



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our ref: DEV2015/741/9

3 May 2019

Economic Development Queensland
C/- Saunders Havill Group
Att: Ms Anna Havill
9 Thompson Street
BOWEN HILLS QLD 4006

Dear Anna

SECTION 99 CHANGE TO A PDA DEVELOPMENT APPROVAL FOR A PDA DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - RESEARCH & TECHNOLOGY FACILITY, FOOD PREMISES, CAR PARK, INDOOR SPORT & RECREATION, OUTDOOR SPORT & RECREATION, COMMUNITY FACILITY, INDOOR ENTERTAINMENT, MARKET, SERVICE INDUSTRY, WINERY (TEMPORARY USES) AT PART OF 221, 221D, 221E AND 257 MACARTHUR AVENUE, HAMILTON DESCRIBED AS PART OF LOT 302 ON SP257483, LOT 1201 ON SP160055, PART OF LOT 1203 ON SP160055 AND LOT 1202 ON SP160055

On 2 May 2019 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 be viewed in the MEDQ Development Approvals Register via the Department website www.edq.qld.gov.au/planning/development-assessment/development-assessment-of-priority-development-areas.html.

Should you have any queries in relation to this PDA decision notice, please do not hesitate to contact Gabrielle Shepherd on 3452 7917.

Yours sincerely

Beatriz Gomez
Director
Development Assessment
Economic Development Queensland

Minister for Economic Development
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PDA Decision Notice – Approval

Site information		
Name of priority development area (PDA)	Northshore Hamilton	
Site address	Part of 221, 221D, 221E and 257 Macarthur Avenue, Hamilton	
Lot on plan description	Lot number	Plan description
	Lot 1202	SP160055
	Lot 1201	SP160055
	Part of Lot 1203	SP160055
	Part of Lot 302	SP257483
PDA development application details		
DEV reference number	DEV2015/741/9	
'Properly made' date	1 May 2019	
Type of application	<input type="checkbox"/> New development involving: <ul style="list-style-type: none"> <input type="checkbox"/> Material change of use <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input type="checkbox"/> Reconfiguring a lot <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <input type="checkbox"/> Operational work <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Development permit <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	Change to PDA Development Approval	

PDA development approval details

Decision of the MEDQ	<p>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.</p> <p>The approved changes are summarised as follows:</p> <ul style="list-style-type: none">▪ amendment to Condition 7.b) (expansion of Market trading hours - Sundays and Public Holidays)
Original Decision date	27 June 2016
1 st Change to approval date	22 December 2016
2 nd Change to approval date	2 February 2016
3 rd Change to approval date	2 May 2019
Currency period	5 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.

Plans and documents previously approved on 22 December 2016 and still applicable to this approval		Number (if applicable)	Date (if applicable)
1.	Site Activation Plan Sheet 1 prepared by LandPartners	BRSS4250.000-092 Rev O	19/10/2016 (As amended in Red 21 December 2016)
2.	Site Activation Plan Sheet 2 prepared by LandPartners	BRSS4250.000-092 Rev O	19/10/2016 (As amended in Red 21 December 2016)

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, DSDMIP 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, DSDMIP 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, DSDMIP 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, DSDMIP **within 20 business days** from the date of the notice.
 - v. **within 20 business days** – EDQ Development Assessment, DSDMIP 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, DSDMIP 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, DSDMIP endorses relevant plans/supporting information.

ABBREVIATIONS

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

1. **Council** means Brisbane City Council.
2. **DSDMIP** means The Department of State Development, Manufacturing, Infrastructure and Planning.
3. **EDQ** means Economic Development Queensland.
4. **MEDQ** means The Minister of Economic Development Queensland.
5. **PDA** means Priority Development Area.
6. **RPEQ** means Registered Professional Engineer of Queensland.

PDA Development Conditions – Material Change of Use

No.	Condition	Timing
1.	<p>Carry out the Approved Development</p> <p>Carry out the approved development generally in accordance with the approved plans and documents.</p>	Prior to commencement of use
2.	<p>Maintain the Approved Development</p> <p>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.</p>	As indicated
3.	<p>Duration of Temporary Uses (90 months)</p> <p>a) This PDA Development Approval is valid for 90 months from the Original Decision Date of this approval.</p> <p>b) Submit to EDQ Development Assessment, DSDMIP a decommissioning strategy outlining how all buildings and constructed infrastructure as a result of the PDA Development Approval will be removed and the site rehabilitated to its original state at the conclusion of the use.</p> <p>c) Carry out all necessary works as a result of part b) of this condition.</p>	<p>a) As indicated</p> <p>b) 3 months prior to the PDA Development Approval lapsing or the cessation of all of the temporary uses on site, whichever occurs first</p> <p>c) Prior to the PDA Development Approval lapsing or the cessation of all of the temporary uses on site, whichever occurs first</p>
4.	<p>Compliance Assessment – Temporary Buildings and Site Improvements</p> <p>a) Where the installation of temporary buildings (excluding marquees or tents) or site improvement is required on site, submit to EDQ Development Assessment, DSDMIP for compliance assessment, a plan or plan(s) identifying the proposed layout including location of the temporary structures, buildings, fencing/screening, site improvements, internal access and car parking.</p> <p>b) Erect the temporary structures generally in accordance with the endorsed plans required by part (a) of this condition.</p>	<p>a) Prior to commencement of site works for the use</p> <p>b) As indicated</p>

