

Due 15/8/14

Great state. Great opportunity.



SARA technical agency assessment response

Technical agency (TA)—

DSDIP reference: SPD-0714-009710
DSDIP regional office: SARA Brisbane Region
DSDIP email: BrisbaneSARA@dsdip.qld.gov.au
[NB. All responses are to be returned to this email address]
TA reference: ###originalAppID###
TA contact name: Leesa Kelly
TA contact details: 07 3330 5616
TA approver: David Cook

1.0 Application details

Street address: 155 Queen - Brisbane City, Brisbane City - QLD; 155A Queen - Brisbane City - QLD; 161 Queen - Brisbane City, Brisbane City - QLD; 185 Queen - Brisbane City, Brisbane City - QLD; 150 Elizabeth - Brisbane City - QLD; 146 Elizabeth - Brisbane City, Brisbane City - QLD; 1 Elizabeth - Brisbane City, Brisbane City - QLD; 156A Elizabeth - Brisbane City - QLD; 160A Elizabeth - Brisbane City, Brisbane City - QLD

Real property description: 1; 2; 2; 1; 2; 217; 1; 1; 1 RP45660; RP45660; RP49279; SP134044; RP49 B11826; RP574; RP575; RP65292

Local government area: Brisbane City; Brisbane City; Brisbane City; Brisbane City; Brisbane City; Brisbane City; Brisbane City; Brisbane City; Brisbane City

Applicant name: ISPT Pty Ltd c-/ Cardno HRP

Applicant contact details: sch4p4(6) Personal information@cardno.com.au

2.0 Aspects of development and type of approval granted

Permissible Change to an Existing Approval.

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the following provisions of the Sustainable Planning Regulation 2009¹:

Schedule 6 Assessment manager for development applications—matters of interest specific to technical agency

[insert triggers]

Schedule 7 Referral agencies and their jurisdictions—matters of interest specific to technical agency

4/3/21 9:40

[insert triggers]

¹ MyDAS does not collect data on assessable development aspects under Schedule 3—this is a matter confirmed by DSDIP during the validation process.

Published on
DES Disclosure Log
RTI Act 2009

4.0 Request by applicant to change development approval—relevant entity

The Department of Environment and Heritage Protection was a concurrence agency for this approval (EHP Permit number: SPCH05479313).

Contaminated Land Trigger

- Lot 1 on SP134044 is on the Environmental Management Register (EMR) for a notifiable activity Petroleum Product or Oil Storage
- Lot 2 on RP49018 is on the EMR for the following hazardous contaminant's: Lead – 12600 mg/kg (70.5mg/L), Zinc - 1500mg/kg, Benzo (a) pyrene - 2.1mg/kg, Aldrin & Dieldrin - 2.63mg/kg (0.037mg/L)
- Lot 1 on RP574 is on the EMR for the following hazardous contaminants: Lead - 1460 mg/kg (0.8mg/L), Zinc - 15200mg/kg (74.7mg/L), Total PAH - 48.6/kg, Benzo(a)pyrene - 3.8mg/kg.
- Our Department as the concurrence agency had no requirements in relation to contaminated land matters for this approval.

Details of the Proposal

- The approved development relates to a ten level building that consists of a basement level, three levels of retail floor space at lower ground level, ground level and Level 1, three levels of office space (Levels 2, 3 and 4), two levels of convention centre space (Levels 5 and 6) and a plant room level.
- The basement level of the proposed development includes a small loading dock area located below the lower ground retail level, to allow for servicing of the development to occur through the adjoining, approved but not yet constructed, The Regent Tower.
- The approval provided for a staged development, with Stage 1 relating to the construction of the entire building, and Stage 2 providing for the construction of a suspended pedestrian bridge linking Level 5 of the approved building with the concourse level of the nearby Wintergarden development.
- This request seeks to reduce the height of the proposed development through the removal of the two levels of and the introduction of temporary servicing arrangements for the proposal, where a temporary loading dock will be provided at the lower ground level for Stage 1.
- In addition changes to the design plans are also requested to include the revision of amenities, access and other minor alterations.

Recommendation

Our department has no objection to the changes being made. The reason for this decision is:

- The proposed changes will not result in a substantially different development.
- The development was to be located within an existing building within a fully developed urban area and soil disturbance was not proposed as part of the development. The proposed use was therefore considered suitable for the site and poses no threat to human health or the environment from a contaminated land perspective.
- No conditions in relation to contaminated land were deemed necessary. This is still valid with the proposed changes to the development.

5.0 Endorsement

Officer	Leesa Kelly sch4p4(6) Personal information	Environmental Officer 30/7/2014	[insert phone number]
Approver	David Cook sch4p4(6) Personal information	Manager 8/8/14	[insert phone number]

listed NA

SITE ID 97934

DATE 8/11/2011

Form

Contaminated land

Notification of land

This form should be used by people providing notification to the administering authority of contaminated land or land use for a notifiable activity in accordance with schedule 3 of the Environmental Protection Act 1994. This form relates specifically to sections 371 and 372 of the Environmental Protection Act 1994.

NOTE: You must complete all questions below and use a separate form for each lot.

1. Person making notification

NAME sch4p4(6) Personal information	TELEPHONE 07 3270 7308
COMPANY/ORGANISATION ISPT Pty Limited	
POSTAL ADDRESS GPO BOX 229 Brisbane QLD 4001	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 3270 7319

2. Site details

2.1. Name by which the property is known locally?

Regent Cinema

2.2. Please provide details of the Lot on Plan to which the notification applies

Please note that a separate notification form must be used for each Lot on Plan.

FULL STREET ADDRESS OF THE SITE 156 Elizabeth Street, Brisbane	
LOT(S) 1	PLAN(S) RP574
LOCAL GOVERNMENT AUTHORITY Brisbane	

2.3. Area of land parcel in square metres? 911 m²

Notification of Land

2.4. Describe the notifiable activity/ies for which the land is or has been used and the source/s of the suspected contamination. List all notifiable activities that the land has been used for and provide details.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Hazardous Contaminant

Lead - 1,460 mg/kg (0.8mg/L), Zinc - 15,200mg/kg (74.7mg/L), Total PAH - 48.6mg/kg,
Benzo(a)pyrene - 3.8mg/kg

2.5. Has a map or locality plan been attached to this notification?

The processing of this information is greatly assisted by the inclusion of a map or locality plan that shows the respective Lot.

☐

NO

☒

YES

3. Details of land owner

NAME ISPT Pty Limited	TELEPHONE 07 3270 7300
POSTAL ADDRESS GPO BOX 229	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 3270 7319

4. Declaration

Please read the certification below before signing.

- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTICE OF DISCLOSURE sch4p4(6) Personal information	DATE 4/7/14
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You may apply for exemption from disclosing information contained in a document submitted, or proposed to be submitted with this notification (see section 564 of the *Environmental Protection Act 1994*)

5. Applicant checklist

- ☒ Notifying person's details correct.
- ☒ Notification form completed and signed.
- ☒ Supporting information attached.

Please return the completed notification to:

Contaminated Land Unit
Department of Environment and Resource Management
Level 8, 400 George Street
GPO Box 2454
Brisbane Queensland 4001

Enquiries: (07) 3330 5685
Facsimile: (07) 3330 5754



**Queensland
Government**

Level 8, 400 George St Brisbane, Queensland GPO Box 2454
Brisbane QLD 4001 AUSTRALIA
Telephone (07)3330 5685, Facsimile(07)3330 5754
http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/

08 November 2011

Site ID: 97934
File Number:
Enquiries to: Contaminated Land Unit
Telephone: (07) 3330 5685

ISPT PTY LTD
GPO BOX 229
BRISBANE QLD 4001

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 374 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 1 Plan: RP574
Brisbane City Council

156 ELIZABETH STREET
BRISBANE 4000

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

HAZARDOUS CONTAMINANT - This site has been subject to a hazardous contaminant. Refer to the summary given below.

Lead - 1460 mg/kg (0.8mg/L), Zinc - 15200mg/kg (74.7mg/L), Total PAH - 48.6/kg, Benzo (a) pyrene - 3.8mg/kg.

The owner may apply for a review of the decision to record the land in the EMR within 10 business days after receipt of this notice, in accordance with section 521 of the *EP Act*. If you decide to apply for a review you must, in accordance with section 521(3), also give notice to the local government that you are seeking a review. You must forward to the local government the following documents:

- a notice of the application (the "review notice");
- a copy of the application and supporting documents.

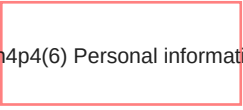
The review notice must inform the local government that submissions on the application may be made within 5 business days after the application is made to the DERM, as required by section 521(4) of the *EP Act*. A land owner dissatisfied with a review decision may appeal against the decision in accordance with section 531 of the *EP Act*. A copy of sections 521 and 531 is attached to this notice.

Please note that the listing of a site on the EMR does not imply that the DERM considers the site to be "contaminated", nor does it require that the land be investigated and remediated. The listing does not imply that this site is unsuitable for its current use, nor does it imply that you are in breach of any conditions set out in any existing Development Approval issued for this site. Remediation would be needed if there were evidence that the site presented an unacceptable health or environmental risk for its current use. In the event that the site is redeveloped, the DERM may require that remediation or management of any contamination be conducted to protect public health and the environment.

It should also be noted that, with the issuing of this Notice under section 374, the following requirements apply under section 421 of the *EP Act*.

If the owner proposes to dispose of the land to someone else, the owner must, before agreeing to dispose of the land, give written notice to the buyer that the particulars of the land have been recorded in the register.

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, DERM on telephone (07) 3330 5685. Further information about contaminated land matters may be obtained by visiting our web-site at: http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/.

 sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994



**Queensland
Government**

Level 8, 400 George St Brisbane, Queensland GPO Box 2454
Brisbane QLD 4001 AUSTRALIA
Telephone (07)3330 5685, Facsimile(07)3330 5754
http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/

08 November 2011

Site ID: 97934
File Number:
Enquiries to: Contaminated Land Unit
Telephone: (07) 3330 5685

BRISBANE CITY COUNCIL
ATTENTION CARL DOWTHWAITE
GPO BOX 1434
BRISBANE QLD 4001

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 374 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 1 Plan: RP574
156 ELIZABETH STREET
BRISBANE 4000

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

HAZARDOUS CONTAMINANT

Lead - 1460 mg/kg (0.8mg/L), Zinc - 15200mg/kg (74.7mg/L), Total PAH - 48.6/kg, Benzo (a) pyrene - 3.8mg/kg.

