



City of
Ipswich

**IPSWICH
CITY
COUNCIL**

AGENDA

of the

IPSWICH CENTRAL REDEVELOPMENT COMMITTEE

**Held in the Council Chambers
2nd floor – Council Administration Building
45 Roderick Street
IPSWICH QLD 4305**

**On Thursday, 10 June 2021
At 10 minutes after the conclusion of the Environment and Sustainability Committee**

<u>MEMBERS OF THE IPSWICH CENTRAL REDEVELOPMENT COMMITTEE</u>	
Councillor Marnie Doyle (Chairperson) Deputy Mayor Nicole Jonic (Deputy Chairperson)	Mayor Teresa Harding Councillor Kate Kunzelmann Councillor Russell Milligan

IPSWICH CENTRAL REDEVELOPMENT COMMITTEE AGENDA
*10 minutes after the conclusion of the Environment and Sustainability
Committee on **Thursday**, 10 June 2021*
Council Chambers

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** Item includes confidential papers

IPSWICH CENTRAL REDEVELOPMENT COMMITTEE NO. 5

10 JUNE 2021

AGENDA

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

BUSINESS OUTSTANDING

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE IPSWICH CENTRAL REDEVELOPMENT COMMITTEE NO. 2021(04) OF 13 MAY 2021**

RECOMMENDATION

That the Minutes of the Meeting of the Ipswich Central Redevelopment Committee No. 2021(04) of 13 May 2021 be confirmed.

OFFICERS' REPORTS

2. **IPSWICH CENTRAL REVITALISATION - STAKEHOLDER ENGAGEMENT**

This is a report concerning the public and stakeholder engagement that will be undertaken as a key part of the Ipswich Central Revitalisation project.

RECOMMENDATION

- A. That the report be received and the contents noted.
- B. Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.

-
3. ****COMMONWEALTH HOTEL - OPTIONS**

This is a report concerning investment options for the Commonwealth Hotel.

RECOMMENDATION

- A. That Council proceed with Option 3 for an extension to the Commonwealth Hotel, subject to the execution of an Agreement for Lease with the prospective lessee.

-
- B. That Council endorse the additional capital budget requirement for the proposed Commonwealth Hotel extension and the inclusion of this funding requirement in the 2021-2022 budget to be adopted by Council in late June 2022.
- C. Recommendations A and B are compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.
-

4. NICHOLAS STREET PRECINCT - RETAIL SUB-PROJECT STEERING COMMITTEE REPORT MAY 2021

This is a report concerning the May 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 Street Precinct redevelopment.

RECOMMENDATION

- A. That the May 2021 Retail Sub-Project Steering Committee Report be received and the contents noted.
- B. Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.
-

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

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

RECOMMENDATION

- A. That the Nicholas Street Precinct Communications, Engagement and Events Monthly Report be received and the contents noted.
- B. Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.
-

NOTICES OF MOTION

MATTERS ARISING

IPSWICH CENTRAL REDEVELOPMENT COMMITTEE NO. 2021(04)

13 MAY 2021

MINUTES

- COUNCILLORS' ATTENDANCE:** Councillor Marnie Doyle (Chairperson); Deputy Mayor Nicole Jonic (Deputy Chairperson), Mayor Teresa Harding, Councillors Kate Kunzelmann and Russell Milligan
- COUNCILLOR'S APOLOGIES:** Nil
- OFFICERS' ATTENDANCE:** Acting Chief Executive Officer (Sonia Cooper), Acting General Manager Corporate Services (Jeff Keech), General Manager Community, Cultural and Economic Development Manager (Ben Pole), General Manager Planning and Regulatory Services (Peter Tabulo), Acting General Manager Infrastructure and Environment (Sean Madigan), Senior Policy and Communications Officer (David Shaw), Project Manager (Greg Thomas), Chair – Retail Sub-Project Sub Committee (James Hepburn), Communications, Events and Engagement Manager (Karyn Sutton), Manager Economic and Community Development (Cat Matson), Council Liaison Officer (Karen Murray) and Theatre Technician (Harrison Cate)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **REPORT - IPSWICH CENTRAL REDEVELOPMENT COMMITTEE NO. 2021(03) OF 15 APRIL 2021**

RECOMMENDATION

Moved by Councillor Russell Milligan:
Seconded by Councillor Kate Kunzelmann:

That the report of the Ipswich Central Redevelopment Committee No. 2021(03) of 15 April 2021 be received and noted.

AFFIRMATIVE

Councillors:

Doyle

Harding

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

OFFICERS' REPORTS

2. **IPSWICH CENTRAL PROJECT AND NOTICE OF MOTION RESPONSE**

This report provides an update regarding the work completed and options considered in relation to progressing the Ipswich Central Revitalisation Project and in doing so, responds to a Notice of Motion calling for an options report for Ipswich Central to be tabled to a future meeting of the Ipswich Central Redevelopment Committee, tabled in the Economic and Industry Development Committee No. 2020 (03) dated 15 October 2020.

A range of work has been undertaken over the past decade concerning Ipswich Central, particularly in terms of designing for future investment, growth and liveability. As the central business district of Ipswich, it should be a hub of economic, social, and cultural activity. The need for a strategic, coordinated approach to revitalisation and urban planning is clear. The urgency of such a strategic and future-orientated approach is also clear and it is imperative that the next steps in the process are resource-effective, build on prior work and insights and create tangible outcomes.

After a comprehensive review of the work completed to date and a consideration of four main options to progress the revitalisation of Ipswich Central, it is suggested that Council:

1. Develop a clear Positioning Framework for Ipswich Central to demonstrate to residents, businesses and investors the collective goals for the precinct; and
2. Develop specific Place Plans to capture and leverage the unique character of specific places, or sub-precincts, within Ipswich Central.

Preliminary work has progressed along these lines with the Office of Economic Development commencing a Positioning Framework to be delivered in October 2021 and two (2) initial Place Plans by November 2021

RECOMMENDATION

Moved by Councillor Kate Kunzelmann:

Seconded by Mayor Teresa Harding:

That the report be received and the contents noted.

AFFIRMATIVE

Councillors:

Doyle

Harding

Kunzelmann

Milligan

Jonic

NEGATIVE

Councillors:

Nil

The motion was put and carried.

2.1. MATTER TAKEN ON NOTICE – CITY OF CENTRES

Mayor Teresa Harding queried why the reference to city centres only incorporated Springfield, Ripley Valley and Ipswich Central as target areas, and what the methodology is behind this. Mayor Teresa Harding also queried why for instance Rosewood, Brassall and Goodna were not included.

That the Manager Economic and Community Development investigate the Mayor's query and provide a response to all members of the committee.

3. NICHOLAS STREET PRECINCT - RETAIL SUB-PROJECT STEERING COMMITTEE REPORT APRIL 2021

This is a report concerning the April 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 Street Precinct redevelopment.

RECOMMENDATION

Moved by Mayor Teresa Harding (Mayor):

Seconded by Councillor Russell Milligan:

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

AFFIRMATIVE

Councillors:

Doyle

NEGATIVE

Councillors:

Nil

Harding
Kunzelmann
Milligan
Jonic

The motion was put and carried.

4. NICHOLAS ST PRECINCT - COMMUNICATIONS, ENGAGEMENT AND EVENTS
REPORT - APRIL 2021

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

RECOMMENDATION

Moved by Councillor Russell Milligan:
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.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 12.13 pm.

The meeting closed at 12.54 pm.

Doc ID No: A7257289

ITEM: 2

SUBJECT: IPSWICH CENTRAL REVITALISATION - STAKEHOLDER ENGAGEMENT

AUTHOR: PROJECT MANAGER - IPSWICH CENTRAL

DATE: 17 MAY 2021

EXECUTIVE SUMMARY

This is a report concerning the public and stakeholder engagement that will be undertaken as a key part of the Ipswich Central Revitalisation project.

RECOMMENDATION/S

- A. That the report be received and the contents noted.**
- B. Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.**

RELATED PARTIES

There are no related party conflicts of interest identified or declared in relation to the contents of this report.

ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity

PURPOSE OF REPORT/BACKGROUND

Effective and meaningful community engagement is vital to the revitalisation of Ipswich Central. This report provides an overview of community engagement activities planned for the next few months to inform the positioning framework and future of Ipswich Central.

As reported in Ipswich Central Redevelopment Committee No. 2021 (4) dated 13 May 2021, a Positioning Framework and two Place Plans are currently being created to support the revitalisation of Ipswich Central. In committee, the question was asked and discussed as to the nature, calibre and depth of community engagement to inform this piece of work.

To date the work has been informed by:

- Engagement workshops conducted in 2019 – a total of 32 people
- Shape Your Ipswich engagement – a total of 50 stakeholder responses

- 12 one-on-one meetings with key stakeholders and property owners
- Comprehensive engagement with more than 20 ICC officers, representing all Council departments

As the work progresses, engagement to be undertaken in June/July includes:

- Business door knocking – visiting EVERY business in Ipswich Centre Core and Top of Town (~ 200 businesses)
- Online engagement, through Shape your Ipswich
- Ipswich Central Business briefing – 22 June, 1 Nicholas St
- Place Plan community event – date to be confirmed
- Six place-based pop ups around Ipswich Central – locations and dates to be confirmed.
- Strategic Advisory Project Working Group – 12 ICC officers are meeting regularly to reflect the needs of all council teams and their projects

Business door knocking will build on the one-on-one engagement completed to date. The aim is to nurture relationships with traders and community in a face-to-face environment to understand their views about what's needed to revitalise Ipswich Central. This will provide valuable insight into the community's aspirations, while providing visibility and transparency of the project and strengthening the relationship between the community and council.

The Ipswich Central Revitalisation page on Shape your Ipswich will provide information about the project, timelines, place plans, framework and actions and ask for input. This will be supported by social media, industry networks e.g. Ipswich Region Chamber of Commerce and media. Shape your Ipswich will be particularly important with collecting data in creating the Place Plans for Ipswich Centre Core and Top of Town.

The Ipswich Central Business Briefing on 22 June will focus on the Ipswich Central Revitalisation project, with the draft positioning framework presented and workshopped with attendees.

To drive community engagement in the Place Plan creation process, a community event will take place in Ipswich central for local residents, traders and interested stakeholders. Plans are being developed for this to be an outdoor event that is highly interactive and fun.

The pop-up engagement opportunities will provide interactive and face-to-face engagement opportunities to pedestrian traffic who otherwise may not have heard of the project, or otherwise wouldn't provide input.

Through this process the team will be gauging interest from grassroots community leaders about being more involved and learning more about the project. These people will be earmarked for the project working groups for each of the place plans and will contribute to driving and implementing the project.

Internal engagement is also important, ensuring that council projects and programs are reflected in the positioning framework and place plans, as well as engaging council officers and departments along the journey too. The Strategic Advisory Project Working Group will enable engagement and collaboration across council.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Not Applicable

RISK MANAGEMENT IMPLICATIONS

It is imperative that extensive, meaningful stakeholder engagement for of this project is undertaken; community, business and investor buy-in is essential for the successful revitalisation of Ipswich Central.

The approach to the stakeholder engagement is coordinated to capture as many stakeholders as possible and will allow for the community's voice to be heard while contributing to defining a clear direction.

HUMAN RIGHTS IMPLICATIONS

Section 58(1) of the *Human Rights Act 2019* makes it unlawful for council to act or make a decision

- (a) in a way that is not compatible with human rights; or
- (b) in making a decision, to fail to give proper consideration to a human right relevant to the decision.

Recommendation A states that Council receive and note the report on the Ipswich Central Revitalisation – Stakeholder Engagement. This report has been subject to a human rights analysis to ensure:

- (a) the decision to receive and note the report is compatible with human rights; and
- (b) to give proper consideration to human rights relevant to that decision.

The human rights analysis is detailed in Attachment 1. The outcome of the human rights analysis is that the decision to receive and note this report is compatible with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

The budget for implementing this stakeholder engagement and project launch are part of the allocated Office of Economic Development Section budget for 2020-2021.

COMMUNITY AND OTHER CONSULTATION

The community consultation to be undertaken is listed in the purpose/background section of this report and it will continue to inform the Ipswich Central Revitalisation project.

CONCLUSION

Council has developed a highly collaborative process for the Ipswich Central revitalisation, involving internal and external stakeholders, that advances the ideas and insights already provided by a passionate and proud community.

The information gathered through this engagement will inform the positioning framework and place plans for the project.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Human Rights Impact Assessment ↓ 
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Erin Marchant

PROJECT MANAGER - IPSWICH CENTRAL

I concur with the recommendations contained in this report.

