



City of
Ipswich

**IPSWICH
CITY
COUNCIL**

AGENDA

of the

COUNCIL ORDINARY MEETING

**Held in the Council Chambers
8th floor – 1 Nicholas Street
IPSWICH QLD 4305**

**On Thursday, 9 December 2021
At 9.00 am**

BUSINESS

1. OPENING OF MEETING:
2. WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY:
3. OPENING PRAYER:
4. APOLOGIES AND LEAVE OF ABSENCE:
5. CONDOLENCES:
6. TRIBUTES:
7. PRESENTATION OF PETITIONS:

Petition from residents of Camira requesting Council consider shade trees and other structures for the dog off leash park at Carmira.
8. PRESENTATIONS AND DEPUTATIONS:
9. PUBLIC PARTICIPATION:
10. DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA:
11. CONFIRMATION OF MINUTES:
 - 11.1. Ipswich City Council - Minutes of Meeting of 18 November 2021 5
12. MAYORAL MINUTE:
13. BUSINESS OUTSTANDING – INCLUDING CONDUCT MATTERS AND MATTERS LYING ON THE TABLE TO BE DEALT WITH:
14. RECEPTION AND CONSIDERATION OF COMMITTEE REPORTS:
 - 14.1. Growth Infrastructure and Waste Committee's Report 41
 - 14.2. Governance and Transparency Committee's Report 47
 - 14.3. Community, Culture, Arts and Sport Committee's Report 55
 - 14.4. Economic and Industry Development Committee's Report 63
 - 14.5. Environment and Sustainability Committee's Report 67
 - 14.6. Ipswich Central Redevelopment Committee's Report 71
 - 14.7. Special Ipswich Central Redevelopment Committee's Report 77

15. OFFICERS' REPORTS:

- 15.1 Development Application Recommendation - 5636/2021/MCU -
Community Use (Child Care Centre) - 54-56 Arthur Summervilles
Road, Karalee 83
- 15.2 Procurement: Tender 16830 - Civil Construction Works - Springfield
Parkway and Springfield Greenbank Arterial - Stage 1 125
- 15.3 Procurement: Construction of Youth Skate Park at Redbank Plains
Recreation Reserve 129
- 15.4 Terms of Reference review - Standing committees 133
- 15.5 Report - Audit and Risk Management Committee No. 2021(06) of
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- 15.6 Development Application Recommendation - 15770/2021/MCU
Material Change of Use - 11, 19-25 & 27 Nicholas Street, Ipswich 149
- 15.7 Development Application Recommendation - 16204/2021/MCU
Material Change of Use - 5 Union Place & 8 Bell Street, Ipswich 215
- 15.8 Proposed Ministerial Call In Response – Wanless **(to be provided
prior to the meeting)**

16. NOTICES OF MOTION:

17. QUESTIONS ON NOTICE:

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UNCONFIRMED MINUTES OF COUNCIL ORDINARY MEETING

18 NOVEMBER 2021

Held in the Council Chambers, Administration Building
1 Nicholas Street, Ipswich

The meeting commenced at 9.00 am

ATTENDANCE AT COMMENCEMENT	Mayor Teresa Harding (Chairperson); Councillors Jacob Madsen, Sheila Ireland, Paul Tully, Marnie Doyle, Andrew Fechner, Kate Kunzelmann, Russell Milligan and Deputy Mayor Nicole Jonic
WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY	Councillor Kate Kunzelmann
OPENING PRAYER	Deputy Mayor Nicole Jonic
APOLOGIES AND LEAVE OF ABSENCE	Nil
5. CONDOLENCES	Nil
6. TRIBUTES	Nil
7. PRESENTATION OF PETITIONS	Nil

**8. PRESENTATIONS
AND DEPUTATIONS**

Mayor Teresa Harding presented the South East Queensland Local Government Mutual Services (LGMS) Risk Excellence Award for 2020-2021 to Council.

In presenting the award Mayor Harding outlined the following:

Considerable work has gone into this space at council, specifically since the return to elected representation in Ipswich in March 2020.

Council recognises that risk management is an integral part of good management practice and fully supports risk management as part of its corporate governance processes.

Council is committed to managing identified risks that can impact positively or negatively on council's ability to achieve the strategic objectives identified in iFuture, Council's new corporate plan and community vision.

Enterprise risk management is a key part of Council's core business, adopted by management and staff as an integral part of organisational culture.

To manage risk, Council has adopted an Enterprise Risk Management Framework that promotes a standard and systematic approach to risk management throughout Council.

Mayor Harding outlined that it is fantastic to see this strategic approach reaping rewards for the new Ipswich City Council and that she is proud of the fact that the LGMS has recognised the incredible work that Ipswich City Council has undertaken over the past few years within the Enterprise Risk Management space.

Council will continue to invest in improving risk its management systems and practices and providing ongoing support and commitment to the LGMS.

The award is outstanding news for our passionate and highly capable team.

We have been on a journey to restore public faith and confidence in Ipswich City Council and I firmly believe everything begins from within. But we have only just begun.

We are so pleased also to be able to share expertise and resources not only within this Council but with our colleagues across other councils.

I would also like to take this opportunity to thank the following team members for this achievement:

Mr Graham McGinniskin

Ms Kathy Jakimowicz

Ms Elizabeth Blake

Ms Alisi Gould

Ms Jennifer Buntine

**9. PUBLIC
PARTICIPATION**

Nil

**10. DECLARATIONS
OF INTEREST IN
MATTERS ON THE
AGENDA**

In accordance with section 150EQ of the *Local Government Act 2009*, Councillor Jacob Madsen informed the meeting that he has a declarable conflict of interest in Item 14.6 titled Reception and Consideration of Ipswich Central Redevelopment Committee's Report.

COUNCILLOR JACOB
MADSEN

The nature of the interest is that Councillor Madsen is a member of the Ipswich Trades Hall and Labour Day Committee Executive which manages the Ipswich Trades Hall which is adjacent to the CBD redevelopment works that Council is undergoing.

Councillor Jacob Madsen advised that he will leave the meeting room (including any area set aside for the public) while this matter is being discussed and voted on.

COUNCILLOR
ANDREW FECHNER

In accordance with section 150EQ of the *Local Government Act 2009*, Councillor Andrew Fechner informed the meeting that he has a declarable conflict of interest in Item 14.6 titled Ipswich Central Redevelopment Committee's Report.

The nature of the interest is that Councillor Fechner stands to gain a benefit or suffer a loss due to his business interest in both A1A Events Pty Ltd and Bar Heisenberg Pty Ltd which is located in the top of town at 164 Brisbane Street, Ipswich.

Councillor Andrew Fechner advised that he will leave the meeting room (including any area set aside for the public) while this matter is being discussed and voted on.

DEPUTY MAYOR
NICOLE JONIC

In accordance with section 150EQ of the *Local Government Act 2009*, Deputy Mayor Nicole Jonic informed the meeting that she has a declarable conflict of interest in Items 15.6 titled Variation to Waste Transport Services Contract No.16251 to include additional services for the consolidation and transport of kerbside recycling content and Item 15.7 titled Procurement: Preferred Supplier Arrangement 17209 - Provision of Resource Recovery and Disposal of Non - Putrescible Waste.

The name of the related party is Remondis.

The nature of the relationship of the related party to the Deputy Mayor is that two of Deputy Mayor Jonic's brothers are employees of the related party.

The nature of the related party's interests in the matter is that it is recommended that Council enter into a Deed of Variation with the supplier, and that Council enter into a preferred supplier arrangement with 5 suppliers, one of which is the related party.

Deputy Mayor Nicole Jonic invited the other councillors to determine if she can continue to participate in the decision process.

It was moved by Mayor Teresa Harding and seconded by Councillor Marnie Doyle that Councillor Nicole Jonic has a declarable conflict of interest in the matter because a reasonable person would believe that the final decision is not made in the public interest and that Deputy Mayor Nicole Jonic must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

NEGATIVE

Councillors:

Jonic (abstain)

The motion was put and carried.

DEPUTY MAYOR
NICOLE JONIC

In accordance with section 150EQ of the *Local Government Act 2009*, Deputy Mayor Nicole Jonic informed the meeting that she has a declarable conflict of interest in Item 4 of Item 14.2 - Governance and Transparency Committee of 4 November 2021 titled Procurement: TCP – 10590 Supply and Delivery of Light Vehicles.

The nature of the interest is that she is an employee of River 949 and one of the suppliers, Llewellyn Motors is a customer of this company.

Deputy Mayor Nicole Jonic invited the other councillors to determine if she can continue to participate in the decision process.

It was moved by Councillor Paul Tully and seconded by Councillor Sheila Ireland that Deputy Mayor Nicole Jonic does not have a declarable conflict of interest in the matter and may participate in the meeting in relation to the matter, including by voting on the matter because there is no personal or financial benefit to the councillor and therefore a reasonable person would trust that the final decision is made in the public interest.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Ireland	Harding
Tully	Madsen
Fechner	Doyle
Milligan	Kunzelmann
	Jonic (abstain)

As the vote was tied, the Mayor used her casting vote and the motion was lost.

It was moved by Mayor Teresa Harding and seconded by Councillor Marnie Doyle that Deputy Mayor Nicole Jonic has a declarable conflict of interest in the matter because a reasonable person would believe that the final decision is not made in the public interest and that Deputy Mayor Nicole Jonic must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Harding	Ireland
Madsen	Tully
Doyle	Fechner
Kunzelmann	Milligan
	Jonic (abstain)

As the vote was tied, the Mayor used her casting vote and the motion was carried.

COUNCILLOR PAUL
TULLY

In accordance with section 150EQ of the *Local Government Act 2009*, Councillor Paul Tully informed the meeting that he has a declarable conflict of interest in Items 3 and 3.1 of Item 14.2 – Governance and Transparency Committee titled New Trustee Lease over reserve for recreation purposes - Australian crawl (Goodna) Pty Ltd - 19a Toongarra Road, Leichhardt.

The nature of the interest is that a member of his family received a free admission pass 10 to 12 years ago from the company, there has not been a current pass for a decade or so and there is no current connection and has not been for some considerable time.

Councillor Paul Tully invited the other councillors to determine if he can continue to participate in the decision process.

It was moved by Councillor Andrew Fechner and seconded by Councillor Kate Kunzelmann that Councillor Paul Tully does not have a declarable conflict of interest in the matter because there is no personal or financial benefit to the councillor and therefore a reasonable person would trust that the final decision is made in the public interest.

The eligible councillors present at the meeting decided that Councillor Paul Tully may participate in the meeting in relation to the matter, including by voting on the matter.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Harding	Tully (Abstain)
Madsen	
Ireland	
Doyle	
Fechner	
Kunzelmann	
Milligan	
Jonic	

The motion was put and carried.

11. CONFIRMATION OF MINUTES

11.1 CONFIRMATION OF MINUTES OF ORDINARY MEETING

Moved by Mayor Teresa Harding:
Seconded by Councillor Russell Milligan:

**That the Minutes of the Ordinary Meeting held on
21 October 2021 be confirmed.**

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

The motion was put and carried.

11.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING

Moved by Mayor Teresa Harding:
Seconded by Councillor Kate Kunzelmann:

**That the Minutes of the Special Meeting held on
2 November 2021 be confirmed.**

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

The motion was put and carried.

12. MAYORAL MINUTE

Nil

**13. BUSINESS
OUTSTANDING –
INCLUDING CONDUCT
MATTERS AND
MATTERS LYING ON
THE TABLE TO BE
DEALT WITH**

Nil

**PROCEDURAL
MOTION – CHANGE
TO THE ORDER OF
REPORTS AND
SUSPENSION OF
MEETING
PROCEDURES**

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That Agenda Item 15.12 (late report) be brought forward to be dealt with prior to the reception and consideration of committee reports and that the provision of these meeting procedures be suspended for the purpose of dealing with the CEO Contract of Employment.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

**15.12
CEO CONTRACT OF
EMPLOYMENT**

Moved by Mayor Teresa Harding
Seconded by Councillor Kate Kunzelmann

- A. That Council approve the Contract of Employment (Confidential Attachment 1) for Candidate A in the position of Chief Executive Officer.
- B. That Council authorise the Mayor to execute on behalf of Council, the Contract of Employment.

**MOVE INTO CLOSED
SESSION**

Moved by Mayor Teresa Harding:
Seconded by Councillor Paul Tully:

That in accordance with section 254J(3)(a) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Item 15.2 titled CEO Contract of Employment.

The meeting moved into closed session at 9.45 am.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

The motion was put and carried.

**MOVE INTO OPEN
SESSION**

Moved by Mayor Teresa Harding:

Seconded by Councillor Andrew Fechner:

That the meeting move into open session.

The meeting moved into open session at 10.01 am.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

The motion was put and carried.

15.12

Mayor Harding proposed a variation to Recommendation A

**CEO CONTRACT OF
EMPLOYMENT**

- A. That Council approve the Contract of Employment for Candidate A as previously identified at the special meeting on the 2 November 2021 in the position of Chief Executive Officer.

**VARIATION TO
MOTION**

The seconder or the original motion agreed to the proposed variation.

Moved by Mayor Teresa Harding:
Seconded by Councillor Kate Kunzelmann:

- A. That Council approve the Contract of Employment for Candidate A as previously identified at the special meeting on the 2 November 2021 in the position of Chief Executive Officer.**
- B. That Council authorise the Mayor to execute on behalf of Council, the Contract of Employment.**

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

The motion was put and carried.

Attachments

1. CEO Contract of Employment Report

After signing the CEO contract, Mayor Harding announced Sonia Cooper as Council's new Chief Executive Officer (CEO) and provided the following commentary:

Sonia first came to Council as the General Manager of Corporate Services in February last year.

Sonia brought a wealth of government experience to Council having previously been the Deputy Commissioner with the Public Service Commission. A position she held since April 2013.

Despite doing an excellent job as Acting CEO since April this year, Council knew it needed to undertake a thorough and far-reaching search for its next CEO to ensure we secured the right candidate for the role.

Eighty-four candidates put their hands up for the position, with applications coming from across Queensland and Australia.

Through the formal application process, interviews, psychometric testing and extensive background checks, Sonia has emerged as the standout candidate.

Sonia, we thank you for your service as Acting CEO and your patience over the past months as we did our due diligence.

On behalf of Council and our entire organisation, congratulations on your well-deserved appointment to the role of CEO.

ADJOURN MEETING

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the meeting be adjourned at 10.05 am to reconvene at 10.25 am.

The meeting reconvened at 10.26 am.

RESUMPTION OF MEETING PROCEDURES

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That provision of these meeting procedures be resumed to continue with the order of business.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

14. RECEPTION AND CONSIDERATION OF COMMITTEE REPORTS

14.1 GROWTH INFRASTRUCTURE AND WASTE COMMITTEE

Moved by Mayor Teresa Harding:
Seconded by Deputy Mayor Nicole Jonic:

That the minutes of the Growth Infrastructure and Waste Committee Report No. 2021(10) of 4 November 2021 be noted.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

14.2

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE**

Moved by Councillor Jacob Madsen:

Seconded by Councillor Russell Milligan:

**That Council adopt the recommendations of the
Governance and Transparency Committee No. 2021(10) of
4 November 2021 with the exception of Items 4 and 7.**

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

This block motion adopts items 1-3 and 5-6 of the Governance and Transparency Committee No. 2021(10) of 4 November 2021 as listed below as resolutions of Council:

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 1**

CONFIRMATION OF
MINUTES OF THE
GOVERNANCE AND
TRANSPARENCY
COMMITTEE NO.

**That the minutes of the Governance and Transparency
Committee No. 2021(09) held on 7 October 2021 be
confirmed**

2021(09) OF 7
OCTOBER 2021

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 2**

QUARTERLY REPORTS
TO THE DEPARTMENT
OF STATE
DEVELOPMENT,
INFRASTRUCTURE,
LOCAL GOVERNMENT
AND PLANNING

- A. That Council note that the Director-General, Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) has, through the Mayor, on 6 April 2021 requested under section 115 of the *Local Government Act 2009*, that the Council provide quarterly performance reports on certain matters through to the quarter ending 30 June 2022 (Attachment 1).
- B. That Council note the letter from the Mayor to the Director-General, DSDILGP dated 5 May 2021 acknowledging the request and setting out a proposed timetable for the preparation, endorsement and provision of the quarterly reports (Attachment 2).
- C. That Council endorse the draft letter and second quarterly performance report (July – September 2021) set out in Attachments 3-8.

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 3**

NEW TRUSTEE LEASE
OVER RESERVE FOR
RECREATION
PURPOSES -
AUSTRALIAN CRAWL
(GOODNA) PTY LTD -
19A TOONGARRA
ROAD LEICHHARDT

- A. That Council terminate the existing Trustee Lease with Australian Crawl (Goodna) Pty Ltd located at 19A Toongarra Road, Leichhardt described as Lot 39 on Crown Plan 902321.
- B. That pursuant to section 236(2) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception at section 236(1)(c)(v) of the Regulation applies to the disposal of interest in land at 19A Toongarra Road, Leichhardt more particularly described as part of Lot 39 and Crown Plan 902321, for a public swimming pool and ancillary purposes.
- C. That Council agree to enter a new Trustee Lease (Council file reference number 5520) with Australian Crawl (Goodna) Pty Ltd (Lessee):
 - (i) at a yearly rent of \$1.00 excluding GST, payable to Council if demanded, and
 - (ii) for a term of ten (10) years, with no options for extension, and
 - (iii) for an in-kind contribution towards capital improvements over the term.
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order

to implement Council's decision.

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 5
COMMUNITY PANELS**

- A. That the community panel program be implemented and included as part of council's suite of community engagement approaches commencing February 2022.**
- B. That the Community Reference Groups' come to an official close as the two (2) year term has ended, and members be acknowledged for their contribution to community.**
- C. That the Manager, City Design arrange a Heritage Forum for the first half of 2022. The agenda and scope of the Forum is to be the subject of consultation with the Mayor and Councillors.**
- D. That the Heritage and Monument Advisory Committee be formally ceased and the immediate previous members be acknowledged and thanked for their past participation and contribution to the community.**
- E. That bi-annual community meetings be held for the following commencing in 2022: Seniors, and Access and Inclusion.**
- F. That council expands its community engagement strategy to include council's approaches, tools, methods and resourcing of community engagement.**

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 6**

COUNCIL, COMMITTEE
MEETINGS AND
BRIEFINGS/WORKSHOP
DATES FOR 2022 AND
JANUARY 2023

- A. That the Council, Committee Meetings and Briefings/Workshop dates for 2022 and January 2023 be held as detailed in Attachment 1 and as outlined below:

COUNCIL/COMMITTEE	MEETING DAY AND TIME	MEETING DATES
Council Ordinary Meeting **includes Special Budget Meeting	Thursday - 9.00 am	27 January 2022 24 February 2022 24 March 2022 21 April 2022 19 May 2022 **30 June 2022 28 July 2022 25 August 2022 29 September 2022 27 October 2022 24 November 2022 8 December 2022 19 January 2023
Growth, Infrastructure and Waste	Thursday - 9.00 am **Tuesday – 9.00 am	10 February 2022 10 March 2022 7 April 2022 5 May 2022 16 June 2022 14 July 2022 11 August 2022 15 September 2022 13 October 2022 10 November 2022 **29 November 2022

Governance and Transparency	Thursday - 9.00 am **Tuesday – 9.00 am	10 February 2022 10 March 2022 7 April 2022 5 May 2022 16 June 2022 14 July 2022 11 August 2022 15 September 2022 13 October 2022 10 November 2022 **29 November 2022
Community, Culture, Arts and Sport	Thursday - 10 minutes after the conclusion of the Governance and Transparency Committee **Tuesday – 9.00 am	10 February 2022 10 March 2022 7 April 2022 5 May 2022 16 June 2022 14 July 2022 11 August 2022 15 September 2022 13 October 2022 10 November 2022 **29 November 2022
Economic and Industry Development	Thursday - 10 minutes after the conclusion of the Community, Culture, Arts and Sport Committee **Tuesday – 9.00 am	10 February 2022 10 March 2022 7 April 2022 5 May 2022 16 June 2022 14 July 2022 11 August 2022

		15 September 2022 13 October 2022 10 November 2022 **29 November 2022
Environment and Sustainability	Thursday - 10 minutes after the conclusion of the Economic and Industry Development Committee **Tuesday – 9.00 am	10 February 2022 10 March 2022 7 April 2022 5 May 2022 16 June 2022 14 July 2022 11 August 2022 15 September 2022 13 October 2022 10 November 2022 **29 November 2022
Ipswich Central Redevelopment Committee	Thursday - 10 minutes after the conclusion of the Environment and Sustainability Committee **Tuesday – 9.00 am	10 February 2022 10 March 2022 7 April 2022 5 May 2022 16 June 2022 14 July 2022 11 August 2022 15 September 2022 13 October 2022 10 November 2022 **29 November 2022
Briefings/Workshops	Tuesday - 9.00 am to 4.00 pm	1 February 2022 1 March 2022 29 March 2022 26 April 2022

		24 May 2022 7 June 2022 5 July 2022 2 August 2022 6 September 2022 4 October 2022 2 November 2022 22 November 2022
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At 10.30 am Deputy Mayor Nicole Jonic left the meeting room due to a previously declared conflict in Item 4 of the Governance and Transparency Committee.

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 4**

PROCUREMENT: TCP -
10590 SUPPLY AND
DELIVERY OF LIGHT
VEHICLES

Moved by Mayor Teresa Harding:
Seconded by Councillor Sheila Ireland:

- A. That pursuant to Section 230(1)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve to prepare Tender Consideration Plan number 10590 for the provision of Supply and Delivery of Light Vehicles.**
- B. That pursuant to Section 230(1)(b) of the *Local Government Regulation 2012* (Regulation), Council resolve to adopt Tender Consideration Plan number 10590 that was prepared for the provision of Supply and Delivery of Light Vehicles.
as detailed in the report by the Category Specialist dated 19 October 2021.**
- C. That in accordance with the Tender Consideration Plan, Council extend the current contractual arrangement with Q Automotive – Trading as Bremer Ford (ABN 47 010 489 460), Blue Ribbon Motors (ABN 31 458 735 262) and Ross Llewellyn Motors (ABN 81 010 428 841) at an approximate value of \$2,400,000.00 excluding GST over the additional term, being a further two (2) x one (1) year options.**
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Harding
Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan

NEGATIVE

Councillors:

Nil

All Councillors except Deputy Mayor Nicole Jonic were present when the vote was taken.

The motion was put and carried.

At 10.31 am Deputy Mayor Nicole Jonic returned to the meeting room.

**GOVERNANCE AND
TRANSPARENCY
COMMITTEE – ITEM 7**

**DRUG AND ALCOHOL
(COUNCILLORS)
POLICY**

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the Drug and Alcohol (Councillors) Policy as detailed in Attachment 1, be adopted.

Councillor Tully proposed the following additional recommendation:

That this policy is to be reviewed within 12 months.

The mover and seconder of the original motion agreed to the proposed additional recommendation.

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

- A. That the Drug and Alcohol (Councillors) Policy as detailed in Attachment 1, be adopted.**
- B. That this policy is to be reviewed within 12 months.**

AFFIRMATIVE

Councillors:

Harding
Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

**14.3
COMMUNITY,
CULTURE, ARTS AND
SPORT COMMITTEE**

Moved by Councillor Andrew Fechner:
Seconded by Councillor Kate Kunzelmann:

**That Council adopt the recommendations of the
Community, Culture, Arts and Sport Committee
No. 2021(10) of 4 November 2021.**

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

This block motion adopts all items of the Community, Culture, Arts and Sport Committee No. 2021(10) of 4 November 2021 as listed below as resolutions of Council:

**COMMUNITY,
CULTURE, ARTS AND
SPORT COMMITTEE –
ITEM 1**

**That the minutes of the Community, Culture, Arts and
Sport Committee No. 2021(10) held on 7 October 2021 be
confirmed.**

CONFIRMATION OF
MINUTES OF THE
COMMUNITY,
CULTURE, ARTS AND
SPORT COMMITTEE
NO. 2021(09) OF 7
OCTOBER 2021

**COMMUNITY,
CULTURE, ARTS AND
SPORT COMMITTEE –
ITEM 2**

**That Council endorse the creation of the Ipswich Arts
Advisory Group with the associated Terms of Reference
(ToR) as outlined in Attachment 1.**

IPSWICH ARTS
ADVISORY GROUP

**14.4
ECONOMIC AND
INDUSTRY
DEVELOPMENT
COMMITTEE**

Moved by Deputy Mayor Nicole Jonic:
Seconded by Councillor Andrew Fechner:

That Council adopt the recommendations of the Economic and Industry Development Committee No. 2021(10) of 4 November 2021.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

The motion was put and carried.

This block motion adopts all items of the Economic and Industry Development Committee No. 2021(10) of 4 November 2021 as listed below as resolutions of Council:

**ECONOMIC AND
INDUSTRY
DEVELOPMENT
COMMITTEE – ITEM 1**

That the minutes of the Economic and Industry Development Committee held on 7 October 2021 be confirmed.

CONFIRMATION OF
MINUTES OF THE
ECONOMIC AND
INDUSTRY
DEVELOPMENT
COMMITTEE NO.
2021(09) OF 7
OCTOBER 2021

**14.5
ENVIRONMENT AND
SUSTAINABILITY
COMMITTEE**

Moved by Councillor Russell Milligan:
Seconded by Councillor Andrew Fechner:

That Council adopt the recommendations of the Environment and Sustainability Committee No. 2021(10) of 4 November 2021.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Harding

Nil

Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

The motion was put and carried.

This block motion adopts all items of the Environment and Sustainability Committee No. 2021(10) of 4 November 2021 as listed below as resolutions of Council:

**ENVIRONMENT AND
SUSTAINABILITY
COMMITTEE – ITEM 1**

CONFIRMATION OF
MINUTES OF THE
ENVIRONMENT AND
SUSTAINABILITY
COMMITTEE NO.
2021(09) OF 7
OCTOBER 2021

That the minutes of the Environment and Sustainability Committee held on 7 October 2021 be confirmed.

**ENVIRONMENT AND
SUSTAINABILITY
COMMITTEE – ITEM 2**

ENVIROPLAN 25
YEARS CAMPAIGN
HIGHLIGHTS
MATTERS ARISING

That Council receive and note the key highlights pertaining to celebrating 25 years of Ipswich Enviroplan.

That the minutes notate a correction to the Ipswich Rivers Improvement Trust 2021-2022 Annual Precept Report presented to Council's Environment and Sustainability Committee on 2 September 2021, being the removal of the incorrect paragraph as follows:

“If there is a failure to negotiate and agree on an amount within a reasonable timeframe, the amount the local government must contribute will be the amount decided by the Minister”.

At 10.48 am Councillors Jacob Madsen and Andrew Fechner left the meeting room due to a previously declared interest in item 14.6.

**14.6
IPSWICH CENTRAL
REDEVELOPMENT
COMMITTEE**

Moved by Councillor Marnie Doyle:
Seconded by Councillor Kate Kunzelmann:

That Council adopt the recommendations of the Ipswich Central Redevelopment Committee No. 2021(10) of 4 November 2021.

AFFIRMATIVE

Councillors:

Harding

Ireland

Tully

Doyle

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

All Councillors except Councillor Jacob Madsen and Councillor Andrew Fechner were present when the vote was taken.

The motion was put and carried.

This block motion adopts all items of the Ipswich Central Redevelopment Committee No. 2021(10) of 4 November 2021 as listed below as resolutions of Council:

**IPSWICH CENTRAL
REDEVELOPMENT
COMMITTEE – ITEM 1**

CONFIRMATION OF
MINUTES OF THE
IPSWICH CENTRAL
REDEVELOPMENT
COMMITTEE NO.
2021(09) OF 7
OCTOBER 2021

That the minutes of the Ipswich Central Redevelopment Committee held on 7 October 2021 be confirmed.

**IPSWICH CENTRAL
REDEVELOPMENT
COMMITTEE – ITEM 2**

IPSWICH CENTRAL
REVITALISATION -
POSITIONING
FRAMEWORK AND
PLACE PLANS

- A. That the Ipswich Central Positioning Framework, including the supplementary Priority Projects be endorsed. (Attachment 1 and 2).**
- B. That the Place Plans – Ipswich Centre Core and Top of Town be endorsed. (Attachment 3).**

**IPSWICH CENTRAL
REDEVELOPMENT
COMMITTEE – ITEM 3**

That the Nicholas Street Precinct Communications, Engagement and Events Monthly Report be received and the contents noted.

NICHOLAS STREET
PRECINCT -
COMMUNICATIONS,
ENGAGEMENT AND
EVENTS REPORT
OCTOBER 2021

**IPSWICH CENTRAL
REDEVELOPMENT
COMMITTEE – ITEM 4**

NICHOLAS STREET
PRECINCT - RETAIL
SUB-PROJECT
STEERING
COMMITTEE
OCTOBER 2021

- A. That the October 2021 Retail Sub-Project Steering Committee Report be received and the contents noted.**
- B. That the Retail Sub-Project Steering Committee provide a report to the December meeting outlining advocacy work and discussions with the State Government regarding state owned assets within the Ipswich Central precinct and opportunities to improve those assets aesthetically including removal where appropriate.**

At 10.50 am Councillors Jacob Madsen and Andrew Fechner returned to the meeting room.

15. OFFICERS' REPORTS

**15.1
CEO
ORGANISATIONAL
PERFORMANCE
REPORT FOR
OCTOBER 2021**

Moved by Mayor Teresa Harding:
Seconded by Councillor Andrew Fechner:

That the Chief Executive Officer Organisational Performance Report for October 2021 be received and the contents noted.

AFFIRMATIVE

Councillors:

Harding
Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

**15.2
QUARTER 1 -
OPERATIONAL PLAN
2021-2022
QUARTERLY
PERFORMANCE**

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the report be received, and the contents noted.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

**15.3
MONTHLY FINANCIAL
PERFORMANCE
REPORT - OCTOBER
2021**

Moved by Mayor Teresa Harding:
Seconded by Deputy Mayor Nicole Jonic:

That the report on Council's financial performance for the period ending 31 October 2021, submitted in accordance with section 204 of the *Local Government Regulation 2012*, be considered and noted by Council.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

**15.4
TEMPORARY LOCAL
PLANNING
INSTRUMENT 1 OF
2022**

Moved by Mayor Teresa Harding:
Seconded by Councillor Andrew Fechner:

That Council make Temporary Local Planning Instrument No. 1 of 2022 – Resource Recovery and Waste Activity Regulation (TLPI No. 1/2022) in accordance with the *Planning Act 2016 and Minister’s Guidelines and Rules with an early effective date of 28 January 2022 or earlier.*

AFFIRMATIVE

Councillors:

Harding
Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

The Mayor noted that confidential attachment 1 of the report titled Draft TLPI 1 of 2022 had been updated and circulated to councillors.

**15.5
SUB REGIONAL
WASTE ALLIANCE -
MRF BUDGET
ALLOCATION**

RECOMMENDATION

That Council commit to include its proportionate share of any Sub Regional Alliance Materials Recovery Facility project funding in current and future budgets, and that budget amendments be subject to Council’s future consideration and acceptance of the business case.

**MOVE INTO CLOSED
SESSION**

Moved by Mayor Teresa Harding
Seconded by Deputy Mayor Nicole Jonic

That in accordance with section 254J(3)(c) of the *Local Government Regulation 2012*, the meeting move into closed session to discuss Item 15.5 titled Sub Regional Waste Alliance MRF Budget Allocation.

The meeting moved into closed session at 11.14 am.

AFFIRMATIVE

Councillors:

Harding

NEGATIVE

Councillors:

Nil

Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

The motion was put and carried.

**MOVE INTO OPEN
SESSION**

Moved by Councillor Andrew Fechner
Seconded by Councillor Marnie Doyle

That the meeting move into open session.

The meeting moved into open session at 11.34 am.

AFFIRMATIVE

Councillors:

Harding
Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

Moved by Mayor Teresa Harding:
Seconded by Councillor Russell Milligan:

That Council commit to include its proportionate share of any Sub Regional Alliance Materials Recovery Facility project funding in current and future budgets, and that budget amendments be subject to Council's future consideration and acceptance of the business case.

AFFIRMATIVE

Councillors:

Harding
Madsen
Ireland
Tully
Doyle
Fechner

NEGATIVE

Councillors:

Nil

Kunzelmann
Milligan
Jonic

The motion was put and carried.

ADJOURN MEETING

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the meeting be adjourned at 11.36 am to reconvene at 11.45 am.

The meeting reconvened at 11.45 am.

At 11.45 am Deputy Mayor Nicole Jonic left the meeting room due to a previously declared interest in Items 15.6 and 15.7.

**15.6
VARIATION TO
WASTE TRANSPORT
SERVICES CONTRACT
NO. 16251 TO
INCLUDE ADDITIONAL
SERVICES FOR THE
CONSOLIDATION
AND TRANSPORT OF
KERBSIDE RECYCLING
CONTENT**

Moved by Mayor Teresa Harding:
Seconded by Councillor Andrew Fechner:

- A. That the contractual arrangement (Council contract 16251) with REMONDIS Australia Pty Ltd (Supplier) for Waste Transport Services be varied as follows:**
- (i) To amend the contract to include an additional service in the schedule of rates to provide Council the ability to bulk up commingled recycling materials from Council collection vehicles, at the designated resource recovery area at Swanbank landfill for transport (under the existing contract rates) to Visy at Gibson Island, Paringa.**
 - (ii) That the initial Commingled Bulk Up Rate be set at \$21.65 per tonne, that would be linked to the normal rise and fall clauses in the contract.**
- B. That Council enter into a deed of variation with the Supplier to appropriately amend the existing contractual arrangement.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

NEGATIVE

Councillors:

Nil

All Councillors except Deputy Mayor Nicole Jonic were present when the vote was taken.

The motion was put and carried.

15.7

**PROCUREMENT:
PREFERRED SUPPLIER
ARRANGEMENT
17209 - PROVISION
OF RESOURCE
RECOVERY AND
DISPOSAL OF NON-
PUTRESCIBLE WASTE**

Moved by Mayor Teresa Harding:

Seconded by Councillor Marnie Doyle:

- A. That in accordance with Section 233 of the *Local Government Regulation 2012* (Regulation), Council approves a Preferred Supplier Arrangement for the provision of resource recovery and disposal services of non-putrescible waste.**
- B. That Council resolve under Section 233(7) of the Regulation, it is satisfied that it will obtain better value for money by entering into a Preferred Supplier Arrangement for a term of longer than two (2) years.**
- B. That Council enter into a Preferred Supplier Arrangement with the five (5) suppliers listed below, for a period of three (3) years with the option to extend the contract by two (2) further, one (1) year periods, for the estimated sum of \$26,352,022 (excluding GST and including waste levy on municipal solid waste) (total cost if all contract extensions are executed):**
- Bogside Mining Industries Pty Ltd
 - Bemcove Pty Ltd
 - REMONDIS Australia Pty Ltd
 - Stapylton Resource Recovery (QLD) Pty Ltd
 - Veolia Environmental Services Australia Pty Ltd
- C. For those individual contractual arrangements that exceed \$2,000,000 excluding GST, pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section**

238 of the Regulation, in order to implement Council's decision.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

NEGATIVE

Councillors:

Nil

All Councillors except Deputy Mayor Nicole Jonic were present when the vote was taken.

The motion was put and carried.

At 11.49 am Deputy Mayor Nicole Jonic returned to the meeting room.

15.8

PROCUREMENT:

**TENDER 16829 - CIVIL
CONSTRUCTION
WORKS REDBANK
PLAINS ROAD - STAGE
3**

Moved by Mayor Teresa Harding:

Seconded by Deputy Mayor Nicole Jonic:

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. 16829 for the provision of Civil Construction Works Redbank Plains Road – Stage 3 works to the supplier named in Confidential Attachment 1 (Supplier).**
- B. That Council enter into a contractual arrangement with the Supplier at an approximate purchase price as specified in Confidential Attachment 1 over the entire term, being an initial term of two (2) years, with no options for extension.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council's decision**

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

NEGATIVE

Councillors:

Nil

Doyle
Fechner
Kunzelmann
Milligan
Jonic

The motion was put and carried.

**15.9
REAPPOINTMENT OF
URBAN UTILITIES
BOARD MEMBERS**

Moved by Mayor Teresa Harding:
Seconded by Councillor Sheila Ireland:

- A. That Council endorse the reappointment of Graham Thomsen as a Board member of Urban Utilities, effective 1 July 2022, for a term of three years.**
- B. That Council endorse the reappointment of Phillip Strachan as a Board member of Urban Utilities, effective 1 July 2022, for a term of four years.**
- C. That Council endorse the reappointment of Mark Gray as a Board member of Urban Utilities, effective 1 July 2022, for a term of four years.**
- D. That the Chief Executive Officer be authorised to sign an Instrument of Appointment of Board Members to Urban Utilities and to do any other acts necessary to implement Council's decision in accordance with section 13(3) of the *Local Government Act 2009*.**

AFFIRMATIVE

Councillors:
Harding
Madsen
Ireland
Tully
Doyle
Fechner
Kunzelmann
Milligan
Jonic

NEGATIVE

Councillors:
Nil

The motion was put and carried.

**15.10
QUEENSLAND AUDIT
OFFICE FINAL
MANAGEMENT
REPORT 2020-21**

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the 2020-2021 final management report for Ipswich City Council, as detailed in Attachment 1, be received and the contents noted.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

**15.11
REPORT - AUDIT AND
RISK MANAGEMENT
COMMITTEE NO.
2021(05) OF 6
OCTOBER 2021**

Moved by Mayor Teresa Harding:
Seconded by Councillor Kate Kunzelmann:

That the report of the Audit and Risk Management Committee No. 2021(05) of 6 October 2021 be received, the contents noted and the recommendations contained therein be adopted.

AFFIRMATIVE

Councillors:

Harding

Madsen

Ireland

Tully

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

16. NOTICES OF MOTION

Councillor Tully advised the meeting that the wording in the agenda states that he gave notice of the motion at the previous council meeting which was incorrect and should have stated that he gave notice of the motion subsequent to the Council Ordinary Meeting.

16.1 NOTICE OF MOTION - SEEKING DEDICATION OF WHITE ROCK - SPRING MOUNTAIN ESTATE AS A NATIONAL PARK

Moved by Councillor Paul Tully:

Seconded by Deputy Mayor Nicole Jonic:

- A. That the Chief Executive Officer write to the Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs, Meaghan Scanlon MP, seeking the dedication of the White Rock - Spring Mountain Conservation Estate as a National Park in accordance with section 29 of the *Nature Conservation Act 1992*.
- B. That a copy of the letter be forwarded to the Premier Annastacia Palaszczuk MP and to each of the five State Members representing the Ipswich region.

PROPOSED AMENDMENT

Mayor Teresa Harding moved an amended motion:

That this matter be referred to the Environment and Sustainability Committee for further consideration.

Councillor Tully advised that if there was a seconder to this motion that he would not be supporting the amended motion.

The proposed amendment was lost for want of a seconder.

Moved by Councillor Paul Tully:

Seconded by Deputy Mayor Nicole Jonic:

- A. **That the Chief Executive Officer write to the Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs, Meaghan Scanlon MP, seeking the dedication of the White Rock - Spring Mountain Conservation Estate as a National Park in accordance with section 29 of the *Nature Conservation Act 1992*.**
- B. **That a copy of the letter be forwarded to the Premier Annastacia Palaszczuk MP and to each of the five State Members representing the Ipswich region.**

AFFIRMATIVE

Councillors:

Madsen

Ireland

Tully

Doyle

Fechner

Jonic

NEGATIVE

Councillors:

Harding

Kunzelmann

Milligan

The motion was put and carried.

**17. QUESTIONS ON
NOTICE**

Nil

MEETING CLOSED

The meeting closed at 12.15 pm.

“These minutes are subject to confirmation at the next scheduled Council Ordinary Meeting”

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE NO. 2021(11)

1 DECEMBER 2021

REPORT OF THE GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Mayor Teresa Harding (Chairperson); Councillors Paul Tully (Deputy Chairperson), Sheila Ireland, Jacob Madsen, Marnie Doyle, Andrew Fechner, Kate Kunzelmann, Russell Milligan and Deputy Mayor Nicole Jonic

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Acting Chief Executive Officer (Sonia Cooper), Acting General Manager Corporate Services (Sylvia Swalling), Acting General Manager Infrastructure and Environment (James Hilyard), General Manager Community, Cultural and Economic Development (Ben Pole), General Manager Planning and Regulatory Services (Peter Tabulo), Manager Development Planning (Anthony Bowles), Manager, Economic and Community Development (Cat Matson), Manager, Capital Program Delivery (Graeme Martin), Manager, Infrastructure Strategy (Tony Dileo), Senior Property Officer, Acquisitions and Disposals (Alicia Rieck), Senior Digital Media and Content Officer (Jodie Richter), Chief Financial Officer (Jeff Keech), Treasury Accounting Manager (Paul Mollenhauer), Senior Policy and Communications Officer (David Shaw), Chief of Staff, Office of the Mayor (Melissa Fitzgerald) and Theatre Technician (Trent Gray)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

1. **GEORGIE CONWAY LEICHHARDT COMMUNITY SWIM CENTRE**

This report considers the operation of the Georgie Conway Leichhardt Community Swim Centre, with particular focus on water heating policy options, attendance trends and forecast cost impacts in changes to current water temperature settings.

DECISION

Moved by Councillor Sheila Ireland:
Seconded by Councillor Kate Kunzelmann:

That Council endorse the current practice of maintaining a water temperature of approximately 29 degrees during the winter season at the Leichhardt 25 metre pool.

DECISION

Moved by Councillor Andrew Fechner:
Seconded by Councillor Marnie Doyle:

That the matter lay on the table until the Council Ordinary Meeting on 27 January 2022.

AFFIRMATIVE

Councillors:

Harding

Tully

Ireland

Madsen

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

CONFIRMATION OF MINUTES

2. **CONFIRMATION OF MINUTES OF THE GROWTH INFRASTRUCTURE AND WASTE COMMITTEE NO. 2021(10) OF 4 NOVEMBER 2021**

DECISION

Moved by Mayor Teresa Harding:
Seconded by Councillor Russell Milligan:

That the Minutes of the Meeting held on 4 November 2021 be confirmed.

AFFIRMATIVE

Councillors:

Harding

Tully

NEGATIVE

Councillors:

Nil

Ireland
Madsen
Doyle
Fechner
Kunzelmann
Milligan
Jonic

The motion was put and carried.

OFFICERS' REPORTS

3. **PETITION - REQUEST FOR REMOVAL OF BOLLARDS ON SIEDOFSKY STREET,
REDBANK PLAINS**

This is a report concerning a petition received by Councillor Sheila Ireland from the local community requesting the removal of bollards located on Siedofsky Street, Redbank Plains to allow the street to provide a through-traffic road function

DECISION

Moved by Mayor Teresa Harding:
Seconded by Councillor Sheila Ireland:

- A. That the bollards located on Siedofsky Street, Redbank Plains not be removed.**
- B. That the chief petitioner be advised of the outcome of this report.**

AFFIRMATIVE

Councillors:

Harding

Tully

Ireland

Madsen

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

4. INFRASTRUCTURE AND ENVIRONMENT DEPARTMENT CAPITAL DELIVERY REPORT
OCTOBER 2021

This is a report concerning the performance of the capital delivery by the Infrastructure and Environment Department for the month of October 2021.

Officers across the whole Infrastructure and Environment Department are contributing to the positive results seen in the early stages of the 2021-2022 financial year. The result is especially pleasing when compared to the rate of delivery achieved in previous financial years.

DECISION

Moved by Mayor Teresa Harding:
Seconded by Councillor Andrew Fechner:

That the report be received and the contents noted.

AFFIRMATIVE

Councillors:

Harding

Tully

Ireland

Madsen

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

5. EXERCISE OF DELEGATION REPORT

This is a report concerning applications that have been determined by delegated authority for the period 19 October 2021 to 16 November 2021

DECISION

Moved by Mayor Teresa Harding:
Seconded by Councillor Andrew Fechner:

That the report be received and the contents noted.

AFFIRMATIVE

NEGATIVE

Councillors:
Harding
Tully
Ireland
Madsen
Doyle
Fechner
Kunzelmann
Milligan
Jonic

Councillors:
Nil

The motion was put and carried.

6. PLANNING AND ENVIRONMENT COURT ACTION STATUS REPORT

This is a report concerning a status update with respect to current Planning and Environment Court actions associated with development planning applications

DECISION

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the report be received and the contents noted.

AFFIRMATIVE
Councillors:
Harding
Tully
Ireland
Madsen
Doyle
Fechner
Kunzelmann
Milligan
Jonic

NEGATIVE
Councillors:
Nil

The motion was put and carried.

7. WASTE AND CIRCULAR ECONOMY TRANSFORMATION DIRECTIVE - UPDATE 5

This is a report concerning an update on the implementation of the Waste and Circular Economy Transformation Directive.

DECISION

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the report be received and the contents noted.

AFFIRMATIVE

Councillors:

Harding

Tully

Ireland

Madsen

Doyle

Fechner

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 9.00 am.

The meeting closed at 9.21 am.

GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2021(11)

1 DECEMBER 2021

REPORT OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Councillor Jacob Madsen (Chairperson); Councillors Russell Milligan (Deputy Chairperson), Mayor Teresa Harding, Marnie Doyle, Kate Kunzelmann and Deputy Mayor Nicole Jonic

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Acting Chief Executive Officer (Sonia Cooper), Acting General Manager Corporate Services (Sylvia Swalling), General Manager Planning and Regulatory Services (Peter Tabulo), General Manager Community, Cultural and Economic Development (Ben Pole), Acting General Manager Coordination and Performance (Barbara Dart), Senior Digital Media and Content Officer (Jodie Richter), Manager Economic and Community Development (Cat Matson), Chief Financial Officer (Jeff Keech), Treasury Accounting Manager (Paul Mollenhauer), Manager, Marketing and Promotions (Carly Gregory), Manager, Community and Cultural Services (Don Stewart), Senior Property Officer Acquisitions and Disposals (Alicia Rieck), Procurement Operations Manager (Stephen Bailey), Civic Centre and Performing Arts Manager (David Finn), Senior Policy and Communications Officer (David Shaw), Manager, Libraries and Customer Services (Samantha Chandler), Manager, People and Culture (Talia Love-Linay), Principal Officer Program Management Office (Anna Payne), Acting Manager, Performance (Maree Walker) and Theatre Technician (Trent Gray)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY
COMMITTEE NO. 2021(10) OF 4 NOVEMBER 2021**

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Mayor Teresa Harding:

**That the minutes of the Governance and Transparency Committee No. 2021(10)
held on 4 November 2021 be confirmed.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

OFFICERS' REPORTS

2. **REVIEW OF CEO ANNUAL PERFORMANCE APPRAISAL POLICY**

The CEO Annual Performance Appraisal Policy (the Policy) was approved by Council on 5 November 2020 and required a review in November 2021.

