

Your reference
Our reference 16204/2021/MCU:GJ
Contact Officer Grant Johnson
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Ipswich City Council

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

December 2021

Dear Leisa

Re: Development Application – Approval
Application No: 16204/2021/MCU
Proposal: Material Change of Use - Business Use (Hotel)
Property Location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305

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

Enclosed with this letter is the Decision Notice, including:

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

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

Yours faithfully

Mitchell Grant
DEVELOPMENT ASSESSMENT CENTRAL MANAGER

Urban Utilities
development@urbanutilities.com.au

Queensland Government State Assessment Referral Agency (SARA)
ipswichSARA@dsdmip.qld.gov.au

December 2021

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

Applicant details

Applicant name: Ipswich City Council C/- Sinclair Planning Pty Ltd
Applicant contact details: Leisa.Sinclair@sinclairplanning.com.au

Application details

Application number: 16204/2021/MCU
Application type: Material Change of Use
Description of proposed development: Extension to Business Use (Hotel)
Date application received: 27 September 2021

Site details

Property location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Real property description: Lot 1 RP 2677 & Lot 3 SP 307972

Decision

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

1. Decision Details:

| Development | Approval Type | Decision | Currency Period |
|--|--------------------|--|-----------------|
| Material Change of Use – Extension to Business Use (Hotel) | Development Permit | Approved in full subject to the conditions set out in Attachment A | 6 years* |

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

2. Conditions of Assessment Manager (Ipswich City Council)

Refer to Attachment A for Assessment Manager conditions.

3. Approved Plans Specifications and Drawings

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

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

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

| APPROVED PLANS | | | | |
|---|--|---------------------------------|-------------------|---------------------|
| Reference No. | Description & Revision No. | Prepared By | Date | Amendments Required |
| Aspect of development: material change of use | | | | |
| 1444-2 A102 | Site Plan Revision DA03 | Tait Morton Johnston Architects | 22 September 2021 | N/A |
| 1444-2 A103 | Service Basements Revision DA03 | Tait Morton Johnston Architects | 22 September 2021 | N/A |
| 1444-2 A104 | Lounge/Service Level Revision DA03 | Tait Morton Johnston Architects | 22 September 2021 | N/A |
| 1444-2 A105 | Main Hotel Level Revision DA03 | Tait Morton Johnston Architects | 22 September 2021 | N/A |
| 1444-2 A106 | Upper Floor/Roof Revision DA03 | Tait Morton Johnston Architects | 22 September 2021 | N/A |
| 1444-2 A107 | Union Street and Western Elevation Revision DA04 | Tait Morton Johnston Architects | 13 October 2021 | N/A |

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|-------------|--|---------------------------------|-----------------|-----|
| 1444-2 A108 | Southern and South Eastern Elevation Revision DA04 | Tait Morton Johnston Architects | 13 October 2021 | N/A |
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4. Referral Agencies

The referral agencies for this application are:

| Referral Agency | Referral Role | Aspect of Development Requiring Referral | Address |
|---|---------------|--|---|
| Queensland Government State Assessment Referral Agency (SARA) | Concurrence | - State Transport Corridors and Future State Transport Corridors | Ipswich SARA Office Post: PO BOX 129, IPSWICH QLD 4305 Email: IpswichSARA@dsdm ip.qld.gov.au Ph: 07 3432 2413 |

Refer to Attachment C for Referral Agency conditions.

5. Variation Approval

Not applicable to this decision.

6. Further Development Permits

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

7. Environmental Authority

Not applicable to this decision.

8. Properly Made Submissions

Not applicable to this decision.

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

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

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

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

Not applicable to this decision.

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

Not applicable to this decision.

12. Trunk Infrastructure

Not applicable to this decision.

13. Infrastructure Charges

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

14. Submitting Change Representations to Request a Negotiated Decision Notice

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

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

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

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

15. Appeal Rights

Applicant's appeal rights

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

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

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

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

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

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

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

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

Attachment A
Assessment Manager's Conditions
File No: 16204/2021/MCU
Location: 5 Union Place & 8 Bell Street, IPSWICH QLD 4305
Proposal: Material Change of Use - Business Use (Extension to Hotel)

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

| No. | Condition | The time by which the condition must be met, implemented or complied with |
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| 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 - Approved Plans Specifications and Drawings of this development permit. | From the commencement of the construction of the development and at all times thereafter. |
| 4. | 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. |
| 5. | Hours of Operation | |
| | Subject to the <i>Trading (Allowable Hours) Act 1995</i> and any liquor licence issued in relation to the development, the applicant is permitted to conduct work or business from the premises 24 hours a day, seven (7) days a week. The applicant must ensure there is no noise nuisance or disturbance caused in connection with the operation of the development. | From the commencement of the use and at all times thereafter. |