Cat Matson

MANAGER, ECONOMIC AND COMMUNITY DEVELOPMENT

I concur with the recommendations contained in this report.

Ben Pole

GENERAL MANAGER - COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

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



IPSWICH CITY COUNCIL

Human Rights Impact Assessment (Internal Use Only)

ASSESSMENT DETAILS	
Date	19 / 05 / 2021
Assessment Made By	Cat Matson
Act/Decision Assessed	Ipswich Central Engagement Plan
STEPS	ASSESSMENT OUTCOME
<p>Step 1</p> <p>Ask whether the act or decision is made under a law that gives no choice (discretion) in relation to the act or decision? Or does the Act/instrument confer a discretion that cannot be interpreted in a way that is consistent with human rights?</p> <p>NOTE: the focus here is whether you can't reasonably act differently or make a different decision that does not limit human rights. It will not be 'reasonable' to limit human rights if there is a discretion that enables you to act or make a decision that does not impose limits.</p> <p>If YES, then you do not need to consider human rights in relation to the proposed act or decision. Record this outcome. End of assessment.</p> <p>If NO, proceed to Step 2.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Discuss whether the act/decision was made under a law that provided no discretion in relation to the act/decision or whether any discretion cannot be interpreted in a way consistent with human rights</p>
<p>Step 2</p> <p>Ask does the proposed act or decision potentially affect human rights?</p> <p>The human rights are set out in Divisions 2 and 3, Part 2 of the HRA.</p> <p>If YES, proceed to Step 3.</p> <p>If NO, the proposed act or decision will not affect human rights and further consideration is unnecessary. Record this outcome. End of assessment.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Insert a brief explanation of the proposed act/decision and whether it will potentially affect human rights.</p> <p>A number of rights have been considered; the most relevant ones are ticked below.</p>

Item 2 / Attachment 1.

<p>Step 3</p> <p>Consider the scope of each human right potentially affected:</p> <ul style="list-style-type: none"> ▪ identify each right ▪ consider the content of each right and apply any specific limitations or express exemptions. <p>Reference can be made to the Queensland Governments 'Guide: Nature and scope of the protected human rights'.</p> <p>Proceed to Step 4.</p>	<p>The following rights are potentially affected (tick whichever applies):</p>	
	<input type="checkbox"/>	<p>Recognition and equality before the law (section 15) – a person is entitled to enjoy his/her human rights without discrimination (i.e. decisions must be made in an objective, non-discriminatory, non-arbitrary way). Limitation: express exemption for measures that are taken to assist/advance persons or groups disadvantages because of discrimination. This does not constitute discrimination.</p>
	<input type="checkbox"/>	<p>Right to life (section 16) – No person to be arbitrarily deprived of life. Involves obligations on the State to protect life. Public entities must protect the lives of people in their care. Limitation: cannot be 'arbitrarily' deprived of life (i.e. by conduct that is capricious, unpredictable or unjust).</p>
	<input type="checkbox"/>	<p>Protection from torture and cruel, inhuman or degrading treatment (section 17) – degrading treatment focuses on humiliation (which is a subjective test). Treatment has a wide meaning and includes dealing with a person in a certain way or applying a process to someone.</p>
	<input type="checkbox"/>	<p>Freedom from forced work (section 18) – the right to freedom from forced work (slavery or servitude). Individuals shouldn't be subject to conditions that violate individual dignity or exploit human productivity. Limitation: does not include service/work required under a court order, in an emergency or that is part of civil obligations.</p>
	<input checked="" type="checkbox"/>	<p>Freedom of movement (section 19) – every person lawfully in Queensland has the right to move freely within Queensland, enter or leave and choose where to live.</p>
	<input checked="" type="checkbox"/>	<p>Freedom of thought, conscious, religion and belief (section 20) – the right to develop autonomous thoughts and conscience, to think and believe what they want, to have or adopt a religion and to demonstrate religion or belief through worship, ritual, practice and teaching.</p>
	<input checked="" type="checkbox"/>	<p>Freedom of expression (section 21) – the right of all persons to hold an opinion without interference and to seek, receive and express information and ideas. The right encompasses seeking information from government (XYZ v Victorian Police [2010] VCAT 255)</p>
	<input checked="" type="checkbox"/>	<p>Peaceful assembly and freedom of association (section 22) – Right to gather together in order to exchange, give or receive information, to express views or to conduct a protest or demonstration. Limitation: only applies to peaceful assemblies.</p>
	<input checked="" type="checkbox"/>	<p>Taking part in public life (section 23) – the right of all persons to contribute to and exercise their voice in relation to the public life of the State. Ensures all persons have the opportunity to contribute to the political process and public governance. Includes right to vote and to be elected to public office. Limitation: Applies to 'eligible persons' (e.g. persons old enough to vote).</p>
<input type="checkbox"/>	<p>Property rights (section 24) – protects the right of all persons to own property (real and personal property) and to not be arbitrarily deprived of property. Limitation: cannot be 'arbitrarily' deprived of property (i.e. by conduct that is capricious, unpredictable or unjust).</p>	
<input type="checkbox"/>	<p>Privacy and reputation (section 25) – A person has the right not to have their privacy, family home or correspondence unlawfully or arbitrarily (capricious, unpredictable or unjust) interfered with. A person has the right not have the person's reputation unlawfully attacked. Limitation: cannot be unlawfully or arbitrarily interfered with.</p>	

Item 2 / Attachment 1.

Step 3 continued	<input type="checkbox"/>	Protection of families and children (section 26) – Families are entitled to protection by the state and society. Children have the same rights as adults, including additional protections according to their best interests and because they are children.
	<input type="checkbox"/>	Cultural rights (section 27) – rights directed towards ensuring the survival and continued development of the cultural, religious and social identity of minorities. Right to enjoy culture, religion and language.
	<input type="checkbox"/>	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) – protects the right to live life as an Aboriginal or Torres Strait Islander who is free to practice their culture.
	<input type="checkbox"/>	Right to liberty and security of person (section 29) – entitles all persons to liberty of the person, including the right not to be arrested or detained except in accordance with the law. Right to security means all reasonable steps must be taken to ensure the physical safety of those in physical harm. Limitations and qualifications: must not be subject to arbitrary arrest; must not be deprived of liberty except on grounds and with procedures established by law; right to be brought to trial without unreasonable delay for criminal charges.
	<input type="checkbox"/>	Humane treatment when deprived of liberty (section 30) – recognises the vulnerability of persons in detention and intends to ensure they are treated humanely. Limitation: an accused person has the right to be segregated from convicted unless reasonably necessary.
	<input type="checkbox"/>	Fair hearing (section 31) – A person has the right to procedural fairness when coming before a court or tribunal.
	<input type="checkbox"/>	Rights in criminal proceedings (section 32) – protects the rights to be presumed innocent until proven guilty and guilt to be proved beyond a reasonable doubt. Also the right to legal representation, to be tried without unreasonable delay and to remain silent.
	<input type="checkbox"/>	Children in criminal proceedings (section 33) – recognises that young persons who become involved in the criminal justice system deserve special protections by virtue of their age. Must not be detained with adults and brought to trial as quickly as possible.
	<input type="checkbox"/>	Right not to be tried or punished more than once (section 34) – protects against double jeopardy – not to be taken to court or punished more than once for an offence they have already been convicted or acquitted.
	<input type="checkbox"/>	Retrospective criminal laws (section 35) – the right to not be found guilty of an offence for an action that was not an offence at the time it was committed. Not to be punished more severely where there has been a change to the law since committing the offence. Entitled to reduction in penalty if the penalty is reduced before sentencing. Law must be precise for a person to know if an act is criminal. Limitation: does not apply where an offence is created after the act/omission where at the time the act/omission was an offence under international law.
	<input type="checkbox"/>	Right to education (section 36) – right of every child to primary and secondary schooling and right of each person, based on their abilities, to further vocational education and training is equally accessible to all.
	<input type="checkbox"/>	Right to health services (section 37) – right to access health services without discrimination and not to be refused medical treatment that is immediately necessary to save their life or prevent serious impairment.

Item 2 / Attachment 1.

<p>Step 4</p> <p>Ask does the proposed act or decision affect (e.g. restrict or interfere) with the relevant rights?</p> <p>If YES, proceed to Step 5.</p> <p>If NO, further consideration is unnecessary. The proposed act or decision does not affect (i.e. restrict or interfere) the relevant rights. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Explain here how the act/decision will/will not restrict or interfere with the relevant rights.</p> <p>All engagement activities are voluntary and won't restrict or interfere with relevant rights. In fact, by offering the opportunity to contribute to the vision of the city, human rights could be enhanced, such as taking part in public life.</p>
<p>Step 5</p> <p>If there is a limitation (restriction or interference), is that limitation reasonably and demonstrably justifiable (proportionality assessment)?</p> <p>Undertake the proportionality assessment by completing the steps below.</p>	
<p>Step 5(a)</p> <p>Is the limitation provided in an Act, Regulation or common law?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the head of power and proceed to Step (5b).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to the relevant Act, Regulation or common law.</p>
<p>Step 5(b)</p> <p>Is the purpose of the limitation important?</p> <p>Articulate the purpose of the proposed limitation on human rights. Does it address a specific area of public or social concern that is pressing and substantial?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the purpose of the proposed limitation and importance and proceed to Step (5c).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here why the purpose of the limitation is important. Does it address a specific area of public or social concern that is pressing and substantial?</p>

Item 2 / Attachment 1.

<p>Step 5(c)</p> <p>Is material available that demonstrates that the proposed limitation is important?</p> <p>Material may include researching findings, consultation findings, review and empirical data.</p> <p>If material is not available, gather material and reconsider the decision.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the material and proceed to Step 5(d).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to relevant material and make sure to keep a copy.</p>
<p>Step 5(d)</p> <p>Is the limitation on the right rationally and proportionally connected to the objective you are trying to achieve?</p> <p>Consider whether the limitation is likely to achieve the objective and whether the decision limits the right only to the extent necessary to achieve the objective.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(e).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain how the limitation will achieve the outcome and that the limitation is only to the extent necessary to achieve the outcome.</p>
<p>Step 5(e)</p> <p>Does the limitation fall within the range of reasonable approaches to achieve the purpose?</p> <p>Consider whether there are less restrictive means to achieve the purpose of the limitation.</p> <p>Incorporate safeguards where appropriate.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(f).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain whether there are less restrictive ways to achieve the purpose of the limitation and whether safeguards can be incorporated.</p>

Item 2 / Attachment 1.

<p>Step 5(f)</p> <p>Is the limitation on the human right outweighed by the value of achieving the purpose?</p> <p>Consider whether the balance accords with the values of a free and democratic society based on human dignity, equality and freedom.</p> <p>Pay particular attention to the nature of the human right and the importance of the values underlying that right.</p> <p>If YES, the limit contained in the proposal is probably justified as a reasonable limit on the human right – END OF ASSESSMENT.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right – Reconsider the act/decision.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain the importance of the values underlying the right and whether the limitation is outweighed by the value of achieving the purpose.</p>
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Doc ID No: A7246673

ITEM: 3
SUBJECT: COMMONWEALTH HOTEL - OPTIONS
AUTHOR: PROJECT MANAGER
DATE: 10 MAY 2021

EXECUTIVE SUMMARY

This is a report concerning investment options for the Commonwealth Hotel.

RECOMMENDATION/S

- A. That Council proceed with Option 3 for an extension to the Commonwealth Hotel, subject to the execution of an Agreement for Lease with the prospective lessee.**
- B. That Council endorse the additional capital budget requirement for the proposed Commonwealth Hotel extension and the inclusion of this funding requirement in the 2021-2022 budget to be adopted by Council in late June 2022.**
- C. Recommendations A and B are compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.**

RELATED PARTIES

Ranbury Management Group - Program Management Partner Ranbury Property Services – Retail Leasing Agent

Councillor Fechner may have a potential conflict of interest in relation to this matter.

Councillor Madsen may have a potential conflict of interest in relation to this matter.

ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity

PURPOSE OF REPORT/BACKGROUND

Built in 1910, the Commonwealth Hotel is noted in Ipswich Planning Scheme's Schedule 2 Character Places as a place of local heritage significance. The hotel was purchased by Ipswich City Properties (a former wholly owned Council subsidiary) on 22 December 2014. The building had a history of structural issues and was identified as unsafe for occupancy in 2015. Underpinning the structure was identified as the only suitable long-term solution to ensure the building's longevity. The building was deconstructed with these works completed in June 2018 and the structural remediation completed in May 2019. On 27 June

2019, Council acquired all Nicholas St Precinct property assets including the Commonwealth Hotel from Ipswich City Properties.