The Manager, People and Culture has reviewed this Policy, and sought feedback from the CEO Contract Panel (Mayor Teresa Harding, Deputy Mayor Nicole Jonic, Councillors Marnie Doyle, and Andrew Fechner) during the development of the CEO Contract of Employment and CEO Performance Agreement for 2021-2022.

The Policy has been updated to ensure compliance with the new Ipswich City Council Policy template with the inclusion of the Human Rights Commitment at section five (5). Attachment 1 shows proposed changes to the Policy using tracked changes, and Attachment 2 is a clean copy of the updated Policy.

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Councillor Marnie Doyle:

- A. That Council note that a review of the CEO Annual Performance Appraisal Policy has been completed.**
- B. That Council resolve to adopt the amended CEO Annual Performance Appraisal Policy.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

3. PROCUREMENT: RECOLLECT PICTURE LIBRARY SUBSCRIPTIONS

This report is seeking a resolution by Ipswich City Council (Council) to engage directly with Micrographics Services Ltd to provide the continued licencing, support and maintenance subscription for the Recollect Platform that supports the Picture Ipswich Website. The total cost for the agreement over the proposed three (3) twelve (12) month terms from 2022 to 2025 is \$49,500.00 (GST Exclusive).

Recollect software is a proprietary software and is used as a comprehensive solution for preserving, transforming, and curating heritage collections and local knowledge of the City of Ipswich.

The implementation of the Recollect Platform for the Ipswich Libraries was carried out by Datacom IT in Oct 2020. This included the first year's hosting and support subscription. Datacom IT are the only Australian authorised partner for the Recollect Platform, however, Datacom IT do not manage the ongoing annual hosting and support subscription. Datacom IT have advised Council to engage directly with Micrographics Services Ltd for the ongoing annual subscription renewals.

Recollect Pty Ltd manage the ongoing licencing, support and maintenance which covers all technical support and upgrades for the platform hence, the need to engage directly with Recollect. Datacom IT supply all non-technical services for this platform such as training, configuration, customisation and development activities.

Recollect software is also used by both Moreton Bay and Noosa Councils. Both Councils have confirmed the Procurement approach matching that which is required by Council.

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Kate Kunzelmann:

- A. That pursuant to Section 235(b) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception applies because of the specialised nature of the services that are sought and it would be impractical AND/OR disadvantageous to invite quotes for the provision of the annual hosting and support subscription for the Recollect Platform (Picture Ipswich).**
- B. That Council enter into a contractual arrangement (Council file reference number 17092) with Micrographics Services Ltd, at an approximate purchase price of \$49,500.00 excluding GST over the entire term, being an initial term of one (1) year, with options for extension at the discretion of Council (as purchaser), of an additional two (2) X one (1) year terms.**

AFFIRMATIVE
Councillors:
Madsen
Milligan
Harding
Doyle
Kunzelmann
Jonic

NEGATIVE
Councillors:
Nil

The motion was put and carried.

4. PROCUREMENT - 2022 CIVIC CENTRE COMEDY PROGRAM

This is a report concerning the procurement of a promotor to deliver the 2022 Comedy Program for the Ipswich Civic Centre without first inviting written quotes or tenders. Section 235(b) of the *Local Government Regulation 2012* allows a local government to enter into a medium or large sized contractual arrangement, if the local government resolves that the services provided are of a specialised nature.

RECOMMENDATION

Moved by Councillor Marnie Doyle:
Seconded by Deputy Mayor Nicole Jonic:

- A. That pursuant to Section 235(b) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception applies because of the specialised nature of the services that are sought and that it would be impractical and disadvantageous to invite quotes for the provision of the delivery of a 2022 Comedy Program for the Ipswich Civic Centre.
- B. That Council enter into a contractual arrangement (Contract number 17740) with Anthony Lamond (ABN 71 776 903 442), at an approximate purchase price of \$25,000.00 excluding GST over the entire term, being a term of one (1) year, with no options for extension.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

5. ACQUISITION OF LAND FOR DRAINAGE PURPOSES FOR INF03780 ALICE AND SHORT STREET KERB AND CHANNEL PROJECT

This is a report by the Senior Property Officer (Acquisitions and Disposals) dated 8 November 2021 concerning the acquisition of land for drainage purposes over 24 Alice Street, Blackstone, described as Lot 35 on RP22445 to facilitate the Alice and Short Street Kerb and Channel Project.

"The attachment/s to this report are confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*."

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Deputy Mayor Nicole Jonic:

- A. That Council resolve to purchase the whole of the land located at 24 Alice Street, Blackstone, described as Lot 35 on RP22445 ("Land"), for drainage purposes.
- B. That in the first instance, the method of acquisition will be by agreement with the affected person/s pursuant to the *Property Law Act 1974* and the *Land Title Act 1994*.

- C. That should Council fail to purchase the land by agreement with the affected person/s, Council, as “*constructing authority*” pursuant to Section 5(1)(b)(i) of the *Acquisition of Land Act 1967*, will proceed to acquire the whole land located at 24 Alice Street, Blackstone, described as Lot 35 on RP22445.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

6. RATES RELIEF IN RESPONSE TO THE COVID-19 PANDEMIC

This is a report concerning the potential extension to rates relief provided by Ipswich City Council (**Council**) in response to the COVID-19 pandemic.

RECOMMENDATION

Moved by Councillor Russell Milligan:

Seconded by Councillor Marnie Doyle:

- A. That Ipswich City Council note the summary update, as outlined in the report by the Treasury Accounting Manager dated 15 November 2021, on rate payers who have identified as being financially impacted by the COVID-19 pandemic.
- B. That in response to the COVID-19 pandemic, Ipswich City Council approve the continued use of payment arrangements, granting of discounts and waiving of interest until 30 June 2022, generally in line with the report by the Treasury Accounting Manager dated 15 November 2021, for rate payers who have identified as being financially impacted by the COVID-19 pandemic and who are continuing to proactively engage with Council to address their rate arrears.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

7. INVOLVE PROJECT QUARTERLY STATUS UPDATE

This report provides an update on progress to date of Council's iVolve Project and the quarterly project controls report.

RECOMMENDATION

Moved by Councillor Marnie Doyle:
Seconded by Councillor Kate Kunzelmann:

That the progress report on Council's iVolve Project be received and the contents noted.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 9.32 am.

The meeting closed at 9.51 am.

COMMUNITY, CULTURE, ARTS AND SPORT COMMITTEE NO. 2021(11)

1 DECEMBER 2021

REPORT OF THE COMMUNITY, CULTURE, ARTS AND SPORT COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Councillor Andrew Fechner (Chairperson); Councillors Kate Kunzelmann (Deputy Chairperson), Mayor Teresa Harding, Jacob Madsen, Deputy Mayor Nicole Jonic, Councillor Sheila Ireland (Observer) and Councillor Marnie Doyle (Observer)

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Acting Chief Executive Officer (Sonia Cooper), General Manager Community, Cultural and Economic Development (Ben Pole), Acting General Manager Corporate Services (Sylvia Swalling), Acting General Manager Coordination and Performance (Barbara Dart), Chief Financial Officer (Jeff Keech), Senior Digital Media and Content Officer (Jodie Richter), Senior Policy and Communications Officer (David Shaw), Manager, Community and Cultural Services (Don Stewart), Manager, Marketing and Promotions (Carly Gregory), Manager, Economic and Community Development (Cat Matson), Manager, Libraries and Customer Services (Samantha Chandler) and Theatre Technician (Trent Gray)

ACKNOWLEDGEMENT OF COUNTRY

Councillor Andrew Fechner (Chairperson) invited Councillor Kate Kunzelmann to deliver an Acknowledgement of Country.

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

1. **COUNCILLOR LOCAL OFFICE SPACE UPDATE**

This is a report concerning progress made and options still being explored in response to the 22 July 2021 Notice of Motion and subsequent 19 August Notice of Motion Response relating to Councillor Local Office Space.

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Deputy Mayor Nicole Jonic:

That the Councillor Local Office Space Update be received and the contents noted.

AFFIRMATIVE

Councillors:

Fechner

Kunzelmann

Harding

Madsen

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

CONFIRMATION OF MINUTES

2. **CONFIRMATION OF MINUTES OF THE COMMUNITY, CULTURE, ARTS AND SPORT COMMITTEE NO. 2021(10) OF 4 NOVEMBER 2021**

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Councillor Kate Kunzelmann:

That the minutes of the Community, Culture, Arts and Sport Committee No. 2021(10) held on 4 November 2021 be confirmed.

AFFIRMATIVE

Councillors:

Fechner

Kunzelmann

Harding

Madsen

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

OFFICERS' REPORTS

3. **CHANGE TO ROSEWOOD LIBRARY OPENING HOURS**

This is a report concerning a review of opening hours at Rosewood Library resulting in a proposed change to opening hours.

In response to community feedback directly to library staff and via the CES portal, community consultation was undertaken via an online and hard copy survey to determine the community's needs and preferences.

RECOMMENDATION

Moved by Councillor Andrew Fechner:

Seconded by Councillor Kate Kunzelmann:

That Council endorse the proposed changes to opening hours at Rosewood Library to be effective from 4 January 2022.

AFFIRMATIVE

Councillors:

Fechner

Kunzelmann

Harding

Madsen

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

4. **SPARK IPSWICH FESTIVAL 2021 - POST EVENT REPORT**

This is a report providing post event reporting of the inaugural SPARK Ipswich Festival which was held over 11 days in July 2021 attended by 33,661 people across 91 events delivered by 330 artists and arts workers.

RECOMMENDATION

Moved by Councillor Andrew Fechner:

Seconded by Councillor Kate Kunzelmann:

That the report providing post event reporting of the inaugural SPARK Ipswich Festival 2021 be received and the contents noted.

AFFIRMATIVE

Councillors:

Fechner

NEGATIVE

Councillors:

Nil

Kunzelmann
Harding
Madsen
Jonic

The motion was put and carried.

5. KIDS OUTDOOR RECREATION PROGRAM EVALUATION

This is a report concerning the community participation in Council's Kids Go Wild – Outdoor Recreation Program in the September/October 2021 school holidays. Kids Go Wild – Outdoor Recreation provided free 'come and try' style outdoor recreation activities, including canoeing, birdwatching and fishing. Activities were hosted in a variety of Ipswich's parks and conservation estates to encourage both physical activity and participation in outdoor recreation. Following positive community response to the activities and feedback data, Council is planning to host another program in the April 2022 school holidays with additional activities to those delivered during the recent school holidays.

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Councillor Kate Kunzelmann:

That the Kids Outdoor Recreation Program Evaluation report be received and the contents noted.

AFFIRMATIVE
Councillors:
Fechner
Kunzelmann
Harding
Madsen
Jonic

NEGATIVE
Councillors:
Nil

The motion was put and carried.

6. COMMUNITY FUNDING AND SUPPORT ALLOCATIONS STATUS REPORT - 1 JULY 2021 TO 30 SEPTEMBER 2021

This is a report concerning the first quarter allocation of Council's Community Funding and Support Programs from 1 July 2021 to 30 September 2021.

In the 2021-2022 financial year Council allocated a total of \$829,415.70 to support the Ipswich community through the Community Funding and Support Programs.

In the first quarter, from 1 July 2021 to 30 September 2021, Council allocated \$356,729.50 to 81 Ipswich community groups, sporting organisations, artists, and wildlife carers.

All successful applicants and projects are detailed in Attachment 1 and also reported online at www.ipswich.qld.gov.au/services/funding-and-support in accordance with Council's principles of transparency and the Community Funding and Support Policy.

RECOMMENDATION

Moved by Councillor Andrew Fechner:

Seconded by Councillor Kate Kunzelmann:

That the report concerning the first quarter allocation of Council's Community Funding and Support Programs from 1 July 2021 to 30 September 2021 be received and the contents noted.

AFFIRMATIVE

Councillors:

Fechner

Kunzelmann

Harding

Madsen

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

HIGHLIGHTS OF THE COMMUNITY, CULTURE, ARTS AND SPORT COMMITTEE FOR 2021

Councillor Andrew Fechner (Chairperson) moved a procedural motion to move outside of meeting procedure to provide some of the highlights of the Community, Culture, Arts and Sport Committee for 2021.

AFFIRMATIVE

Councillors:

Fechner

Kunzelmann

Harding

Madsen

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

Councillor Andrew Fechner (Chairperson) moved a procedural motion to return to meeting procedure.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Fechner

Nil

Kunzelmann

Harding

Madsen

Jonic

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 10.06 am.

The meeting closed at 10.36 am.

ECONOMIC AND INDUSTRY DEVELOPMENT COMMITTEE NO. 2021(11)

1 DECEMBER 2021

REPORT OF THE ECONOMIC AND INDUSTRY DEVELOPMENT COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Deputy Mayor Nicole Jonic (Chairperson); Councillors Jacob Madsen (Deputy Chairperson), Mayor Teresa Harding, Kate Kunzelmann, Andrew Fechner and Marnie Doyle (Observer)

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Chief Executive Officer (Sonia Cooper), General Manager Community, Cultural and Economic Development (Ben Pole), Acting General Manager Corporate Services (Sylvia Swalling), Manager Economic and Community Development (Cat Matson), Senior Digital Media and Content Officer (Jodie Richter), Senior Policy and Communications Officer (David Shaw) and Theatre Technician (Trent Gray)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE ECONOMIC AND INDUSTRY DEVELOPMENT COMMITTEE NO. 2021(10) OF 4 NOVEMBER 2021**

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:
Seconded by Councillor Jacob Madsen:

That the minutes of the Economic and Industry Development Committee No. 2021(10) held on 4 November 2021 be confirmed.

AFFIRMATIVE

NEGATIVE

Councillors:
Madsen
Harding
Kunzelmann
Fechner
Jonic

Councillors:
Nil

The motion was put and carried.

OFFICERS' REPORTS

2. REGIONAL DEVELOPMENT AUSTRALIA IPSWICH & WEST MORETON COMMITTEE MEMBERSHIP

This is a report concerning the nomination of an Ipswich City Council Councillor to become a Regional Development Australia (RDA) Ipswich & West Moreton Committee Member.

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Andrew Fechner:

That Council nominate Councillor Nicole Jonic as the Regional Development Australia, Ipswich & West Moreton Committee Member.

AFFIRMATIVE
Councillors:
Madsen
Harding
Kunzelmann
Fechner
Jonic

NEGATIVE
Councillors:
Nil

The motion was put and carried.

3. SMALL BUSINESS GROWTH PROGRAM

This report outlines a proposed small business growth program that will assist Ipswich small businesses to increase their resilience, grow and create local jobs. Such support builds on Council's commitment to be a small business friendly Council whilst nurturing the local economy through supporting existing, local businesses.

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Councillor Kate Kunzelmann:

That Council endorse the proposed small business growth program to increase the resilience and scale growth of local businesses through subsidised professional development.

AFFIRMATIVE

Councillors:

Madsen

Harding

Kunzelmann

Fechner

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

4. ECONOMIC DEVELOPMENT UPDATE

This report provides an economic development activity update, showcasing key economic highlights of the past six months and key activities of Council's Office of Economic Development.

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Mayor Teresa Harding:

That the report be received and the contents noted.

AFFIRMATIVE

Councillors:

Madsen

Harding

Kunzelmann

Fechner

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 10.51 am.

The meeting closed at 11.10 am.

ENVIRONMENT AND SUSTAINABILITY COMMITTEE NO. 2021(11)

1 DECEMBER 2021

REPORT OF THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Councillor Russell Milligan (Chairperson); Councillors Andrew Fechner (Deputy Chairperson), Mayor Teresa Harding, Jacob Madsen, Kate Kunzelmann and Marnie Doyle (Observer)

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Chief Executive Officer (Sonia Cooper), General Manager Community, Cultural and Economic Development (Ben Pole), Acting General Manager Corporate Services (Sylvia Swalling), Manager Environment and Sustainability (Kaye Cavanagh), Natural Environment and Land Manager (Phil A Smith), Procurement Operations Manager (Stephen Bailey), Senior Policy and Communications Officer (David Shaw), Senior Sustainability Officer (Samantha Smith), Manager Economic and Community Development (Cat Matson), Environmental Events and Partnerships Officer (Jennifer Mouritz), Senior Digital Media and Content Officer (Jodie Richter) and Theatre Technician (Trent Gray)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE NO. 2021(10) OF 4 NOVEMBER 2021**

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Councillor Kate Kunzelmann:

That the minutes of the Environment and Sustainability Committee No. 2021(10) on 4 November 2021 be confirmed.

AFFIRMATIVE

Councillors:

Milligan

Fechner

Harding

Madsen

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

OFFICERS' REPORTS

2. SUSTAINABILITY STRATEGY

This is a report concerning the submission of the final draft of Ipswich's Sustainability Strategy (Attachment 1) to Council for adoption. A final round of community consultation has been undertaken, as has internal consultation with key stakeholders. Minor amendments that do not materially change the strategy have been made in response to the internal and community consultation feedback to produce the final draft of the Sustainability Strategy.

RECOMMENDATION

Moved by Councillor Andrew Fechner:

Seconded by Councillor Jacob Madsen:

That the Sustainability Strategy be received and adopted.

AFFIRMATIVE

Councillors:

Milligan

Fechner

Harding

Madsen

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

3. OUTCOMES - YOUTH SUSTAINABILITY SUMMIT

This is a report concerning the Ipswich Youth Sustainability Summit. The Summit was held at the Ipswich Civic Centre on Wednesday 3 November and was a full day forum for Primary School students in grades 4 & 5. The day was designed to educate and inform students on sustainability and to develop and be involved with sustainability projects, innovations or ideas identified as important within their community.

Students from Springfield Central State School will be attending the meeting to provide an overview of their experience at the Youth Sustainability Summit.

RECOMMENDATION

Moved by Councillor Andrew Fechner:

Seconded by Mayor Teresa Harding:

That Council receive and note the outcomes of the Youth Sustainability Summit.

AFFIRMATIVE

Councillors:

Milligan

Fechner

Harding

Madsen

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

UPDATE ON TRADITIONAL OWNER REFERENCE GROUP

The Manager Environment and Sustainability outlined the progress of the Traditional Owner Reference Group which was discussed at the 16 September 2021 Council meeting where it was referred to the November Environment and Sustainability Committee for further consideration. The committee noted that a report is scheduled to be submitted to the February 2022 Environment and Sustainability Committee.

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 11.23 am.

The meeting closed at 12.01 pm.

IPSWICH CENTRAL REDEVELOPMENT COMMITTEE NO. 2021(11)
1 DECEMBER 2021

REPORT OF THE IPSWICH CENTRAL REDEVELOPMENT COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Councillor Marnie Doyle (Chairperson); Mayor Teresa Harding, Councillors Kate Kunzelmann, Russell Milligan and Deputy Mayor Nicole Jonic (Deputy Chairperson)

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Chief Executive Officer (Sonia Cooper), General Manager Community, Cultural and Economic Development Manager (Ben Pole), Acting General Manager Corporate Services (Sylvia Swalling), Project Manager (Greg Thomas), Chair – Retail Sub-Project Sub Committee (James Hepburn), Senior Policy and Communications Officer (David Shaw), Senior Digital and Media and Content Officer (Jodie Richter), Project Officer (Courtney Strow), Manager, Economic and Community Development (Cat Matson), Procurement Operations Manager (Stephen Bailey) and Theatre Technician (Trent Gray)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

1. **IPSWICH CENTRAL - STATE OWNED ASSETS**

This is a report concerning State owned assets within the Ipswich Central Precinct (in the vicinity of Bell Street).

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Kate Kunzelmann:

That the report on State Owned Assets within the Ipswich Central Precinct (in the vicinity of Bell Street) be received and the contents noted.

AFFIRMATIVE
Councillors:
Doyle
Harding

NEGATIVE
Councillors:
Nil

Kunzelmann
Milligan
Jonic

The motion was put carried.

1.1. MATTER TAKEN ON NOTICE - IPSWICH TRANSIT CENTRE

Mayor Teresa Harding requested an update regarding the State Government selling the Ipswich Transit Centre.

That the Chief Executive Officer investigate whether the State Government is progressing with the selling of the Ipswich Transit Centre and provide a response to members of the Ipswich Central Redevelopment Committee.

CONFIRMATION OF MINUTES

2. CONFIRMATION OF MINUTES OF THE IPSWICH CENTRAL REDEVELOPMENT COMMITTEE NO. 2021(10) OF 4 NOVEMBER 2021

RECOMMENDATION

Moved by Councillor Marnie Doyle:
Seconded by Mayor Teresa Harding:

That the minutes of the Ipswich Central Redevelopment Committee No. 2021(10) held on 4 November 2021 be confirmed subject to an amendment to Item 2 titled Ipswich Central Revitalisation – Positioning Framework and Place Plans as follows:

That Attachments 1, 2 and 3 of Item 2 titled Ipswich Central Revitalisation – Positioning Framework and Place Plans of the Ipswich Central Redevelopment Committee No. 2021(10) held on 4 November 2021 be replaced with updated maps that more closely align with the iGO Active Transport Action Plan.

AFFIRMATIVE
Councillors:
Doyle
Harding
Kunzelmann
Milligan
Jonic

NEGATIVE
Councillors:
Nil

The motion was put and carried.

Attachments

1. Updated Attachment 1 - Revitalising Ipswich Central
2. Updated Attachment 2 - Revitalising Ipswich Priority Projects
3. Updated Attachment 3 - Top of Town and Centre Core Place Plans

OFFICERS' REPORTS

3. **PROCUREMENT - RE-IMAGINING BOTTLE ALLEY EXPRESSION OF INTEREST**

This is a report concerning a proposed Expression of Interest for the procurement of a local experienced artist, muralist, designer and creative, or consortium of artists and designers to design and deliver the public art concept for Bottle Alley.

"The attachment/s to this report are confidential in accordance with section 275(1)(g) of the *Local Government Regulation 2012*."

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Councillor Russell Milligan:

- A. That pursuant to Section 228(3)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve that it would be in the public interest to invite expressions of interest before inviting written tenders for the provision of the design and creation of the public art concept within Bottle Alley.**
- B. That pursuant to Section 228(3)(b) of the Regulation, Council's reasons for making such resolution are that:**
- (i) it will allow artists to develop their own design concept for the public artwork;**
 - (ii) it will allow Council to shortlist an artist or group of artists and design concepts suitable for Bottle Alley, without putting all parties to the expense of submitting full tender responses for the creation of the Artwork at this early stage of the project;**
 - (iii) it will save Council the expense of running a request for tender and evaluating it at this early stage of the project.**

AFFIRMATIVE

Councillors:

Doyle

Harding

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

3.1. MATTER TAKEN ON NOTICE - BOTTLE ALLEY SUBMISSION

Councillor Kate Kunzelmann queried whether the Expression of Interest documentation should include a statement about the impermanence of the artwork in Bottle Alley.

That the Manager, Economic and Community Development review the Expression of Interest documentation for Bottle Alley to possibly include a statement about the permanence of the artwork.

4. IPSWICH CENTRAL - FACADE IMPROVEMENT PROGRAM 2021

This is a report providing an update on the Façade Improvement Program for 2021-2022.

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Kate Kunzelmann:

That the Ipswich Central Façade Improvement Program 2021 report be received and the contents noted.

AFFIRMATIVE
Councillors:
Doyle
Harding
Kunzelmann
Milligan
Jonic

NEGATIVE
Councillors:
Nil

The motion was put and carried.

5. NICHOLAS STREET PRECINCT - COMMUNICATIONS, ENGAGEMENT AND EVENTS REPORT NOVEMBER 2021

This is a report concerning the communications, engagement and events activity undertaken and planned for the Nicholas Street Precinct in November 2021.

RECOMMENDATION

Moved by Deputy Mayor Nicole Jonic:
Seconded by Councillor Kate Kunzelmann:

**That the Nicholas Street Precinct Communications, Engagement and Events
Monthly Report be received and the contents noted.**

AFFIRMATIVE

Councillors:

Doyle

Harding

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

6. NICHOLAS STREET PRECINCT - RETAIL SUB-PROJECT STEERING COMMITTEE
NOVEMBER 2021

This is a report concerning the November 2021 report from the Retail Sub-Project Steering Committee on the status of the leasing program and associated developments with the retail component of the Nicholas St Precinct redevelopment.

RECOMMENDATION

Moved by Councillor Russell Milligan:
Seconded by Deputy Mayor Nicole Jonic:

**That the November 2021 Retail Sub-Project Steering Committee Report be
received, and the contents noted.**

AFFIRMATIVE

Councillors:

Doyle

Harding

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 12.27 pm.

The meeting closed at 1.18 pm.

**SPECIAL MEETING OF THE IPSWICH CENTRAL REDEVELOPMENT
COMMITTEE NO. 2021(12)**

9 DECEMBER 2021

REPORT OF THE SPECIAL MEETING OF THE IPSWICH CENTRAL REDEVELOPMENT COMMITTEE
FOR THE COUNCIL

COUNCILLORS' ATTENDANCE: Councillor Marnie Doyle (Chairperson); Councillors
Teresa Harding, Kate Kunzelmann, Russell Milligan and
Councillor Paul Tully (Observer)

Deputy Mayor Nicole Jonic arrived at the meeting at
8.08 am.

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Chief Executive Officer (Sonia Cooper), Project Manager
(Greg Thomas), Chair – Retail Sub-Project Sub
Committee (James Hepburn), Category Specialist
(Shyanne Ward), Procurement Manager (Richard
White) and Theatre Technician (Harrison Cate)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

OFFICERS' REPORTS

MOVE INTO CLOSED SESSION

Moved by Councillor Marnie Doyle
Seconded by Mayor Teresa Harding

That in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, the
meeting move into closed session to discuss Items 1 and 2 titled Nicholas Street Precinct –
Approval of an Agreement for Lease for Metro B Tenancy 2BK1 and Procurement –
Nicholas Street Precinct Cinema Operations.

The meeting moved into closed session at 8.11 am.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Doyle	Nil
Harding	
Kunzelmann	
Milligan	
Jonic	

The motion was put and carried.

MOVE INTO OPEN SESSION

Moved by Councillor Marnie Doyle

Seconded by Deputy Mayor Nicole Jonic

That the meeting move into open session.

The meeting moved into open session at 8:43 am.

AFFIRMATIVE

NEGATIVE

Councillors:

Councillors:

Doyle

Nil

Harding

Kunzelmann

Milligan

Jonic

The motion was put and carried.

1. NICHOLAS STREET PRECINCT - APPROVAL OF AN AGREEMENT FOR LEASE FOR METRO B TENANCY 2BK1

This is a report concerning an agreement for lease for council's consideration associated with tenancy 2BK1 within the Nicholas Street Precinct's Metro B Building.

"The attachment/s to this report are confidential in accordance with section 275(1)(g), (i), (c) of the *Local Government Regulation 2012*."

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Councillor Kate Kunzelmann:

- A. That Council enter into an Agreement for Lease with the proposed lessee for Tenancy 2BK1 in the Metro B Building (impacting part of lot RP157021) ("Tenancy 2BK1") within the Nicholas Street Precinct (under the commercial terms detailed in the confidential report and attachments by the Project Manager dated 30 November 2021).
- B. That conditional upon Council satisfactorily executing the Agreement to Lease with the proposed lessee, (contained in recommendation A of this report), Council enter into a lease for Tenancy 2BK1 with the proposed lessee (as detailed in the confidential report and attachments by the Project Manager dated 30 November 2021).

- C. That Council note, that in relation to Council's disposal of its leasehold interest in Tenancy 2BK1 to the proposed lessee, that the Ministerial exemption under s236 (f) of the *Local Government Regulation 2012* applies to the disposal of Council's interest in Tenancy 2BK1. (Ministerial exemption contained in Attachment 1 of this report).
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take "contractual action" pursuant to section 238 of the Regulation, in order to implement Council's decision at Recommendation B.
- E. That Council be kept informed as to the progress and outcome of the execution and publication of details.

Councillor Marnie Doyle proposed an amendment to Recommendation B as follows:

- B. That conditional upon Council satisfactorily executing the Agreement to Lease with the proposed sub-lessee, (contained in recommendation A of this report), Council enter into a sub-lease for Tenancy 2BK1 with the proposed sub-lessee (as detailed in the confidential report and attachments by the Project Manager dated 30 November 2021).

The seconder of the original motion agreed to the proposed amendment.

RECOMMENDATION

Moved by Councillor Marnie Doyle:

Seconded by Councillor Kate Kunzelmann:

- A. That Council enter into an Agreement for Lease with the proposed lessee for Tenancy 2BK1 in the Metro B Building (impacting part of lot RP157021) ("Tenancy 2BK1") within the Nicholas Street Precinct (under the commercial terms detailed in the confidential report and attachments by the Project Manager dated 30 November 2021).
- B. That conditional upon Council satisfactorily executing the Agreement to Lease with the proposed sub-lessee, (contained in recommendation A of this report), Council enter into a sub-lease for Tenancy 2BK1 with the proposed sub-lessee (as detailed in the confidential report and attachments by the Project Manager dated 30 November 2021).
- C. That Council note, that in relation to Council's disposal of its leasehold interest in Tenancy 2BK1 to the proposed lessee, that the Ministerial exemption under s236 (f) of the *Local Government Regulation 2012* applies to the disposal of Council's interest in Tenancy 2BK1. (Ministerial exemption contained in Attachment 1 of this report).

- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision at Recommendation B.
- E. That Council be kept informed as to the progress and outcome of the execution and publication of details.

AFFIRMATIVE

Councillors:
Doyle
Harding
Kunzelmann
Milligan
Jonic

NEGATIVE

Councillors:
Nil

The motion was put and carried.

2. PROCUREMENT - NICHOLAS STREET PRECINCT CINEMA OPERATIONS

This is a report concerning the procurement and recommendation of a lessee to operate a Cinema in ‘The Venue’, located at 163 Brisbane Street, Ipswich QLD 4305, Lot 1 on RP209886.

“The attachment/s to this report are confidential in accordance with section 275(1)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Russell Milligan:

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender number 16041 for the disposal of interest in land at 163 Brisbane Street, Ipswich QLD 4305 more particularly described as part of Lot 1 and Plan RP209886, to Tenderer A (Lessee), for the permitted use of a Cinema.
- B. That Council enter into an agreement for lease with the Lessee:
- (i) For the purposes of the tenancy fit-out, and
 - (ii) for a term commencing on execution of agreement and ending on the commencement of the lease agreement, with no options for extension.
- C. That Council enter into a lease with the Lessee:
- (iii) at an annual rent detailed in Confidential Attachment 1, and

- (iv) for an initial term with extension options as detailed in Confidential Attachment 1.

D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

AFFIRMATIVE

Councillors:

Doyle

Harding

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 8.02 am.

ADJOURN MEETING

Moved by Councillor Marnie Doyle

Seconded by Mayor Teresa Harding

That the meeting be adjourned at 8:03 am.

The meeting reconvened at 8.08 am with all councillors in attendance.

The meeting closed at 8.52 am.

Doc ID No: A7743178

ITEM: 15.1

SUBJECT: DEVELOPMENT APPLICATION RECOMMENDATION - 5636/2021/MCU -
COMMUNITY USE (CHILD CARE CENTRE) - 54-56 ARTHUR SUMMERVILLES
ROAD, KARALEE

AUTHOR: PLANNER (DEVELOPMENT)

DATE: 23 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a Material Change of Use – Community Use (Child Care Centre) over land at 54-56 Arthur Summervilles Road, Karalee.

The application requires determination by Council in accordance with the Framework for Development Applications and Related Activities Policy, as the application is considered a Sensitive Development Matter due to more than 20 properly made submissions objecting to the proposed development were received. The application has therefore been reviewed by an Independent Decision Review Panel (IDRP). The IDRP provided a report which is outlined in Attachment 4, following a public hearing which was held on 14 October 2021 which has been addressed in the assessment of the application.

The proposed development has been assessed with regard to the applicable assessment benchmarks. The proposed Community Use (Child Care Centre) generally comply with the assessment benchmarks or can be conditioned to comply as outlined in the Statement of Reasons.

RECOMMENDATION/S

That Council approve Development Application No. 5636/2021/MCU being a Material Change of Use – Community Use (Child Care Centre) subject to conditions as contained in Attachment 1 of this report.

RELATED PARTIES

- Applicant – Griffith Group One Pty Ltd
- Owner - Cherish Enterprises Pty Ltd
- Planning Consultant – Town Planning Alliance
- Engineering Consultant – MPN Consulting
- Architect – Elevation Architecture
- Surveying Consultants – Elevation Architecture and B Planned and Surveyed
- Traffic Consultant – Q Traffic Engineering Consultants
- Acoustic and Air Quality Consultant – MWA Environmental
- Wastewater Consultant – Arcadia Environmental

- Landscape Consultant – LAUD Ink
- Economic Needs Assessment – Location IQ
- Public Notification Consultant – Development Signs

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

SITE ADDRESS:	54-56 Arthur Summervilles Road, KARALEE QLD 4306
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Community Use (Child Care Centre)
ZONE:	Large Lot Residential Zone
OVERLAYS:	OV7A 'Building Height Restriction Area 90m' and 'Outer Horizontal Surface RL 176.5'
APPLICANT:	Griffith Group One Pty Ltd
OWNER:	Cherish Enterprises Pty Ltd
EXISTING OR PROPOSED TRADING NAMES:	Eden Academy Karalee
APPLICATION NO:	5636/2021/MCU
AREA:	3,159m ²
REFERRAL AGENCIES:	N/A
EXISTING USE:	Vacant land
PREVIOUS RELATED APPROVALS:	N/A
DATE RECEIVED:	11 March 2021
DECISION PERIOD START DATE:	2 September 2021
EXPECTED DETERMINATION DATE:	16 December 2021

An aerial photograph of the Karalee area in Queensland, Australia. The map shows a dense residential development with a grid-like street pattern. The Brisbane River flows along the top and left edges, while the Bremmer River is visible at the bottom. Several key locations are labeled with white boxes and black text, connected to the map by thin black lines. These labels include: 'Brisbane River' (top left), 'Karalee Community Kindergarten' (top center), 'Karalee State School' (center), 'Arthur Summervilles Road' (center), 'Karalee Kindergarten and Early Years Learning' (center right), 'Subject site' (center right, pointing to a specific blue-shaded lot), 'Karalee Shopping Village' (bottom left), '1234 Kids' (bottom center), 'Junction Road' (bottom left), 'Warrego Highway' (bottom left), and 'Bremmer River' (bottom right). The map also shows various green spaces, including parks and sports fields, and some commercial or industrial areas.



SITE DETAILS AND SURROUNDING LAND USES:

The subject site is a 3,159m² vacant allotment located in the suburb of Karalee, approximately 10km north east of the Ipswich city centre. The site is bound by Arthur Summervilles Road to the west, Elaine Street to the north and Lillian Street to the east. The site slopes from west to east and is largely clear of any mature vegetation. There is concrete kerb and channel and a 1.2m wide footpath along the entire Arthur Summervilles Road frontage of the site and bitumen roll-over kerb along the Elaine Street frontage of the site. The 1.2m footpath in Arthur Summervilles Road extends along Elaine Street and ends after wrapping around the corner of Elaine Street and Lillian Street. There is no kerb and channel along the entire Lillian Street frontage. Two (2) pedestrian crossings are located within close proximity of the site connecting to the western side of Arthur Summervilles Road and northern side of Elaine Street.

The site is located within the Large Lot Residential Zone pursuant to the *Ipswich Planning Scheme 2006*. The area immediately adjoining the site to the north, east and south is comprised of large suburban lots with a minimum site area of 1,500m², whilst the wider locality and surrounding suburbs of Barellan Point and Chuwar are primarily comprised of large unsewered acreage lots with a minimum area of 4,000m². Karalee State School and Karalee Community Kindergarten are located on the opposite side (western side) of Arthur Summervilles Road, accessible via both Arthur Summervilles Road and Harold Summervilles Road to the west. Karalee State School currently caters for approximately 600 students from prep to year six (6). The site is located approximately 3.3km from the 'Karalee Shopping Village' located to the south west.

PROPOSAL:

The applicant seeks Council's approval to construct a Child Care Centre on the subject site which is currently vacant. Specifically, the applicant is proposing to construct a single storey Child Care Centre building with a gross floor area (GFA) of 720.4m² and 706.92m² of outdoor play area. The proposed building comprises six (6) activity rooms, two (2) sleep rooms, a program and staff room, meeting room, kitchen, three (3) preparation rooms, bathroom facilities, a laundry and store rooms. The Child Care Centre is proposed to accommodate up to 100 children (newborn to five [5] years of age) and 17 full time equivalent staff.

The building is proposed to be located 7.8m from the Arthur Summervilles Road frontage, 3.1m from the Elaine Street frontage, 23.6m from the Lillian Street frontage of the site and 6.7m from the southern property boundary, measured from the outermost projection. The building is proposed to be constructed from a combination of building materials including timber cladding, feature brickwork and sheet metal roofing.

The applicant is proposing to provide a total of 30 car parking spaces to service the development, located on the eastern side of the subject lot, and accessed via a 6.5m wide driveway crossover onto Elaine Street.

The Child Care Centre is proposed to operate Monday to Friday between 6:00am and 7:00pm.

OTHER RELEVANT INFORMATION:

Large Lot Residential Zone and Community Use Code

The subject site is located in the Large Lot Residential Zone which caters primarily for residential uses on large suburban (i.e. acreage) lots, to the general exclusion of most other uses. In accordance with the specific outcomes sought within the Zone, each non-residential use:

- (a) fulfils a local community need; and*
- (b) is accessible to the population it serves; and*
- (c) where possible, co-locates with other non-residential uses, but does not contribute to undesirable commercial ribbon development; and*
- (d) does not have a significant detrimental impact on the amenity of nearby residents, including through the generation of—*
 - (i) odours;*
 - (ii) noise;*
 - (iii) waste products;*
 - (iv) dust;*
 - (v) traffic;*
 - (vi) chemical spray drift;*
 - (vii) electrical interference; or*
 - (viii) lighting; and*
- (e) maintains a scale and appearance in keeping with the residential amenity and character of the locality with adequate buffering or screening to nearby residential uses (both existing and proposed).*

Assessment – Proposal must fulfil a local community need

The applicant has submitted an 'Economic Needs Assessment' in support of the development. The needs assessment identifies that there is growing demand for Child Care facilities in the catchment area, with indicative current undersupply of 46-72 full time equivalent places and an undersupply of 121-146 places based on population forecasts for 2041 in the main trade area identified in Figure 2 below (without the development of the proposed Child Care Centre).

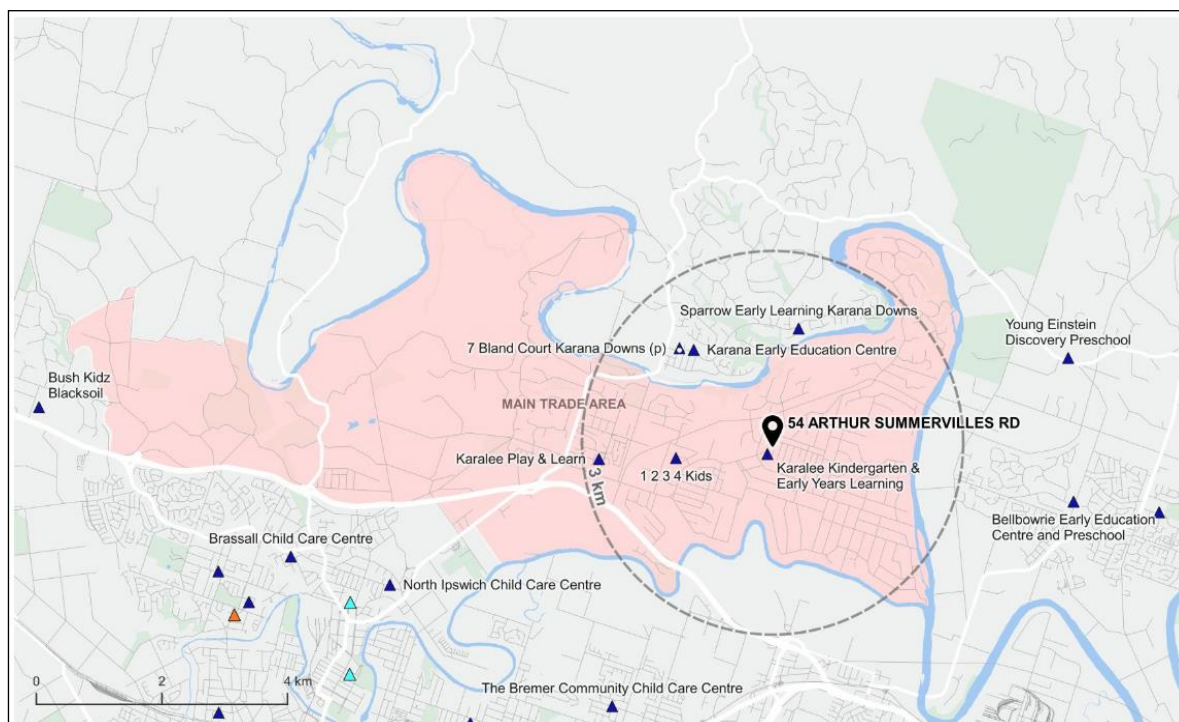


Figure 2. Karalee Main Trade Area (Source: LocationIQ Economic Needs Assessment)

Independent Decision Review Panel (IDRP) Review – Local Community Need

The proposal and submitted 'Economic Needs Assessment' have been reviewed by the Independent Decision Review Panel (IDRP) in accordance with Council's '*Framework for Development Applications and Related Activities Policy*' owing to the proposal being deemed a Sensitive Development Matter. The IDRP submitted a report to Council on 28 October 2021 with recommendations in relation to local community need for the proposed Child Care Centre. Specifically, the Panel's review considers projected population targets within the main trade area including the projected 0-4 year old population, demographic characteristics, child care age participation ratios and percentages and net outflow of enrolments. The Panel's review identifies a target occupancy rate of 70% to 80% across the main service area which represents a balance of supply and demand that provides choice and availability whilst ensuring existing and approved centres remain viable and can meet service standards. Based on a target occupancy rate of 70%, the need for child care places is currently 37 places, increasing to 71 places by 2026. The IDRP therefore recommended that the number of places be limited to 75 to ensure the centre is fulfilling a local community need.

Applicant Response to Independent Decision Review Panel (IDRP) Review – Local Community Need

A letter was issued to the applicant on 2 November 2021 after receiving the IDRP's report in order to provide the applicant with an opportunity to address the Panel's recommendations and make changes to the proposal based on the comments provided prior to the determination of the application. In response, the applicant submitted a letter dated 16 November 2021, as prepared by the applicant's economic consultant addressing the Panel's comments with respect to projected population targets within the main trade area including

the projected 0-4 year old population, demographic characteristics, child care age participation ratios and percentages and net outflow of enrolments. The letter includes a revised calculation for child care supply vs demand which concludes that there is an undersupply of 104 places within the main trade area based on population forecasts for 2041. On this basis, the applicant is not proposing to reduce the number of child care places in accordance with the IDRP review and is proposing to retain the Child Care Centre at 100 places.

Notwithstanding the above, the proposal and 'Economic Needs Assessment' have been reviewed by a panel of independent experts (including an economic expert) having regard to the assessment benchmarks applicable to the development. It is therefore recommended that a condition be included in the recommendation limiting the number of child care spaces to a maximum of 75 spaces to ensure the centre is fulfilling a local community need and will only be accessible to the population it serves as per the Panel's recommendation.

Assessment – Proposal must be accessible to the population it serves and where possible, co-locates with other non-residential uses

The proposed location of the Child Care Centre opposite Karalee State School (located on the western side of Arthur Summervilles Road) is considered appropriate. The co-location of the Child Care Centre and Karalee State School complies with the specific outcomes sought for non-residential uses in the Large Lot Residential Zone and community uses in the Community Use Code of the *Ipswich Planning Scheme*. The proposed Child Care Centre is located on the corner of a major collector (Arthur Summervilles Road) and a minor collector (Elaine Street) and is easily accessible to the population it services.

Assessment – Proposal must maintain a scale and appearance in keeping with the residential amenity and character of the locality with adequate buffering or screening to nearby residential uses

The original proposal submitted by the applicant comprised the construction of a two (2) storey Child Care Centre building. In response to Council's Information Request dated 13 April 2021, the applicant has reduced the overall bulk and scale of the building, which is now single storey. The current (revised) Child Care Centre building is an improvement with respect to scale and appearance and is in keeping with the residential amenity and character of the locality.

In accordance with probable solution 12.12.4(2)(d) of the Community Use Code, landscape buffers of a minimum width of ten (10) metres are to be provided to the side and rear boundaries of a site where abutting land in a residential zone. In this instance, the applicant is proposing to provide a landscape buffer with an average width of 2.46m along the southern boundary of the subject site.

Independent Decision Review Panel (IDRP) Review – Landscape Buffer

The proposal was reviewed by the Independent Decision Review Panel (IDRP) in accordance with Council's 'Framework for Development Applications and Related Activities Policy'. The IDRP submitted a report to Council on 28 October 2021 with recommendations in relation to the proposed landscape buffer. Specifically, the Panel determined that the proposed 2.46m wide landscape buffer does not provide adequate buffering or screening to the existing residential premises to the south and is not in keeping with the large lot residential amenity and character of the locality. The IDRP therefore recommended that the landscape buffer along the southern property boundary be increased to a minimum width of 5m to ensure large shade trees can be planted which will screen the Child Care Centre building at mature height.

Applicant Response to Independent Decision Review Panel (IDRP) Review – Landscape Buffer

A letter was issued to the applicant on 2 November 2021 after receiving the IDRP's report in order to provide the applicant with an opportunity to address the Panel's recommendations and make changes to the proposal based on the comments provided prior to the determination of the application. In response, the applicant submitted revised proposal plans on 16 November 2021 which illustrate a 5m buffer along the southern property boundary with the exception of the landscape buffer between the southern boundary and internal car park which ranges from 1.07m to 2.45m.

Notwithstanding the above, the proposal has been reviewed by a panel of independent experts having regard to the assessment benchmarks applicable to the development. It is therefore recommended that a condition be included in the recommendation requiring the applicant to submit amended plans that increase the landscape buffer to a minimum width of 5m along the entire southern property boundary (which will ensure the Child Care Centre building, car park and outdoor play area are also setback 5m). Through a combination of landscaping (including the increased landscape buffer along the southern property boundary), appropriate fencing (including acoustic fencing along the southern property boundary) and the reduction in building height to a single storey structure, it is considered that the amenity and privacy of adjoining residents will be maintained.

Assessment – Proposal must not have a significant detrimental impact on the amenity of nearby residents

The applicant has provided various technical reports which demonstrate that the proposed development will not have a significant detrimental impact on the amenity of nearby residents through the generation of odours, noise, waste products or traffic. These matters have been addressed in greater detail below.

