

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



Ipswich City Council

1 Nicholas Street
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IPSWICH QLD 4305

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

10 November 2021

Dear Craig

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

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

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

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

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

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

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

- IDRPs agree with officer recommendation (either approval or refusal);
- IDRPs agree with officer recommendations, subject to change or inclusion of additional conditions or reasons for refusal;
- IDRPs disagree with officer recommendations.

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

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

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER
Encl.
Application Material
Council recommendation
IDRP report template

Doc ID No: A7652089

ITEM:

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

AUTHOR: PRINCIPAL PLANNER (DEVELOPMENT)

DATE: 25 OCTOBER 2021

EXECUTIVE SUMMARY

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

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

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

RECOMMENDATION

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

RELATED PARTIES

The related parties to this application are:

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

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

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

SITE LOCATION:



Figure 1 - Site Locality



Figure 2 - Nicholas St Precinct Plan

SITE DETAILS AND SURROUNDING LAND USES:

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

PROPOSAL:

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

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

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

ASSESSMENT BENCHMARKS:

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

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

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

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

OTHER MATTERS GIVEN REGARD:

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

The assessment has given regard to the following matters:

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

OTHER RELEVANT INFORMATION:

Appropriateness of Proposed Use

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

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

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

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

Development Constraints

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

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

NOTICE ABOUT THE DECISION (STATEMENT OF REASONS):

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

INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:

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

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

LEGAL/POLICY BASIS

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

RISK MANAGEMENT IMPLICATIONS

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

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

HUMAN RIGHTS IMPLICATIONS

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

FINANCIAL/RESOURCE IMPLICATIONS

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

COMMUNITY AND OTHER CONSULTATION

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

REFERRAL AGENCY

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

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

INTERNAL CONSULTATION

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

EXTERNAL CONSULTATION

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

CONCLUSION

An assessment of the proposed material change of use for a recreation use (indoor recreation – gymnasium) at 11, 19-25 & 27 Nicholas Street, Ipswich has been undertaken and it has been determined that the proposed development generally complies with the assessment benchmarks or can be conditioned to comply as outlined in the attached Statement of Reasons. It is therefore recommended that this development application be decided in accordance with the recommendations and attachments of this report.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Draft Decision Notice
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2.	Draft DA Plans Approved
3.	Draft Statement of Reasons
4.	Referral Agency Response (Queensland Government - SARA)
5.	Referral Agency Response (Energex)

Grant Johnson

PRINCIPAL PLANNER (DEVELOPMENT)

I concur with the recommendations contained in this report.

Mitchell Grant

DEVELOPMENT ASSESSMENT CENTRAL MANAGER

I concur with the recommendations contained in this report.

Anthony Bowles

MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

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

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

November 2021

Dear Leisa

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

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

Enclosed with this letter is the Decision Notice, including:

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

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

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities

development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)

ipswichSARA@dsdmip.qld.gov.au

Energex

townplanning@energex.com.au

DRAFT

November 2021

DECISION NOTICE APPROVAL

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

Applicant details

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

Application details

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

Site details

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

Decision

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

1. Decision Details:

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

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

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

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

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

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

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

4. Referral Agencies

The referral agencies for this application are:

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

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

Refer to Attachment C for Referral Agency conditions.

5. Variation Approval

Not applicable to this decision.

6. Further Development Permits

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

7. Environmental Authority

Not applicable to this decision.

8. Properly Made Submissions

Not applicable to this decision.

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

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

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

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

Not applicable to this decision.

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

Not applicable to this decision.

12. Trunk Infrastructure

Not applicable to this decision.

13. Infrastructure Charges

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

14. Submitting Change Representations to Request a Negotiated Decision Notice

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

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

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

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

15. Appeal Rights

Applicant's appeal rights

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

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

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

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

An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee.

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

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

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

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Attachment A
Assessment Manager's Conditions
File No: 15770/2021/MCU

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

Proposal: Material Change of Use - Recreation Use (Indoor Recreation -Gymnasium)

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

No.	Condition	The time by which the condition must be met, implemented or complied with
1.	Basis of Approval	
	<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 commencement of the

	from the premises from the tenancy 24 hours, seven (7) days a week. The applicant must ensure there is no nuisance or disturbance caused outside of the building in connection with conducting the development.	use and at all times thereafter.
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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.