In September 2019 the Project Steering Committee endorsed reconstruction of the base building only in order to make the building safe and secure. Prior to this, there had been consideration on the extent of interior renovations and/or building extension work that should be undertaken. The conclusion was that until a tenant or use was identified, the project would aim to complete the minimum work possible in order to restore the heritage streetscape and make the building safe, stable and secure. The subsequent reconstruction works to the building were completed in early May 2021. To date Council has invested a total of \$6.2M on the site's remediation and the structure's demolition and subsequent reconstruction.

The retail leasing team has been in contact with a number of hotel operators in the past year to test their interest in the site's future operation as an inner-city hotel. Feedback from several prospective tenants confirmed that the base building as it now exists, was not of sufficient size to allow for a contemporary hotel operation and that the offering needs to be larger to accommodate the facilities and uses which are more akin to contemporary, significantly sized, inner-city pub/hotel offering. A leased and larger format Commonwealth Hotel will complement the tenant mix within the precinct and specifically Metro B, the food and beverage asset directly opposite on Union Place. Together they will drive extended dwell time and sales throughout the day whilst also reinvigorating the CBD's night-time economy.

Council has three development options for consideration relating to the Commonwealth Hotel, with Option 3 providing the highest return to Council from both a financial perspective and the precinct's activation:

1. Do nothing – no additional investment, hold the asset as is (a vacant tenancy)
2. Landlord works to existing footprint – further investment (<\$2M), seek suitable commercial tenants/smaller boutique leasing alternatives
3. Extension of hotel to increase footprint (GFA) - further investment (\$5M), long-term lease with hotel operator.

Confidential Attachment 2 discusses each of the three options together with the commercial terms of the proposed lease arrangement and provides details the design scope, the cost estimate and proposed procurement approach. Following endorsement, the progression of Option 3 to extend the Commonwealth Hotel will be subject to the requisite funding being adopted in the 2021/22 budget and an Agreement for Lease being executed with the prospective lessee.

Following detailed discussions with several operators, negotiations are now well advanced with a prospective tenant for a long-term lease of the site subject to the development of an extension to the rear (north) of the site which will both complement the existing structure's heritage and improve the site's commerciality. The proposed extension (approx. 813 sqm) at the rear of the existing structure (approx. 416 sqm) will create a total lettable area of approx. 1,229 sqm. A future reconfiguration will be required to the adjoining 'Bell Street

Green' lot (Council owned land, corner Bell and Bremer Streets) to release approx. 211 sqm which when combined with hotel's existing 539 sqm (Lot 1 RP2677) will result in a total land area of approx. 750 sqm.

The current extension proposal features areas for undercover dining/entertainment and the utilisation of part of the former car park (as noted above). The prospective tenant is also seeking a licence over what will be the residual of the 'Bell Street Green' for use as a car park for client parking (up to 44 cars) with access from Bell Street.

The goal is for the refurbished Commonwealth Hotel to open at Easter 2022 to align with the proposed opening of the adjacent Metro B food and beverage tenancies.

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 of not proceeding in the short- term with Option 3 to extend the Commonwealth Hotel will mean that the tenancy will not be available when the majority of other tenancies with the precinct's Metro B open in the first half of 2022. The operation of the hotel will act as an anchor and drive additional footfall, dwell time and sales within the precinct therefore minimising ongoing leasing risks and bolstering future trade.

Endorsement of Option 1 or 2 will result in the hotel structure remaining in its current form, with public perception impacted and the precinct's image damaged due the building either being vacant or not re-established as an operational hotel venue.

HUMAN RIGHTS IMPLICATIONS

Section 58(1) of the *Human Rights Act 2019* makes it unlawful for council to act or make a decision

- (a) in a way that is not compatible with human rights; or
- (b) in making a decision, to fail to give proper consideration to a human right relevant to the decision.

Recommendation A states that Council proceed with Option 3 for an extension to the Commonwealth Hotel, subject to the execution of an Agreement for Lease with the prospective lessee. This recommendation has been subject to a human rights analysis to ensure:

- (a) the decision to proceed with Option 3 for an extension to the Commonwealth Hotel, subject to the execution of an Agreement for Lease with the prospective lessee is compatible with human rights; and
- (b) to give proper consideration to human rights relevant to that decision.

The human rights analysis is detailed in Attachment 1. Recommendations A and B are compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.

FINANCIAL/RESOURCE IMPLICATIONS

The required funds for the extension are requested to be included in the 2021-2022 budget to be adopted by Council in late June 2021.

With every lease, there exists the risk of a tenant forfeiture. The Agreement for Lease legally binds the incoming tenant to complete the fit-out works and provides other protections against tenant default.



COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

CONCLUSION

Endorsement of recommended Option 3 and its associated funding in the 2021-2022 budget to extend the Commonwealth Hotel, subject to an executed Agreement for Lease, will provide Council with the highest return on its investment and maximise both the activation and commercial success of the Nicholas Street Precinct.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Human Rights Impact Assessment Checklist  
	CONFIDENTIAL
2.	Commonwealth Hotel Development Options

Greg Thomas
PROJECT MANAGER

I concur with the recommendations contained in this report.

Sean Madigan
ACTING GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

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IPSWICH CITY COUNCIL

Human Rights Impact Assessment (Internal Use Only)

ASSESSMENT DETAILS	
Date	28 / 05 / 2021
Assessment Made By	Greg Thomas
Act/Decision Assessed	Asset Investment
STEPS	ASSESSMENT OUTCOME
<p>Step 1</p> <p>Ask whether the act or decision is made under a law that gives no choice (discretion) in relation to the act or decision? Or does the Act/instrument confer a discretion that cannot be interpreted in a way that is consistent with human rights?</p> <p>NOTE: the focus here is whether you can't reasonably act differently or make a different decision that does not limit human rights. It will not be 'reasonable' to limit human rights if there is a discretion that enables you to act or make a decision that does not impose limits.</p> <p>If YES, then you do not need to consider human rights in relation to the proposed act or decision. Record this outcome. End of assessment.</p> <p>If NO, proceed to Step 2.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Discuss whether the act/decision was made under a law that provided no discretion in relation to the act/decision or whether any discretion cannot be interpreted in a way consistent with human rights</p> <p>Decision relates to an asset investment</p>
<p>Step 2</p> <p>Ask does the proposed act or decision potentially affect human rights?</p> <p>The human rights are set out in Divisions 2 and 3, Part 2 of the HRA.</p> <p>If YES, proceed to Step 3.</p> <p>If NO, the proposed act or decision will not affect human rights and further consideration is unnecessary. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Insert a brief explanation of the proposed act/decision and whether it will potentially affect human rights.</p> <p>Decision relates to an asset investment</p>

Item 3 / Attachment 1.

<p>Step 3</p> <p>Consider the scope of each human right potentially affected:</p> <ul style="list-style-type: none"> ▪ identify each right ▪ consider the content of each right and apply any specific limitations or express exemptions. <p>Reference can be made to the Queensland Governments 'Guide: Nature and scope of the protected human rights'.</p> <p>Proceed to Step 4.</p>	<p>The following rights are potentially affected (tick whichever applies):</p>	
	<input type="checkbox"/>	<p>Recognition and equality before the law (section 15) – a person is entitled to enjoy his/her human rights without discrimination (i.e. decisions must be made in an objective, non-discriminatory, non-arbitrary way). Limitation: express exemption for measures that are taken to assist/advance persons or groups disadvantages because of discrimination. This does not constitute discrimination.</p>
	<input type="checkbox"/>	<p>Right to life (section 16) – No person to be arbitrarily deprived of life. Involves obligations on the State to protect life. Public entities must protect the lives of people in their care. Limitation: cannot be 'arbitrarily' deprived of life (i.e. by conduct that is capricious, unpredictable or unjust).</p>
	<input type="checkbox"/>	<p>Protection from torture and cruel, inhuman or degrading treatment (section 17) – degrading treatment focuses on humiliation (which is a subjective test). Treatment has a wide meaning and includes dealing with a person in a certain way or applying a process to someone.</p>
	<input type="checkbox"/>	<p>Freedom from forced work (section 18) – the right to freedom from forced work (slavery or servitude). Individuals shouldn't be subject to conditions that violate individual dignity or exploit human productivity. Limitation: does not include service/work required under a court order, in an emergency or that is part of civil obligations.</p>
	<input type="checkbox"/>	<p>Freedom of movement (section 19) – every person lawfully in Queensland has the right to move freely within Queensland, enter or leave and choose where to live.</p>
	<input type="checkbox"/>	<p>Freedom of thought, conscious, religion and belief (section 20) – the right to develop autonomous thoughts and conscience, to think and believe what they want, to have or adopt a religion and to demonstrate religion or belief through worship, ritual, practice and teaching.</p>
	<input type="checkbox"/>	<p>Freedom of expression (section 21) – the right of all persons to hold an opinion without interference and to seek, receive and express information and ideas. The right encompasses seeking information from government (XYZ v Victorian Police [2010] VCAT 255)</p>
	<input type="checkbox"/>	<p>Peaceful assembly and freedom of association (section 22) – Right to gather together in order to exchange, give or receive information, to express views or to conduct a protest or demonstration. Limitation: only applies to peaceful assemblies.</p>
	<input type="checkbox"/>	<p>Taking part in public life (section 23) – the right of all persons to contribute to and exercise their voice in relation to the public life of the State. Ensures all persons have the opportunity to contribute to the political process and public governance. Includes right to vote and to be elected to public office. Limitation: Applies to 'eligible persons' (e.g. persons old enough to vote).</p>
<input type="checkbox"/>	<p>Property rights (section 24) – protects the right of all persons to own property (real and personal property) and to not be arbitrarily deprived of property. Limitation: cannot be 'arbitrarily' deprived of property (i.e. by conduct that is capricious, unpredictable or unjust).</p>	
<input type="checkbox"/>	<p>Privacy and reputation (section 25) – A person has the right not to have their privacy, family home or correspondence unlawfully or arbitrarily (capricious, unpredictable or unjust) interfered with. A person has the right not have the person's reputation unlawfully attacked. Limitation: cannot be unlawfully or arbitrarily interfered with.</p>	

Item 3 / Attachment 1.

Step 3 continued	<input type="checkbox"/>	Protection of families and children (section 26) – Families are entitled to protection by the state and society. Children have the same rights as adults, including additional protections according to their best interests and because they are children.
	<input type="checkbox"/>	Cultural rights (section 27) – rights directed towards ensuring the survival and continued development of the cultural, religious and social identity of minorities. Right to enjoy culture, religion and language.
	<input type="checkbox"/>	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) – protects the right to live life as an Aboriginal or Torres Strait Islander who is free to practice their culture.
	<input type="checkbox"/>	Right to liberty and security of person (section 29) – entitles all persons to liberty of the person, including the right not to be arrested or detained except in accordance with the law. Right to security means all reasonable steps must be taken to ensure the physical safety of those in physical harm. Limitations and qualifications: must not be subject to arbitrary arrest; must not be deprived of liberty except on grounds and with procedures established by law; right to be brought to trial without unreasonable delay for criminal charges.
	<input type="checkbox"/>	Humane treatment when deprived of liberty (section 30) – recognises the vulnerability of persons in detention and intends to ensure they are treated humanely. Limitation: an accused person has the right to be segregated from convicted unless reasonably necessary.
	<input type="checkbox"/>	Fair hearing (section 31) – A person has the right to procedural fairness when coming before a court or tribunal.
	<input type="checkbox"/>	Rights in criminal proceedings (section 32) – protects the rights to be presumed innocent until proven guilty and guilt to be proved beyond a reasonable doubt. Also the right to legal representation, to be tried without unreasonable delay and to remain silent.
	<input type="checkbox"/>	Children in criminal proceedings (section 33) – recognises that young persons who become involved in the criminal justice system deserve special protections by virtue of their age. Must not be detained with adults and brought to trial as quickly as possible.
	<input type="checkbox"/>	Right not to be tried or punished more than once (section 34) – protects against double jeopardy – not to be taken to court or punished more than once for an offence they have already been convicted or acquitted.
	<input type="checkbox"/>	Retrospective criminal laws (section 35) – the right to not be found guilty of an offence for an action that was not an offence at the time it was committed. Not to be punished more severely where there has been a change to the law since committing the offence. Entitled to reduction in penalty if the penalty is reduced before sentencing. Law must be precise for a person to know if an act is criminal. Limitation: does not apply where an offence is created after the act/omission where at the time the act/omission was an offence under international law.
	<input type="checkbox"/>	Right to education (section 36) – right of every child to primary and secondary schooling and right of each person, based on their abilities, to further vocational education and training is equally accessible to all.
	<input type="checkbox"/>	Right to health services (section 37) – right to access health services without discrimination and not to be refused medical treatment that is immediately necessary to save their life or prevent serious impairment.

