

Your reference
Our reference 10301/2019/MCU: GJ
Contact Officer Grant Johnson
Telephone (07) 3810 7540



Ipswich City Council

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Australia

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Wendy Evans
AJ & Co Lawyers
wendy@ajandco.com.au

5 May 2020

Dear Wendy

Re: IDRП Application Material and Council Recommendation
Application No: Application No: 10301/2019/MCU
Proposal: Proposal: Material Change of Use - Business Use, Entertainment Use, Recreation Use & Shopping Centre
Property Location: Property Location: 143, 143A & 163 Brisbane Street, 23 & 24 Ipswich City Mall, 2 Bell Street, IPSWICH QLD 4305

I refer to your correspondence dated 29 April 2020. 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 and direct you to the application material for the application 10301/19/MCU for Material Change of Use - Business Use, Entertainment Use, Recreation Use & Shopping Centre.

The application material can be reviewed by using Council's PD Online service by following the link below and searching for Application Reference Number 10301/2019/MCU.

<http://pdonline.ipswich.qld.gov.au/pdonline/Modules/ApplicationMaster/default.aspx?page=search>

The draft Council recommendation 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 8 May 2020.

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

- IDRП agrees with officer recommendation (either approval or refusal);
- IDRП agrees 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.
Council recommendation
IDRP report template

5 May 2020

MEMORANDUM

TO: DEVELOPMENT ASSESSMENT CENTRAL MANAGER – MITCHELL GRANT

FROM: SENIOR PLANNER (DEVELOPMENT) – GRANT JOHNSON

RE: **DEVELOPMENT APPLICATION - CODE ASSESSMENT**
PLANNING ACT 2016 - SECTION 45(3)

EXECUTIVE SUMMARY

This is a report concerning a development application seeking approval for a material change of use for a business use, entertainment use, recreation use and shopping centre, predominantly to be undertaken within existing, refurbished buildings, which forms part of the redevelopment of the Nicholas Street and Union Place precinct by Ipswich City Council.

The subject application requires review by the General Purposes Committee and determination by 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 is required to be 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.

RECOMMENDATIONS

- A. That the applicant be advised that development application no. 10301/2019/MCU is approved in full subject to the conditions specified in Attachment A.
- B. That the Statement of Reasons (notice about the decision in accordance with section 63(4) of the *Planning Act 2016*) as attached, be uploaded to Council's website.
- C. That the applicant be given approved plans for the development as specified in part 3 of the decision notice and included in Attachment B.
- D. That a copy of this decision be forwarded to the referral agency as outlined in the decision notice and a copy of the referral agency responses be given to the applicant as included in Attachment C.
- E. That a copy of this decision be forwarded to the Central SEQ Distributor-Retailer Authority and the Central SEQ Distributor-Retailer Authority be advised that an Infrastructure

Charges Notice may be applicable for charges relating to water and wastewater pursuant to section 119(3)(b) of the *Planning Act 2016*.

Attn: The Chief Executive Officer
Queensland Urban Utilities
GPO Box 2765
BRISBANE QLD 4001

RELATED PARTIES

- Ipswich City Council (Applicant and Landowner)
- Queensland Rail Ltd (Landowner)
- Cardno (Qld) Pty Ltd (Town Planning Consultant) – The directors of this company as extracted from the ASIC database are Peter Barker, Jesus Templado, Mark Richards, Natalie Muir and Robert Marshall. The primary contact is Leisa Sinclair.
- Ranbury Management Group Pty Ltd (Project Manager) – The directors of this company as extracted from the ASIC database are Ross Hunter, Brett Magnussen, Scott Kennelly, and Peter Driml. The primary contact is Bob Newberry.
- BVN Group (Architect)
- WSP (Acoustic Consultant)
- Dewpoint Group (Air Quality Consultant)

ADVANCE IPSWICH THEME

Managing growth and delivering key infrastructure

PURPOSE OF REPORT/BACKGROUND

SITE ADDRESS:	143, 143A, 163 Brisbane Street, 23, 24 Ipswich City Mall and 2 (Lot1) Bell Street, IPSWICH QLD 4305
APPLICATION TYPE:	Material Change of Use
PROPOSAL:	Business Use, Entertainment Use, Recreation Use & Shopping Centre
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
OWNER:	Ipswich City Council Program 31
EXISTING OR PROPOSED TRADING NAMES:	Nicholas Street Ipswich Central
APPLICATION NO:	10301/2019/MCU
AREA:	29,181m ²
REFERRAL AGENCIES:	Department of State Development,

Manufacturing, Infrastructure and Planning

EXISTING USE:

Shopping Centre

PREVIOUS RELATED APPROVALS:

