



Department of Infrastructure,
Local Government and Planning

Our ref: DEV2016/755

9 September 2016

Modcol Pty Ltd
C/- Mr Tam Dang and Ms Katherine Jaenke
Tam Dang Planning Pty Ltd
PO Box 2453
FORTITUDE VALLEY BC QLD 4006

Dear Tam and Katherine

SECTION 89(1)(a) PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT APPLICATION FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – MULTIPLE RESIDENTIAL (12 DWELLING UNITS), OFFICE (EXTENSION TO EXISTING OFFICE) AND BUILDING WORK (PARTIAL DEMOLITION TO HERITAGE PLACE) AT 34-36 JEAYS STREET, BOWEN HILLS DESCRIBED AS LOTS 38 AND 39 ON RP9985 AND EASEMENT A ON RP202410 (PART OF LOT 49 ON SP142478

On 8 September 2016, the Minister for Economic Development Queensland (MEDQ) approved the Priority Development Area (PDA) development application pursuant to s.85(4)(b) of the *Economic Development Act 2012*. MEDQ has decided to grant all of 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://www.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 Tom Barker on 3452 7440.

Yours sincerely

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PDA Decision Notice – Approval

Site information		
Name of Priority Development Area	Bowen Hills	
Site address	34 – 36 Jeays Street, Bowen Hills	
Lot on plan description	Lot number	Plan description
	Lots 38 & 39	RP9985
	Easement A	RP202410 (Part of Lot 49 on SP142478)
PDA development application details		
DEV reference number	DEV2016/755	
'Properly made' date	24 February 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 ☒ Building work ☐ Preliminary approval ☒ Development permit ☐ Changing a PDA development approval ☐ Extending the currency period of a PDA approval	
Description of proposal applied for	Material Change of Use – Multiple Residential (12 Dwelling Units), Office (Extension to Existing Office) and Building Work (Partial Demolition To 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.	
Decision date		8 September 2016	
Currency period		4 years from Decision date	
Plans and documents			
The plans and documents approved by the MEDQ and referred to in the PDA development conditions are detailed in the table below.			
Approved plans and documents		Number (if applicable)	Date (if applicable)
1.	Site Plan & Proposed Services Configuration Plan, prepared by Neylan Architecture	DD101, Revision C	01/04/16
2.	Ground & Level 1 Floor Plans, prepared by Neylan Architecture	DD103, Revision F	01/04/16
3.	Level 2 & Typical Floor Plans (Level 3 – 6) , prepared by Neylan Architecture	DD104, Revision E	01/04/16
4.	Level 7 – 8 & Roof Plans, prepared by Neylan Architecture	DD105, Revision E	01/04/16 (Amended in Red on 31 August 2016)
5.	North & West Elevations, prepared by Neylan Architecture	DD106, Revision D	01/04/16
6.	South & East Elevations, prepared by Neylan Architecture	DD107, Revision E	01/04/16 (Amended in Red on 31 August 2016)
7.	Landscape Plan – Streetscape External Works / Surface Finishes, prepared by Neylan Architecture	DD110, Revision A	01/04/16
8.	Ground & Level 1 Demolition, prepared by Neylan Architecture	DD102, Revision B	21/07/15
9.	Section 4.2 (Noise Assessment) of Odour and Noise Assessment – 34-36 Jeays Street, Bowen Hills – FINAL, prepared by Air Noise Environment	Project Reference 4328, Page 29 of 34	27 October 2015 (Amended in Red on 31 August 2016)
10.	Concept Services Plan, prepared by Morgan Consulting Engineers	15129/SK01, Revision A0	01.10.15

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.

PDA Development Conditions		
No	Condition	Timing
General		
1.	Carry out the approved development Carry out the approved development generally in accordance with the approved plans and documents.	Prior to commencement of use
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> . This applies to the following conditions of this approval: i. Condition 11 – Sewer Augmentation ii. Condition 13 – Stormwater Augmentation	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) generally in accordance with the approved plans and documents, and any other approval or endorsement required by these conditions.	As indicated
4.	Access Submit to EDQ Development Assessment, DILGP, easement documentation that demonstrates lawful access to the development on Lot 38 and 39 on RP9985 over the area of land identified as Easement A on RP202410, generally in accordance with the approved Site Plan and Proposed Services Reconfiguration Plan, drawing no. DD101, Rev C, dated 01/04/16.	Prior to commencement of site works
Engineering		
5.	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: i. noise and dust generated from the site during and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i>; ii. 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; iii. contaminated land (if required), including removal,	a) Prior to commencement of site works

	treatment and replacement in accordance with a compliance permit from an approved contaminated land auditor. 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
6.	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. The TMP must include the following: i. provision for the management of traffic around and through the site during and outside of construction work hours; ii. provision of parking for workers and materials delivery during and outside of construction hours of work; iii. planning including risk identification and assessment, staging, etc.; iv. ongoing monitoring, management review and certified updates (as required); and v. 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.	a) Prior to commencement of site works b) At all times during construction
7.	Filling and Excavation 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 Developments.”</i> The certified earthworks plans shall: i. include a geotechnical soils assessment of the site; ii. be consistent with the Erosion and Sediment Control plans; iii. provide full detail of areas where dispersive soils will be disturbed, treatment of dispersive soils and their rehabilitation; iv. provide full details of any areas where surplus soils are to be stockpiled.	a) Prior to commencement of site works

