

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



Ipswich City Council

1 Nicholas Street
PO Box 191
IPSWICH QLD 4305

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

ipswich.qld.gov.au

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

November 2021

Dear Leisa

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

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

Enclosed with this letter is the Decision Notice, including:

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

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

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities

development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)

ipswichSARA@dsdmip.qld.gov.au

Energex

townplanning@energex.com.au

November 2021

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

Applicant details

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

Application details

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

Site details

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

Decision

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

1. Decision Details:

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

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

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

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

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

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

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

4. Referral Agencies

The referral agencies for this application are:

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

			Ph: 07 3432 2413
Energex	Advice	- Electricity Infrastructure	Energex Post: GPO Box 1461 BRISBANE QLD 4001 Email: townplanning@energex.com.au

Refer to Attachment C for Referral Agency conditions.

5. Variation Approval

Not applicable to this decision.

6. Further Development Permits

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

7. Environmental Authority

Not applicable to this decision.

8. Properly Made Submissions

Not applicable to this decision.

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

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

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

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

Not applicable to this decision.

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

Not applicable to this decision.

12. Trunk Infrastructure

Not applicable to this decision.

13. Infrastructure Charges

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

14. Submitting Change Representations to Request a Negotiated Decision Notice

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

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

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

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

15. Appeal Rights

Applicant's appeal rights

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

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

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

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

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

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

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

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

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

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

Assessment Manager (Ipswich City Council) Conditions
Conditions applicable to this approval under the Planning Act 2016

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

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

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

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

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

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

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

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

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

Assessment Manager (Ipswich City Council) Advice

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

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

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

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