Traffic

The applicant has submitted a 'Traffic Impact Assessment' in support of the development application which includes an assessment of traffic impacts on the local road network. In order to inform the assessment, the applicant's traffic consultant has undertaken a traffic

count at the Arthur Summervilles Road/Elaine Street intersection between the hours of 6:30am and 6:30pm on Thursday 22 April 2021. Assuming the Child Care Centre reaches full capacity (100 children), a total of 80 vehicle trips (i.e. 40 arrivals and 40 departures) in the morning peak period and 70 vehicle trips (i.e. 35 arrivals and 35 departures) in the evening peak period. This equates to approximately one (1) additional vehicle trip every two (2) minutes during peak periods based on a 2032 post-development forecast, which is not anticipated by the applicant to have an impact on through traffic on Elaine Street or on the operations of the Arthur Summervilles Road/Elaine Street intersection. It is noted that the analysis is based on new vehicle trips, but it is likely that a proportion of the trips will be 'drop in' trips given the co-location of the Child Care Centre with Karalee State School.

The assessment includes an intersection and driveway capacity analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to additional traffic generated by the development.

The applicant has also undertaken a turn warrants assessment of the Arthur Summervilles Road/Elaine Street intersection which identifies that a short right turn auxiliary lane (CHR) is warranted from Arthur Summervilles Road into Elaine Street in accordance with Austroads standards based on the existing 2021 peak hour traffic volumes pre-development.

Independent Decision Review Panel (IDRP) Review – Roadworks

The proposal and submitted 'Traffic Impact Assessment' have been reviewed by the Independent Decision Review Panel (IDRP) in accordance with Council's 'Framework for Development Applications and Related Activities Policy'. The IDRP submitted a report to Council on 28 October 2021 with recommendations in relation to traffic. Specifically, the Panel recommended that a short right turn auxiliary lane (CHR) be provided by the applicant from Arthur Summervilles Road into Elaine Street to ensure the development complies with the Austroads Guide to Traffic Management.

Applicant Response to Independent Decision Review Panel (IDRP) Review – Roadworks

A letter was issued to the applicant on 2 November 2021 after receiving the IDRP's report in order to provide the applicant with an opportunity to address the Panel's recommendations and make changes to the proposal based on the comments provided prior to the determination of the application. In response, the applicant submitted a letter dated 16 November 2021, as prepared by the applicant's traffic engineering consultant, which reiterates that the short right turn auxiliary lane (CHR) is warranted based on the existing 2021 peak hour traffic volumes pre-development and that the provisions of Austroads are recommendations only (i.e. not mandatory). The applicant's consultant has indicated that providing a CHR turn may impact upon on street car parking within Arthur Summervilles Road. However, the applicant is willing to provide the CHR (by appropriately line-marking the intersection) should a condition be included in the recommendation.

Based on the Panel's review and recommendation and having regard to the applicant's comments a condition has been included in the recommendation requiring the applicant to construct a short right turn auxiliary lane (CHR) from Arthur Summervilles Road into Elaine Street. The condition requires the applicant to submit a concept layout plan to Council for approval prior to the lodgement of the application for operational works. It is recommended that the applicant also be required to provide details on how the design will impact upon the existing pedestrian crossing and available on-street car parking in Arthur Summervilles Road.

In addition to the above, the traffic count data revealed that the current AM peak period occurs between 8:00am and 9:00am and the PM peak period occurs between 4:30pm to 5:30pm. The assessment does not refer to the anticipated morning peak period for Karalee State School but anticipates that the afternoon peak period for the School is between 2:45pm to 3:45pm. The applicant has indicated that drop off and pick up periods at Child Care Centres are staggered and it is unlikely that the peak periods for the Child Care Centre will coincide with the peak periods for the school.

Car Parking

The Parking Code (Part 12, Division 9 of the *Ipswich Planning Scheme 2006*) requires 1 space per staff member (FTE) plus 1 space per 8 children based on the typical peak demand for Child Care Centres. The original proposal submitted by the applicant proposed a Child Care Centre with a capacity of 116 children and 20 full time employees (FTE) and a total of 29 car parking spaces, being a shortfall of six (6) spaces. In response to Council's Information Request dated 13 April 2021 and Council's Further Advice dated 28 May 2021, the applicant amended the proposal, reducing the capacity of the Child Care Centre to 100 children and 17 staff (FTE). The applicant is therefore proposing to provide a total of thirty (30) car parking spaces for the development including seventeen (17) car parking spaces for full time employees (FTE) and thirteen (13) car parking spaces for visitors.

Independent Decision Review Panel (IDRP) Review - Parking Spaces

As detailed above, a condition has been included in the recommendation limiting the capacity of the Child Care Centre to 75 children as per the recommendations of the IDRP report submitted to Council on 28 October 2021. Therefore, a total of ten (10) car parking spaces are required for visitors in accordance with the Parking Code based on a rate of 1 space per 8 children. The applicant has not indicated how many full time employees (FTE) are required based on the reduced capacity of the Child Care Centre and this in part will depend upon the number of children in various age groups that have differing staff to student ratios. This number will also need to consider other staff at the Centre such as the director, administration staff and support staff (e.g. kitchen staff). It is therefore considered appropriate to include a condition requiring the applicant to submit details of the number of FTE staff required to operate the Child Care Centre (with a maximum of 75 children) and submit amended plans demonstrating that a minimum of one (1) space per FTE staff member plus ten (10) car parking spaces have been provided for the development.

Applicant Response to Independent Decision Review Panel (IDRP) Review – Parking Spaces

A letter was issued to the applicant on 2 November 2021 after receiving the IDRP's report in order to provide the applicant with an opportunity to address the Panel's recommendations and make changes to the proposal based on the comments provided prior to the determination of the application. In response, the applicant submitted a letter dated 16 November 2021, as prepared by the intended Child Care Centre operator, which confirms that the director of the Centre will also be a carer and that the carers will also do food preparation for the children.

Notwithstanding the above, the condition to limit the capacity of the Child Care Centre to 75 spaces as per the recommendations of the IDRP report submitted to Council on 28 October 2021 remains unchanged. Therefore, no additional changes are required to the recommendation as a result of the applicant's response with respect to staff numbers which will need to be revised based the maximum number of spaces.

Independent Decision Review Panel (IDRP) Review – Car Park Layout

The IDRP submitted a report to Council on 28 October 2021 with recommendations in relation to the layout of the proposed car park. Specifically:

- (a) The driveway is offset from the car parking aisle and is too narrow for simultaneous cars entering and leaving. The lane width available is not sufficient space for two (2) B99 vehicles to pass. Proposed car parking space '27' is therefore in a vulnerable position with no median kerb protection from the aisle which is an unsafe outcome.
- (b) The bin store area partially obstructs the pedestrian sight line on exit which is non-compliant with the relevant Australian Standard.
- (c) No turning bay has been provided which results in visitors entering to reverse out along the entire length of the aisle which is unsafe. This outcome should be reviewed and rectified.
- (d) There is no parking zone identified in the car park for a service vehicle and there is insufficient space with a service vehicle internal to the site to enter and leave in a forward gear.

Applicant Response to Independent Decision Review Panel (IDRP) Review – Car Park Layout

A letter was issued to the applicant on 2 November 2021 after receiving the IDRP's report in order to provide the applicant with an opportunity to address the Panel's recommendations and make changes to the proposal based on the comments provided prior to the determination of the application. In response, the applicant submitted a letter dated 16 November 2021, as prepared by the applicant's traffic engineering consultant, addressing the IDRP comments. Specifically:

- (a) The applicant has submitted a swept path which illustrates that two (2) B99 vehicles can pass one another without impacting upon any parking spaces.
- (b) The encroachment of the bin store area within the pedestrian sight line on exit is minimal. However, the applicant is agreeable to a condition being included in the recommendation requiring the applicant to adjust the bin store size or position to ensure there is no obstruction.
- (c) The applicant has not provided a turning bay on the basis that *“it is considered highly unlikely that peak parking demand at the Centre will exceed the supply and it is therefore unlikely that a vehicle will need to turn around on site because all of the car parking spaces are occupied”*.
- (d) The applicant has not provided a parking zone or car park for service vehicles on the basis that the applicant has submitted a swept path demonstrating that a waste collection vehicle and other service vehicles (e.g. delivery vans, trade vehicles or couriers) can enter and exit the site in a forward gear without impacting upon parking. The applicant has also indicated that a dedicated loading bay is not required in accordance with the Parking Code of the *Ipswich Planning Scheme 2006* for a Child Care Centre.

Notwithstanding the above, the proposal has been reviewed by a panel of independent experts (including a traffic engineering expert) having regard to the assessment benchmarks applicable to the development. Therefore, a condition has been included in the recommendation requiring the applicant to submit amended proposal plans addressing the above matters. Specifically, the applicant is required to demonstrate that if retained, car parking space '27' is provided with median kerb protection from the aisle; the waste bin is located so as to not obstruct pedestrian sight lines; a turning bay for the car parking area is provided in accordance with the Australian Standard; and a car parking space of an appropriate size to cater for services vehicles is provided on site. It is noted that a car park for service vehicles is not identified as a probable solution for a Child Care Centre under Table 12.9.1 of the Parking Code of the *Ipswich Planning Scheme 2006*. However, the specific outcomes under section 12.9.4(16)(a) of the Parking Code stipulate that *‘all areas for the manoeuvring and standing of commercial vehicles in association with loading and unloading do not encroach upon any part of the site set aside for other purposes.’*

Based on the overall number of car parking spaces being reduced on-site, it is considered that there is sufficient area on-site for the carparking to be provided and therefore the proposal will be consistent with the requirements of the Parking Code of the *Ipswich Planning Scheme 2006*.

Noise

Acoustic Management

The applicant has submitted an 'Acoustic Impact Assessment' in support of the development application. Specifically, the applicant's acoustic consultant has undertaken noise monitoring over a nine (9) day period between 22 February 2021 and 3 March 2021. The

assessment identifies the five (5) nearest sensitive receivers being nearby residents to the north, south and east and the Karalee State School (Refer to Figure 1 below) and considers the potential noise impacts including noise generated from vehicle movements and outdoor play areas on these receivers.

The assessment demonstrates that the proposed development will not have a detrimental impact on the amenity of nearby residents with respect to noise, subject to the applicant incorporating relevant noise reduction design features to achieve noise limits specified in the assessment. Specifically, a condition has been included in the recommendation to ensure the applicant provides a 2.0m high gap free acoustic barrier constructed of materials with a minimum surface density of 12.5 kg/m² along part of the southern property boundary and southern end of the proposed car park, staff courtyard and services area in accordance with the recommendations the assessment.

In addition to the above, standard conditions for acoustic treatments have also been included in the recommendation with respect to the use of outdoor public address systems, amplified or live music, play equipment, metal grilles/plates and mechanical plant and equipment.

Hours of Operation

The Child Care Centre is proposed to operate Monday to Friday between 6:00am and 7:00pm, which is supported by the acoustic assessment submitted by the applicant, subject to the construction of the acoustic barriers detailed above. The acoustic assessment submitted by the applicant recommends that refuse collection occurs between 7:00am and 7:00pm. In order to ensure refuse and on-site effluent collection occurs during standard day-time hours, a condition has been included in the recommendation limiting collection to between 7:00am – 6:30pm (Monday to Friday).

The applicant is proposing to store waste bins and the on-site effluent tanks along the northern property boundary, as far away as practicable from the adjoining residents to the south in order to further reduce any noise impacts.

The proposal therefore complies with the outcomes sought for the Large Lot Residential Zone and requirements of the Community Use Code of the *Ipswich Planning Scheme 2006* with respect to noise.



Figure 1. Nearby Sensitive Receivers

Effluent Disposal and Odour

Reticulated sewer is not available and therefore the applicant is proposing to provide underground on-site effluent disposal tanks to service the development. Specifically, the applicant is proposing to provide two (2), 22,000L tanks and one (1), 10,000L sewerage holding tank along the north-western boundary of the proposed car park for the development. The proposed effluent tanks are required to be pumped out regularly (estimated every 1-2 weeks) and the lid of the primary tank will need to be lifted and checked at least annually to ensure a desludge is not required. In order to mitigate any odour impacts on nearby residents, the applicant is proposing the following:

- The tanks are proposed to be located as far away as practicable from the adjoining residents to the south.
- A holding tank venting system is to be installed and sealed hatchets are to be used for the holding tanks to ensure any odours are vented via the release point.
- Transfer of sewage from the holding tanks to the waste collection vehicle will be via an in-tank pump system minimising any potential noise emissions and odour emissions.
- The waste collection vehicle parking area is to be bunded to contain any spills with a diversion valve directing any spills back to the underground tanks.

The on-site effluent collection vehicle will be located on-site during the transfer process and a condition has been included in the recommendation to ensure the effluent is only collected during standard day-time hours, being 7:00am – 6:30pm (Monday to Friday). A condition has also been included in the recommendation to ensure the on-site effluent collection vehicle can enter and exit the site in a forward gear.

In order to ensure odour and noise impacts associated with the pumping of the on-site effluents tanks is appropriately mitigated, a condition has been included in the recommendation which requires the applicant to provide a holding tank venting system and to submit a sewage management plan which includes the following:

- A detailed design of the sewage management system/s, including tank venting, in-tank pump transfer to truck;
- Spill, leak and clean-up procedure;
- Odour management and maintenance procedure;
- Noise management procedure;
- Truck collection procedure; and
- Complaint recording, responding and investigation procedure.

Adequate provisions have therefore been made for on-site effluent treatment and disposal in accordance with the Large Lot Residential Zone Code. Furthermore, the applicant has demonstrated that development will not impose unreasonable adverse impacts on the amenity of nearby residents with respect to collection and servicing, odour, or noise in accordance with the outcomes sought for the Large Lot Residential Zone and requirements of the Community Use Code of the *Ipswich Planning Scheme 2006*.

Waste Storage and Collection

The original proposal submitted by the applicant included the collection of waste from the southern side of the site outside the proposed hours of operation for the Child Care Centre and involved utilising the internal car park for manoeuvring which was inconsistent with the submitted acoustic report. In response to Council's Information Request dated 13 April 2021 and Further Advice dated 28 May 2021, the applicant proposed kerb side collection as an alternative solution, initially on Elaine Street and then on Lillian Street, with the bin store located on the southern property boundary.

Following verbal discussions and outstanding issues raised via email correspondence, the applicant has since amended the proposal to ensure waste is collected on site. Specifically, the waste bins are now proposed to be stored on the northern end of the site, adjoining the internal driveway and as far away as practicable from the adjoining land owner to the south. The applicant has submitted a swept path which demonstrates that a waste vehicle can manoeuvre and enter and exit the site in a forward gear.

Independent Decision Review Panel (IDRP) Review – Bin Storage Location

The proposal has been reviewed by the Independent Decision Review Panel (IDRP) in accordance with Council's '*Framework for Development Applications and Related Activities Policy*'. The IDRP submitted a report to Council on 28 October 2021 which identified that the proposed bin storage area partially obstructs pedestrian sight lines on exit which is non-compliant with the Australian Standard.

Applicant Response to Independent Decision Review Panel (IDRP) Review – Bin Storage Location

A letter was issued to the applicant on 2 November 2021 after receiving the IDRP's report in order to provide the applicant with an opportunity to address the Panel's recommendations and make changes to the proposal based on the comments provided prior to the determination of the application. In response, the applicant submitted a letter dated 16 November 2021, as prepared by the applicant's traffic engineering consultant, which states that the encroachment of the bin store area within the pedestrian sight line on exit is minimal and that the applicant is agreeable to a condition being included in the recommendation requiring the applicant to adjust the bin store size or position to ensure there is no obstruction.

Based on the Panel's review and recommendation, a condition has been included in the recommendation requiring the applicant to submit amended proposal plans which ensure the waste bins are located to not obstruct pedestrian sight lines. Relevant conditions have also been included in the recommendation to ensure waste is appropriately stored, screened and collected.

Safety and Security

As far as practicable, the Child Care Centre building has been designed to ensure that users are aware of how to safely access and navigate the subject site. In particular:

- Relevant conditions have been included in the recommendation to ensure the car park is signposted to assist with orientation and navigation on the site.
- A condition has been included to ensure wheel stops are provided for the car parking spaces located along the eastern boundary of the car park in accordance with the relevant Australian Standard.
- A separate pedestrian entrance is proposed which ties into the external footpath network on Elaine Street.
- As far as practicable, the design of the proposed Child Care Centre provides opportunities for casual surveillance from the building to the street.
- Any front fencing must be provided in the form of 1.2m high pool style fencing to enable some outlook to the street.
- There is existing 'no stopping' and 'pedestrian crossing' regulatory signs on either side of the pedestrian crossings on Arthur Summervilles Road and Elaine Street in accordance with relevant road safety standards which ensure vehicles parking in the streets will not obstruct pedestrian movements or visibility.
- A condition has been included in the recommendation to ensure that all vehicles enter and exit the site in a forward gear.
- A condition has been included in the recommendation to ensure waste bins are located so as to not obstruct pedestrian sight lines.

Subject to the amendments detailed in this report, the proposed development is therefore considered to comply with the outcomes sought with the Large Lot Residential Zone Code and the requirements of the Community Use Code of the *Ipswich Planning Scheme 2006*.

Submissions

A total of 280 properly made submissions were received during the public notification period for the application. In addition to the properly made submissions received during the public notification period, Council received a total of seven (7) not properly made submissions including a petition with 858 signatures objecting to the proposed development.

The primary concerns raised in both the properly made and not properly made submissions relate to the following:

- Increased traffic impacts on the existing road network as a result of the proposed development.
- Insufficient car parking being provided on the subject site and an increased demand on on-street car parking as a result of the development.
- Noise and odour impact on surrounding residents as a result of the development.
- Concerns around the potential impacts associated with the collection of on-site effluent.
- Safety concerns in relation to increased vehicular and pedestrian traffic in the vicinity of the site including safety concerns for pedestrians using the external footpath network and pedestrian crossings.
- Concerns around waste collection vehicles accessing and servicing the subject site.

A full summary of how the matters raised have been addressed is provided under 'Public Notification' section of this report.

ASSESSMENT BENCHMARKS:

The application is Impact Assessable and has been assessed against the assessment benchmarks set out by the categorising instruments in accordance with section 45(5)(a)(i) of the *Planning Act 2016*.

The relevant assessment benchmarks which have been applied for the purposes of this assessment are as follows:

Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure

Ipswich Planning Scheme 2006	Urban Areas Code (Part 4) Large Lot Residential Zone Code (Part 4, Division 4) Development Constraints Overlays Code (Part 11, Division 4) Parking Code (Part 12, Division 9) Community Use Code (Part 12, Division 12) Planning Scheme Policy 3 General Works Planning Scheme Policy 5 Infrastructure Implementation Guideline No. 13 Provision of Electricity, Driveways and Crossovers, Footpaths, Kerb and Channel Implementation Guideline No. 21 Appropriate Visual and Acoustic Treatment of Roadways Implementation Guideline No. 24 Stormwater Management Implementation Guideline No. 28 Dispersive Soil Management
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The application was found to comply with the assessment benchmarks applying to the development.

OTHER MATTERS GIVEN REGARD:

The assessment must give regard to the relevant matters identified in section 31 of the *Planning Regulation 2017* and in accordance with section 45(5)(a)(ii) of the *Planning Act 2016*.

The application was given regard to, the following matters:

Relevant matter	Given regard to
Planning Regulation 2017, s31(1)(d)	(i) The regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;
Planning Regulation 2017, s31(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s31(1)(g)	the common material.

OTHER RELEVANT MATTERS:

Not applicable.

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

In accordance with section 63 of the *Planning Act 2016*, a 'notice about the decision' is required for this application. Accordingly, a Statement of Reasons is included with this decision. This Statement of Reasons provides the justification for Council's decision.

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

Pursuant to section 119 of the *Planning Act 2016*, an infrastructure charges notice has been given for roadworks, open space and land for community facilities totalling \$56,408.73.

These infrastructure charges are calculated based on the lesser of the charge rates stipulated in Schedule 2 (trunk infrastructure network charges) of Council's Adopted Infrastructure Charges Resolution or the maximum adopted charge calculated under the *Planning Act 2016* and the *Planning Regulation 2017*. In this particular instance, infrastructure charges have been calculated based on Schedule 2 (trunk infrastructure network charges).

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

Planning Act 2016

Planning Regulation 2017

RISK MANAGEMENT IMPLICATIONS

- A risk to Council exists should the proposal not be determined in accordance with legislative requirements. The assessment and subsequent recommendations have been prepared to minimise the risk.
- Pursuant to DA Rules the due date to make a decision on this application is 16 December 2021 and the due date to issue the decision notice to the applicant is 23 December 2021.
- The applicant could lodge a deemed refusal appeal in the P&E Court if the decision notice is not issued to the applicant by 23 December 2021.
- Upon issuing the decision notice the applicant may choose to appeal the Council's decision in the Planning and Environment Court.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Decision to approve development application number 5636/2021/MCU.
(b) What human rights are affected?	The applicant is a company and therefore does not have human rights under the <i>Human Rights Act 2019</i> . Privacy and reputation (s25 of the <i>Human Rights Act 2019</i>)

	<p>A total of 280 properly made submissions were received during the public notification period for the application and therefore Council has an obligation to consider human right in relation to the submitters. The submitters do have appeal rights pursuant to the <i>Planning Act 2016</i>.</p> <p>The proposed decision does not have the potential to restrict or interfere with the right to privacy because before a person makes a submission regarding a development application they are provided advance notice (via Council's website) that it is a requirement under the Planning Act 2016 that contact details of all properly made submitters be included on any decision notice and therefore they have the ability of consider whether to proceed with making a submission in spite of the legislatively required disclosure of their personal information.</p> <p>In acknowledging a properly made submission, Council provides a letter to submitters advising them of this statutory requirement.</p> <p>In the instance the submitters personal information is already published on ePathway as the submitter did not advise Council that they did not want their personal information to be published (this opportunity is provided upon lodgement of submissions) the submitter may request that the information be removed from ePathway. The submitter may also choose to withdraw their properly made submission should they not want their details to be included on the decision notice in accordance with statutory requirements.</p>
(c) How are the human rights limited?	Not applicable.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable.
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

This report relates to Council acting in its capacity as the assessment manager for development applications. The development application fee was paid to cover Council's costs in this regard and as such, there are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

REFERRAL AGENCY

There were no referral agencies applicable to this development application.

INTERNAL CONSULTATION

The application and common material was presented to Council's Initial Development Assessment Panel (consisting of various representatives from across the organisation) for review upon lodgement. At this meeting, it was determined that internal referral was required to the Engineering, Health and Environment Branch and Infrastructure Strategy Branch.

The following assessment reports were prepared and have been incorporated into the recommendation:

- Engineering report dated 3 September 2021 with recommended conditions relating to utility services, access, parking and manoeuvring areas, roadworks, stormwater quantity management, earthworks, design certifications and further works.
- Environment report dated 7 September 2021 with recommended conditions relating to stormwater quality and maintenance, waste storage and collection, hours of operation, acoustic management and air quality (odour).
- Traffic advice dated 9 April 2021 and 27 May 2021 with advice in relation to the submitted 'Traffic Impact Assessment', access arrangements and kerb side waste collection.

These recommended conditions of approval were further reviewed and improved through the Independent Decision Review Panel (IDRP) process and are outlined below.

EXTERNAL CONSULTATION - INDEPENDENT DECISION REVIEW PANEL (IDRP)

The development application is classified as a Sensitive Development Matter and therefore requires review by an Independent Decision Review Panel (IDRP) prior to being determined, in accordance with the Council policy titled Framework for Development Applications and Related Activities. The IDRP has been selected in accordance with the related procedure, and in this instance, the IDRP consisted of a town planning expert (who also acted as the chairperson) being Kate Isles of Infinitum Partners, a traffic engineering expert being Dale Kleimeyer of Burchills Engineering Solutions and an economic expert being Shelley McCormack of Bull and Bear Economics.

The draft recommendation was provided to the Independent Decision Review Panel on 20 September 2021 and 1 October 2021 (refer to Attachment 1), and a public hearing was convened and facilitated by the IDRP on 14 October 2021. The public hearing was attended by approximately 47 people including the applicant, submitters, Council staff and elected representatives.

Having reviewed the draft officer recommendation and upon considering the matters raised at the public hearing, the IDRP provided an Independent Decision Review Panel Report on 28 October 2021 (refer to Attachment 2). The IDRP concluded that it was satisfied with the

intention of the proposed Council Officer's recommendation, being to approve the proposed development (subject to conditions).

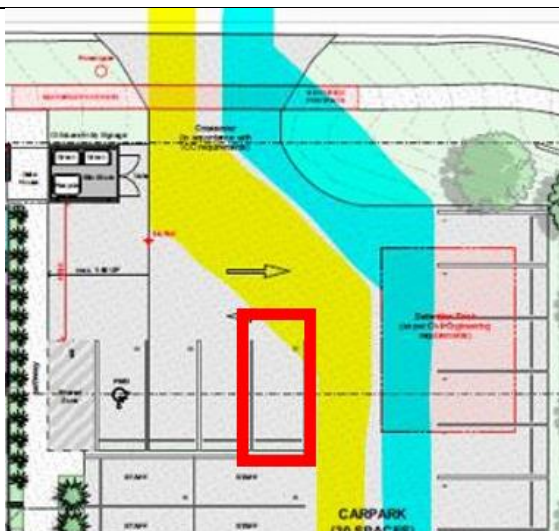
Whilst the IDRPs agreed with the intention of the proposed Council Officer's recommendation, the Independent Decision Review Panel Report also made a number of recommendations to Council. These recommendations and the way that they have been addressed can be summarised as follows:

IDRP Recommendation	Response
<p><u>Local Community Need</u></p> <p>The panel has undertaken a review of economic need having regard to material provided in the assessment benchmarks, the properly made submissions and consideration of relevant data sources to inform the assessment, including the Australian Bureau of Statistics (2016 Census data and estimated resident population estimates post Census), official population projections prepared by the Queensland Government's Statistician's Office, details regarding existing child care facilities from the Australian Children's Education & Care Quality Authority (ACECQA) and service enrolment data from the Queensland Government's Early Childhood Education and Care Census.</p> <p>Upon review, the panel has identified the following:</p> <ul style="list-style-type: none"> • The Location IQ report anticipates that the population of the main trade area is projected to increase from 9,650 persons in 2020 to 13,810 persons in 2041. However, based on data released by the Australian Bureau of Statistics (ABS) subsequent to the completion of the report in February 2021, the main trade area population is anticipated to be lower at 12,989 persons by 2041. • The Location IQ report anticipates that the 0-4 year population within the main trade will increase from 614 persons in 2020 to 812 persons in 2041. However, based on ABS data, it is anticipated that the 0-4 year 	<p>Upon review of the IDRPs recommendation, Condition 6 'Limits of Approval' of Attachment A of the Decision Notice has been amended to ensure the proposed Child Care Centre is limited to 75 spaces in order to ensure the non-residential use fulfils a local community need only and will be accessible to the (local) population it serves in accordance with the specific outcomes of the Large Lot Residential Zone Code of the <i>Ipswich Planning Scheme 2006</i>.</p> <p>As a result of reduction in child care spaces, Condition 11 'Car Parking – Use and Maintenance' has been amended to reduce the number of visitor car parking spaces required based on the car parking rates outlined in the Parking Code of the Ipswich Planning Scheme 2006. The condition has also been amended to require the applicant to submit details of the number of full time equivalent (FTE) staff required to operate the Child Care Centre (with a maximum of 75 children) and submit amended plans demonstrating that a minimum of one (1) space per FTE staff member plus ten (10) car parking spaces have been provided for the development.</p>

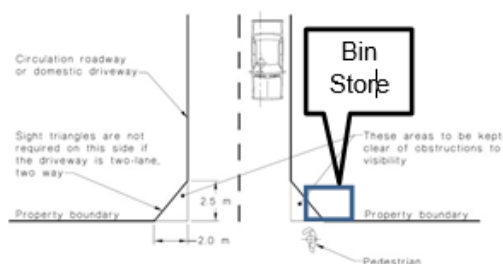
<p>population within the main trade area would be lower at 766 children by 2041.</p> <ul style="list-style-type: none">• The panel's review identifies that the main trade area is characterised by a significantly higher incidence of full time employment and higher levels of labour force participation by both males and females relative to the State average. These characteristics are indicative of higher than average demand for child care places, which is consistent with the Location IQ assessment.• The Location IQ report assumes that 60% of children aged 0-4 years within the main trade area would utilise child care services throughout the projection horizon. This represents an optimistic assumption for the defined main trade area. The panel's review has assumed that the proportion of 0-4 year olds in child care in the main trade area is currently 55% and increases to 60% by 2031.• The Location IQ report has assumed that 10% of children at child care services are 5 years of age, whereas it is generally accepted that the 5 year age cohort represents 6% of children at child care services. The panel's review has adopted the assumption that 6% of children at child care services are 5 years of age.• The Location IQ report has assumed no net outflow of enrolments, which is unusual for an area which is predominately residential in nature. Typically, parents opt to place their children at a Child Care Centre that is either close to their place of residence, close to the school at which older sibling/s attend or close to their place of work. The peer review assumes net leakage of 10% of locally generated	
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<p>demand.</p> <ul style="list-style-type: none"> In assessing the economic need for child care places, a target occupancy rate of 70% to 80% is adopted across the defined main service area, with this occupancy rate representing a balance of supply and demand that provides choice and availability whilst at the same time ensuring centres remain viable and can meet service standards. Based on a target occupancy rate of 70%, the need for child care places within the main service area is currently limited to 37 places, increasing to 71 places by 2026. <p>The panel has therefore recommended that the proposed Child Care Centre development is limited to 75 spaces in order to ensure the non-residential use fulfils a local community need only and will be accessible to the (local) population it serves in accordance with the specific outcomes of the Large Lot Residential Zone Code. The panel's recommendation requires that Condition 6 'Limits of Approval' of be amended to reflect the limited number of spaces.</p>	
<p><u>Landscaping</u></p> <p>The applicant is proposing to provide a 2.46m from the southern property boundary. Upon review, the panel have determined that the proposed landscape buffer is not considered to provide adequate buffering or screening to nearby residential and is not in keeping with the residential amenity and character of the locality. The panel have therefore recommended that the landscape buffer and building setback be increased to a minimum of 5m to allow for large shade trees to be planted which will screen the building at mature height. The panel have also noted that the minimum landscape buffer required for non-residential uses (where a gallery, museum or neighbourhood centre) in accordance with the Community Use Code of the <i>Ipswich Planning Scheme 2006</i> is 4m.</p>	<p>Upon review of the IDRPs recommendation, Condition 25 'Landscaping and Fencing' Approval' of Attachment A of the Decision Notice has been amended to require the applicant to submit landscape plans with an increased landscape buffer of 5m along the entire southern property boundary (which will ensure the Child Care Centre building, car park and outdoor play area are also setback 5m). The condition has also been amended to remove reference to the landscaping illustrated on the proposed plans as the applicant is required to submit amended plans for approval by the assessment manager.</p>
<p><u>On-site Effluent</u></p>	

<p>The panel have recommended that conditions be included in the recommendation which limit the hours during which the effluent tanks are able to be pumped out to the hours of operation for the Child Care Centre (i.e. 6:00am – 7:00pm) or at other times which will not adversely affect amenity. The panel has also recommended that consideration is given to ensuring service vehicles can service the site in the event there are cars parked in the designated car parking spaces.</p>	<p>Condition 5 ‘Hours of Operation’ of Attachment A of the Decision Notice requires the applicant to ensure refuse collection and service vehicles do not access the premises or operate outside the hours of Monday to Friday 7:00am – 6:30pm which is within the hours of operation for the Child Care Centre. It is noted that the permitted hours for effluent pump out are further limited in accordance with the recommendations of the submitted ‘Noise Impact Assessment’ and standard daytime hours. Upon review of the IDRP recommendation, it is recommended that Condition 5 ‘Hours of Operation’ be amended to clarify that the condition also applies to on-site effluent collection vehicles.</p> <p>The applicant is proposing to undertake on-site effluent collection within the confines of the subject site. The applicant will therefore need to ensure the effluent collection vehicle can service the site during the approved hours of operation. A condition has been included in the recommendation requiring all vehicles to enter and exit the site in a forward gear.</p>
<p><u>Car Parking Layout</u></p> <p>The panel has recommended that the internal car parking layout is reviewed and that relevant conditions are included in Council’s recommendation based on the following comments:</p> <p>(a) The driveway is offset from the car parking aisle and is too narrow for simultaneous cars entering and leaving. The lane width available is not sufficient space for two B99 vehicles to pass. Car space 27 (red highlight) is therefore in a vulnerable position with no median kerb protection from the aisle which is an unsafe outcome.</p>	<p>Upon review of the IDRP recommendation, it is recommended that Condition 3 ‘Development Plans’ be amended to require the applicant to submit for written approval by the assessment manager, amended proposal plans which illustrate the following:</p> <p>(i) A driveway and car parking isle which allows for two vehicles to enter and exit the site simultaneously. Where proposed carpark ‘27’ is proposed to be retained, the applicant must provide median kerb protection from the aisle.</p> <p>(ii) The waste bin storage area adjoining the proposed driveway is to be</p>



- (b) The bin store area partially obstructs the pedestrian sight line on exit which is non-compliant with AS2890.1.



- (c) No turning bay has been provided in accordance with AS2890 which results in visitors entering to reverse out along the entire length of the aisle which is unsafe.
- (d) Whilst the applicant has indicated that there will be 17 full time employees (FTE), it is unclear if provision has been made for the actual number of staff servicing the entire development, which also include office and support staff such as the centre manager (typically based on-site), cook/chef and float staff (i.e. those staff who cover shifts during lunch breaks to ensure staffing requirements in each room continue to be met). The panel has indicated that regard should be given to impacts on car parking as a result of the reduction in Child Care Centre spaces and has recommended that the applicant

located so as to not obstruct pedestrian sight lines on exit in accordance with the relevant Australian Standard. It is noted that the waste bin store is to be located along the northern property boundary, away from adjoining residents.

- (iii) A turning bay for the car parking area in accordance with the relevant Australian Standard.

- (iv) A parking zone for service vehicles.

As a result of reduction in child care spaces, Condition 11 'Car Parking – Use and Maintenance' has been amended to reduce the number of visitor car parking spaces required based on the car parking rates outlined in the Parking Code of the Ipswich Planning Scheme 2006. The condition has also been amended to require the applicant to submit details of the number of full time equivalent (FTE) staff required to operate the Child Care Centre (with a maximum of 75 children) and submit amended plans demonstrating that a minimum of one (1) space per FTE staff member plus ten (10) car parking spaces have been provided for the development.

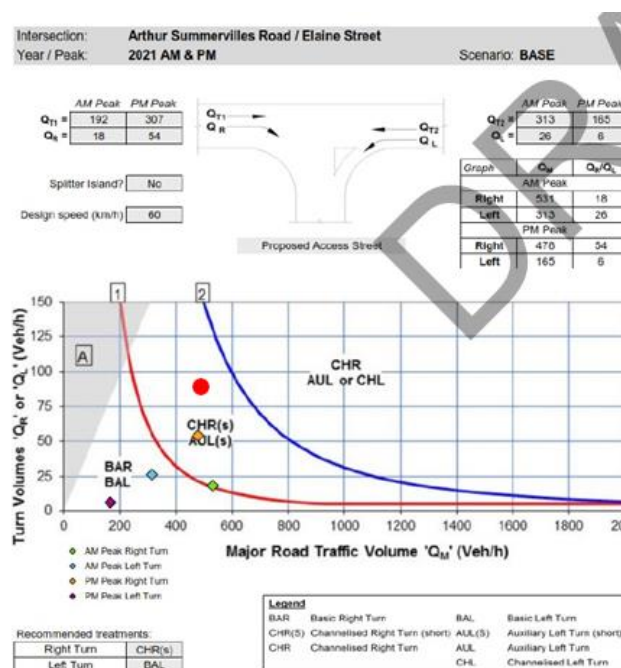
The applicant has submitted a swept path plan which demonstrates that a waste collection vehicle can enter and exit the site in a forward gear during the hours of operation for the Child Care Centre. A condition has been included in the recommendation requiring all vehicles to enter and exit the site in a forward gear.

submit amended proposal plans reflecting the changes.

- (e) There is no parking zone identified in the car park for a service vehicle and there is insufficient space with a service vehicle internal to the site to enter and leave in a forward gear.

Roadworks

The traffic report demonstrates the right turn from Arthur Somerville Road South Approach into Elaine Street is 89 vehicles per hour (red dot on below extract). However, a lower value of 54 vehicles per hour has been used in the QTraffic Turn Warrant Assessment. Extract from QTraffic Report as follows:



Upon review of the IDRPs recommendation, Condition 14 'Roadworks' has been amended to require the applicant to provide a concept layout plan for a short right turn auxiliary lane (CHR) from Arthur Somervilles Road into Elaine Street and detail how the design and layout will impact upon the existing pedestrian crossing and available on-street car parking.

PUBLIC NOTIFICATION

Public notification of this application was undertaken pursuant to the *Planning Act 2016*. The applicant undertook public notification from 25 May 2021 to 16 June 2021 for a period of 16 business days. Council received 280 properly made submissions. A summary of the matters raised in the submissions include:

Matter raised	How matters were dealt with in reaching a decision
<p>Vehicular and Pedestrian Traffic</p> <ul style="list-style-type: none"> • The proposed Child Care Centre development will have a detrimental impact on the surrounding road network, contributing to the existing congestion issue and increasing delays in the suburbs of Karalee and Barellan Point which only have one primary access point being the Warrego Highway and Mt Crosby interchange. • The traffic assessment submitted by the applicant does not consider how the proposed development will impact on traffic in the surrounding streets and suburb of Karalee which only has one major thoroughfare in and out. • During peak periods vehicles are queuing from the Karalee State School to the Warrego Highway and Mt Crosby Road interchange and onto the highway. • Council should not permit additional development until the Warrego Highway and Mt Crosby interchange is upgraded. The development would result in an increase in traffic at the interchange. • Arthur Summervilles Road, Elaine Street, Lillian Street and surrounding streets are already congested during Karalee State School pick up and drop off times. The development will contribute to congestion not only 	<ul style="list-style-type: none"> • The applicant has submitted a 'Traffic Impact Assessment' prepared by a RPEQ engineer which includes an assessment and analysis of the traffic impacts of the development on the local road network. Specifically, the 'Traffic Impact Assessment' stipulates the following: <ul style="list-style-type: none"> – The 'Traffic Impact Assessment' includes a traffic count which was undertaken at the Arthur Summervilles Road/Elaine Street intersection between the hours of 6:30am and 6:30pm on Thursday 30 April 2021. The traffic count revealed that the AM peak period occurs between 8:00am and 9:00am and the PM peak period occurs between 4:30pm to 5:30pm. – Assuming the Child Care Centre reaches full capacity (100 children), a total of 80 vehicle trips (i.e. 40 arrivals and 40 departures) in the morning peak period and 70 vehicle trips (i.e. 35 arrivals and 35 departures) in the evening peak period. – This equates to approximately one (1) additional vehicle trip every two (2) minutes during peak periods based on a 2032 post-development forecast, which is not anticipated to have an impact on through traffic on Elaine Street or on the operations of the Arthur Summervilles Road/Elaine Street intersection. – The assessment includes an intersection and driveway capacity

<p>during drop off and pick up times but throughout the day.</p> <ul style="list-style-type: none"> • Drop off and pick up times for the Child Care Centre will coincide with Karalee State School drop off/pick up times increasing congestion during these times. • The Arthur Summervilles Road and Elaine Street intersection cannot cater to the additional vehicular movements that will occur if the development is approved. There are existing pedestrian crossings onto Arthur Summervilles Road and Elaine Street which also contribute to the congestion. • The development will increase traffic in the surrounding residential streets as commuters try and avoid the Arthur Summervilles Road and Elaine Street intersection. • The existing roads surrounding the development are too narrow and have not been upgraded over time to cater to population growth and increasing traffic demand which will only increase if the development is approved. • Service and waste collection vehicles accessing the development site will create additional congestion and result in delays. • Pedestrian routes are not provided in the car park to separate vehicle and pedestrian access. • Karalee State School offers before and after school care and activities such as swimming carnivals, Easter and Christmas parades and events, national holiday events, discos and 	<p>analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to additional traffic generated by the development.</p> <ul style="list-style-type: none"> – The traffic generated by the proposed development can be accommodated for without any mitigation works required from a capacity perspective. • Relevant conditions have been included in the recommendation to ensure all waste collection and servicing occurs on the subject site. • The applicant is proposing to provide an internal pedestrian path which adjoins the internal car park and connects to the external footpath network in Elaine Street. The level of pedestrian connectivity proposed by the applicant is therefore considered appropriate. • Impacts on surrounding residents including traffic impacts as a result of the existing operations of the Karalee State School is not a planning matter Council can base its decision on. • A condition has been included in the recommendation requiring the applicant to provide a short right turn auxiliary lane (CHR) from Arthur Summervilles Road into Elaine Street in accordance with the Austroads Guide to Traffic Management Part 6.
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<p>parent/teacher nights which generate noise and traffic and impact residents.</p>	
<p>Infrastructure</p> <ul style="list-style-type: none"> • More and more development is occurring in the area without infrastructure needs being met. • The site is too small to accommodate a Child Care Centre in a congested area without the relevant infrastructure to accommodate it. • Council have not upgraded infrastructure in the area to facilitate an increase in commercial type developments whilst ensuring impacts on residents are minimal. • Much needed infrastructure upgrades have not been delivered to keep up with the traffic demand. Arthur Summervilles Road has not been designed to cater for the increase in residential development, let alone the increased traffic demand from the Child Care Centre. 	<ul style="list-style-type: none"> • The applicant has submitted a 'Traffic Impact Assessment' prepared by a RPEQ engineer which includes an assessment and analysis of the traffic impacts of the development on the local road network. Specifically, the 'Traffic Impact Assessment' stipulates the following: <ul style="list-style-type: none"> – The assessment includes an intersection and driveway capacity analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to additional traffic generated by the development. – The assessment demonstrates that traffic generated by the proposed development can be accommodated for without any mitigation works required from a capacity perspective. • A condition has been included in the recommendation requiring the applicant to provide a short right turn auxiliary lane (CHR) from Arthur Summervilles Road into Elaine Street in accordance with the Austroads Guide to Traffic Management Part 6.
<p>Driveway Location</p> <ul style="list-style-type: none"> • The proposed driveway location onto Elaine Street instead of Arthur Summervilles Road is not appropriate. • The proposed driveway location onto Elaine Street will cause congestion and queuing in Elaine Street and Arthur Summervilles Road as vehicles wait to perform a right turn into Elaine Street. 	<ul style="list-style-type: none"> • The applicant has submitted a 'Traffic Impact Assessment' which includes an intersection and driveway capacity analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to

<ul style="list-style-type: none"> Vehicles currently park on both sides of Elaine Street during school drop off/pick up times which will reduce visibility for vehicles entering and exiting the site via the proposed driveway. 	<p>additional traffic generated by the development.</p> <ul style="list-style-type: none"> There are existing 'no stopping' and 'pedestrian crossing' regulatory signs on either side of the pedestrian crossings on Arthur Summervilles Road and Elaine Street in accordance with relevant road safety standards which ensure vehicles parking in the streets will not obstruct pedestrian movements or visibility. The submitted 'Traffic Impact Assessment' demonstrates that the proposed driveway and location comply with the relevant Australian Standard. A condition has been included in the recommendation to ensure the waste bin storage area adjoining the proposed driveway does not obstruct pedestrian sight lines on exit in accordance with the relevant Australian Standard. A condition has been included in the recommendation to ensure the driveway crossover is constructed in accordance with Council's standards.
<p>Car Parking</p> <ul style="list-style-type: none"> The applicant is not proposing to provide enough car parking in accordance with the requirements of the Parking Code of the <i>Ipswich Planning Scheme 2006</i>. The shortfall in car parking will result in an increase in cars parking in the surrounding streets. The applicant is proposing tandem car parking spaces for staff which will not be used as staff will park on the street. The submitted 'Traffic Impact Assessment' states that a rate of 1 space per 4 children is acceptable based on applicable car parking rates in the Brisbane and Gold Coast local government areas. However, regard 	<ul style="list-style-type: none"> The Parking Code of the <i>Ipswich Planning Scheme 2006</i> requires 1 space per staff member (FTE) plus 1 space per 8 children. A condition has been included in the recommendation limiting the capacity of the Child Care Centre to 75 children as per the recommendations of the IDRPs report submitted to Council on 28 October 2021. Therefore, a total of ten (10) car parking spaces are required for visitors in accordance with the Parking Code. The applicant has not indicated how many full time employees (FTE) are required based on the reduced capacity of the Child Care Centre. A condition has therefore been included in the recommendation requiring ten (10) car parking spaces for

<p>should be given to the location of both local government areas being more urbanised with better public transport links. Karalee is not well serviced by public transport routes and therefore employees and visitors will primarily use cars to travel to and from the Child Care Centre and therefore the correct number of car parking spaces should be provided.</p> <ul style="list-style-type: none"> • There is already insufficient on-street car parking available near the Karalee State School. The development will reduce the availability of on-street car parking spaces in the surrounding streets. • The construction of a driveway crossover onto Elaine Street will reduce the number of available on-street car parking in Elaine Street. • The developer has only provided car parking spaces for full time staff and not casual employees who will have to park in the surrounding residential streets which don't have appropriate drainage or kerb and channel (e.g. Lillian Street and Wenona Street). • The developer fails to address the parking needs of part time, auxiliary and administration staff, and service vehicle parking as part of their proposal. • Parking spaces for service and waste collection vehicles has not been provided on-site. 	<p>visitors and seventeen (17) spaces for full time employees (FTE) unless the applicant provides details on the number of staff (FTE) including office and support staff required to service the Child Care Centre with a maximum capacity of 75 children.</p> <ul style="list-style-type: none"> • A condition has been included in the recommendation requiring the applicant to undertake roadworks along both Elaine Street and Lillian Street to ensure the development is serviced by concrete kerb and channel and footpath infrastructure in accordance with Council's standards. • A condition has been included in the recommendation requiring the applicant to submit amended proposal plans which include a parking space for service vehicles.
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<p>Persons with a Disability</p> <ul style="list-style-type: none"> • The applicant has not addressed how the Child Care Centre will cater to children with disabilities. 	<ul style="list-style-type: none"> • Conditions have been included in the recommendation to ensure adequate access and car parking is provided for
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	<p>persons with a disability in accordance with the requirements of the <i>Ipswich Planning Scheme 2006</i>.</p> <ul style="list-style-type: none"> • Notwithstanding Council's requirements, the Child Care Centre operator will need to comply with relevant legislation and regulations applicable to Child Care Centres including any requirements of the National Quality Framework with respect to catering for children with disabilities.
<p>Safety</p> <ul style="list-style-type: none"> • The increase in traffic and congestion as a result of the proposed development poses a safety risk during school pick-up and drop-off times. • Pedestrian safety is a concern given the increase in traffic, on-street car parking and pedestrian movements. • The increased traffic as a result of the development will put young lives at risk. The pedestrian crossing on Elaine Street is unmanned and vehicles parking on either side of Elaine Street will reduce visibility and creating blind spots which is a safety concern. • There have already been incidents outside the school associated with traffic flow. • The movement of service and waste collection vehicles poses a safety risk to children and the public as there is no way to regulate when these vehicles access the site. • The suggestion from Council to consider Lillian Street as an option for access does alleviate safety concerns for children. • There is only one route out of Karalee via Arthur Summervilles Road and Junction Road which both flood. 	<ul style="list-style-type: none"> • Relevant conditions have been included in the recommendation to ensure that all vehicles enter and exit the site in a forward gear. • There is existing 'no stopping' and 'pedestrian crossing' regulatory signs on either side of the pedestrian crossings on Arthur Summervilles Road and Elaine Street in accordance with relevant road safety standards which ensure vehicles parking in the streets will not obstruct pedestrian movements or visibility. • Service and waste collection vehicles are required to operate within the conditioned hours of operation, being Monday to Friday 6:30am-6:30pm. • The applicant has submitted swept paths which demonstrate that a waste collection vehicle can enter and exit the site in a forward gear. • A condition has been included in the recommendation to ensure the waste bin storage area adjoining the proposed driveway does not obstruct pedestrian sight lines on exit in accordance with the relevant Australian Standard. • The subject site is not flood affected and has flood free access in the event of a flood.

