



STATEMENT OF REASONS

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

APPLICANT DETAILS

Applicant name: Fabcot Pty Ltd

APPLICATION DETAILS

Application number: 2269/2019/MCU

Application type: Material Change of Use

Approval sought: Development Permit

Description of proposed development: Material Change of Use - Shopping Centre

Level of Assessment: Impact

SITE DETAILS

Street address: 91 and 93 Raceview Street, RACEVIEW QLD 4305, 93 Raceview Street, RACEVIEW QLD 4305

Real property description: Lot 1 RP 85420 and Lot 1 RP 193006

DECISION

Date of decision: [TBC]

Decision: Refused

Decision Authority: Full Council

1. Reasons for the Decision:

The reasons for this decision are:

The proposed development does not advance the purpose of the *Planning Act 2016*, specifically Section 5(1) and (2)(f),(g) and (h) as outlined below:

- The subject site is located within the Residential Medium Density Zone, however the proposed Shopping Centre development does not contribute to housing choice, diversity or affordability.
- The proposed development will have a detrimental economic impact to surrounding centres.
- The proposed development does not allow for the coordinated and efficient supply of infrastructure, particularly in relation to road infrastructure.

The proposed development conflicts with the applicable codes of the Planning Scheme with no sufficient grounds to justify the decision despite the conflict.

The proposed development does not comply with Part 3 – Desired Environmental Outcomes and Performance Indicators of the Ipswich Planning Scheme as the following desired environmental outcomes and performance indicators have not been met:

- Section 3.1(3)(f) – the built form is not reflective of the communities expectation, particularly when taking into consideration the zoning of the subject site (Residential Medium Density).
- Section 3.1(3)(h) – the proposed development will result in inefficient and unsafe operations of road infrastructure.
- Section 3.1(3)(j) – the proposed development compromises peoples safety in relation to traffic.
- Section 3.2(1)(c) – the proposed development is not considered to be an appropriate location.
- Section 3.2(1)(f) – the proposed development does not meet the established standards for the built environment.
- Section 3.2(1)(g) – it has not been sufficiently demonstrated that the proposed development reflects the community need.
- Section 3.2(1)(h) – the proposed development creates adverse impacts on the road which has not been adequately resolved.
- Section 3.2(1)(j) – the proposed development does not minimum impacts on adjoining residence, particularly in relation to traffic.

The proposed development does not comply with Part 4 – Division 3 ‘Overall and Specific Outcomes for the Urban Areas as a Whole’ of the Ipswich Planning Scheme as the following overall outcomes have not been met:

- Section 4.3.1 – the proposed development is not consistent with Section 4.3.3 and the specific outcomes for the relevant zone (Residential Medium Density) as outlined below.
- Section 4.3.2(2)(a) – the proposed development des not result in effective growth management, sustained economic growth or good urban design.
- Section 4.3.2(2)(b) – the proposed development undermines the ability for a strong sense of community identity, particularly given the proposed development fragments the neighbourhood centre for the local area.
- Section 4.3.2(2)(d) – the proposed development reduces the supply of available residential land within the locality.
- Section 4.3.2(2)(i) – the proposed development would result in a reduced standard of amenity for residential areas, particularly in relation to visual amenity and traffic.
- Section 4.3.2(2)(o) – the proposed development does not result in an efficient, safe and attractive transport network.
- Section 4.3.2(2)(q) – the proposed development results in a conflict between traffic and pedestrians and cyclists.
- Section 4.3.2(2)(y)(iii) – the proposed development does not comply with the Overall Outcomes of the Residential Medium Density Zone.

The proposed development does not comply with Part 4 – Division 3 ‘Specific Outcomes for the Urban Areas, as a Whole’ of the Ipswich Planning Scheme as the following overall outcomes have not been met:

- Section 4.3.3(1)(a)(ii) – the proposed development does not support the major centres at Booval or Yamanto.
- Section 4.3.3(1)(a)(iii) – the proposed development does not support or provide for the distribution of neighbourhood centres and local shopping areas in accordance with Map 3 in Schedule 7.
- Section 4.3.3(1)(b) – the proposed development compromises the viability of higher order centres and other existing or planned neighbourhood centres.
- Section 4.3.3(2)(d) – the proposed development does not provide car parking in the long term, that supports the proposed use.
- Section 4.3.3(2)(e)(iii) – the proposed development has not been located and designed to minimise pedestrian and vehicle conflicts.
- Section 4.3.3(2)(f)(i)(iii)(iv) – the proposed development does not provide safe and efficient access to the site, does not minimise disruptions to the local traffic and does not reduce pedestrian/vehicle conflicts.

