

VML:MB  
Vicki Lukritz  
3810 6221

6 September 2018

Sir/Madam

Notice is hereby given that a Meeting of the **PLANNING DEVELOPMENT AND HERITAGE COMMITTEE** is to be held in the **Council Chambers** on the 2nd Floor of the Council Administration Building, 45 Roderick Street, Ipswich commencing at **2.30 pm or 10 minutes after the conclusion of the Health, Security and Community Safety Committee, whichever is the earlier** on **Tuesday, 11 September 2018.**

Yours faithfully

**CHIEF EXECUTIVE OFFICER**

**PLANNING DEVELOPMENT AND HERITAGE COMMITTEE AGENDA**  
*2.30 pm or 10 minutes after the conclusion of the Health, Security and  
 Community Safety Committee, whichever is the earlier on **Tuesday,***  
**11 September 2018**  
**Council Chambers**

Item No.	Item Title	Officer
1	Change Representations – Material Change of Use (Caretaker Residential) – 62 Austin Street, New Chum	DPM
2	Area Development Plan – Reconfigure of One (1) Lot into Two (2) Management Lots – 7004 Barry Alexander Drive, Springfield Central	DPM
3	Combined Amenity and Aesthetics and Siting Referral Agency Application – 50 Fernvale Road, Brassall	BPM
4	Comment on Liquor Licence Application – Shop 328, 1 Collingwood Drive, Redbank	EEM
5	Exercise of Delegations Report	APC
6	Court Action Status Report	DPM

\*\* Item includes confidential papers

**PLANNING, DEVELOPMENT AND HERITAGE COMMITTEE NO. 2018(09)**

**11 SEPTEMBER 2018**

**AGENDA**

**1. CHANGE REPRESENTATIONS – MATERIAL CHANGE OF USE (CARETAKER RESIDENTIAL)**

With reference to a report by the Development Planning Manager concerning a material change of use of premises for 62 Austin Street, New Chum.

**RECOMMENDATION**

That the interim administrator of Ipswich City Council resolve:

- A. That the applicant be advised that development approval no. 3307/2018/MCU is changed as specified in Attachment A and be given a negotiated decision notice as specified in Attachment A.
- B. That the applicant be given a replacement infrastructure charges notice for the development.

## ATTACHMENT A – NEGOTIATED DECISION NOTICE

### 1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use - Caretaker Residential	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				
BES170404.01	Overall Site Layout Revision A	CDM Smith	Notated in red by Council on 13 June 2018	This approval relates only to the caretakers residence as identified on the plan, and does not imply approval of any other component shown.
BES170404.01	Caretakers Residence	CDM Smith	1 May 2018	N/A

### 4. Referral Agencies

Not applicable to this decision.

**5. Variation Approval**

Not applicable to this decision.

**6. Further Development Permits**

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

- (a) Council will give an infrastructure charges notice for this development pursuant to section 119 of the *Planning Act 2016*.
- (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: 3307/2018/MCU**  
**Location: 62 Austin Street, NEW CHUM QLD 4303**  
**Proposal: Material Change of Use - Caretaker Residential**

<b><u>Assessment Manager (Ipswich City Council) Conditions</u></b> <b><i>Conditions applicable to this approval under the Planning Act 2016</i></b>		
<b>No.</b>	<b>Condition</b>	<b>The time by which the condition must be met, implemented or complied with</b>

<b>1.</b>	<b>Basis of Approval</b>	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in Schedule 24 – Dictionary of the Planning Regulation 2017) 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 Planning Act 2016.</p>	From the commencement of the construction of the development and at all times thereafter.
<b>2.</b>	<b>Minor Alterations</b>	
	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.
<b>3.</b>	<b>Development Plans</b>	
	The applicant must undertake the development generally in accordance with the approved plans outlined in part 3 of this development permit.	From the commencement of the construction of the development and at all times thereafter.
<b>4.</b>	<b>Hours of Construction</b>	
	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.



<b>5.</b>	<b>Written Acknowledgement and Advice to Future Occupants</b>	
(a)	The applicant must submit to Council a written acknowledgment of the potential residential amenity impacts for the caretaker residential use as a result of the use being located on land approved for industrial purposes.	Prior to the commencement of the use.
(b)	The applicant must advise all future occupants of the caretaker residential use of potential amenity impacts as a result of the use being located on land approved for industrial purposes.	At all times after the approval is granted.

<b>6.</b>	<b>Limits to Approval</b>	
(a)	Unless otherwise approved in writing by the assessment manager, the caretaker residential use must only be occupied by one (1) person at any given time.	From the commencement of the use and at all times thereafter.
(b)	Unless otherwise approved in writing by the assessment manager, the occupant of the caretaker residential use must be an employee of Chip Tyre Pty Ltd.	From the commencement of the use and at all times thereafter
<del>(c)</del>	<del>The caretaker residential use must cease and be removed from the site.</del>	<del>Upon the commencement of the Special Industry Pyrolysis Plant approved as part of application 5627/2016.</del>

<b>7.</b>	<b>Further Works</b>	
(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.
(c)	The applicant must reinstate all disturbed verge areas with turf.	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.

<b>1.</b>	<b>Liability</b>
	The land to which this approval relates <i>is currently located within an industrial use zone and the sensitive use may therefore experience amenity and safety impacts associated with the existing and future uses.</i> Council, and its servants and agents, accept no liability or responsibility for any loss or damage to person or property of whatever nature or however caused as the direct or indirect consequence of the granting of the approval herein contained. Such approval has been granted at the request of the applicant and in reliance of information submitted by the applicant in support thereof.
<b>2.</b>	<b>Fire Ants</b>
(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 <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a> .
(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.
<b>3.</b>	<b>Local Government Regulation 2012</b>
	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.
<b>4.</b>	<b>Section 73 of the Planning Act 2016</b>
	Pursuant to section 73 of the Planning Act 2016, 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.

### INFRASTRUCTURE CHARGES NOTICE

This Infrastructure Charges Notice is issued by Council and relates to charges for the purposes of local government trunk infrastructure networks (transport, public parks and community facilities).