<ul style="list-style-type: none"> • Money should not be a priority over the safety of children. 	<ul style="list-style-type: none"> • Financial factors are not planning matters Council can base its decision on and the safety of children has been considered as part of Council's assessment.
<p>Noise</p> <ul style="list-style-type: none"> • Karalee is semi-rural and the noise of 100 children at 6:00am in the morning is not welcoming and will have a significant impact on surrounding residents, exceeding the existing noise impacts experienced due to Karalee State School and the existing Child Care Centre on Arthur Summervilles Road. • Karalee State School offers before and after school care and activities such as swimming carnivals, Easter and Christmas parades and events, national holiday events, discos and parent/teacher nights which generate traffic and noise and impact residents. • The surrounding streets are quiet suburban streets, and the proposed commercial scale development will only increase noise impacts on surrounding residents. • The Child Care Centre would generate noise for 12 hours daily with no respite from the noise even on school holidays. • Service and waste collection vehicles will result in an increase in noise levels which has not been considered as part of the submitted 'Noise Impact Assessment'. • It has not been demonstrated how the sewerage holding tanks can be emptied during the hours of operation. If collection were to occur outside the hours of operation, it would considered noise pollution, which has 	<ul style="list-style-type: none"> • The applicant has submitted a 'Noise Impact Assessment' which demonstrates that the development will not have a detrimental impact on the amenity of nearby residents with respect to noise, subject to the applicant incorporate relevant noise reduction design features. Specifically, a condition has been included in the recommendation to require the applicant to provide a 2.0m high acoustic barrier along part of the southern property boundary and southern end of the proposed car park and staff courtyard and services area in accordance with the recommendations the assessment. • Standard conditions for acoustic treatments have also been included in the recommendation with respect to the use of outdoor public address systems, amplified or live music, play equipment, metal grilles/plates and mechanical plant and equipment. • Conditions have been included in the recommendation to ensure the Child Care Centre operates between the hours of Monday to Friday 6:00am and 7:00pm in accordance with the recommendations of the submitted 'Noise Impact Assessment'. • Service and waste collection vehicles including the on-site effluent collection vehicle are required to operate in accordance with the recommendations of the 'Noise Impact Assessment' and within standard day-time hours, being Monday to Friday 7:00am-6:30pm. • Impacts on surrounding residents including noise impacts as a result of the existing

<p>not been considered in the submitted 'Traffic Impact Assessment' or 'Noise Impact Assessment'.</p> <ul style="list-style-type: none"> • There is no guarantee that the developer will provide adequate fencing along the southern property boundary to reduce noise impacts on the adjoining residents. • Vehicle noise monitoring was undertaken between 22 February 2021 to 3 March 2021. The monitoring should be undertaken during the winter months as insect noise is greater in summer. 	<p>operations of the Karalee State School is not a planning matter Council can base its decision on.</p> <ul style="list-style-type: none"> • Insect noise would have into consideration as the applicant's acoustic consultant has undertaken modelling in accordance with Australian Standard 1055.1-1.
<p>Odour</p> <ul style="list-style-type: none"> • The odour from the on-site effluent system will adversely affect the surrounding residents every time the effluent is collected. • The applicant has not demonstrated how odour emissions from on-site effluent collection will not affect the amenity of surrounding residents. • When the tanks servicing Karalee State School are pumped, the smell travels some distance, and it is anticipated that the tanks for the Child Care Centre will have the same impact. • The effluent tanks and waste collection bins are proposed to be located within close proximity to the southern property boundary, adjoining existing residents which will have a direct odour impact on the bedrooms located along the northern side of the dwelling on the adjoining site. • The effluent tanks should be appropriately located to reduce odour impacts on all residents. 	<ul style="list-style-type: none"> • In order to mitigate any odour impacts on nearby residents, the applicant is proposing the following: <ul style="list-style-type: none"> - The tanks are proposed to be located as far away as practicable from the adjoining residents to the south. - A holding tank venting system is to be installed and sealed hatchets are to be used for the holding tanks to ensure any odours are vented via the release point. - Transfer of sewage from the holding tanks to the waste collection vehicle will be via a an in-tank pump system minimising any potential noise emissions and odour emissions. - The waste collection vehicle parking area is to be bunded to contain any spills with a diversion valve directing any spills back to the underground tanks. • A condition has been included in the recommendation which requires the applicant to provide a holding tank venting system and to submit a 'Sewage Management Plan' to ensure any odour and noise impacts are appropriately managed.

<ul style="list-style-type: none"> • An independent odour assessment should be undertaken by a company not associated with the developers. 	<ul style="list-style-type: none"> • The applicant will be required to submit a certificate of compliance prior to the commencement of the use from an independent and suitably qualified air quality consultant demonstrating that the relevant Australian Standard has been complied with respect to holding tank ventilating system.
<p>On-site Effluent System</p> <ul style="list-style-type: none"> • It has not been demonstrated how the sewerage holding tanks can be emptied during the hours of operation. • There is insufficient room available on site to facilitate the safe collection of on-site effluent. • The amount of effluent that will be produced by a Child Care Centre with capacity for 100 children and staff is better suited to a site serviced by reticulated sewer. • Locating a 100 children and staff on a lot serviced by on-site effluent is concerning. 	<ul style="list-style-type: none"> • In order to mitigate any odour impacts on nearby residents, the applicant is proposing the following: <ul style="list-style-type: none"> - The tanks are proposed to be located as far away as practicable from the adjoining residents to the south. - A holding tank venting system is to be installed and sealed hatchets are to be used for the holding tanks to ensure any odours are vented via the release point. - Transfer of sewage from the holding tanks to the waste collection vehicle will be via a an in-tank pump system minimising any potential noise emissions and odour emissions. - The waste collection vehicle parking area is to be bunded to contain any spills with a diversion valve directing any spills back to the underground tanks. • A condition has been included in the recommendation which requires the applicant to provide a holding tank venting system and to submit a 'Sewage Management Plan' to ensure any odour and noise impacts are appropriately managed. • The applicant will be required to submit a certificate of compliance prior to the commencement of the use from an independent and suitably qualified air quality consultant demonstrating that the relevant Australian Standard has been complied with respect to holding tank ventilating system.
<p>Location</p>	

<ul style="list-style-type: none"> • There are more appropriate locations for the proposed Child Care Centre in Karalee and surrounding suburbs which are serviced by reticulated sewer, and where the development wouldn't have a detrimental impact on the amenity and safety of adjoining residents or traffic and car parking. • The location suits the developer and not the residential community which will be impacted by the development in the long term. • The development would not have been considered if the address for the property was on Elaine Street as Elaine Street is not a main road. 	<ul style="list-style-type: none"> • The development application has been assessed against the relevant assessment benchmarks having regard to the location and characteristics of the subject site. • The property address is not a planning matter Council can base its decision on. Proposed access for the development onto Elaine Street has been considered as part of the assessment of the application.
<p>Large Lot Residential Zone</p> <ul style="list-style-type: none"> • The property is located in a residential zone and those neighbouring the property or within close proximity purchased their properties in good faith, expecting that the lot would be used for residential purposes. • The site is currently zoned Large Lot Residential and is surrounded by residential housing. The site is not suitable for a commercial development such as a Child Care Centre. • The proposal is not consistent with the character of surrounding properties and will have adverse impacts on the surrounding community and environment. • The locality is already serviced by a School and several Child Care Centres. The addition of another non-residential use will further detract from the intent of the zone. 	<ul style="list-style-type: none"> • The proposal complies with the specific outcomes sought for non-residential uses in the Large Lot Residential Zone. Specifically: <ul style="list-style-type: none"> - The proposed Child Care Centre will be fulfilling a local community need as demonstrated by the submitted 'Economic Needs Assessment' prepared by the applicant and the review undertaken by the Independent Decision Review Panel (IDRP). - The proposed Child Care Centre will be co-located with another non-residential use, i.e. Karalee State School and will be easily accessible to the population it serves. - The applicant has demonstrated through various technical reports that the proposed development will not have a detrimental impact on the amenity of nearby residents through the generation of odours, noise, waste production, traffic or lighting. - The proposed Child Care Centre is a single a storey building which is commensurate with the bulk and scale of a residential dwelling.

<p>Compliance with the <i>Ipswich Planning Scheme 2006</i></p> <ul style="list-style-type: none"> The proposal does not comply with the relevant planning scheme provisions. 	<ul style="list-style-type: none"> The proposal generally complies with or has been conditioned to comply with the requirements of the <i>Ipswich Planning Scheme 2006</i>.
<p>Landscaping</p> <ul style="list-style-type: none"> There is insufficient area available on the site to allow for the Child Care Centre development to be provided with sufficient landscape buffers. There is no buffer provided to the residential property to the south which does not comply with the Community Use Code of the <i>Ipswich Planning Scheme 2006</i>. The report submitted by the applicant states that the proposal complies, yet an outdoor play area is proposed within the setback, not landscaping. In accordance with the Community Use Code, 'landscape buffers with a minimum width of 10 metres are provided to the side and rear boundaries where the site abuts land in a residential zone'. The submitted proposal plans do not illustrate that a sufficient buffer is proposed. The area between the proposed Child Care Centre and southern property is boundary is unlikely to be maintained by the developer and will become an eyesore. 	<ul style="list-style-type: none"> A condition has been included in the recommendation requiring the applicant to provide a minimum 5.0m wide landscape buffer along the entire southern property boundary (which will ensure the Child Care Centre building, car park and outdoor play area are also setback 5m). The proposed landscape buffer is considered reasonable in this instance to demonstrate that the location of the Child Care Centre building and outdoor play areas will not have a detrimental impact on the amenity of residents to the south. Specifically, appropriate fencing including acoustic fencing and landscaping along the southern property boundary will ensure the amenity and privacy of the adjoining residents is maintained.
<p>Boundary Fencing</p> <ul style="list-style-type: none"> There is no guarantee that the developer will work with the adjoining land owner to the south to provide adequate fencing. 	<ul style="list-style-type: none"> The applicant is required to provide a 2.0m high acoustic along part of the southern property boundary and along the southern boundary of the car park and staff courtyard/services area in accordance with the submitted 'Acoustic Impact Assessment'. A condition has been included in the recommendation which requires the applicant to provide a 1.2m high pool style

	fence for the remainder of the southern property boundary unless otherwise approved in writing by Council and in consultation with the adjoining land owner.
Privacy and Residential Amenity <ul style="list-style-type: none"> The development will result in a lack of privacy for surrounding residents. Consideration needs to be given to the impacts of the development on long term residents and their living conditions. The development will have a direct impact on surrounding residents which want to live in peace and quiet and have their privacy maintained. The proposed two (2) storey Child Care Centre would result in overlooking into surrounding homes. 	<ul style="list-style-type: none"> The proposed Child Care Centre is a single storey building which is commensurate with the bulk and scale of a residential dwelling. Relevant conditions have been included in the recommendation to ensure privacy fencing is provided along the southern property boundary to maintain the privacy of the adjoining residents.
Environment <ul style="list-style-type: none"> The developer has no respect for the environment or environmental impacts as they have undertaken clearing and earthworks prior to obtaining a development permit. Council fines need to be sizeably increased to ensure Council regulations and processes are followed prior to clearing being undertaken. 	<ul style="list-style-type: none"> Previous vegetation clearing on the subject site is a separate matter and has not been considered as part of the assessment of this application as the site is currently clear of any vegetation. Conditions have been included in the recommendation to ensure landscaping incorporates native, non-invasive plant species.
Rubbish <ul style="list-style-type: none"> The development will result in extra rubbish ending up in residents' yards on top of the rubbish generated from the school. 	<ul style="list-style-type: none"> Relevant conditions have been included in the recommendation to ensure waste is appropriately stored and collected from the site.
Crime <ul style="list-style-type: none"> The Child Care Centre would increase crime in the area by attracting opportunistic criminals and vagrants when the Child Care Centre is vacant. 	<ul style="list-style-type: none"> As far as practicable, the design of the proposed Child Care Centre provides opportunities for casual surveillance from the building to the street. Conditions have been included in the recommendation to ensure front fencing is 1.2m high pool style fencing to enable some outlook to the street where possible to achieve safety and surveillance.






<p>Property Values</p> <ul style="list-style-type: none"> The development will have a negative impact on property values for properties within close proximity to the development. 	<ul style="list-style-type: none"> The impact of the development on property values is not a planning matter Council can base its decision on.
<p>Public Notification</p> <ul style="list-style-type: none"> There was no publication in any local newspaper that distributes to any of the homes that would be directly impacted by the development, i.e. no one in Elaine Street, Oxley Drive or Arthur Summervilles Road received a paper with the development listed. 	<ul style="list-style-type: none"> The applicant submitted a notice of compliance confirming that public notification was undertaken in accordance with the requirements of the <i>Planning Act 2016</i>.
<p>Existing Child Care Centres and School/s</p> <ul style="list-style-type: none"> The development of a Child Care Centre a few metres from an existing Child Care Centre and the Karalee State School is unnecessary. There are already three existing Child Care Centres within 1-2 minutes' drive from Karalee State School which should be sufficient to meet the needs of the community and those who have children enrolled at Karalee State School. The development will not cater to older children. Karalee State School is near capacity with no plans to expand. There are also no plans for a high school. As the development application takes into account land that has not yet developed, another Child Care Centre in this area will detract from existing businesses that employ locally and will affect occupancy and staffing levels, thus affecting the jobs of existing employees. It is important to protect existing businesses that employ locally instead of allowing commercial development to occur which isn't needed in the area. 	<ul style="list-style-type: none"> The 'Economic Needs Assessment' submitted by the applicant and review undertaken by the Independent Decision Review Panel (IDRP) demonstrates that proposed Child Care Centre will be fulfilling a local community need. Employment decisions made by Child Care Centre operators is not a planning matter Council can base its decision on.

<p>Economic Needs Assessment</p> <ul style="list-style-type: none"> • The submitted needs assessment takes into account developments that have not been approved which is not standard practice and should be removed from the assessment as the developments may not be undertaken. Standard practice is to use existing growth rates for the area, not perceived or projected growth rates. • Currently there are five Child Care Centres in Karalee, two are located on Arthur Summervilles Road, and a third is accessed from Harold Summervilles Road. None of these Child Care Centres are full and by introducing a 100 place Child Care Centre, these businesses which are family owned and operated and employ local residents will be adversely affected by the incorrect needs assessment submitted by the applicant. 	<ul style="list-style-type: none"> • The 'Economic Needs Assessment' submitted by the applicant and review undertaken by the Independent Decision Review Panel (IDRP) demonstrates that proposed Child Care Centre will be fulfilling a local community need.
<p>Assessment Process</p> <ul style="list-style-type: none"> • The application should collectively be determined by Council's elected representatives via the Growth, Infrastructure and Waste Committee and at a full Council meeting, rather than delegated to a Council officer to make. This will ensure the <i>Local Government Act 2009</i> principles of democratic representation and transparent and effective decision making in the public interest are enacted. This also aligns with Council's 'Framework for Development Applications and Related Activities'. 	<ul style="list-style-type: none"> • A total of 280 properly made submissions were received during the public notification period of the application and therefore the application will be decided by full Council at the Growth, Infrastructure and Waste Committee or Council Ordinary Meeting in accordance with Council's 'Framework for Development Applications and Related Activities Policy'.

CONCLUSION

An assessment of the proposal as described above has been undertaken and it has been determined that the Material Change of Use for a Community Use (Child Care Centre) over land at 54-56 Arthur Summervilles Road, Karalee generally complies with the assessment benchmarks or can be conditioned to comply. It is therefore recommended that the development application be decided in accordance with the recommendation and attachments of this report.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft Decision Notice and Infrastructure Charges Notice (<i>under separate cover</i>) 
2.	Draft Statement of Reasons (<i>under separate cover</i>) 
3.	Application Material to Independent Decision Review Panel (<i>under separate cover</i>) 
4.	Independent Decision Review Panel Report (<i>under separate cover</i>) 
5.	Proposal Plan submitted by Applicant - Not recommended for approval (<i>under separate cover</i>) 

Edina Krkalic

PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Tim Foote

DEVELOPMENT ASSESSMENT EAST MANAGER

I concur with the recommendations contained in this report.

Michael Simmons

ACTING MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

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Doc ID No: A7701986

ITEM: 15.2

SUBJECT: PROCUREMENT: TENDER 16830 - CIVIL CONSTRUCTION WORKS - SPRINGFIELD
PARKWAY AND SPRINGFIELD GREENBANK ARTERIAL - STAGE 1

AUTHOR: CATEGORY SPECIALIST

DATE: 10 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning the recommendation to award Tender 16830 Civil Construction Works Greenbank Parkway and Greenbank Arterial – Stage 1 and to seek Council’s approval to enter into a contract with the nominated supplier as per confidential attachment 1, to undertake the works.

After undertaking an open tender process, the evaluation panel identified the nominated supplier as the recommended supplier to undertake the works. The supplier has demonstrated extensive experience providing the required services, offering effective methodology which demonstrates a thorough understanding of Council’s requirements and has submitted competitive pricing, as outlined in confidential attachment 1.

The supplier office details and the proposed approach for the use of local suppliers promote Council’s support of local business and industry, are outlined in attachment 1.

If Council is satisfied with the nominated supplier, the name of the supplier will be included in the Council’s resolution at recommendation B.

RECOMMENDATION

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No 16830 for the provision of Civil Construction Works Greenbank Parkway and Greenbank Arterial – Stage 1.**
- B. That Council enter into a contractual arrangement with the Supplier at an approximate lump sum amount listed in confidential attachment 1.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

RELATED PARTIES

A probity advisor was engaged for the procurement, with conflict-of-interest forms completed and declared. See confidential attachments 1 & 4.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

Springfield Parkway and Springfield Greenbank Arterial are identified as a principal road and cycle route within iGO, the Ipswich City Council Transport Plan and sections of these roads are currently carrying more than 20,000 vehicles per day. To meet the associated demands that come with this growth Ipswich City Council is undertaking the largest road upgrade in Council's history and completing a major upgrade of these two key roads to take them from two lanes to four lanes.

The Project includes three separate stages and RFT 16830 covered two of these:

i. Stage 1 INF03218 – Separable Portion 1 (SP1)

Springfield Parkway from Hymba Yumba Indigenous Community Hub to the Centenary Highway and Springfield Greenbank Arterial from the Springfield Parkway to Eden Station drive.

ii. Stage 3 INF03882 – Separable Portion 2 (SP2)

Springfield Greenbank Arterial from Eden Station to Sinnathamby Boulevard.

The proposed resultant contract from this procurement activity will be a Construction contract with an approximate duration of 18 months and capital expenditure across financial years 21/22 and 22/23.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Local Government Regulation 2012

RISK MANAGEMENT IMPLICATIONS

A Detailed Express Check (Procurement) corporate score check was undertaken which revealed that there are no adverse and no court or litigation actions recorded against the supplier's officeholders.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	The report recommends Council to enter into a Contract with one (1) supplier and delegate to the Chief Executive Officer the

	power to take contractual action pursuant to section 238 of the Regulation.
(b) What human rights are affected?	No human rights are affected by this decision. This is because the tenders are all companies (only individuals have human rights). Further, the subject matter of the contract will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

The cost estimate and spend analysis is outlined in confidential attachment 1.

COMMUNITY AND OTHER CONSULTATION

The Infrastructure and Environment Department as the relevant contract owner have been consulted and agree with the proposal in this report and have endorsed attachment 1.

CONCLUSION

It was determined by the evaluation panel that the recommended supplier, as per attachment 1, possesses the capability and capacity to meet Council's requirement for the Civil Construction Works Greenbank Parkway and Greenbank Arterial – Stage 1.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Recommendation to Award (<i>under separate cover</i>)
2.	Strategy and Tender Evaluation Plan (STEP) (<i>under separate cover</i>)
3.	Corporate Score Card Check (<i>under separate cover</i>)
4.	Probity Report (<i>under separate cover</i>)

Carlo Sorbello

CATEGORY SPECIALIST

I concur with the recommendations contained in this report.

Wayne Bichel

BUILDING CONSTRUCTION AND MAINTENANCE CATEGORY MANAGER

I concur with the recommendations contained in this report.

Richard White
MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

Graeme Martin
MANAGER, CAPITAL PROGRAM DELIVERY

I concur with the recommendations contained in this report.

James Hilyard
MANAGER, WORKS AND FIELD SERVICES

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ITEM: 15.3

SUBJECT: PROCUREMENT: CONSTRUCTION OF YOUTH SKATE PARK AT REDBANK PLAINS
RECREATION RESERVE

AUTHOR: CATEGORY SPECIALIST

DATE: 1 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning the recommendation to award Tender 17141 Construction of Youth Skate Park at Redbank Plains Recreation Reserve and to seek Council's approval to enter into a contract with the nominated supplier as per confidential Attachment 1, to undertake the works.

After an open market request for tender process, an evaluation panel has recommended one supplier for the construction of a Youth Skate Park at Redbank Plains Recreation Reserve as set out in Recommendation B below. The recommendation provides Council with a company who are located in an adjacent local government area and have committed through their subcontractors to utilise local suppliers to the value of less than 30 % of the contract sum. The recommendations have been determined by the evaluation panel to offer Council the best value for money.

If Council is satisfied with the nominated supplier, the name of the supplier will be included in the Council's resolution at Recommendation B.

RECOMMENDATION

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. 17141 for the provision of construction works for Youth Skate Park at Redbank Plains Recreation Reserve.**
- B. That Council enter into a contractual arrangement with the Supplier at an approximate lump sum amount listed in confidential Attachment 1.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer the power to take "*contractual action*" pursuant to section 238 of the Regulation, in order to implement Council's decision.**

RELATED PARTIES

There was declaration of conflicts of interest

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

The purpose is to seek approval of the recommendations listed in this report. Council released Tender 17141 for construction of Redbank Plains Stage 1 – Youth Skate Park to the open market via Vendor Panel (VP268573) on Saturday 25 September 2021 with a closing date of 26 October 2021. On closing of the request for tender, four (4) tenders were received.

Tenders were assessed by an evaluation scoring panel against an agreed set of evaluation criteria and weightings, taking into consideration the effectiveness of each tender submission and the level of detail provided.

It was determined by the evaluation scoring panel that the supplier listed in Recommendation B possess the capabilities and capacity to meet Council's requirements for the Construction of Redbank plains Stage 1 – Youth Skate Park. They have provided project sheets for a good range of Skate Park projects demonstrating a high level of experience with this type of work.

They have demonstrated that they have a good understanding of the requirements of the specification and the evaluation scoring members are confident that they have the necessary expertise to meet the requirements of the contract, best value for money and recommends them for the award of the contract.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Local Government Regulation 2012

RISK MANAGEMENT IMPLICATIONS

The risk to council if the recommendation within this report is not approved is that council's ability to resolve the project would be compromised and further investment would be required to retender for services not currently with Ipswich City Council delivery capability.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	The report recommends Council to enter into a contract with Epoca Constructions Pty Ltd for construction of Redbank Plains Stage 1 – Youth Skate Park
(b) What human rights are affected?	No Human rights are affected by this decision. This is because the tenders are all companies. Further, the subject

	matter of the contract will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not Applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not Applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

The cost estimate and spend analysis is outlined in attachment 1.

COMMUNITY AND OTHER CONSULTATION

The Infrastructure and Environment Department as the relevant contract owner have been consulted and agree with the proposal in this report and have endorsed attachment 1.

CONCLUSION

It was determined by the evaluation panel that the recommended supplier, as per Attachment 1, possesses the capability and capacity to meet Council's requirement for the construction of Redbank Plains Stage 1 – Youth Skate Park.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Recommendation to Award
2.	STEP Document

Robert Matindi

CATEGORY SPECIALIST

I concur with the recommendations contained in this report.

Richard White

MANAGER, PROCUREMENT

I concur with the recommendations contained in this report.

James Hilyard

MANAGER, WORKS AND FIELD SERVICES

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Doc ID No: A7660186

ITEM: 15.4

SUBJECT: TERMS OF REFERENCE REVIEW - STANDING COMMITTEES

AUTHOR: MANAGER, EXECUTIVE SERVICES

DATE: 28 OCTOBER 2021

EXECUTIVE SUMMARY

This is a report concerning the review of Ipswich City Council Standing Committee performance, structure, and terms of reference.

RECOMMENDATION/S

- A. That the revised Standing Committee Terms of Reference as detailed in Attachment 1 be adopted.**
- B. That the revised Meeting Procedures Policy as detailed in Attachment 3 be adopted.**
- C. That the Executive Leadership Team ensure all business presented to council passes through its relevant committee in accordance with the revised Standing Committee Terms of Reference as detailed in Attachment 1.**

RELATED PARTIES

- Mayor and Councillors
- Executive Leadership Team

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

The current adopted Standing Committee Terms of Reference (TOR) contains provisions for a review process to be undertaken on a set schedule. Recently, all standing committee members were surveyed in accordance with the current provisions to inform the future process and amendments proposed in this report.

A high-level summary of the feedback from the survey indicated a broad satisfaction with the performance and structure of the committees and good participation of all members.

No additional specific concerns were raised with the structure or performance from any survey participant.

General commentary from chairpersons and members over the course of the past year have indicated a desire for an improved participation of each committee for decisions within the scope of the committee. Further, improved consultation from the organisation with the chairperson on areas within the committee's responsibilities is desired to allow the chairperson to better engage with the responsibilities they are tasked with under their assigned portfolio.

Resulting from the feedback both formally as part of the official survey and, ongoing consultation with committee chairpersons and members, several revisions are being proposed. Changes are proposed to the review process that will enable members of the committee to determine the content and process for any regular review. This revision is intended to ensure improved participation in the review and allow the committee members to share their view and collaborate with the chairperson throughout the process.

Additional changes have been proposed for the Growth Infrastructure and Waste Committee (GIWC) to ensure that it is exercising its delegated authority consistently in line with the legislation. Through the review it has been noted that some matters proceeding to the GIWC are best taken to other Committees, in particular, the Governance and Transparency Committee.

Clarification has also been provided in several sections to better align the current provisions of the TOR with legislative provisions and further consistency has been applied to each committee's scope to make clearer the committee's purpose.

During the consultation undertaken, some minor improvements were identified for the related Meeting Procedures Policy. The changes are limited to better reflect the current practise of the council and ensure councillors can raise matters of interest within the community in a timely manner.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Local Government Regulation 2012

RISK MANAGEMENT IMPLICATIONS

A regular review of the structure and performance of council's standing committees and terms of reference is desirable to ensure their relevance and ongoing performance.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Recommendation 'A and B' state that the revised Standing Committee Terms of Reference and the revised Meeting Procedures Policy be adopted.

(b) What human rights are affected?	No human rights are affected by this decision.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION





Consultation has occurred with the Mayor, Councillors and Chairpersons on the current committee structure and performance through both the survey that was performed in accordance with the adopted TOR and the proposed revisions to the same. The Executive Leadership Team has been engaged to review each committee's scope and responsibilities and have confirmed the ongoing appropriateness.

CONCLUSION

Improved consultation from the organisation with the elected body will allow each committee chairperson and committee member to gain a greater understanding of their relevant portfolio to enable improved representation of the community they represent.

The proposed amendments both refine the existing Standing Committee Terms of Reference by making clearer the roles and responsibilities of the chairpersons and the organisation as well as providing administrative updates to ensure its ongoing currency and relevance.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Terms of Reference for Standing Committees (Track Changes) <i>(under separate cover)</i> 
2.	Terms of Reference for Standing Committees (Clean Skin) <i>(under separate cover)</i> 
3.	Meeting Procedures Policy (Track Changes) <i>(under separate cover)</i> 
4.	Meeting Procedures Policy (Clean Skin) <i>(under separate cover)</i> 

Wade Wilson

MANAGER, EXECUTIVE SERVICES

I concur with the recommendations contained in this report.

Sonia Cooper

ACTING CHIEF EXECUTIVE OFFICER

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Doc ID No: A7768641

ITEM: 15.5

SUBJECT: REPORT - AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06) OF 24
NOVEMBER 2021

AUTHOR: MEETINGS COORDINATION MANAGER

DATE: 1 DECEMBER 2021



INTRODUCTION

This is the report of the Audit and Risk Management Committee No. 2021(06) of 24 November 2021.

RECOMMENDATION

That the report of the Audit and Risk Management Committee No. 2021(06) of 24 November 2021 be received, the contents noted and the recommendations contained therein be adopted.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Audit and Risk Management Committee Report No. 2021(06) of 24 November 2021  
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24 NOVEMBER 2021

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)]

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

24 NOVEMBER 2021

REPORT

MEMBERS' ATTENDANCE: Robert Jones (External Member and Chairperson); Dr Annette Quayle (External Member), Martin Power (External Member), Councillors Marnie Doyle and Kate Kunzelmann

MEMBER'S APOLOGIES: Nil

OTHER ATTENDANCE: Queensland Audit Office Attendance (QAO) (Dale Hassell), Sonia Cooper (Chief Executive Officer), Freddy Beck (Chief Audit Executive), Sylvia Swalling (Acting General Manager Corporate Services), Angela Harms (Corporate Governance Manager), Peter Tabulo (General Manager Planning and Regulatory Services), Alisha Connaughton (Manager Compliance), Talia Love-Linay (Manager People and Culture), Richard White (Manager Procurement), Jennifer Buntine (Insurance and Risk Officer)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(05) OF 6 OCTOBER 2021**

RECOMMENDATION

That the Minutes of the Meeting held on 6 October 2021 be confirmed.

Discussion

Rob Jones (Chairperson) requested that the Chief Executive Officer provide a briefing at each meeting next year. Sonia Cooper (Chief Executive Officer) confirmed the briefing update and stated that she would also provide the signed CEO Performance Agreement to the next meeting for the information of members.

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AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

ACTION:

1. The Chief Executive Officer to provide a briefing at each Audit and Risk Management Committee meeting in 2022 in line with the planned agenda.
2. The Chief Executive Officer to provide a copy of the signed CEO performance agreement to the Audit and Risk Management Committee for information.

OFFICERS' REPORTS

2. QUEENSLAND AUDIT OFFICE BRIEFING PAPER

This is a report concerning a briefing paper submitted by the Queensland Audit Office providing Council with an update on the status of the audit progress for 2020-2021.

RECOMMENDATION

That the report be received and the contents noted.

Discussion

Annette Quayle (External member) queried when the audit plan for 2022 would be available. QAO advised that they will present this to the February meeting next year and that it will be in a similar format to this year. QAO also advised that their approach should be similar to the 2021 year, however if there is a change in focus required, this would be identified in the plan and discussed at the February ARMC meeting.

3. INTERNAL AUDIT BRANCH ACTIVITIES REPORT FOR THE PERIOD 16 AUGUST 2021 TO 15 NOVEMBER 2021

This is a report detailing the activities of Internal Audit undertaken during the above-mentioned period and the current status of Internal Audit recommendations.

"The attachment/s to this report are confidential in accordance with section 275(1)(i) of the *Local Government Regulation 2012*."

RECOMMENDATION

That the report be received, considered and the recommendations in Attachments 3, 4 and 5, be considered finalised and archived.

Discussion

Overdue recommendations – Infrastructure and Environment Department

24 NOVEMBER 2021

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

Rob Jones (Chairperson) queried the overdue recommendations particularly in relation to the Infrastructure and Environment Department and asked if this was an area that needed greater focus. Freddy Beck (Chief Audit Executive) agreed that it was an area that the committee needs to monitor and that the Executive Leadership Team discusses the current and overdue recommendations on a monthly basis. It was noted that there have been a number of changes to personnel in this area which may have contributed to the lack of progress on some recommendations.

Internal audit reports yet to be finalised

Rob Jones (Chairperson) queried the internal audit activities report noting that there were still a number of internal audits from 2019-2020 that are yet to be finalised and 1 in 2015-2016 still outstanding. Freddy Beck (Chief Audit Executive) advised that the 2015-2016 audit is in relation to data analytics and has not been able to be closed by him as the Chief Audit Executive given the recommendations are still under consideration and associated with the implementation of the IT Strategy. Freddy Beck (Chief Audit Executive) acknowledged that a number of the other outstanding issues require attention.

Cyber Security

Rob Jones (Chairperson) queried the report completed last year by Deloitte on Cyber Security in which they made a number of recommendations and whether these recommendations were logged and were being monitored. Freddy Beck (Chief Audit Executive) advised that they had been included in the internal audit recommendations monitoring and reporting. Rob Jones (Chairperson) requested that a separate status report on progress of implementation of these recommendations be provided to the committee at the next meeting.

Rob Jones (Chairperson) followed up an issue that Martin Power (External member) raised at the August meeting regarding the monitoring of cyber security risk at council and that it would be useful to have a dashboard showing key information relating to cyber security events. This would be useful for the committee to better understand what council is having to deal with on a practical basis and the extent of the risk. Martin Power (External member) advised that in other organisations because cyber security is such a big risk, a dashboard is produced that is reported to the CEO on a regular basis and includes matters such as the history of how many attacks, bogus emails, training that people have attended relating to cyber security etc. Sylvia Swalling (Acting General Manager Corporate Services) advised that these matters are constantly monitored and analysed and a dashboard does exist at management level. Sylvia Swalling (Acting General Manager Corporate Services) advised that she would arrange for the report provided to the ICT Steering Committee to be provided to the Audit and Risk Management Committee as a standing report. Councillor Marnie Doyle stated that an example was given at the August meeting in relation to emails to staff on cyber security. Rob Jones (Chairperson) requested that training statistics be included in the report back to committee.

Grants, sponsorships and donations process

24 NOVEMBER 2021

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

Annette Quayle (External member) queried Council's grants, sponsorships and donations process in relation to discretionary grants and conflict of interest and how much probity or discretion there is in this area. Rob Jones (Chairperson) suggested that the committee receive a presentation on grants at a future meeting and that this would be built into the planned agenda for next year.

Delegation Reporting

Martin Power (External Member) queried the delegations internal audit report in relation to costs and that the information provided in the Transparency and Integrity Hub is not always consistent. Rob Jones (Chairperson) requested that the Chief Audit Executive include information in the reporting to outline when council has approved an increase in delegation so that the committee can ensure that the correct process is being followed.

Transparency and Integrity Hub

Martin Power (External Member) stated that as a variation occurs to a contract it should be updated in the Transparency and Integrity Hub. Sylvia Swalling (Acting General Manager Corporate Services) advised that the information on the hub is designed as a data snapshot at a point in time and not live data and that the Hub has detailed disclaimers in relation to the data. Sylvia also advised that work continued to develop application programming interfaces so that the data was published near to real time. Sonia Cooper (Chief Executive Officer) advised that council will review the wording in the short term to see if it is possible to give a more accurate account.

ACTION:

- 1. The Chief Information Officer to provide a status report on the progress of implementation of the recommendations of the Deloitte report outlining what has and has not been resolved and how the recommendations are being addressed.**
- 2. The Chief Information Officer to provide a report to the Audit and Risk Management Committee in relation to the information council is monitoring in terms of cyber security as well as training statistics related to cyber security.**
- 3. That the planned agenda be amended to include a presentation on council's grants, sponsorships and donations process including conflict of interest provisions and probity in this area.**
- 4. Manager, Procurement Branch to review the wording used in the Transparency and Integrity Hub in relation to contracts and variations to contracts.**

-
4. DRAFT ANNUAL PLAN FOR 2022 FOR THE AUDIT AND RISK MANAGEMENT COMMITTEE

24 NOVEMBER 2021

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)]

This is a report concerning the Audit and Risk Management Committee (ARMC) Annual Plan for 2022 with background information provided by the Chair of the Audit and Risk Management Committee.

RECOMMENDATION

That the draft Audit and Risk Management Committee Annual Plan for 2022 be confirmed to determine a planned agenda for 2022.

5. AUDIT AND RISK MANAGEMENT COMMITTEE CHARTER AND THE INTERNAL
AUDIT CHARTER

This is a report concerning a review of the Audit and Risk Management Committee Charter and the Internal Audit Charter. There is one change being proposed to section 8.1.2 and that is to change the Councillors term to four years with a further term of four years possible if re-elected. Experience has shown that the intentional rotation of Councillors through shorter periods are actually preventing these Councillors from contributing back to the Committee once they are experienced to do so.

The current changes as suggested by the Quality Assessment around the support and placement of internal audit will be considered once the Chief Executive position has been finalised and updated into the Internal Audit Charter as required.

RECOMMENDATION

That the updated Audit and Risk Management Committee Charter, as detailed in Attachment 2, be adopted.

6. GOVERNANCE, INTERNAL CONTROLS AND COMPLIANCE

This is a report relating to the progressive maturing and strengthening of Council's governance, internal controls, and compliance with the broad range of legislative, policy, and procedural obligations upon it.

This report provides an update to the Audit and Risk Management Committee on key governance, internal controls, and compliance matters for the past quarter.

RECOMMENDATION

That the Audit and Risk Management Committee note the initiatives and actions being implemented to mature and strengthen Council's governance, internal controls, and compliance.

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AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

Discussion

It was noted by the Committee that the Good Governance Guide is a very comprehensive and a high quality resource.

Martin Power (External Member) noted that in relation to the table titled Ipswich City Council Governance and Internal Controls Framework, the People and Culture Strategic Plan refers to 2019-2021 which should be amended to the correct date.

ACTION:

1. **The Corporate Governance Manager to amend the table titled Ipswich City Council Governance and Internal Controls Framework to reflect the correct date for the People and Culture Strategic Plan (now People and Culture Strategy 2021-2026).**

7. ICT STEERING COMMITTEE PROGRESS REPORT

The ICT Steering Committee provides oversight for the Information and Communications Technology Portfolio and meets on a six-weekly cycle.

This report provides an update to the Audit and Risk Management Committee on the key matters pertaining to risks and issues considered by the ICT Steering Committee for the period August to October 2021.

RECOMMENDATION

That the report be received and the contents noted.

Discussion

Rob Jones (Chairperson) referred to the engagement of the Program Director and Strategic Advisor for the iVolve project and queried how these two roles would operate. Sylvia Swalling (Acting General Manager Corporate Services) advised that both roles have been appointed and that the Program Director is a full-time role. The Strategic Advisor role is time based with specific roles and responsibilities. Rob Jones (Chairperson) stated that it was important that these roles report on a regular basis. Martin Power (External member) asked if Council has the internal resources to support these roles. Sylvia Swalling (Acting General Manager Corporate Services) advised that there is a proposed resource plan and an understanding that support will be required of staff with council knowledge and experience. She advised that subject matter experts will be engaged and released from their current roles with their roles being backfilled.

8. INSURANCE AND RISK MANAGEMENT UPDATE

24 NOVEMBER 2021

AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)]

This is a report concerning Council's insurance and risk management activities for the period 1 July 2021 to 30 September 2021.

RECOMMENDATION

That the report be received, and the contents noted.

9. ICT BRANCH RISK MANAGEMENT REPORT

This is a report to the Audit and Risk Management Committee (ARMC) concerning the ICT Branch Risk Register and how the ICT Branch identifies and manages risks.

RECOMMENDATION

That the report be received and the contents noted.

Discussion

Rob Jones (Chairperson) and Martin Power (External member) made comment that there seems to be a lack of consistency in format across all branch risk registers and that there should be a standard template. They made comment that in some registers there was no target risk rating which would provide for the committee a better understanding of the current status risk assessment.

ACTION:

1. **Corporate Governance Manager to provide feedback to Graham McGinniskin (Principal Risk and Compliance Specialist) in relation to the branch risk registers.**

10. PEOPLE AND CULTURE BRANCH RISK MANAGEMENT REPORT

This is a report concerning the People and Culture Branch Risk Register and how the People and Culture Branch treats and manages risks.

RECOMMENDATION

That the report be received and the contents noted.

11. PROCUREMENT BRANCH RISK REGISTER

This is a report to the Audit and Risk Management Committee (ARMC) concerning the Procurement Branch Risk Register and how the Procurement Branch identifies and manages risks at a branch level.

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AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

RECOMMENDATION

That the report be received and the contents noted.

12. CONTRACT MANAGEMENT - EFFECTIVE AND SIGNED DATES: CLARIFICATION

At the meeting of the Audit and Risk Management Committee on 6 October 2021, an action was raised that "The Chief Financial Officer to clarify the meaning of "effective date" and what council's position is in relation to signing of contracts i.e.: effective date vs contract date and what obligations this places on council. He will provide a response at the next meeting scheduled for 24 November 2021."

As this risk area sits within the accountability of the Manager, Procurement, this action was reassigned. This report provides details regarding this action which primarily relates to a system issue that is being addressed.

RECOMMENDATION

That the report be received and the contents noted

12.1. CLIMATE RESILIENT COUNCIL'S RECOMMENDATIONS - VERBAL UPDATE

A verbal report provided by the Emergency Management and Sustainability Manager concerning the recommendations from the Climate Resilient Councils paper.

RECOMMENDATION

That the verbal report be received and noted.

Discussion

Rob Jones (Chairperson) queried when the Sustainability Strategy would be developed. Matt Pinder (Emergency Management and Sustainability Manager) advised that the strategy was scheduled to be presented to council in December. Rob Jones (Chairperson) requested that once the strategy is finalised and approved by Council that Matt Pinder present the strategy to the committee (February or May 2022) and talk through the highlights of the report.

ACTION

- 1. The Emergency Management and Sustainability Manager to present the finalised Sustainability Strategy to the Audit and Risk Management Committee in February or May next year.**

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AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)

13. WASTE AND LANDFILL ISSUES - UPDATE ON CURRENT WASTE AND LANDFILL ISSUES - VERBAL REPORT

The General Manager Planning and Regulatory Services to provide a verbal report on current waste and landfill issues.

RECOMMENDATION

That the verbal report be received and noted.

Discussion

Peter Tabulo (General Manager Planning and Regulatory Services) provided a verbal report on the status of the three significant waste landfill appeals and the progress in the implementation of the Waste and Circular Economy Transformation Policy Directive.

Alisha Connaughton (Manager, Compliance) provided an update on the status of the Warrill Park Cemetery matter that was discussed at the August meeting.

Alisha Connaughton (Manager, Compliance) provided an update on the compliance officer safety issue and action taken as a consequence. Alisha advised that situational awareness training and resilience training had been incorporated into the compliance section and implemented every 12 months. She also advised that after every event they provide a debrief where officers can discuss things that went well and where things can be improved.

14. ENTERPRISE PROGRAM MANAGEMENT OFFICE PERFORMANCE REPORT JULY - SEPTEMBER 2021

This is a report on the progress on the delivery of strategic work identified within the program of work (PoW) for Council's Enterprise Program Management Office (ePMO).

RECOMMENDATION

That the report be received and the contents noted.

Discussion

Rob Jones (Chairperson) stated that the committee would keep a close watch on the new Ipswich planning scheme and asset management. Rob stated that there seemed to be no overall responsibility in council for asset management. He stated that the committee would take a closer look at this in February with a report due on asset management key

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AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)]

risks, processes and controls. Sonia Cooper (Chief Executive Officer) advised that an asset management maturity assessment is being finalised with support from KPMG.

15. PEOPLE AND CULTURE UPDATE

This is a report concerning key updates for the Audit and Risk Management Committee from the People and Culture branch

RECOMMENDATION

That the report be received and the contents noted.

Discussion

Rob Jones (Chairperson) outlined that the ARMC plan for next year relating to the monitoring of People and Culture initiatives and strategy, in addition to the regular updates from People and Culture relating to strategy implementation, would be to focus on the following matters:

- Learning and Development (understanding of what program is, information on how well it is supported and how well the strategy is working).
- Performance Management Framework
- Key policies such as sexual harassment, diversity and inclusion etc

Annette Quayle (External Member) commented on the Staff Experience Survey and queried whether Council would still get an historical analysis of culture with this year's deep dive survey. Talia Love-Linay (Manager, People and Culture) advised that even though this is the first year of a deep dive, council can still look back on previous surveys for comparison. Martin Power (External Member) commented on the snapshot of the profile of staff and how these compare against other councils.

16. NEXT MEETING

The next meeting is scheduled for Wednesday, 16 February 2021.

17. GENERAL BUSINESS

Nil

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AUDIT AND RISK MANAGEMENT COMMITTEE NO. 2021(06)]

18. PRIVATE SESSION OF MEMBER (IF REQUIRED)

Rob Jones (Chairperson) requested time with members to discuss audit related matters.

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 9.32 am.

The meeting closed at 12.55 pm.

Doc ID No: A7652089

ITEM: 15.6

SUBJECT: DEVELOPMENT APPLICATION RECOMMENDATION - 15770/2021/MCU
MATERIAL CHANGE OF USE - 11, 19-25 & 27 NICHOLAS STREET, IPSWICH

AUTHOR: PRINCIPAL PLANNER (DEVELOPMENT)

DATE: 26 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a material change of use for a recreation use (indoor recreation – gymnasium) to be undertaken within the existing refurbished Eats building, which forms part of the redevelopment of the Nicholas Street precinct by Ipswich City Council.

The application requires determination by Council in accordance with the Framework for Development Applications and Related Activities Policy, as the application has been made by Council and does not relate to the provision of standard local government infrastructure. Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel.

The proposed development has been assessed with regard to the applicable assessment benchmarks. The proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached Statement of Reasons.

RECOMMENDATION

That Council approve Development Application No. 15770/2021/MCU being a Material Change of Use - Recreation Use (Indoor Recreation-gymnasium) subject to conditions as contained in Attachment 1 of this report.