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| 6. | Amalgamation of Lots | |
| | The applicant must, by subdivision plan, amalgamate all lots the subject of this approval into one lot. | Prior to the commencement of the use. |
| 7. | Particular Use | |
| | The applicant must not use any of the structures associated with the business use (hotel), inclusive of car parking and any associated outdoor areas on the premises, for any other purpose, unless, in the written opinion of the assessment manager, such use is ancillary and incidental to the predominant use of the premises for a business use (hotel). | From the commencement of the construction of the development and at all times thereafter. |
| 8. | Separate Agreements (Sale Agreements, Tenancy Agreements, Lease Agreements, Community Management Statements, Developer Covenants etc.) | |
| (a) | The applicant must ensure any separate agreements (including but not limited to sale agreements, tenancy agreements; lease agreements; community management statements; developer covenants etc.) require the development to be conducted/operated in accordance with: <ul style="list-style-type: none"> (i) this development approval (and any subsequent amendments/changes to this approval) (ii) any related or consequential approvals (e.g. material change of use, reconfiguring a lot, operational works or building works) | From the commencement of the use and at all times thereafter. |
| (b) | The applicant must ensure a copy of all approvals referred to in (a) above are: <ul style="list-style-type: none"> (i) appropriately referenced in such agreements; and (ii) provided to all parties of such agreements. | At the time an agreement is presented to the relevant parties. |
| 9. | Activation of Buildings | |
| (a) | Unless otherwise approved in writing by the assessment manager, all windows and building entries fronting Union Place are to remain visually permeable at all times during the operation of the development. To this end, all windows and entry points are to remain transparent and must not be covered with advertising, screening or opaque tinting of any kind. | Prior to the commencement of any use along the relevant frontage and at all times thereafter. |
| (b) | Unless otherwise approved in writing by the assessment manager, advertising signage is not permitted to be located on windows and entry doors of the buildings. | From the commencement of the use and at all times thereafter. |

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| 10. | Visual Treatment of Plant and Equipment | |
| (a) | The applicant must ensure all plant and equipment (inclusive of tanks, air conditioning units, compressors, generators, ducting, ventilation and the like): (i) is not located between any building and the dedicated road/railway reserve/adjoining premises including the civic area precinct; or (ii) is appropriately screened (and ventilated) from view from the dedicated road, railway reserve and the adjoining premises including the civic area precinct. | Prior to the commencement of the use and at all times thereafter. |
| (b) | The applicant must, where screening is required pursuant to (a), submit for written approval by the assessment manager details of the screening method or device. All screening must be of materials similar in appearance and specification to those used in the construction of buildings on the premises and adjacent premises. | Prior to the lodgement of the application for building work. |
| (c) | The applicant must construct and maintain all screening in accordance with the approval issued by the assessment manager. | Prior to the commencement of the use and at all times thereafter. |
| (d) | Rooftop areas must be designed to conceal and disguise rooftop machinery and service equipment. Any additional screening must be strictly in accordance with the approved plans outlined in Part 3 of this development permit unless otherwise approved in writing by the assessment manager. | Prior to the commencement of the use and at all times thereafter. |

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| 13. | Building Finishes | |
| | The applicant must obtain written approval from the assessment manager for a schedule of colour(s) and external finishes for any new building work. | Prior to the commencement of the use. |

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| 14. | Landscaping | |
| (a) | The applicant must submit streetscape landscape plans for the parts of the Bell Street and Bremer Street frontages of the site that are identified on the approved plans outlined in Part 3 of this development permit in accordance with the Ipswich Streetscape Design Guideline 2013 and Ipswich Regional Centre Strategy – Streetscape Materials Specifications. All landscaping and streetscape works must appropriately tie in to adjacent works on Union Place, Bell Street and Bremer Street. | In conjunction with the lodgement of the application for operational works. |
| (b) | The applicant must provide streetscape landscape works in accordance with the approved plans. | Prior to the commencement of the use and at all times thereafter. |
| (c) | The applicant must submit to the assessment manager | Prior to the commencement of |