<b>Application No:</b>	3307/2018/MCU
<b>Real Property Description:</b>	Lot 251 S 3185 TO DEPTH 15.24M
<b>Property Location:</b>	62 Austin Street, NEW CHUM QLD 4303
<b>Development Approval Details:</b>	In accordance with Development Approval 3307/2018/MCU
<b>Relevant Infrastructure Charges Resolution:</b>	Ipswich City Council Adopted Infrastructure Charges Resolution (No. 1) 2018
<b>Levied Charge:</b>	\$4,759.00
<b>Does the maximum adopted charge apply:</b>	No
<b>Does an Offset or Refund apply:</b>	No

#### Levied Charge Calculation:

Charge Category and Use	Applied Adopted Charge (see Table 1)	Demand	Levied Charge Relief	Levied Charge
Caretaker's Accommodation	\$4,759.00 Transport (Charge area: 22)	<u>Development Demand</u>  1 x 1 bedroom caretaker's acc. 1 x \$4,759.00 = \$4,759.00  <u>Demand Credit</u>  Nil  <u>Additional Demand</u>  \$4,759.00	0% factor of charges relief	\$4,759.00 Transport  \$4,759.00 Total Charge

<b>Applied Adopted Charge</b>	See Attachment 1 for an example calculation of the Applied Adopted Charge.
<b><u>Details of Payment</u></b>	
<b>Payment Details:</b>	<p>Payment of the infrastructure charges must be made to Ipswich City Council.</p> <p>It is advised that credit cards, personal and/or company cheques cannot be accepted as payment for the above infrastructure charges. The only acceptable forms of payments are cash (EFT payments included) or bank cheques. The payee must quote the development application reference number when making payment.</p>
<b>Due date for payment</b>	Payment of the levied charges is required when the change happens unless otherwise stated in an infrastructure agreement.
<b>Automatic increases of levied charge:</b>	<p>The levied charges outlined in this notice will be automatically increased, from the date of the charges notice to the date of the payment, by the lesser of the following amounts—</p> <ul style="list-style-type: none"> <li>(i) the difference between the levied charge and the maximum adopted charge Council could have levied for the development when the charge is paid;</li> <li>(ii) the increase worked out using the PPI, adjusted according to the 3-yearly PPI average, for the period starting on the day the levied charge is levied and ending on the day it is paid.</li> </ul> <p>‘3-yearly PPI average’ and ‘PPI’ have the meanings given in the <i>Planning Act 2016</i>.</p>
<b><u>General Information</u></b>	
<b>GST:</b>	GST does not apply to payments or contributions made by developers to Government which relate/s to an application for the provision, retention, or amendment of a permission, exemption, authority or licence (however described) under the Planning Act 2016..
<b>Authority for the charge:</b>	The levied charges in this notice are payable in accordance with the <i>Planning Act 2016</i> .
<b>How the charge is calculated:</b>	<p>The levied charge for the development is to be worked out by Council as follows:</p> $LC = ((AC \times AD) - LCR) - D$ <p>Where:</p> <p>LC is the levied charge for the development, which cannot be less than zero.</p> <p>AC is the applied adopted charge for the development.</p> <p>AD is the additional demand for the development.</p> <p>LCR is the levied charge relief for the development.</p> <p>D is the discount for the prescribed financial contribution.</p>

**Offsets and refunds** No offset or refund applies to this infrastructure charge notice unless otherwise specified in an infrastructure agreement.

**Appeals:** Pursuant to chapter 6, part 1 and schedule 1 of the *Planning Act 2016* a person may appeal against an infrastructure charges notice.

**When this notice stops having effect:** In accordance with section 119(11) of the *Planning Act 2016*, this notice stops having effect to the extent the development approval stops having effect.  
**Water and Wastewater Charges** This notice does not include water and wastewater charges. A charge notice for the distributor retailer networks charges will be provided separately by Queensland Urban Utilities.

## ATTACHMENT 1 – INFRASTRUCTURE CHARGES CALCULATION METHODOLOGY

**Table 1: Applied Adopted Charge (MCU)**

	New Chum	
Network	Charge Area	Charge
Transport	22	\$4,759.00
Public Parks	N/A	\$0.00
Community Facilities	N/A	\$0.00
Local Government Trunk Infrastructure Network Charge (LNC)		\$4,759.00
Water Supply	N/A	\$0.00
Sewerage	51	\$1,943.00
Distributor Retailer Trunk Infrastructure Network Charge (DNC)		\$1,943.00
Total Trunk Infrastructure Network Charge (Total NC)		\$6,702.00
Maximum Adopted Charge		\$20,239.95
Adopted Charge (AC)		<u><b>\$4,759.00<sup>#</sup></b></u>
Notes	The Total NC is less than the Maximum Adopted Charge and therefore the charge is applied in accordance with the Ipswich Adopted Infrastructure Charges Resolution (No. 1) 2017	

<sup>#</sup> The AC is LNC/Total NC x MAC

**Decision Date:** 15 June 2018

Council gives this infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

### **Appeal Rights**

You have appeal rights in relation to this notice. An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds:

(a) the notice involved an error relating to:

(i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge:

- the incorrect application of gross floor area for a non-residential development

- applying an incorrect 'use category', under a regulation, to the development

(ii) the working out of extra demand, for section 120 of the *Planning Act 2016*; or

(iii) an offset or refund; or

(b) there was no decision about an offset or refund; or

(c) if the infrastructure charges notice states a refund will be given - the timing for giving the refund; or

(d) for an appeal to the Planning and Environment Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

To remove any doubt, the *Planning Act 2016* declares that an appeal against an infrastructure charges notice must not be about:

(a) the adopted charge itself; or

(b) for a decision about an offset or refund:

(i) the establishment cost of trunk infrastructure identified in a local government infrastructure plan; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

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

An appeal may be made to the Planning and Environment Court or 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.