2229/17/RAL 1 lot into 3 lots
4583/17/MCU Business Use and
Community Use (Office Tower) – Council
Administration Building
995/18/MCU Business Use (Cafe,
Restaurant and/or Hotel) and Community
Use (Library and Visitor Information Centre)
11 December 2019

DATE RECEIVED:

11 December 2019

DECISION PERIOD START DATE:

29 April 2020

EXPECTED DETERMINATION DATE:

18 June 2020

SITE LOCATION:



Figure 1 - Site Locality

PROPOSAL:

The applicant seeks approval for a material change of use – business use, entertainment use, recreation use and shopping centre located at the Site Address referenced above. The proposed development forms an integral part of the overall Ipswich Central redevelopment project and will consist of four (4) defined precincts, as follows:

- Precinct A – 143 and 143A Brisbane Street;
- Precinct B – Venue;
- Precinct J – Metro B; and
- Precinct K – Metro A.

Notably, Precinct F – Library/Civic is included as part of the application as it includes land facilitating access between Nicholas Street and Union Place. However, a previous development application (995/18/MAMC/A) has approved land uses in this area and the majority of the works are being undertaken as exempt municipal works that do not require a development permit.

The proposal seeks to re-use and refurbish a number of existing commercial buildings, and includes the modernisation of building facades in Nicholas Street, Bell Street and Union Place to align with the overall intent of the wider Ipswich Central redevelopment. The proposal results in 2,564m² of additional Gross Floor Area (GFA), which is achieved primarily through the conversion of existing internal voids and mall areas to Gross Floor Area, with one minor expansion to the building footprint proposed to remove the void between the site and the adjoining ICON building on Bell Street. It is likely that further changes to the internal layout of the buildings will occur as leasing is finalised and tenancies are sized and fitted out to suit user needs. The application approaches the use of the buildings with flexibility, and a number of land uses have been nominated for the tenancies within each precinct to assist with tenanting the buildings. The uses proposed within each tenancy are included in the set of recommended approved plans.

Notably, the proposed uses and precincts may be sequenced and delivered together or separately in any order and in any combination as is required.



Figure 2 – Precinct Map

Figure 2 outlines each of the four (4) precincts relevant to this application. A detailed description of the assessable development in each precinct is set out below:

Precinct A

This precinct involves the reorganisation of the internal space on the ground floor of the existing building on the corner of Brisbane Street and Nicholas Street (Ipswich City Mall) to accommodate a new tenancy fronting Nicholas Street (Ipswich City Mall). This tenancy will be approved to be used for:

- various business uses such as cafe, fast food premises, office/professional office, restaurant or shop; or
- an indoor recreation use such as a gymnasium, personal training studio, learn to dance studio etc.