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| | a Certificate of Compliance for streetscape landscape Works completed by a qualified landscape designer stating the works have been completed in accordance with requirements of the approved plans. | the use. |
| 15. | Lighting | |
| | Lighting used to illuminate any areas of the premises (ie security or flood lighting) must be designed, constructed, located and maintained to the satisfaction of the assessment manager so as not to cause nuisance to the occupants of nearby properties or passing traffic. All lighting must be angled or shaded in such a manner so that light does not directly illuminate any nearby premises or roadways and does not cause extraneous light to be directed or reflected upwards. | Prior to the commencement of the use and at all times thereafter. |
| 11. | Customer Toilets | |
| | The applicant must provide customer toilet facilities in accordance with the provisions of the Building Code of Australia, which must remain open for access at all times during the operation of the development | From the commencement of the use and at all times during the approved hours of operation thereafter. |
| 12. | Access for People with a Disability | |
| | The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any car parking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public. | Prior to the commencement of the use and at all times thereafter. |
| 13. | Loading and Unloading | |
| (a) | The applicant must undertake all loading and unloading at the approved location detailed on the approved plans outlined in part 3 of this development permit. | From the commencement of the use and at all times thereafter. |
| (b) | The applicant must undertake all loading and unloading within the confines of the subject site. | From the commencement of the use and at all times thereafter. |
| 14. | Trade Materials, Products and Plant | |
| | The applicant must store all trade materials, products and plant within the confines of the building and/or approved storage areas. | From the commencement of the use and at all times thereafter. |
| 15. | Waste Storage and Collection | |
| (a) | The applicant must locate waste storage at the approved location detailed on the approved plans outlined in Part 3 of this development permit. | From the commencement of the use and at all times thereafter. |
| (b) | The applicant must ensure all wash down waters from bin cleansing performed on the site is either: (i) Appropriately treated and discharged to sewer | From the commencement of the use and at all times thereafter. |

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| | subject to a Trade Waste approval; or (ii) The services of a refuse bin cleaning company are engaged. | |
| (c) | The applicant must ensure waste bins are collected on the site and there is no road-side collection. | From the commencement of the use and at all times thereafter. |

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| 16. | Car Parking – Use and Maintenance | |
| (a) | The applicant must provide a minimum of 18 car parking spaces for the development. | Prior to the commencement of the use and at all times thereafter. |
| (b) | The applicant must ensure all parking areas are: (i) Kept exclusively for parking for the development; (ii) Used exclusively for parking for the development; (iii) Accessible to both staff and customers during any approved hours of operation (unless otherwise indicated on the approved plans); (iv) Appropriately signposted at the entry/entries to the car park (eg "Staff and Customer Parking") in accordance with AS1742; and (v) Maintained in perpetuity. | Prior to the commencement of the use and at all times thereafter. |
| (c) | Provision must be made for parking spaces for persons with a disability in accordance with the Parking Code (Part 12, division 9) of the <i>Ipswich Planning Scheme</i> . | Prior to the commencement of the use and at all times thereafter. |

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| 17. | Access, Parking and Manoeuvring Areas | |
| (a) | The applicant must construct all parking, access and manoeuvring areas of concrete. | From the commencement of the use and at all times thereafter. |
| (b) | The applicant must restrict access to the development to 'left-in/left out' movements only from the existing Bell Street frontage, via the installation of suitable signage and line marking. | From the commencement of the use and at all times thereafter. |
| (c) | The applicant must line-mark all parking, access and manoeuvring areas in accordance with the relevant Australian Standard. | From the commencement of the use and at all times thereafter. |
| (d) | The applicant must provide suitable signage and line marking to provide for 'one- way' movement through the car park. | From the commencement of the use and at all times thereafter. |
| (e) | The applicant must make provision for all vehicles to enter and exit the site (via the existing Bell Street frontage) in forward gear. <i>Note: No vehicle access is permitted via either the</i> | From the commencement of the use and at all times thereafter. |

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| | <i>Bremer Street and/or Union Place frontages.</i> | |
| (f) | The applicant must remove the existing driveway cross over on Bremer Street and reinstate concrete kerb and channel to match the existing profile. The footpath must be provided in accordance with condition 14 Landscaping. | Prior to the commencement of the use. |

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| 18. | Flooding | |
| (a) | Unless otherwise approved in writing by the assessment manager, the proposed development must comply with the requirements of the <i>Ipswich Planning Scheme 2006</i> , Part 11, division 4, section 11.4.7 (1)(d) and the State Planning Policy insofar as it relates to Natural Hazards, Risk and Resilience. | Prior to the commencement of the use and at all times thereafter. |
| (b) | The applicant must submit to the assessment manager for approval a flood risk management plan. | Prior to the commencement of use. |
| (c) | The applicant must implement the approved flood risk management plan as required by (b) above. | From the commencement of the use and at times thereafter. |

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| 19. | Acoustic Management | |
| (a) | The premises must be designed and operated to ensure that the noise levels from activities conducted onsite are in accordance with the recommendation of the Noise Impact Assessment – Commonwealth Hotel Ipswich Qualitative noise impact assessment, reference PS126226-ACO-MEM-001 Rev0, prepared by as prepared by WSP Australia Pty Ltd (WSP) and dated 17 September 2021. | From the commencement of the use and at all times thereafter. |
| (b) | Unless otherwise agreed to in writing by the Assessment Manager, performers, musical instruments or devices used to amplify noise must not be located in any outdoor areas. | From the commencement of the use and at all times thereafter. |
| (c) | In the event acoustic enclosures are required for external mechanical plant and equipment (including but not limited to air conditioning units, compressors, generators and the like) the applicant must ensure the enclosure is suitably ventilated and visually screened. | Prior to the commencement of the use. |
| (d) | The applicant must submit to the assessment manager certification from a suitably qualified acoustic consultant demonstrating that (a) and (c) above have been complied with. | Prior to the commencement of the use. |