**Attached** is an extract from the *Planning Act 2016* about appeal rights.

### INFRASTRUCTURE CHARGES NOTICE

This Infrastructure Charges Notice is issued by Council and relates to charges for the purposes of local government trunk infrastructure networks (transport, public parks and community facilities).

**Application No:** 3307/2018/MCU

**Real Property Description:** Lot 251 S 3185 TO DEPTH 15.24M

**Property Location:** 62 Austin Street, NEW CHUM QLD 4303

**Development Approval Details:** In accordance with Development Approval 3307/2018/MCU

**Relevant Infrastructure Charges Resolution:** Ipswich City Council Adopted Infrastructure Charges Resolution (No. 1) 2018

**Levied Charge:** \$4,759.00

**Does the maximum adopted charge apply:** No

**Does an Offset or Refund apply:** No

#### Levied Charge Calculation:

Charge Category and Use	Applied Adopted Charge (see Table 1)	Demand	Levied Charge Relief	Levied Charge
Caretaker's Accommodation	\$4,759.00 Transport (Charge area: 22)	<u>Development Demand</u>  1 x 1 bedroom caretaker's acc. 1 x \$4,759.00 = \$4,759.00  <u>Demand Credit</u>  Nil  <u>Additional Demand</u>  \$4,759.00	0% factor of charges relief	\$4,759.00 Transport  \$4,759.00 Total Charge

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2. AREA DEVELOPMENT PLAN – RECONFIGURE OF ONE (1) LOT INTO TWO (2) MANAGEMENT LOTS

With reference to a report by the Development Planning Manager concerning an area development plan for premises at 7004 Barry Alexander Drive, Springfield Central.

RECOMMENDATION

That the interim administrator of Ipswich City Council resolve:

- A. That the applicant be advised that development application no. 5710/2018/ADP is approved in full subject to the conditions specified in Attachment A.
- B. That the applicant be given approved plans for the development as specified in part 3 of the decision notice and included in Attachment B.
- C. 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

- D. That the Springfield EP Register of the Springfield Infrastructure Agreement be updated to include the following transactions:

Proposed Lot 509: 0.725EP (existing Lot 508) plus 11.4.475EP = 115.2EP  
Proposed Lot 510: 240EP

All EP's are to be transferred from the balance EPs that are yet to be allocated post execution of the Springfield Town Centre Infrastructure Agreement.

**1. Decision Details:**

Development	Approval Type	Decision	Currency Period
Area Development Plan "For Reconfiguring Purposes Only" to reconfigure one (1) management lot into two (2) management lots	Development Permit	Approved in full subject to the conditions set out in Attachment A	2 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: all				
WC005605-PA2-2-2	Plan of Subdivision, Rev. 2	Landpartners Limited	2 July 2018	N/A

**4. Referral Agencies**

Not applicable to this decision.

**5. 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 Area Development Plans, Material Change of Use, Reconfiguring a Lot, Operational Works, Building Works and Plumbing Works before any future works are commenced.

**6. Environmental Authority**

Not applicable to this decision.

**7. Properly Made Submissions**

Not applicable to this decision.

**8. Currency period for the approval (section 85 of 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*.

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

Not applicable to this decision.

**10. Infrastructure**

Not applicable to this decision.

**11. 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.

**12. Resolution of Disputes or Differences**

Any person, including any applicant to the Council for approval, any person relying on or affected by such decision may give notice of a dispute or difference.

A notice outlining the dispute or difference must be given to the Chief Executive Officer of the Council by hand delivery or certified mail, no later than 14 calendar days after the dispute or difference arises or within 14 calendar days of the facts or circumstances giving rise to the dispute or difference becoming known to that person or within 14 calendar days after such facts or circumstances ought to have become known to that person, whichever is the earliest.

The notice of dispute must identify the subject matter of the dispute or difference and the provision(s) of the Springfield Structure Plan in respect of which the dispute or difference arises and such notice shall contain or be accompanied by adequate particulars of the dispute or difference and all relevant written material relating thereto.

Section 11 of the Springfield Structure Plan sets out further information about the resolution of disputes or differences. An extract from the Springfield Structure Plan about the resolution of disputes or differences is attached to this decision notice.

**Attachment A**  
**Assessment Manager's Conditions**  
**File No: 5710/2018/ADP**  
**Location: 7004 Barry Alexander Drive, SPRINGFIELD CENTRAL QLD 4300**  
**Proposal: Area Development Plan to reconfigure one (1) lot into two (2) management lots**

<b><u>Assessment Manager (Ipswich City Council) Conditions</u></b> <b><i>Conditions applicable to this approval under the Planning Act 2016</i></b>		
<b>No.</b>	<b>Condition</b>	<b>The time by which the condition must be met, implemented or complied with</b>

<b>1.</b>	<b>Basis of Approval</b>	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in <i>Schedule 24 – Dictionary of the 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.
<b>2.</b>	<b>Minor Alterations</b>	
	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.
<b>3.</b>	<b>Rates in Arrears</b>	
	The applicant must pay any outstanding rates and other expenses as a charge against the land in accordance with the provisions of the <i>Planning Act 2016</i> .	Prior to the assessment manager signing the subdivision plan.
<b>4.</b>	<b>Limits to Approval</b>	
(a)	In accordance with Clause 2.2.4.1 of the Springfield Structure Plan, proposed Lots 509 and 510 (ie. the management lots) are approved for "reconfiguration purposes only" and must not be used or developed (for any purpose) until approval of a subsequent Area Development Plan which provides for the use and/or development of such land.	At all times after the approval is granted.

(b)	In accordance with Section 16 of the Springfield Infrastructure Agreement, management lots must not be transferred without the prior written consent of Council.	At all times after the approval is granted.
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<b>5.</b>	<b>Subdivision Plan</b>	
	The applicant must submit to the assessment manager a subdivision plan generally in accordance with the approved plans outlined in part 3 of the development permit.	Prior to the assessment manager signing the relevant subdivision plan.

<b>6.</b>	<b>Hours of Construction</b>	
	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.