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, DERM on telephone (07) 3330 5685. Further information about contaminated land matters may be obtained by visiting our website at: http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/.

sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994

Listed NA
Site ID 97935
Date 08/11/2011

Form

Contaminated land

Notification of land

This form should be used by people providing notification to the administering authority of contaminated land or land use for a notifiable activity in accordance with schedule 3 of the Environmental Protection Act 1994. This form relates specifically to sections 371 and 372 of the Environmental Protection Act 1994.

NOTE: You must complete all questions below and use a separate form for each lot.

Person making notification

NAME sch4p4(6) Personal information	TELEPHONE 07 3270 7308
COMPANY/ORGANISATION ISPT Pty Limited	
POSTAL ADDRESS GPO Box 229 Brisbane QLD 4001	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 3270 7308

Site details

Name by which the property is known locally?

Regent Cinema

Please provide details of the Lot on Plan to which the notification applies

Please note that a separate notification form must be used for each Lot on Plan.

FULL STREET ADDRESS OF THE SITE 167 Queen Street, Brisbane	
LOT(S) 2	PLAN(S) RP49018
LOCAL GOVERNMENT AUTHORITY Brisbane	

Area of land parcel in square metres? 1,094 m²

Notification of Land

Describe the notifiable activity/ies for which the land is or has been used and the source/s of the suspected contamination. List all notifiable activities that the land has been used for and provide details.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Hazardous Contaminant

Lead - 12,600mg/kg (70.5mg/L) , Zinc - 1,500mg/kg, Benzo(a)pyrene - 2.1mg/kg, Aldrin & Dieldrin - 2.63mg/kg (0.037mg/L)

Has a map or locality plan been attached to this notification?

The processing of this information is greatly assisted by the inclusion of a map or locality plan that shows the respective Lot.

☐

NO

☒

YES

Details of land owner

NAME ISPT Lt Limited	TELEPHONE 07 3270 7300
POSTAL ADDRESS GPO Box 229 Brisbane QLD 4001	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 3270 7300

Declaration

Please read the certification below before signing.

- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE sch4p4(6) Personal information	DATE 5/7/11
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You may apply for exemption from disclosing information contained in a document submitted, or proposed to be submitted with this notification (see section 564 of the *Environmental Protection Act 1994*)

Applicant checklist

☒

Notifying person's details correct.

☒

Notification form completed and signed.

☒

Supporting information attached.

Please return the completed notification to:

Contaminated Land Unit
Department of Environment and Resource Management
Level 8, 400 George Street
GPO Box 2454
Brisbane Queensland 4001

Enquiries: (07) 3330 5685
Facsimile: (07) 3330 5754



**Queensland
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08 November 2011

Site ID: 97935

File Number:

Enquiries to: Contaminated Land Unit

Telephone: (07) 3330 5685

BRISBANE CITY COUNCIL
ATTENTION CARL DOWTHWAITE
GPO BOX 1434
BRISBANE QLD 4001

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

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Lot: 2 Plan: RP49018
167 QUEEN STREET
BRISBANE QLD 4000

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

HAZARDOUS CONTAMINANT

Lead - 12600MG/KG (70.5mg/L), Zinc - 1500mg/kg, Benzo (a) pyrene - 2.1mg/kg, Aldrin & Dieldrin - 2.63mg/kg (0.037mg/L)

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, DERM on telephone (07) 3330 5685. Further information about contaminated land matters may be obtained by visiting our web-site at:
http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/.

sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994



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08 November 2011

Site ID: 97935
File Number:
Enquiries to: Contaminated Land Unit
Telephone: (07) 3330 5685

ISPT PTY LTD
GPO BOX 229
BRISBANE QLD 4001

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

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Lot: 2 Plan: RP49018
Brisbane City Council

167 QUEEN STREET
BRISBANE QLD 4000

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

HAZARDOUS CONTAMINANT - This site has been subject to a hazardous contaminant. Refer to the summary given below.

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The owner may apply for a review of the decision to record the land in the EMR within 10 business days after receipt of this notice, in accordance with section 521 of the *EP Act*. If you decide to apply for a review you must, in accordance with section 521(3), also give notice to the local government that you are seeking a review. You must forward to the local government the following documents:

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- a copy of the application and supporting documents.

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It should also be noted that, with the issuing of this Notice under section 374, the following requirements apply under section 421 of the *EP Act*.

If the owner proposes to dispose of the land to someone else, the owner must, before agreeing to dispose of the land, give written notice to the buyer that the particulars of the land have been recorded in the register.

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, DERM on telephone (07) 3330 5685. Further information about contaminated land matters may be obtained by visiting our web-site at:
http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/.

sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994

List 40 "N" lot
Site ID: ~~000000~~ 97936
Date: 08/11/2011

Form

Contaminated land

Notification of land

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NOTE: You must complete all questions below and use a separate form for each lot.

1. Person making notification

NAME sch4p4(6) Personal information	TELEPHONE 07 3270 7308
COMPANY/ORGANISATION ISPT Pty Limited	
POSTAL ADDRESS GPO Box 229 Brisbane QLD 4001	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 3270 7308

2. Site details

2.1. Name by which the property is known locally?

Regent Cinema

2.2. Please provide details of the Lot on Plan to which the notification applies

Please note that a separate notification form must be used for each Lot on Plan.

FULL STREET ADDRESS OF THE SITE 146 Elizabeth Street, Brisbane	
LOT(S) 217	PLAN(S) B11826
LOCAL GOVERNMENT AUTHORITY Brisbane	

2.3. Area of land parcel in square metres? 911 m²

Notification of Land

2.4. Describe the notifiable activity/ies for which the land is or has been used and the source/s of the suspected contamination. List all notifiable activities that the land has been used for and provide details.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Hazardous Contaminant

Lead - 454mg/kg

2.5. Has a map or locality plan been attached to this notification?

The processing of this information is greatly assisted by the inclusion of a map or locality plan that shows the respective Lot.

☐ NO

☒ YES

3. Details of land owner

NAME ISPT Pty Limited	TELEPHONE 07 3270 7300
POSTAL ADDRESS GPO Box 229 Brisbane QLD 4001	
EMAIL sch4p4(6) Personal information	FACSIMILE 07 3270 7300

4. Declaration

Please read the certification below before signing.

- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE sch4p4(6) Personal information	DATE 4/7/11
--	----------------

You may apply for exemption from disclosing information contained in a document submitted, or proposed to be submitted with this notification (see section 564 of the *Environmental Protection Act 1994*)

5. Applicant checklist

- ☒ Notifying person's details correct.
- ☒ Notification form completed and signed.
- ☒ Supporting information attached.

Please return the completed notification to:

Contaminated Land Unit
Department of Environment and Resource Management
Level 8, 400 George Street
GPO Box 2454
Brisbane Queensland 4001

Enquiries: (07) 3330 5685
Facsimile: (07) 3330 5754



Queensland Government

Level 8, 400 George St Brisbane, Queensland GPO Box 2454
Brisbane QLD 4001 AUSTRALIA
Telephone (07)3330 5685, Facsimile(07)3330 5754
http://www.derm.qld.gov.au/environmental_management/land/contaminated_land/

08 November 2011

Site ID: 97936

File Number:

Enquiries to: Contaminated Land Unit

Telephone: (07) 3330 5685

BRISBANE CITY COUNCIL
ATTENTION CARL DOWTHWAITE
G P O BOX 1434
BRISBANE
QLD 4001

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 374 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 217 Plan: B11826
146 ELIZABETH STREET
BRISBANE QLD 4000

The parcel of land has been recorded on the EMR as, after careful consideration of submissions, it is decided that the land has been, or is being used, for the following notifiable activities pursuant to section 374 of the *EP Act*. Notifiable activities are mainly industrial/commercial activities that have been known to cause contamination of land and refer to both past and current activities.

HAZARDOUS CONTAMINANT

Lead - 454mg/kg

Further information regarding this notice may be obtained by contacting the Contaminated Land Unit, DERM on telephone (07) 3330 5685. Further information about contaminated land matters may be obtained by visiting our web-site at:

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sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994



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Site ID: 97936

File Number:

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Telephone: (07) 3330 5685

ISPT PTY LTD

GPO BOX 229

BRISBANE QLD 4001

NOTICE OF LAND LISTED ON THE ENVIRONMENTAL MANAGEMENT REGISTER

In accordance with section 374 of the *Environmental Protection Act 1994 (EP Act)* notice is given that the parcel of land described below has been listed on the Environmental Management Register (EMR).

Lot: 217 Plan: B11826
Brisbane City Council

146 ELIZABETH STREET
BRISBANE QLD 4000

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HAZARDOUS CONTAMINANT - This site has been subject to a hazardous contaminant. Refer to the summary given below.

Lead - 454mg/kg

The owner may apply for a review of the decision to record the land in the EMR within 10 business days after receipt of this notice, in accordance with section 521 of the *EP Act*. If you decide to apply for a review you must, in accordance with section 521(3), also give notice to the local government that you are seeking a review. You must forward to the local government the following documents:

- a notice of the application (the "review notice");
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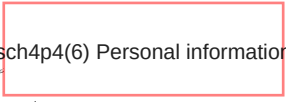
Please note that the listing of a site on the EMR does not imply that the DERM considers the site to be "contaminated", nor does it require that the land be investigated and remediated. The listing does not imply that this site is unsuitable for its current use, nor does it imply that you are in breach of any conditions set out in any existing Development Approval issued for this site. Remediation would be needed if there were evidence that the site presented an unacceptable health or environmental risk for its current use. In the event that the site is redeveloped, the DERM may require that remediation or management of any contamination be conducted to protect public health and the environment.

