



Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Our ref: MBN17/1204

21 SEP 2017

Attention: Mr Simon Ash
Uniacke Pty Ltd
c/- Landpartners Limited
PO Box 3916
SOUTH BRISBANE QLD 4101
Email: simon.ash@landpartners.com.au

1 William Street
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

ABN 90 856 020 239

Dear Mr Ash

Notice of Decision
Application to change a development approval (minor change)
under section 83 of the *Planning Act 2016* (Planning Act)

Thank you for your letter of 7 August 2017 for an application to change a development approval (minor change), dated 7 November 2016, for the West Village mixed-use development, located at 111 Boundary Street, West End and 37 Mollison Street, South Brisbane.

Following your agreement, the application decision period was extended to 22 September 2017 in accordance with section 81(7) of the Planning Act.

I am pleased to advise that I have approved this application. The approved changes are shown in bold and italics in the enclosed decision notice for the original application, as amended.

Decision for change application

Date of decision:	21 September 2017
Details of decision:	Approved
Description of agreed changes:	<ol style="list-style-type: none">1. Condition 10 (a) – to amend the wording of the condition relating to the minimum building separations.2. Condition 13 (a) (b) – to include an explanatory note to reflect the use of the 'new lane' as a driveway and not a public road; and consequential amendments to (b) to align with the proposed explanatory note.3. Condition 15 (a) – to amend this condition to indicate if the required car parking rates are to be interpreted as either a minimum or maximum requirement.4. Condition 15 (b) – to amend this condition to provide clarity about the delineation of parking provisions for residential and non-residential purposes.

5. Condition 18 – to provide clarification about the specific width of land for road dedication to Mollison Street.
6. Condition 20 – the addition of the term 'gross floor area (GFA)' to provide clarity about the minimum area to be provided by the applicant.
7. Condition 26 – to include an explanatory note which reflects the standards/system to which 'best practice' is measured.

If you require any further information, I encourage you to contact Mr Patrick Atkinson, Director, Development Assessment in the Department of Infrastructure, Local Government and Planning, on 3452 7449 or by email at patrick.atkinson@dilgp.qld.gov.au.

Yours sincerely



JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport and
Minister for Infrastructure and Planning

Enc (4)



Deputy Premier
Minister for Infrastructure, Local Government and Planning
and Minister for Trade and Investment

Our ref: MBN18/1465

7 NOV 2016

Unjacke Pty Ltd
c/- Landpartners Limited
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ABN 90 856 020 239

Attention: Mr Shane Smith

Dear Mr Smith

DECISION NOTICE

I refer to my decision made on 14 September 2016 to exercise my ministerial powers and call in the development application for the proposed mixed use development at West End and South Brisbane.

Please be advised that on 7 November 2016, I decided to approve the development application, subject to conditions.

Applicant details

Name of Applicant:	Unjacke Pty Ltd c/- Landpartners Limited
Address of Applicant:	PO Box 3916 SOUTH BRISBANE QLD 4101

Application details

Original assessment manager:	Brisbane City Council (the council)
Date application properly made:	14 May 2015
Approval sought:	Preliminary approval under section 241 of the <i>Sustainable Planning Act 2009</i> (SPA) for material change of use and section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for material change of use for: <ul style="list-style-type: none">• Car wash where enclosed and located with an enclosed car parking area of a shopping centre• Centre activities (activity group), other than caretakers accommodation and emergency services• Garden centre where the gross floor area of the premises is less than 1,500m²• Hardware and trade supplies, where the gross floor area of the premises is less than 1,500m²

- Home based business
- Hotel
- Market
- Multiple dwelling
- Nightclub entertainment facility
- Parking station other than bicycle parking
- Residential care facility
- Retirement facility
- Rooming accommodation
- Shop where the gross floor area of the premises for an individual tenancy is no greater than 1,500m²
- Shop being a supermarket where the gross floor area of the premises for an individual tenancy is greater than 1,500m² but no greater than 4,500m²
- Showroom where the gross floor area of the premises is less than 1,500m²
- Telecommunications facility, other than a broadcasting station or television station
- Utility installation where a sewage pump station or water pump station

Preliminary approval under section 241 of SPA for reconfiguring a lot and section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for reconfiguring a lot

Preliminary approval under section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for building work

Preliminary approval under section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for operational work

Level of assessment: Impact assessable

Property details

Real property description:	Lot 4 RP10876 and Lot 1 on SP283538 (previously Lot 21 RP10790, Lot 2 RP52220, Lot 1 RP95337, Lot 2 RP95337 and Lot 2 RP151557)
Address of property:	111 Boundary Street, West End and 37 Mollison Street, South Brisbane (previously 111 Boundary Street, 26 and 26A Little Jane Street, 19 and 23 Mollison Street, West End and 37 Mollison Street, South Brisbane)

Ministerial call in details

Date call in notice given:	14 September 2016
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The development application has been assessed and decided under the normal assessment and decision provisions under sections 314, 316 and 327 of SPA as referred to in section 423 of SPA.