The proposed development does not comply with Part 4 – Division 6 ‘Overall Outcomes for the Residential Medium Density Zone’ of the Ipswich Planning Scheme as the following overall outcomes have not been met:

- Section 4.6.2 – the proposed development does not achieve the overall outcomes sought by the Residential Medium Density Zone and therefore does not comply with the purpose of the Residential Medium Density Zone.

The proposed development does not comply with Part 4 – Division 6 ‘Effects of Development – General’ of the Ipswich Planning Scheme as the following specific outcomes have not been met:

- Section 4.6.3(1) – the proposed development conflicts with the Specific Outcomes in relation to density and character.
- Section 4.6.3(3) – the proposed development conflicts with the Specific Outcomes in relation to building setback and design.
- Section 4.6.3(4) – the proposed development conflicts with the Specific Outcomes in relation to vegetation retention and landscaping.
- Section 4.6.3(5) – the proposed development conflicts with the Specific Outcomes in relation to non-residential uses, as the proposed development does not fulfil a local community need, has a detrimental impact in relation to traffic and does not maintain a scale and appearance in keeping with the residential amenity and character of the locality.
- Section 4.6.3(6) – the proposed development conflicts with the Specific Outcomes in relation to the operation of the road network and access as the proposed development does not ensure the safe and efficient operation of the road network.
- Section 4.6.4(2) – the proposed development conflicts with the Specific Outcomes in relation to Sub Area – Residential Medium Density (RM2) as the proposal does not provide for medium density housing.
- Section 4.6.5(3) – the proposed development is identified as being inconsistent with the outcomes sought and are not to be located within the Residential Medium Density Zone.

The proposed development does not comply with Part 4 – Division 10 ‘Overall Outcomes for the Local Retail and Commercial Zone’ of the Ipswich Planning Scheme as the following overall outcomes have not been met:

- Section 4.10.2(2)(a)(iii) – the proposed development is not in accordance with the network of neighbourhood centres and local retail and commercial areas as depicted in Map 3 in Schedule 7.
- Section 4.10.2(2)(d) – the proposed development will have a negative economic impact on surrounding centres.
- Section 4.10.2(2)(e)&(g) – the proposed development compromises the ability for a safe and efficient transport network to be provided. The proposal does not minimum conflict between local and through traffic or between pedestrians, cyclists and vehicles.

The proposed development does not comply with Part 4 – Division 10 ‘Effects of Development – General’ of the Ipswich Planning Scheme as the following specific outcomes have not been met:

- Section 4.10.3(2)(a) – the proposed development does not provide for a transition between residential and commercial activities.
- Section 4.10.3(7)(a) – the proposed development does not contribute to the clear definition of the street intersection, is not built to both street frontages and does not provide a focal point.
- Section 4.10.3(13)(a) – the proposed development does not provide for safe and efficient access to the site for service vehicles.
- Section 4.10.3(16) – the proposed development does not ensure the safe and efficient operation of the road, does not avoid multiple access points and does not enhance the integration of traffic movements within the zone.

The proposed development compromises the effective delivery of infrastructure as outlined in the Local Government Infrastructure Plan.

The proposed development does not comply with the principles of Part E – ‘Planning for Liveable Communities and Housing’ of the State Planning Policy (July 2017) due to the following:

- The proposed development removes available residential medium density land and does not ensure a sufficient supply of residential land;
- The proposed development is for redevelopment of land in an inappropriate location;
- The proposed development does not result in good centre design for the community.

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	Desired Environmental Outcomes and Performance Indicators (Part 3) Urban Areas Code (Part 4) Development Constraints Overlays Code (Part 11, division 4) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Local Government Infrastructure Plan (Part 13) Planning Scheme Policy 3 General Works Planning Scheme Policy 5 Infrastructure
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3. Compliance with Benchmarks

An assessment of the application has been carried out in accordance with section 45 of the *Planning Act 2016*. The application does not comply with the relevant assessment benchmarks and the application has been refused for the reasons outlined in Item 1 – Reasons for the Decision.