<b>7.</b>	<b>Locality References</b>	
(a)	<p>The applicant must ensure any place name, estate name or development name used in respect of this development in any form of advertising or communication (excluding a reference to a building, structure or the like and excluding minor, subsidiary signage within a development to Council's satisfaction) must specify the relevant, approved place name under the <i>Place Names Act 1994</i> and must comply with the following:</p> <ul style="list-style-type: none"> <li>(i) Be in the same colour, background colour, typeface, font, font characteristics and character spacing as the place/estate/development name;</li> <li>(ii) Be in lettering at least 50% of the size of the place/estate/development name;</li> <li>(iii) Be in the same orientation as the place/estate/development name; and</li> <li>(iv) Be in either title case or all in upper case.</li> </ul>	At all times after the approval is granted.
(b)	The applicant must not at any time refer to the location of the site or the development, including the place or estate, as being located in Brisbane or a Brisbane suburb or in the metropolitan area or in the western suburbs.	At all times after the approval is granted.

<b>8.</b>	<b>Erosion Control</b>	
	The applicant must provide sufficient grass (or equivalent) cover to prevent both rill and sheet erosion for all unpaved and disturbed areas.	Prior to the assessment manager signing the relevant subdivision plan.

<b>9.</b>	<b>Further Works</b>	
(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 the assessment manager signing the subdivision plan.
(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 the assessment manager signing the subdivision plan.
(c)	The applicant must reinstate all disturbed verge and open space areas with turf (including provision of topsoil to minimum depth of 50mm).	During the construction of the development and prior to the assessment manager signing the subdivision plan.

**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.

<b>1.</b>	<b>Indigenous Cultural Heritage</b>
	<p>The Applicant is advised to ensure that any development obligations pursuant to the provisions of the <i>Aboriginal Cultural Heritage Act 2003</i>, the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i> are complied with in respect to the proposed development. Applicants, developers and landowners have a duty of care under the legislation where items of cultural heritage significance are located, even if those items have not been previously recorded in a database.</p> <p>For more information, the applicant may seek information from the Registered Aboriginal Cultural Heritage Body for the Ipswich Region, the cultural heritage database, or seek the advice of the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs.</p>
<b>2.</b>	<b>Springfield Structure Plan</b>
	<p>Pursuant to Clause 10.2.5 of the Springfield Structure Plan a person must not remove, destroy or interfere with any identified cultural heritage resource of either aboriginal or European origin or item of the Queensland Estate.</p>
<b>3.</b>	<b>Springfield Infrastructure Agreement</b>
	<p>Pursuant to Clause 222 of the Springfield Infrastructure Agreement, management lots must not be transferred without the prior written consent of the Council. Any request to transfer the ownership of a management lot may be subject to conditions pursuant to Clause 223 of the Agreement.</p>
<b>4.</b>	<b>Fire Ants</b>
(a)	<p>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.</p>
(b)	<p>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 <i>Biosecurity Act 2014</i>. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>.</p>
(c)	<p>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 measures prior to the commencement of any works.</p>



<b>5.</b>	<b>Local Government Regulation 2012</b>
	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.

<b>6.</b>	<b>Section 73 of the Planning Act 2016</b>
	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.

<b>7.</b>	<b>Easement Documentation</b>
	The documentation associated with easements may be prepared by the applicant in a form satisfactory to Council's city solicitor, or the applicant may submit easement plans, only where Council is party to the easements, to Council for the preparation of easement documents at the applicant's expense.

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3. COMBINED AMENITY AND AESTHETICS AND SITING REFERRAL AGENCY APPLICATION

With reference to a report by the Building and Plumbing Manager concerning a combined amenity and aesthetics and siting referral agency application for premises at 50 Fernvale Road, Brassall.

RECOMMENDATION

That the interim administrator of Ipswich City Council resolve:

- A. That the applicant be advised that referral agency application no. 1938/2018/BR is approved subject to the following conditions.

**1. Building Use:**

The carport and shed must only be used for general storage ancillary to the residential use of the lot and not for habitable, community, business, commercial, industrial or other non-residential purpose.

**2. Site Development:**

The site development shall be undertaken generally in accordance with the following drawings:

<b>Site Plan</b>	<b>1938/18/BR</b>	<b>Dated</b>	<b>Approved Date</b>
<b>Carport Details</b>	<b>1938/18/BR</b>	<b>Dated</b>	<b>Approved Date</b>
<b>Shed Details</b>	<b>1938/18/BR</b>	<b>Dated</b>	<b>Approved Date</b>

Any alterations or additions marked on the approved plans and/or the specifications by Council shall be carried into effect.

**3. Enclosure of Carport**

Walling, lining, enclosure or installation of doors to the carport is not permitted.

**4. Vehicle Access:**

Vehicle access to the property is permitted via the existing access from Fernvale Road. Any new or additional driveway access points are not permitted without Council approval.

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**4. COMMENT ON LIQUOR LICENCE APPLICATION**

With reference to a report by the Engineering and Environment Manager concerning an application for commercial other subsidiary on premises – meals, for premises at Shop 328, 1 Collingwood Drive, Redbank.

**RECOMMENDATION**

That the interim administrator of Ipswich City Council resolve:

- A. That the proposed hours are inconsistent with the hours of operation permitted within the *Planning Scheme* Major Centres Zone where the restaurant is located. The approved hours of operation are Monday to Sunday, 6.00am – 10.00pm.
  - B. That a material change of use application would be required for the proposed extended hours and advice should be sought from Council's Development Planning Branch on 3810 6666 or via <http://www.ipswichplanning.com.au/development-planning/development-planning>.
- 

**5. EXERCISE OF DELEGATIONS REPORT**

With reference to a report by the Administration and Project Coordinator dated 3 September 2018 concerning applications determined by delegated authority.

**RECOMMENDATION**

That the report be received and the contents noted.

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**6. COURT ACTION STATUS REPORT**

With reference to a report by the Development Planning Manager dated 3 September 2018 concerning the status of outstanding court actions.

## RECOMMENDATION

That the report be received and the contents noted.

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\*\* Item includes confidential papers

and any other items as considered necessary.