RELATED PARTIES

The related parties to this application are:

- Ipswich City Council (Applicant and Landowner)
- Queensland Rail Ltd (Landowner)
- Sinclair Town Planning Pty Ltd (Town Planning Consultant)
- Ranbury Management Group Pty Ltd (Project Manager)
- Buchan Group (Architect)
- Queensland Government State Assessment Referral Agency (SARA) (Referral Agency)
- Energex (Referral Agency)

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

SITE ADDRESS:	11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Recreation Use (Indoor Recreation - Gymnasium)
ZONE:	CBD Primary Retail
OVERLAYS:	OV5 (adopted flood regulation line), OV7A (building height restriction area 45m & transitional surface) and OV7B (8km existing committed urban townships buffer)
APPLICANT:	Ipswich City Council C/- Sinclair Planning Pty Ltd
OWNER:	Ipswich City Council Program 31 & Queensland Rail
EXISTING OR PROPOSED TRADING NAMES:	Nicholas Street Precinct – Eats Building
APPLICATION NO:	15770/2021/MCU
AREA:	14,102m ²
REFERRAL AGENCIES:	Queensland Government State Assessment Referral Agency (SARA) and Energex
EXISTING USE:	Shopping Centre
PREVIOUS RELATED APPROVALS:	2229/17/RAL 1 lot into 3 lots 995/18/MCU Business Use (Cafe, Restaurant and/or Hotel) and Community Use (Library and Visitor Information Centre) 995/18/MAMC/A Minor Change 5201/21/RAL 2 lots into 7 lots
DATE RECEIVED:	15 September 2021
DECISION PERIOD START DATE:	13 October 2021
EXPECTED DETERMINATION DATE:	1 December 2021

SITE LOCATION:



Figure 1 - Site Locality



Figure 2 - Nicholas St Precinct Plan

SITE DETAILS AND SURROUNDING LAND USES:

The Nicholas Street Precinct is the area of land bound by Bremer Parade to the north, Bell Street to the east, Brisbane Street to the south and Ellenborough Street to the west. This area is currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulumur Place and refurbished areas for entertainment, dining, retail and recreational type uses. The subject application particularly relates to the first floor of the Eats Building, which is currently under refurbishment.

PROPOSAL:

The applicant seeks approval for a material change of use – recreation use (indoor recreation – gymnasium) located at the site address referenced above. Specifically, the proposal seeks to use the first floor tenancy area of the Eats Building for the purposes of a gymnasium. The tenancy has a gross floor area of 795m², and no additional changes are proposed to the existing building other than internal fit-out works to suit tenant requirements. The tenancy fit out will include the provision of amenities for gym staff and members, the location of which is subject to detailed design and access to the first floor will continue to be via the existing stairs and lift located at the northern end of the building.

No changes to the existing vehicular parking and access arrangements are proposed as part of this application. Car parking for the development will be provided via the existing car park within Precinct F. This car park was originally constructed to service the uses as part of the previous redevelopment of the precinct in the late 1980's and will continue to service the existing, refurbished buildings. Dedicated loading/services areas for the development exist on Bremer Parade, Ellenborough Street, Bell Street and signed on-street loading zones throughout the precinct, and are all retained as part of the proposed development. It is considered that the existing parking and servicing arrangements are sufficient to service the proposed development. The number of vehicular parking spaces existing are compliant with the requirements of the Parking Code having regard to the proposed uses, and the buildings are well serviced by bus and rail facilities and in a city centre environment, where many customers are likely to access uses on foot and undertake single trip, multi-purpose activity centres.

Hours of operation proposed for the tenancy subject to the is application area 24 hours a day, 7 days a week.

ASSESSMENT BENCHMARKS:

The application is Code Assessable and has been assessed against the assessment benchmarks set out by the categorising instruments in accordance with section 45(3)(a) of the *Planning Act 2016*.

The relevant assessment benchmarks which have been applied for the purposes of this assessment are as follows:

Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Development Constraints Overlays Code (Part 11, division 4) Parking Code (Part 12, division 9) Recreation and Entertainment Code (Part 12, division 11)

The application was found to comply with the assessment benchmarks applying to the development.

OTHER MATTERS GIVEN REGARD:

The assessment has given regard to the relevant matters identified in section 27 of the *Planning Regulation 2017* and in accordance with section 45(3)(b) of the *Planning Act 2016*.

The assessment has given regard to the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

OTHER RELEVANT INFORMATION:

Appropriateness of Proposed Use

The properties subject to this application are located within the CBD Primary Retail Zone of the *Ipswich Planning Scheme 2006*. The outcomes sought for this zone in the planning scheme include a vibrant retail core for the Ipswich Central Business District, and can include:

- higher order comparison retail;
- major department stores and discount department stores;

- entertainment, recreation, leisure, cultural and community facilities including museums, galleries, cinemas, clubs and meeting places particularly within the area around d'Arcy Doyle Place;
- food, beverage and dining facilities, including alfresco dining; and
- convenience retail for office workers, visitors and inner city residents.

The proposed development is consistent with the outcomes sought by the planning scheme, is located primarily within refurbished buildings and utilises existing access, car parking and servicing areas. The use proposed ensures that a vibrant and dynamic mix of land uses and activities is created which support 'around the clock' activity and high levels of use and visitation by inner City residents, outer suburbs residents and visitors to the City. In conjunction with the suite of works proposed across the wider Ipswich CBD redevelopment the proposed development supports the position of the Ipswich CBD as the principal regional activity centre in the Ipswich LGA.

Development Constraints

The subject site is partially affected by the adopted flood regulation line (AFRL). Notwithstanding all proposed buildings and essential services are located above the AFRL. Although the vehicle access to the existing parking area from Bremer Street is located below the AFRL, alternative flood free access is provided to all precincts via Union Place, the Ipswich City Mall (Nicholas Street), Brisbane Street, Bell Street and Ellenborough Street.

With regard to the State Planning Policy, the proposal complies with the interim assessment benchmarks relating to hazards, risk and resilience on the basis that all proposed use areas are outside of the risk area. It is considered the further regulation of this existing situation to increase its flood immunity would be unreasonable for the development sought.

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

In accordance with section 63 of the *Planning Act 2016*, a 'notice about the decision' is required for this application. Accordingly, a Statement of Reasons is included with this decision. This Statement of Reasons provides the justification for Council's decision (Refer Attachment 3).

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

The site is identified within a deemed demand area pursuant to the Ipswich Adopted Infrastructure Charges Resolution. In accordance with Schedule 5 – Deemed Demand for the Deemed demand Area of the *Ipswich Adopted Infrastructure Charges Resolution (No. 1) 2021*, when a site is located within the CBD Primary Retail Zone, the deemed demand is calculated in accordance with the Commercial (retail) category at a rate of 40,000m² GFA/ha.

The development demand for the proposed use does not exceed the calculated demand credit and therefore infrastructure charges for Council's infrastructure networks are not applicable to the proposed development.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

A risk to Council exists should the proposal not be determined in accordance with legislative requirements. The assessment and subsequent recommendations have been prepared to minimise the risk.

As Council is both the applicant and the assessment manager in relation to this application there is a risk of influence on decision making via a potential conflict of interest. In order to mitigate this risk and as part of the establishment of the new governance framework for processing development applications and development related activities, the draft recommendation was referred to the Independent Decision Review Panel in accordance with the related policy and procedure. The External Consultation section of the report discusses the results of this review in detail.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Decision to approve development application 15770/2021/MCU.
(b) What human rights are affected?	The applicant is a company and therefore does not have human rights under the <i>Human Rights Act 2019</i> . The application is subject to code assessment and therefore, public notification is not applicable to the development pursuant to the Planning Act.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

This report relates to Council acting in its capacity as the assessment manager for development applications. The development application fee was paid to cover Council's costs in this regard and as such, there are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

The development application is code assessable, and was therefore not required to follow the public notification process pursuant to the Planning Act. Notwithstanding, all relevant application material is accessible online via Council's ePathway Service. Council as assessment manager did not receive any written submissions in relation to the application.

REFERRAL AGENCY

The Queensland Government State Assessment Referral Agency (SARA) are a referral agency for the application, owing to be the site being located adjacent to a state transport corridor (Ipswich Railway Line). The department provided a response dated 13 October 2021 with no requirements in relation to this application (refer to Attachment 4).

Energex are a referral agency for the application, owing to part of the site being subject to an easement for the benefit of a distribution entity, or transmission entity under the Electricity Act. Energex provided a response dated 27 September 2021 requiring the development to be carried out in accordance with the submitted plans and the conditions of an easement in favour of Energex to be maintained at all times (refer to Attachment 5).

INTERNAL CONSULTATION

The application and common material was presented to Council's Initial Development Assessment Panel (consisting of various representatives from across the organisation) for review upon lodgement. The comments made by the panel have been considered in drafting the recommendation.

EXTERNAL CONSULTATION

The development application is classified as a Sensitive Development Matter and therefore requires review by an Independent Decision Review Panel prior to being determined, in accordance with the Council policy titled Framework for Development Applications and Related Activities. The Independent Decision Review Panel has been selected in accordance with the related procedure, and contains only one member, being Craig Harte (Town Planner, employed as a Planning Manager (Ipswich) by RPS Australia East Pty Ltd). In this instance, it was considered appropriate to select only one member for the panel, as the application utilises existing buildings and infrastructure, and there are therefore limited technical aspects associated with the proposal which require additional input.








The draft recommendation was provided to the Independent Decision Review Panel on 9 November 2021 (refer to attachment 6), and the Independent Decision Review Panel Report was received on 24 November 2021 (refer Attachment 7). The panel concluded that it is satisfied with the intention of the proposed Council recommendation, being to recommend approval of the application subject to conditions.

CONCLUSION

An assessment of the proposed material change of use for a recreation use (indoor recreation – gymnasium) at 11, 19-25 & 27 Nicholas Street, Ipswich has been undertaken and it has been determined that the proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached

Statement of Reasons. It is therefore recommended that this development application be decided in accordance with the recommendations and attachments of this report. In addition, the panel has recommended a number of conditions for inclusion in the draft recommendation, consistent with other similar proposal to ensure the decision is completely robust. The conditions relate to customer toilets, trade materials, product and plant, loading and unloading, access for people with a disability. These conditions were not included in the original recommendation owing to the fact similar requirements have been appropriately captured within the overarching development permit associated with the refurbishment of the Eats Precinct (development permit no 995/2018/MAMC/A). Notwithstanding these conditions have been included in the recommendation for clarity.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft Decision Notice ↓ 
2.	Draft DA Plans Approved ↓ 
3.	Draft Statement of Reasons ↓ 
4.	Referral Agency Response (Queensland Government - SARA) ↓ 
5.	Referral Agency Response (Energex) ↓ 
6.	Application Material to Independent Decision Review Panel ↓ 
7.	Independent Decision Review Panel Report ↓ 

Grant Johnson

PRINCIPAL PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Mitchell Grant

DEVELOPMENT ASSESSMENT CENTRAL MANAGER

I concur with the recommendations contained in this report.

Michael Simmons

ACTING MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

“Together, we proudly enhance the quality of life for our community”

Your reference
Our reference 15770/2021/MCU-GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



Ipswich City Council

1 Nicholas Street
PO Box 191
IPSWICH QLD 4305

Phone (07) 3810 6666
Fax (07) 3810 6731
Email council@ipswich.qld.gov.au

ipswich.qld.gov.au

Ipswich City Council
C/- Sinclair Planning Pty Ltd
Leisa.Sinclair@sinclairplanning.com.au

November 2021

Dear Leisa

Re: Development Application – Approval
Application No: 15770/2021/MCU
Proposal: Material Change of Use - Recreation Use (Indoor Recreation - Gymnasium)
Property Location: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305

I refer to the above development application which was decided on **[decision date]**.

Enclosed with this letter is the Decision Notice, including:

- ☐ Attachment A – Assessment Manager's Conditions
- ☐ Attachment B – Approved Plans
- ☐ Attachment C – Referral Agency Responses
- ☐ Appeal Rights

If you have any queries regarding this application, please contact Grant Johnson on the telephone number listed above.

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities

development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)

ipswichSARA@dsdmip.qld.gov.au

Energex

townplanning@energex.com.au

Our Reference 15770/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



November 2021

DECISION NOTICE APPROVAL

(Given under section 63(2) of the *Planning Act 2016*)

Applicant details

Applicant name: Ipswich City Council
Applicant contact details: Leisa.Sinclair@sinclairplanning.com.au

Application details

Application number: 15770/2021/MCU
Application type: Material Change of Use
Description of proposed development: Recreation Use (Indoor Recreation -Gymnasium)
Date application received: 15 September 2021

Site details

Property location: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
Real property description: Lot 1 SP307972, Lot 3, RP212242 & Lot 2 RP 209886

Decision

Date of decision: [Decision date]
Decision Authority: Full Council

1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use - Recreation Use (Indoor Recreation -Gymnasium)	Development Permit	Approved in full subject to the conditions set out in Attachment A	6 years*

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act*.

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

The approved plans, specifications and drawings for this development approval are:

- (a) The plans and documents referred to in the table below; and
- (b) Where the amended version of the plans and documents referred to in the table below have been approved by the Assessment Manager, the amended version of those plans and documents.

The plans referenced below are included as Attachment B of this decision notice.

APPROVED PLANS				
Reference No.	Description & Revision No.	Prepared By	Date	Amendments Required
Aspect of development: material change of use				
A-R-0001	Retail Precinct Plan Revision C	Buchan Group	27 March 2020	N/A
SK001	Proposed Tenancy		15 September 2021	N/A

4. Referral Agencies

The referral agencies for this application are:

Referral Agency	Referral Role	Aspect of Development Requiring Referral	Address
Queensland Government State Assessment Referral Agency (SARA)	Concurrence	- State Transport Corridors and Future State Transport Corridors	Ipswich SARA Office Post: PO BOX 129, IPSWICH QLD 4305 Email: IpswichSARA@dsgm ip.qld.gov.au

Energex	Advice	- Electricity Infrastructure	Ph: 07 3432 2413 Energex Post: GPO Box 1461 BRISBANE QLD 4001 Email: townplanning@ener gex.com.au
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Refer to Attachment C for Referral Agency conditions.

5. **Variation Approval**

Not applicable to this decision.

6. **Further Development Permits**

Further development permits, as required by the *Planning Act 2016*, must be obtained before the development can be carried out in respect of any building works and plumbing works in relation to this approval prior to the commencement of works pursuant to the *Planning Act 2016*.

7. **Environmental Authority**

Not applicable to this decision.

8. **Properly Made Submissions**

Not applicable to this decision.

9. **Currency period for the approval (section 85 of the *Planning Act 2016*)**

The currency period for this approval is as outlined in part 1 – ‘decision details’ of this decision notice, starting the day the approval takes effect. Unless the currency period is extended by the Assessment Manager pursuant to section 87 of the *Planning Act 2016*, this development approval lapses in accordance with section 85 of the *Planning Act 2016*.

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act*.

10. **When approval lapses if development started but not completed— variation approval**

Not applicable to this decision.

11. **Other requirements under section 43 of the *Planning Regulation 2017***

Not applicable to this decision.

12. **Trunk Infrastructure**

Not applicable to this decision.

13. Infrastructure Charges

- (a) No infrastructure charges have been levied by Council for the proposed development.
- (b) From 1 July 2014, the Central SEQ Distributor-Retailer Authority (QUU) will issue all Infrastructure Charges Notices for charges relating to water and wastewater. For further information, it is recommended that you contact QUU's developer customer service team on (07) 3432 2200.

14. Submitting Change Representations to Request a Negotiated Decision Notice

In accordance with section 75 of the Planning Act 2016, the applicant may submit change representations to request a negotiated decision notice, during the applicant's appeal period, about changing a matter in the development approval (other than a matter stated because of a referral agency response or a development condition imposed under a direction by the Minister).

The applicant's appeal period is 20 business days, and any change representations must be submitted and assessed during this time, unless the applicant suspends the appeal period. To ensure both the applicant and the assessment manager have sufficient time to consider the change representations, it is recommended that the applicant suspend the appeal period (refer to section 75(2) of the Planning Act 2016) prior to submitting their change representations. This will allow an additional 20 business days for the applicant to submit their change representations, if required, and up to 20 business days for the assessment manager to consider the representations from the date the change representations are received.

Ipswich City Council does not charge an application fee for the submission of change representations.

For more information, please refer to the State Government's fact sheet on Change Representations: <https://dilgpprd.blob.core.windows.net/general/factsheet-change-representations.pdf>.

15. Appeal Rights

Applicant's appeal rights

You have appeal rights in relation to this decision. An appeal may be made against, as applicable:

- ☐ the refusal of part of the development application; or
- ☐ a provision of the development approval; or
- ☐ if a development permit was applied for, the decision to give a preliminary approval.

An appeal must be started within 20 business days after this notice is given to you.

An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the *Planning Act 2016*, to a development tribunal.

An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the

approved form, succinctly state the grounds of the appeal and be accompanied by the required fee.

An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016*. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal.

Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* sets out further information about appeal rights.

An extract from the *Planning Act 2016* about appeal rights is attached to this decision notice.

Attachment A
Assessment Manager's Conditions
File No: 15770/2021/MCU
Location: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
Proposal: Material Change of Use - Recreation Use (Indoor Recreation -Gymnasium)

Assessment Manager (Ipswich City Council) Conditions		
Conditions applicable to this approval under the Planning Act 2016		
No.	Condition	The time by which the condition must be met, implemented or complied with
1.	Basis of Approval	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in Schedule 24 – Dictionary of the <i>Planning Regulation 2017</i>) for the application and adherence to all relevant Council Local Laws and/or the <i>Ipswich Planning Scheme</i> (including Planning Scheme Policies) unless otherwise varied by this approval or varied by a condition of this approval.</p> <p>Note: Any variation in the development from that approved herein may constitute assessable development pursuant to the <i>Planning Act 2016</i>.</p>	<p>From the commencement of the construction of the development and at all times thereafter.</p>
2.	Minor Alterations	
	<p>Notwithstanding the requirements detailed in this approval, any other minor alterations accepted in writing by the assessment manager will suffice.</p>	<p>At all times after the approval is granted.</p>
3.	Development Plans	
	<p>The applicant must undertake the development generally in accordance with the approved plans outlined in part 3 of this development permit.</p>	<p>From the commencement of the construction of the development and at all times thereafter.</p>
4.	Completion of Conditions of Previous Approval	
	<p>Unless otherwise varied by this approval the applicant must comply with all conditions of Council's development permit for application 995/2018/MAMC/A as lawfully amended.</p>	<p>From the commencement of the use and at all times thereafter.</p>
5.	Hours of Construction	
	<p>Unless otherwise approved in writing by the assessment manager, construction works must only occur within the hours as defined in <i>Planning Scheme Policy 3 – General Works Part 5, Section 5.1.3</i>.</p>	<p>At all times during construction of the development.</p>
6.	Hours of Operation	
	<p>The applicant is permitted to conduct work or business from the premises from the tenancy 24 hours, seven (7)</p>	<p>From the commencement of the use and at all times thereafter.</p>

	days a week. The applicant must ensure there is no nuisance or disturbance caused outside of the building in connection with conducting the development.	
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7.	Limits to Approval	
	All activities associated with the recreation use – (indoor recreation) must be carried out within the confines of the tenancy and not within any car parking areas, the civic plaza or in any associated outdoor areas on the site, as shown on the approved plans in part 3 of the development permit.	From the commencement of the use and at all times thereafter.

8.	Separate Agreements (Sale Agreements, Tenancy Agreements, Lease Agreements, Community Management Statements, Developer Covenants etc.)	
(a)	The applicant must ensure any separate agreements (including but not limited to sale agreements, tenancy agreements; lease agreements; community management statements; developer covenants etc.) require the development to be conducted/operated in accordance with: <ul style="list-style-type: none"> (i) this development approval (and any subsequent amendments/changes to this approval) (ii) any related or consequential approvals (e.g. material change of use, reconfiguring a lot, operational works or building works) 	From the commencement of the use and at all times thereafter.
(b)	The applicant must ensure a copy of all approvals referred to in (a) above are: <ul style="list-style-type: none"> (i) appropriately referenced in such agreements (ii) provided to all parties of such agreements 	At the time an agreement is presented to the relevant parties.

9.	Activation of Buildings	
(a)	Unless otherwise approved in writing by the assessment manager, all windows and building entries fronting Nicholas Street are to remain visually permeable at all times during the operation of the development. To this end, all windows and entry points are to remain transparent and must not be covered with advertising, screening or opaque tinting of any kind.	Prior to the commencement of any use along the relevant frontage and at all times thereafter.
(d)	Unless otherwise approved in writing by the assessment manager, advertising signage is not permitted to be located on windows and entry doors of the buildings.	From the commencement of the use and at all times thereafter.

Item 15.6 / Attachment 1.

Ipswich City Council

Page 10

10.	Noise	
(a)	The applicant must ensure the use of outdoor public address systems is restricted to emergency use only.	From the commencement of the use and at all times thereafter.
(b)	Devices used to amplify noise must not be used in any outdoor areas including the car park.	From the commencement of the use and at all times thereafter.
(c)	The gym floor, equipment and weights must be acoustically damped using cushioning, to prevent environmental nuisance.	From the commencement of the use and at all times thereafter.
(d)	The applicant must ensure the use does not cause a nuisance or disturbance to any nearby sensitive uses or adjacent tenants/businesses.	From the commencement of the use and at all times thereafter.

11.	Customer Toilets	
	The applicant must provide customer toilet facilities in accordance with the provisions of the Building Code of Australia, which must remain open for access at all times during the operation of the development	From the commencement of the use and at all times during the approved hours of operation thereafter.

12.	Trade Material, Product and Plant	
	The applicant must store all trade materials, products and plant within the confines of the building.	From the commencement of the use and at all times thereafter.

13.	Loading and Unloading	
	The applicant must undertake all loading and unloading within the confines of the subject site and/or surrounding areas consistent with the provisions outlined under development permit 995/2018/MAMC/A or as lawfully amended.	From the commencement of the use and at all times thereafter.

14.	Access for People with a Disability	
	The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any car parking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public.	Prior to the commencement of the use and at all times thereafter.

Assessment Manager (Ipswich City Council) Advice

The following advice is offered for your information only and should not be viewed as mandatory conditions of this approval.

1.	Advertising Signage	
	Unless any advertising devices associated with the proposed use meets the exempt criteria set out in Schedule 9 of the <i>Ipswich Planning Scheme 2006</i> , such signage would require submission to Council of a code assessable development application for operational works – placing an advertising device on premises. Accompanied by the relevant assessment fee. For further information. Please contact the Planning and Development Department on (07)	

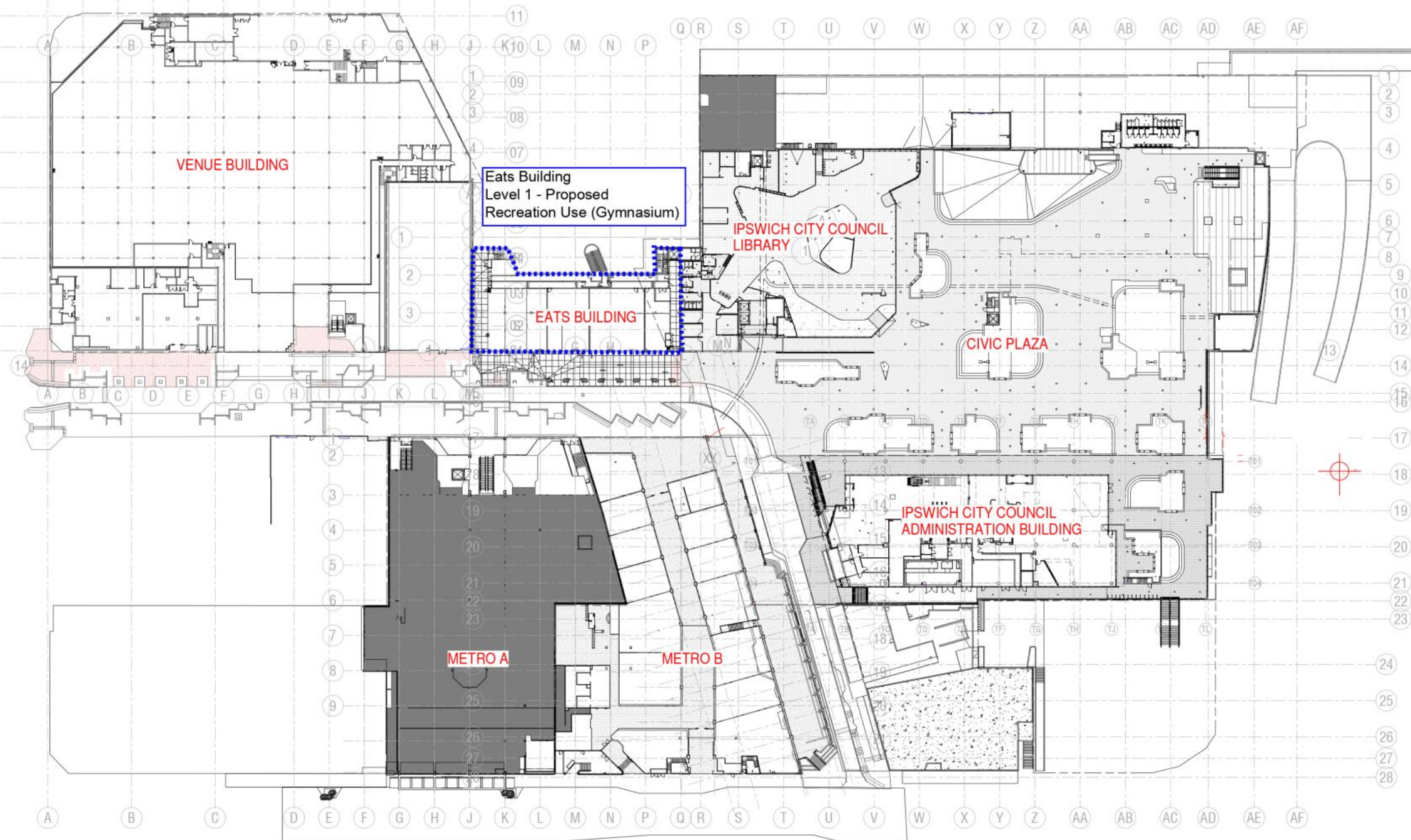
	3810 6888.
2.	Fire Ants
(a)	In accordance with the <i>Biosecurity Act 2014</i> and the <i>Biosecurity Regulation 2016</i> , the State of Queensland has implemented movement controls in areas (Fire Ant Biosecurity Zones) of Queensland where the Red Imported Fire Ant (ant species <i>Solenopsis invicta</i>) has been detected.
(b)	It is a legal obligation to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 25 23 (24hrs). It should be noted that works involving movements of all materials associated with earthworks (import and export) within a fire ant biosecurity zone is subject to movement controls and failure to comply with the regulatory provisions is an offence under the Biosecurity Act 2014. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/fireants .
(c)	The land over which you have made a development application is within a Fire Ant Biosecurity Zone. The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact Biosecurity Queensland to investigate the site and for you to implement any necessary matters required prior to the commencement of any works.
3.	Portable Long Service Leave
	<p>Where the works are valued at \$150,000.00 or more and match the definition of Building and Construction Industry, the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> requires that evidence of payment of the portable long service leave (QLeave) Levy be received by Council as a condition of issuing a development permit. This applies to building works, operational works and plumbing and drainage works applications, as defined under the <i>Planning Act 2016</i>.</p> <p>If such evidence is not received by the time of issuing the decision notice, Council may only issue a preliminary approval, notifying the applicant that the application is approved, but not permitting commencement of Operational Works.</p> <p>All statutory timeframes applying under the <i>Planning Act 2016</i> for appeals and expiry of the approvals continue in force after issuing of the Decision Notice containing the Preliminary Approval.</p> <p>If a Preliminary Approval is issued in the absence of evidence of payment of the QLeave Levy, a subsequent Development Permit will have to be issued by Council upon receipt of evidence of payment. This will require a new application and fees will apply.</p> <p>If you require clarification in regard to the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i>, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.</p>
4.	Local Government Regulation 2012
	This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i> . This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please

	contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666.
5.	<i>Section 73 of the Planning Act 2016</i>
	Pursuant to section 73 of the <i>Planning Act 2016</i> , a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.
6.	Food Licence
	Where food is sold, served and produced on the site there may be a need to hold a licence to do so under the <i>Food Act 2006</i> . Please contact the Health, Security and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.

APPENDIX C

PROPOSAL PLAN

Item 15.6 / Attachment 2.



1 RETAIL PRECINCT PLAN
1:500

No.	Date	Description	Rev.	App.
A	08.02.20	ISSUED FOR INFORMATION	AC	GC
B	19.02.20	ISSUED FOR INFORMATION	AC	GC
C	27.03.20	100% DD ISSUE	PC	GC

Do not scale this drawing. Verify all dimensions on site before commencing any work. Buchan: This drawing remains the property of The Buchan Group Australia Pty Ltd. Reproduction in whole or in part without prior consent is prohibited.

File

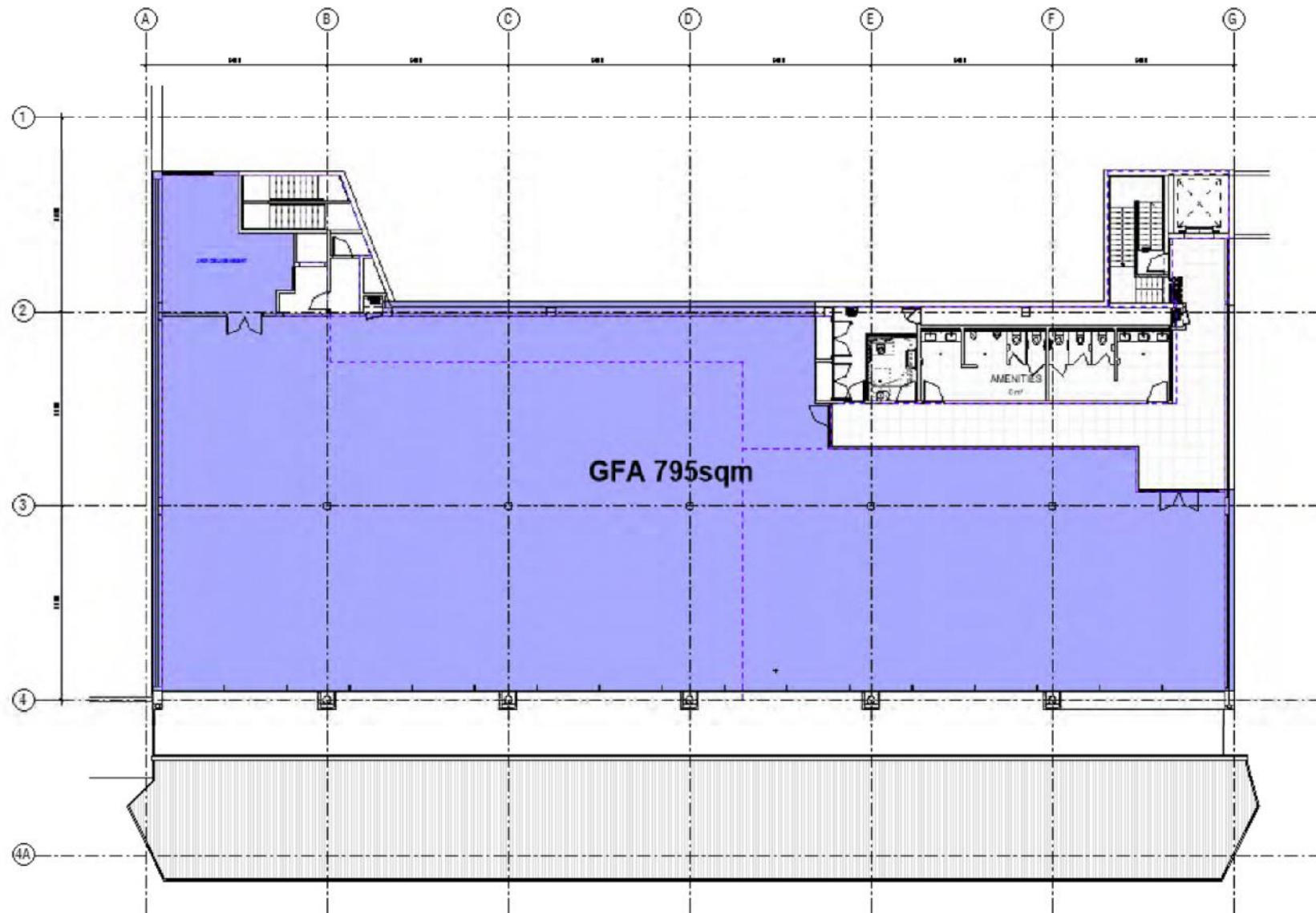
Project
IPSWICH CITY MALL

Project Number	718093
Status	FOR INFORMATION
Date Plotted	27/03/2020 3:02:20 PM
Date Issued	27.03.20
Scale	1:500 @ A1
Drawing Title	RETAIL PRECINCT PLAN

Drawing Number	A-R-0001	Revision	C
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BUCHAN

Brisbane Studio
+ 61 7 3859 9222 / buchangroup.com.au



SK01 Proposed Tenancy
15.09.2021

Our Reference 15770/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

APPLICANT DETAILS

Applicant name: Ipswich City Council

APPLICATION DETAILS

Application number: 15770/2021/MCU

Application type: Material Change of Use

Approval sought: Development Permit

Description of proposed development: Recreation Use (Indoor Recreation -Gymnasium)

Level of Assessment: Code

SITE DETAILS

Street address: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305

Real property description: Lot 1 SP307972, Lot 3, RP212242, Lot 2 RP 209886

DECISION

Date of decision: [TBC]

Decision: Approved in full with conditions

Decision Authority: Full Council

1. Reasons for the Decision

The reasons for this decision are:

- The application was properly made and followed the Development Assessment Rules in effect.
- The application was assessed against the applicable Assessment Benchmarks.
- The assessment manager, after carrying out the assessment, found that the development complied with the relevant Assessment Benchmarks applicable to the development, or resolved a conflict between the benchmarks, or resolved a conflict between the benchmarks and a referral agency's response.
- The development was not prohibited development under a categorising instrument or local categorising instrument.

2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Development Constraints Overlays Code (Part 11, division 4) Parking Code (Part 12, division 9) Recreation and Entertainment Code (Part 12, division 11)

3. **Compliance with Benchmarks**

The application was found to comply with the assessment benchmarks applying to the development.

4. **Relevant matters**

The application was given regard to, the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

5. **Other Relevant Matters for development subject to impact assessment**

Not applicable.

6. **Matters raised in submissions for development subject to impact assessment**

Not applicable.

RA9-N



SARA reference: 2109-24963 SRA
Council reference: 15770/2021/MCU

13 October 2021

Chief Executive Officer
Ipswich City Council
PO Box 1559
IPSWICH QLD 4305
development@ipswich.qld.gov.au

Attention: Mr Grant Johnson

Dear Mr Johnson

SARA response—11, 19-25 and 27 Nicholas Street, Ipswich

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 27 September 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application
Date of response:	13 October 2021
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Material change of use for Recreation Use (Indoor Recreation – Gymnasium)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a railway corridor	
SARA reference:	2109-24963 SRA	
Assessment Manager:	Ipswich City Council	
Street address:	11, 19-25 and 27 Nicholas Street, Ipswich	

Item 15.6 / Attachment 4.

2109-24963 SRA

Real property description: Lot 1 on SP307972; Lot 3 on RP212242; Lot 2 RP209886
Applicant name: Ipswich City Council ABN 61 461 981 077
Applicant contact details: C/- Sinclair Planning Pty Ltd
PO Box 130
Lutwyche QLD 4030
leisa.sinclair@sinclairplanning.com.au

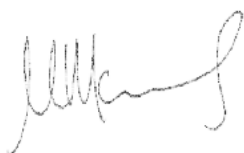
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Darrian Borick, Principal Planner, on 3432 2411 or via email IpswichSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ursula McInnes
Planning Manager

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

cc Ipswich City Council ABN 61 461 981 077, leisa.sinclair@sinclairplanning.com.au

2109-24963 SRA

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation, or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

2109-24963 SRA

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- The development application is for a material change of use for recreation use (indoor recreation gymnasium).
- The premises are located on and within 25m of a railway corridor.
- The development application has been assessed against the State Development Assessment Provisions (SDAP) version 2.6, State code 2: Development in a railway environment (State code 2).
- The proposed development achieves the purpose of State code 2/

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system.

2109-24963 SRA

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

27 September 2021

Ipswich City Council
1 Nicholas Street
PO Box 191
Ipswich QLD 4305

Attention: Grant Johnson
Via email: development@ipswich.qld.gov.au



positive energy

cc Ipswich City Council
C/- Sinclair Planning Pty Ltd
PO Box 130
Lutwyche QLD 4030

Attention: Leisa Sinclair
Via email: Leisa.Sinclair@sinclairplanning.com.au

Dear Grant,

Development Application – Material Change of Use - Recreation Use (Indoor Recreation - Gymnasium) located at 11, 19-25 & 27 Nicholas Street Ipswich, described as Lot 1 on SP307972, Lot 3 on RP212242 and Lot 2 on RP209886.

**Council Ref: 15770/2021/MCU
Applicant Ref: SP21049
Our Ref: HBD 7551074**

We refer to the above referenced Development Application which has been referred to Energex Limited pursuant to section 54 of the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. The below response is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use, Energex advises the following in relation to the proposed development:

1. The development is to be carried out in accordance with the plans identified below. Any changes to these plans should be resubmitted to Energex for further review and comment.

Approved Plans			
Title	Plan Number	Issue	Date
Proposed Tenancy	SK01	-	15.09.2021

2. The conditions of any easements in favour of Energex must be maintained at all times.

Reference: HBD 7551074



Enquiries
Maddison Low
Telephone
0456 836 609
Facsimile
0456 836 609
Email
Maddison.Low@energyq.com.au

Corporate Office
26 Reddacliff 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

2

Should you require any further information on the above matter, please contact Maddison Low on 0456 836 609.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'M. Low', with a horizontal line extending to the right.

Maddison Low
Town Planner

Reference: HBD 7551074

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.energex.com.au/referralagency

Your reference
Our reference 15770/2021/MCU & 16204/2021/MCU
Contact Officer Grant Johnson
Telephone (07) 3810 7540



Ipswich City Council

1 Nicholas Street
PO Box 191
IPSWICH QLD 4305

Phone (07) 3810 6666
Fax (07) 3810 6731
Email council@ipswich.qld.gov.au

ipswich.qld.gov.au

Craig Harte
RPS Australia East Pty Ltd
Email: craig.harte@rpsgroup.com.au

10 November 2021

Dear Craig

Re: IDRП Application Material and Council Recommendation
Application No: Application No: 15770/2021/MCU & 16204/2021/MCU
Proposal: Proposal:
15770/2021/MCU – Material Change of Use – Recreation Use
(Indoor Recreation – Gymnasium); and
16204/2021/MCU – Material Change of Use – Business Use
(Hotel)
Property Location: Property Location: 11, 19-25, 27 Nicholas Street, 5 Union Place,
and 8 Bell Street, IPSWICH QLD 4305

I refer to your correspondence dated 29 October 2021. Thank you for confirming your availability as a chairperson for the Independent Decision Review Panel (IDRP). The purpose of this letter is to provide you with the draft Council recommendation for development application 15770/2021/MCU and direct you to the application material for the applications. Please note the Council recommendation for development application 16204/2021/MCU is not yet available, and will be forwarded as soon as practicable following receipt of the State Assessment and Referral Agency Response.

Application material can be reviewed by using Council's ePathway service by following the link below and searching for Application Reference Number 15770/2021/MCU and 16204/2021/MCU.

https://www.ipswich.qld.gov.au/services/searches-and-enquiries/application_enquiry

The draft Council recommendation for development application 15770/2021/MCU is also attached.

It is requested that you review the Council proposed recommendation and formulate a view prior to finalising its recommendation report to the General Manager (Planning and Regulatory Services) by 24 November 2021. As above, the Council recommendation for 16204/2021/MCU will be forwarded under separate cover as soon as it is available.

The attached report template allows for a selection of one of three options:

- ☐ IDRП agrees with officer recommendation (either approval or refusal);
- ☐ IDRП agrees with officer recommendations, subject to change or inclusion of additional conditions or reasons for refusal;
- ☐ IDRП disagrees with officer recommendations.

Where the IDRП disagrees with the proposed Council recommendation, a detailed discussion detailing the grounds for the differing view must be submitted to the General Manager (Planning and Regulatory Services).

If you have any queries regarding this letter, please contact Grant Johnson on the telephone number listed above.

Yours faithfully



Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Encl.

Application Material

Council recommendation

IDRП report template

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
MEETING AGENDA

1 DECEMBER
2021

Doc ID No: A7652089

ITEM:

SUBJECT: DEVELOPMENT APPLICATION RECOMMENDATION - 15770/2021/MCU
MATERIAL CHANGE OF USE - 11, 19-25 & 27 NICHOLAS STREET, IPSWICH

AUTHOR: PRINCIPAL PLANNER (DEVELOPMENT)

DATE: 25 OCTOBER 2021

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a material change of use for a recreation use (indoor recreation – gymnasium) to be undertaken within the existing refurbished Eats building, which forms part of the redevelopment of the Nicholas Street precinct by Ipswich City Council.

The subject application requires determination by the **Growth, Infrastructure and Waste Committee/Full Council** in accordance with the Framework for Development Applications and Related Activities Policy as the application has been made by Council and does not relate to the provision of standard local government infrastructure. Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel.

The proposed development has been assessed with regard to the applicable assessment benchmarks. The proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached Statement of Reasons.

RECOMMENDATION

- A. That Council resolve to approve development application no. 15770/2021/MCU subject to conditions and attachments.

RELATED PARTIES

The related parties to this application are:

- Ipswich City Council (Applicant and Landowner)
- Queensland Rail Ltd (Landowner)
- Sinclair Town Planning Pty Ltd (Town Planning Consultant)
- Ranbury Management Group Pty Ltd (Project Manager)
- Buchan Group (Architect)
- Queensland Government State Assessment Referral Agency (SARA) (Referral Agency)
- Energex (Referral Agency)

Item 15.6 / Attachment 6.

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
MEETING AGENDA

1 DECEMBER
2021

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

SITE ADDRESS:	11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Recreation Use (Indoor Recreation - Gymnasium)
ZONE:	CBD Primary Retail
OVERLAYS:	OV5 (adopted flood regulation line), OV7A (building height restriction area 45m & transitional surface) and OV7B (8km existing committed urban townships buffer)
APPLICANT:	Ipswich City Council C/- Sinclair Planning Pty Ltd
OWNER:	Ipswich City Council Program 31 & Queensland Rail
EXISTING OR PROPOSED TRADING NAMES:	Nicholas Street Precinct – Eats Building
APPLICATION NO:	15770/2021/MCU
AREA:	14,102m ²
REFERRAL AGENCIES:	Queensland Government State Assessment Referral Agency (SARA) and Energex
EXISTING USE:	Shopping Centre
PREVIOUS RELATED APPROVALS:	2229/17/RAL 1 lot into 3 lots 995/18/MCU Business Use (Cafe, Restaurant and/or Hotel) and Community Use (Library and Visitor Information Centre) 995/18/MAMC/A Minor Change 5201/21/RAL 2 lots into 7 lots
DATE RECEIVED:	15 September 2021
DECISION PERIOD START DATE:	13 October 2021
EXPECTED DETERMINATION DATE:	1 December 2021

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
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SITE LOCATION:



Figure 1 - Site Locality



Figure 2 - Nicholas St Precinct Plan

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
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SITE DETAILS AND SURROUNDING LAND USES:

The Nicholas Street Precinct is the area of land bound by Bremer Parade to the north, Bell Street to the east, Brisbane Street to the south and Ellenborough Street to the west. This area is currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulumur Place and refurbished areas for entertainment, dining, retail and recreational type uses. The subject application particularly relates to the first floor of the Eats Building, which is currently under refurbishment.

PROPOSAL:

The applicant seeks approval for a material change of use – recreation use (indoor recreation – gymnasium) located at the site address referenced above. Specifically, the proposal seeks to use the first floor tenancy area of the Eats Building for the purposes of a gymnasium. The tenancy has a gross floor area of 795m², and no additional changes are proposed to the existing building other than internal fit-out works to suit tenant requirements. The tenancy fit out will include the provision of amenities for gym staff and members, the location of which is subject to detailed design and access to the first floor will continue to be via the existing stairs and lift located at the northern end of the building.

No changes to the existing vehicular parking and access arrangements are proposed as part of this application. Car parking for the development will be provided via the existing car park within Precinct F. This car park was originally constructed to service the uses as part of the previous redevelopment of the precinct in the late 1980's and will continue to service the existing, refurbished buildings. Dedicated loading/services areas for the development exist on Bremer Parade, Ellenborough Street, Bell Street and signed on-street loading zones throughout the precinct, and are all retained as part of the proposed development. It is considered that the existing parking and servicing arrangements are sufficient to service the proposed development. The number of vehicular parking spaces existing are compliant with the requirements of the Parking Code having regard to the proposed uses, and the buildings are well serviced by bus and rail facilities and in a city centre environment, where many customers are likely to access uses on foot and undertake single trip, multi-purpose activity centres.

Hours of operation proposed for the tenancy subject to the is application area 24 hours a day, 7 days a week.

ASSESSMENT BENCHMARKS:

The application is Code Assessable and has been assessed against the assessment benchmarks set out by the categorising instruments in accordance with section 45(3)(a) of the *Planning Act 2016*.

The relevant assessment benchmarks which have been applied for the purposes of this assessment are as follows:

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
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Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Development Constraints Overlays Code (Part 11, division 4) Parking Code (Part 12, division 9) Recreation and Entertainment Code (Part 12, division 11)

The application was found to comply with the assessment benchmarks applying to the development.

OTHER MATTERS GIVEN REGARD:

The assessment has given regard to the relevant matters identified in section 27 of the *Planning Regulation 2017* and in accordance with section 45(3)(b) of the *Planning Act 2016*.

The assessment has given regard to the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

OTHER RELEVANT INFORMATION:*Appropriateness of Proposed Use*

The properties subject to this application are located within the CBD Primary Retail Zone of the *Ipswich Planning Scheme 2006*. The outcomes sought for this zone in the planning scheme include a vibrant retail core for the Ipswich Central Business District, and can include:

- higher order comparison retail;
- major department stores and discount department stores;

Item 15.6 / Attachment 6.

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
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- entertainment, recreation, leisure, cultural and community facilities including museums, galleries, cinemas, clubs and meeting places particularly within the area around d'Arcy Doyle Place;
- food, beverage and dining facilities, including alfresco dining; and
- convenience retail for office workers, visitors and inner city residents.