Assessment Manager (Ipswich City Council) Advice

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

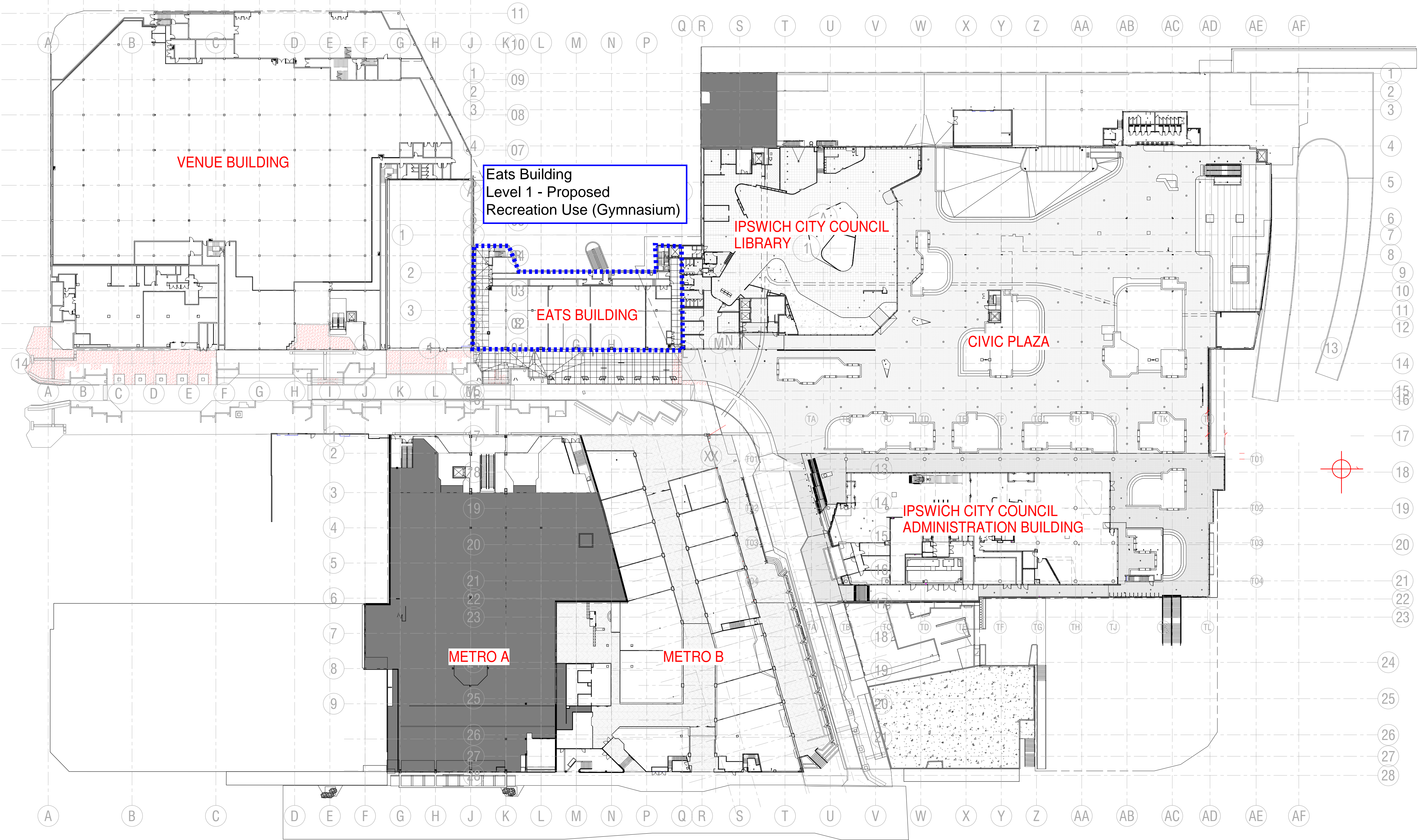
1.	Advertising Signage	
	Unless any advertising devices associated with the proposed use meets the exempt criteria set out in Schedule 9 of the <i>Ipswich Planning Scheme 2006</i> , such signage would require submission to Council of a code assessable development application for operational works – placing an advertising device on premises. Accompanied by the relevant assessment fee. For further information. Please contact the Planning and Development Department on (07) 3810 6888.	
2.	Fire Ants	
(a)	In accordance with the <i>Biosecurity Act 2014</i> and the <i>Biosecurity Regulation 2016</i> , the State of Queensland has implemented movement controls in areas (Fire Ant Biosecurity Zones) of Queensland where the Red Imported Fire Ant (ant species <i>Solenopsis invicta</i>) has been detected.	
(b)	It is a legal obligation to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 25 23 (24hrs). It should be noted that works involving movements of all materials associated with earthworks (import and export) within a fire ant biosecurity zone is subject to movement controls and failure to comply with the regulatory provisions is an offence under the Biosecurity Act 2014. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/fireants .	
(c)	The land over which you have made a development application is within a Fire Ant Biosecurity Zone. The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact Biosecurity Queensland to investigate the site and for you to implement any necessary matters required prior to the commencement of any works.	
3.	Portable Long Service Leave	
	Where the works are valued at \$150,000.00 or more and match the definition of Building and Construction Industry, the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> requires that evidence of payment of the portable long service leave (QLeave) Levy be received by Council as a condition of issuing a development permit. This	