<b>Planning, Development and Heritage Committee</b>	
Mtg Date: 11.09.2018	OAR: Yes
<b>Authorisation: John Adams</b>	

BD: MG  
A: 5054594

3 September 2018

## **MEMORANDUM**

TO: CITY PLANNER

FROM: DEVELOPMENT PLANNING MANAGER

RE: CHANGE REPRESENTATIONS – MATERIAL CHANGE OF USE  
(CARETAKER RESIDENTIAL)

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### **INTRODUCTION:**

<b>APPLICATION NO:</b>	3307/2018/MCU
<b>SITE ADDRESS:</b>	62 Austin Street, NEW CHUM QLD 4303
<b>APPLICATION TYPE:</b>	Material Change of Use
<b>PROPOSAL:</b>	Material Change of Use - Caretaker Residential
<b>ZONE:</b>	Regional Business and Industry Investigation Zone (RBIA02)
<b>OVERLAYS:</b>	OV2 Key Resource, OV3 Mining Constraints OV4 Difficult Topography, OV7A Outer Horizontal Surface RL176.5 OV7B Existing Committed Urban Township
<b>APPLICANT:</b>	Chip Tyre Pty Ltd
<b>OWNER:</b>	Austin BMI Pty Ltd
<b>EXISTING OR PROPOSED TRADING NAMES:</b>	Chip Tyre Pty Ltd
<b>DIVISION:</b>	3
<b>ADJOINING DIVISION:</b>	N/A
<b>AREA:</b>	222,580m <sup>2</sup>
<b>REFERRAL AGENCIES:</b>	N/A
<b>EXISTING USE:</b>	General Industry (Reprocessing and Storage of Tyres)
<b>PREVIOUS RELATED APPROVALS:</b>	C601/1997 – Town Planning Consent Permit

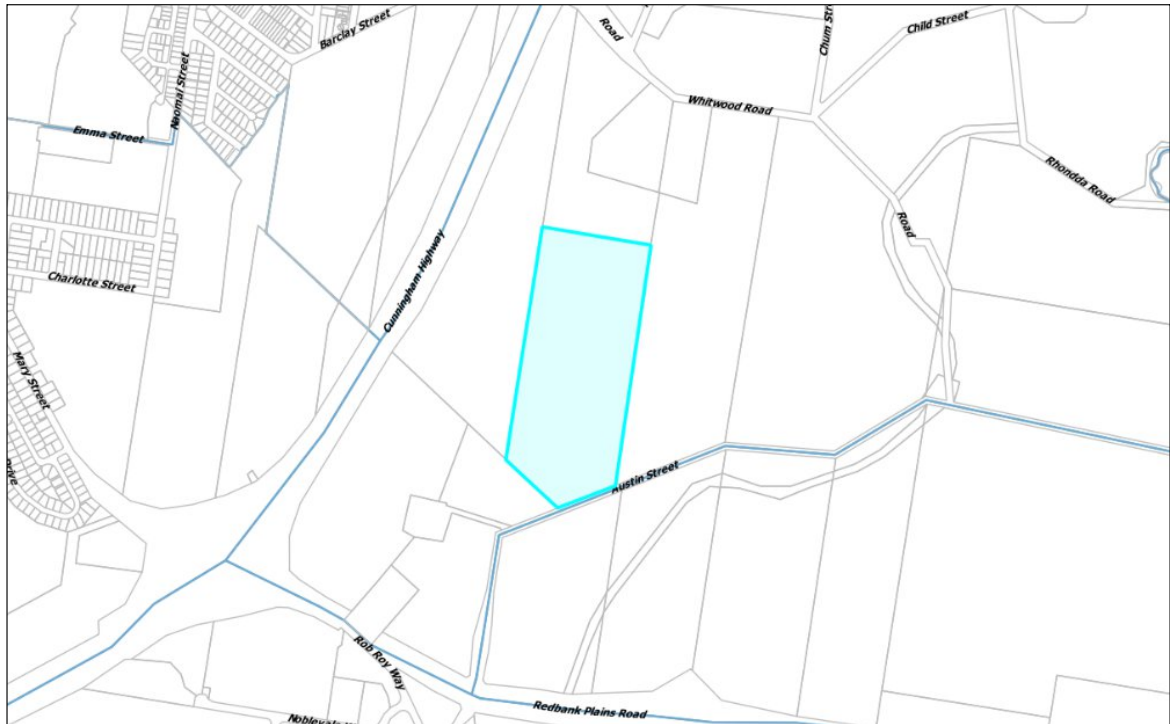
DATE RECEIVED:

26 July 2018

EXPECTED DETERMINATION DATE:

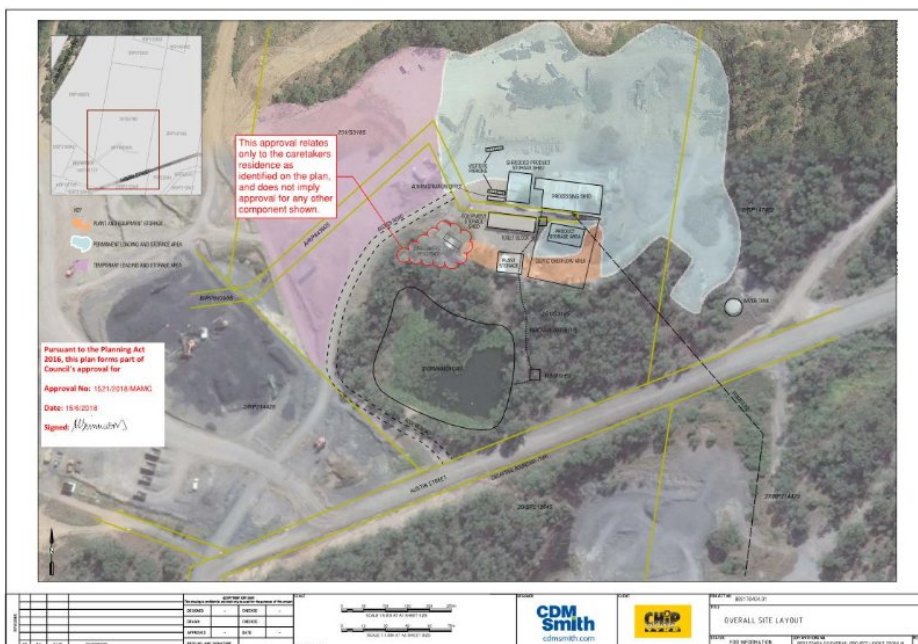
6 September 2018

SITE LOCATION:



Site Locality

APPROVED PLAN:



Approved Site Plan



*Approved Caretakers Residence*

**SUMMARY:**

On 18 June 2018, Council issued a Decision Notice in relation to Development Permit No. 3307/2018/MCU that approved a Caretaker's Residence at 62 Austin Street, New Chum.