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sch4p4(6) Personal information

Delegate of Administering Authority
Environmental Protection Act 1994

Our Ref: HRP12129.L10.001 (Request to Change Approval DSDIP).docx
DTMR Ref: TMR13-005990
DEHP Ref: SPCH05479313
Consent 4(6) Personal information

24 July 2014

State Assessment and Referral Agency
Department of State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Delivery via MyDAS

Cardno (QLD) Pty Ltd
ABN 57 051 074 992

Level 11
40 Creek Street
Brisbane QLD 4000
Australia

Phone: +61 7 3221 8833
Fax: +61 7 3221 0278
www.cardno.com/cardnohrp

Dear Sir/Madam,

REQUEST TO CHANGE A DEVELOPMENT APPROVAL UNDER SECTION 369 OF THE SUSTAINABLE PLANNING ACT 2009 AND NOTIFICATION OF A REQUEST TO CHANGE A DEVELOPMENT APPROVAL UNDER SECTION 372 (1)(A)(II) AND SECTION 372 (1)(C) OF THE SUSTAINABLE PLANNING ACT 2009

DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR CENTRE ACTIVITIES (SHOP, OFFICE AND CONVENTION CENTRE) AND PRELIMINARY APPROVAL FOR CARRYING OUT BUILDING WORK ON LAND ADJOINING A HERITAGE PLACE AND INVOLVING ALTERATIONS TO THE FAÇADE OF A BUILDING FRONTING THE QUEEN STREET MALL OVER LAND AT 155-161 QUEEN STREET, BRISBANE MORE PROPERLY DESCRIBED AS LOT 1 AND 2 ON RP45660, LOT 2 ON RP49279, LOT 1 ON SP134044, LOT 2 ON RP49018, LOT 217 ON CPB11826, LOT 1 ON RP574, LOT 1 ON RP575 AND LOT 1 ON RP65292 – ISPT PTY LTD (DTMR Ref: TMR13-005990; DEHP Ref: SPCH05479313)

On 17 May 2013, the Department of Transport and Main Roads (DTMR) provided a Concurrence Agency Response for a development application made by ISPT Pty Ltd over 155-161 Queen Street, Brisbane (DTMR Ref: TMR13-005990). Brisbane City Council ultimately approved this development application on 13 June 2013. A copy of the current development approval, including the Concurrence Agency response, is provided as **Attachment A** to this letter. The development approval contained the following components:

- Development Permit for a Material Change of Use for Centre Activities (Shop, Office and Convention Centre); and
- Preliminary Approval for Carrying Out Building Work on land adjoining a Heritage Place and involving alterations to a building fronting the Queen Street Mall;

On behalf of ISPT Pty Ltd (the Applicant), and in accordance with section 369 of the *Sustainable Planning Act 2009*, we hereby request that the Department of State Development, Infrastructure and Planning (DSDIP) change the DTMR Concurrence Agency Response.

Chapter 6, Part 8, Subdivision 2 of the SPA sets out the procedure for changing approvals. In particular, section 369(1) of the SPA states:

“369 Request to change development approval

- (1) *If a person wants to make a permissible change to a development approval, the person must by written notice ask the following entity (the responsible entity) stated for the change or approval to make the change—*
- (a) *if the change is to a condition imposed by the Minister under part 11, division 1—the Minister;*
 - (b) *if the approval was given by the Minister under part 11, division 2—the Minister;*
 - (c) *if the change is to a condition of the approval imposed by a concurrence agency—the concurrence agency;*
 - (d) *if the approval was given by the court—the court;*
 - (e) *for another change or approval—the assessment manager for the application to which the approval relates.”*

The requested changes, detailed within this letter, relate to the conditions imposed by DTMR. As DTMR was a concurrence agency to the original application, the request has been made to DSDIP as the responsible entity in this instance for the purposes of section 369(1) of the SPA.

THE APPROVAL

The approved development relates to a ten level building that consists of a basement level, three levels of retail floor space at lower ground level, ground level and Level 1, three levels of office space (Levels 2, 3 and 4), two levels of convention centre space (Levels 5 and 6) and a plant room level.

The basement level of the proposed development includes a small loading dock area located below the lower ground retail level, to allow for servicing of the development to occur through the adjoining, approved but not yet constructed, The Regent Tower.

The approval provided for a staged development, with Stage 1 relating to the construction of the entire building, and Stage 2 providing for the construction of a suspended pedestrian bridge linking Level 5 of the approved building with the concourse level of the nearby Wintergarden development.

PROPOSED CHANGES

This request seeks to change the approval as a result of detailed design following receipt of development approval. The request seeks the following changes:

- the reduction in the height of the proposed development through the removal of the two levels of convention centre use (Levels 5 and 6) and the plant level. As a result of this change the proposal will no longer involve a convention centre use; and
- the introduction of temporary servicing arrangements for the proposal, where a temporary loading dock will be provided at the lower ground level for Stage 1. Temporary access will be provided across the adjoining The Regent Tower site until this development and its shared basement level is constructed. The proposed changes to servicing arrangements are requested in response to timing issues associated with the construction of surrounding development, namely The Regent Tower. These arrangements are described in further detail in **Attachment C**.

In addition to the above changes, the following consequential changes to the design of the development are also proposed. The below provides a comprehensive listing of all changes proposed to the approved plans:

- the revision of the basement level layout which retains a water tank, fire hydrant / pump room and a switch room as approved;
- the alteration of fire stairs 2 and 3 to support revised fire egress arrangements, which now involve pedestrian discharge to the Elizabeth Street side of the proposal;

- the alteration of fire stair 1, which now stops at Level 2 and links with fire stair 2 via a tunnel at Level 2;
- the relocation of the fire booster and metre cupboard to the south-western side of the building;
- the relocation of the FIP cupboard to adjacent the temporary lobby on the ground level;
- the relocation of the proposed escalators with the retail levels;
- the revised of back of house services to the retail levels;
- the addition of temporary structure for Stage 1 to provide approved access to office levels;
- the removal of the internal stairs between the retail levels;
- the relocation of the void to the office levels;
- the removal of the provision for a void to the retail levels;
- the revision of the retail lift to now allow access to Level 2. The Level 2 WC layout has also been subsequently revised;
- the revision of the toilet amenities on Levels 3 and 4;
- the revision of the reduced levels (RLs) of the proposed office levels (Levels 2-4);
- the revision of the design of the proposed bridge to The Wintergarden. This bridge remains part of Stage 2;
- the alteration of the window arrangement of the art screen on the south-western side of the building have been revised to align with a new structural grid;
- the expansion of the approved green roof as a consequence of the removal of Levels 5 and 6;
- the addition of a window on Level 2 facing The Regent Theatre;
- the addition of a doorway connection between the proposal (at lower ground level) and the basement of The Regent Theatre; and
- detailed design of proposed retail/shop front;

Revised proposal plans which reflect the proposed changes are provided as **Attachment B** to this letter.

The proposed changes will result in the following changes to the DTMR Concurrence Agency Response:

- Condition 1 of the Concurrence Agency response details the current approved plans to which the response applies. As new proposal plans have been provided (**Attachment B**), it is requested that Condition 1 be amended as follows

The development must be carried out generally in accordance with the following plans and report:

- ~~*B-01 Mezz & B-02 Loading Bay, Drawing Number DA1001, Revision 01, prepared by John Wardle Architects and dated 08/03/2013;*~~
- *B01 – Mezzanine, B02 - Plant & Loading Bay, Drawing Number AR1001, Revision H, prepared by John Wardle Architects and dated 27/06/2014;*
- ~~*Lower Ground, Drawing Number DA1002, Revision 01, prepared by John Wardle Architects and dated 08/03/2013;*~~
- *Lower Ground – Stage 1, Drawing Number AR1002A, Revision H, prepared by John Wardle Architects and dated 27/06/2014;*
- *Lower Ground – Stage 2, Drawing Number AR1002, Revision H, prepared by John Wardle Architects and dated 27/06/2014;*
- ~~*Ground Level, Drawing Number DA1003, Revision 01, prepared by John Wardle Architects and dated 08/03/2013;*~~

- Ground Level, Drawing Number AR1003, Revision H, prepared by John Wardle Architects and dated 27/06/2014;
 - ~~North-West Elevation, Drawing Number DA3001, Revision 01, prepared by John Wardle Architects and dated 08/03/2013;~~
 - North-West Elevation, Drawing Number AR3001, Revision H, prepared by John Wardle Architects and dated 27/06/2014;
 - ~~North-East & South-West Elevation, Drawing Number DA3002, Revision 01, prepared by John Wardle Architects and dated 08/03/2013;~~
 - North-East & South-West Elevation, Drawing Number AR3002, Revision F, prepared by John Wardle Architects and dated 27/06/2014;
 - ~~Section A-A, Drawing Number DA3501, Revision 01, prepared by John Wardle Architects and dated 08/03/2013;~~
 - Section A-A – Stage 1, Drawing Number AR3501A, Revision H, prepared by John Wardle Architects and dated 27/06/2014;
 - Section A-A – Stage 2, Drawing Number AR3501, Revision H, prepared by John Wardle Architects and dated 27/06/2014;
 - ~~Section B-B, Drawing Number DA3502, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; and~~
 - Section B-B, Drawing Number DA3502, Revision F, prepared by John Wardle Architects and dated 27/06/2014; and
 - the Construction Management Plan entitled “155 Queen Street Brisbane”, Issue 2, prepared by Brookfield Multiplex and dated 28/09/2012.
- We note that Condition 2 refers explicitly to the Construction Management Plan (CMP) submitted with the original development application. While the proposed work methods identified in the approved CMP, including loading zones and access arrangements, are not altered by the proposed changes, there are alterations to the size of the proposal and the provision of interim access arrangements. On this basis we request the following change be made to Condition 2:

The development must be generally in accordance with the Construction Management Plan, entitled “155 Queen Street Brisbane”, Issue 2, prepared by Brookfield Multiplex and dated 28/09/2012, amended to include the following:

- *Within Section 4.5.1 (page 12) –*
 - *Insert after the first sentence: “The proposed work zone will not encroach into the existing bus stop zone in Elizabeth Street.”;*
 - *Insert at the end of the first paragraph: “Should there be a need to modify any existing public passenger transport arrangements and associated pedestrian access to these facilities during construction, further consultation will be undertaken with TransLink, Brisbane Transport and Veolia Transport to ensure their agreement is reached for any alternative or temporary arrangements.”*
- *Within Section 4.4 (page 11)*
 - *Insert at the end of the second paragraph: “Pedestrian access to the TransLink bus stop 85 will be maintained at all times during construction of the development”.*

In addition to the changes proposed to the Department of Transport and Main Roads Concurrence Agency response, the Applicant has also requested that Brisbane City Council change their development approval for the proposal. In accordance with section 372 (1)(c) of the SPA, a copy of the correspondence sent to Brisbane City Council is provided as **Attachment E** to this letter.