	<p>applies to building works, operational works and plumbing and drainage works applications, as defined under the <i>Planning Act 2016</i>.</p> <p>If such evidence is not received by the time of issuing the decision notice, Council may only issue a preliminary approval, notifying the applicant that the application is approved, but not permitting commencement of Operational Works.</p> <p>All statutory timeframes applying under the <i>Planning Act 2016</i> for appeals and expiry of the approvals continue in force after issuing of the Decision Notice containing the Preliminary Approval.</p> <p>If a Preliminary Approval is issued in the absence of evidence of payment of the QLeave Levy, a subsequent Development Permit will have to be issued by Council upon receipt of evidence of payment. This will require a new application and fees will apply.</p> <p>If you require clarification in regard to the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i>, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.</p>
4.	<p>Local Government Regulation 2012</p> <p>This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i>. This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666.</p>
5.	<p>Section 73 of the Planning Act 2016</p> <p>Pursuant to section 73 of the <i>Planning Act 2016</i>, a development approval including any conditions of approval is binding on the owner, the owner's successor in title and any occupier of the land.</p>
6.	<p>Food Licence</p> <p>Where food is sold, served and produced on the site there may be a need to hold a licence to do so under the <i>Food Act 2006</i>. Please contact the Health, Security and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666.</p>

Rev.	Date	Description	Iss.	Appr.
A	06.02.20	ISSUED FOR INFORMATION	AC	GC
B	19.02.20	ISSUED FOR INFORMATION	AC	GC
C	27.03.20	100% DD ISSUE	PC	GC