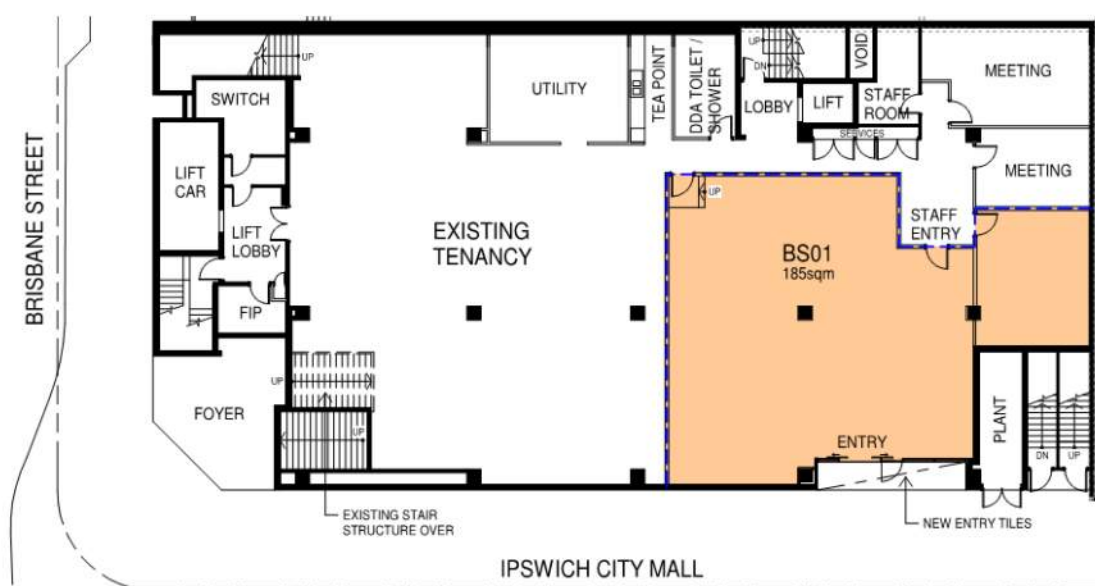


Figure 3 – New Tenancy in Precinct A

Precinct B

This precinct involves the reconfiguration of the lower floor (Nicholas Street level) of the existing building bound by Nicholas Street, Brisbane Street and Ellenborough Street to support the provision of a large new indoor recreation use, retention of the existing pharmacy and an additional tenancy. The intended tenant of the large indoor recreation use is an operator of an indoor go-kart facility. The fit out of this tenancy would involve the construction of an indoor track and supporting facilities (storage, servicing, and administration) that can accommodate a total of 16 karts at any time, as per Figure 4 below. The new tenancy will front Brisbane Street and will be approved to be used for:

- various business uses such as cafe, fast food premises, office/professional office, restaurant or shop; or
- an indoor recreation use such as a gymnasium, personal training studio, learn to dance studio etc; or
- an entertainment use such as a club, amusement parlour, theatre etc.

The large indoor recreation (go kart) tenancy involves the operation of multiple petrol powered vehicles within the confines of the existing building. In order to demonstrate there would be no

Two (2) new tenancies are also proposed to sleeve the cinema complex, fronting Brisbane Street. These tenancies are approved to be used for:

- various business uses such as cafe, fast food premises, office/professional office, restaurant or shop; or
- indoor recreation uses such as a gymnasium, personal training studio, learn to dance studio etc; or
- entertainment uses such as a club, amusement parlour, theatre etc.