	b) Carry out the earthworks generally in accordance with the certified plans required under part a) of this condition. 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.	b) Prior to commencement of use c) Prior to commencement of use
8.	Vehicle Access Construct a vehicle crossover generally in accordance with the approved plans and designed and constructed in accordance with Council adopted standards.	Prior to commencement of use and to be maintained
9.	Car Parking Provide car parking spaces, delineated and signed generally in accordance with the approved plans and AS2890 – <i>Parking Facilities</i>.	Prior to commencement of use and to be maintained
10.	Bicycle Parking Provide 18 bicycle parking spaces and bicycle parking facilities delineated and signed generally in accordance with the AS2890.3 – 1993 <i>Bicycle parking facilities</i>.	Prior to commencement of use and to be maintained
11.	Water connection Connect the development to the existing water reticulation network in accordance with QUU current adopted standards.	Prior to commencement of use
12.	Sewer Augmentation a) Submit to EDQ Development Assessment, DILGP, detailed sewer augmentation design plans, certified by a RPEQ, generally in accordance with the approved Concept Services Plan, drawing no. 15129/SK01 and <i>PDA Guideline No. 13 Engineering standards – Water and Sewer</i>. b) Construct the works generally in accordance with the certified plans required under part b) of this condition. c) Submit to EDQ Development Assessment, DILGP, 'as-constructed' plans, asset register, pressure and CCTV results in accordance with QUU current adopted standards.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
13.	Sewer connection Connect the development to the existing sewer reticulation network in accordance with QUU current adopted standards.	Prior to commencement of use

14.	Stormwater Augmentation a) Submit to EDQ Development Assessment, DILGP, detailed design plans and hydraulic calculations, certified by a RPEQ, for the proposed augmentation, connected to a lawful point of discharge, to the stormwater system generally in accordance with <i>PDA Guideline No. 13 Engineering standards – Stormwater quantity</i> and the approved Concept Services Plan, drawing no. 15129/SK01. b) Construct the works in accordance with the certified plans as required under part a) of this condition. c) Submit to EDQ Development Assessment, DILGP, "as constructed" plans including an asset register and test results, certified by a RPEQ, in a format acceptable to the Council.	a) Prior to commencement of site works b) Prior to commencement of use c) Prior to commencement of use
15.	Outdoor Lighting 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>.	Prior to commencement of use and to be maintained
16.	Electricity Connect the development to the existing electricity network in accordance with Energex current adopted standards.	Prior to commencement of use
17.	Telecommunications Connect the development to the existing telecommunications network in accordance with an authorised telecommunications service provider's current adopted standards.	Prior to commencement of use
18.	Broadband Connect, or make provision to connect, the development to the existing broadband network in accordance with an authorised telecommunications service provider's current adopted standards.	Prior to commencement of use
19.	Gas Connect the development to the existing gas reticulation network in accordance with an authorised gas service provider's current adopted standards.	Prior to commencement of use

20.	Public Infrastructure - Damage, Repairs and Relocation Repair any damage to existing public infrastructure that occurred during works carried out in association with the approved development. Should existing public infrastructure require relocation, due to the approved development, the developer is responsible for these costs together with compliance with relevant standards and statutory requirements.	Prior to commencement of use
Landscape and Environment		
21.	Landscape Works a) Submit to EDQ Development Assessment, DILGP, detailed landscape plans, certified by an AILA, for improvement works within the proposed development generally in accordance with the approved concept plan. b) Construct the works generally in accordance with the certified plans required under part a) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use and to be maintained
22.	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: i. prepared generally in accordance with the <i>State Planning Policy</i> (as amended from time to time) and relevant guidelines; and ii. certified by a suitably qualified professional in soils and/or erosion sediment control. b) Excavate, remove and/or treat on-site all acid sulfate soils generally in accordance with the certified ASSMP.	a) Prior to commencement of or during site works b) Prior to commencement of use
23.	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 Council standards. b) Implement the certified ESCP as required under part a) of this condition.	a) Prior to commencement of site works b) At all times during construction
24.	Refuse Collection Submit to EDQ Development Assessment, DILGP, refuse collection approval from Council or a private waste contractor.	Prior to commencement of use

25.	Acoustic treatments Undertake acoustic treatments to the development generally in accordance with the recommendations in Section 4.2 of Odour and Noise Assessment – 34-36 Jeays Street, Bowen Hills – Final, prepared by Air Noise Environment project reference 4328, dated 27 October 2015.	Prior to commencement of use
Affordable and Accessible Housing		
26.	Affordable Housing Submit to EDQ Development Assessment, DILGP, evidence that the approved development delivers 1 affordable unit in accordance with the <i>PDA (ULDA) Guideline no. 16 – Housing</i>.	Prior to commencement of use
27.	Accessible Housing Submit to EDQ Development Assessment, DILGP, evidence that the approved development delivers 2 accessible units, generally in accordance with the <i>PDA (ULDA) Guideline no. 2 – Accessible Housing</i>.	Prior to commencement of use
28.	Compliance Assessment – Built to Boundary Walls a) Submit to EDQ Development Assessment, DILGP, for compliance assessment, a revised concept of the treatment of the southern and eastern built-to-boundary walls identified on the approved South & East Elevations, drawing no. DD107, Revision E, dated 01/04/2016 (Amended in Red on 31 August 2016). The concept is to utilise architectural and/or landscape treatment to visually soften and provide interest the existing expanse of blank wall to the satisfaction of EDQ Development Assessment. b) Construct the works in accordance with the endorsed plans required by part a) of this condition.	a) Prior to commencement of site works b) Prior to commencement of use
Infrastructure Charges		
29.	Infrastructure Contributions Pay to MEDQ infrastructure charges in accordance with the Infrastructure Funding Framework (IFF) (July 2016) indexed to the date of payment.	In accordance with the IFF

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 ****