Item 3 / Attachment 1.

<p>Step 4</p> <p>Ask does the proposed act or decision affect (e.g. restrict or interfere) with the relevant rights?</p> <p>If YES, proceed to Step 5.</p> <p>If NO, further consideration is unnecessary. The proposed act or decision does not affect (i.e. restrict or interfere) the relevant rights. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here how the act/decision will/will not restrict or interfere with the relevant rights.</p> <p>Example:</p> <p>Yes. The proposed Policy will potentially restrict or interfere with relevant rights in the following ways</p> <p>•Recognition and equality before the law (section 15) – the Policy discriminates against a particular group of persons i.e. persons displaying threatening, aggressive or violent behaviour as defined by the Policy. The Policy effectively removes a person’s entitlement to enjoy their other human rights (see below) if they engage in</p>
<p>Step 5</p> <p>If there is a limitation (restriction or interference), is that limitation reasonably and demonstrably justifiable (proportionality assessment)?</p> <p>Undertake the proportionality assessment by completing the steps below.</p>	
<p>Step 5(a)</p> <p>Is the limitation provided in an Act, Regulation or common law?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the head of power and proceed to Step (5b).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to the relevant Act, Regulation or common law.</p> <p>Example:</p> <p>Yes. Under section 9(1) of the Local Government Act 2009, Council is entitled has the power to do anything that is necessary or convenient for the good rule and local governance of its local government area.</p> <p>Council also has the power to do anything that is necessary or convenient for performing a responsibility under a Local Government Act (section 262(2) of the Local Government Act</p>
<p>Step 5(b)</p> <p>Is the purpose of the limitation important?</p> <p>Articulate the purpose of the proposed limitation on human rights. Does it address a specific area of public or social concern that is pressing and substantial?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identity the purpose of the proposed limitation and importance and proceed to Step (5c).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here why the purpose of the limitation is important. Does it address a specific area of public or social concern that is pressing and substantial?</p> <p>Example:</p> <p>Yes. The purpose of the Policy is to provide a safe environment for Council staff to work and to protect other customers of Council.</p> <p>Providing a safe environment for staff to work, free from offensive, abusive or threatening behaviour is a legislative obligation for council and a matter of considerable importance. The Policy aims address threatening, aggressive or violent behaviour by customers</p>

Item 3 / Attachment 1.

<p>Step 5(c)</p> <p>Is material available that demonstrates that the proposed limitation is important?</p> <p>Material may include researching findings, consultation findings, review and empirical data.</p> <p>If material is not available, gather material and reconsider the decision.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the material and proceed to Step 5(d).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to relevant material and make sure to keep a copy.</p> <p>Example:</p> <p>Yes. The issue of threatening, aggressive or violent behaviour by members of the public towards public service agencies has resulted in Model Guidelines being developed by the NSW Ombudsman:</p> <p>https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0007/21310/Model-Guidelines-For-Managing-and-Responding-to-Threats,-Aggressive-Behaviour-and-Violence.pdf</p>
<p>Step 5(d)</p> <p>Is the limitation on the right rationally and proportionally connected to the objective you are trying to achieve?</p> <p>Consider whether the limitation is likely to achieve the objective and whether the decision limits the right only to the extent necessary to achieve the objective.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(e).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain how the limitation will achieve the outcome and that the limitation is only to the extent necessary to achieve the outcome.</p> <p>Example:</p> <p>Yes. The limitations imposed by the Policy on the human rights above are directly connected to the objective of protecting staff and customers and preventing the unreasonable division of Council resources. The adoption of a Policy and Procedure that provides clear steps for dealing with particular behaviours is likely to ensure that human rights are only limited to the extent reasonably necessary to achieve the objectives of staff/customer safety.</p>
<p>Step 5(e)</p> <p>Does the limitation fall within the range of reasonable approaches to achieve the purpose?</p> <p>Consider whether there are less restrictive means to achieve the purpose of the limitation.</p> <p>Incorporate safeguards where appropriate.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(f).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain whether there are less restrictive ways to achieve the purpose of the limitation and whether safeguards can be incorporated.</p> <p>Example:</p> <p>Yes. The creation of the Policy is a reasonable approach to achieve the purpose of staff/customer safety. The Policy provides for a range of responses that can be applied after consideration of the relevant circumstances. There are also safeguards built into the Policy (i.e. for staff to be trained about the Policy, the undertaking of initial assessments about particular conduct to formulate appropriate responses).</p>

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<p>Step 5(f)</p> <p>Is the limitation on the human right outweighed by the value of achieving the purpose?</p> <p>Consider whether the balance accords with the values of a free and democratic society based on human dignity, equality and freedom.</p> <p>Pay particular attention to the nature of the human right and the importance of the values underlying that right.</p> <p>If YES, the limit contained in the proposal is probably justified as a reasonable limit on the human right – END OF ASSESSMENT.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right – Reconsider the act/decision.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain the importance of the values underlying the right and whether the limitation is outweighed by the value of achieving the purpose.</p> <p>Example:</p> <p>Yes. The rights that the Policy will potentially limit are important rights. Individuals have a right to access and communication with public services agencies, to question their decisions (in public forums and with others), seek redress in relation to particular decisions, participate in public life and hold public services agencies accountable for their decisions. These rights are important in a free and democratic society.</p> <p>The local government principles in the Local Government Act 2009 (section 4(2)(a) and (c)) include:</p> <ul style="list-style-type: none"> •transparent and effective processes, and decision-making in the public interest; and
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ITEM: 4

SUBJECT: NICHOLAS STREET PRECINCT - RETAIL SUB-PROJECT STEERING COMMITTEE
REPORT MAY 2021

AUTHOR: PROJECT MANAGER

DATE: 16 MAY 2021

EXECUTIVE SUMMARY

This is a report concerning the May 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 Street Precinct redevelopment.

RECOMMENDATION/S

- A. That the May 2021 Retail Sub-Project Steering Committee Report be received and the contents noted.**
- B. Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.**

RELATED PARTIES

Ranbury Management Group - Program Management Partner Ranbury Property Services – Retail Leasing Agent
Councillor Fechner may have a potential conflict of interest in relation to this matter.
Councillor Madsen may have a potential conflict of interest in relation to this matter.

ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity

PURPOSE OF REPORT/BACKGROUND

The Retail Sub-Project Steering Committee (RSPSC) supports the Ipswich Central Redevelopment Committee (ICRC) in delivering the Nicholas Street Precinct redevelopment. The RSPSC reports monthly to the ICRC on the planning, development, delivery and operations of the Nicholas Street Precinct's retail and commercial assets.

The May 2021 meeting of the RSPSC discussed the progress of retail leasing, the progress of retail variation works and the status of the cinema EOI/tender process. Refer Attachment 1 for the draft RSPSC May 2021 minutes.

The table below identifies the status of tenancy negotiations as at 24 May 2021 with two Heads of Agreement (HOA's) currently with Council for endorsement. Two HOA are not being progressed, one associated with the cinema which awaits the outcome of the EOI/ tender process and the other superseded by an offer with superior commercial terms. Discussions also continued with other prospective tenants during the month.

Deal Status	Number
HOA Signed (non-legally binding)	15
Pending Approval by ICC	2
Lease Documents Issued	10
Not Being Progressed	2
Lease Documents Being Prepared	4

In January 2021, Council resolved to undertake an EOI/tender process for the management and operations of the precinct's cinema complex. The EOI component closed on 12 March 2021 with Council receiving submissions from several market participants. Preparations for the tender phase are well advanced with associated documentation scheduled for release in late May 2021. It is anticipated that the resulting lease or management agreement will be finalised and executed by late October 2021. An executed cinema (Agreement for lease) AFL or management agreement remains the trigger for the refurbishment of the Venue building.

In February 2021, a variation to the existing Design and Construct contract with Hutchinson Builders was executed for the refurbishment of the Eats and Metro B buildings together with the Metro A façade and adjoining streetscape works. On-site works associated with this variation progressed well during the month with Eats on track for opening in October 2021. Significant changes to the Metro B building are now evident from both Nicholas Street and Union Place. Pedestrian access between Nicholas Street and Bell Street via the Union Place footpath is working effectively. Construction works associated with the retail redevelopment (excluding the Venue building) and streetscape works are forecast for completion in late 2021. To achieve this, landlord works are required to be approved to allow tenant fit-out to occur in time for the planned opening in Easter 2022.

At its 27 May 2021 meeting, Council repealed the 50% hurdle for executed Agreement for Leases adopted at Council's 28 January 2021 meeting and endorsed Metro B landlord works commencing given the level of commercial terms endorsed for Metro B's tenancies.

In terms of precinct management, a new project control group (PCG) has been established to oversee the precinct and its future operation and management. The first meeting of the Precinct Management Control Group (PMCG) was held on 4 May 2021 and the intention is that this group will meet fortnightly in the short to medium term.

Restoration works to the Commonwealth Hotel have now been completed with Practical Completion completed. As previously reported, all five (5) separable portions of the Civic Project have also achieved Practical Completion and are now in the Defect Liability Period (DLP) which ends in March 2022. Internal fit-out of the Administration Building continued during the month with occupation by Council staff currently scheduled to occur from

Tuesday 29 June 2021. Both the Administration Building and the Children's Library will officially open on 28 June 2021. Refer Attachment 2 for the May 2021 Executive Report.

On 20 May 2021, the first in a new series of three councillor workshops was held focussing on the Commonwealth Hotel. The second workshop on 24 May 2021 looked at options for the Eats and Metro assets and the third on 2 June 2021 discussed investment options for the Venue building.

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 retail leasing program continues to face challenges including but not limited to COVID-19 impacts, the pace of the retail market rebound, the securing of anchor and other tenants and the attractiveness of the offer from the lessor (council) in the current market conditions.

Given refurbishment works have now commenced on both the Eats and Metro B buildings, the conversion of endorsed HOA's into legally binding Agreements for Lease (AFL) remains critical. Refurbishment of the Venue building remains contingent on the securing of a key anchor tenant (cinema operator) however incoming Metro B and Eats tenants are keen to understand the timescales associated with this phase.

HUMAN RIGHTS IMPLICATIONS

Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019* (Qld).

FINANCIAL/RESOURCE IMPLICATIONS

The retail precinct's short-term commercial success remains dependent on identifying, attracting and securing a commercially viable tenancy mix through executed AFL's. Commercial success in the medium to longer term will require a comprehensive and ongoing activation and management strategy to support tenants and deliver a revitalised and activated precinct.

A series of three workshops in late May/early June 2021 are designed to provide councillors with enhanced understandings on financial matters and future investment options for the precinct's key retail assets.




COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation.

CONCLUSION

Retail leasing continues to progress according to plan with the conversion of HOA's into AFL's a key focus given the commencement of Metro B works. Investment options for the Commonwealth Hotel are the subject of companion papers to the June 2021 committee round.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft RSPSC May 2021 Minutes ↓ 
2.	May 2021 Executive Report ↓ 
3.	Human Rights Assessment Checklist ↓ 

Greg Thomas

PROJECT MANAGER

I concur with the recommendations contained in this report.

Sean Madigan

ACTING GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

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



IPSWICH CITY COUNCIL

MINUTES - RETAIL SUB-PROJECT STEERING COMMITTEE

Meeting: Retail Sub-Project Steering Committee – No 11.
Venue: Level 7 Conference Room, 2 Bell Street
Date: 19 May 2021 (11:00AM – 12:00PM)

Members:	James Hepburn (Chair) (JH); Sean Madigan (GM C&P) (SM); Greg Thomas (Project Manager) (GT)	
Observers:	Councillor Nicole Jonic, Karyn Sutton, Nicole Denman, Brent McKay	
Apologies:	Councillor Marnie Doyle	
Chair / Minutes:	Chair – James Hepburn	Minutes – Nicole Denman
No.	OFFICER	DESCRIPTION
1	JH	Attendance / Apologies Welcome to Cr Jonic.
2	JH	Previous Minutes & Actions Arising
3	JH	Councillor Workshops <ul style="list-style-type: none"> Additional Councillor Workshops (timing, agenda and format) <ul style="list-style-type: none"> Workshop this week to discuss “No action” Next workshop - Metro B & Eats leasing
4	JH	Retail Leasing <ul style="list-style-type: none"> Retail PCG meeting outcomes 11.5.21 Leasing <ul style="list-style-type: none"> JH presented an overview of current proposals and the development of associated Agreements for Lease JH spoke to Venue and internal Metro B options for landlord works – endorsement to be sought at Council’s 27.5.21 meeting Recently received Heads of Agreement Prospecting/New <ul style="list-style-type: none"> Operators interest in Tulmur Place tenancies. Metro B – prospective service tenants Pop-up coffee option adjacent to Lift B (proposed licence agreement) Cinema EOI/RFT <ul style="list-style-type: none"> Update provided on the status
5	JH	Retail Redevelopment <ul style="list-style-type: none"> Metro B/Eats <ul style="list-style-type: none"> Significant progress made with demolition Ramp to Bell Street - DDA requirements for consideration Commonwealth Hotel Practical completion achieved

Item 4 / Attachment 1.