The proposed development is consistent with the outcomes sought by the planning scheme, is located primarily within refurbished buildings and utilises existing access, car parking and servicing areas. The use proposed ensures that a vibrant and dynamic mix of land uses and activities is created which support 'around the clock' activity and high levels of use and visitation by inner City residents, outer suburbs residents and visitors to the City. In conjunction with the suite of works proposed across the wider Ipswich CBD redevelopment the proposed development supports the position of the Ipswich CBD as the principal regional activity centre in the Ipswich LGA.

Development Constraints

The subject site is partially affected by the adopted flood regulation line (AFRL). Notwithstanding all proposed buildings and essential services are located above the AFRL. Although the vehicle access to the existing parking area from Bremer Street is located below the AFRL, alternative flood free access is provided to all precincts via Union Place, the Ipswich City Mall (Nicholas Street), Brisbane Street, Bell Street and Ellenborough Street.

With regard to the State Planning Policy, the proposal complies with the interim assessment benchmarks relating to hazards, risk and resilience on the basis that all proposed use areas are outside of the risk area. It is considered the further regulation of this existing situation to increase its flood immunity would be unreasonable for the development sought.

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

In accordance with section 63 of the *Planning Act 2016*, a 'notice about the decision' is required for this application. Accordingly, a Statement of Reasons is included with this decision. This Statement of Reasons provides the justification for Council's decision.

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

The site is identified within a deemed demand area pursuant to the Ipswich Adopted Infrastructure Charges Resolution. In accordance with Schedule 5 – Deemed Demand for the Deemed demand Area of the *Ipswich Adopted Infrastructure Charges Resolution (No. 1) 2021*, when a site is located within the CBD Primary Retail Zone, the deemed demand is calculated in accordance with the Commercial (retail) category at a rate of 40,000m² GFA/ha.

The development demand for the proposed use does not exceed the calculated demand credit and therefore infrastructure charges for Council's infrastructure networks are not applicable to the proposed development.

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
MEETING AGENDA1 DECEMBER
2021**LEGAL/POLICY BASIS**

This report and its recommendations are consistent with the following legislative provisions:
Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

A risk to Council exists should the proposal not be determined in accordance with legislative requirements. The assessment and subsequent recommendations have been prepared to minimise the risk.

As Council is both the applicant and the assessment manager in relation to this application there is a risk of influence on decision making via a potential conflict of interest. In order to mitigate this risk and as part of the establishment of the new governance framework for processing development applications and development related activities, the draft recommendation was referred to the Independent Decision Review Panel in accordance with the related policy and procedure. The External Consultation section of the report discusses the results of this review in detail.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Decision to approve development application 15770/2021/MCU.
(b) What human rights are affected?	The applicant is a company and therefore does not have human rights under the <i>Human Rights Act 2019</i> . The application is subject to code assessment and therefore, public notification is not applicable to the development pursuant to the Planning Act.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

This reports relates to Council acting in its capacity as the assessment manager for development applications. The development application fee was paid to cover Council's costs in this regard and as such, there are no financial or resource implications associated with this report.

Item 15.6 / Attachment 6.

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
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1 DECEMBER
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COMMUNITY AND OTHER CONSULTATION

The development application is code assessable, and was therefore not required to follow the public notification process pursuant to the Planning Act. Notwithstanding, all relevant application material is accessible online via Council's ePathway Service. Council as assessment manager did not receive any written submissions in relation to the application.

REFERRAL AGENCY

The Queensland Government State Assessment Referral Agency (SARA) are a referral agency for the application, owing to be the site being located adjacent to a state transport corridor (Ipswich Railway Line). The department provided a response dated 13 October 2021 with no requirements in relation to this application (refer to Attachment 4).

Energex are a referral agency for the application, owing to part of the site being subject to an easement for the benefit of a distribution entity, or transmission entity under the Electricity Act. Energex provided a response dated 27 September 2021 requiring the development to be carried out in accordance with the submitted plans and the conditions of an easement in favour of Energex to be maintained at all times (refer to Attachment 5).

INTERNAL CONSULTATION

The application and common material was presented to Council's Initial Development Assessment Panel (consisting of various representatives from across the organisation) for review upon lodgement. The comments made by the panel have been considered in drafting the recommendation.

EXTERNAL CONSULTATION

The development application is classified as a Sensitive Development Matter and therefore requires review by an Independent Decision Review Panel prior to being determined, in accordance with the Council policy titled Framework for Development Applications and Related Activities. The Independent Decision Review Panel has been selected in accordance with the related procedure, and contains only one member, being Craig Harte (Town Planner, employed as a Planning Manager (Ipswich) by RPS Australia East Pty Ltd). In this instance, it was considered appropriate to select only one member for the panel, as the application utilises existing buildings and infrastructure, and there are therefore limited technical aspects associated with the proposal which require additional input.

CONCLUSION

An assessment of the proposed material change of use for a recreation use (indoor recreation – gymnasium) at 11, 19-25 & 27 Nicholas Street, Ipswich has been undertaken and it has been determined that the proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached Statement of Reasons. It is therefore recommended that this development application be decided in accordance with the recommendations and attachments of this report.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft Decision Notice
----	-----------------------

GROWTH INFRASTRUCTURE AND WASTE COMMITTEE
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2021

2.	Draft DA Plans Approved
3.	Draft Statement of Reasons
4.	Referral Agency Response (Queensland Government - SARA)
5.	Referral Agency Response (Energex)

Grant Johnson

PRINCIPAL PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Mitchell Grant

DEVELOPMENT ASSESSMENT CENTRAL MANAGER

I concur with the recommendations contained in this report.

Anthony Bowles

MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

"Together, we proudly enhance the quality of life for our community"

15770/2021/MCU:GJ
Grant Johnson
(07) 3810 7540

Ipswich City Council
C/- Sinclair Planning Pty Ltd
Leisa.Sinclair@sinclairplanning.com.au

November 2021

Dear Leisa

Re: Development Application – Approval
Application No: 15770/2021/MCU
Proposal: Material Change of Use - Recreation Use (Indoor Recreation - Gymnasium)
Property Location: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305

I refer to the above development application which was decided on [decision date].

Enclosed with this letter is the Decision Notice, including:

- Attachment A – Assessment Manager's Conditions
- Attachment B – Approved Plans
- Attachment C – Referral Agency Responses
- Appeal Rights

If you have any queries regarding this application, please contact Grant Johnson on the telephone number listed above.

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities

development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)

ipswichSARA@dsdmip.qld.gov.au

Energex

townplanning@energex.com.au

DRAFT

Our Reference 15770/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



November 2021

DECISION NOTICE APPROVAL
(Given under section 63(2) of the *Planning Act 2016*)

Applicant details

Applicant name: Ipswich City Council
Applicant contact details: Leisa.Sinclair@sinclairplanning.com.au

Application details

Application number: 15770/2021/MCU
Application type: Material Change of Use
Description of proposed development: Recreation Use (Indoor Recreation -Gymnasium)
Date application received: 15 September 2021

Site details

Property location: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
Real property description: Lot 1 SP307972, Lot 3, RP212242 & Lot 2 RP 209886

Decision

Date of decision: [Decision date]
Decision Authority: Full Council

1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use - Recreation Use (Indoor Recreation -Gymnasium)	Development Permit	Approved in full subject to the conditions set out in Attachment A	6 years*

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act*.

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

The approved plans, specifications and drawings for this development approval are:

- (a) The plans and documents referred to in the table below; and
- (b) Where the amended version of the plans and documents referred to in the table below have been approved by the Assessment Manager, the amended version of those plans and documents.

The plans referenced below are included as Attachment B of this decision notice.

APPROVED PLANS				
Reference No.	Description & Revision No.	Prepared By	Date	Amendments Required
Aspect of development: material change of use				
A-R-0001	Retail Precinct Plan Revision C	Buchan Group	27 March 2020	N/A
SK001	Proposed Tenancy		15 September 2021	N/A

4. Referral Agencies

The referral agencies for this application are:

Referral Agency	Referral Role	Aspect of Development Requiring Referral	Address
Queensland Government State Assessment Referral Agency (SARA)	Concurrence	- State Transport Corridors and Future State Transport Corridors	Ipswich SARA Office Post: PO BOX 129, IPSWICH QLD 4305 Email: IpswichSARA@dsdm

			ip.qld.gov.au Ph: 07 3432 2413
Energex	Advice	- Electricity Infrastructure	Energex Post: GPO Box 1461 BRISBANE QLD 4001 Email: townplanning@energex.com.au

Refer to Attachment C for Referral Agency conditions.

5. **Variation Approval**

Not applicable to this decision.

6. **Further Development Permits**

Further development permits, as required by the *Planning Act 2016*, must be obtained before the development can be carried out in respect of any building works and plumbing works in relation to this approval prior to the commencement of works pursuant to the *Planning Act 2016*.

7. **Environmental Authority**

Not applicable to this decision.

8. **Properly Made Submissions**

Not applicable to this decision.

9. **Currency period for the approval (section 85 of the *Planning Act 2016*)**

The currency period for this approval is as outlined in part 1 – ‘decision details’ of this decision notice, starting the day the approval takes effect. Unless the currency period is extended by the Assessment Manager pursuant to section 87 of the *Planning Act 2016*, this development approval lapses in accordance with section 85 of the *Planning Act 2016*.

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act*.

10. **When approval lapses if development started but not completed— variation approval**

Not applicable to this decision.

11. **Other requirements under section 43 of the *Planning Regulation 2017***

Not applicable to this decision.

12. **Trunk Infrastructure**

Not applicable to this decision.

13. Infrastructure Charges

- (a) No infrastructure charges have been levied by Council for the proposed development.
- (b) From 1 July 2014, the Central SEQ Distributor-Retailer Authority (QUU) will issue all Infrastructure Charges Notices for charges relating to water and wastewater. For further information, it is recommended that you contact QUU's developer customer service team on (07) 3432 2200.

14. Submitting Change Representations to Request a Negotiated Decision Notice

In accordance with section 75 of the Planning Act 2016, the applicant may submit change representations to request a negotiated decision notice, during the applicant's appeal period, about changing a matter in the development approval (other than a matter stated because of a referral agency response or a development condition imposed under a direction by the Minister).

The applicant's appeal period is 20 business days, and any change representations must be submitted and assessed during this time, unless the applicant suspends the appeal period. To ensure both the applicant and the assessment manager have sufficient time to consider the change representations, it is recommended that the applicant suspend the appeal period (refer to section 75(2) of the Planning Act 2016) prior to submitting their change representations. This will allow an additional 20 business days for the applicant to submit their change representations, if required, and up to 20 business days for the assessment manager to consider the representations from the date the change representations are received.

Ipswich City Council does not charge an application fee for the submission of change representations.

For more information, please refer to the State Government's fact sheet on Change Representations: <https://dilgpprd.blob.core.windows.net/general/factsheet-change-representations.pdf>.

15. Appeal Rights

Applicant's appeal rights

You have appeal rights in relation to this decision. An appeal may be made against, as applicable:

- the refusal of part of the development application; or
- a provision of the development approval; or
- if a development permit was applied for, the decision to give a preliminary approval.

An appeal must be started within 20 business days after this notice is given to you.

An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the *Planning Act 2016*, to a development tribunal.

An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee.

An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016*. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal.

Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* sets out further information about appeal rights.

An extract from the *Planning Act 2016* about appeal rights is attached to this decision notice.

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Attachment A
Assessment Manager's Conditions
File No: 15770/2021/MCU
Location: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
Proposal: Material Change of Use - Recreation Use (Indoor Recreation -Gymnasium)

Assessment Manager (Ipswich City Council) Conditions		
Conditions applicable to this approval under the Planning Act 2016		
No.	Condition	The time by which the condition must be met, implemented or complied with
1.	Basis of Approval	
	This approval incorporates as a condition, the applicant's common material (as defined in Schedule 24 – Dictionary of the <i>Planning Regulation 2017</i>) for the application and adherence to all relevant Council Local Laws and/or the <i>Ipswich Planning Scheme</i> (including Planning Scheme Policies) unless otherwise varied by this approval or varied by a condition of this approval. Note: Any variation in the development from that approved herein may constitute assessable development pursuant to the <i>Planning Act 2016</i> .	From the commencement of the construction of the development and at all times thereafter.
2.	Minor Alterations	
	Notwithstanding the requirements detailed in this approval, any other minor alterations accepted in writing by the assessment manager will suffice.	At all times after the approval is granted.
3.	Development Plans	
	The applicant must undertake the development generally in accordance with the approved plans outlined in part 3 of this development permit.	From the commencement of the construction of the development and at all times thereafter.
4.	Completion of Conditions of Previous Approval	
	Unless otherwise varied by this approval the applicant must comply with all conditions of Council's development permit for application 995/2018/MAMC/A as lawfully amended.	From the commencement of the use and at all times thereafter.
5.	Hours of Construction	
	Unless otherwise approved in writing by the assessment manager, construction works must only occur within the hours as defined in <i>Planning Scheme Policy 3 – General Works Part 5, Section 5.1.3</i> .	At all times during construction of the development.
6.	Hours of Operation	
	The applicant is permitted to conduct work or business	From the commencement of the

	from the premises from the tenancy 24 hours, seven (7) days a week. The applicant must ensure there is no nuisance or disturbance caused outside of the building in connection with conducting the development.	use and at all times thereafter.
7.	Limits to Approval	
	All activities associated with the recreation use – (indoor recreation) must be carried out within the confines of the tenancy and not within any car parking areas, the civic plaza or in any associated outdoor areas on the site, as shown on the approved plans in part 3 of the development permit.	From the commencement of the use and at all times thereafter.
8.	Separate Agreements (Sale Agreements, Tenancy Agreements, Lease Agreements, Community Management Statements, Developer Covenants etc.)	
(a)	The applicant must ensure any separate agreements (including but not limited to sale agreements, tenancy agreements; lease agreements; community management statements; developer covenants etc.) require the development to be conducted/operated in accordance with: <ul style="list-style-type: none"> (i) this development approval (and any subsequent amendments/changes to this approval) (ii) any related or consequential approvals (e.g. material change of use, reconfiguring a lot, operational works or building works) 	From the commencement of the use and at all times thereafter.
(b)	The applicant must ensure a copy of all approvals referred to in (a) above are: <ul style="list-style-type: none"> (i) appropriately referenced in such agreements (ii) provided to all parties of such agreements 	At the time an agreement is presented to the relevant parties.
9.	Activation of Buildings	
(a)	Unless otherwise approved in writing by the assessment manager, all windows and building entries fronting Nicholas Street are to remain visually permeable at all times during the operation of the development. To this end, all windows and entry points are to remain transparent and must not be covered with advertising, screening or opaque tinting of any kind.	Prior to the commencement of any use along the relevant frontage and at all times thereafter.
(d)	Unless otherwise approved in writing by the assessment manager, advertising signage is not permitted to be located on windows and entry doors of the buildings.	From the commencement of the use and at all times thereafter.

10. Noise		
(a)	The applicant must ensure the use of outdoor public address systems is restricted to emergency use only.	From the commencement of the use and at all times thereafter.
(b)	Devices used to amplify noise must not be used in any outdoor areas including the car park.	From the commencement of the use and at all times thereafter.
(c)	The gym floor, equipment and weights must be acoustically damped using cushioning, to prevent environmental nuisance.	From the commencement of the use and at all times thereafter.
(d)	The applicant must ensure the use does not cause a nuisance or disturbance to any nearby sensitive uses or adjacent tenants/businesses.	From the commencement of the use and at all times thereafter.

Assessment Manager (Ipswich City Council) Advice

The following advice is offered for your information only and should not be viewed as mandatory conditions of this approval.

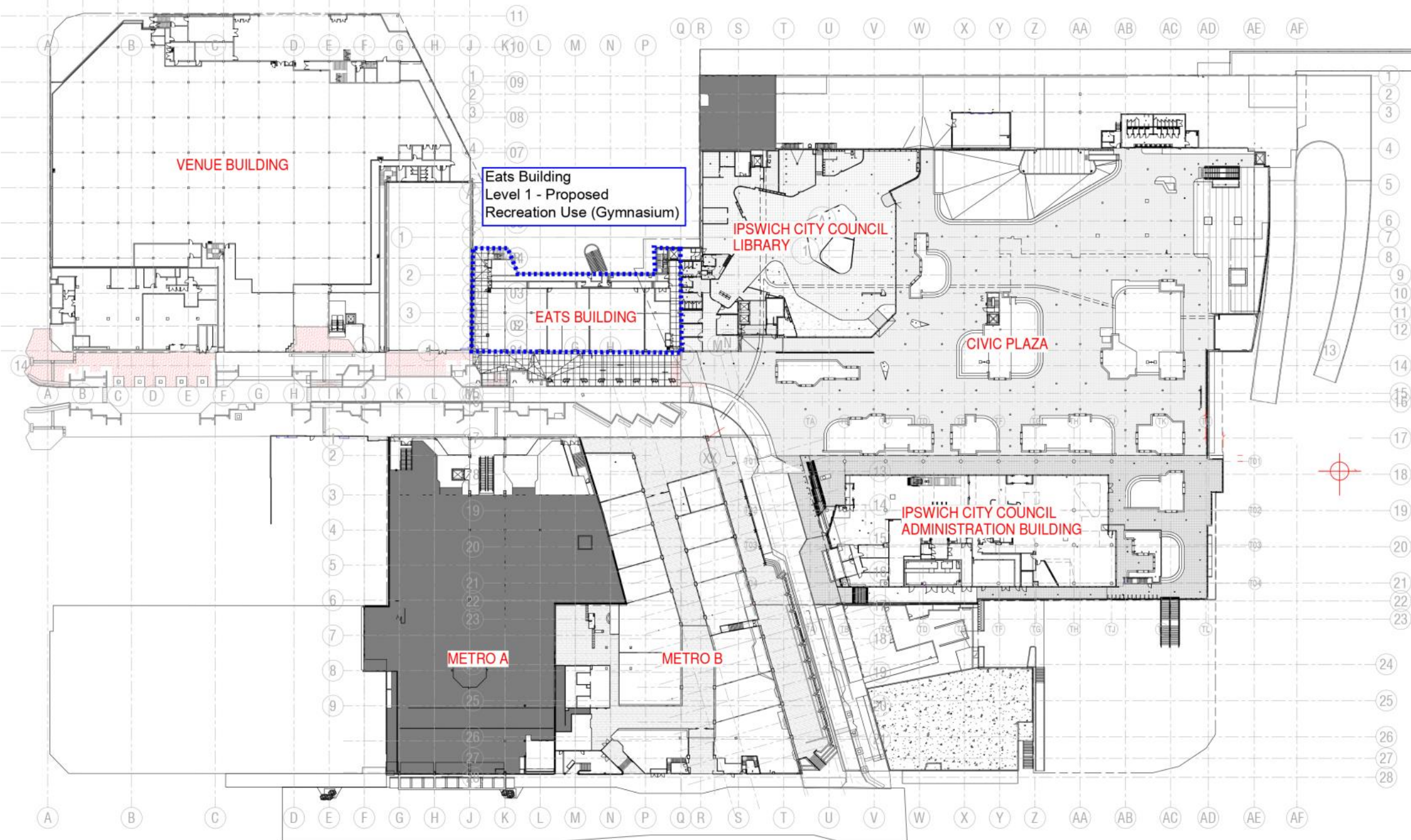
1. Advertising Signage	
	Unless any advertising devices associated with the proposed use meets the exempt criteria set out in Schedule 9 of the <i>Ipswich Planning Scheme 2006</i> , such signage would require submission to Council of a code assessable development application for operational works – placing an advertising device on premises. Accompanied by the relevant assessment fee. For further information. Please contact the Planning and Development Department on (07) 3810 6888.

2. Fire Ants	
(a)	In accordance with the <i>Biosecurity Act 2014</i> and the <i>Biosecurity Regulation 2016</i> , the State of Queensland has implemented movement controls in areas (Fire Ant Biosecurity Zones) of Queensland where the Red Imported Fire Ant (ant species <i>Solenopsis invicta</i>) has been detected.
(b)	It is a legal obligation to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 25 23 (24hrs). It should be noted that works involving movements of all materials associated with earthworks (import and export) within a fire ant biosecurity zone is subject to movement controls and failure to comply with the regulatory provisions is an offence under the Biosecurity Act 2014. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/fireants .
(c)	The land over which you have made a development application is within a Fire Ant Biosecurity Zone. The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact Biosecurity Queensland to investigate the site and for you to implement any necessary matters required prior to the commencement of any works.

3. Portable Long Service Leave	
	Where the works are valued at \$150,000.00 or more and match the definition of Building and Construction Industry, the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> requires that evidence of payment of the portable long service leave (QLeave) Levy be received by Council as a condition of issuing a development permit. This

	<p>applies to building works, operational works and plumbing and drainage works applications, as defined under the <i>Planning Act 2016</i>.</p> <p>If such evidence is not received by the time of issuing the decision notice, Council may only issue a preliminary approval, notifying the applicant that the application is approved, but not permitting commencement of Operational Works.</p> <p>All statutory timeframes applying under the <i>Planning Act 2016</i> for appeals and expiry of the approvals continue in force after issuing of the Decision Notice containing the Preliminary Approval.</p> <p>If a Preliminary Approval is issued in the absence of evidence of payment of the QLeave Levy, a subsequent Development Permit will have to be issued by Council upon receipt of evidence of payment. This will require a new application and fees will apply.</p> <p>If you require clarification in regard to the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i>, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.</p>
4.	<p>Local Government Regulation 2012</p> <p>This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i>. This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666.</p>
5.	<p>Section 73 of the Planning Act 2016</p> <p>Pursuant to section 73 of the <i>Planning Act 2016</i>, a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.</p>
6.	<p>Food Licence</p> <p>Where food is sold, served and produced on the site there may be a need to hold a licence to do so under the <i>Food Act 2006</i>. Please contact the Health, Security and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.</p>

Item 15.6 / Attachment 6.



1 RETAIL PRECINCT PLAN
1:500

No.	Date	Description	Rev.	App.
A	08.02.20	ISSUED FOR INFORMATION	AC	GC
B	19.02.20	ISSUED FOR INFORMATION	AC	GC
C	27.03.20	100% DD ISSUE	PC	GC

Do not scale this drawing. Verify all dimensions on site before commencing any work. Buchanan: This drawing remains the property of The Buchanan Group Australia Pty Ltd. Reproduction in whole or in part without prior consent is prohibited.

File

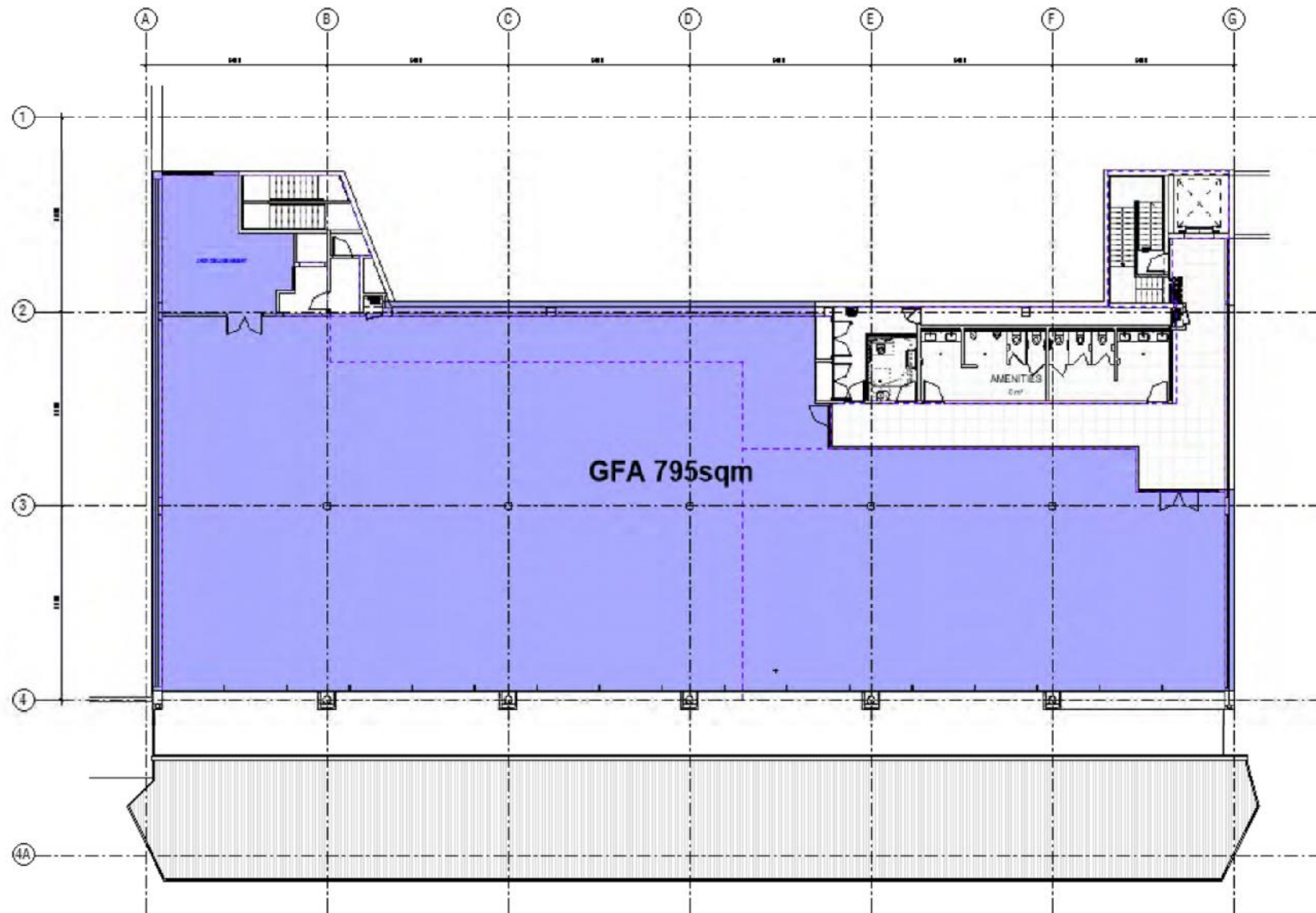
Project
IPSWICH CITY MALL

Project Number	718093
Status	FOR INFORMATION
Date Plotted	27/03/2020 3:02:20 PM
Date Issued	27.03.20
Scale	1:500 @ A1
Drawing Title	RETAIL PRECINCT PLAN

Drawing Number	A-R-0001
Revision	C

BUCHANAN

Brisbane Studio
+ 61 7 3859 9222 / buchanguroup.com.au



SK01 Proposed Tenancy
15.09.2021

Our Reference 15770/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

APPLICANT DETAILS

Applicant name: Ipswich City Council

APPLICATION DETAILS

Application number: 15770/2021/MCU

Application type: Material Change of Use

Approval sought: Development Permit

Description of proposed development: Recreation Use (Indoor Recreation -Gymnasium)

Level of Assessment: Code

SITE DETAILS

Street address: 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305

Real property description: Lot 1 SP307972, Lot 3, RP212242, Lot 2 RP 209886

DECISION

Date of decision: [TBC]

Decision: Approved in full with conditions

Decision Authority: Full Council

1. Reasons for the Decision

The reasons for this decision are:

- The application was properly made and followed the Development Assessment Rules in effect.
- The application was assessed against the applicable Assessment Benchmarks.
- The assessment manager, after carrying out the assessment, found that the development complied with the relevant Assessment Benchmarks applicable to the development, or resolved a conflict between the benchmarks, or resolved a conflict between the benchmarks and a referral agency's response.
- The development was not prohibited development under a categorising instrument or local categorising instrument.

2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Development Constraints Overlays Code (Part 11, division 4) Parking Code (Part 12, division 9) Recreation and Entertainment Code (Part 12, division 11)

3. **Compliance with Benchmarks**

The application was found to comply with the assessment benchmarks applying to the development.

4. **Relevant matters**

The application was given regard to, the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

5. **Other Relevant Matters for development subject to impact assessment**

Not applicable.

6. **Matters raised in submissions for development subject to impact assessment**

Not applicable.

Sinclair Planning Pty Ltd
ABN17 639 191 503

Our Ref: SP21049.L02.001(SARA).docx
Council Ref: 15770/2021/MCU
Contact: Leisa Sinclair

24 September 2021

Department of State Development, Infrastructure,
Local Government and Planning
State Assessment and Referral Agency
South East Queensland (West) Region
PO Box 2390
NORTH IPSWICH QLD 4305

Delivery via: MyDAS2

Dear Sir/Madam,

DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – RECREATION USE (GYMNASIUM) – 1 UNION PLACE AND 25 AND 27 IPSWICH CITY MALL, IPSWICH QLD 4305 - LOT 1 ON SP307972, LOT 3 ON RP212242 AND LOT 2 ON 209886

APPLICANT GIVES COPY OF DEVELOPMENT APPLICATION TO REFERRAL AGENCY PURSUANT TO SECTION 54(1) OF THE PLANNING ACT 2016

ASSESSMENT MANAGER APPLICATION REFERENCE: 15770/2021/MCU

Sinclair Planning Pty Ltd acts for Ipswich City Council (**Applicant**) in relation to the abovementioned development application (**application**).

On behalf of the Applicant, please accept this correspondence as written notice of giving a copy of the application to Queensland Treasury (State Assessment and Referral Agency) (**SARA**) as a Concurrence Agency, pursuant to Section 54(1) of the *Planning Act 2016* (Planning Act). The application is required to be referred to SARA, pursuant to the *Planning Regulation 2017* (**Planning Regulation**):

- Development Application for Material Change of Use where all or part of the premises is within 25m of a State transport corridor (Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1(a)).

Find enclosed the following documentation associated with the application:

- A copy of the application material lodged with Ipswich City Council.
- A copy of the Ipswich City Council Confirmation Notice dated 24 September 2021 for the application, provided pursuant to Section 5.2 of the Development Assessment Rules.

We understand that the applicable referral fee, for the purposes of Section 54(1) of the Planning Act, is a total of \$1,714.00.

Please contact the undersigned if you have any queries in relation to the application.

Yours sincerely,



Leisa Sinclair
Director
Sinclair Planning Pty Ltd

Mail: PO Box 130, Lutwyche Q 4030
Mobile: +61 413 626 694
Email: leisa.sinclair@sinclairplanning.com.au

enc: Ipswich City Council Confirmation Notice and Development Application

cc: B.Newberry, Ranbury, Applicant's Representative via bnewberry@ranbury.com.au
Grant Johnson, Assessment Manager, Ipswich City Council via Grant.Johnson@ipswich.qld.gov.au

Sinclair Planning Pty Ltd
ABN17 639 191 503

Our Ref: SP20046.L03.001.docx
Council Ref: 15770/2021/MCU
Contact: Leisa Sinclair

24 September 2021

Energex
GPO Box 1461
BRISBANE QLD 4001

Attention: Town Planning Development Assessment Team

Delivery via email: townplanning@energex.com.au

Dear Sir/Madam,

DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – RECREATION USE (GYMNASIUM) – 1 UNION PLACE AND 25 AND 27 IPSWICH CITY MALL, IPSWICH QLD 4305 - LOT 1 ON SP307972, LOT 3 ON RP212242 AND LOT 2 ON 209886

APPLICANT GIVES COPY OF DEVELOPMENT APPLICATION TO REFERRAL AGENCY PURSUANT TO SECTION 54(1) OF THE PLANNING ACT 2016

ASSESSMENT MANAGER APPLICATION REFERENCE: 15770/2021/MCU

Sinclair Planning Pty Ltd acts for Ipswich City Council (**Applicant**) in relation to the abovementioned development application (**application**).

On behalf of the Applicant, please accept this correspondence as written notice of giving a copy of the application to Energex as an Advice Agency, pursuant to Section 54(1) of the *Planning Act 2016* (**Planning Act**). The application is required to be referred to Energex, for electricity infrastructure matters, pursuant to Schedule 10, Part 9, Division 2, Table 1 – (a)(i) of the *Planning Regulation 2017* (**Planning Regulation**).

Find enclosed the following documentation associated with the application:

- A copy of the application material lodged with Ipswich City Council.
- A copy of the Ipswich City Council Confirmation Notice dated 24 September 2021 for the application, provided pursuant to Section 5.2 of the Development Assessment Rules.

We understand that there is no applicable referral fee for the purposes of Section 54(1) of the Planning Act.

Please contact the undersigned if you have any queries in relation to the application.

Yours sincerely,



Leisa Sinclair
Director
Sinclair Planning Pty Ltd

Mail: PO Box 130, Lutwyche Q 4030
Mobile: +61 413 626 694
Email: leisa.sinclair@sinclairplanning.com.au

enc: Ipswich City Council Confirmation Notice and Development Application

cc: B.Newberry, Ranbury, Applicant's Representative via bnewberry@ranbury.com.au
Grant Johnson, Assessment Manager, Ipswich City Council via Grant.Johnson@ipswich.qld.gov.au

INDEPENDENT DECISION REVIEW PANEL REPORT

23 November 2021

Development Application	15770/2021/MCU
Application Description	Material Change of Use - Recreation Use (Indoor Recreation – Gymnasium)
Street Address	11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
Real Property Description	Lot 1 SP307972, Lot 3, RP212242 & Lot 2 RP 209886
Owner	Ipswich City Council
Applicant	Ipswich City Council C/- Sinclair Planning Pty Ltd
Reason for Referral	Council Application other than for Local Government Infrastructure
Panel Member(s)	Craig Harte – Planning (Chairperson)

KEY MATTERS IDENTIFIED BY COUNCIL STAFF

This is a report concerning a development application seeking approval for a material change of use for indoor recreation use (gymnasium), to be undertaken within existing, refurbished buildings (i.e. utilisation of the first floor tenancy area of the Eats Building - currently under refurbishment), which forms part of the Nicholas Street Precinct, this being land currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulumur Place and refurbished areas for entertainment, dining, retail and recreational type uses.

The subject application requires determination by the Growth, Infrastructure and Waste Committee/Full Council in accordance with the Framework for Development Applications and Related Activities Policy as the application has been made by Council and does not relate to the provision of standard local government infrastructure.

Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel.

PANEL REVIEW

1. Core Issues

The development application is code assessable and accordingly, must be carried out only against the assessment benchmarks in a categorizing instrument for the development, and having regard to any matters prescribed by regulation for paragraph 45(3) of the *Planning Act 2016* (see paragraph 45(3) of the *Planning Act 2016*).

2. Submissions

This application was subject to code assessment and accordingly, did not attract properly made submissions. It is therefore unnecessary to consider whether any submissions have been properly considered in the draft decision.

INDEPENDENT DECISION REVIEW PANEL REPORT

23 November 2021

3. Draft Conditions

In addition to the draft conditions provided, consistent with other similar proposals (for this use), it is recommended that additional conditional provisions be considered as follows;

	Customer Toilets	
	The applicant must provide customer toilet facilities in accordance with the provisions of the Building Code of Australia, which must remain open for access at all times during the operation of the development.	From the commencement of the use and at all times during the approved hours of operation thereafter.
	Trade Materials, Products and Plant	
	The applicant must store all trade materials, products and plant within the confines of the building.	From the commencement of the use and at all times thereafter.
	Loading and Unloading	
	The applicant must undertake all loading and unloading within the confines of the subject site and/or surrounding areas consistent with the provisions outlined under Council's development permit for application 995/2018/MAMC/A or as lawfully amended thereafter.	From the commencement of the use and at all times thereafter.
	Access for People with a Disability	
	The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any car parking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public.	Prior to the commencement of the use and at all times thereafter.

INDEPENDENT DECISION REVIEW PANEL REPORT

23 November 2021

RECOMMENDATION

Following review of the material provided and matters outlined above, I can confirm that I have considered:

- the Application Material for the application seeking approval for Material Change of Use - Recreation Use (Indoor Recreation – Gymnasium) at 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305; and
- The draft Council recommendation that is proposed to be presented to the Growth, Infrastructure and Waste Committee/Full Council for its determination.

Therefore, in considering the material provided, it is my view that;

- The core issues related to the application have been appropriately dealt with through the recommended decision;
- With the exception of consideration for some additional conditional provisions (for consistency with other similar development approvals issued elsewhere within the Ipswich LGA), there are no additional issues that the panel has identified that should be dealt with in the recommended decision;
- The recommended decision is compliant with the relevant legislation and the assessment benchmarks outlined.

On this basis, the panel is satisfied with the intention of the proposed Council recommendation, that being to recommend approval of the application subject to conditions.

However, as detailed above, it is noted that the **panel recommends that further consideration by the Council in terms of the draft conditions** – to ensure the decision is completely robust.



Signature of IDRP Chairperson

Name: Craig Harte
Discipline: Planning (Chairperson)

Doc ID No: A7725587

ITEM: 15.7

SUBJECT: DEVELOPMENT APPLICATION RECOMMENDATION - 16204/2021/MCU
MATERIAL CHANGE OF USE - 5 UNION PLACE & 8 BELL STREET, IPSWICH

AUTHOR: PRINCIPAL PLANNER (DEVELOPMENT)

DATE: 17 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a material change of use (extension to business use – hotel) to be undertaken on land located at 5 Union Place and 8 Bell Street, Ipswich (the ‘Commonwealth Hotel’ and ‘Bell Street Green’ sites), which form part of the redevelopment of the Nicholas Street precinct by Ipswich City Council.

The subject application requires determination by full Council in accordance with the Framework for Development Applications and Related Activities Policy as the application has been made by Council and does not relate to the provision of standard local government infrastructure. Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel, but there was no public hearing.

The proposed development has been assessed with regard to the applicable assessment benchmarks. The proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined below.

RECOMMENDATION/S

That Council approve Development Application No. 16204/2021/MCU being a Material Change of Use (extension to business use – hotel) subject to conditions as contained in Attachment 1 of this report.

RELATED PARTIES

The related parties to this application are:

- Ipswich City Council (Applicant and Landowner)
- Sinclair Town Planning Pty Ltd (Town Planning Consultant)
- Ranbury Management Group Pty Ltd (Project Manager)
- Tait Morton Johnston Architects (Architect)
- WSP Australia Pty Ltd (Acoustic Consultant)
- MRCagney Pty Ltd (Traffic Engineer)
- Queensland Government State Assessment Referral Agency (SARA) (Referral Agency)

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

SITE ADDRESS:	5 Union Place & 8 Bell Street, IPSWICH QLD 4305
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Business Use (Hotel)
ZONE:	CBD Primary Retail
OVERLAYS:	Character Places (Union Place Mall 'Commonwealth Hotel'), OV5 (adopted flood regulation line), OV7A (building height restriction area 45m & transitional surface) and OV7B (8km existing committed urban townships buffer)
APPLICANT:	Ipswich City Council
OWNER:	Ipswich City Council Program 31
EXISTING OR PROPOSED TRADING NAMES:	Commonwealth Hotel, temporarily known as Murphy's Pub
APPLICATION NO:	16204/2021/MCU
AREA:	2,506m ²
REFERRAL AGENCIES:	Queensland Government State Assessment Referral Agency (SARA)
EXISTING USE:	Hotel and Carpark
PREVIOUS RELATED APPROVALS:	3315/2017/OD - Building Work not associated with a Material Change of Use (Refurbishment of Commonwealth Hotel)
DATE RECEIVED:	27 September 2021
DECISION PERIOD START DATE:	17 November 2021
EXPECTED DETERMINATION DATE:	13 January 2021

SITE LOCATION:



Figure 1 - Site Locality



Figure 2 - Nicholas St Precinct Plan

SITE DETAILS AND SURROUNDING LAND USES:

The Nicholas Street Precinct consists of land bound by Bremer Parade to the north, Bell Street to the east, Brisbane Street to the south and Ellenborough Street to the west. This area is currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulmur Place and refurbished areas for entertainment, dining, retail and recreational type uses. The subject application relates to the recently refurbished Commonwealth Hotel building and the adjacent Bell Street Green site (corner of Bell Street and Bremer Street).

Notably, the Commonwealth Hotel building as it currently exists on the site has recently undergone extensive restoration and refurbishment to bring the building up to contemporary standards to enable its continued commercial use.

PROPOSAL:

The application is for a material change of use – extension to business use (hotel), involving works internal to the restored Commonwealth Hotel building, extensions external to the historic building at ground level, and extensions into the Bell Street Green site at both ground and basement levels. The proposed hours of operation are 24 hours a day, 7 days per week, though trading hours may vary.

The proposal involves the following floor areas:

- Basement 2 used for general storage purposes;
- Basement 1 used for kitchen storage purposes;
- Lower Ground Level (Service / Bell Street Green Level) used for loading and servicing area, Hotel entry from Bell Street and the car parking area for staff and customers, keg room and spirit store, a designated outdoor smoking area and access and circulation areas to other levels of the Hotel.
- Upper Ground Level (Main Hotel Level) used for kitchen and bar service, beer garden area, amenities, dining areas within and along the Union Street veranda of the historic Commonwealth Hotel building, a designated outdoor smoking area, and the Union Place front entry for the Hotel.
- Upper Floor Level comprises areas for amenities, dining area and ancillary office space. A part of the existing void area will be infilled to provide additional dining area. The Main Hotel Level and Upper Floor Level will be connected by two sets of stairs: one located within the Hotel building; and the other located adjacent to the eastern Hotel building elevation. A lift will also connect the Main Hotel Level and the Upper Floor Level.

The proposed hotel will have a total Gross Floor Area (GFA) of 1,768m², which is an additional 854m² from that which existed when the building was known as 'Murphy's Pub' prior to major renovation and restoration works occurring from 2016. It is noted that the existing, refurbished historic building is to be left largely the same, and the new works are to occur outside of this footprint, to ensure it is fit for use by a commercial hotel operator. The historic building footprint is proposed to be used principally as a dining room and function

space, and the kitchens, toilets and other patron areas will be accommodated in new buildings. The proposed alterations to the existing building are summarised as follows:

- Provision of a doorway on the ground floor, eastern elevation to allow toilet access. The doorway will be formed in an existing window opening requiring only the removal of brickwork below the sill. This window was replaced in the recent refurbishment and is therefore not of heritage significance.
- Provision of a doorway on the upper floor, eastern elevation to allow access to the lift and toilets. In contrast to the lower floor, the first three upper floor windows were once French doors. These doors were changed to windows when the verandah on the east was partially demolished in the 80's.
- Construction of an appropriate stair in the location of the current temporary stairs
- Infill of part of the void on the western side of the building to allow for more dining space.
- Installation of a new window in the newly installed wall on the ground floor, northern elevation.

All other proposed works are external and separate to the existing structure and have been positioned and scaled to ensure they are sympathetic to the Commonwealth Hotel and its architectural form.

Car parking for the development will be provided via the existing street level car park on the Bell Street Green with access via the existing crossover in Bell Street. This car park was originally constructed to service the uses as part of the previous redevelopment of the precinct in the late 1980's and was disconnected through the construction of the administration building. A total of 42 parking spaces are available in this space however only 18 are required to be provided in order to comply with the Parking Code requirements of one space per 50m² of GFA for the additional floor area proposed as part of this application. Dedicated loading/services areas for the development will be provided within the car parking area. It is considered that the existing parking and servicing arrangements are sufficient to service the proposed development and the building is well serviced by bus and rail facilities and in a city centre environment, where many customers are likely to access uses on foot and undertake single trip, multi-purpose activities.

Hours of operation proposed for the use are 24 hours a day, 7 days a week, though trading hours may vary from this. The hours of operation proposed are not expected to create detrimental acoustic amenity impact on sensitive receivers and acoustic aspects of the operation of the hotel will be regulated via the liquor licence. The qualitative acoustic assessment has used 2019 background monitoring to establish whether the predicted noise emissions from sources such as car park, deliveries, waste collection and building services (i.e. air conditioning and refrigeration) will exceed the acoustic quality objectives or background creep criteria. This report anticipates the emissions will achieve the criteria outlined in the report without the need for additional acoustic controls. The report identifies that further analysis will be required to satisfy the liquor licence provisions for the assessment of entertainment noises typical of a hotel.

ASSESSMENT BENCHMARKS:

The application is Code Assessable and has been assessed against the assessment benchmarks set out by the categorising instruments in accordance with section 45(3)(a) of the *Planning Act 2016*.

The relevant assessment benchmarks which have been applied for the purposes of this assessment are as follows:

Categorising Instrument	Assessment Benchmarks
Planning Regulation 2017, Schedule 10, version current as at 27 September 2021	Part 8, division 1, subdivision 2 – Local heritage places
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Character Places Overlays Code (Part 11, division 3) Development Constraints Overlays Code (Part 11, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Character Code (Part 12, division 10)

The application was found to comply with the assessment benchmarks applying to the development.

OTHER MATTERS GIVEN REGARD:

The assessment has given regard to the relevant matters identified in section 27 of the *Planning Regulation 2017* and in accordance with section 45(3)(b) of the *Planning Act 2016*.

The assessment has given regard to the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, Schedule 10	Part 8, division 1, subdivision 2 – Local heritage places
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

	(ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

OTHER RELEVANT INFORMATION:

Heritage Impact

The Commonwealth Hotel is listed in Schedule 2 Character Places. The existing building has been subject to significant refurbishment whereby the largely derelict and unsafe building was dismantled and reconstructed to bring the building up to contemporary standards to enable its continued commercial use. In support of the proposal the applicant submitted a heritage impact assessment which concludes that based on the low physical impact on the Commonwealth Hotel and the careful attention to the separation of old and new form, the proposal allows the continued use of this 110 year old hotel, respects its heritage values and allows new work to be completed to allow the hotel to function as a contemporary hotel for many years to come.

Development Constraints

The subject site is partially affected by the adopted flood regulation line (AFRL). Although the vehicle access to the existing parking area from Bell Street is located below the AFRL, alternative flood free access is provided via Union Place. Recommended conditions of approval require the applicant to submit certification demonstrating compliance with the overlays code.

With regard to the State Planning Policy, the proposal is considered to comply with the interim assessment benchmarks relating to hazards, risk and resilience on the basis that proposed use areas within the risk area form part of the existing car park structure and will be fully enclosed. It is considered that the recommended conditions of approval sufficiently mitigates any risk to an acceptable or tolerable level.

Stormwater

The proposed development involves the utilisation of land which is already impervious and therefore, roof water discharge will utilise existing stormwater arrangements.

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

In accordance with section 63 of the *Planning Act 2016*, a 'notice about the decision' is required for this application. Accordingly, a Statement of Reasons is included with this decision. This Statement of Reasons provides the justification for Council's decision (refer Attachment 3).

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

The site is identified within a deemed demand area pursuant to the Ipswich Adopted Infrastructure Charges Resolution. In accordance with Schedule 5 – Deemed Demand for the Deemed demand Area of the *Ipswich Adopted Infrastructure Charges Resolution (No. 1) 2021*, when a site is located within the CBD Primary Retail Zone, the credit is calculated in accordance with the Commercial (retail) category at a rate of 40,000m² GFA per hectare of site area.

The deemed demand for the proposed use does not exceed the calculated deemed credit and therefore infrastructure charges for Council's infrastructure networks are not applicable to the proposed development.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

A risk to Council exists should the proposal not be determined in accordance with legislative requirements. The assessment and subsequent recommendations have been prepared to minimise the risk.