PERMISSIBLE CHANGE

A change to a development approval requested under section 369 of the SPA must be a 'permissible change', which is defined in section 367 of the SPA as follows:

"367 What is a permissible change for a development approval

- (1) *A permissible change, for a development approval, is change to the approval that would not—*
 - (a) *result in a substantially different development; or*
 - (b) *if the application for the approval were remade including the change—*
 - (i) *require referral to additional concurrence agencies; or*
 - (ii) *for an approval for assessable development that previously did not require impact assessment—require impact assessment; or*
 - (c) *for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or*
 - (d) *cause development to which the approval relates to include any prohibited development.*
- (2) *For deciding whether a change is a permissible change under subsection (1)(b) or (d), the planning instruments or law in force at the time the request for the change was made apply (the applicable law).*
- (3) *Application of the applicable law does not stop a change mentioned in subsection (1)(b) from being a permissible change only because the applicable law, if applied to the application as originally made, would require referral to any additional referral agencies or involve impact assessment."*

ASSESSMENT OF REQUEST

Having regard to the definition of 'permissible change', the proposed change to the approval is considered to be a permissible change and in particular:-

- the proposed changes will not result in a substantially different development, having regard to *Statutory Guideline 06/09 - Substantially different development when changing applications and approvals* (11 December 2009), as the proposed changes:
 - a. do not involve a new use with different or additional impacts;
 - b. do not apply to or involve a new parcel of land;
 - c. do not substantially change the built form in terms of scale, bulk and appearance;
 - d. do not change the ability of the proposal to operate as intended;
 - e. do not remove a component that is integral to the operation of the development;
 - f. do not result in the introduction of any significant impacts on traffic flow and the transport network;
 - g. do not introduce new impacts or increase the severity of known impacts;
 - h. do not remove an incentive component that would have balanced a negative impact of the development; and
 - i. do not result in any impacts on infrastructure provision, location or demand.
- the approved development required referral to two concurrence agencies and the proposed changes will not result in new concurrence agencies being triggered;
- the approved development was originally subject to Code Assessment and the proposed changes do not result in a change to that level of assessment;

- the approved development was not subject to Impact Assessment and no submissions were made in relation to the approval; and
- the proposed changes do not result in prohibited development.

ASSESSMENT OF CHANGES

Section 374 of the SPA provides the matters to which Brisbane City Council must have regard to in assessing the proposed changes, as follows:

“374 Responsible entity to assess request

- (1) *To the extent relevant, the responsible entity must assess the request having regard to—*
 - (a) *the information the person making the request included with the request; and*
 - (b) *the matters the responsible entity would have regard to if the request were a development application; and*
 - (c) *if submissions were made about the original application—the submissions; and*
 - (d) *any notice about the request given under section 373 to the entity; and*
 - (e) *any pre-request response notice about the request given to the entity.*
- (2) *For subsection (1)(b), the responsible entity must have regard to the planning instruments, plans, codes, laws or policies applying when the original application was made, but may give the weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the request was made.*

The Town Planning Framework applicable to the development, as identified in section 313 of the SPA, and to be considered by DSDIP under section 374 (1)(b) consists of:

- (a) *the State planning regulatory provisions;*
- (b) *the regional plan for a designated region, to the extent it is not identified in the planning scheme as being appropriately reflected in the planning scheme;*
- (c) *any applicable codes, other than concurrence agency codes the assessment manager does not apply, that are identified as a code for IDAS under this or another Act;*
- (d) *State planning policies, to the extent the policies are not identified in—*
 - (i) *any relevant regional plan as being appropriately reflected in the regional plan; or*
 - (ii) *the planning scheme as being appropriately reflected in the planning scheme;*
- (e) *any applicable codes in the following instruments—*
 - (i) *a structure plan;*
 - (ii) *a master plan;*
 - (iii) *a temporary local planning instrument;*
 - (iv) *a preliminary approval to which section 242 applies;*
 - (v) *a planning scheme;*
- (f) *if the assessment manager is an infrastructure provider—an adopted infrastructure charges resolution or the priority infrastructure plan.*

The proposed development, including the proposed changes, remains consistent with this framework. The proposed changes do not alter the proposals compliance with the framework. With respect to changes to the proposed servicing arrangements, these remain consistent with the outcomes sought by the *Brisbane City Plan 2000*. GTA Consultants have undertaken an assessment of the proposed temporary arrangement to

confirm its suitability, provided as **Attachment C** to this letter. GTA identify that the proposed arrangement sufficiently provides for the proposal.

OTHER INFORMATION ASSOCIATED WITH THE REQUEST

In accordance with section 371 of the SPA, the owner's consent of the current registered owner of the land to which the approval relates, namely ISPT Pty Ltd A.C.N. 064 041 283, is provided as **Attachment E** to this letter.

CONCLUSION

The proposed changes to the development approval are considered to constitute a permissible change as defined in section 367 of the SPA and in particular, that the changes would not result in a substantially different development, having regard to *Statutory Guideline 06/09 - Substantially different development when changing applications and approvals* (11 December 2009).

Our assessment also demonstrates that the request to change the approval ought to be approved by DSDIP, as the responsible entity, having regard to the relevant matters prescribed in section 374 of the SPA against which such a request is to be assessed.

Accordingly, we hereby recommend, on behalf of the Applicant, that the proposed changes to the approval, as described herein, are approved by DSDIP pursuant to section 375(1)(a) of the SPA.

We also note that the Department of Environment and Heritage Protection (DEHP) was a Concurrence Agency to the original development application. In accordance with section 372 (1)(a)(ii) and section 372 (1)(c) of the SPA, this letter should also be treated as notice of the proposed changes in relation to the former referral jurisdiction of DEHP (DEHP Ref: SPCH05479313).

We can also confirm that, in accordance with section 372 (1)(a)(i) of the SPA, Brisbane City Council, as the assessment manager for the original development application, has been notified of this request (refer to **Attachment D**).

If you have any queries or wish to further discuss this matter, please do not hesitate to contact sch4p4(6) Personal information on 3221 8833 or email stephen.whitaker@cardno.com.au.

Yours faithfully,

sch4p4(6) Personal information

Office Manager and Principal
for Cardno HRP

Attachment A – Original Development Approval
Attachment B – Amended Proposal Plans
Attachment C – Traffic Impact Report
Attachment D – Request to Change Development Approval sent to Brisbane City Council
Attachment E – Owner's Consent

Decision Notice

(Section 334 of the Sustainable Planning Act 2009)

INTRODUCTION

This is a decision notice given for a development application (Distributor-Retailer) as defined by Section 755A of the *Sustainable Planning Act 2009*. The decision to approve the application on 13 June 2013, was made by the Principal Urban Planner, Development Assessment as the delegate appointed by the Council to determine the application and as the sub-delegate of the Central SEQ Distributor-Retailer Authority.

APPLICATION DETAILS

Application Reference Number: A003573803

Properly Made Date: 25 March 2013

DETAILS OF APPLICATION SOUGHT

Aspect of Development: DA - SPA - Carry out Building Work (ref DABW276788613)

Nature Application: Preliminary Approval under s241

Activity: Centre Activity, Convention Centre, Office, Shop, Heritage Place (QHP), Facade Alterations (Mall), Heritage Place (LHP) and Heritage Place - Adjoining (Building Work)

Description of Proposal: Centre Activities (Shop, Office, Convention Centre) on the site of and adjoining a Qld Heritage Place and Local Heritage Place and Building Work involving alterations to the facade of a building fronting the Queen St Mall

Stage: Centre Activities (Shop, Office, Convention Centre) on the site of and adjoining a Qld Heritage Place and Local Heritage Place and Building Work involving alterations to the facade of a building fronting the Queen St Mall

Aspect of Development: DA - SPA - Material Change of Use (ref DAMC276788813)

Nature Application: Development Permit

Activity: Centre Activities within Centre (Convention Centre, Shop, Office)

Description of Proposal: Centre Activities within Centre (Convention Centre, Shop, Office)

Stage: Centre Activities within Centre (Convention Centre, Shop, Office)

APPLICANT DETAILS

Name of Applicant: ISPT Pty Ltd

Applicant Address: ISPT Pty Ltd
C/- Cardno HRP
Level 11, 40 Creek Street
BRISBANE CITY QLD 4000

SITE DETAILS

Address of Site: 146-160a ELIZABETH ST BRISBANE QLD 4000, 155 QUEEN ST BRISBANE CITY QLD 4000, 155A QUEEN ST BRISBANE CITY QLD 4000, 161 QUEEN ST BRISBANE CITY QLD 4000, 167-185 QUEEN ST BRISBANE CITY QLD 4000.

Real Property Description: LOT(S) 1/2 ON REGISTERED PLAN 45660, LOT(S) 2 ON REGISTERED PLAN 49279, LOT(S) 2 ON REGISTERED PLAN 49018, LOT(S) 1 ON REGISTERED PLAN 575, LOT 1 ON SURVEY PLAN 134044, LOT 217 ON CROWN PLAN B11826, LOT 1 ON REGISTERED PLAN 574, LOT 1 ON REGISTERED PLAN 65292.

City Plan Area Classification: CP-MP1

Owner: ISPT Pty Ltd, Est James O Mayne, Industry Superannuation Property Trust No 2, ISPT Pty Ltd

Ward: Central

TYPE OF APPROVAL

- ☐ DA - Carry out Building Work – Preliminary Approval under s241 (ref DABW276788613)
- ☐ DA - Material Change of Use – Development Permit (ref DAMC276788813)

Please note that this Preliminary Approval for Carrying Out Building Work (ref DABW276788413) does not include assessment against the Building Code of Australia.

RELEVANT PERIOD FOR THE APPROVAL

DA - Carry out Building Work (ref DABW276788613) - Preliminary Approval under s241 – 48 months

DA - Material Change of Use (ref DAMC276788813) - Development Permit - 48 months

FURTHER DEVELOPMENT PERMITS AND COMPLIANCE PERMITS

The following Development and/or Compliance Permit/s are required for the purposes of assessment of compliance with conditions of this development that require a document and/or works to be approved by Council, or where further development permits are required to carry out the development.

- ☐ Carry Out Building Work – Development Permit

COMPLIANCE ASSESSMENT

Assessment of compliance with conditions that require a document and/or works to be approved by Council, must be actioned by the submission of a request in the form of a letter titled: Request for Assessment of Compliance with Condition No. ___ of Development Approval A003573803.

The request must state the document and/or works proposed for approval and provide sufficient detailed information to address the requirements of the condition. Contact details must be clearly identified. The request should be submitted by electronic lodgement to dalodgement@brisbane.qld.gov.au. A fee quote will be generated upon receipt of the request and forwarded for payment prior to assessment of the request. A separate request must be made

for each condition or part condition as appropriate.