On 26 July 2018, the applicant submitted change representations about the decision notice. The representations specifically relate to Condition 6(c), which required the removal of the caretaker's residence upon the commencement of the Special Industry – Pyrolysis Plant (approved under 5627/2016). It is noted that this condition was originally imposed due to health and safety concerns for the caretaker in relation to gas exposure, particularly methane and carbon monoxide.

In this case the applicant has requested that Condition 6(c) is removed on the basis that it is both unreasonable and unnecessary. In support of their representation and in response to Council's original concerns, the applicant has provided further information to demonstrate that the risk of exposure to gases, particularly methane and carbon monoxide, are within the Safe Work Australia short term exposure level standards even after the Pyrolysis Plant is built and is operational on the site.

As the applicant has demonstrated that the risk of exposure is within the Safe Work Australia short term exposure level standards, Council's original concerns have been alleviated. As a result, it is recommended that the condition requiring the removal of the caretaker residence upon commencement of the pyrolysis plant is deleted.

In summary, it is considered that the representations about the decision notice should be agreed to.

**Nature of Changes:**

Nature of Change	Decision
Condition 6(c) – Limits to Approval	To be deleted.

**RECOMMENDATION**

That the interim administrator of Ipswich City Council resolve:

- A. That the applicant be advised that development approval no. 3307/2018/MCU is changed as specified in Attachment A and be given a negotiated decision notice as specified in Attachment A.
- B. That the applicant be given a replacement infrastructure charges notice for the development.

## ATTACHMENT A – NEGOTIATED DECISION NOTICE

### 1. Decision Details:

Development	Approval Type	Decision	Currency Period
Material Change of Use - Caretaker Residential	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				
BES170404.01	Overall Site Layout Revision A	CDM Smith	Notated in red by Council on 13 June 2018	This approval relates only to the caretakers residence as identified on the plan, and does not imply approval of any other component shown.
BES170404.01	Caretakers Residence	CDM Smith	1 May 2018	N/A

### 4. Referral Agencies

Not applicable to this decision.



**5. Variation Approval**

Not applicable to this decision.

**6. Further Development Permits**

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

- (a) Council will give an infrastructure charges notice for this development pursuant to section 119 of the *Planning Act 2016*.
- (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: 3307/2018/MCU**  
**Location: 62 Austin Street, NEW CHUM QLD 4303**  
**Proposal: Material Change of Use - Caretaker Residential**

<b><u>Assessment Manager (Ipswich City Council) Conditions</u></b> <b>Conditions applicable to this approval under the Planning Act 2016</b>		
<b>No.</b>	<b>Condition</b>	<b>The time by which the condition must be met, implemented or complied with</b>
<b>1.</b>	<b>Basis of Approval</b>	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in Schedule 24 – Dictionary of the Planning Regulation 2017) 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 Planning Act 2016.</p>	From the commencement of the construction of the development and at all times thereafter.
<b>2.</b>	<b>Minor Alterations</b>	
	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.
<b>3.</b>	<b>Development Plans</b>	
	The applicant must undertake the development generally in accordance with the approved plans outlined in part 3 of this development permit.	From the commencement of the construction of the development and at all times thereafter.
<b>4.</b>	<b>Hours of Construction</b>	
	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.

<b>5.</b>	<b>Written Acknowledgement and Advice to Future Occupants</b>	
(a)	The applicant must submit to Council a written acknowledgment of the potential residential amenity impacts for the caretaker residential use as a result of the use being located on land approved for industrial purposes.	Prior to the commencement of the use.
(b)	The applicant must advise all future occupants of the caretaker residential use of potential amenity impacts as a result of the use being located on land approved for industrial purposes.	At all times after the approval is granted.

<b>6.</b>	<b>Limits to Approval</b>	
(a)	Unless otherwise approved in writing by the assessment manager, the caretaker residential use must only be occupied by one (1) person at any given time.	From the commencement of the use and at all times thereafter.
(b)	Unless otherwise approved in writing by the assessment manager, the occupant of the caretaker residential use must be an employee of Chip Tyre Pty Ltd.	From the commencement of the use and at all times thereafter
<del>(c)</del>	<del>The caretaker residential use must cease and be removed from the site.</del>	<del>Upon the commencement of the</del> <del>Special Industry – Pyrolysis Plant</del> <del>approved as part of application</del> <del>5627/2016.</del>

<b>7.</b>	<b>Further Works</b>	
(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.
(c)	The applicant must reinstate all disturbed verge areas with turf.	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.

<b>1.</b>	<b>Liability</b>
	The land to which this approval relates is currently located within an industrial use zone and the sensitive use may therefore experience amenity and safety impacts associated with the existing and future uses. Council, and its servants and agents, accept no liability or responsibility for any loss or damage to person or property of whatever nature or however caused as the direct or indirect consequence of the granting of the approval herein contained. Such approval has been granted at the request of the applicant and in reliance of information submitted by the applicant in support thereof.
<b>2.</b>	<b>Fire Ants</b>
(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 <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a> .
(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.
<b>3.</b>	<b>Local Government Regulation 2012</b>
	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.
<b>4.</b>	<b>Section 73 of the Planning Act 2016</b>
	Pursuant to section 73 of the Planning Act 2016, 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.