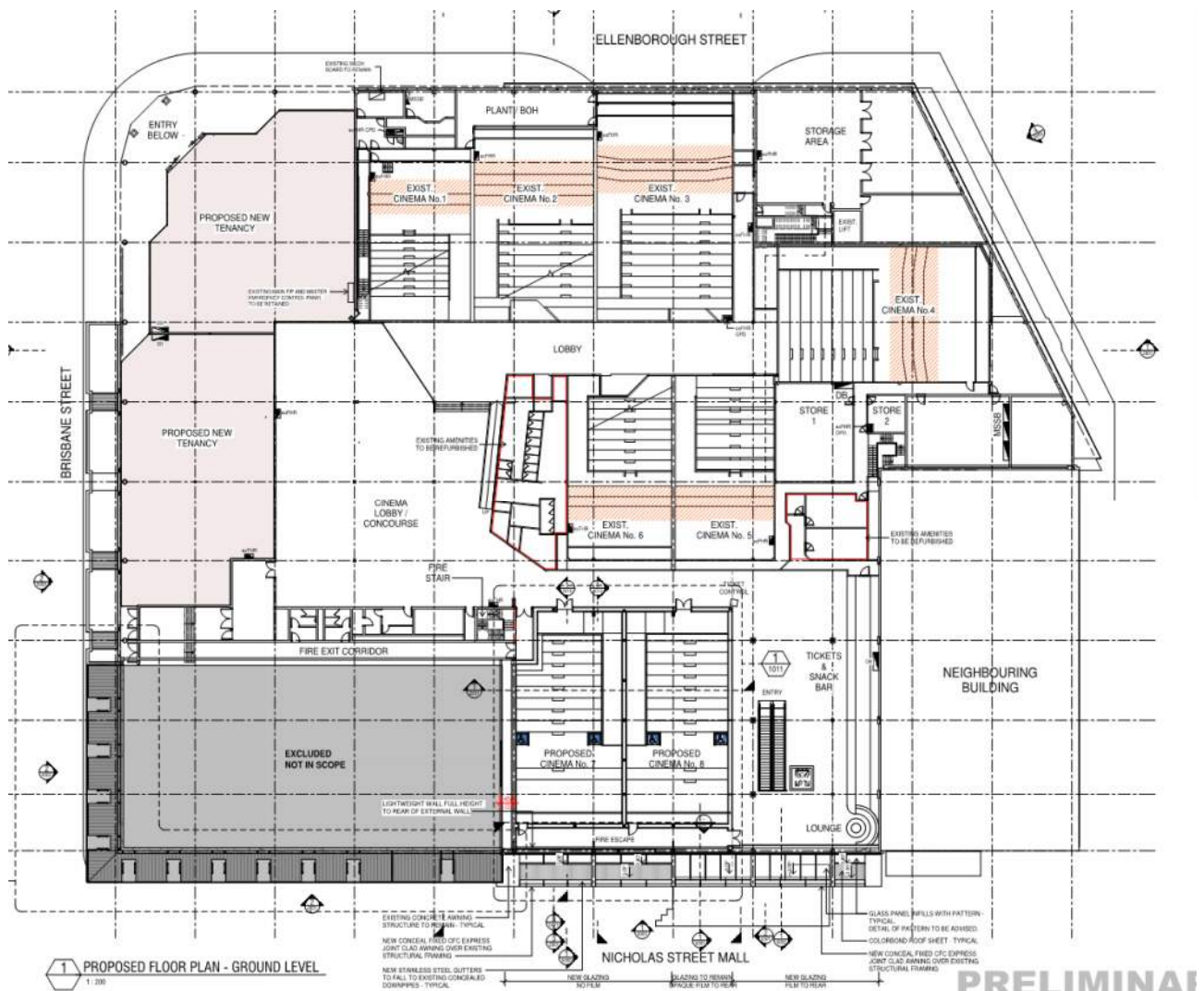


Figure 5 – Precinct B Ground Floor Plan

Works also include the widening of bottle alley at the Ellenborough Street entrance, allowing for activation of tenancies at the Nicholas Street entrance and the modification of the existing loading and service area to open up sight lines to and from Bottle Alley. A number of surveillance issues currently exist around Bottle Alley and owing to the adjacent rail corridor and a building under separate private ownership, the potential for works in this location to completely solve the surveillance issues are limited. The works to be undertaken in this area are an interim solution until such time as a formalised pedestrian link from Nicholas Street to Ellenborough Street is provided in association with the development of the land adjacent to Ellenborough Street and the railway. **Precinct J**

Precinct K

Proposed works within this precinct involve the creation of a new internal mall on the ground floor (Nicholas Street level) connecting adjacent Precinct K to the north, which could potentially extend through to the existing Icon Building which adjoins the southern property boundary. The lower ground floor (Bell Street level) will consist of a single tenancy, which will be accessible from Bell Street at grade and from Nicholas Street via a new entry lobby including escalators and a lift. The ground level will consist of a various sized tenancies and the existing office on the first floor will be retained. Other works associated with the precinct could also involve the demolition of the existing pedestrian Bridge connecting the Health Plaza over Bell Street, however these works do not form part of the subject development application. The existing loading dock, turntable and other servicing facilities will be retained at the lower ground level. Tenancies along Nicholas Street will be approved to be used for:

- various business uses such as cafe, fast food premises, office/professional office, restaurant or shop; or
- indoor recreation uses such as a gymnasium, personal training studio, learn to dance studio etc; or
- entertainment uses such as a club, amusement parlour, theatre etc.