4. Relevant matters for development subject to impact assessment

The application was assessed against, or having regard to, the following matters:

Relevant matter	Assessed against or had regard to
Economic Need	<p>Regard was given to the retail needs assessment provided by the applicant to support their argument that the proposed Shopping Centre is warranted</p> <p>In addition, a number of submissions also raised concerns in relation to economic need and provided reports to support their findings.</p> <p>It is noted that a peer review of the report and supporting material provided by the applicant and the submissions which raised economic need concerns was undertaken.</p> <p>Based on the information available, it is considered that the proposed development is likely to have unacceptable impacts on surrounding centres that could adversely impact there viability, vitality and function.</p>

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

Matter raised – Objection	How matters were dealt with in reaching a decision
Proposed development does not comply with the Ipswich City Planning Scheme. <ul style="list-style-type: none"> Proposed development does not comply with the Strategic Framework, 	The submissions received are common material for the application and have been considered as part of the application assessment.

<p>particularly in relation to planned centre development for urban areas.</p> <ul style="list-style-type: none"> • Proposal does not comply with the Planning Scheme including DEO's. • Proposed use does not meet the intent for the Residential Medium Density Zone as it does not provide for residential development to meet the housing needs for the community. • Proposed development is identified as being inconsistent with the outcomes sought within the Residential Medium Density Zone and constitutes undesirable development. • Town plans were created to enable clear vision for all parties, especially business owners for future planning on home/business, investment levels. • Proposed development results in disorderly development which is detrimental to the orderly development and planning of the adopted framework of centres. • Proposed development is not considered to represent an appropriate expansion of the Local Retail and Commercial Zone, in accordance with the zone intent, as it represents a significant increase in GFA of retail and commercial areas and adequate need has not been demonstrated. 	<p>The submissions received generally reflect Council's concerns with the proposal, particularly in relation to non-compliance with the Ipswich Planning Scheme. Concerns raised relating to economic need also generally reflective of Council's concerns.</p> <p>In conclusion the proposed development cannot be appropriately conditioned to address all matters raised and there are insufficient grounds to justify the decision to approve the development. Accordingly, the application has been refused for the reasons outlined in Item 1 – Reasons for the Decision.</p>
<p>The proposed development is in conflict with the Draft Strategic Framework Intent.</p> <ul style="list-style-type: none"> • Proposed development is inconsistent with draft Strategic Framework and represents out of centre development. • Proposed development is misaligned with likely future planning. 	
<p>The proposed development conflicts with the strategic framework of the South East Queensland Regional Plan due to traffic issues.</p>	
<p>The applicant has not demonstrated that the proposed development fulfils a local community need.</p> <ul style="list-style-type: none"> • The local retail needs will be met by the existing and appropriately zoned Local Retail and Commercial zoned land within the near vicinity of the site 	
<p>Need for the proposed development has not been demonstrated.</p>	

- Proposed development represents out of centre development and has not adequately established a need for the proposed use to be located outside of the existing Local Retail and Commercial zoned land within close proximity of the subject site.
- There is sufficient land zoned for Local Retail and Commercial purposes within the surrounding area, which are capable of meeting the retail and grocery needs of the local community.
- Applicant has failed to demonstrate overwhelming community need.
- Any grounds for the proposal are based on private interests only.
- There are enough supermarkets in catchment to cater for population.
- It has not been demonstrated that the proposed development would improve the wellbeing of the community to the extent that its existence would overcome the considerable conflicts with the planning scheme.
- There is no benefit to the wider community in promoting a larger scale of non-residential uses at this location.
- Based on existing and planned centres network and hierarchy, the population of the Silkstone and Winston Glades catchments and the low growth outlook for those catchments there is no need for a third supermarket anchored centre.
- The addition of a third full line supermarket anchored centre within the Silkstone and Winston Glades catchments would result on sever impacts on the existing centres (as high as 30% and would most likely precipitate the closure of the Drakes Supermarket at Winston Glades and ultimately result in the need for Winston Glades to identify an alternative role and function).
- The Raceview/Flinders View area is already serviced by supermarket anchored centres and nearby higher order centres.
- The applicant has provided a flawed