### INFRASTRUCTURE CHARGES NOTICE

**This Infrastructure Charges Notice is issued by Council and relates to charges for the purposes of local government trunk infrastructure networks (transport, public parks and community facilities).**

**Application No:** 3307/2018/MCU

**Real Property Description:** Lot 251 S 3185 TO DEPTH 15.24M

**Property Location:** 62 Austin Street, NEW CHUM QLD 4303

**Development Approval Details:** In accordance with Development Approval 3307/2018/MCU

**Relevant Infrastructure Charges Resolution:** Ipswich City Council Adopted Infrastructure Charges Resolution (No. 1) 2018

**Levied Charge:** \$4,759.00

**Does the maximum adopted charge apply:** No

**Does an Offset or Refund apply:** No

**Levied Charge Calculation:**

Charge Category and Use	Applied Adopted Charge (see Table 1)	Demand	Levied Charge Relief	Levied Charge
Caretaker's Accommodation	\$4,759.00 Transport (Charge area: 22)	<u>Development Demand</u>  1 x 1 bedroom caretaker's acc. 1 x \$4,759.00 = \$4,759.00  <u>Demand Credit</u>  Nil  <u>Additional Demand</u>  \$4,759.00	0% factor of charges relief	\$4,759.00 Transport  \$4,759.00 Total Charge

<b>Applied Adopted Charge</b>	See Attachment 1 for an example calculation of the Applied Adopted Charge.
<b><u>Details of Payment</u></b>	
<b>Payment Details:</b>	<p>Payment of the infrastructure charges must be made to Ipswich City Council.</p> <p>It is advised that credit cards, personal and/or company cheques cannot be accepted as payment for the above infrastructure charges. The only acceptable forms of payments are cash (EFT payments included) or bank cheques. The payee must quote the development application reference number when making payment.</p>
<b>Due date for payment</b>	Payment of the levied charges is required when the change happens unless otherwise stated in an infrastructure agreement.
<b>Automatic increases of levied charge:</b>	<p>The levied charges outlined in this notice will be automatically increased, from the date of the charges notice to the date of the payment, by the lesser of the following amounts—</p> <ul style="list-style-type: none"> <li>(i) the difference between the levied charge and the maximum adopted charge Council could have levied for the development when the charge is paid;</li> <li>(ii) the increase worked out using the PPI, adjusted according to the 3-yearly PPI average, for the period starting on the day the levied charge is levied and ending on the day it is paid.</li> </ul> <p>‘3-yearly PPI average’ and ‘PPI’ have the meanings given in the <i>Planning Act 2016</i>.</p>
<b><u>General Information</u></b>	
<b>GST:</b>	GST does not apply to payments or contributions made by developers to Government which relate/s to an application for the provision, retention, or amendment of a permission, exemption, authority or licence (however described) under the Planning Act 2016..
<b>Authority for the charge:</b>	The levied charges in this notice are payable in accordance with the <i>Planning Act 2016</i> .
<b>How the charge is calculated:</b>	<p>The levied charge for the development is to be worked out by Council as follows:</p> $LC = ((AC \times AD) - LCR) - D$ <p>Where:</p> <p>LC is the levied charge for the development, which cannot be less than zero.</p> <p>AC is the applied adopted charge for the development.</p> <p>AD is the additional demand for the development.</p> <p>LCR is the levied charge relief for the development.</p> <p>D is the discount for the prescribed financial contribution.</p>



<b>Offsets and refunds</b>	No offset or refund applies to this infrastructure charge notice unless otherwise specified in an infrastructure agreement.
<b>Appeals:</b>	Pursuant to chapter 6, part 1 and schedule 1 of the <i>Planning Act 2016</i> a person may appeal against an infrastructure charges notice.
<b>When this notice stops having effect:</b>	In accordance with section 119(11) of the <i>Planning Act 2016</i> , this notice stops having effect to the extent the development approval stops having effect.
<b>Water and Wastewater Charges</b>	This notice does not include water and wastewater charges. A charge notice for the distributor retailer networks charges will be provided separately by Queensland Urban Utilities.

## ATTACHMENT 1 – INFRASTRUCTURE CHARGES CALCULATION METHODOLOGY

**Table 1: Applied Adopted Charge (MCU)**

	New Chum	
Network	Charge Area	Charge
Transport	22	\$4,759.00
Public Parks	N/A	\$0.00
Community Facilities	N/A	\$0.00
Local Government Trunk Infrastructure Network Charge (LNC)		\$4,759.00
Water Supply	N/A	\$0.00
Sewerage	51	\$1,943.00
Distributor Retailer Trunk Infrastructure Network Charge (DNC)		\$1,943.00
Total Trunk Infrastructure Network Charge (Total NC)		\$6,702.00
Maximum Adopted Charge		\$20,239.95
Adopted Charge (AC)		<b><u>\$4,759.00<sup>#</sup></u></b>
Notes	The Total NC is less than the Maximum Adopted Charge and therefore the charge is applied in accordance with the Ipswich Adopted Infrastructure Charges Resolution (No. 1) 2017	

<sup>#</sup> The AC is LNC/Total NC x MAC

**Decision Date:** 15 June 2018

Council gives this infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

### **Appeal Rights**

You have appeal rights in relation to this notice. An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds:

(a) the notice involved an error relating to:

(i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge:

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development

(ii) the working out of extra demand, for section 120 of the *Planning Act 2016*; or

(iii) an offset or refund; or

(b) there was no decision about an offset or refund; or

(c) if the infrastructure charges notice states a refund will be given - the timing for giving the refund; or

(d) for an appeal to the Planning and Environment Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

To remove any doubt, the *Planning Act 2016* declares that an appeal against an infrastructure charges notice must not be about:

(a) the adopted charge itself; or

(b) for a decision about an offset or refund:

(i) the establishment cost of trunk infrastructure identified in a local government infrastructure plan; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

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

An appeal may be made to the Planning and Environment Court or 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.