DRAFT

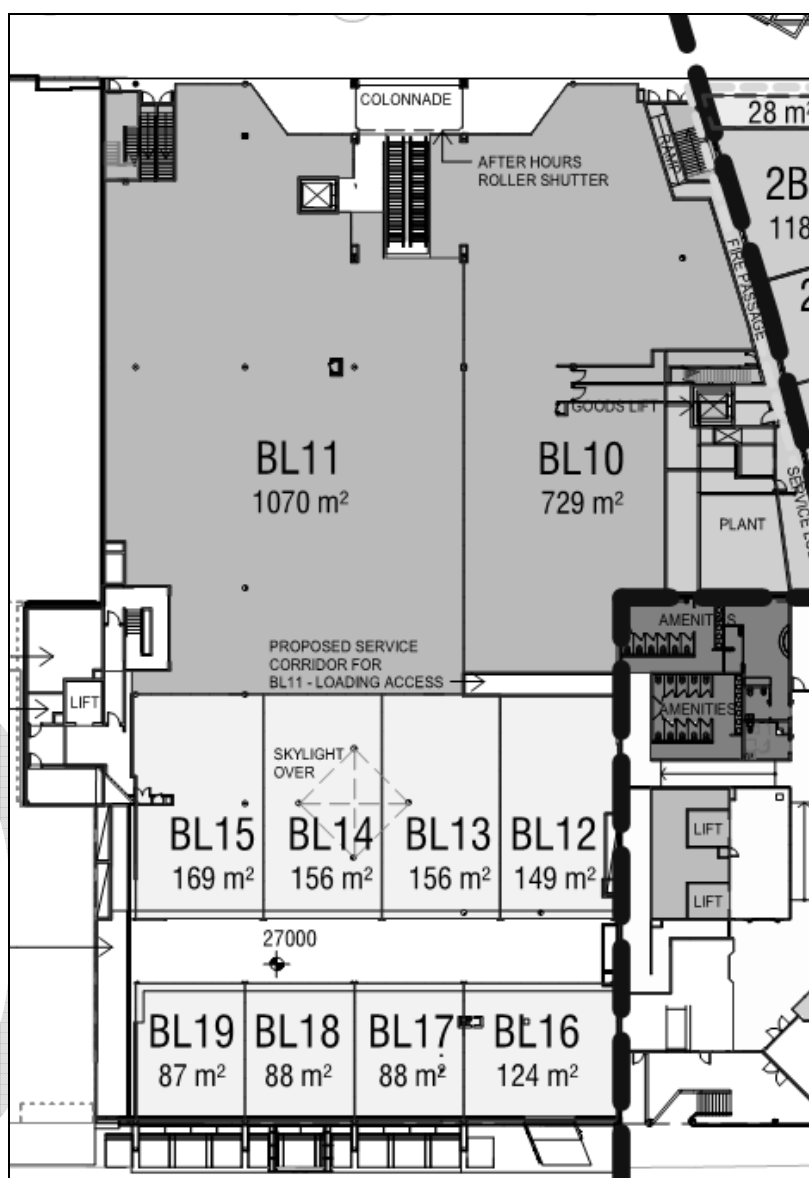


Figure 7 – Precinct K Ground Floor Plan

The lower level tenancy along Bell Street will be approved for the following uses:

- various business uses such as cafe, fast food premises, office/professional office, restaurant or shop; or
- an indoor recreation use such as a gymnasium, personal training studio, learn to dance studio etc.

All other proposed tenancies within this precinct will be approved for use as offices, shops or indoor recreation type uses.

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 through the existing car parking currently being upgraded within Precinct F. This car park was originally constructed to service the uses as part of the previous redevelopment of the area 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.

Hours of operation proposed across all precincts subject to this application are 6:00am to midnight daily, which is consistent with the Planning Scheme for this zone.

The development has been designed to ensure that the building promotes activation of frontages through the inclusion of glass and active pedestrian and customer entry points. In order to ensure that this activation is achieved, a condition has been included that will require all glass and all entry points to remain transparent and active, with no tinting or retail advertising posters or any other materials that would reduce the casual surveillance opportunities from these premises. Additionally, awnings have been retained and are to be refurbished along the frontages of Brisbane Street, Nicholas Street, Union Place and Bell Street. OTHER RELEVANT INFORMATION:

Appropriateness of Proposed Uses

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 allows for the realisation of the outcomes sought by the planning scheme, primarily within refurbished buildings and utilising existing access, car parking and servicing areas. The range of uses proposed allows flexibility of future uses and configurations to ensure 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.

Municipal Works

There are a significant amount of works occurring as municipal works as part of the wider Ipswich CBD redevelopment which do not form part of this application, as follows:

- Ipswich City Mall (Nicholas Street) and Union Place Mall are proposed to be opened to vehicular traffic;
- Bremer Street, including the signalised intersection at the entrance to the car park, is to be upgraded;
- The large civic area at the end of Nicholas Street is proposed to be constructed and embellished as an urban park.

Union Place and the Ipswich City Mall (Nicholas Street) road reserve do not currently entirely front the development site. The applicant has indicated that they will seek to reinstate the road along the Ipswich City Mall (Nicholas Street) and Union Place to connect Brisbane Street and Bell Street separate to this development proposal. Notwithstanding, as access is proposed from the site to both Union Place and the Ipswich City Mall (Nicholas Street), recommended conditions of approval require this link to be open to the public prior to the commencement of the use. Additionally, recommended conditions of approval also require the urban park to be completed prior to the commencement of the use as the approved uses and park are intended to function as an integrated precinct.

Public Art

While the gross floor area of the proposed development exceeds the threshold for Public Art in accordance with *Implementation Guideline No. 31 Public Art Provision by Major Developments* it is not considered appropriate to require the provision of Public Art, as the application involves the re-use of existing buildings. Notwithstanding, the wider Ipswich CBD redevelopment involves the development and commissioning of a number pieces of public art throughout the precinct.

Owners Consent

During the application process, Council as assessment manager received correspondence by Gadens on behalf of an undisclosed client which outlined issues with the owner's consent supplied by Queensland Rail as part of the application. The correspondence alleged the application was never properly made and needed to be remade with the correct consent provided. The applicant was asked to supply information in relation to the correspondence and amended consent was supplied by Queensland Rail. The applicant provided a response to the correspondence by Gadens, which addressed the issues raised.

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:

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) 2019, 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 deemed demand for the proposed use does not exceed the calculated deemed 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 minimise this risk and as part of the establishment of the new and improved governance framework for processing development applications and for development related activities this application is required to be referred to the Independent Decision Review Panel in accordance with the related policy and procedure.

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 via Council's PD Online service, and an Ipswich First article was released when the development application was lodged. Council as assessment manager did not receive any written submissions in relation to the application, other than the correspondence by Gadens discussed above.