REFERRAL AGENCIES

The following Advice and Concurrence Agencies were identified for this application with the conditions attached to this decision notice:

Electricity Infrastructure (Energex) - Advice
GPO Box 1461
BRISBANE QLD 4001

Environment and Heritage Protection, Dept (Administration Officer, Permit and Licence Management, Implementation and Support Unit)
GPO Box 2454
BRISBANE QLD 4001

Transport and Main Roads, Dept (Metropolitan Region - Brisbane) - Roads, Public T'port and Railways
PO Box 70
SPRING HILL QLD 4004

CONDITIONS

This approval is subject to the Assessment Manager's conditions included in the attached Development Approval Package which identifies conditions:

- ☐ Imposed by Council as Assessment Manager
- ☐ Imposed from Council exercising the Concurrence Agency functions of the Central SEQ Distributor-Retailer Authority delegated to Council pursuant to *Section 53* of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.
- ☐ Included in the Concurrence agency's response/s

SUBMISSIONS

No properly made submissions were received for this application.

APPEAL RIGHTS

In accordance with *Section 335(1)(o)* of the *Sustainable Planning Act 2009*, the rights of appeal must be stated for the applicant and any submitters. Attached is an extract from the *Sustainable Planning Act 2009* that details your appeal rights and the appeal rights of any submitters.

Our ref TMR13-005990
Your ref A003573803
Enquiries Helen Kerr



17 May 2013

Received
22 May 2013
BCC DA

The Chief Executive Officer
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Attention: John Neville

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: Development Permit for Material Change of Use (Centre Activities – Shop, Office & Convention Centre)
Real Property Description: Lot 1RP45660, 1RP574, 1RP575, 1RP65292, 1SP134044, 217CPB11826, 2RP45660, 2RP49018, 2RP49279
Street Address: 161 & 167-185 Queen Street and 146 & 146-160a Elizabeth Street, Brisbane QLD 4000
Assessment Manager ref.: A003573803
Local Government Area: Brisbane City Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 18 April 2013.

An assessment of the proposed development has been undertaken against the purpose mentioned in section 258(2) of the *Transport Infrastructure Act 1994* for railways, and land use and transport coordination under the *Transport Planning and Coordination Act 1994*. Based on this jurisdiction, the department provides this concurrence agency response under section 285 of the SPA.

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under section 287(6) of the SPA.

Program Delivery and Operations
Metropolitan Region
313 Adelaide Street Brisbane Queensland 4000
PO Box 70 Spring Hill Queensland 4004

Telephone +61 7 3066 5864
Facsimile +61 7 3137 8363
Website www.tmr.qld.gov.au
Email helen.z.kerr@tmr.qld.gov.au
ABN: 29139 407 690

Under section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with section 334 of the SPA.

A copy of this response has been sent to the applicant for their information.

If you have any questions or wish to seek clarification about any of the details in this response, please contact **Helen Kerr**, Project Manager (Corridor and Land Management) on 07 3066 5864.

Yours sincerely

sch4p4(6) Personal information

Principal Advisor (Development Control)

Enclosures:

1. Department of Transport and Main Roads Agency Conditions and Statement of Reasons
2. Location Plan
3. B-01 Mezz and B-02 Loading Bay
4. Lower Ground
5. Ground Level
6. North-West Elevation
7. North-East and South-West Elevation
8. Section A-A
9. Section B-B

C/c ISPT Pty Ltd c/- Cardno HRP
Level 11, 40 Creek Street
Brisbane QLD 4000

Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons

Proposed Development: Development Permit for Material Change of Use (Centre Activities – Shop, Office & Convention Centre)

Real Property Description: Lot 1RP45660, 1RP574, 1RP575, 1RP65292, 1SP134044, 217CPB11826, 2RP45660, 2RP49018, 2RP49279

Street Address: 161 & 167-185 Queen Street and 146 & 146-160a Elizabeth Street, Brisbane QLD 4000

Our ref.: TMR13-005990

Assessment Manager ref.: A003573803

Local Government Area: Brisbane City Council

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
Development Permit for Material Change of Use (Centre Activities – Shop, Office & Convention Centre)			
1	<p>The development must be carried out generally in accordance with the following plans and report:</p> <ul style="list-style-type: none"> B-01 Mezz & B-02 Loading Bay, Drawing Number DA1001, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; Lower Ground, Drawing Number DA1002, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; Ground Level, Drawing Number DA1003, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; North-West Elevation, Drawing Number DA3001, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; 	Prior to the commencement of use and to be maintained at all times	<p>Land use and transport coordination under the Transport Planning and Coordination Act 1994.</p> <p>The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plans and report which depicts how the proposed development will be carried out.</p>

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<ul style="list-style-type: none"> North-East & South-West Elevation, Drawing Number DA3002, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; Section A-A, Drawing Number DA3501, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; Section B-B, Drawing Number DA3502, Revision 01, prepared by John Wardle Architects and dated 08/03/2013; and the Construction Management Plan entitled "155 Queen Street Brisbane", Issue 2, prepared by Brookfield Multiplex and dated 28/09/2012. 		
2	<p>The development must be in accordance with the Construction Management Plan, entitled "155 Queen Street Brisbane", Issue 2, prepared by Brookfield Multiplex and dated 28/09/2012, amended to include the following:</p> <ul style="list-style-type: none"> Within Section 4.5.1 (page 12) – <ul style="list-style-type: none"> Insert after the first sentence: "The proposed work zone will not encroach into the existing bus stop zone in Elizabeth Street."; Insert at the end of the first paragraph: "Should there be a need to modify any existing public passenger transport arrangements and associated pedestrian access to these facilities during construction, further consultation will be undertaken with TransLink, Brisbane Transport and Veolia Transport to ensure their 	To be maintained at all times during construction	<p>Land use and transport coordination under the <i>Transport Planning and Coordination Act 1994</i>.</p> <p>The way the object of s.8A of the TPCA is to be achieved includes ensuring, as far as practicable, development does not have a significant adverse impact on public passenger transport and/or public passenger transport infrastructure.</p> <p>Comments and additional information The Elizabeth Street existing bus zone and associated pedestrian access should be maintained during construction.</p>

No. Conditions of Development

Condition Timing

Jurisdiction and Reasons

agreement is reached for any alternative or temporary arrangements."

- Within Section 4.4 (page 11)
 - Insert at the end of the second paragraph: "Pedestrian access to the TransLink bus stop 85 will be maintained at all times during construction of the development".

sch4p4(6) Personal information

Principal Advisor (Development Control)

17 May 2013

Advice for public passenger transport and railways

Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.

Mandatory Part (MP) 4.4 of the *Queensland Development Code (QDC)* commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated *transport noise corridor*. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a *transport noise corridor* are designed and constructed to reduce transport noise. *Transport noise corridor* means land designated under Chapter 8B of the *Building Act 1975* as a *transport noise corridor*. Information about *transport noise corridors* is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated *transport noise corridor*. This tool is available at the Department of Local Government and Planning website (<http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html>) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.

The Department of Transport and Main Roads' technical standards and publications can be accessed at <http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx>

TransLink's TransLink Public Transport Infrastructure Manual 2007 is available at: <http://translink.com.au/about-translink/what-we-do/public-transport-planning/public-transport-infrastructure-manual>

The *Queensland Development Code (QDC)*, Mandatory Part 4.1 – Sustainable Buildings requires end of trip facilities (including bicycle parking and storage facilities, lockers and change rooms) to be provided for employees or occupants in Major Developments located in designated local government areas. Major Development includes commercial office buildings, shopping centres, tertiary education facilities or hospitals with a floor area greater than 2000m² or development specified in a local government planning scheme for the purposes of QDC MP4.1. The applicant is responsible for achieving compliance with the QDC when obtaining any necessary development permits for building work for the proposed development.

Advice for public passenger transport and railways

Commonwealth legislation such as the *Airports Act 1996*, *Airport Regulations 1997*, *Airports (Protection of Airspace) Regulations 1996*, *Civil Aviation Act 1988*, *Civil Aviation Regulations 1988*, *Civil Aviation Safety Regulations 1998*, *Defence Act 1903* and *Defence (Areas Control) Regulations 1989* regulates development in the vicinity of airports and aviation facilities.

The applicant is responsible for obtaining any necessary approvals, permits and/or licences from the airport, Air Services Australia, the Civil Aviation Safety Authority (CASA) and any other relevant authority in respect of the proposed development.

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DES Disclosure
RTI Act 2009



INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application.

The applicant will need to give the assessment manager written notice under section 320(1) of the *Sustainable Planning Act 2009* (SPA) to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under section 482(1) of the SPA. This notice should be given to:

Chief Executive Officer
Department of Transport and Main Roads
C/- Planning Law Team
Planning Management Branch
GPO Box 213
Brisbane QLD 4001

This notice should be given within 2 business days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

07 May 2013



Cardno HRP
Level 11
40 Creek Street
BRISBANE QLD 4000

Attention: [redacted] (6) Personal information

Received
08 May 2013
BCC DA

cc Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Attention: John Neville

Dear [redacted] (6) Personal information

Development Application – Material Change of Use for Centre Activities (Shop, Office and Convention Centre) located at 155-161 Queen Street, Brisbane described as Lots 1/2 on RP45660, Lot 2 on RP49279, Lot 2 on RP49018, Lot 1 on RP575, Lot 1 on SP134044, Lot 217 on CPB11826, Lot 1 on RP574 and Lot 1 on RP65292.

Applicant Ref: HRP12129.L06.001

Council Ref: A003573803

Our Ref: HBD 3209894 297080

We refer to your correspondence regarding the above proposal.

Energex Limited acting as an Advice Agency **approves** the proposed Material Change of Use for Centre Activities (Shop, Office and Convention Centre), subject to the following conditions:

1. Easements are to be granted to Energex Supply standards to cover the zones for the low voltage customer mains supply to the 155 Queen Street Main Electrical switchboard.



Enquiries
Tom Sexton
Telephone
(07) 3664 5766
Facsimile
(07) 3664 9839
Email
thomassexton
@energex.com.au

Corporate Office
26 Reddcliff Street,
Newstead QLD 4006
GPO Box 1461
Brisbane Qld 4001
Telephone (07) 3664 4000
Facsimile (07) 3025 8301
www.energex.com.au

Energex Limited
ABN 40 078 849 055

Should you require any further information on the above matter, please contact the undersigned on (07) 3664 5766.