6	KS	<p>Precinct Activation and Events</p> <ul style="list-style-type: none"> • 2021 activation/event calendar <ul style="list-style-type: none"> ○ Handmade and Future Food Flavours – licence ends June 2021 - for re-execution ○ Actively seeking farmers market partner ○ Upcoming major events – Stage of Original and Olympic LIVE site. ○ Currently reviewing management costs per event and potential application for future charges • Stakeholder Engagement <ul style="list-style-type: none"> ○ Discussed broader marketing for event space to wider community ○ JH outlined leasing team processes for interested parties. ○ Sponsored advertising currently under review
7	JH/KS	<p>Precinct Management</p> <ul style="list-style-type: none"> • Preparations for Children’s Library and 1 Nicholas St openings <ul style="list-style-type: none"> ○ Weekly meetings held with library ○ KS outlined support provided – food trucks and life entertainers
8	GT	<p>Procurement</p> <ul style="list-style-type: none"> • Commercial leasing agency <ul style="list-style-type: none"> ○ Procurement process has commenced
9	JH	<p>Financials</p> <ul style="list-style-type: none"> • 2021/22 Staffing <ul style="list-style-type: none"> ○ Approval received for extensions
10	GT	<p>ICRC/Council Reports</p> <ul style="list-style-type: none"> • May 2021 Council meeting – Metro B Variation/Capital Incentives <ul style="list-style-type: none"> ○ Submitted • June 2021 ICRC meeting – Commonwealth Hotel Extension Option <ul style="list-style-type: none"> ○ Under preparation
11	GT	<p>Ministerial Exemptions</p> <ul style="list-style-type: none"> • Next quarterly report - due late June 2021 • Next half yearly report - due late July 2021
12	JH	<p>General Business</p> <ul style="list-style-type: none"> • Cribb and Foote Lane works <ul style="list-style-type: none"> ○ Update provided on access works • Car park <ul style="list-style-type: none"> ○ Update on negotiations with commercial customer. • Metro A Roller Doors <ul style="list-style-type: none"> ○ Discussion on former car museum doors
13	JH	<p>Next Meeting – 16 June 2021</p>



Nicholas Street, Ipswich Central Executive Report No.28 To 2 June 2021



NICHOLASST

IPSWICH CENTRAL

DOCUMENT INFORMATION

Title: Nicholas Street, Ipswich Central
Subtitle: Executive Report

VERSION	DATE	PREPARED BY
1	2 June 2021	CBD Redevelopment Project Team

Distribution

Ipswich City Council

IPSWICH CENTRAL - RETAIL - DASHBOARD - MAY 2021

\$239.1M

Budget

\$213.3M

Committed Costs

\$191.8M

Actual

\$25.7M

Forecast Costs

\$239.1M

Total Forecast Cost

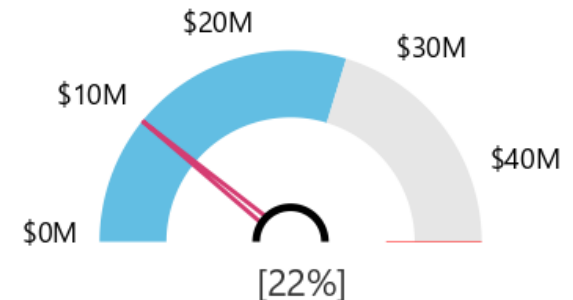
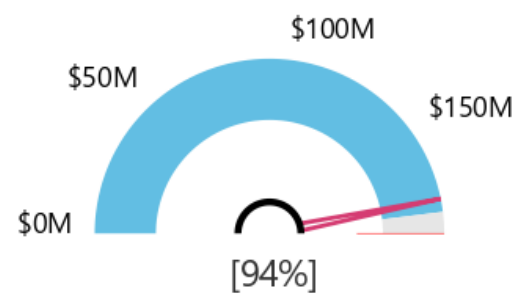
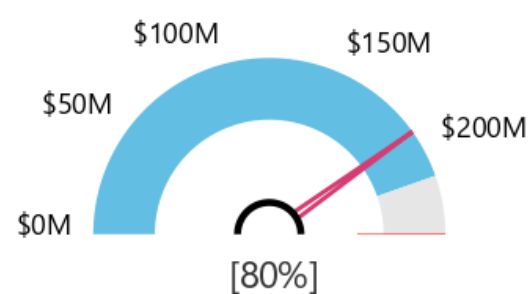
Description	Budget	Committed Costs	Forecast Costs	Total Forecast Cost	Actual
Commonwealth Hotel	\$6,255,741	\$6,244,859	\$10,882	\$6,255,741	\$6,247,101
Retail Project	\$45,059,180	\$26,766,559	\$18,292,621	\$45,059,180	\$9,793,619
Civic Project	\$187,752,704	\$180,333,882	\$7,418,822	\$187,752,704	\$175,805,435
Total	\$239,067,625	\$213,345,300	\$25,722,325	\$239,067,625	\$191,846,155

Actual, Budget and Commitments

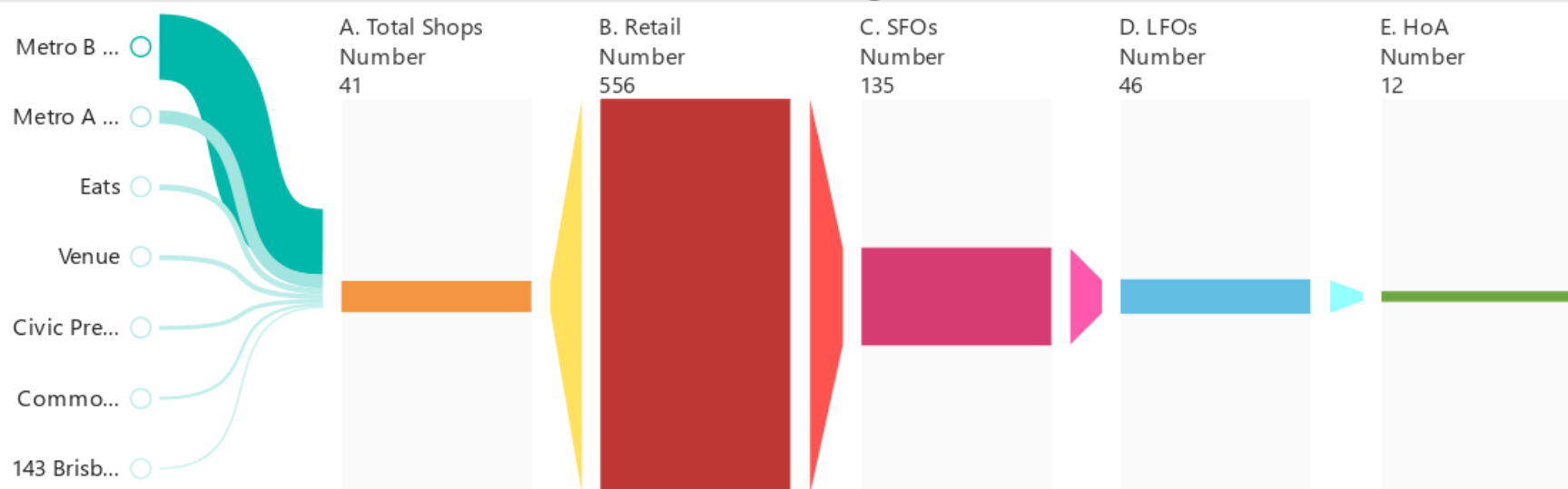
Total

Civic

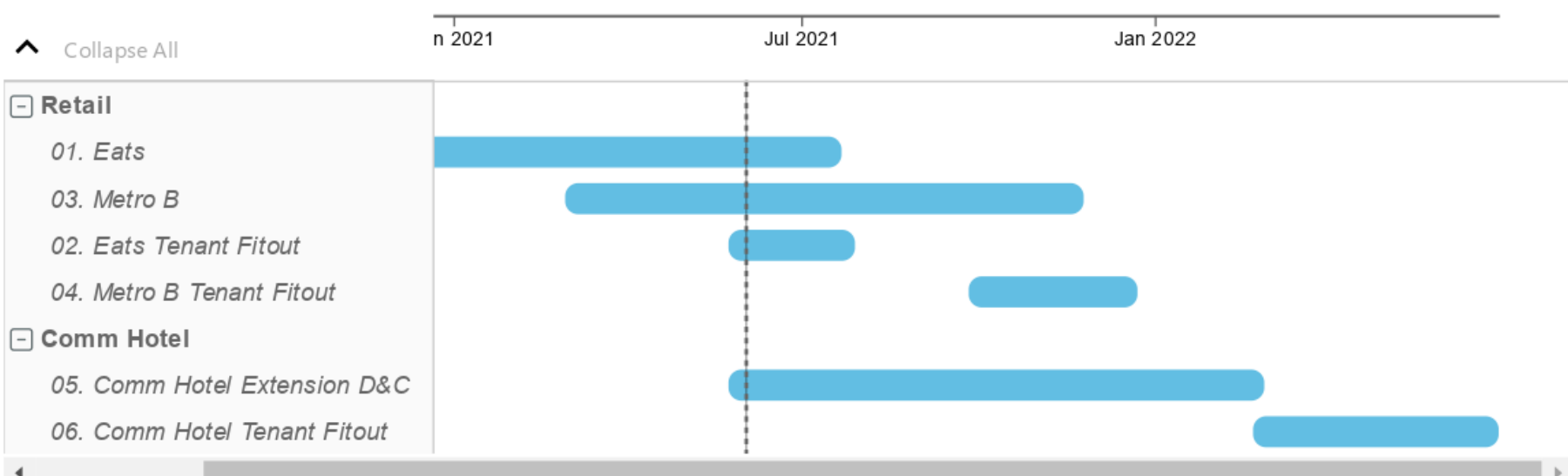
Retail



Leasing



Retail Schedule



Contents

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2.1	FINANCIAL SUMMARY	2
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3.2	COMMONWEALTH HOTEL	3
3.3	RETAIL	3
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APPENDIX A – SUMMARY PROGRAM

APPENDIX B – SITE PHOTOS



1. Program

1.1 SUMMARY

The new report format focuses on the retail redevelopment given the Civic Project has now reached Practical Completion.

With completion of many of the Civic Project milestones previously listed in Section 1.1 of preceding editions of this report, the milestone list has been updated to focus on the remaining Retail Project work.

The program has been updated as of 1 June 2021. A summary Gantt chart is included at **Appendix A** of this Report which reflects target completion dates summarised in the table below.

Note that Hutchinson Builders were instructed to proceed with Pre-agreed Variation 2 - Internal Works to Metro B (Landlord works) on 1 June 2021 and the below summary has been updated to reflect this.

Table 1 – Program Status Summary

Ref	Project	Current Status	Target Completion
	Eats Façade & Streetscape	Complete	Q4 2020
SP6	Eats Landlord Works	In Construction	Q3 2020
	Eats Tenant Fit-out	In Design	Q3 2020
SP8	Metro B Façade & Streetscape	In Construction	Q4 2021
	Metro B Landlord Works	In Construction	Q4 2021
	Metro B Tenant Fit-out	In Design	Q4 2021
SP7	Metro A Façade & Streetscape	In Construction	Q4 2021
	Metro A Landlord Works	On Hold	TBD
	Metro A Tenant Fit-out	On Hold	TBD
TBC	Venue Façade & Streetscape	On Hold	TBD
	Venue Landlord Works	On Hold	TBD
	Venue Tenant Fit-out	On Hold	TBD
TBC	Commonwealth Hotel Façade & Streetscape	Complete	Q3 2021
	Commonwealth Hotel Extension	Developing Concept	TBD
TBC	Tulmur Place F&B Tenancy	Developing Concept	TBD



2. Financial

2.1 FINANCIAL SUMMARY

The table below summarises the current budget and forecast final cost. Final forecast costs are within the budget.