REFERRAL AGENCY

The Department of State Development, Manufacturing, Infrastructure and Planning are a referral agency for the application, owing to be the site being located adjacent to a state transport corridor (Ipswich Railway Line) and adjacent to a Queensland Heritage Place. The department provided a response dated 6 March 2020, which included conditions that must be attached to any approval. Noteworthy conditions of approval include ensuring that works do not encroach upon or cause damage to the railway corridor through the implementation of a maintenance management plan, construction management plan and conducting vibration modelling and a dilapidation survey.

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. At this meeting, it was determined that internal referral was required to the Engineering, Health and Environment Branch, primarily owing to the proposal for the indoor go kart facility. An environmental assessment was prepared on 5 May 2020 including recommended conditions of approval relating to acoustic management, air quality and hazardous substances in relation to the go kart tenancy. As the proposal largely involves the re-use of existing buildings further detailed technical assessments were not required. The general appearance and building upgrades were reviewed at the meeting and determined to be generally acceptable and an improvement on the existing buildings.

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.

CONCLUSION

An assessment of the proposed material change of use for a business use, entertainment use, recreation use & shopping centre 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

- Decision Notice
 - Attachment A – Assessment Manager’s Conditions
 - Referral Agency Responses
 - Statement of Reasons
 - Approved Plans
-

1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use - Business Use, Entertainment Use, Recreation Use & Shopping Centre	Development Permit	Approved in full subject to the conditions set out in Attachment A	6 years

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 (including the amendments that are required to be made to those plans and documents); 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
Precinct A – 143 Brisbane Street Building				
N/A	Proposed Lower Ground Level	Buchan Group	N/A	N/A
Precinct B – Ipswich Retail Venue Building				
718093 A-R-VB-1000	Proposed Lower Ground Level Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-VB-1001	Proposed Ground Level Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-VB-1002	Proposed Projection Room Level Revision C	Buchan Group	27 March 2020	N/A

718093 A-R-VB-1003	Proposed Plant Room Level Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-VB-3000	Elevations Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-MB-1000	Floor Plan – Bell Street Lower Ground Level Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-MB-1001	Floor Plan – Bell Street Ground Level Revision E	Buchan Group	27 March 2020	N/A
718093 A-R-MB-1002	Floor Plan – Bell Street Level 1 Revision D	Buchan Group	27 March 2020	N/A
718093 A-R-MB-3000	Elevations – Sheet 1 Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-MB-3001	Elevations – Sheet 2 Revision C	Buchan Group	27 March 2020	N/A
718093 A-R-MB-4100	Union Place Dining Precinct – Part Floor / Ceiling & Roof Plan – Sheet 1 Revision E	Buchan Group	27 March 2020	N/A
718093 A-R-MB-4101	Union Place Dining Precinct – Part Floor / Ceiling & Roof Plan – Sheet 2 Revision F	Buchan Group	27 March 2020	N/A
HRP17031- 8.L07.001	Information Response Attachment A Proposed Land Use and Hours	Cardno	29 April 2020	N/A
SPECIFICATIONS/DRAWINGS				
Reference No.	Description & Revision No.	Prepared By	Date	Amendments Required
Aspect of development: material change of use				
HRP17031- 8.L07.001	Information Response Attachment A	Cardno	29 April 2020	N/A

	Proposed Land Use and Hours			
PS113247	Ipswich Mall Go-Kart Tenancy – Noise Impact Assessment Revision 1	WSP	11 March 2020	N/A

4. Referral Agencies

The referral agencies for this application are:

Referral Agency	Referral Role	Aspect of Development Requiring Referral	Address
Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence	<ul style="list-style-type: none"> - State Transport Corridors and Future State Transport Corridors - Queensland Heritage Place (on or near a Queensland Heritage Place) 	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 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*.

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

(b) 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: 10301/2019/MCU

Location: 143, 143A, 163 Brisbane Street, 23, 24 Ipswich City Mall and 2 Bell Street, IPSWICH QLD 4305

Proposal: Material Change of Use – Business Use, Entertainment Use, Recreation Use & Shopping Centre

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 - Approved Plans Specifications and Drawings of this development permit.	From the commencement of the construction of the development and at all times thereafter.
4.	Requirements Before the Development May Start	
(a)	Union Place and Nicholas Street must be accessible and open to the public from Brisbane Street to Bell Street as indicated on the approved plans outlined in Part 3 - Approved Plans Specifications and Drawings of this development permit.	Prior to the commencement of any use.
(b)	The civic area with Precinct F – Library/Civic must be completed and open to the public.	Prior to the commencement of any use.
5.	Hours of Construction	
	Unless otherwise approved in writing by the	At all times during construction of

	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>	the development.
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6.	Hours of Operation	
	The applicant must not conduct work or business from the premises outside the hours of 6:00am to midnight Monday to Sunday.	From the commencement of the use and at all times thereafter.