Yours faithfully,

sch4p4(6) Personal information

Tom Sexton
Town Planner
Property Services
Energex Limited

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Reference: HBD 3209894 297080

Did you know Energex has a referral website?

<http://www.energex.com.au/building-and-maintaining-the-network/referral-agency>

Attachment C Traffic Impact Report

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Our Ref: 14B1155000

21 May 2014

ISPT Pty Ltd
Level 5, 100 Creek Street
BRISBANE QLD 4001

Attention: sch4p4(6) Personal information **(Development Manager)**

Dear Michael

RE: 155 QUEEN STREET BRISBANE – PERMISSIBLE CHANGE APPLICATION STAGE 1–TRANSPORT ASSESSMENT

It is understood that an application for a Permissible Change is to be lodged with Brisbane City Council for the current development approval for Stage 1 of 155 Queen Street, Brisbane.

The purpose of this letter is to present an assessment of the traffic and transport elements of the Permissible Change, in this case the proposed development's commercial vehicle servicing arrangements. With respect to other traffic and transport elements of the previously approved development, we reference our assessment against Council's *Transport, Access, Parking and Servicing Code (TAPS Code)* which was submitted as part of the Development Application and was subsequently approved. This previous assessment was included in our letter:

- *Proposed Development 155 Queen Street, Brisbane – dated 17 Oct 2013*

Due to the 'land-locked' nature of the site, the currently approved development will not include any dedicated on-site commercial vehicle servicing facilities. In fact, the approved development's commercial vehicle servicing will be undertaken from within the adjacent approved Regent Tower's loading facilities service bays by way of a shared and on-site managed process. However, prior to the Regent Tower being constructed and becoming operational (inclusive of the aforementioned commercial vehicle servicing arrangements) the approved development of 155 Queen Street will require interim commercial vehicle servicing arrangements for Stage 1.

The temporary servicing area associated with Stage 1 is proposed to be located on The Regent Tower site, which is more properly described as Lot 217 on B11826. This site is burdened by an easement, namely Easement A on RP44016, which benefits the 155 Queen Street site (Lots 1 and 2 on RP45660) for access purposes. Part of the proposed arrangement will be located within the extent of the easement.

As shown on the site layout plans (see Attachment A) and the turn path assessments (see Attachment B), a medium rigid vehicle (MRV) is able to enter and exit the proposed accessway to/from Elizabeth Street in a forward direction. The ability to perform both of these movements in a forward direction is due to the on-site hardstand area being provided to allow for vehicles up to and including MRV-sized vehicles to turn-around within the site. This arrangement is consistent with Council's requirements and good traffic engineering practice in that there is no need for

25 YEARS

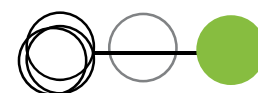
BRISBANE GPO BOX 115 BRISBANE 4001 AUSTRALIA • T 07 3113 5000 • E brisbane@gta.com.au ABN 98 137 610 274

GOLD COAST BOX 37, 1 Corporate Court, BUNDALL 4217 AUSTRALIA • T 07 5510 4814 • E goldcoast@gta.com.au ABN 98 137 610 274

TOWNSVILLE PO BOX 1064, TOWNSVILLE 4810 AUSTRALIA • T 07 4722 2765 • E townsville@gta.com.au ABN 98 137 610 274

MELBOURNE • SYDNEY • BRISBANE • CANBERRA • ADELAIDE • GOLD COAST • TOWNSVILLE

www.gta.com.au



vehicles to have to reverse back into Elizabeth Street when exiting the site or reverse from Elizabeth Street when entering.

Given the previous assessment and approval of the proposed development and the aforementioned commercial vehicle access arrangements for Stage 1, we do believe that the traffic and transport elements have been suitably addressed and as a result should not inhibit the approval of the Permissible Change application for Stage 1.

Naturally, should you have any questions or require any further information, please do not hesitate to contact me in our Brisbane office on (07) 3113 5000.

Yours sincerely

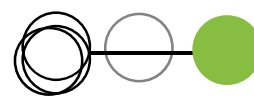
GTA CONSULTANTS

sch4p4(6) Personal information

Director (RPEQ)

encl.

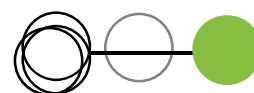
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Attachment A

Site Layout Plans

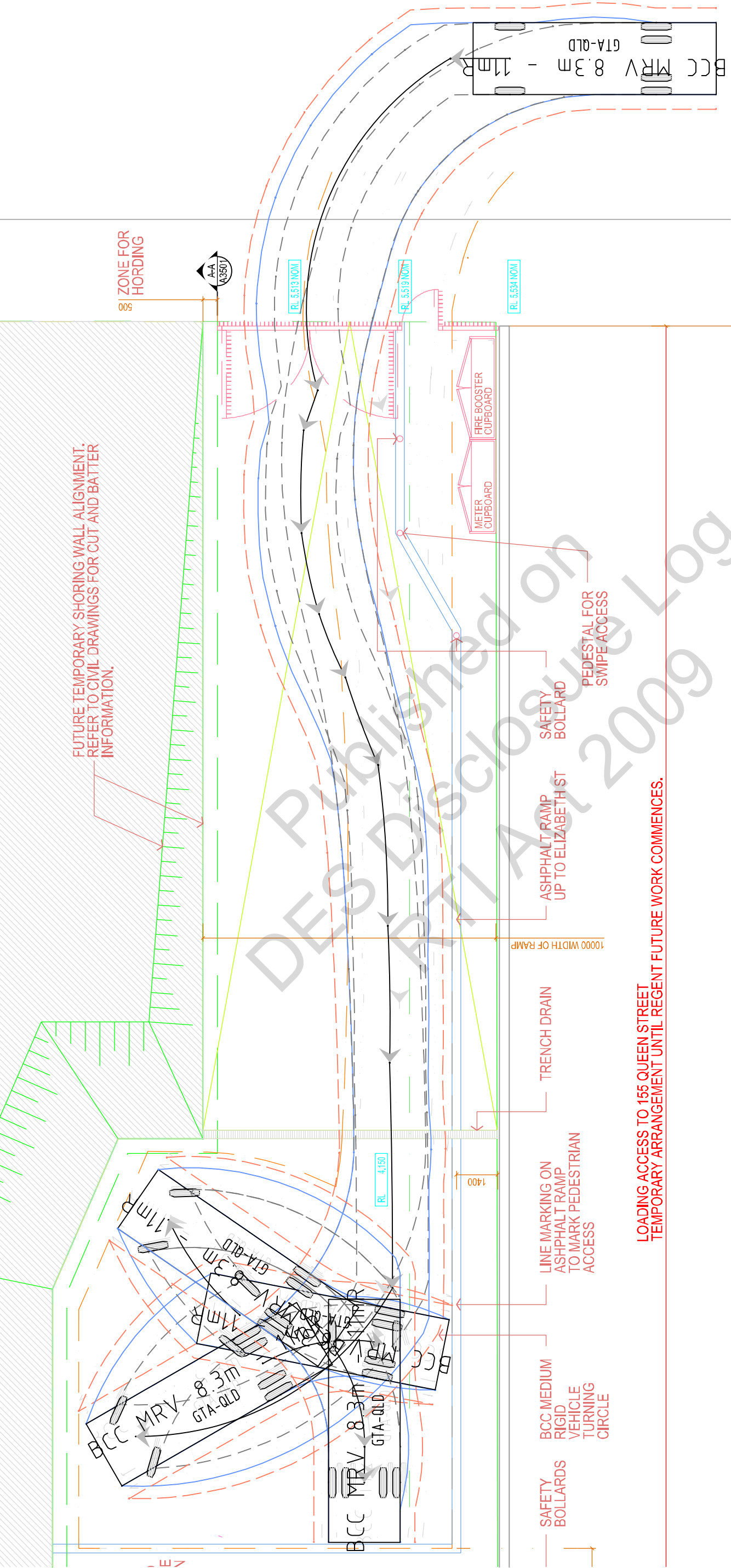
Published on
DES Disclosure Log
RTI Act 2009



Attachment B

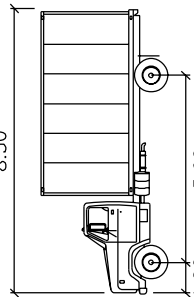
Turn Path Assessment

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RTI Act 2009

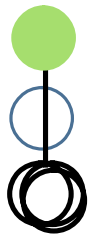


PRELIMINARY PLAN

FOR DISCUSSION PURPOSES ONLY
SUBJECT TO CHANGE WITHOUT NOTIFICATION
DATE OF ISSUE:.....