Table 3 – Financial Summary

	Project	Current Budget	Committed Contracts and Variations	Forecast Contracts and Variations	Forecast Final Cost
1	Civic Project	\$187,752,704	\$180,333,882	\$7,418,822	\$187,752,704
2	Commonwealth Hotel	\$6,255,741	\$6,244,859	\$10,882	\$6,255,741
3	Retail Project	\$45,059,180	\$26,766,559	\$18,292,621	\$45,059,180
	TOTAL	\$239,067,625	\$213,345,300	\$25,722,325	\$239,067,625

The Civic Project has absorbed the cost of General & Administrative expenses and other excluded costs that had been allocated to the project.

2.2 CASH FLOW

The first progress claim for the Retail Project was submitted in March 2021, however Civic Project works still contribute to the monthly cashflow albeit expenditure for the FF&E project is tapering off towards completion until approximately July 2021.

Table 4 – Cash Flow

Month	Monthly Expenditure	Cumulative Total
March 2021	\$1,360,217	\$187,611,161
April 2021	\$2,466,180	\$190,077,342
May 2021	Retail \$1,419,411 Civic \$52,163	\$191,846,154



3. Design & Construction

3.1 CIVIC PROJECT

The construction phase of the Civic Project is now complete. The following key milestones relate to the FF&E installation and the grand opening scheduled for the Admin Building and Children's Library.

14 June 2021:	ICC ICT relocation commences.
21 June 2021:	ICC general relocation commences.
28 June 2021:	ICC operational at new Administration Building. Official opening event for Administration Building and Children's Library.
18 March 2022:	Defects Liability Period ends.

An important item of note is that the Admin Building workstations were due to arrive mid-April and are now arriving early June, approximately 6-7 weeks late due to supply chain issues.

Furthermore, as the main construction works for the Admin Building are now complete. Any changes or additional work being requested will be treated as a separate project.

3.2 COMMONWEALTH HOTEL

The Commonwealth Hotel reconstruction works achieved practical completion on 10 May 2021 and Built QLD Pty Ltd are working through rectification of minor defects.

The northern footpath of Union Place in front to the Commonwealth Hotel is now in use as the primary connection from Bell Street through to the Nicholas Street Precinct and the Bradfield Bridge. The project team are exploring alternate hoarding options in this area that are more permanent and able to be skinned with NSP graphics.

Options for the extension of the Commonwealth Hotel to provide an interested party to lease the premises. This will include changes to Bell Street Green at the corner of Bell & Bremer Streets. This is subject of a separate paper to the June 2021 Committee process.

3.3 RETAIL

Final Construction Documentation (CD) has been finalised by Hutchinson Builders and their consultants following formal reviews and responses provided by the ICC Project Team and external audit consultants.

Demolition is near complete for Eats internal areas, Metro A awning and the Metro B internals and roof structure being replaced. Structural steel fabrication is underway for Metro A/B and internal services rough-in has commenced within Eats.

On 1 June 2021 Hutchinson Builders were instructed to proceed with Pre-agreed Variation 2 for the design and construction of the remaining Metro B internal works (Landlord works). Whilst this instruction was after the contracted date of 10 May; this has not impacted project program or costs to date.

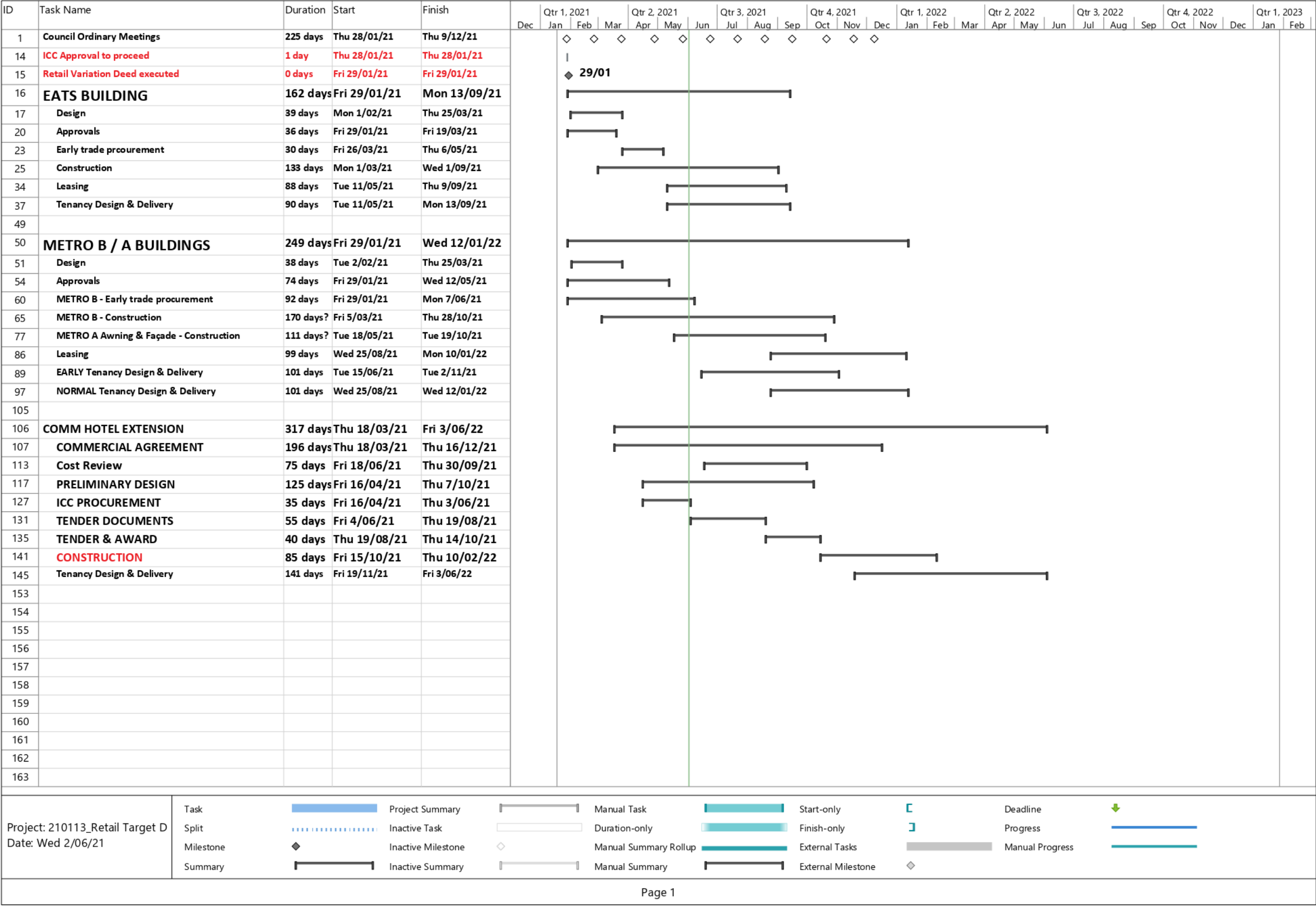
3.4 AV PROJECT

Fee proposals for progressing the design and coordination of digital projections for the Metro B façade have been requested from Hutchinson Builders and their specialist AV consultants.

The release of budget for this AV project is yet to be approved, however this is expected to occur over the coming months.



APPENDIX A – MASTER PROGRAM



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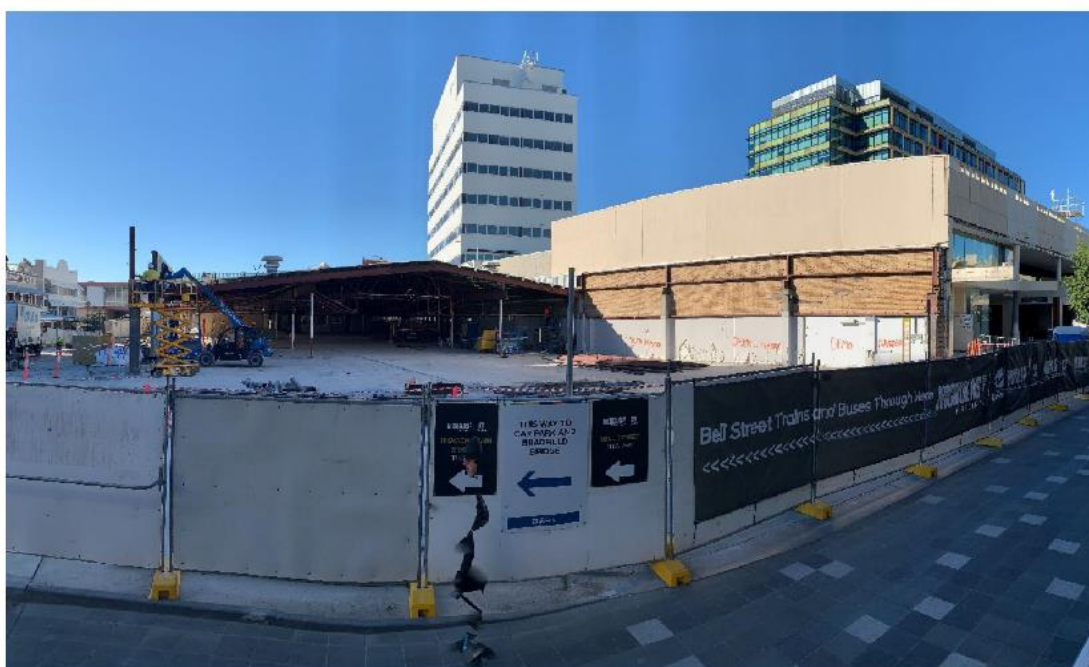
IPSWICH CENTRAL

APPENDIX B – SITE PHOTOS

Metro B



Corner of Nicholas St and Union Pl.



Demolition of old structure and roof near complete.

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Ready for new roof and structure to be built.

Eats



Under-slab drainage installed to Lv1 amenities

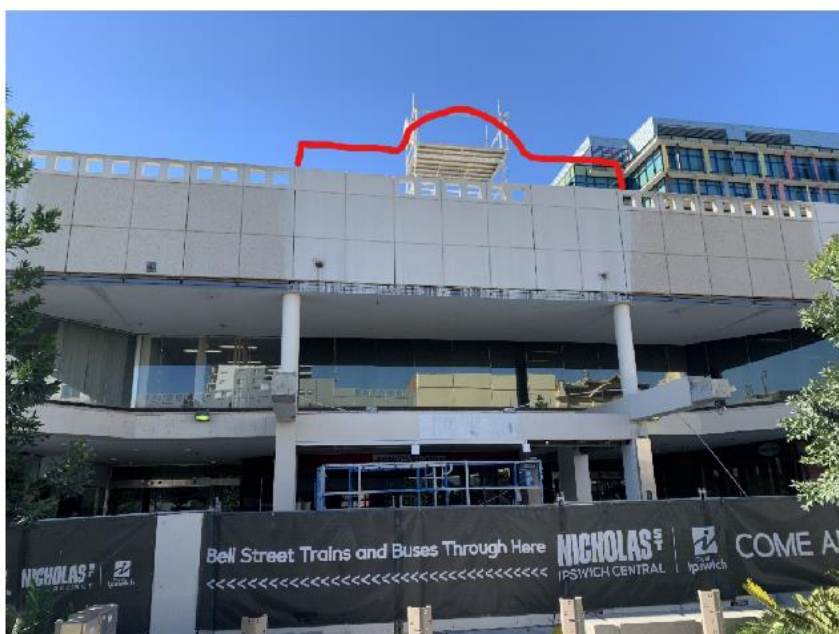
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Installation of in-ground drainage to Ground Floor tenancies.

Metro A



Old glass awning and concrete domes removed from façade.



IPSWICH CITY COUNCIL

Human Rights Impact Assessment (Internal Use Only)

ASSESSMENT DETAILS	
Date	24 / 05 / 2021
Assessment Made By	Greg Thomas
Act/Decision Assessed	Receive and note report on the Nicholas Street Precinct – Retail Sub Project Steering Committee monthly report
STEPS	ASSESSMENT OUTCOME
<p>Step 1</p> <p>Ask whether the act or decision is made under a law that gives no choice (discretion) in relation to the act or decision? Or does the Act/instrument confer a discretion that cannot be interpreted in a way that is consistent with human rights?</p> <p>NOTE: the focus here is whether you can't reasonably act differently or make a different decision that does not limit human rights. It will not be 'reasonable' to limit human rights if there is a discretion that enables you to act or make a decision that does not impose limits.</p> <p>If YES, then you do not need to consider human rights in relation to the proposed act or decision. Record this outcome. End of assessment.</p> <p>If NO, proceed to Step 2.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Discuss whether the act/decision was made under a law that provided no discretion in relation to the act/decision or whether any discretion cannot be interpreted in a way consistent with human rights</p>
<p>Step 2</p> <p>Ask does the proposed act or decision potentially affect human rights?</p> <p>The human rights are set out in Divisions 2 and 3, Part 2 of the HRA.</p> <p>If YES, proceed to Step 3.</p> <p>If NO, the proposed act or decision will not affect human rights and further consideration is unnecessary. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Insert a brief explanation of the proposed act/decision and whether it will potentially affect human rights.</p> <p>Issue for noting only, no human rights impacted.</p>

Item 4 / Attachment 3.