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File



1 RETAIL PRECINCT PLAN
1 : 500

Project
IPSWICH CITY MALL

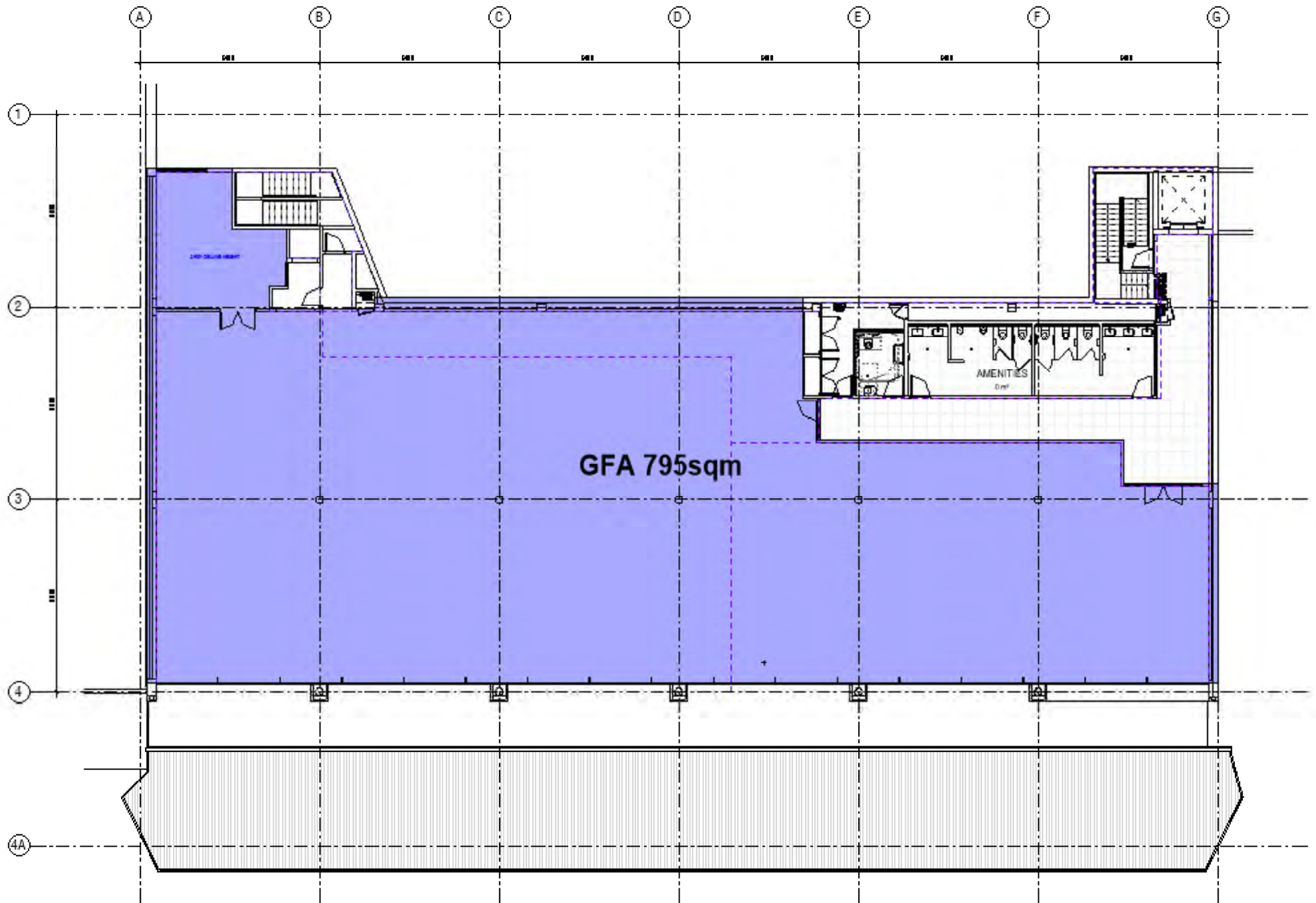
Project Number	718093
Status	FOR INFORMATION
Date Plotted	27/03/2020 3:02:20 PM
Date Issued	27.03.20
Scale	1 : 500 @A1
Drawing Title	RETAIL PRECINCT PLAN

Drawing Number
A-R-0001

Revision
C

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



STATEMENT OF REASONS

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

APPLICANT DETAILS

Applicant name: Ipswich City Council

APPLICATION DETAILS

Application number: 15770/2021/MCU

Application type: Material Change of Use

Approval sought: Development Permit

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

Level of Assessment: Code

SITE DETAILS

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

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

DECISION

Date of decision: [TBC]

Decision: Approved in full with conditions

Decision Authority: Full Council

1. Reasons for the Decision

The reasons for this decision are:

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

2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

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

3. Compliance with Benchmarks

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

4. Relevant matters

The application was given regard to, the following matters:

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

5. Other Relevant Matters for development subject to impact assessment

Not applicable.

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

Not applicable.

Sinclair Planning Pty Ltd
ABN17 639 191 503

Our Ref: SP21049.L02.001(SARA).docx
Council Ref: 15770/2021/MCU
Contact: Leisa Sinclair

24 September 2021

Department of State Development, Infrastructure,
Local Government and Planning
State Assessment and Referral Agency
South East Queensland (West) Region
PO Box 2390
NORTH IPSWICH QLD 4305

Delivery via: MyDAS2

Dear Sir/Madam,

DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – RECREATION USE (GYMNASIUM) – 1 UNION PLACE AND 25 AND 27 IPSWICH CITY MALL, IPSWICH QLD 4305 - LOT 1 ON SP307972, LOT 3 ON RP212242 AND LOT 2 ON 209886

APPLICANT GIVES COPY OF DEVELOPMENT APPLICATION TO REFERRAL AGENCY PURSUANT TO SECTION 54(1) OF THE PLANNING ACT 2016

ASSESSMENT MANAGER APPLICATION REFERENCE: 15770/2021/MCU

Sinclair Planning Pty Ltd acts for Ipswich City Council (**Applicant**) in relation to the abovementioned development application (**application**).