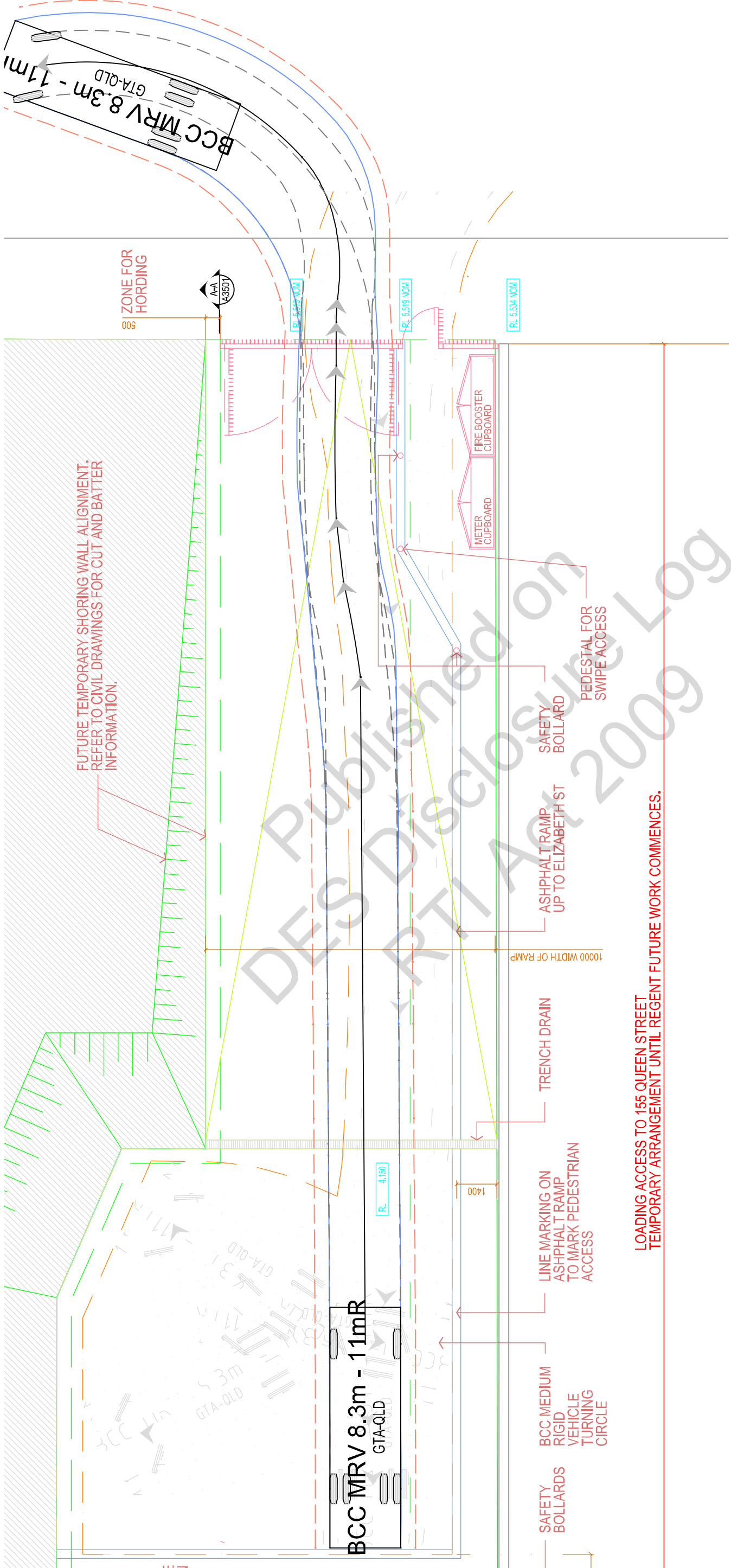
BCC MRV 8.3m 11mR
Width : 2.45
Track : 2.45
Lock to Lock Time : 6.0
Steering Angle : 30.3



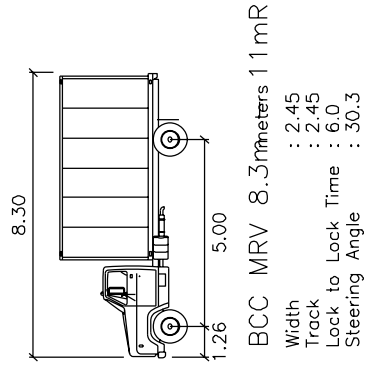
GTA consultants
www.gta.com.au

155 QUEEN STREET, BRISBANE
SWEEP PATH ASSESSMENT
LOADING BAY ENTRY MANOEUVRE

02 MAY 2014
14B1155000-AT01



PRELIMINARY PLAN
FOR DISCUSSION PURPOSES ONLY
SUBJECT TO CHANGE WITHOUT NOTIFICATION
DATE OF ISSUE:



GTA consultants
www.gta.com.au

155 QUEEN STREET, BRISBANE
SWEPT PATH ASSESSMENT
LOADING BAY EXIT MANOEUVRE

02 MAY 2014
14B1155000-AT02

Attachment D
Request to Change Development Approval sent to the
Brisbane City Council

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DES Disclosure Log
RTI Act 2009

Our Ref: HRP12129.L09.002 (Request to Change Approval BCC).docx
BCC Ref: A003573803
Contact: [redacted] (6) Personal information

24 July 2014

The Chief Executive Officer
Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

Attention: Development Assessment

Lodgement via email: dalodgement@brisbane.qld.gov.au

Cardno (QLD) Pty Ltd
ABN 57 051 074 992

Level 11
40 Creek Street
Brisbane QLD 4000
Australia

Phone: +61 7 3221 8833
Fax: +61 7 3221 0278
www.cardno.com/cardnohrp

Dear Sir/Madam,

REQUEST TO CHANGE A DEVELOPMENT APPROVAL UNDER SECTION 369 OF THE SUSTAINABLE PLANNING ACT 2009 AND NOTIFICATION OF A REQUEST TO CHANGE A DEVELOPMENT APPROVAL UNDER SECTION 372 (1)(A)(I) OF THE SUSTAINABLE PLANNING ACT 2009

DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR CENTRE ACTIVITIES (SHOP, OFFICE AND CONVENTION CENTRE) AND PRELIMINARY APPROVAL FOR CARRYING OUT BUILDING WORK ON LAND ADJOINING A HERITAGE PLACE AND INVOLVING ALTERATIONS TO THE FAÇADE OF A BUILDING FRONTING THE QUEEN STREET MALL OVER LAND AT 155-161 QUEEN STREET, BRISBANE MORE PROPERLY DESCRIBED AS LOT 1 AND 2 ON RP45660, LOT 2 ON RP49279, LOT 1 ON SP134044, LOT 2 ON RP49018, LOT 217 ON CPB11826, LOT 1 ON RP574, LOT 1 ON RP575 AND LOT 1 ON RP65292 – ISPT PTY LTD (BCC REF: – A003573803)

On 13 June 2013, Brisbane City Council granted a development approval over 155-161 Queen Street, Brisbane (BCC Ref: A003573803). A copy of the current development approval is provided as **Attachment A** to this letter. The development approval contained the following components:

- Development Permit for a Material Change of Use for Centre Activities (Shop, Office and Convention Centre) (Council Ref: DAMC276788813); and
- Preliminary Approval for Carrying Out Building Work on land adjoining a Heritage Place and involving alterations to a building fronting the Queen Street Mall (Council Ref: DABW276788813);

On behalf of ISPT Pty Ltd (the Applicant), and in accordance with section 369 of the *Sustainable Planning Act 2009*, we hereby request that Brisbane City Council change the abovementioned development approval.

Chapter 6, Part 8, Subdivision 2 of the SPA sets out the procedure for changing approvals. In particular, section 369(1) of the SPA states:

“369 Request to change development approval

- (1) *If a person wants to make a permissible change to a development approval, the person must by written notice ask the following entity (the responsible entity) stated for the change or approval to make the change—*
- (a) *if the change is to a condition imposed by the Minister under part 11, division 1—the Minister;*
 - (b) *if the approval was given by the Minister under part 11, division 2—the Minister;*
 - (c) *if the change is to a condition of the approval imposed by a concurrence agency—the concurrence agency;*
 - (d) *if the approval was given by the court—the court;*
 - (e) *for another change or approval—the assessment manager for the application to which the approval relates.”*

We understand that Brisbane City Council, as the assessment manager for the original application to which the approval relates, is the responsible entity in this instance for the purposes of section 369(1) of the SPA.

THE APPROVAL

The approved development relates to a ten level building that consists of a basement level, three levels of retail floor space at lower ground level, ground level and Level 1, three levels of office space (Levels 2, 3 and 4), two levels of convention centre space (Levels 5 and 6) and a plant room level.

The basement level of the proposed development includes a small loading dock area located below the lower ground retail level, to allow for servicing of the development to occur through the adjoining, approved but not yet constructed, The Regent Tower.

The approval provided for a staged development, with Stage 1 relating to the construction of the entire building, and Stage 2 providing for the construction of a suspended pedestrian bridge linking Level 5 of the approved building with the concourse level of the nearby Wintergarden development.

PROPOSED CHANGES

This request seeks to change the approval as a result of detailed design following receipt of development approval. The request seeks the following changes:

- the reduction in the height of the proposed development through the removal of the two levels of convention centre use (Levels 5 and 6) and the plant level. As a result of this change the proposal will no longer involve a convention centre use; and
- the introduction of temporary servicing arrangements for the proposal, where a temporary loading dock will be provided at the lower ground level for Stage 1. Temporary access will be provided across the adjoining The Regent Tower site until this development and its shared basement level is constructed. The proposed changes to servicing arrangements are requested in response to timing issues associated with the construction of surrounding development, namely The Regent Tower. These arrangements are described in further detail in **Attachment C**.

In addition to the above changes, the following consequential changes to the design of the development are also proposed. The below provides a comprehensive listing of all changes proposed to the approved plans:

- the revision of the basement level layout which retains a water tank, fire hydrant / pump room and a switch room as approved;
- the alteration of fire stairs 2 and 3 to support revised fire egress arrangements, which now involve pedestrian discharge to the Elizabeth Street side of the proposal;
- the alteration of fire stair 1, which now stops at Level 2 and links with fire stair 2 via a tunnel at Level 2;

- the relocation of the fire booster and metre cupboard to the south-western side of the building;
- the relocation of the FIP cupboard to adjacent the temporary lobby on the ground level;
- the relocation of the proposed escalators with the retail levels;
- the revised of back of house services to the retail levels;
- the addition of temporary structure for Stage 1 to provide approved access to office levels;
- the removal of the internal stairs between the retail levels;
- the relocation of the void to the office levels;
- the removal of the provision for a void to the retail levels;
- the revision of the retail lift to now allow access to Level 2. The Level 2 WC layout has also been subsequently revised;
- the revision of the toilet amenities on Levels 3 and 4;
- the revision of the reduced levels (RLs) of the proposed office levels (Levels 2-4);
- the revision of the design of the proposed bridge to The Wintergarden. This bridge remains part of Stage 2;
- the alteration of the window arrangement of the art screen on the south-western side of the building have been revised to align with a new structural grid;
- the expansion of the approved green roof as a consequence of the removal of Levels 5 and 6;
- the addition of a window on Level 2 facing The Regent Theatre;
- the addition of a doorway connection between the proposal (at lower ground level) and the basement of The Regent Theatre; and
- detailed design of proposed retail/shop front;

Revised proposal plans which reflect the proposed changes are provided as **Attachment B** to this letter.