<p>Step 3</p> <p>Consider the scope of each human right potentially affected:</p> <ul style="list-style-type: none"> ■ identify each right ■ consider the content of each right and apply any specific limitations or express exemptions. <p>Reference can be made to the Queensland Governments 'Guide: Nature and scope of the protected human rights'.</p> <p>Proceed to Step 4.</p>	<p>The following rights are potentially affected (tick whichever applies):</p>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Recognition and equality before the law (section 15) – a person is entitled to enjoy his/her human rights without discrimination (i.e. decisions must be made in an objective, non-discriminatory, non-arbitrary way). Limitation: express exemption for measures that are taken to assist/advance persons or groups disadvantages because of discrimination. This does not constitute discrimination.</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Right to life (section 16) – No person to be arbitrarily deprived of life. Involves obligations on the State to protect life. Public entities must protect the lives of people in their care. Limitation: cannot be 'arbitrarily' deprived of life (i.e. by conduct that is capricious, unpredictable or unjust).</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Protection from torture and cruel, inhuman or degrading treatment (section 17) – degrading treatment focuses on humiliation (which is a subjective test). Treatment has a wide meaning and includes dealing with a person in a certain way or applying a process to someone.</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Freedom from forced work (section 18) – the right to freedom from forced work (slavery or servitude). Individuals shouldn't be subject to conditions that violate individual dignity or exploit human productivity. Limitation: does not include service/work required under a court order, in an emergency or that is part of civil obligations.</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Freedom of movement (section 19) – every person lawfully in Queensland has the right to move freely within Queensland, enter or leave and choose where to live.</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Freedom of thought, conscious, religion and belief (section 20) – the right to develop autonomous thoughts and conscience, to think and believe what they want, to have or adopt a religion and to demonstrate religion or belief through worship, ritual, practice and teaching.</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Freedom of expression (section 21) – the right of all persons to hold an opinion without interference and to seek, receive and express information and ideas. The right encompasses seeking information from government (XYZ v Victorian Police [2010] VCAT 255)</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Peaceful assembly and freedom of association (section 22) – Right to gather together in order to exchange, give or receive information, to express views or to conduct a protest or demonstration. Limitation: only applies to peaceful assemblies.</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Taking part in public life (section 23) – the right of all persons to contribute to and exercise their voice in relation to the public life of the State. Ensures all persons have the opportunity to contribute to the political process and public governance. Includes right to vote and to be elected to public office. Limitation: Applies to 'eligible persons' (e.g. persons old enough to vote).</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Property rights (section 24) – protects the right of all persons to own property (real and personal property) and to not be arbitrarily deprived of property. Limitation: cannot be 'arbitrarily' deprived of property (i.e. by conduct that is capricious, unpredictable or unjust).</div> </div>
	<div style="display: flex; align-items: flex-start;"> <div style="width: 40px; text-align: center;"><input type="checkbox"/></div> <div>Privacy and reputation (section 25) – A person has the right not to have their privacy, family home or correspondence unlawfully or arbitrarily (capricious, unpredictable or unjust) interfered with. A person has the right not have the person's reputation unlawfully attacked. Limitation: cannot be unlawfully or arbitrarily interfered with.</div> </div>

Item 4 / Attachment 3.

Step 3 continued	<input type="checkbox"/>	Protection of families and children (section 26) – Families are entitled to protection by the state and society. Children have the same rights as adults, including additional protections according to their best interests and because they are children.
	<input type="checkbox"/>	Cultural rights (section 27) – rights directed towards ensuring the survival and continued development of the cultural, religious and social identity of minorities. Right to enjoy culture, religion and language.
	<input type="checkbox"/>	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) – protects the right to live life as an Aboriginal or Torres Strait Islander who is free to practice their culture.
	<input type="checkbox"/>	Right to liberty and security of person (section 29) – entitles all persons to liberty of the person, including the right not to be arrested or detained except in accordance with the law. Right to security means all reasonable steps must be taken to ensure the physical safety of those in physical harm. Limitations and qualifications: must not be subject to arbitrary arrest; must not be deprived of liberty except on grounds and with procedures established by law; right to be brought to trial without unreasonable delay for criminal charges.
	<input type="checkbox"/>	Humane treatment when deprived of liberty (section 30) – recognises the vulnerability of persons in detention and intends to ensure they are treated humanely. Limitation: an accused person has the right to be segregated from convicted unless reasonably necessary.
	<input type="checkbox"/>	Fair hearing (section 31) – A person has the right to procedural fairness when coming before a court or tribunal.
	<input type="checkbox"/>	Rights in criminal proceedings (section 32) – protects the rights to be presumed innocent until proven guilty and guilt to be proved beyond a reasonable doubt. Also the right to legal representation, to be tried without unreasonable delay and to remain silent.
	<input type="checkbox"/>	Children in criminal proceedings (section 33) – recognises that young persons who become involved in the criminal justice system deserve special protections by virtue of their age. Must not be detained with adults and brought to trial as quickly as possible.
	<input type="checkbox"/>	Right not to be tried or punished more than once (section 34) – protects against double jeopardy – not to be taken to court or punished more than once for an offence they have already been convicted or acquitted.
	<input type="checkbox"/>	Retrospective criminal laws (section 35) – the right to not be found guilty of an offence for an action that was not an offence at the time it was committed. Not to be punished more severely where there has been a change to the law since committing the offence. Entitled to reduction in penalty if the penalty is reduced before sentencing. Law must be precise for a person to know if an act is criminal. Limitation: does not apply where an offence is created after the act/omission where at the time the act/omission was an offence under international law.
	<input type="checkbox"/>	Right to education (section 36) – right of every child to primary and secondary schooling and right of each person, based on their abilities, to further vocational education and training is equally accessible to all.
	<input type="checkbox"/>	Right to health services (section 37) – right to access health services without discrimination and not to be refused medical treatment that is immediately necessary to save their life or prevent serious impairment.

Item 4 / Attachment 3.

<p>Step 4</p> <p>Ask does the proposed act or decision affect (e.g. restrict or interfere) with the relevant rights?</p> <p>If YES, proceed to Step 5.</p> <p>If NO, further consideration is unnecessary. The proposed act or decision does not affect (i.e. restrict or interfere) the relevant rights. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here how the act/decision will/will not restrict or interfere with the relevant rights.</p>
<p>Step 5</p> <p>If there is a limitation (restriction or interference), is that limitation reasonably and demonstrably justifiable (proportionality assessment)?</p> <p>Undertake the proportionality assessment by completing the steps below.</p>	
<p>Step 5(a)</p> <p>Is the limitation provided in an Act, Regulation or common law?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the head of power and proceed to Step (5b).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to the relevant Act, Regulation or common law.</p>
<p>Step 5(b)</p> <p>Is the purpose of the limitation important?</p> <p>Articulate the purpose of the proposed limitation on human rights. Does it address a specific area of public or social concern that is pressing and substantial?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the purpose of the proposed limitation and importance and proceed to Step (5c).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here why the purpose of the limitation is important. Does it address a specific area of public or social concern that is pressing and substantial?</p>

Item 4 / Attachment 3.

<p>Step 5(c)</p> <p>Is material available that demonstrates that the proposed limitation is important?</p> <p>Material may include researching findings, consultation findings, review and empirical data.</p> <p>If material is not available, gather material and reconsider the decision.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the material and proceed to Step 5(d).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to relevant material and make sure to keep a copy.</p>
<p>Step 5(d)</p> <p>Is the limitation on the right rationally and proportionally connected to the objective you are trying to achieve?</p> <p>Consider whether the limitation is likely to achieve the objective and whether the decision limits the right only to the extent necessary to achieve the objective.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(e).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain how the limitation will achieve the outcome and that the limitation is only to the extent necessary to achieve the outcome.</p>
<p>Step 5(e)</p> <p>Does the limitation fall within the range of reasonable approaches to achieve the purpose?</p> <p>Consider whether there are less restrictive means to achieve the purpose of the limitation.</p> <p>Incorporate safeguards where appropriate.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(f).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain whether there are less restrictive ways to achieve the purpose of the limitation and whether safeguards can be incorporated.</p>

Item 4 / Attachment 3.

<p>Step 5(f)</p> <p>Is the limitation on the human right outweighed by the value of achieving the purpose?</p> <p>Consider whether the balance accords with the values of a free and democratic society based on human dignity, equality and freedom.</p> <p>Pay particular attention to the nature of the human right and the importance of the values underlying that right.</p> <p>If YES, the limit contained in the proposal is probably justified as a reasonable limit on the human right – END OF ASSESSMENT.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right – Reconsider the act/decision.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain the importance of the values underlying the right and whether the limitation is outweighed by the value of achieving the purpose.</p>
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Doc ID No: A7271702

ITEM: 5

SUBJECT: NICHOLAS STREET PRECINCT - COMMUNICATIONS, ENGAGEMENT AND EVENTS REPORT MAY 2021

AUTHOR: COMMUNICATIONS, EVENTS AND ENGAGEMENT MANAGER

DATE: 19 MAY 2021

EXECUTIVE SUMMARY

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

RECOMMENDATION/S

- A. That the Nicholas Street Precinct Communications, Engagement and Events Monthly Report be received and the contents noted.**
- B. Recommendation A is compatible with human rights and relevant human rights have been given proper consideration in accordance with section 58(1) of the *Human Rights Act 2019 (Qld)*.**

RELATED PARTIES

The Acting General Manager of Infrastructure and Environment has declared a conflict of interest in relation to the Handmade Expo Markets operation. The conflict of interest has been declared to the CEO and the Acting General Manager and has not been involved in relation to this aspect of the program.

ADVANCE IPSWICH THEME

Strengthening our local economy and building prosperity

PURPOSE OF REPORT/BACKGROUND

The purpose of this report is to provide an overview of activity held in the month of May 2021 and inform of activity upcoming.

1. Communications and marketing

Signage and wayfinding has been a significant project tasked to map, define and design brand, compliance and wayfinding signage across the precinct and carpark. This project is ongoing in partnership with Dot Dash and will ultimately ensure a consistent brand experience and placemaking for visitors.

Nicholas Street Precinct has a new profile on LinkedIn and will now be home to information, updates and content specific to the business community.

Applications of appropriate broadcast licences are currently being sourced and a content schedule is currently in development for the screen above Tulum Bar. Initial content will be focused on Council events and community messaging.

2. Engagement

A local café operator has agreed to a licence to facilitate a pop-up coffee cart for an initial 6-month period. The purpose-built cart will be located next to Lift B, opposite the stage and is scheduled to open on June 21 in time to welcome the council Administration Building move.

Regular consultation continues with current tenants with regular monthly communications now in place and a quarterly update by the project team is scheduled for early July. Nicholas Street third party tenants and land owners to be invited to the inaugural quarterly Precinct meeting positioned as a forum to engage, connect and communicate updates.

3. Events

The monthly Handmade Expo and Future Flavours markets continue to gain community support and attendance with approximately 1,500 and 7,000 respectively in May. Initial licence agreements for both markets expire in June 2021 with a review of applicable licences, fees and charges applicable currently underway.

The DVAC (Domestic Violence Action Centre) walk was held on 5 May with approximately 150 in attendance. Guests included Amie Carrington – CEO DVAC, Vanessa Flower – Allison Baden-Clay Foundation and Mr and Mrs Dickie – Allison Baden-Clay parents.

The previously scheduled Paddock Market is currently on pause as the vendor is now no longer able to facilitate. The team are actively sourcing interested parties to produce a monthly Farmers Fresh Produce Market.

Tulum Place is officially listed as a Tokyo Olympics Live Site allowing us licencing access to broadcast the games on the Tulum screen. This event will require additional department support and funding to fully leverage this opportunity and engage school groups, sporting groups and the community at large.

State of Origin Games are scheduled for June 9 and June 27 from 7pm to 10pm. The area will be a designated licenced area facilitated by the Civic Centre and food trucks available for purchase of food.

The Nicholas Street Precinct team are supporting the opening of the Administration Building and Children's library in partnership with the library and providing food trucks and roving entertainment to support the library planned entertainment on the stage.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Act 2009

RISK MANAGEMENT IMPLICATIONS

Comprehensive COVID-19 plans are in place for all events utilising the dedicated QLD Check-in app to support contact tracing. In addition, the enforcement of the issues and crisis plan, emergency plan and engagement of 1800-medics to support as appropriate.

