

INDEPENDENT DECISION REVIEW PANEL REPORT

23 November 2021

Development Application	15770/2021/MCU
Application Description	Material Change of Use - Recreation Use (Indoor Recreation – Gymnasium)
Street Address	11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305
Real Property Description	Lot 1 SP307972, Lot 3, RP212242 & Lot 2 RP 209886
Owner	Ipswich City Council
Applicant	Ipswich City Council C/- Sinclair Planning Pty Ltd
Reason for Referral	Council Application other than for Local Government Infrastructure
Panel Member(s)	Craig Harte – Planning (Chairperson)

KEY MATTERS IDENTIFIED BY COUNCIL STAFF

This is a report concerning a development application seeking approval for a material change of use for indoor recreation use (gymnasium), to be undertaken within existing, refurbished buildings (i.e. utilisation of the first floor tenancy area of the Eats Building - currently under refurbishment), which forms part of the Nicholas Street Precinct, this being land currently under redevelopment by Ipswich City Council and includes the new Ipswich Central Library, Administration Building, Tulumur Place and refurbished areas for entertainment, dining, retail and recreational type uses.

The subject application requires determination by the Growth, Infrastructure and Waste Committee/Full Council in accordance with the Framework for Development Applications and Related Activities Policy as the application has been made by Council and does not relate to the provision of standard local government infrastructure.

Further, the application is considered a Sensitive Development Matter and has therefore been reviewed by an Independent Decision Review Panel.

PANEL REVIEW

1. Core Issues

The development application is code assessable and accordingly, must be carried out only against the assessment benchmarks in a categorizing instrument for the development, and having regard to any matters prescribed by regulation for paragraph 45(3) of the *Planning Act 2016* (see paragraph 45(3) of the *Planning Act 2016*).

2. Submissions

This application was subject to code assessment and accordingly, did not attract properly made submissions. It is therefore unnecessary to consider whether any submissions have been properly considered in the draft decision.

3. Draft Conditions

In addition to the draft conditions provided, consistent with other similar proposals (for this use), it is recommended that additional conditional provisions be considered as follows;

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

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

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

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

INDEPENDENT DECISION REVIEW PANEL REPORT

23 November 2021

RECOMMENDATION

Following review of the material provided and matters outlined above, I can confirm that I have considered:

- the Application Material for the application seeking approval for Material Change of Use - Recreation Use (Indoor Recreation – Gymnasium) at 11, 19-25 & 27 Nicholas Street, IPSWICH QLD 4305; and
- The draft Council recommendation that is proposed to be presented to the Growth, Infrastructure and Waste Committee/Full Council for its determination.

Therefore, in considering the material provided, it is my view that;

- The core issues related to the application have been appropriately dealt with through the recommended decision;
- With the exception of consideration for some additional conditional provisions (for consistency with other similar development approvals issued elsewhere within the Ipswich LGA), there are no additional issues that the panel has identified that should be dealt with in the recommended decision;
- The recommended decision is compliant with the relevant legislation and the assessment benchmarks outlined.

On this basis, the panel is satisfied with the intention of the proposed Council recommendation, that being to recommend approval of the application subject to conditions.

However, as detailed above, it is noted that the **panel recommends that further consideration by the Council in terms of the draft conditions** – to ensure the decision is completely robust.



Signature of IDRP Chairperson

Name: Craig Harte

Discipline: Planning (Chairperson)