The proposed changes will result in the following changes to the Brisbane City Council conditions package:

- The table of approved drawings and documents on page 2 of the conditions is required to be amended to reflect the revised proposal plans provided (Attachment B) as follows:

Drawing or Document	Number	Plan Date
Location Plan	DA0101 Rev 01 AR 0101 Rev E	15-MAR-2013 (Received) 27.06.2014
B-01 Mezz & B-02 Loading Bay B01 - Mezzanine, B02 - Plant & Loading Bay	DA1001 Rev 01 AR1001 Rev H	15-MAR-2013 (Received) 27.06.2014
Lower Ground – Stage 1	AR1002A Rev H	27.06.2014
Lower Ground – Stage 2	DA1002 Rev 01 AR1002 Rev H	15-MAR-2013 (Received) 27.06.2014
Ground Level	DA1003 Rev 01 AR1003 Rev H	15-MAR-2013 (Received) 27.06.2014
Level 01	DA1004 Rev 01 AR1004 Rev H	15-MAR-2013 (Received) 27.06.2014
Level 02	DA1005 Rev 01 AR1005 Rev H	15-MAR-2013 (Received) 27.06.2014
Level 03	DA1006 Rev 01 AR1006 Rev H	15-MAR-2013 (Received) 27.06.2014

Level 04	DA1007 Rev 01 AR1007 Rev H	15-MAR-2013 (Received) 27.06.2014
Roof	AR1008 Rev H	27.06.2014
Level 05	DA1008 Rev 01	15-MAR-2013 (Received)
Level 06	DA1009 Rev 01	15-MAR-2013 (Received)
Level 07 Roof	DA1010 Rev 01	15-MAR-2013 (Received)
North-West Elevation	DA3001 Rev 01 AR3001 Rev H	15-MAR-2013 (Received) 27.06.2014
North-East & South-East Elevations	DA3002 Rev 01 AR3002 Rev F	15-MAR-2013 (Received) 27.06.2014
Section A-A – Stage 1	AR3501A Rev H	27.06.2014
Section A-A – Stage 2	DA3501 Rev 01 AR3501 Rev H	15-MAR-2013 (Received) 27.06.2014
Section B-B	DA3502 Rev 01 AR3502 Rev F	15-MAR-2013 (Received) 27.06.2014
Heritage Impact Assessment – 155 Queen Street, Brisbane	0073780	15-MAR-2013 (Received)

- Condition 31 of the approval relates to the granting of easements over the adjoining Lot 217 on B11826, being The Regent Tower site, for the purposes of access and servicing. As the proposed development will utilise temporary servicing arrangements during Stage 1, it is requested that the existing condition requiring easements to be granted be revised to apply only to Stage 2;
- Condition 40 of the approval references the conditions imposed by the referral agencies to the approval, being the Department of Environment and Heritage Protection, the Department of Transport and Main Roads and Energex. The Applicant is separately seeking changes to the Department of Transport and Main Roads conditions, through the Department of State Development, Infrastructure and Planning, relating to the changes detailed in this correspondence. Condition 40 of the existing approval will therefore have to be revised to reference the new conditions provided by the Department of State Development, Infrastructure and Planning.

In addition to the changes proposed to the Brisbane City Council development approval, the Applicant has also requested that the Department of State Development, Infrastructure and Planning change the Department of Transport and Main Roads Concurrence Agency response. In accordance with section 372 (1)(a) of the SPA, a copy of the correspondence sent to DSDIP is provided as **Attachment E** to this letter.

PERMISSIBLE CHANGE

A change to a development approval requested under section 369 of the SPA must be a 'permissible change', which is defined in section 367 of the SPA as follows:

"367 What is a permissible change for a development approval

- (1) A permissible change, for a development approval, is change to the approval that would not—
- (a) result in a substantially different development; or
 - (b) if the application for the approval were remade including the change—
 - (i) require referral to additional concurrence agencies; or
 - (ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or
 - (c) for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or
 - (d) cause development to which the approval relates to include any prohibited development.

- (2) *For deciding whether a change is a permissible change under subsection (1)(b) or (d), the planning instruments or law in force at the time the request for the change was made apply (the applicable law).*
- (3) *Application of the applicable law does not stop a change mentioned in subsection (1)(b) from being a permissible change only because the applicable law, if applied to the application as originally made, would require referral to any additional referral agencies or involve impact assessment."*

ASSESSMENT OF REQUEST

Having regard to the definition of 'permissible change', the proposed change to the approval is considered to be a permissible change and in particular:-

- the proposed changes will not result in a substantially different development, having regard to *Statutory Guideline 06/09 - Substantially different development when changing applications and approvals* (11 December 2009), as the proposed changes:
 - a. do not involve a new use with different or additional impacts;
 - b. do not apply to or involve a new parcel of land;
 - c. do not substantially change the built form in terms of scale, bulk and appearance;
 - d. do not change the ability of the proposal to operate as intended;
 - e. do not remove a component that is integral to the operation of the development;
 - f. do not result in the introduction of any significant impacts on traffic flow and the transport network;
 - g. do not introduce new impacts or increase the severity of known impacts;
 - h. do not remove an incentive component that would have balanced a negative impact of the development; and
 - i. do not result in any impacts on infrastructure provision, location or demand.
- the approved development required referral to two concurrence agencies and the proposed changes will not result in new concurrence agencies being triggered;
- the approved development was originally subject to Code Assessment and the proposed changes do not result in a change to that level of assessment;
- the approved development was not subject to Impact Assessment and no submissions were made in relation to the approval; and
- the proposed changes do not result in prohibited development.

ASSESSMENT OF CHANGES

Section 374 of the SPA provides the matters to which Brisbane City Council must have regard to in assessing the proposed changes, as follows:

"374 Responsible entity to assess request

- (1) *To the extent relevant, the responsible entity must assess the request having regard to—*
 - (a) *the information the person making the request included with the request; and*
 - (b) *the matters the responsible entity would have regard to if the request were a development application; and*
 - (c) *if submissions were made about the original application—the submissions; and*

- (d) any notice about the request given under section 373 to the entity; and
 - (e) any pre-request response notice about the request given to the entity.
- (2) For subsection (1)(b), the responsible entity must have regard to the planning instruments, plans, codes, laws or policies applying when the original application was made, but may give the weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the request was made.

The Town Planning Framework applicable to the development, as identified in section 313 of the SPA, and to be considered by Brisbane City Council under section 374 (1)(b) consists of:

- (a) the State planning regulatory provisions;
- (b) the regional plan for a designated region, to the extent it is not identified in the planning scheme as being appropriately reflected in the planning scheme;
- (c) any applicable codes, other than concurrence agency codes the assessment manager does not apply, that are identified as a code for IDAS under this or another Act;
- (d) State planning policies, to the extent the policies are not identified in—
 - (i) any relevant regional plan as being appropriately reflected in the regional plan; or
 - (ii) the planning scheme as being appropriately reflected in the planning scheme;
- (e) any applicable codes in the following instruments—
 - (i) a structure plan;
 - (ii) a master plan;
 - (iii) a temporary local planning instrument;
 - (iv) a preliminary approval to which section 242 applies;
 - (v) a planning scheme;
- (f) if the assessment manager is an infrastructure provider—an adopted infrastructure charges resolution or the priority infrastructure plan.

The proposed development, including the proposed changes, remains consistent with this framework. The proposed changes do not alter the proposals compliance with the framework. With respect to changes to the proposed servicing arrangements, these remain consistent with the outcomes sought by the *Brisbane City Plan 2000*. GTA Consultants have undertaken an assessment of the proposed temporary arrangement to confirm its suitability, provided as **Attachment C** to this letter. GTA identify that the proposed arrangement sufficiently provides for the proposal.

OTHER INFORMATION ASSOCIATED WITH THE REQUEST

In accordance with section 371 of the SPA, the owner's consent of the current registered owner of the land to which the approval relates, namely ISPT Pty Ltd A.C.N. 064 041 283, is provided as **Attachment E** to this letter.

An executed version of Brisbane City Council's *Request to Change or Extend an Existing Approval Form* is provided as **Attachment D** to this letter.

CONCLUSION

The proposed changes to the development approval are considered to constitute a permissible change as defined in section 367 of the SPA and in particular, that the changes would not result in a substantially different development, having regard to *Statutory Guideline 06/09 - Substantially different development when changing applications and approvals* (11 December 2009).

Our assessment also demonstrates that the request to change the approval ought to be approved by Brisbane City Council, as the responsible entity, having regard to the relevant matters prescribed in section 374 of the SPA against which such a request is to be assessed.

Accordingly, we hereby recommend, on behalf of the Applicant, that the proposed changes to the approval, as described herein, are approved by Brisbane City Council pursuant to section 375(1)(a) of the SPA.

We confirm that, in accordance with section 372 (1)(c) of the SPA, the Department of State Development, Infrastructure and Planning, as a concurrence agency for the original development application (formerly the Department of Transport and Main Roads and the Department of Environment and Heritage Protection), has been notified of this request (refer to **Attachment E**).

If you have any queries or wish to further discuss this matter, please do not hesitate to contact Stephen Whitaker on 3221 8833 or email stephen.whitaker@cardno.com.au.

Yours faithfully,

sch4p4(6) Personal information

sch4p4(6) Personal information

Office Manager and Principal
for Cardno HRP

Attachment A – Original Development Approval

Attachment B – Amended Proposal Plans

Attachment C – Traffic Impact Report

Attachment D – Brisbane City Council Request to Change or Extend an Existing Approval Form

Attachment E – Request to Change Development Approval sent to the Department of State Development, Infrastructure and Planning

Attachment F – Owner's Consent

Attachment E Owner's Consent

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DES Disclosure Log
RTI Act 2009

Company owner's consent to the making of a development application
under the *Sustainable Planning Act 2009*

sch4p4(6) Personal information

I, _____ [insert name in full]
Chief Executive Officer of the below mentioned company

of ISPT Pty Ltd A.C.N. 064 041 283

_____ [insert name of company]

as owner of premises identified as follows:

146-160a Elizabeth Street and 155A-185 Queen Street, Brisbane City more properly described as Lots 1 and 2 on RP45660, Lot 2 on RP49279, Lot 2 on RP49018, Lot 1 on RP575, Lot 1 on RP574, Lot 1 on SP134044, Lot 217 on CPB11826 and Lot 1 on RP65292

_____ [insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

ISPT Pty Ltd c/- Cardno HRP

_____ [insert name of applicant]

A Development Permit for a Material Change of Use for Centre Activities (Shop, Office and Convention Centre) and a Preliminary Approval for Carrying Out Building Work adjoining a Heritage Place and involving alterations to the façade of a building fronting the Queen Street Mall

_____ [insert details of the proposed development e.g. material change of use for three storey apartment building]

Signed, sealed and delivered for
ISPT PTY LTD (ACN 064 041 283) by:

sch4p4(6) Personal information

sch4p4(6) Personal information

as sole Attorney under Power of Attorney
registered number 711844555 dated 31
July 2008 in the presence of:

Signature of Attorney

sch4p4(6) Personal information

Signature of Witness

By executing this document the sole Attorney
states that the Attorney has received no notice of
revocation of the Power of Attorney

s78(B)(2)

Legal Practitioner

Print name of Witness