Licencing remains an ongoing discussion in regard to permits and licencing for events and general use of the precinct to ensure compliance and long-term framework.

HUMAN RIGHTS IMPLICATIONS

Section 58(1) of the *Human Rights Act 2019* makes it unlawful for council

- a. to act or make a decision in a way that is not compatible with human rights; or
- b. in making a decision, to fail to give proper consideration to a human right relevant to the decision.

Recommendation A states that the report be received and the contents noted. The decision to receive and note the report has been subject to a human rights analysis to ensure:

- a. the decision to receive and note the report is compatible with human rights; and
- b. to give proper consideration to human rights relevant to that decision.

The human rights analysis is detailed in Attachment 1. The outcome of the human rights analysis is that the decision to receive and note the report is compatible with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

A budget for 2021-2022 for the delivery of the communications, engagement and activation program has been drafted for approval by Council.

COMMUNITY AND OTHER CONSULTATION

Internal and external consultation during May included key precinct stakeholders (landlords and business owners), project partners and contractors (Ranbury, Hutchinsons, event organisers, etc).

CONCLUSION

This report features a summary of the communications, engagement and event activity undertaken throughout May in support of the Nicholas Street Precinct with the goal of creating awareness, enlivening the space and encouraging the community to 'come and explore'.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Human Rights Impact Assessment  
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Karyn Sutton

COMMUNICATIONS, EVENTS AND ENGAGEMENT MANAGER

I concur with the recommendations contained in this report.

Sean Madigan

ACTING GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

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



IPSWICH CITY COUNCIL

Human Rights Impact Assessment (Internal Use Only)

ASSESSMENT DETAILS	
Date	19 / 05 / 2021
Assessment Made By	Karyn Sutton
Act/Decision Assessed	Receiving and noting of the Nicholas Street Precinct report for May 2021
STEPS	ASSESSMENT OUTCOME
<p>Step 1</p> <p>Ask whether the act or decision is made under a law that gives no choice (discretion) in relation to the act or decision? Or does the Act/instrument confer a discretion that cannot be interpreted in a way that is consistent with human rights?</p> <p>NOTE: the focus here is whether you can't reasonably act differently or make a different decision that does not limit human rights. It will not be 'reasonable' to limit human rights if there is a discretion that enables you to act or make a decision that does not impose limits.</p> <p>If YES, then you do not need to consider human rights in relation to the proposed act or decision. Record this outcome. End of assessment.</p> <p>If NO, proceed to Step 2.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Discuss whether the act/decision was made under a law that provided no discretion in relation to the act/decision or whether any discretion cannot be interpreted in a way consistent with human rights</p>
<p>Step 2</p> <p>Ask does the proposed act or decision potentially affect human rights?</p> <p>The human rights are set out in Divisions 2 and 3, Part 2 of the HRA.</p> <p>If YES, proceed to Step 3.</p> <p>If NO, the proposed act or decision will not affect human rights and further consideration is unnecessary. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Insert a brief explanation of the proposed act/decision and whether it will potentially affect human rights.</p>

Item 5 / Attachment 1.

<p>Step 3</p> <p>Consider the scope of each human right potentially affected:</p> <ul style="list-style-type: none"> ■ identify each right ■ consider the content of each right and apply any specific limitations or express exemptions. <p>Reference can be made to the Queensland Governments ‘Guide: Nature and scope of the protected human rights’.</p> <p>Proceed to Step 4.</p>	<p>The following rights are potentially affected (tick whichever applies):</p> <table border="1"> <tr> <td data-bbox="632 286 671 320"><input type="checkbox"/></td> <td data-bbox="671 286 1402 465">Recognition and equality before the law (section 15) – a person is entitled to enjoy his/her human rights without discrimination (i.e. decisions must be made in an objective, non-discriminatory, non-arbitrary way). Limitation: express exemption for measures that are taken to assist/advance persons or groups disadvantages because of discrimination. This does not constitute discrimination.</td> </tr> <tr> <td data-bbox="632 477 671 510"><input type="checkbox"/></td> <td data-bbox="671 477 1402 600">Right to life (section 16) – No person to be arbitrarily deprived of life. Involves obligations on the State to protect life. Public entities must protect the lives of people in their care. Limitation: cannot be ‘arbitrarily’ deprived of life (i.e. by conduct that is capricious, unpredictable or unjust).</td> </tr> <tr> <td data-bbox="632 611 671 645"><input type="checkbox"/></td> <td data-bbox="671 611 1402 734">Protection from torture and cruel, inhuman or degrading treatment (section 17) – degrading treatment focuses on humiliation (which is a subjective test). Treatment has a wide meaning and includes dealing with a person in a certain way or applying a process to someone.</td> </tr> <tr> <td data-bbox="632 745 671 779"><input type="checkbox"/></td> <td data-bbox="671 745 1402 891">Freedom from forced work (section 18) – the right to freedom from forced work (slavery or servitude). Individuals shouldn’t be subject to conditions that violate individual dignity or exploit human productivity. Limitation: does not include service/work required under a court order, in an emergency or that is part of civil obligations.</td> </tr> <tr> <td data-bbox="632 902 671 936"><input type="checkbox"/></td> <td data-bbox="671 902 1402 992">Freedom of movement (section 19) – every person lawfully in Queensland has the right to move freely within Queensland, enter or leave and choose where to live.</td> </tr> <tr> <td data-bbox="632 1003 671 1037"><input type="checkbox"/></td> <td data-bbox="671 1003 1402 1126">Freedom of thought, conscious, religion and belief (section 20) – the right to develop autonomous thoughts and conscience, to think and believe what they want, to have or adopt a religion and to demonstrate religion or belief through worship, ritual, practice and teaching.</td> </tr> <tr> <td data-bbox="632 1137 671 1171"><input type="checkbox"/></td> <td data-bbox="671 1137 1402 1261">Freedom of expression (section 21) – the right of all persons to hold an opinion without interference and to seek, receive and express information and ideas. 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Limitation: Applies to ‘eligible persons’ (e.g. persons old enough to vote).</td> </tr> <tr> <td data-bbox="632 1574 671 1608"><input type="checkbox"/></td> <td data-bbox="671 1574 1402 1697">Property rights (section 24) – protects the right of all persons to own property (real and personal property) and to not be arbitrarily deprived of property. Limitation: cannot be ‘arbitrarily’ deprived of property (i.e. by conduct that is capricious, unpredictable or unjust).</td> </tr> <tr> <td data-bbox="632 1709 671 1742"><input type="checkbox"/></td> <td data-bbox="671 1709 1402 1850">Privacy and reputation (section 25) – A person has the right not to have their privacy, family home or correspondence unlawfully or arbitrarily (capricious, unpredictable or unjust) interfered with. A person has the right not have the person’s reputation unlawfully attacked. 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Step 3 continued	<input type="checkbox"/>	Protection of families and children (section 26) – Families are entitled to protection by the state and society. Children have the same rights as adults, including additional protections according to their best interests and because they are children.
	<input type="checkbox"/>	Cultural rights (section 27) – rights directed towards ensuring the survival and continued development of the cultural, religious and social identity of minorities. Right to enjoy culture, religion and language.
	<input type="checkbox"/>	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) – protects the right to live life as an Aboriginal or Torres Strait Islander who is free to practice their culture.
	<input type="checkbox"/>	Right to liberty and security of person (section 29) – entitles all persons to liberty of the person, including the right not to be arrested or detained except in accordance with the law. Right to security means all reasonable steps must be taken to ensure the physical safety of those in physical harm. Limitations and qualifications: must not be subject to arbitrary arrest; must not be deprived of liberty except on grounds and with procedures established by law; right to be brought to trial without unreasonable delay for criminal charges.
	<input type="checkbox"/>	Humane treatment when deprived of liberty (section 30) – recognises the vulnerability of persons in detention and intends to ensure they are treated humanely. Limitation: an accused person has the right to be segregated from convicted unless reasonably necessary.
	<input type="checkbox"/>	Fair hearing (section 31) – A person has the right to procedural fairness when coming before a court or tribunal.
	<input type="checkbox"/>	Rights in criminal proceedings (section 32) – protects the rights to be presumed innocent until proven guilty and guilt to be proved beyond a reasonable doubt. Also the right to legal representation, to be tried without unreasonable delay and to remain silent.
	<input type="checkbox"/>	Children in criminal proceedings (section 33) – recognises that young persons who become involved in the criminal justice system deserve special protections by virtue of their age. Must not be detained with adults and brought to trial as quickly as possible.
	<input type="checkbox"/>	Right not to be tried or punished more than once (section 34) – protects against double jeopardy – not to be taken to court or punished more than once for an offence they have already been convicted or acquitted.
	<input type="checkbox"/>	Retrospective criminal laws (section 35) – the right to not be found guilty of an offence for an action that was not an offence at the time it was committed. Not to be punished more severely where there has been a change to the law since committing the offence. Entitled to reduction in penalty if the penalty is reduced before sentencing. Law must be precise for a person to know if an act is criminal. Limitation: does not apply where an offence is created after the act/omission where at the time the act/omission was an offence under international law.
	<input type="checkbox"/>	Right to education (section 36) – right of every child to primary and secondary schooling and right of each person, based on their abilities, to further vocational education and training is equally accessible to all.
	<input type="checkbox"/>	Right to health services (section 37) – right to access health services without discrimination and not to be refused medical treatment that is immediately necessary to save their life or prevent serious impairment.

Item 5 / Attachment 1.

<p>Step 4</p> <p>Ask does the proposed act or decision affect (e.g. restrict or interfere) with the relevant rights?</p> <p>If YES, proceed to Step 5.</p> <p>If NO, further consideration is unnecessary. The proposed act or decision does not affect (i.e. restrict or interfere) the relevant rights. Record this outcome. End of assessment.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here how the act/decision will/will not restrict or interfere with the relevant rights.</p>
<p>Step 5</p> <p>If there is a limitation (restriction or interference), is that limitation reasonably and demonstrably justifiable (proportionality assessment)?</p> <p>Undertake the proportionality assessment by completing the steps below.</p>	
<p>Step 5(a)</p> <p>Is the limitation provided in an Act, Regulation or common law?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the head of power and proceed to Step (5b).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to the relevant Act, Regulation or common law.</p>
<p>Step 5(b)</p> <p>Is the purpose of the limitation important?</p> <p>Articulate the purpose of the proposed limitation on human rights. Does it address a specific area of public or social concern that is pressing and substantial?</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the purpose of the proposed limitation and importance and proceed to Step (5c).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain here why the purpose of the limitation is important. Does it address a specific area of public or social concern that is pressing and substantial?</p>

Item 5 / Attachment 1.

<p>Step 5(c)</p> <p>Is material available that demonstrates that the proposed limitation is important?</p> <p>Material may include researching findings, consultation findings, review and empirical data.</p> <p>If material is not available, gather material and reconsider the decision.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, identify the material and proceed to Step 5(d).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Make reference to relevant material and make sure to keep a copy.</p>
<p>Step 5(d)</p> <p>Is the limitation on the right rationally and proportionally connected to the objective you are trying to achieve?</p> <p>Consider whether the limitation is likely to achieve the objective and whether the decision limits the right only to the extent necessary to achieve the objective.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(e).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain how the limitation will achieve the outcome and that the limitation is only to the extent necessary to achieve the outcome.</p>
<p>Step 5(e)</p> <p>Does the limitation fall within the range of reasonable approaches to achieve the purpose?</p> <p>Consider whether there are less restrictive means to achieve the purpose of the limitation.</p> <p>Incorporate safeguards where appropriate.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right.</p> <p>If YES, proceed to Step 5(f).</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain whether there are less restrictive ways to achieve the purpose of the limitation and whether safeguards can be incorporated.</p>

Item 5 / Attachment 1.

<p>Step 5(f)</p> <p>Is the limitation on the human right outweighed by the value of achieving the purpose?</p> <p>Consider whether the balance accords with the values of a free and democratic society based on human dignity, equality and freedom.</p> <p>Pay particular attention to the nature of the human right and the importance of the values underlying that right.</p> <p>If YES, the limit contained in the proposal is probably justified as a reasonable limit on the human right – END OF ASSESSMENT.</p> <p>If NO, the limit/s contained in the proposal is probably not justifiable as a reasonable limit on the human right – Reconsider the act/decision.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Explain the importance of the values underlying the right and whether the limitation is outweighed by the value of achieving the purpose.</p>
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