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| 20. | Stormwater Quantity Management | |
| | The applicant must discharge stormwater runoff from all impervious areas to the existing stormwater system. | Prior to the commencement of the use and at all times thereafter. |

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| 21. | Sediment & Erosion Management - Construction & Operational Phases | |
| | The applicant must provide for all unpaved and disturbed areas sufficient grass or equivalent cover to | Prior to commencement of the use and during the period that |

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| | prevent both rill and sheet erosion. | the approved use is being carried out on the development site. |
| 22. | Further Works | |
| (a) | The applicant must take due regard of all existing services when undertaking works associated with this development. | During the construction of the development and prior to commencement of use. |
| (b) | The applicant must alter any services when the relevant authority or assessment manager determines that works associated with this development has an impact upon any existing services. | During the construction of the development and prior to commencement of use. |

Assessment Manager (Ipswich City Council) Advice

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

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| 1. | Advertising Signage | |
| | Unless any advertising devices associated with the proposed use meets the exempt criteria set out in Schedule 9 of the <i>Ipswich Planning Scheme 2006</i> , such signage would require submission to Council of a code assessable development application for operational works – placing an advertising device on premises. For further information please contact the Planning and Development Department on (07) 3810 6888. | |
| 2. | Fire Ants | |
| (a) | In accordance with the <i>Biosecurity Act 2014</i> and the <i>Biosecurity Regulation 2016</i> , the State of Queensland has implemented movement controls in areas (Fire Ant Biosecurity Zones) of Queensland where the Red Imported Fire Ant (ant species <i>Solenopsis invicta</i>) has been detected. | |
| (b) | It is a legal obligation to report any sighting or suspicion of Fire Ants within 24 hours to Biosecurity Queensland on 13 25 23 (24hrs). It should be noted that works involving movements of all materials associated with earthworks (import and export) within a fire ant biosecurity zone is subject to movement controls and failure to comply with the regulatory provisions is an offence under the Biosecurity Act 2014. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/fireants . | |
| (c) | The land over which you have made a development application is within a Fire Ant Biosecurity Zone. The presence of Fire Ants on the site may affect the nature, form and extent of works permitted on the site. In view of this it will be necessary for you to contact Biosecurity Queensland to investigate the site and for you to implement any necessary matters required prior to the commencement of any works. | |
| 3. | Portable Long Service Leave | |
| | Where the proposed works (civil and landscaping) are valued at \$150,000 or more and match the definition of Building and Construction Industry, the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> requires that evidence of payment of the Portable Long Service Leave (QLeave) Levy be received by Council as a condition of issuing a development permit for building works, operational works and plumbing and drainage works applications, as defined under the <i>Planning Act 2016</i> . | |
| | If you require clarification in regard to the <i>Building and Construction Industry (Portable Long</i> | |

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| | <i>Service Leave) Act 1991</i> , you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855. |
| 4. | <i>Local Government Regulation 2012</i> |
| | This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i> . This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666. |
| 5. | Section 73 of the <i>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. | Trade Waste |
| | Waste water directed to sewer must only be carried out in compliance with an approved Trade Waste Permit for the site. All associated water treatment equipment (if any) must be covered by the permit, where released to sewer. Enquiries regarding Trade Waste requirements can be made by contacting Queensland Urban Utilities on telephone number 13 26 57. |
| 7. | Food Licence |
| | Where food is sold, served and or produced on the site there may be a need to hold a licence to do so under the <i>Food Act 2006</i> . Please contact Council for advice regarding this matter by ringing 3810 6666. |
| 8. | Entertainment Venue |
| | The Applicant / Operator may be required to hold a permit for an Entertainment Venue under Council's Local Law 3. The applicant is advised to contact the Planning and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666. |
| 9. | Outdoor/Footpath Dining |
| | The Applicant / Operator may be required to hold a permit for outdoor/footpath dining under Council's Local Law 3 and 7. The applicant is advised to contact the Planning and Regulatory Services Department of Ipswich City Council for advice regarding this matter on (07) 3810 6666. |
| 10. | Liquor Licence |
| | If the Applicant / Operator proposes to sell alcohol a liquor licence may be required. For information on liquor licensing please contact the Office of Liquor and Gaming Regulation on 13QGOV. |