7.	Particular Use	
	The applicant must not use any of the structures associated with the identified uses for each tenancy outlined in part 3 of this development permit, 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 the identified uses for each tenancy 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.

8.	Limits to Approval	
(a)	This approval limits the use of the tenancies within Precinct A – 143 and 143A Brisbane Street, Precinct B – Venue, Precinct J – Metro B and Precinct K – Metro and any associated outdoor areas to the uses identified and listed in the approved plans outlined in Part 3 - Approved Plans Specifications and Drawings of this development permit.	From the commencement of any use and at all times thereafter.
(b)	All activities associated with any indoor recreation use must be carried out within the confines of the building and not within any car parking areas or any associated outdoor areas on the site.	From the commencement of the relevant use and at all times thereafter.
(c)	With the exception of tenancy MMU-01, which is permitted to operate as a Cinema, all other tenancies approved to operate as an entertainment use are limited to any of the following: <ul style="list-style-type: none"> (i) amusement parlour; (ii) cabaret; (iii) club; (iv) concert hall; (v) dance hall; (vi) licensed club; 	From the commencement of the relevant use and at all times thereafter.

	(vii) night club; or (viii) theatre.	
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9.	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: (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: (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.

10.	Bottle Alley	
	The applicant must undertake the works within Bottle Alley as outlined in Part 3 of this development permit. The works must be completed and open to the public.	Prior to the commencement of the first use within Precinct B - Venue.

11.	Activation of Buildings	
(a)	Unless otherwise approved in writing by the assessment manager, all windows and building entries fronting Brisbane Street, Bell Street, Ipswich City Mall (Nicholas Street), Ellenborough Street or Union Place Mall 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.

12.	Visual Treatment of Plant and Equipment	
(a)	The applicant must ensure all plant and equipment	Prior to the commencement of

	<p>(inclusive of tanks, air conditioning units, compressors, generators, ducting, ventilation and the like):</p> <p>(i) is not located between any building and the dedicated road/railway reserve/adjoining premises including the civic area precinct; or</p> <p>(ii) is appropriately screened (and ventilated) from view from the dedicated road, railway reserve and the adjoining premises including the civic area precinct.</p>	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.

13.	Building Finishes	
	The applicant must obtain written approval from the assessment manager for a schedule of colour(s) and external finishes for the building.	Prior to the commencement of the use and at all times thereafter.

14.	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.

15.	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	Prior to the commencement of the use and at all times thereafter.

	people with a disability, to all parts of the development which are normally open to the public.	
16.	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.
17.	Outdoor Dining Areas	
	The applicant must ensure a minimum two (2) metre wide passageway is at all times left clear and unobstructed between the building and any outdoor dining areas to enable pedestrian mobility.	From the commencement of the relevant use and at all times thereafter.
18.	Air Quality Emissions – ‘Precinct B’ Go Kart Tenancy’	
(a)	<p>The applicant must submit to the assessment manager certification from a suitably qualified and experienced professional demonstrating that the building ventilation system has been designed and constructed to ensure:</p> <ul style="list-style-type: none"> (i) compliance with relevant short and long-term Safe Work Australia – Workplace Exposure Standard for Airborne Contaminants (including air emissions associated with combustion of hydrocarbon fuels during use of the go-karts and emission of vapours during refuelling activities); and (ii) air exhausted to the outdoor environment does not expose pedestrians or nearby uses to air emissions exceeding the Work Australia – Workplace Exposure Standard for Airborne Contaminants or the Environmental Protection (Air) Policy 2019 ambient air quality objectives. <p>The certification must take into consideration the requirements of Condition 22 Acoustics (requiring the loading dock to be closed at all times) and Condition 12 Visual Treatment of Plant and Equipment have been included in the ventilation design.</p>	Prior to the commencement of the relevant use.
(c)	The applicant must undertake annual air quality monitoring, carried out by a suitably qualified professional, to demonstrate compliance with the air quality standards referenced at (a) above, and provide evidence of monitoring upon request by the assessment manager.	From the commencement of the relevant use.
19.	Acoustic Management – ‘Precinct B’ Go Kart Tenancy’	