Date of decision	7 November 2016
Details of decision	<p>Preliminary approval under section 241 of SPA for material change of use for:</p> <ul style="list-style-type: none"> • Centre Activities (activity group) • Garden centre • Hardware and trade supplies • Hotel • Multiple dwelling • Nightclub entertainment facility • Residential care facility • Retirement facility • Rooming accommodation • Showroom <p>Preliminary approval under section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for material change of use for Centre Activities (activity group)</p> <p>Preliminary approval under section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for reconfiguring a lot</p> <p>Preliminary approval under section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for building work</p> <p>Preliminary approval under section 242 of SPA to vary the effect of the Brisbane City Plan 2014 for operational work</p>
Type of approval	Preliminary approval under sections 241 and 242 of SPA, subject to conditions

Referral Agencies

The following agency was a referral agency for the development application. As a result of the decision to call in the development application under section 425(1) of SPA, any concurrence agencies for the development application are taken to be advice agencies until I give the decision notice (section 427(4) of SPA).

Referral agency	Address	Jurisdiction
Department of Infrastructure, Local Government and Planning (SARA)	PO Box 15009 City East QLD 4002	Concurrence agency – Development impacting on State transport infrastructure (threshold)

Further to this, advice was also sought from the following entity:

Entity	Address
Queensland Urban Utilities	GPO Box 2765 BRISBANE QLD 4001

Approval subject to conditions

The conditions and plans of this approval are set out in **Schedule 1 attached**.

I have imposed conditions which I consider are:

- a) relevant to, but not an unreasonable imposition on, the development or use of premises as a consequence of the development; or
- b) reasonably required in relation to the development or use of premises as a consequence of the development.

Preliminary approval under Section 242

This preliminary approval pursuant to section 242 of SPA varies the effect of the Brisbane City Plan 2014 in the following ways:

- changed levels of assessment for Centre Activities (activity group), where gross floor area for any individual tenancy is no greater than 4,500m² where shop, from impact assessment to code assessment
- changed levels of assessment and codes for High density residential zone to those of the District centre zone
- changed Table 7.2.19.4.3.B—Maximum building height in South Brisbane riverside neighbourhood plan code to be as indicated on the Building / Podium Maximum Height Plan reference BRSS6632.003-004, Rev A, dated 3 November 2016
- changed the identified Heritage overlay map in the Heritage overlay code to be as indicated on Heritage Overlay Plan, reference BRSS6632.003-009, Rev A, dated 3 November 2016
- changed levels of assessment for a material change of use, reconfiguration of a lot, building work and operational work in the Heritage overlay by:
 - removing the word 'sub-category'
 - changing reconfiguration of a lot in the Local heritage place from impact assessment to code assessment
 - changing operational work in the Local heritage place from impact assessment to code assessment
 - changing building work from impact assessment to code assessment, when carrying out the removal, or demolition of a component of a heritage place if in the Local heritage place, where not exempt

A Level of Assessment table which varies Brisbane City Plan 2014 is set out in **Schedule 2** of this decision notice, varying certain levels of assessment for future applications for making a material change of use, reconfiguring a lot, building work and operational work for the purposes outlined in the level of assessment tables.

The approved plans and documents are in **Schedule 3**.

Other development permits

The other development permits and compliance permits and certificates necessary to allow the development to be carried out are set out below:

- Material change of use – Development permit
- Reconfiguring a lot – Development permit
- Operational work – Development permit
- Operational work – Compliance permit
- Building work – Development permit.

Infrastructure Charges

The Brisbane City Council may levy infrastructure charges for transport, community purposes and stormwater trunk infrastructure networks under section 635 of SPA following this decision notice. Queensland Urban Utilities may levy infrastructure charges for sewerage and water supply infrastructure networks under section 99BRCI of the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* following this decision notice.

Properly made submissions

115 properly made submissions were received in respect of this development application during the public notification period between 5 January 2016 and 19 February 2016. The names and addresses of submitters are included in **Schedule 4 attached**.

Deemed approval of applications

As a result of my decision to call in and reassess the development application, chapter 6, part 5, division 3, subdivision 4 of SPA does not apply to the development application (section 427(7) of SPA).

The development application is not taken to have been approved under section 331 of SPA.

Prescribed period

In accordance with section 343(3)(a) of the SPA, the development the subject of this preliminary approval must be completed within 10 years from when the preliminary approval takes effect.

Appeal rights

A person may not appeal against the Minister's decision (section 427(5) of SPA).

If you require any further assistance, please email: Ministerial.Callin@dilgp.qld.gov.au.

Yours sincerely



**JACKIE TRAD MP
DEPUTY PREMIER**

**Minister for Infrastructure, Local Government and Planning
and Minister for Trade and Investment**

Enc (4)