maintained
	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.	c) Prior to commencement of use
26.	Compliance Assessment – Streetscape Works	
	 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: i.Council's Infrastructure design planning scheme policy (PSP) included in Schedule 6 of City Plan 2014 	a) Prior to commencement of site works
	The detailed streetscape plans are to include where applicable: 1. location and type of street lighting in accordance with Australian Standard AS1158 – <i>'Lighting for</i>	

	 Roads and Public Spaces"; footpath treatments; location and types of streetscape furniture; location and size of stormwater treatment devices; and street trees, including species, size and location generally in accordance with the Council adopted planting schedules and guidelines. 	
	 b) Construct the works generally in accordance with the certified streetscape plans as required under part a) of this condition. 	b) Prior to commencement of use
	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.	c) Prior to commencement of use
27.	Acid Sulfate Soils (ASS)	
	 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: 	a) Prior to commencement of or during site works
	 i. prepared generally in accordance with the State Planning Policy, July 2014 (as amended from time to time) and relevant guidelines; and ii. certified by a suitably qualified professional in soils and/or erosion sediment control. 	
	 Excavate, remove and/or treat on-site all acid sulfate soils generally in accordance with the certified ASSMP. 	b) Prior to commencement of use
28.	Erosion and Sediment Management	
	 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: i. Council's "<i>Erosion and Sediment Control Standard</i>" (Version 9 or later). 	a) Prior to commencement of site works
	 Implement the certified ESCP as required under part a) of this condition. 	b) At all times during construction
29.	Acoustic treatments	
	 Submit an updated noise assessment report to include noise mitigation assessment for air-conditioning and other on-site mechanical plant, certified by a RPEQ. 	a) Prior to commencement of site works
	 Undertake acoustic treatments to the development generally in accordance with the recommendations in the updated report submitted in part a). 	 b) Prior to commencement of use

Heritage Place		
30.	Heritage works	
	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
31.	Partial demolition of a Heritage Place	
	Partial demolition of the Heritage Place is to be carried out in accordance with the approved drawings.	At all times during heritage works
Surve	ying, land transfers and easements	
32.	Easements over Infrastructure	
	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.	Prior to commencement of use or endorsement of a Building Format Plan, whichever occurs first
	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.	
Monetary Contributions		
33.	Infrastructure Contributions	
	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 **