(a)	<p>The applicant must submit to the assessment manager certification from a suitably qualified and experienced professional demonstrating that the Go-Kart engine noise controls, building fit-out and mechanical plant associated with the use has been designed and constructed to ensure:</p> <ul style="list-style-type: none"> (i) noise generation within the tenancy complies with Workplace Health and Safety QLD daily and peak noise exposure standards; (ii) noise generated by operation of the facility complies with the Environmental Protection (Noise) Policy 2019 acoustic quality objectives at sensitive receiver locations, including along Ellenborough Street, Nicholas Street (Ipswich City Mall) and Brisbane Street; (iii) noise generated by operation of the facility complies with AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors within all tenancies located within ‘Precinct B’; and (iv) The acoustic control measures recommended in Section 5.3 of the approved Noise Impact Assessment listed in Part 3 of this Development Permit have been incorporated into the development design. 	Prior to the commencement of the relevant use.
(b)	The applicant must operate the use in accordance with the recommendations listed in Section 5.3 of the approved Noise Impact Assessment listed in Part 3 - Approved Plans Specifications and Drawings of this development permit.	From the commencement of the relevant use and at all times thereafter.
(c)	The applicant must undertake annual noise monitoring, carried out by a suitably qualified professional, to demonstrate compliance with the standards referenced at (a) above, and provide evidence of monitoring upon request by the assessment manager.	From the commencement of the relevant use.

21.	Hazardous Substances	
	<p>The applicant must ensure hazardous substances within containers of the volumes listed below are appropriately stored as follows:</p> <ul style="list-style-type: none"> (i) Individual containers less than 15 litres are stored within an approved, bunded compound when not in use. 	From the and at all commencement of the use times thereafter.

	(ii) Individual containers of greater than 15 litres are located within an impervious bunded area that is covered from ingress of stormwater and built to retain 100% of the capacity of the largest container plus 25% of the cumulative volume of stored hazardous substances.	
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22.	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.

23.	Sediment & Erosion Management - Construction & Operational Phases	
	The applicant must provide for all unpaved and disturbed areas sufficient grass or equivalent cover to prevent both rill and sheet erosion.	Prior to commencement of the use and during the period that the approved use is being carried out on the development site.

24.	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.

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 Service Leave) Act 1991</i> , you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.

4.	Local Government Regulation 2012
	This property may be subject to the provision of Section 116 of the <i>Local Government Regulation 2012</i> . This section of the regulation limits any increase in rates to a predetermined percentage. In accordance with Council's budget and rating resolutions, if the property is sold or reconfigured in any way (eg subdivision, dedication or partial dedication, amalgamation) this benefit will no longer apply. For further information please contact the Ipswich City Council Customer Contact Centre on (07) 3810 6666.

5.	Section 73 of the Planning Act 2016
	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.	Trolley Containment System
	Pursuant to Council's Local Law No. 8 (Nuisances and Community Health and Safety), where applicable, the applicant must implement a trolley containment system to ensure that all shopping trolleys remain within the retail premises.

7.	Telecommunication Conduit Infrastructure
	The installation of telecommunication conduit and infrastructure is to be in accordance with the Communications Alliance publication titled Fibre Ready Pit and Pipe Specifications for Real Estate Development Projects (Reference G645:2011) or the Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers where it is triggered by the Australian Government policy on 'Fibre in new developments'.

8.	Hazardous Substances
	Where dangerous goods are stored on site, compliance with the Queensland <i>Work Health and Safety (WHS) Act 2011</i> is required. Enquiries regarding the storage of dangerous goods can be made by contacting Workplace Health and Safety Queensland on 1300 369 915.

9.	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.

10.	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.

11.	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.

12.	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.



STATEMENT OF REASONS

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

APPLICANT DETAILS

Applicant name: Ipswich City Council C/- Cardno

APPLICATION DETAILS

Application number: 10301/2019/MCU

Application type: Material Change of Use

Approval sought: Development Permit

Description of proposed development: Business Use, Entertainment Use, Recreation Use & Shopping Centre

Level of Assessment: Code

SITE DETAILS

Street address: 143, 143A & 163 Brisbane Street, 23 & 24 Ipswich City Mall, 2 Bell Street, IPSWICH QLD 4305

Real property description: Lot 1 & 2 RP 50109, Lot 2 SP 246525, Lot 1 RP 209886, Lot 1 SP300605, L1 RP157021

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) Commercial and Industrial Code (Part 12, division 7) Parking Code (Part 12, division 9) Recreation and Entertainment Code (Part 12, division 11)

3. Compliance with Benchmarks

The following are the reasons why the application was approved despite the development not complying with the following assessment benchmarks:

Categorising Instrument, Assessment benchmark	Reasons for approval despite non-compliance
Ipswich Planning Scheme – Commercial and Industrial Code – 12.7.4(3)	Each of the identified precincts are wholly located within an individual title. All proposed uses involves the re-use of existing buildings, which are under various titles across the wider precinct. Some of the current titling arrangements are in place due to the existing railway infrastructure underneath the mall with one (1) title under the ownership of Queensland Rail. Accordingly, it is not considered reasonable to require the amalgamation of these lots given the historic arrangements.

4. Relevant matters for development subject to impact assessment

Not applicable.

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

Not applicable.