On behalf of the Applicant, please accept this correspondence as written notice of giving a copy of the application to Queensland Treasury (State Assessment and Referral Agency) (**SARA**) as a Concurrence Agency, pursuant to Section 54(1) of the *Planning Act 2016* (Planning Act). The application is required to be referred to SARA, pursuant to the *Planning Regulation 2017* (**Planning Regulation**):

- Development Application for Material Change of Use where all or part of the premises is within 25m of a State transport corridor (Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1(a)).

Find enclosed the following documentation associated with the application:

- A copy of the application material lodged with Ipswich City Council.
- A copy of the Ipswich City Council Confirmation Notice dated 24 September 2021 for the application, provided pursuant to Section 5.2 of the Development Assessment Rules.

We understand that the applicable referral fee, for the purposes of Section 54(1) of the Planning Act, is a total of \$1,714.00.

Please contact the undersigned if you have any queries in relation to the application.

Yours sincerely,



Leisa Sinclair
Director
Sinclair Planning Pty Ltd

Mail: PO Box 130, Lutwyche Q 4030
Mobile: +61 413 626 694
Email: leisa.sinclair@sinclairplanning.com.au

enc: Ipswich City Council Confirmation Notice and Development Application

cc B.Newberry, Ranbury, Applicant's Representative via bnewberry@ranbury.com.au
Grant Johnson, Assessment Manager, Ipswich City Council via Grant.Johnson@ipswich.qld.gov.au

Sinclair Planning Pty Ltd
ABN17 639 191 503

Our Ref: SP20046.L03.001.docx
Council Ref: 15770/2021/MCU
Contact: Leisa Sinclair

24 September 2021

Energex
GPO Box 1461
BRISBANE QLD 4001

Attention: Town Planning Development Assessment Team

Delivery via email: townplanning@energex.com.au

Dear Sir/Madam,

DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – RECREATION USE (GYMNASIUM) – 1 UNION PLACE AND 25 AND 27 IPSWICH CITY MALL, IPSWICH QLD 4305 - LOT 1 ON SP307972, LOT 3 ON RP212242 AND LOT 2 ON 209886

APPLICANT GIVES COPY OF DEVELOPMENT APPLICATION TO REFERRAL AGENCY PURSUANT TO SECTION 54(1) OF THE PLANNING ACT 2016

ASSESSMENT MANAGER APPLICATION REFERENCE: 15770/2021/MCU

Sinclair Planning Pty Ltd acts for Ipswich City Council (**Applicant**) in relation to the abovementioned development application (**application**).

On behalf of the Applicant, please accept this correspondence as written notice of giving a copy of the application to Energex as an Advice Agency, pursuant to Section 54(1) of the *Planning Act 2016* (**Planning Act**). The application is required to be referred to Energex, for electricity infrastructure matters, pursuant to Schedule 10, Part 9, Division 2, Table 1 – (a)(i) of the *Planning Regulation 2017* (**Planning Regulation**).

Find enclosed the following documentation associated with the application:

- A copy of the application material lodged with Ipswich City Council.
- A copy of the Ipswich City Council Confirmation Notice dated 24 September 2021 for the application, provided pursuant to Section 5.2 of the Development Assessment Rules.

We understand that there is no applicable referral fee for the purposes of Section 54(1) of the Planning Act.

Please contact the undersigned if you have any queries in relation to the application.

Yours sincerely,



Leisa Sinclair
Director
Sinclair Planning Pty Ltd

Mail: PO Box 130, Lutwyche Q 4030
Mobile: +61 413 626 694
Email: leisa.sinclair@sinclairplanning.com.au

enc: Ipswich City Council Confirmation Notice and Development Application

cc B.Newberry, Ranbury, Applicant's Representative via bnewberry@ranbury.com.au
Grant Johnson, Assessment Manager, Ipswich City Council via Grant.Johnson@ipswich.qld.gov.au