As Council is both the applicant and the assessment manager in relation to this application there is a risk of influence on decision making via a potential conflict of interest. In order to mitigate this risk and as part of the establishment of the new governance framework for processing development applications and development related activities, the draft recommendation was referred to the Independent Decision Review Panel in accordance with the related policy and procedure. The External Consultation section of the report discusses the results of this review in detail.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Decision to approve development application 16204/2021/MCU.
(b) What human rights are affected?	The applicant is a company and therefore does not have human rights under the <i>Human Rights Act 2019</i> . The application is subject to code assessment and therefore, public notification is not applicable to the development pursuant to the Planning Act.
(c) How are the human rights limited?	Not applicable

(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

This report relates to Council acting in its capacity as the assessment manager for development applications. The development application fee was paid to cover Council's costs in this regard and as such, there are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

The development application is code assessable and was therefore not required to follow the public notification process pursuant to the Planning Act. Notwithstanding, all relevant application material is accessible via Council's ePathway Service. Council as assessment manager did not receive any written submissions in relation to the application.

REFERRAL AGENCY

The Queensland Government State Assessment Referral Agency (SARA) are a referral agency for the application, owing to be the site being located adjacent to a state transport corridor (Ipswich Railway Line). The department provided a response dated 17 November 2021 with no requirements in relation to this application (refer to Attachment 4).

INTERNAL CONSULTATION

The application and common material was presented to Council's Initial Development Assessment Panel (consisting of various representatives from across the organisation) for review upon lodgement. The comments made by the panel have been considered in drafting the recommendation.

EXTERNAL CONSULTATION

The development application is classified as a Sensitive Development Matter and therefore requires review by an Independent Decision Review Panel prior to being determined, in accordance with the Council policy titled Framework for Development Applications and Related Activities. The Independent Decision Review Panel has been selected in accordance with the related procedure, and contains only one member, being Craig Harte (Town Planner, employed as a Planning Manager (Ipswich) by RPS Australia East Pty Ltd). In this instance, it was considered appropriate to select only one member for the panel, as the application utilises predominantly existing buildings and infrastructure, and there are therefore limited technical aspects associated with the proposal which require additional input.







The draft recommendation was provided to the Independent Decision Review Panel on 24 November 2021 (refer to attachment 5), and the Independent Decision Review Panel Report

was received on 3 December 2021 (refer Attachment 6). The panel concluded that it is satisfied with the intention of the proposed Council recommendation, being to recommend approval of the application subject to conditions.

CONCLUSION

An assessment of the proposed material change of use for a business use (hotel) at 5 Union Place and 8 Bell Street, Ipswich has been undertaken and it has been determined that the proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached Statement of Reasons. It is therefore recommended that this development application be decided in accordance with the recommendations and attachments of this report.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft Decision Notice ↓ 
2.	Draft DA Plans Approved ↓ 
3.	Draft Statement of Reasons ↓ 
4.	Referral Agency Response (Queensland Government - SARA) ↓ 
5.	Application Material to Independent Decision Review Panel ↓ 
6.	Independent Decision Review Panel Report ↓ 

Grant Johnson

PRINCIPAL PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Mitchell Grant

DEVELOPMENT ASSESSMENT CENTRAL MANAGER

I concur with the recommendations contained in this report.

Anthony Bowles

MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

"Together, we proudly enhance the quality of life for our community"

Your reference
Our reference 16204/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



Ipswich City Council

1 Nicholas Street
PO Box 191
IPSWICH QLD 4305

Phone (07) 3810 6666
Fax (07) 3810 6731
Email council@ipswich.qld.gov.au

ipswich.qld.gov.au

Ipswich City Council
C/- Sinclair Planning Pty Ltd
Leisa.Sinclair@sinclairplanning.com.au

December 2021

Dear Leisa

Re: Development Application – Approval
Application No: 16204/2021/MCU
Proposal: Material Change of Use - Business Use (Hotel)
Property Location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305

I refer to the above development application which was decided on **[decision date]**.

Enclosed with this letter is the Decision Notice, including:

- ☐ Attachment A – Assessment Manager's Conditions
- ☐ Attachment B – Approved Plans
- ☐ Attachment C – Referral Agency Responses
- ☐ Appeal Rights

If you have any queries regarding this application, please contact Grant Johnson on the telephone number listed above.

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities
development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)
ipswichSARA@dsdmip.qld.gov.au

Our Reference 16204/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



December 2021

DECISION NOTICE APPROVAL

(Given under section 63(2) of the *Planning Act 2016*)

Applicant details

Applicant name: Ipswich City Council C/- Sinclair Planning Pty Ltd
Applicant contact details: Leisa.Sinclair@sinclairplanning.com.au

Application details

Application number: 16204/2021/MCU
Application type: Material Change of Use
Description of proposed development: Extension to Business Use (Hotel)
Date application received: 27 September 2021

Site details

Property location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Real property description: Lot 1 RP 2677 & Lot 3 SP 307972

Decision

Date of decision: [Decision date]
Decision Authority: Full Council

1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use – Extension to Business Use (Hotel)	Development Permit	Approved in full subject to the conditions set out in Attachment A	6 years*

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act*.

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

The approved plans, specifications and drawings for this development approval are:

- (a) The plans and documents referred to in the table below; and
- (b) Where the amended version of the plans and documents referred to in the table below have been approved by the Assessment Manager, the amended version of those plans and documents.

The plans referenced below are included as Attachment B of this decision notice.

APPROVED PLANS				
Reference No.	Description & Revision No.	Prepared By	Date	Amendments Required
Aspect of development: material change of use				
1444-2 A102	Site Plan Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A103	Service Basements Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A104	Lounge/Service Level Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A105	Main Hotel Level Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A106	Upper Floor/Roof Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A107	Union Street and Western Elevation Revision DA04	Tait Morton Johnston Architects	13 October 2021	N/A

1444-2 A108	Southern and South Eastern Elevation Revision DA04	Tait Morton Johnston Architects	13 October 2021	N/A
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4. Referral Agencies

The referral agencies for this application are:

Referral Agency	Referral Role	Aspect of Development Requiring Referral	Address
Queensland Government State Assessment Referral Agency (SARA)	Concurrence	- State Transport Corridors and Future State Transport Corridors	Ipswich SARA Office Post: PO BOX 129, IPSWICH QLD 4305 Email: ipswichSARA@dsgm ip.qld.gov.au Ph: 07 3432 2413

Refer to Attachment C for Referral Agency conditions.

5. Variation Approval

Not applicable to this decision.

6. Further Development Permits

Further development permits, as required by the *Planning Act 2016*, must be obtained before the development can be carried out in respect of any operational works, building works and plumbing works in relation to this approval prior to the commencement of works pursuant to the *Planning Act 2016*.

7. Environmental Authority

Not applicable to this decision.

8. Properly Made Submissions

Not applicable to this decision.

9. Currency period for the approval (section 85 of the *Planning Act 2016*)

The currency period for this approval is as outlined in part 1 – ‘decision details’ of this decision notice, starting the day the approval takes effect. Unless the currency period is extended by the Assessment Manager pursuant to section 87 of the *Planning Act 2016*, this development approval lapses in accordance with section 85 of the *Planning Act 2016*.

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act*.

10. When approval lapses if development started but not completed— variation approval

Not applicable to this decision.

11. Other requirements under section 43 of the Planning Regulation 2017

Not applicable to this decision.

12. Trunk Infrastructure

Not applicable to this decision.

13. Infrastructure Charges

- (a) No infrastructure charges have been levied by Council for the proposed development.
- (b) From 1 July 2014, the Central SEQ Distributor-Retailer Authority (QUU) will issue all Infrastructure Charges Notices for charges relating to water and wastewater. For further information, it is recommended that you contact QUU's developer customer service team on (07) 3432 2200.

14. Submitting Change Representations to Request a Negotiated Decision Notice

In accordance with section 75 of the Planning Act 2016, the applicant may submit change representations to request a negotiated decision notice, during the applicant's appeal period, about changing a matter in the development approval (other than a matter stated because of a referral agency response or a development condition imposed under a direction by the Minister).

The applicant's appeal period is 20 business days, and any change representations must be submitted and assessed during this time, unless the applicant suspends the appeal period. To ensure both the applicant and the assessment manager have sufficient time to consider the change representations, it is recommended that the applicant suspend the appeal period (refer to section 75(2) of the Planning Act 2016) prior to submitting their change representations. This will allow an additional 20 business days for the applicant to submit their change representations, if required, and up to 20 business days for the assessment manager to consider the representations from the date the change representations are received.

Ipswich City Council does not charge an application fee for the submission of change representations.

For more information, please refer to the State Government's fact sheet on Change Representations: <https://dilgpprd.blob.core.windows.net/general/factsheet-change-representations.pdf>.

15. Appeal Rights

Applicant's appeal rights

You have appeal rights in relation to this decision. An appeal may be made against, as applicable:

- ☐ the refusal of part of the development application; or
- ☐ a provision of the development approval; or
- ☐ if a development permit was applied for, the decision to give a preliminary approval.

An appeal must be started within 20 business days after this notice is given to you.

An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the *Planning Act 2016*, to a development tribunal.

An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee.

An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016*. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal.

Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* sets out further information about appeal rights.

An extract from the *Planning Act 2016* about appeal rights is attached to this decision notice.

Attachment A
Assessment Manager's Conditions
File No: 16204/2021/MCU
Location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Proposal: Material Change of Use - Business Use (Extension to Hotel)

Assessment Manager (Ipswich City Council) Conditions		
Conditions applicable to this approval under the Planning Act 2016		
No.	Condition	The time by which the condition must be met, implemented or complied with
1.	Basis of Approval	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in Schedule 24 – Dictionary of the <i>Planning Regulation 2017</i> for the application and adherence to all relevant Council Local Laws and/or the <i>Ipswich Planning Scheme</i> (including Planning Scheme Policies) unless otherwise varied by this approval or varied by a condition of this approval.</p> <p>Note: Any variation in the development from that approved herein may constitute assessable development pursuant to the <i>Planning Act 2016</i>.</p>	<p>From the commencement of the construction of the development and at all times thereafter.</p>
2.	Minor Alterations	
	<p>Notwithstanding the requirements detailed in this approval, any other minor alterations accepted in writing by the assessment manager will suffice.</p>	<p>At all times after the approval is granted.</p>
3.	Development Plans	
	<p>The applicant must undertake the development generally in accordance with the approved plans outlined in Part 3 - Approved Plans Specifications and Drawings of this development permit.</p>	<p>From the commencement of the construction of the development and at all times thereafter.</p>
4.	Hours of Construction	
	<p>Unless otherwise approved in writing by the assessment manager, construction works must only occur within the hours as defined in <i>Planning Scheme Policy 3 – General Works Part 5, Section 5.1.3</i>.</p>	<p>At all times during construction of the development.</p>
5.	Hours of Operation	
	<p>Subject to the <i>Trading (Allowable Hours) Act 1995</i> and any liquor licence issued in relation to the development, the applicant is permitted to conduct work or business from the premises 24 hours a day, seven (7) days a week. The applicant must ensure there is no noise nuisance or disturbance caused in connection with the operation of the development.</p>	<p>From the commencement of the use and at all times thereafter.</p>

6.	Amalgamation of Lots	
	The applicant must, by subdivision plan, amalgamate all lots the subject of this approval into one lot.	Prior to the commencement of the use.
7.	Particular Use	
	The applicant must not use any of the structures associated with the business use (hotel), inclusive of car parking and any associated outdoor areas on the premises, for any other purpose, unless, in the written opinion of the assessment manager, such use is ancillary and incidental to the predominant use of the premises for a business use (hotel).	From the commencement of the construction of the development and at all times thereafter.
8.	Separate Agreements (Sale Agreements, Tenancy Agreements, Lease Agreements, Community Management Statements, Developer Covenants etc.)	
(a)	The applicant must ensure any separate agreements (including but not limited to sale agreements, tenancy agreements; lease agreements; community management statements; developer covenants etc.) require the development to be conducted/operated in accordance with: <ul style="list-style-type: none"> (i) this development approval (and any subsequent amendments/changes to this approval) (ii) any related or consequential approvals (e.g. material change of use, reconfiguring a lot, operational works or building works) 	From the commencement of the use and at all times thereafter.
(b)	The applicant must ensure a copy of all approvals referred to in (a) above are: <ul style="list-style-type: none"> (i) appropriately referenced in such agreements; and (ii) provided to all parties of such agreements. 	At the time an agreement is presented to the relevant parties.
9.	Activation of Buildings	
(a)	Unless otherwise approved in writing by the assessment manager, all windows and building entries fronting Union Place are to remain visually permeable at all times during the operation of the development. To this end, all windows and entry points are to remain transparent and must not be covered with advertising, screening or opaque tinting of any kind.	Prior to the commencement of any use along the relevant frontage and at all times thereafter.
(b)	Unless otherwise approved in writing by the assessment manager, advertising signage is not permitted to be located on windows and entry doors of the buildings.	From the commencement of the use and at all times thereafter.

10.	Visual Treatment of Plant and Equipment	
(a)	<p>The applicant must ensure all plant and equipment (inclusive of tanks, air conditioning units, compressors, generators, ducting, ventilation and the like):</p> <ul style="list-style-type: none"> (i) is not located between any building and the dedicated road/railway reserve/adjoining premises including the civic area precinct; or (ii) is appropriately screened (and ventilated) from view from the dedicated road, railway reserve and the adjoining premises including the civic area precinct. 	Prior to the commencement of the use and at all times thereafter.
(b)	The applicant must, where screening is required pursuant to (a), submit for written approval by the assessment manager details of the screening method or device. All screening must be of materials similar in appearance and specification to those used in the construction of buildings on the premises and adjacent premises.	Prior to the lodgement of the application for building work.
(c)	The applicant must construct and maintain all screening in accordance with the approval issued by the assessment manager.	Prior to the commencement of the use and at all times thereafter.
(d)	Rooftop areas must be designed to conceal and disguise rooftop machinery and service equipment. Any additional screening must be strictly in accordance with the approved plans outlined in Part 3 of this development permit unless otherwise approved in writing by the assessment manager.	Prior to the commencement of the use and at all times thereafter.

13.	Building Finishes	
	The applicant must obtain written approval from the assessment manager for a schedule of colour(s) and external finishes for any new building work.	Prior to the commencement of the use.

14.	Landscaping	
(a)	The applicant must submit streetscape landscape plans for the parts of the Bell Street and Bremer Street frontages of the site that are identified on the approved plans outlined in Part 3 of this development permit in accordance with the Ipswich Streetscape Design Guideline 2013 and Ipswich Regional Centre Strategy – Streetscape Materials Specifications. All landscaping and streetscape works must appropriately tie in to adjacent works on Union Place, Bell Street and Bremer Street.	In conjunction with the lodgement of the application for operational works.
(b)	The applicant must provide streetscape landscape works in accordance with the approved plans.	Prior to the commencement of the use and at all times thereafter.
(c)	The applicant must submit to the assessment manager	Prior to the commencement of

	a Certificate of Compliance for streetscape landscape Works completed by a qualified landscape designer stating the works have been completed in accordance with requirements of the approved plans.	the use.
15.	Lighting	
	Lighting used to illuminate any areas of the premises (ie security or flood lighting) must be designed, constructed, located and maintained to the satisfaction of the assessment manager so as not to cause nuisance to the occupants of nearby properties or passing traffic. All lighting must be angled or shaded in such a manner so that light does not directly illuminate any nearby premises or roadways and does not cause extraneous light to be directed or reflected upwards.	Prior to the commencement of the use and at all times thereafter.
11.	Customer Toilets	
	The applicant must provide customer toilet facilities in accordance with the provisions of the Building Code of Australia, which must remain open for access at all times during the operation of the development	From the commencement of the use and at all times during the approved hours of operation thereafter.
12.	Access for People with a Disability	
	The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any car parking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public.	Prior to the commencement of the use and at all times thereafter.
13.	Loading and Unloading	
(a)	The applicant must undertake all loading and unloading at the approved location detailed on the approved plans outlined in part 3 of this development permit.	From the commencement of the use and at all times thereafter.
(b)	The applicant must undertake all loading and unloading within the confines of the subject site.	From the commencement of the use and at all times thereafter.
14.	Trade Materials, Products and Plant	
	The applicant must store all trade materials, products and plant within the confines of the building and/or approved storage areas.	From the commencement of the use and at all times thereafter.
15.	Waste Storage and Collection	
(a)	The applicant must locate waste storage at the approved location detailed on the approved plans outlined in Part 3 of this development permit.	From the commencement of the use and at all times thereafter.
(b)	The applicant must ensure all wash down waters from bin cleansing performed on the site is either: <ul style="list-style-type: none"> (i) Appropriately treated and discharged to sewer 	From the commencement of the use and at all times thereafter.

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	subject to a Trade Waste approval; or (ii) The services of a refuse bin cleaning company are engaged.	
(c)	The applicant must ensure waste bins are collected on the site and there is no road-side collection.	From the commencement of the use and at all times thereafter.

16.	Car Parking – Use and Maintenance	
(a)	The applicant must provide a minimum of 18 car parking spaces for the development.	Prior to the commencement of the use and at all times thereafter.
(b)	The applicant must ensure all parking areas are: (i) Kept exclusively for parking for the development; (ii) Used exclusively for parking for the development; (iii) Accessible to both staff and customers during any approved hours of operation (unless otherwise indicated on the approved plans); (iv) Appropriately signposted at the entry/entries to the car park (eg "Staff and Customer Parking") in accordance with AS1742; and (v) Maintained in perpetuity.	Prior to the commencement of the use and at all times thereafter.
(c)	Provision must be made for parking spaces for persons with a disability in accordance with the Parking Code (Part 12, division 9) of the <i>Ipswich Planning Scheme</i> .	Prior to the commencement of the use and at all times thereafter.

17.	Access, Parking and Manoeuvring Areas	
(a)	The applicant must construct all parking, access and manoeuvring areas of concrete.	From the commencement of the use and at all times thereafter.
(b)	The applicant must restrict access to the development to 'left-in/left out' movements only from the existing Bell Street frontage, via the installation of suitable signage and line marking.	From the commencement of the use and at all times thereafter.
(c)	The applicant must line-mark all parking, access and manoeuvring areas in accordance with the relevant Australian Standard.	From the commencement of the use and at all times thereafter.
(d)	The applicant must provide suitable signage and line marking to provide for 'one- way' movement through the car park.	From the commencement of the use and at all times thereafter.
(e)	The applicant must make provision for all vehicles to enter and exit the site (via the existing Bell Street frontage) in forward gear. <i>Note: No vehicle access is permitted via either the</i>	From the commencement of the use and at all times thereafter.

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	<i>Bremer Street and/or Union Place frontages.</i>	
(f)	The applicant must remove the existing driveway cross over on Bremer Street and reinstate concrete kerb and channel to match the existing profile. The footpath must be provided in accordance with condition 14 Landscaping.	Prior to the commencement of the use.

18.	Flooding	
(a)	Unless otherwise approved in writing by the assessment manager, the proposed development must comply with the requirements of the <i>Ipswich Planning Scheme 2006</i> , Part 11, division 4, section 11.4.7 (1)(d) and the State Planning Policy insofar as it relates to Natural Hazards, Risk and Resilience.	Prior to the commencement of the use and at all times thereafter.
(b)	The applicant must submit to the assessment manager for approval a flood risk management plan.	Prior to the commencement of use.
(c)	The applicant must implement the approved flood risk management plan as required by (b) above.	From the commencement of the use and at times thereafter.

19.	Acoustic Management	
(a)	The premises must be designed and operated to ensure that the noise levels from activities conducted onsite are in accordance with the recommendation of the Noise Impact Assessment – Commonwealth Hotel Ipswich Qualitative noise impact assessment, reference PS126226-ACO-MEM-001 Rev0, prepared by as prepared by WSP Australia Pty Ltd (WSP) and dated 17 September 2021.	From the commencement of the use and at all times thereafter.
(b)	Unless otherwise agreed to in writing by the Assessment Manager, performers, musical instruments or devices used to amplify noise must not be located in any outdoor areas.	From the commencement of the use and at all times thereafter.
(c)	In the event acoustic enclosures are required for external mechanical plant and equipment (including but not limited to air conditioning units, compressors, generators and the like) the applicant must ensure the enclosure is suitably ventilated and visually screened.	Prior to the commencement of the use.
(d)	The applicant must submit to the assessment manager certification from a suitably qualified acoustic consultant demonstrating that (a) and (c) above have been complied with.	Prior to the commencement of the use.

20.	Stormwater Quantity Management	
	The applicant must discharge stormwater runoff from all impervious areas to the existing stormwater system.	Prior to the commencement of the use and at all times thereafter.

21.	Sediment & Erosion Management - Construction & Operational Phases	
	The applicant must provide for all unpaved and disturbed areas sufficient grass or equivalent cover to	Prior to commencement of the use and during the period that

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	prevent both rill and sheet erosion.	the approved use is being carried out on the development site.
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22.	Further Works	
(a)	The applicant must take due regard of all existing services when undertaking works associated with this development.	During the construction of the development and prior to commencement of use.
(b)	The applicant must alter any services when the relevant authority or assessment manager determines that works associated with this development has an impact upon any existing services.	During the construction of the development and prior to commencement of use.

Assessment Manager (Ipswich City Council) Advice

The following advice is offered for your information only and should not be viewed as mandatory conditions of this approval.

1.	Advertising Signage
	Unless any advertising devices associated with the proposed use meets the exempt criteria set out in Schedule 9 of the <i>Ipswich Planning Scheme 2006</i> , such signage would require submission to Council of a code assessable development application for operational works – placing an advertising device on premises. For further information please contact the Planning and Development Department on (07) 3810 6888.

2.	Fire Ants
(a)	In accordance with the <i>Biosecurity Act 2014</i> and the <i>Biosecurity Regulation 2016</i> , the State of Queensland has implemented movement controls in areas (Fire Ant Biosecurity Zones) of Queensland where the Red Imported Fire Ant (ant species <i>Solenopsis invicta</i>) has been detected.
(b)	It is a legal obligation to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 25 23 (24hrs). It should be noted that works involving movements of all materials associated with earthworks (import and export) within a fire ant biosecurity zone is subject to movement controls and failure to comply with the regulatory provisions is an offence under the Biosecurity Act 2014. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/fireants .
(c)	The land over which you have made a development application is within a Fire Ant Biosecurity Zone. The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact Biosecurity Queensland to investigate the site and for you to implement any necessary matters required prior to the commencement of any works.

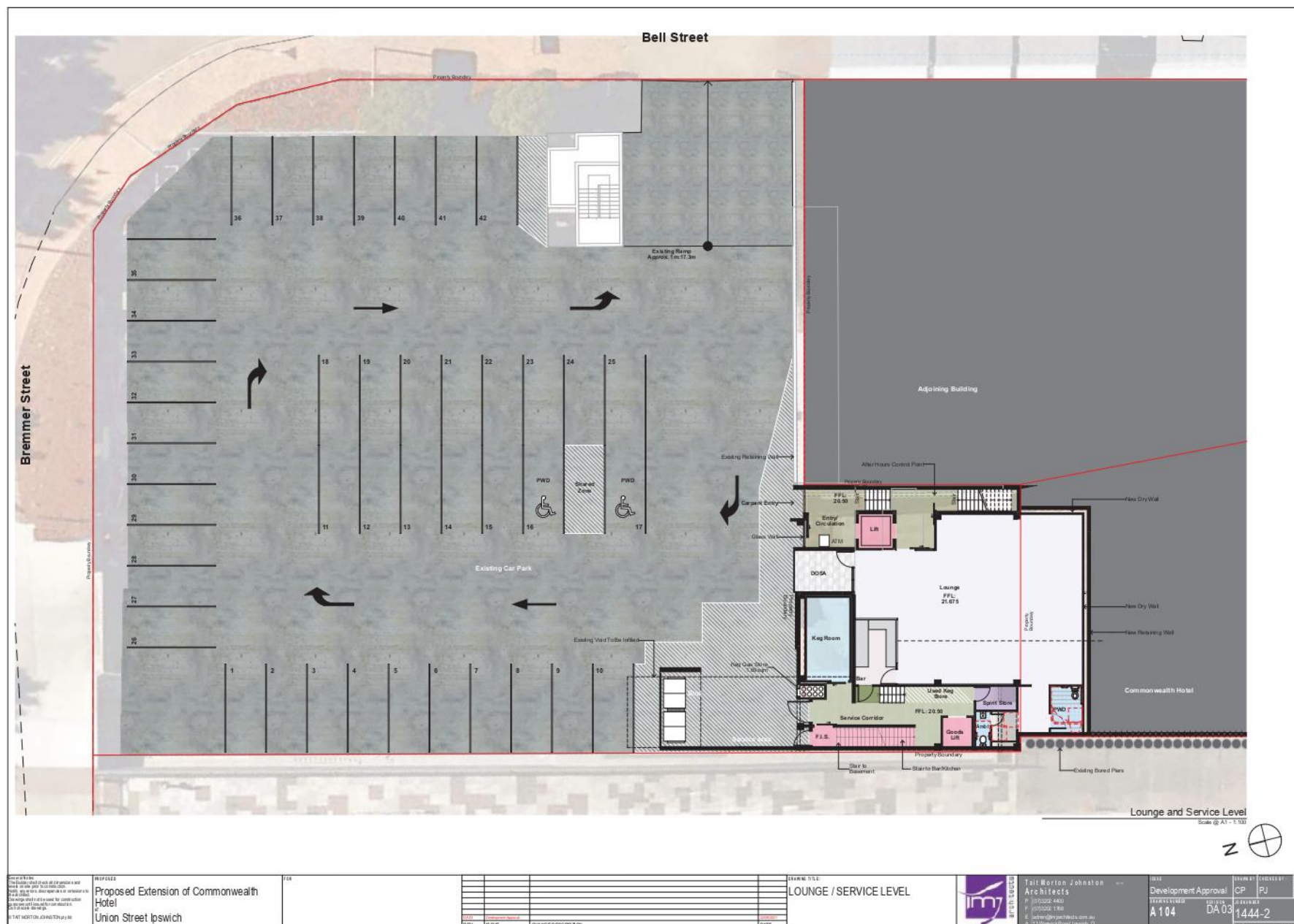
3.	Portable Long Service Leave
	Where the proposed works (civil and landscaping) are valued at \$150,000 or more and match the definition of Building and Construction Industry, the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> requires that evidence of payment of the Portable Long Service Leave (QLLeave) Levy be received by Council as a condition of issuing a development permit for building works, operational works and plumbing and drainage works applications, as defined under the <i>Planning Act 2016</i> . If you require clarification in regard to the <i>Building and Construction Industry (Portable Long</i>

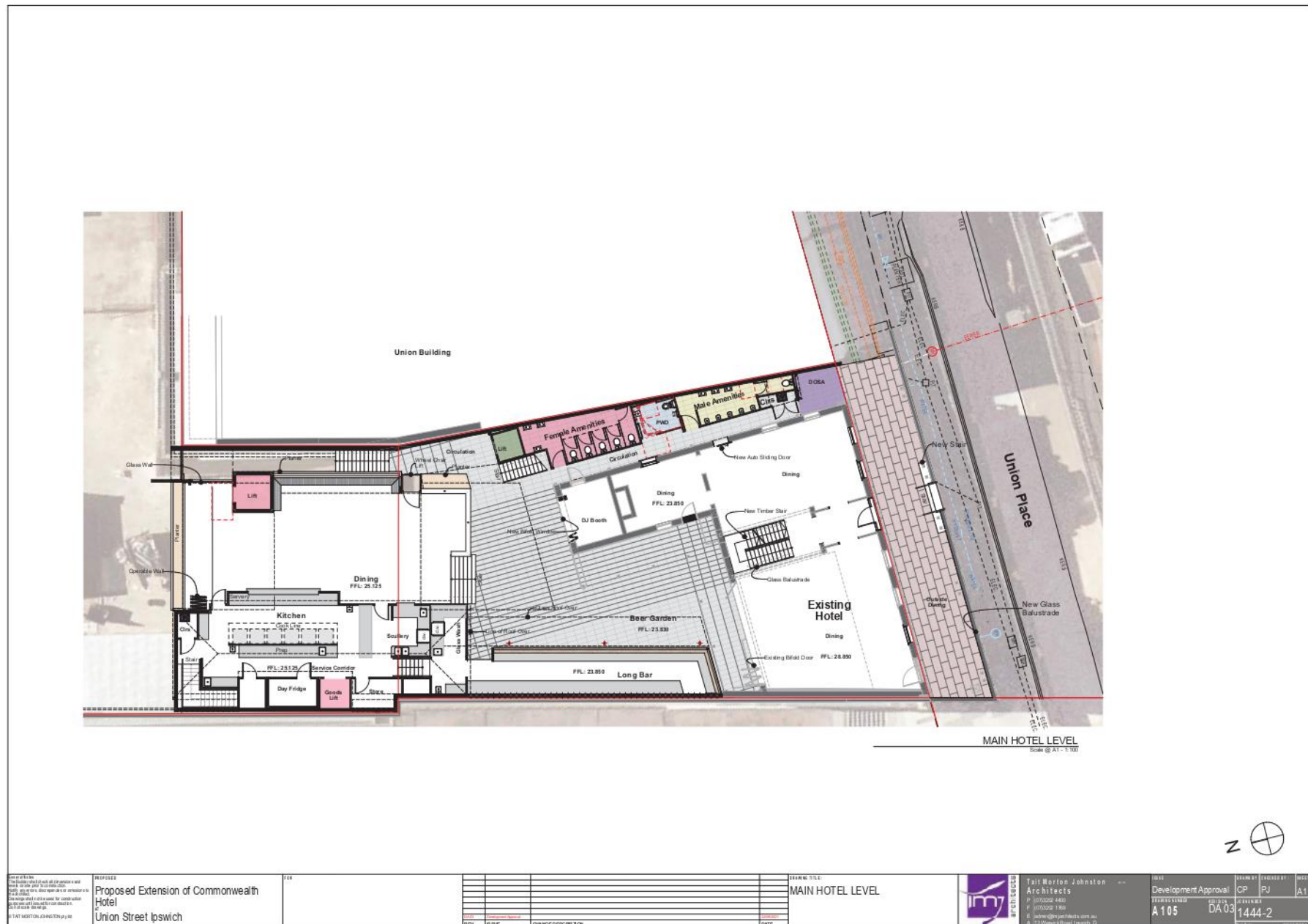
	<i>Service Leave) Act 1991</i> , you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.
4.	<i>Local Government Regulation 2012</i> This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i> . This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666.
5.	<i>Section 73 of the Planning Act 2016</i> Pursuant to section 73 of the <i>Planning Act 2016</i> , a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.
6.	<i>Trade Waste</i> Waste water directed to sewer must only be carried out in compliance with an approved Trade Waste Permit for the site. All associated water treatment equipment (if any) must be covered by the permit, where released to sewer. Enquiries regarding Trade Waste requirements can be made by contacting Queensland Urban Utilities on telephone number 13 26 57.
7.	<i>Food Licence</i> Where food is sold, served and or produced on the site there may be a need to hold a licence to do so under the <i>Food Act 2006</i> . Please contact Council for advice regarding this matter by ringing 3810 6666.
8.	<i>Entertainment Venue</i> The Applicant / Operator may be required to hold a permit for an Entertainment Venue under Council's Local Law 3. The applicant is advised to contact the Planning and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.
9.	<i>Outdoor/Footpath Dining</i> The Applicant / Operator may be required to hold a permit for outdoor/footpath dining under Council's Local Law 3 and 7. The applicant is advised to contact the Planning and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.
10.	<i>Liquor Licence</i> If the Applicant / Operator proposes to sell alcohol a liquor licence may be required. For information on liquor licensing please contact the Office of Liquor and Gaming Regulation on 13QGOV.

Item 15.7 / Attachment 2.















Our Reference 16204/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

APPLICANT DETAILS

Applicant name: Ipswich City Council C/- Sinclair Planning Pty Ltd

APPLICATION DETAILS

Application number: 16204/2021/MCU
Application type: Material Change of Use
Approval sought: Development Permit
Description of proposed development: Business Use (Extension to Hotel)
Level of Assessment: Code

SITE DETAILS

Street address: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Real property description: Lot 1 RP 2677 & Lot 3 SP 307972

DECISION

Date of decision: [TBC]
Decision: Approved in full with conditions
Decision Authority: Full Council

1. Reasons for the Decision

The reasons for this decision are:

- The application was properly made and followed the Development Assessment Rules in effect.
- The application was assessed against the applicable Assessment Benchmarks.
- The assessment manager, after carrying out the assessment, found that the development complied with the relevant Assessment Benchmarks applicable to the development, or resolved a conflict between the benchmarks, or resolved a conflict between the benchmarks and a referral agency's response.
- The development was not prohibited development under a categorising instrument or local categorising instrument.

2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

Categorising Instrument	Assessment Benchmarks
Planning Regulation 2017, Schedule 10	Part 8, division 1, subdivision 2 – Local heritage places
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Character Places Overlays Code (Part 11, division 3) Development Constraints Overlays Code (Part 11, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Character Code (Part 12, division 10)

3. Compliance with Benchmarks

The application was found to comply with the assessment benchmarks applying to the development.

4. Relevant matters

The application was given regard to, the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, Schedule 10	Part 8, division 1, subdivision 2 – Local heritage places
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

5. Other Relevant Matters for development subject to impact assessment

Not applicable.

6. Matters raised in submissions for development subject to impact assessment

Not applicable.

RA9-N



SARA reference: 2110-25348 SRA
Council reference: 16204/2021/MCU

17 November 2021

Chief Executive Officer
Ipswich City Council
PO Box 1559
Ipswich Qld 4305
development@ipswich.qld.gov.au

Attention: Mr Grant Johnson

Dear Mr Johnson,

SARA response—5 Union Place and 8 Bell Street, Ipswich

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 October 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	17 November 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material Change of Use - Business Use (Hotel)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) Development application for a material change of use within 25m of a railway corridor	
SARA reference:	2110-25348 SRA	
Assessment Manager:	Ipswich City Council	

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2110-25348 SRA

Street address: 5 Union Place and 8 Bell Street, Ipswich
Real property description: Lot 1 on RP2677 and Lot 3 on SP307972
Applicant name: Ipswich City Council
Applicant contact details: C/- Sinclair Planning Pty Ltd
PO Box 130
LUTWYCHE QLD 4030
leisa.sinclair@sinclairplanning.com.au

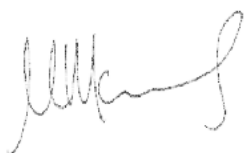
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Dash D'Brant, Planning Officer, on (07) 3432 2423 or via email IpswichSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ursula McInnes
Planning Manager

Enc Attachment 1 - Advice to the applicant
 Attachment 2 - Reasons for referral agency response
 Attachment 3 - Representations provisions

cc Ipswich City Council C/- Sinclair Planning Pty Ltd, leisa.sinclair@sinclairplanning.com.au

Item 15.7 / Attachment 4.

2110-25348 SRA

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.6. If a word remains undefined it has its ordinary meaning.

2110-25348 SRA

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the purpose and performance outcomes of State Code 2:

Development in a railway environment of the State Development Assessment Provisions; in particular:

- development does not create a safety hazard for users of a railway;
- development does not compromise the structural integrity of railways, rail transport infrastructure, other rail infrastructure or railway works;
- development does not result in a worsening of the physical condition or operating performance of railways and the rail network;
- development does not compromise the state's ability to construct railways and future railways, or significantly increase the cost to construct railways and future railways;
- development does not compromise the state's ability to maintain and operate railways, or significantly increase the cost to maintain and operate railways.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system.

2110-25348 SRA

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

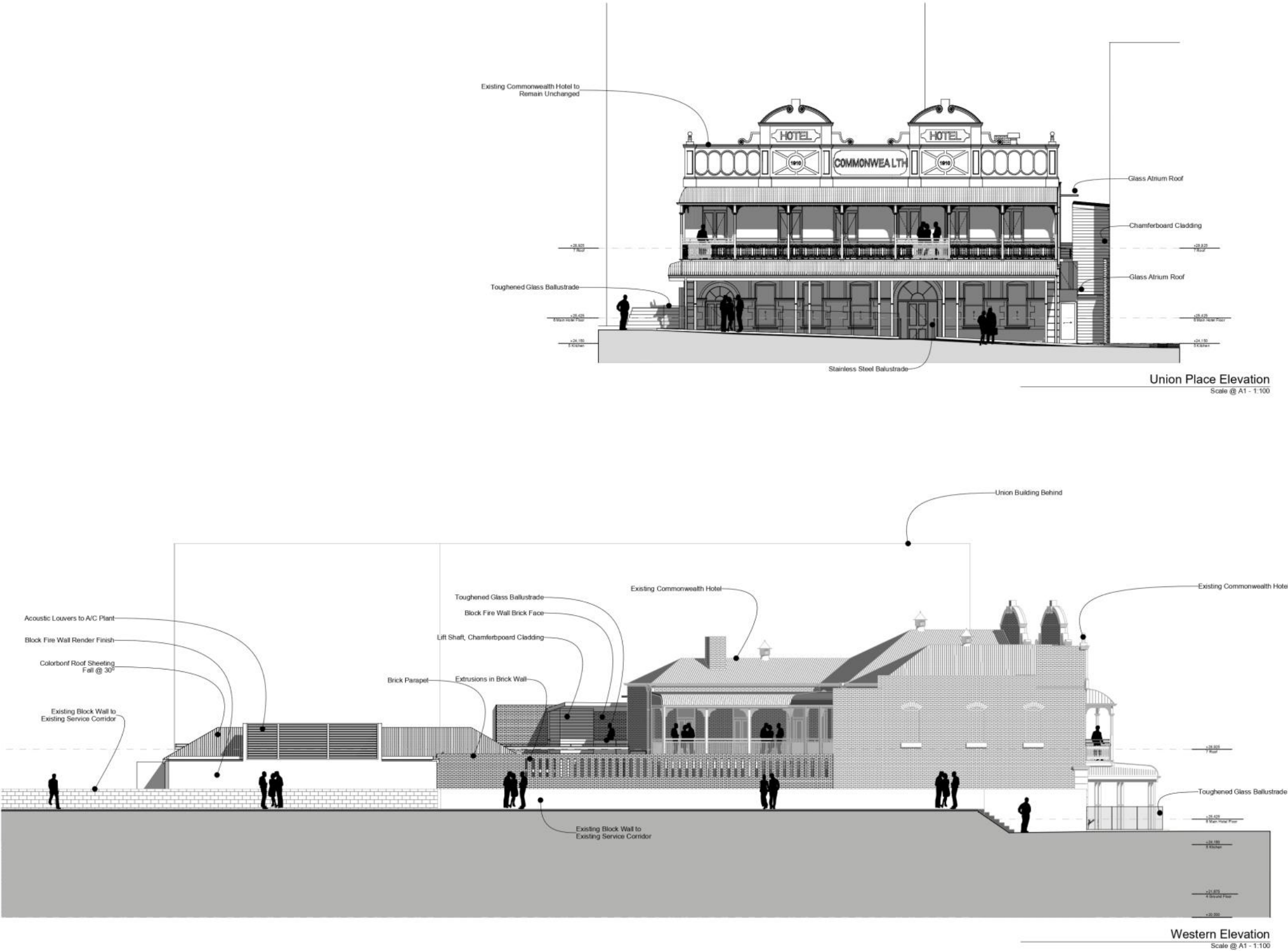
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



General Notes:
The Builder shall check all dimensions and levels on site prior to construction.
Verify any errors, discrepancies or omissions to the architect.
Drawings shall not be used for construction purposes until issued for construction.
Do not scale drawings.

PROPOSED
Proposed Extension of Commonwealth
Hotel
Union Street Ipswich

FOR

REV	ISSUE	CHANGE DESCRIPTION	DATE
01/01	Preliminary		01/01/2021
02/02	Development Approval		21/08/2021
03/03	Development Approval		20/09/2021
04/04	Development Approval		04/10/2021

DRAWING TITLE:
Union Street and Western Elevation



Tait Morton Johnston
Architects
P (07) 3202 4400
F (07) 3202 1769
E admin@tmjarchitects.com.au
A 13 Warwick Road, Ipswich, Q

ISSUE	DRAWN BY	CHECKED BY	SHEET
Development Approval	CP	PJ	A1
DRAWING NUMBER A107	REVISION DA 04	JOB NUMBER 1444-2	Plot Date: 13/10/2021



24 November 2021

Dear Craig

Re: IDR Application Material and Council Recommendation
Application No: 16204/2021/MCU
Proposal: Material Change of Use – Business Use Extension to (Hotel)
Property Location: 5 Union Place, and 8 Bell Street, IPSWICH QLD 4305

I refer to your correspondence dated 29 October 2021. Thank you for confirming your availability as a chairperson for the Independent Decision Review Panel (IDRP). The purpose of this letter is to provide you with the draft Council recommendation for development application 16204/2021/MCU and direct you to the application material for the application.

Application material can be reviewed by using Council's ePathway service by following the link below and searching for Application Reference Number 16204/2021/MCU.

https://www.ipswich.qld.gov.au/services/searches-and-enquiries/application_enquiry

The draft Council recommendation for development application 16204/2021/MCU is also attached.

It is requested that you review the Council proposed recommendation and formulate a view prior to finalising its recommendation report to the General Manager (Planning and Regulatory Services) by 30 November 2021.

The attached report template allows for a selection of one of three options:

- ☐ IDR agrees with officer recommendation (either approval or refusal);
- ☐ IDR agrees with officer recommendations, subject to change or inclusion of additional conditions or reasons for refusal;
- ☐ IDR disagrees with officer recommendations.

Ipswich City Council

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Where the IDRП disagree with the proposed Council recommendation, a detailed discussion detailing the grounds for the differing view must be submitted to the General Manager (Planning and Regulatory Services).

If you have any queries regarding this letter, please contact Grant Johnson on the telephone number listed above.

Yours faithfully



Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Encl.
Application Material
Council recommendation
IDRP report template

Doc ID No: A7725587

ITEM:

SUBJECT: DEVELOPMENT APPLICATION RECOMMENDATION - 16204/2021/MCU
MATERIAL CHANGE OF USE - 5 UNION PLACE & 8 BELL STREET, IPSWICH

AUTHOR: PRINCIPAL PLANNER (DEVELOPMENT)

DATE: 17 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a material change of use (extension to business use – hotel) to be undertaken on land located at 5 Union Place and 8 Bell Street, Ipswich (the ‘Commonwealth Hotel’ and ‘Bell Street Green’ sites), which form part of the redevelopment of the Nicholas Street precinct by Ipswich City Council.

The subject application requires determination by Full Council in accordance with the Framework for Development Applications and Related Activities Policy as the application has been made by Council and does not relate to the provision of standard local government infrastructure. Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel, but there was no public hearing.

The proposed development has been assessed with regard to the applicable assessment benchmarks. The proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined below.

RECOMMENDATION/S

That Council approve Development Application No. 16204/2021/MCU being a Material Change of Use (extension to business use – hotel) subject to conditions as contained in Attachment 1 of this report.

RELATED PARTIES

The related parties to this application are:

- Ipswich City Council (Applicant and Landowner)
- Sinclair Town Planning Pty Ltd (Town Planning Consultant)
- Ranbury Management Group Pty Ltd (Project Manager)
- Tait Morton Johnston Architects (Architect)
- WSP Australia Pty Ltd (Acoustic Consultant)
- MRCagney Pty Ltd (Traffic Engineer)
- Queensland Government State Assessment Referral Agency (SARA) (Referral Agency)

COUNCIL MEETING AGENDA	9 DECEMBER 2021
IFUTURE THEME	
Vibrant and Growing	
PURPOSE OF REPORT/BACKGROUND	
SITE ADDRESS:	5 Union Place & 8 Bell Street, IPSWICH QLD 4305
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Business Use (Hotel)
ZONE:	CBD Primary Retail
OVERLAYS:	Character Places (Union Place Mall 'Commonwealth Hotel'), OV5 (adopted flood regulation line), OV7A (building height restriction area 45m & transitional surface) and OV7B (8km existing committed urban townships buffer)
APPLICANT:	Ipswich City Council
OWNER:	Ipswich City Council Program 31
EXISTING OR PROPOSED TRADING NAMES:	Commonwealth Hotel, temporarily known as Murphy's Pub
APPLICATION NO:	16204/2021/MCU
AREA:	2,506m ²
REFERRAL AGENCIES:	Queensland Government State Assessment Referral Agency (SARA)
EXISTING USE:	Hotel and Carpark
PREVIOUS RELATED APPROVALS:	3315/2017/OD - Building Work not associated with a Material Change of Use (Refurbishment of Commonwealth Hotel)
DATE RECEIVED:	27 September 2021
DECISION PERIOD START DATE:	17 November 2021
EXPECTED DETERMINATION DATE:	13 January 2021

SITE LOCATION:



Figure 1 - Site Locality



Figure 2 - Nicholas St Precinct Plan

SITE DETAILS AND SURROUNDING LAND USES:

The Nicholas Street Precinct consists of land bound by Bremer Parade to the north, Bell Street to the east, Brisbane Street to the south and Ellenborough Street to the west. This area is currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulumur Place and refurbished areas for entertainment, dining, retail and recreational type uses. The subject application relates to the recently refurbished Commonwealth Hotel building and the adjacent Bell Street Green site (corner of Bell Street and Bremer Street).

Notably, the Commonwealth Hotel building as it currently exists on the site has recently undergone extensive restoration and refurbishment to bring the building up to contemporary standards to enable its continued commercial use.

PROPOSAL:

The application is for a material change of use – extension to business use (hotel), involving works internal to the restored Commonwealth Hotel building, extensions external to the historic building at ground level, and extensions into the Bell Street Green site at both ground and basement levels. The proposed hours of operation are 24 hours a day, 7 days per week, though trading hours may vary.

The proposal involves the following floor areas:

- Basement 2 used for general storage purposes;
- Basement 1 used for kitchen storage purposes;
- Lower Ground Level (Service / Bell Street Green Level) used for loading and servicing area, Hotel entry from Bell Street and the car parking area for staff and customers, keg room and spirit store, a designated outdoor smoking area and access and circulation areas to other levels of the Hotel.
- Upper Ground Level (Main Hotel Level) used for kitchen and bar service, beer garden area, amenities, dining areas within and along the Union Street veranda of the historic Commonwealth Hotel building, a designated outdoor smoking area, and the Union Place front entry for the Hotel.
- Upper Floor Level comprises areas for amenities, dining area and ancillary office space. A part of the existing void area will be infilled to provide additional dining area. The Main Hotel Level and Upper Floor Level will be connected by two sets of stairs: one located within the Hotel building; and the other located adjacent to the eastern Hotel building elevation. A lift will also connect the Main Hotel Level and the Upper Floor Level.