5.	<p>Compliance Assessment - Safety and Risk Report</p> <p>Submit to EDQ Development Assessment, DSDMIP for compliance assessment a safety and risk assessment report for the approved development. The safety and risk report must detail all proposed buildings, plantings and other physical measures, and operational and management measures to mitigate potential impacts of the activities listed in the <i>Northshore Hamilton UDA Development Scheme</i> (page 17).</p> <p>The safety and risk assessment report shall be current and available on site at all times.</p>	Prior to the commencement of works
6.	<p>Service Industry - Microbrewery</p> <p>The Microbrewery use is not to exceed 100m² GFA, and is to be fully contained within 'The Shed' building.</p>	At all times
7.	<p>Hours of Operation</p> <p>a) The approved hours of operation for the Outdoor Sport and Recreation (Tennis Courts) are 6am until 10pm, 7 days a week.</p> <p>b) The approved hours of operation for the Market are:</p> <ul style="list-style-type: none"> i. Friday and Saturday (including Public Holidays that fall on these days) – 10am until 10pm; and ii. Sunday and Public Holidays (other than Friday and Saturday) - 10am until 9pm. <p>c) If a residential or mixed-use building is constructed within 150m of an individual temporary use operating under this planning approval;</p> <ul style="list-style-type: none"> i. the hours of operation for the temporary uses are to be reduced to 10am until 8pm; or ii. Submit to EDQ Development Assessment, DSDMIP for compliance assessment a Management Plan (or plans) demonstrating how potential adverse impacts from the temporary uses will be mitigated for the residents of the residential or mixed use building/s. 	<p>a) As indicated</p> <p>b) As indicated</p> <p>c) Prior to the occupation of the building by residents</p>
Engineering		
8.	<p>Construction Management Plan</p> <p>a) Submit to EDQ Development Assessment, DSDMIP a Site Based Construction Management Plan (CMP), prepared by the principal site contractor, that manages the following:</p> <ul style="list-style-type: none"> i. noise and dust generated from the site during 	a) Prior to commencement of site works

	<p>and outside construction work hours in accordance with the <i>Environmental Protection Act 1994</i>;</p> <ul style="list-style-type: none"> 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, treatment and replacement in accordance with a compliance permit from an approved contaminated land auditor; iv. construction traffic ingressing and egressing the site. <p>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.</p>	b) At all times during construction
9.	<p>Car Parking</p> <ul style="list-style-type: none"> a) Submit to EDQ Development Assessment, DSDMIP detailed car parking layout plans, including signs and lines certified by a RPEQ generally in accordance with the approved plans and <i>AS2890 – Parking facilities</i>. b) Construct the works generally in accordance with the certified plans required under part a) of this condition. 	<ul style="list-style-type: none"> a) Prior to commencement of site works for the use b) Prior to commencement of use
10.	<p>Minimum Number of Car Parking Spaces</p> <p>A minimum of 1056 car parking spaces is to be available onsite while the Market use is operating.</p>	As indicated
11.	<p>Vehicle Access</p> <p>Provide vehicle crossovers to accommodate vehicles ingressing/egressing from the site generally located in accordance with the approved plans and to Council standards.</p>	Prior to commencement of use.
12.	<p>Existing Wharf Structure and Revetment Walls</p> <p>Submit to EDQ Development Assessment, DSDMIP a report certified by a RPEQ demonstrating that the existing wharf structure and adjoining revetment walls are structurally capable of accommodating loads imposed by the approved uses.</p>	Prior to commencement of site works

13.	<p>Stormwater Quality</p> <p>Install litter baskets (Ecosol RSF100 or equivalent) at all field inlets within the existing car parking areas.</p>	Prior to commencement of use
14.	<p>Outdoor Lighting</p> <p>Outdoor lighting within the development shall be designed and installed in accordance with AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.</p>	Prior to commencement of use and to be maintained
15.	<p>Electricity</p> <p>Connect the development to the existing electrical reticulation network in accordance with the relevant authorised electricity utility standards.</p>	Prior to commencement of the use
16.	<p>Public Infrastructure – Damage, Repairs and Relocation</p> <p>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.</p>	Prior to commencement of use

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 ****