<p>assessment of need (economic reviews provided to demonstrate this).</p> <ul style="list-style-type: none"> • Smaller tenancies which rely on foot traffic will be impacted. • Loss of trade at drakes Winston glades will have impact on smaller businesses/tenancies resulting in loss of jobs. • Yamanto and surrounding suburbs need more people not shops to survive. • Insufficient population with the existing catchments to bring about planning need for the Woolworths based centre. • There is no need for another centre given Silkstone Coles and Ripley Town Centre. 	
<p>The proposed development will have unacceptable impacts on other centres.</p> <ul style="list-style-type: none"> • The proposal will result in adverse outcomes for the community in relation to existing centres. • Results in reduced retail turnover at centres including Silkstone Village and Winston glades and therefore reduce the vitality and activity of these centres • Loss of approximately 20-25% of Booval Woolworths. While this proposal is also for Woolworths, the applicant has ignored the flow on effects for the Booval centre as a whole. • Proposed development has the ability to erode the viability of the existing Raceview Street Local Centre as well as other surrounding centres. 	
<p>The proposed development is not in keeping with the community expectation.</p> <ul style="list-style-type: none"> • Proposal could not be reasonably anticipated in the Residential Medium Density Zone and is not within the realm of expectation for the community 	
<p>The proposed development will result in unacceptable traffic impacts.</p> <ul style="list-style-type: none"> • Proposed development will increase congestion in the area. • Dangerous entry/exit points are proposed. • Current traffic issues will only worsen as a result of the development. • Increased traffic will pose a threat to 	

<p>students, families and staff attending the nearby church and school.</p> <ul style="list-style-type: none">• There is a need for traffic lights at Blanck Street.• Proposed access location of Raceview Street is unsafe.• Proposed access location on Cascade Street is not considered to be safe.• Potential for traffic to block Blanck Street - emergency services need to be able to enter and exit Blanck Street. There is no alternative location to enter/exit this street other than Raceview Street.• Development will prejudice Council's intended future road widening for the upgrade of the intersection.• Future reduction in car parking numbers to allow for upgrade is not acceptable.• Reduced car parking numbers and removal of on street parking of Cascade Street will impact on surrounding sites.• Proposed all turns movement will impact on surrounding development.• Loss of all turns movement at commercial land at 99 Raceview Street a result of the proposed development results in an unfair advantage for the proposed development over land which is appropriately zoned for commercial uses.	
<p>The proposed development will have amenity impacts.</p> <ul style="list-style-type: none">• Proposed development will have a significant detrimental impact of the amenity of nearby residents, particularly as a result of traffic impacts.• Vacant carpark at night will attract antisocial behaviour.• Increase in rubbish and litter likely (as experienced with the opening of other uses nearby).• Noise associated with delivery vehicles and late night trading creates additional unnecessary noise.• Proposed development is an eye-sore.• Proposed development is out of character for the streetscape.	

<p>The proposed development is poorly designed.</p> <ul style="list-style-type: none"> Minimal landscaping provided compared to the rest of the site. Trolley bay is located in a fire egress. 	
<p>The proposed development will have a detrimental impact on existing businesses.</p> <ul style="list-style-type: none"> Council should support existing local businesses. Supermarket giants are taking away from smaller businesses. Local existing job losses likely to occur as businesses suffer as a result of proposal. 	
<p>The proposed development will result in a reduction in property values for surrounding residential uses.</p>	
<p>The legal opinion provided by the applicant in relation to decision made in <i>Wilhelm V Ipswich City Council and another</i> [2010] QPEC 46 is of little relevance.</p>	

Matter raised - Support	How matters were dealt with in reaching a decision
<p>The proposed development will benefit the elderly that live in the neighbourhood</p>	<p>The submissions received are common material for the application and have been considered as part of the application assessment.</p> <p>While the proposed development may be conveniently located for a localised number of residence, an assessment of the proposed development indicates that it will have a negative impact on surrounding centres, creates an unsafe road environment and is inconsistent with the planning scheme.</p> <p>In conclusion the proposed development cannot be appropriately conditioned to address all matters raised and there are insufficient grounds to justify the decision to approve the development. Accordingly, the application has been refused for the reasons outlined in Item 1 – Reasons for the Decision.</p>
<p>The proposed development will create additional job opportunities.</p>	
<p>The proposed development provides for convenient access to shops.</p>	
<p>The proposed development adds a new variety of retail.</p>	
<p>The proposed development is well located with public transport, with plans to provide safe pedestrian and vehicle access.</p>	