The proposed hotel will have a total Gross Floor Area (GFA) of 1,768m², which is an additional 854m² from that which existed when the building was known as 'Murphy's Pub' prior to major renovation and restoration works occurring from 2016. It is noted that the existing, refurbished historic building is to be left largely the same, and the new works are to occur outside of this footprint, to ensure it is fit for use by a commercial hotel operator. The historic building footprint is proposed to be used principally as a dining room and function

space, and the kitchens, toilets and other patron areas will be accommodated in new buildings. The proposed alterations to the existing building are summarised as follows:

- Provision of a doorway on the ground floor, eastern elevation to allow toilet access. The doorway will be formed in an existing window opening requiring only the removal of brickwork below the sill. This window was replaced in the recent refurbishment and is therefore not of heritage significance.
- Provision of a doorway on the upper floor, eastern elevation to allow access to the lift and toilets. In contrast to the lower floor, the first three upper floor windows were once French doors. These doors were changed to windows when the verandah on the east was partially demolished in the 80's.
- Construction of an appropriate stair in the location of the current temporary stairs
- Infill of part of the void on the western side of the building to allow for more dining space.
- Installation of a new window in the newly installed wall on the ground floor, northern elevation.

All other proposed works are external and separate to the existing structure and have been positioned and scaled to ensure they are sympathetic to the Commonwealth Hotel and its architectural form.

Car parking for the development will be provided via the existing street level car park on the Bell Street Green with access via the existing crossover in Bell Street. This car park was originally constructed to service the uses as part of the previous redevelopment of the precinct in the late 1980's and was disconnected through the construction of the administration building. A total of 42 parking spaces are available in this space however only 18 are required to be provided in order to comply with the Parking Code requirements of one space per 50m² of GFA for the additional floor area proposed as part of this application. Dedicated loading/services areas for the development will be provided within the car parking area. It is considered that the existing parking and servicing arrangements are sufficient to service the proposed development and the building is well serviced by bus and rail facilities and in a city centre environment, where many customers are likely to access uses on foot and undertake single trip, multi-purpose activities.

Hours of operation proposed for the use are 24 hours a day, 7 days a week, though trading hours may vary from this. The hours of operation proposed are not expected to create detrimental acoustic amenity impact on sensitive receivers and acoustic aspects of the operation of the hotel will be regulated via the liquor licence. The qualitative acoustic assessment has used 2019 background monitoring to establish whether the predicted noise emissions from sources such as car park, deliveries, waste collection and building services (i.e. air conditioning and refrigeration) will exceed the acoustic quality objectives or background creep criteria. This report anticipates the emissions will achieve the criteria outlined in the report without the need for additional acoustic controls. The report identifies that further analysis will be required to satisfy the liquor licence provisions for the assessment of entertainment noises typical of a hotel.

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2021ASSESSMENT BENCHMARKS:

The application is Code Assessable and has been assessed against the assessment benchmarks set out by the categorising instruments in accordance with section 45(3)(a) of the *Planning Act 2016*.

The relevant assessment benchmarks which have been applied for the purposes of this assessment are as follows:

Categorising Instrument	Assessment Benchmarks
Planning Regulation 2017, Schedule 10, version current as at 27 September 2021	Part 8, division 1, subdivision 2 – Local heritage places
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Character Places Overlays Code (Part 11, division 3) Development Constraints Overlays Code (Part 11, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Character Code (Part 12, division 10)

The application was found to comply with the assessment benchmarks applying to the development.

OTHER MATTERS GIVEN REGARD:

The assessment has given regard to the relevant matters identified in section 27 of the *Planning Regulation 2017* and in accordance with section 45(3)(b) of the *Planning Act 2016*.

The assessment has given regard to the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, Schedule 10	Part 8, division 1, subdivision 2 – Local heritage places
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

	(ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

OTHER RELEVANT INFORMATION:

Heritage Impact

The Commonwealth Hotel is listed in Schedule 2 Character Places. The existing building has been subject to significant refurbishment whereby the largely derelict and unsafe building was dismantled and reconstructed to bring the building up to contemporary standards to enable its continued commercial use. In support of the proposal the applicant submitted a heritage impact assessment which concludes that based on the low physical impact on the Commonwealth Hotel and the careful attention to the separation of old and new form, the proposal allows the continued use of this 110 year old hotel, respects its heritage values and allows new work to be completed to allow the hotel to function as a contemporary hotel for many years to come.

Development Constraints

The subject site is partially affected by the adopted flood regulation line (AFRL). Although the vehicle access to the existing parking area from Bell Street is located below the AFRL, alternative flood free access is provided via Union Place. Recommended conditions of approval require the applicant to submit certification demonstrating compliance with the overlays code.

With regard to the State Planning Policy, the proposal is considered to comply with the interim assessment benchmarks relating to hazards, risk and resilience on the basis that proposed use areas within the risk area form part of the existing car park structure and will be fully enclosed. It is considered that the recommended conditions of approval sufficiently mitigates any risk to an acceptable or tolerable level.

Stormwater

The proposed development involves the utilisation of land which is already impervious and therefore, roof water discharge will utilise existing stormwater arrangements.

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

In accordance with section 63 of the *Planning Act 2016*, a ‘notice about the decision’ is required for this application. Accordingly, a Statement of Reasons is included with this decision. This Statement of Reasons provides the justification for Council’s decision (refer Attachment 3).

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

The site is identified within a deemed demand area pursuant to the Ipswich Adopted Infrastructure Charges Resolution. In accordance with Schedule 5 – Deemed Demand for the Deemed demand Area of the *Ipswich Adopted Infrastructure Charges Resolution (No. 1) 2021*, when a site is located within the CBD Primary Retail Zone, the credit is calculated in accordance with the Commercial (retail) category at a rate of 40,000m² GFA per hectare of site area.

The deemed demand for the proposed use does not exceed the calculated deemed credit and therefore infrastructure charges for Council’s infrastructure networks are not applicable to the proposed development.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

A risk to Council exists should the proposal not be determined in accordance with legislative requirements. The assessment and subsequent recommendations have been prepared to minimise the risk.

As Council is both the applicant and the assessment manager in relation to this application there is a risk of influence on decision making via a potential conflict of interest. In order to mitigate this risk and as part of the establishment of the new governance framework for processing development applications and development related activities, the draft recommendation was referred to the Independent Decision Review Panel in accordance with the related policy and procedure. The External Consultation section of the report discusses the results of this review in detail.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
	Human Rights Impact Assessment
(a) What is the Act/Decision being made?	Decision to approve development application 16204/2021/MCU.
(b) What human rights are affected?	The applicant is a company and therefore does not have human rights under the <i>Human Rights Act 2019</i> . The application is subject to code assessment and therefore, public notification is not applicable to the development pursuant to the Planning Act.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting	Not applicable

the relevant rights? Is the limitation fair and reasonable?	
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

This reports relates to Council acting in its capacity as the assessment manager for development applications. The development application fee was paid to cover Council’s costs in this regard and as such, there are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

The development application is code assessable, and was therefore not required to follow the public notification process pursuant to the Planning Act. Notwithstanding, all relevant application material is accessible via Council’s ePathway Service. Council as assessment manager did not receive any written submissions in relation to the application.

REFERRAL AGENCY

The Queensland Government State Assessment Referral Agency (SARA) are a referral agency for the application, owing to be the site being located adjacent to a state transport corridor (Ipswich Railway Line). The department provided a response dated 17 November 2021 with no requirements in relation to this application (refer to Attachment 4).

INTERNAL CONSULTATION

The application and common material was presented to Council’s Initial Development Assessment Panel (consisting of various representatives from across the organisation) for review upon lodgement. The comments made by the panel have been considered in drafting the recommendation.

EXTERNAL CONSULTATION

The development application is classified as a Sensitive Development Matter and therefore requires review by an Independent Decision Review Panel prior to being determined, in accordance with the Council policy titled Framework for Development Applications and Related Activities. The Independent Decision Review Panel has been selected in accordance with the related procedure, and contains only one member, being Craig Harte (Town Planner, employed as a Planning Manager (Ipswich) by RPS Australia East Pty Ltd). In this instance, it was considered appropriate to select only one member for the panel, as the application utilises predominantly existing buildings and infrastructure, and there are therefore limited technical aspects associated with the proposal which require additional input.

CONCLUSION

An assessment of the proposed material change of use for a business use (hotel) at 5 Union Place and 8 Bell Street, Ipswich has been undertaken and it has been determined that the proposed development generally complies with the assessment benchmarks or can be

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conditioned to comply as outlined in the attached Statement of Reasons. It is therefore recommended that this development application be decided in accordance with the recommendations and attachments of this report.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft Decision Notice
2.	Draft DA Plans Approved
3.	Draft Statement of Reasons
4.	Referral Agency Response (Queensland Government - SARA)

Grant Johnson
PRINCIPAL PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

I concur with the recommendations contained in this report.

Anthony Bowles
MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo
GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

“Together, we proudly enhance the quality of life for our community”



December 2021

Dear Leisa

Re: Development Application – Approval
Application No: 16204/2021/MCU
Proposal: Material Change of Use - Business Use (Hotel)
Property Location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305

I refer to the above development application which was decided on [decision date].

Enclosed with this letter is the Decision Notice, including:

- ☐ Attachment A – Assessment Manager's Conditions
- ☐ Attachment B – Approved Plans
- ☐ Attachment C – Referral Agency Responses
- ☐ Appeal Rights

If you have any queries regarding this application, please contact Grant Johnson on the telephone number listed above.

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities
development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)
IpswichSARA@dsdmip.qld.gov.au

Our Reference 16204/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



December 2021

DECISION NOTICE APPROVAL
(Given under section 63(2) of the *Planning Act 2016*)

Applicant details

Applicant name: Ipswich City Council C/- Sinclair Planning Pty Ltd
Applicant contact details: Leisa.Sinclair@sinclairplanning.com.au

Application details

Application number: 16204/2021/MCU
Application type: Material Change of Use
Description of proposed development: Extension to Business Use (Hotel)
Date application received: 27 September 2021

Site details

Property location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Real property description: Lot 1 RP 2677 & Lot 3 SP 307972

Decision

Date of decision: [Decision date]
Decision Authority: Full Council

1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use – Extension to Business Use (Hotel)	Development Permit	Approved in full subject to the conditions set out in Attachment A	6 years*

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the Planning Act.

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

The approved plans, specifications and drawings for this development approval are:

- (a) The plans and documents referred to in the table below; and
- (b) Where the amended version of the plans and documents referred to in the table below have been approved by the Assessment Manager, the amended version of those plans and documents.

The plans referenced below are included as Attachment B of this decision notice.

APPROVED PLANS				
Reference No.	Description & Revision No.	Prepared By	Date	Amendments Required
Aspect of development: material change of use				
1444-2 A102	Site Plan Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A103	Service Basements Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A104	Lounge/Service Level Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A105	Main Hotel Level Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A106	Upper Floor/Roof Revision DA03	Tait Morton Johnston Architects	22 September 2021	N/A
1444-2 A107	Union Street and Western Elevation	Tait Morton Johnston Architects	13 October 2021	N/A

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	Revision DA04			
1444-2 A108	Southern and South Eastern Elevation Revision DA04	Tait Morton Johnston Architects	13 October 2021	N/A

4. Referral Agencies

The referral agencies for this application are:

Referral Agency	Referral Role	Aspect of Development Requiring Referral	Address
Queensland Government State Assessment Referral Agency (SARA)	Concurrence	- State Transport Corridors and Future State Transport Corridors	Ipswich SARA Office Post: PO BOX 129, IPSWICH QLD 4305 Email: IpswichSARA@dsdm ip.qld.gov.au Ph: 07 3432 2413

Refer to Attachment C for Referral Agency conditions.

5. Variation Approval

Not applicable to this decision.

6. Further Development Permits

Further development permits, as required by the *Planning Act 2016*, must be obtained before the development can be carried out in respect of any operational works, building works and plumbing works in relation to this approval prior to the commencement of works pursuant to the *Planning Act 2016*.

7. Environmental Authority

Not applicable to this decision.

8. Properly Made Submissions

Not applicable to this decision.

9. Currency period for the approval (section 85 of the *Planning Act 2016*)

The currency period for this approval is as outlined in part 1 – ‘decision details’ of this decision notice, starting the day the approval takes effect. Unless the currency period is extended by the Assessment Manager pursuant to section 87 of the *Planning Act 2016*, this development approval lapses in accordance with section 85 of the *Planning Act 2016*.

This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the Planning Act.

10. When approval lapses if development started but not completed— variation approval

Not applicable to this decision.

11. Other requirements under section 43 of the Planning Regulation 2017

Not applicable to this decision.

12. Trunk Infrastructure

Not applicable to this decision.

13. Infrastructure Charges

- (a) No infrastructure charges have been levied by Council for the proposed development.
- (b) From 1 July 2014, the Central SEQ Distributor-Retailer Authority (QUU) will issue all Infrastructure Charges Notices for charges relating to water and wastewater. For further information, it is recommended that you contact QUU's developer customer service team on (07) 3432 2200.

14. Submitting Change Representations to Request a Negotiated Decision Notice

In accordance with section 75 of the Planning Act 2016, the applicant may submit change representations to request a negotiated decision notice, during the applicant's appeal period, about changing a matter in the development approval (other than a matter stated because of a referral agency response or a development condition imposed under a direction by the Minister).

The applicant's appeal period is 20 business days, and any change representations must be submitted and assessed during this time, unless the applicant suspends the appeal period. To ensure both the applicant and the assessment manager have sufficient time to consider the change representations, it is recommended that the applicant suspend the appeal period (refer to section 75(2) of the Planning Act 2016) prior to submitting their change representations. This will allow an additional 20 business days for the applicant to submit their change representations, if required, and up to 20 business days for the assessment manager to consider the representations from the date the change representations are received.

Ipswich City Council does not charge an application fee for the submission of change representations.

For more information, please refer to the State Government's fact sheet on Change Representations: <https://dilgpprd.blob.core.windows.net/general/factsheet-change-representations.pdf>.

15. Appeal Rights

Applicant's appeal rights

You have appeal rights in relation to this decision. An appeal may be made against, as applicable:

- ☐ the refusal of part of the development application; or
- ☐ a provision of the development approval; or
- ☐ if a development permit was applied for, the decision to give a preliminary approval.

An appeal must be started within 20 business days after this notice is given to you.

An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the *Planning Act 2016*, to a development tribunal.

An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee.

An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016*. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal.

Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* sets out further information about appeal rights.

An extract from the *Planning Act 2016* about appeal rights is attached to this decision notice.

Attachment A
Assessment Manager's Conditions
File No: 16204/2021/MCU
Location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Proposal: Material Change of Use - Business Use (Extension to Hotel)

Assessment Manager (Ipswich City Council) Conditions		
Conditions applicable to this approval under the Planning Act 2016		
No.	Condition	The time by which the condition must be met, implemented or complied with
1.	Basis of Approval	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in Schedule 24 – Dictionary of the <i>Planning Regulation 2017</i> for the application and adherence to all relevant Council Local Laws and/or the <i>Ipswich Planning Scheme</i> (including Planning Scheme Policies) unless otherwise varied by this approval or varied by a condition of this approval.</p> <p>Note: Any variation in the development from that approved herein may constitute assessable development pursuant to the <i>Planning Act 2016</i>.</p>	<p>From the commencement of the construction of the development and at all times thereafter.</p>
2.	Minor Alterations	
	<p>Notwithstanding the requirements detailed in this approval, any other minor alterations accepted in writing by the assessment manager will suffice.</p>	<p>At all times after the approval is granted.</p>
3.	Development Plans	
	<p>The applicant must undertake the development generally in accordance with the approved plans outlined in Part 3 - Approved Plans Specifications and Drawings of this development permit.</p>	<p>From the commencement of the construction of the development and at all times thereafter.</p>
4.	Hours of Construction	
	<p>Unless otherwise approved in writing by the assessment manager, construction works must only occur within the hours as defined in <i>Planning Scheme Policy 3 – General Works Part 5, Section 5.1.3</i>.</p>	<p>At all times during construction of the development.</p>
5.	Hours of Operation	
	<p>Subject to the <i>Trading (Allowable Hours) Act 1995</i> and any liquor licence issued in relation to the development, the applicant is permitted to conduct work or business from the premises 24 hours a day, seven (7) days a week. The applicant must ensure there is no noise nuisance or disturbance caused in</p>	<p>From the commencement of the use and at all times thereafter.</p>

	connection with the operation of the development.	
6.	Amalgamation of Lots	
	The applicant must, by subdivision plan, amalgamate all lots the subject of this approval into one lot.	Prior to the commencement of the use.
7.	Particular Use	
	The applicant must not use any of the structures associated with the business use (hotel), inclusive of car parking and any associated outdoor areas on the premises, for any other purpose, unless, in the written opinion of the assessment manager, such use is ancillary and incidental to the predominant use of the premises for a business use (hotel).	From the commencement of the construction of the development and at all times thereafter.
8.	Separate Agreements (Sale Agreements, Tenancy Agreements, Lease Agreements, Community Management Statements, Developer Covenants etc.)	
(a)	The applicant must ensure any separate agreements (including but not limited to sale agreements, tenancy agreements; lease agreements; community management statements; developer covenants etc.) require the development to be conducted/operated in accordance with: <ul style="list-style-type: none"> (i) this development approval (and any subsequent amendments/changes to this approval) (ii) any related or consequential approvals (e.g. material change of use, reconfiguring a lot, operational works or building works) 	From the commencement of the use and at all times thereafter.
(b)	The applicant must ensure a copy of all approvals referred to in (a) above are: <ul style="list-style-type: none"> (i) appropriately referenced in such agreements; and (ii) provided to all parties of such agreements. 	At the time an agreement is presented to the relevant parties.
9.	Activation of Buildings	
(a)	Unless otherwise approved in writing by the assessment manager, all windows and building entries fronting Union Place are to remain visually permeable at all times during the operation of the development. To this end, all windows and entry points are to remain transparent and must not be covered with advertising, screening or opaque tinting of any kind.	Prior to the commencement of any use along the relevant frontage and at all times thereafter.
(b)	Unless otherwise approved in writing by the assessment manager, advertising signage is not permitted to be located on windows and entry doors of	From the commencement of the use and at all times thereafter.

	the buildings.	
10.	Visual Treatment of Plant and Equipment	
(a)	The applicant must ensure all plant and equipment (inclusive of tanks, air conditioning units, compressors, generators, ducting, ventilation and the like): (i) is not located between any building and the dedicated road/railway reserve/adjoining premises including the civic area precinct; or (ii) is appropriately screened (and ventilated) from view from the dedicated road, railway reserve and the adjoining premises including the civic area precinct.	Prior to the commencement of the use and at all times thereafter.
(b)	The applicant must, where screening is required pursuant to (a), submit for written approval by the assessment manager details of the screening method or device. All screening must be of materials similar in appearance and specification to those used in the construction of buildings on the premises and adjacent premises.	Prior to the lodgement of the application for building work.
(c)	The applicant must construct and maintain all screening in accordance with the approval issued by the assessment manager.	Prior to the commencement of the use and at all times thereafter.
(d)	Rooftop areas must be designed to conceal and disguise rooftop machinery and service equipment. Any additional screening must be strictly in accordance with the approved plans outlined in Part 3 of this development permit unless otherwise approved in writing by the assessment manager.	Prior to the commencement of the use and at all times thereafter.
13.	Building Finishes	
	The applicant must obtain written approval from the assessment manager for a schedule of colour(s) and external finishes for any new building work.	Prior to the commencement of the use.
14.	Landscaping	
(a)	The applicant must submit streetscape landscape plans for the parts of the Bell Street and Bremer Street frontages of the site that are identified on the approved plans outlined in Part 3 of this development permit in accordance with the Ipswich Streetscape Design Guideline 2013 and Ipswich Regional Centre Strategy – Streetscape Materials Specifications. All landscaping and streetscape works must appropriately tie in to adjacent works on Union Place, Bell Street and Bremer Street.	In conjunction with the lodgement of the application for operational works.
(b)	The applicant must provide streetscape landscape	Prior to the commencement of

	works in accordance with the approved plans.	the use and at all times thereafter.
(c)	The applicant must submit to the assessment manager a Certificate of Compliance for streetscape landscape Works completed by a qualified landscape designer stating the works have been completed in accordance with requirements of the approved plans.	Prior to the commencement of the use.
15.	Lighting	
	Lighting used to illuminate any areas of the premises (ie security or flood lighting) must be designed, constructed, located and maintained to the satisfaction of the assessment manager so as not to cause nuisance to the occupants of nearby properties or passing traffic. All lighting must be angled or shaded in such a manner so that light does not directly illuminate any nearby premises or roadways and does not cause extraneous light to be directed or reflected upwards.	Prior to the commencement of the use and at all times thereafter.
11.	Customer Toilets	
	The applicant must provide customer toilet facilities in accordance with the provisions of the Building Code of Australia, which must remain open for access at all times during the operation of the development	From the commencement of the use and at all times during the approved hours of operation thereafter.
12.	Access for People with a Disability	
	The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any car parking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public.	Prior to the commencement of the use and at all times thereafter.
13.	Loading and Unloading	
(a)	The applicant must undertake all loading and unloading at the approved location detailed on the approved plans outlined in part 3 of this development permit.	From the commencement of the use and at all times thereafter.
(b)	The applicant must undertake all loading and unloading within the confines of the subject site.	From the commencement of the use and at all times thereafter.
14.	Trade Materials, Products and Plant	
	The applicant must store all trade materials, products and plant within the confines of the building and/or approved storage areas.	From the commencement of the use and at all times thereafter.
15.	Waste Storage and Collection	
(a)	The applicant must locate waste storage at the approved location detailed on the approved plans outlined in Part 3 of this development permit.	From the commencement of the use and at all times thereafter.

(b)	The applicant must ensure all wash down waters from bin cleansing performed on the site is either: (i) Appropriately treated and discharged to sewer subject to a Trade Waste approval; or (ii) The services of a refuse bin cleaning company are engaged.	From the commencement of the use and at all times thereafter.
(c)	The applicant must ensure waste bins are collected on the site and there is no road-side collection.	From the commencement of the use and at all times thereafter.

16.	Car Parking – Use and Maintenance	
(a)	The applicant must provide a minimum of 18 car parking spaces for the development.	Prior to the commencement of the use and at all times thereafter.
(b)	The applicant must ensure all parking areas are: (i) Kept exclusively for parking for the development; (ii) Used exclusively for parking for the development; (iii) Accessible to both staff and customers during any approved hours of operation (unless otherwise indicated on the approved plans); (iv) Appropriately signposted at the entry/entries to the car park (eg "Staff and Customer Parking") in accordance with AS1742; and (v) Maintained in perpetuity.	Prior to the commencement of the use and at all times thereafter.
(c)	Provision must be made for parking spaces for persons with a disability in accordance with the Parking Code (Part 12, division 9) of the <i>Ipswich Planning Scheme</i> .	Prior to the commencement of the use and at all times thereafter.

17.	Access, Parking and Manoeuvring Areas	
(a)	The applicant must construct all parking, access and manoeuvring areas of concrete.	From the commencement of the use and at all times thereafter.
(b)	The applicant must restrict access to the development to 'left-in/left out' movements only, <u>via the installation of</u> suitable signage and line marking.	From the commencement of the use and at all times thereafter.
(c)	The applicant must line-mark all parking, access and manoeuvring areas in accordance with the relevant Australian Standard.	From the commencement of the use and at all times thereafter.
(d)	The applicant must provide suitable signage and line marking to provide for 'one- way' movement through the car park.	From the commencement of the use and at all times thereafter.
(e)	The applicant must make provision for all vehicles to	From the commencement of the

	enter and exit the site in forward gear.	use and at all times thereafter.
(f)	The applicant must remove the existing driveway cross over on Bremer Street and reinstate concrete kerb and channel to match the existing profile. The footpath must be provided in accordance with condition	Prior to the commencement of the use.

18.	Flooding	
(a)	Unless otherwise approved in writing by the assessment manager, the proposed development must comply with the requirements of the <i>Ipswich Planning Scheme 2006</i> , Part 11, division 4, section 11.4.7 (1)(d) and the State Planning Policy insofar as it relates to Natural Hazards, Risk and Resilience.	Prior to the commencement of the use and at all times thereafter
(b)	The applicant must submit to the assessment manager for approval a flood risk management plan.	Prior to the commencement of use.
(c)	The applicant must implement the approved flood risk management plan as required by (b) above.	From the commencement of the use and at times thereafter.

19.	Stormwater Quantity Management	
	The applicant must discharge stormwater runoff from all impervious areas to the existing stormwater system.	Prior to the commencement of the use and at all times thereafter.

20.	Sediment & Erosion Management - Construction & Operational Phases	
	The applicant must provide for all unpaved and disturbed areas sufficient grass or equivalent cover to prevent both rill and sheet erosion.	Prior to commencement of the use and during the period that the approved use is being carried out on the development site.

21.	Further Works	
(a)	The applicant must take due regard of all existing services when undertaking works associated with this development.	During the construction of the development and prior to commencement of use.
(b)	The applicant must alter any services when the relevant authority or assessment manager determines that works associated with this development has an impact upon any existing services.	During the construction of the development and prior to commencement of use.

Assessment Manager (Ipswich City Council) Advice

The following advice is offered for your information only and should not be viewed as mandatory conditions of this approval.

1.	Advertising Signage	
	Unless any advertising devices associated with the proposed use meets the exempt criteria set out in Schedule 9 of the <i>Ipswich Planning Scheme 2006</i> , such signage would require submission to Council of a code assessable development application for operational works – placing an advertising device on premises. For further information please contact the Planning and Development Department on (07) 3810 6888.	

2.	Fire Ants
(a)	In accordance with the <i>Biosecurity Act 2014</i> and the <i>Biosecurity Regulation 2016</i> , the State of Queensland has implemented movement controls in areas (Fire Ant Biosecurity Zones) of Queensland where the Red Imported Fire Ant (ant species <i>Solenopsis invicta</i>) has been detected.
(b)	It is a legal obligation to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 25 23 (24hrs). It should be noted that works involving movements of all materials associated with earthworks (import and export) within a fire ant biosecurity zone is subject to movement controls and failure to comply with the regulatory provisions is an offence under the Biosecurity Act 2014. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/fireants .
(c)	The land over which you have made a development application is within a Fire Ant Biosecurity Zone. The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact Biosecurity Queensland to investigate the site and for you to implement any necessary matters required prior to the commencement of any works.
3.	Portable Long Service Leave
	<p>Where the proposed works (civil and landscaping) are valued at \$150,000 or more and match the definition of Building and Construction Industry, the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> requires that evidence of payment of the Portable Long Service Leave (QLeave) Levy be received by Council as a condition of issuing a development permit for building works, operational works and plumbing and drainage works applications, as defined under the <i>Planning Act 2016</i>.</p> <p>If you require clarification in regard to the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i>, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.</p>
4.	Local Government Regulation 2012
	This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i> . This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666.
5.	Section 73 of the Planning Act 2016
	Pursuant to section 73 of the <i>Planning Act 2016</i> , a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.
6.	Trade Waste
	Waste water directed to sewer must only be carried out in compliance with an approved Trade Waste Permit for the site. All associated water treatment equipment (if any) must be covered by the permit, where released to sewer. Enquiries regarding Trade Waste requirements can be made by contacting Queensland Urban Utilities on telephone number 13 26 57.

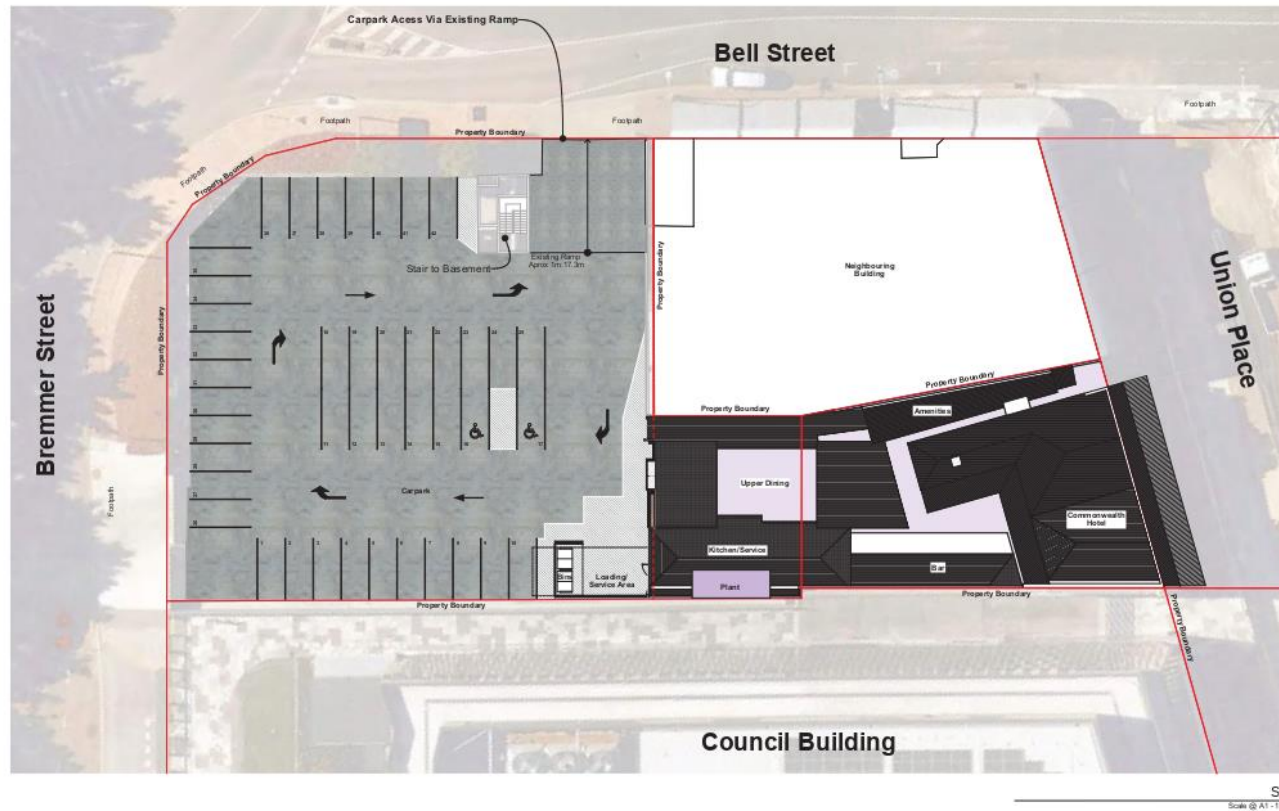
7.	Food Licence
	Where food is sold, served and or produced on the site there may be a need to hold a licence to do so under the <i>Food Act 2006</i> . Please contact Council for advice regarding this matter by ringing 3810 6666.
8.	Entertainment Venue
	The Applicant / Operator may be required to hold a permit for an Entertainment Venue under Council's Local Law 3. The applicant is advised to contact the Planning and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.
9.	Outdoor/Footpath Dining
	The Applicant / Operator may be required to hold a permit for outdoor/footpath dining under Council's Local Law 3 and 7. The applicant is advised to contact the Planning and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.
10.	Liquor Licence
	If the Applicant / Operator proposes to sell alcohol a liquor licence may be required. For information on liquor licensing please contact the Office of Liquor and Gaming Regulation on 13QGOV.

DRAFT

PROPERTY DESCRIPTION

ADDRESS: 5 Union Place, Ipswich, QLD

RP DESCRIPTION:
LOT Lot 1 RP 2677
Division: Division 3
ZONING:
CBD Primary Retail



Site
Scale (A1) 1:200

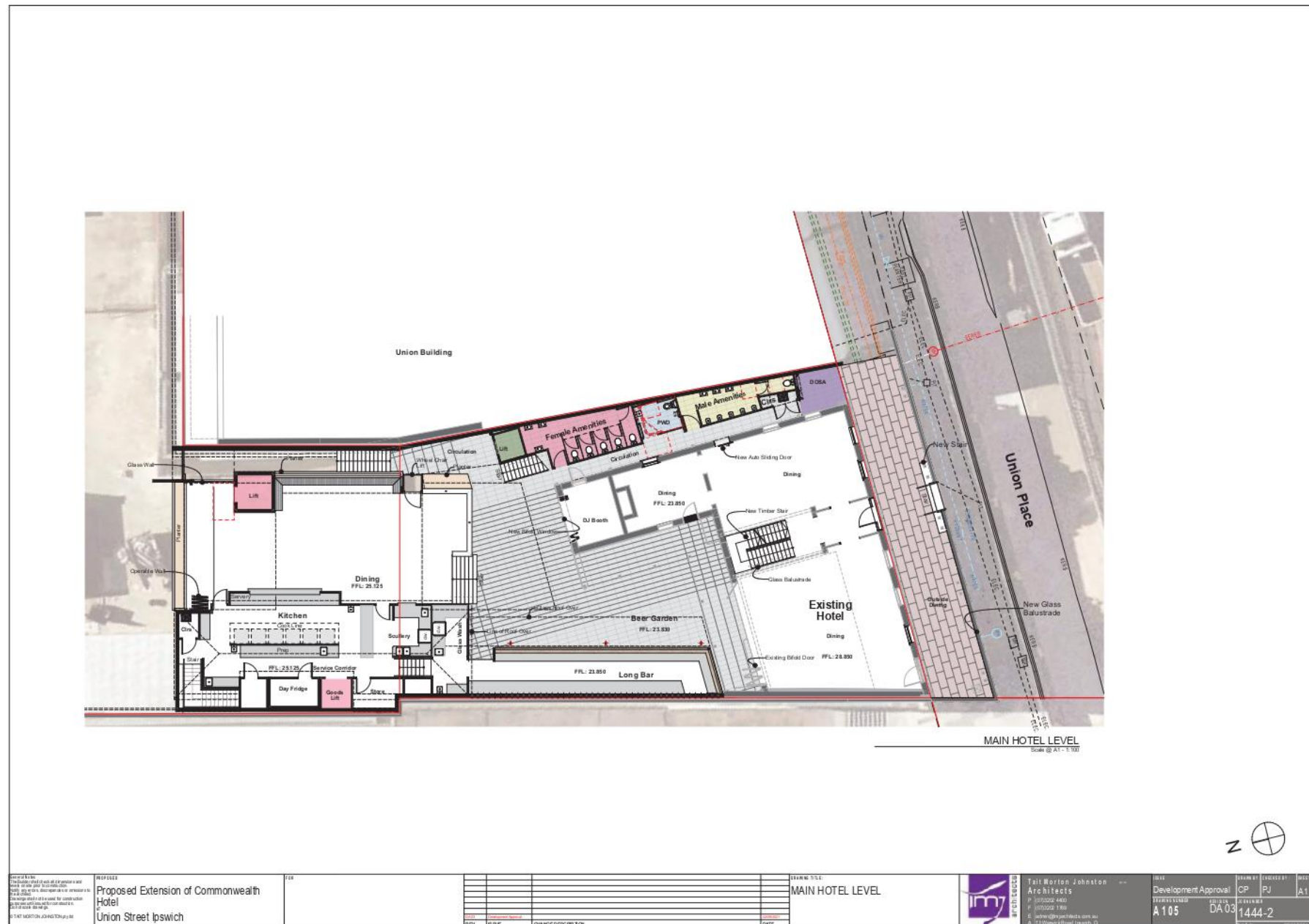


	Proposed QF A 2021	Existing QF A 2015
Upper Floor/Roof	2.67.33sqm	29.89.6 sqm
Main Hotel Floor	8.44sqm	62.47.1 sqm
Lounge/Services	20.03.03 sqm	N/A
Basement 1	1.87.82 sqm	N/A
Basement 2	1.87.82 sqm	N/A
Total	1,767.83 sqm	9,13.67 sqm

[illegible]











Our Reference 16204/2021/MCU:GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

APPLICANT DETAILS

Applicant name: Ipswich City Council C/- Sinclair Planning Pty Ltd

APPLICATION DETAILS

Application number: 16204/2021/MCU
Application type: Material Change of Use
Approval sought: Development Permit
Description of proposed development: Business Use (Extension to Hotel)
Level of Assessment: Code

SITE DETAILS

Street address: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Real property description: Lot 1 RP 2677 & Lot 3 SP 307972

DECISION

Date of decision: [TBC]
Decision: Approved in full with conditions
Decision Authority: Full Council

1. Reasons for the Decision

The reasons for this decision are:

- The application was properly made and followed the Development Assessment Rules in effect.
- The application was assessed against the applicable Assessment Benchmarks.
- The assessment manager, after carrying out the assessment, found that the development complied with the relevant Assessment Benchmarks applicable to the development, or resolved a conflict between the benchmarks, or resolved a conflict between the benchmarks and a referral agency's response.
- The development was not prohibited development under a categorising instrument or local categorising instrument.

2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

Categorising Instrument	Assessment Benchmarks
Planning Regulation 2017, Schedule 10	Part 8, division 1, subdivision 2 – Local heritage places
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	City Centre Code (Part 5) Character Places Overlays Code (Part 11, division 3) Development Constraints Overlays Code (Part 11, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Character Code (Part 12, division 10)

3. Compliance with Benchmarks

The application was found to comply with the assessment benchmarks applying to the development.

4. Relevant matters

The application was given regard to, the following matters:

Relevant matter	Assessed against or had regard to
Planning Regulation 2017, Schedule 10	Part 8, division 1, subdivision 2 – Local heritage places
Planning Regulation 2017, s27(1)(d)	(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme.
Planning Regulation 2017, s27(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s27(1)(g)	the common material.

5. Other Relevant Matters for development subject to impact assessment

Not applicable.

6. Matters raised in submissions for development subject to impact assessment

Not applicable.

RA9-N



SARA reference: 2110-25348 SRA
Council reference: 16204/2021/MCU

17 November 2021

Chief Executive Officer
Ipswich City Council
PO Box 1559
Ipswich Qld 4305
development@ipswich.qld.gov.au

Attention: Mr Grant Johnson

Dear Mr Johnson,

SARA response—5 Union Place and 8 Bell Street, Ipswich

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 October 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	17 November 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material Change of Use - Business Use (Hotel)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) Development application for a material change of use within 25m of a railway corridor	
SARA reference:	2110-25348 SRA	
Assessment Manager:	Ipswich City Council	

Item 15.7 / Attachment 5.

2110-25348 SRA

Street address: 5 Union Place and 8 Bell Street, Ipswich
Real property description: Lot 1 on RP2677 and Lot 3 on SP307972
Applicant name: Ipswich City Council
Applicant contact details: C/- Sinclair Planning Pty Ltd
PO Box 130
LUTWYCHE QLD 4030
leisa.sinclair@sinclairplanning.com.au

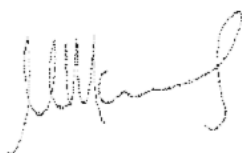
Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Dash D'Brant, Planning Officer, on (07) 3432 2423 or via email IpswichSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ursula McInnes
Planning Manager

Enc Attachment 1 - Advice to the applicant
 Attachment 2 - Reasons for referral agency response
 Attachment 3 - Representations provisions

cc Ipswich City Council C/- Sinclair Planning Pty Ltd, leisa.sinclair@sinclairplanning.com.au

Item 15.7 / Attachment 5.

2110-25348 SRA

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.6. If a word remains undefined it has its ordinary meaning.

2110-25348 SRA

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the purpose and performance outcomes of State Code 2:

Development in a railway environment of the State Development Assessment Provisions; in particular:

- development does not create a safety hazard for users of a railway;
- development does not compromise the structural integrity of railways, rail transport infrastructure, other rail infrastructure or railway works;
- development does not result in a worsening of the physical condition or operating performance of railways and the rail network;
- development does not compromise the state's ability to construct railways and future railways, or significantly increase the cost to construct railways and future railways;
- development does not compromise the state's ability to maintain and operate railways, or significantly increase the cost to maintain and operate railways.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system.

2110-25348 SRA

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

INDEPENDENT DECISION REVIEW PANEL REPORT

3 December 2021

Development Application	16204/2021/MCU
Application Description	Material Change of Use - Business Use Extension (Hotel)
Street Address	5 Union Place, and 8 Bell Street, IPSWICH QLD 4305
Real Property Description	Lot 1 RP 2677 & Lot 3 SP 307972
Owner	Ipswich City Council
Applicant	Ipswich City Council C/- Sinclair Planning Pty Ltd
Reason for Referral	Council Application other than for Local Government Infrastructure
Panel Member(s)	Craig Harte – Planning (Chairperson)

KEY MATTERS IDENTIFIED BY COUNCIL STAFF

This is a report concerning a development application seeking approval for a material change of use for business use (extension to hotel), to be undertaken within an existing, refurbished building (i.e. utilisation of the recently refurbished Commonwealth Hotel building and the adjacent Bell Street Green site (corner of Bell Street and Bremer Street), which forms part of the Nicholas Street Precinct, this being land currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulumur Place and refurbished areas for entertainment, dining, retail and recreational type uses.

Notably, the Commonwealth Hotel building as it currently exists on the site has recently undergone extensive restoration and refurbishment to bring the building up to contemporary standards to enable its continued commercial use.

The proposal relates to works internal to the restored Commonwealth Hotel building, extensions external to the historic building at ground level, and extensions into the Bell Street Green site at both ground and basement levels. The proposed hours of operation are 24 hours a day, 7 days per week, though trading hours may vary.

The proposed hotel will have a total Gross Floor Area (GFA) of 1,768m², which is an additional 854m² from that which existed when the building was known as 'Murphy's Pub' prior to major renovation and restoration works occurring from 2016. It is noted that the existing, refurbished historic building is to be left largely the same, and the new works are to occur outside of this footprint, to ensure it is fit for use by a commercial hotel operator.

The subject application requires determination by Full Council in accordance with the Framework for Development Applications and Related Activities Policy as the application has been made by Council and does not relate to the provision of standard local government infrastructure.

Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel, but there was no public hearing.

INDEPENDENT DECISION REVIEW PANEL REPORT

3 December 2021

PANEL REVIEW

1. CORE ISSUES

The development application is code assessable and accordingly, must be carried out only against the assessment benchmarks in a categorizing instrument for the development and having regard to any matters prescribed by regulation for paragraph 45(3) of the *Planning Act 2016* (see paragraph 45(3) of the *Planning Act 2016*).

2. COMMUNITY AND OTHER CONSULTATION

The development application is code assessable and was therefore not required to follow the public notification process pursuant to the *Planning Act 2016*. Notwithstanding, all relevant application material is accessible via Council's ePathway Service. Council as assessment manager did not receive any written submissions in relation to the application.

REFERRAL AGENCY

The Queensland Government State Assessment Referral Agency (SARA) are a referral agency for the application, owing to be the site being located adjacent to a state transport corridor (Ipswich Railway Line). The department provided a response dated 17 November 2021 with no requirements in relation to this application (refer to Attachment 4).

EXTERNAL CONSULTATION

The development application is classified as a Sensitive Development Matter and therefore requires review by an Independent Decision Review Panel prior to being determined, in accordance with the Council policy titled Framework for Development Applications and Related Activities.

3. DRAFT CONDITIONS (Amendment)

Following review of the draft conditions provided, it is noted that Condition 17(f) appears incomplete (i.e. should reference related streetscape condition 14). Furthermore, to ensure consistency with other similar proposals (dealing with access related issues), and taking into account that the subject site contains multiple street frontages in this instance, it is recommended that the following wording amendments be considered for Condition 17 as follows;

17.	Access, Parking and Manoeuvring Areas	
(a)	The applicant must construct all parking, access and manoeuvring areas of concrete.	From the commencement of the use and at all times thereafter.
(b)	The applicant must restrict access to the development to 'left-in/left out' movements only <u>from the existing Bell Street frontage</u> , <u>via the installation of</u> suitable signage and line marking.	From the commencement of the use and at all times thereafter.

INDEPENDENT DECISION REVIEW PANEL REPORT

3 December 2021

(c)	The applicant must line-mark all parking, access and manoeuvring areas in accordance with the relevant Australian Standard.	From the commencement of the use and at all times thereafter.
(d)	The applicant must provide suitable signage and line marking to provide for 'one- way' movement through the car park.	From the commencement of the use and at all times thereafter.
(e)	The applicant must make provision for all vehicles to enter and exit the site (via the existing Bell Street frontage) in forward gear. <i>Note: No vehicle access is permitted via either the Bremer and/or Union Place frontages.</i>	From the commencement of the use and at all times thereafter.
(f)	The applicant must remove the existing driveway cross over on Bremer Street and reinstate concrete kerb and channel to match the existing profile. The footpath must be provided in accordance with condition 14.	Prior to the commencement of the use.

4. DRAFT CONDITIONS (New / Additional)

In addition to the draft conditions provided, consistent with other similar proposals (for this use), it is recommended that additional conditional provisions be considered as follows;

	Acoustic Management	
(a)	The premises must be designed and operated to ensure that the noise levels from activities conducted onsite are in accordance with the recommendation of the Noise Impact Assessment – Commonwealth Hotel Ipswich Qualitative noise impact assessment, as prepared by WSP Australia Pty Ltd (WSP) reference PS126226-ACO-MEM-001 Rev0 and dated 17 September 2021.	From the commencement of the use and at all times thereafter.
(b)	Unless otherwise agreed to in writing by the Assessment Manager, performers, musical instruments or devices used to amplify noise must not be located in any outdoor areas.	From the commencement of the use and at all times thereafter.

INDEPENDENT DECISION REVIEW PANEL REPORT

3 December 2021

(c)	In the event acoustic enclosures are required for external mechanical plant and equipment (including but not limited to air conditioning units, compressors, generators and the like) the applicant must ensure the enclosure is suitably ventilated and visually screened.	Prior to the commencement of the use.
(d)	The applicant must submit to the assessment manager certification from a suitably qualified acoustic consultant demonstrating that Parts (a) and (b) conditional requirements outlined above are being complied with.	Prior to the commencement of the use.

RECOMMENDATION

Following review of the material provided and matters outlined above, I can confirm that I have considered:

- the Application Material for the application seeking approval for Material Change of Use - Business Use Extension (Hotel) at 5 Union Place, and 8 Bell Street, IPSWICH QLD 4305; and
- The draft Council recommendation that is proposed to be presented to the Growth, Infrastructure and Waste Committee/Full Council for its determination.

Therefore, in considering the material provided, it is my view that;

- The core issues related to the application have been appropriately dealt with through the recommended decision;
- With the exception of consideration for some additional conditional provisions (for clarification and consistency with other similar development approvals issued elsewhere within the Ipswich LGA), there are no additional issues that the panel has identified that should be dealt with in the recommended decision;
- The recommended decision is compliant with the relevant legislation and the assessment benchmarks outlined.

On this basis, the panel is satisfied with the intention of the proposed Council recommendation, that being to recommend approval of the application subject to conditions.

However, as detailed above, it is noted that the **panel recommends that further consideration by the Council in terms of the draft conditions** – to ensure the decision is completely robust.


Signature of IDRP Chairperson

Name: Craig Harte
Discipline: Planning (Chairperson)