**Attached** is an extract from the *Planning Act 2016* about appeal rights.

### INFRASTRUCTURE CHARGES NOTICE

**This Infrastructure Charges Notice is issued by Council and relates to charges for the purposes of local government trunk infrastructure networks (transport, public parks and community facilities).**

**Application No:** 3307/2018/MCU

**Real Property Description:** Lot 251 S 3185 TO DEPTH 15.24M

**Property Location:** 62 Austin Street, NEW CHUM QLD 4303

**Development Approval Details:** In accordance with Development Approval 3307/2018/MCU

**Relevant Infrastructure Charges Resolution:** Ipswich City Council Adopted Infrastructure Charges Resolution (No. 1) 2018

**Levied Charge:** \$4,759.00

**Does the maximum adopted charge apply:** No

**Does an Offset or Refund apply:** No

**Levied Charge Calculation:**

Charge Category and Use	Applied Adopted Charge (see Table 1)	Demand	Levied Charge Relief	Levied Charge
Caretaker's Accommodation	\$4,759.00 Transport (Charge area: 22)	<u>Development Demand</u>  1 x 1 bedroom caretaker's acc. 1 x \$4,759.00 = \$4,759.00  <u>Demand Credit</u>  Nil  <u>Additional Demand</u>  \$4,759.00	0% factor of charges relief	\$4,759.00 Transport  \$4,759.00 Total Charge

Brett Davey  
**DEVELOPMENT PLANNING MANAGER**

I concur with the recommendation/s contained in this report.

John Adams  
**CITY PLANNER**

BD: MG  
A: 5054437

<b>Planning, Development and Heritage Committee</b>	
Mtg Date: 11.09.2018	OAR: Yes
<b>Authorisation: John Adams</b>	

3 September 2018

### **MEMORANDUM**

TO: CITY PLANNER

FROM: DEVELOPMENT PLANNING MANAGER

RE: AREA DEVELOPMENT PLAN – RECONFIGURE OF ONE (1) LOT INTO TWO (2) MANAGEMENT LOTS

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#### **INTRODUCTION:**

<b>APPN NO:</b>	5710/18/ADP
<b>SITE ADDRESS:</b>	7004 Barry Alexander Drive, SPRINGFIELD CENTRAL QLD 4300
<b>APPLICATION TYPE:</b>	Area Development Plan
<b>PROPOSAL:</b>	Reconfiguration of one (1) lot into two (2) management lots
<b>DESIGNATION:</b>	Town Centre
<b>OVERLAYS:</b>	Nil
<b>APPLICANT:</b>	Springfield City Group Pty Ltd
<b>OWNER:</b>	Springfield Land Corp. (No.2) Pty Ltd
<b>EXISTING OR PROPOSED TRADING NAMES:</b>	Springfield City Group Pty Ltd
<b>APPLICATION NO:</b>	5710/2018/ADP
<b>DIVISION:</b>	1
<b>ADJOINING DIVISION:</b>	N/A
<b>AREA:</b>	6,694m <sup>2</sup>
<b>REFERRAL AGENCIES:</b>	Nil
<b>EXISTING USE:</b>	Vacant land

**PREVIOUS RELATED APPROVALS:**

MADP- DA3: 2298/2005

**DATE RECEIVED:**

17 July 2018

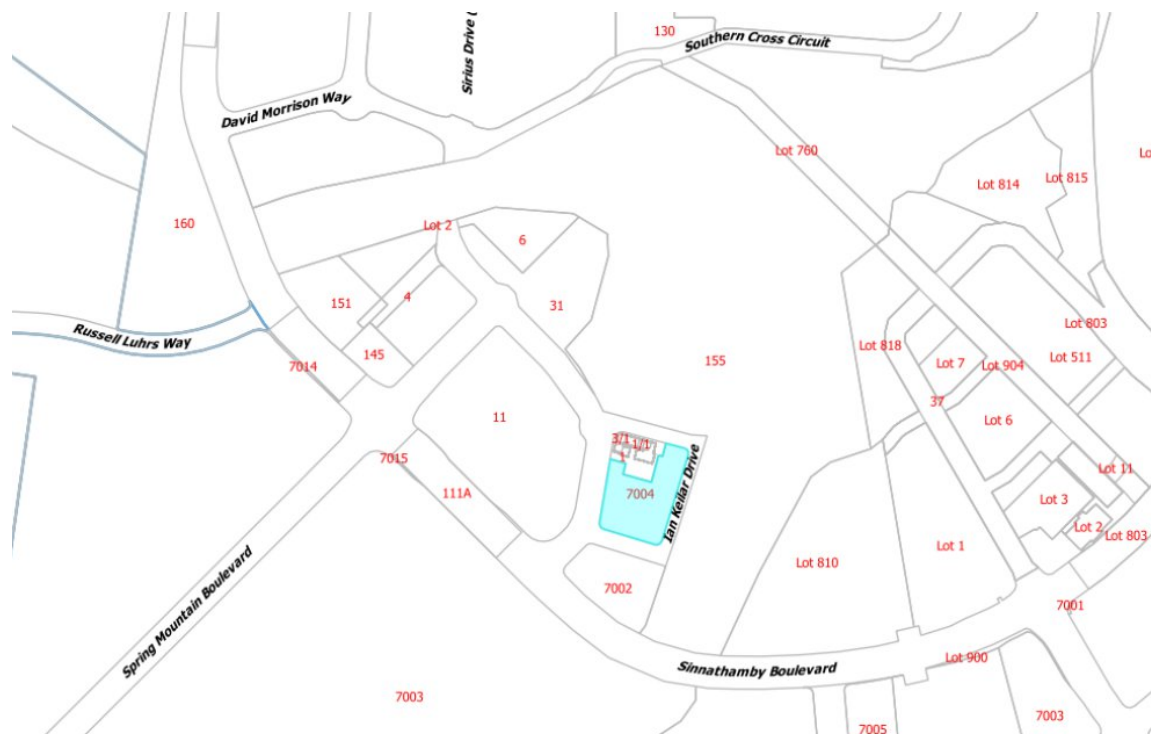
**DECISION PERIOD START DATE:**

6 August 2018

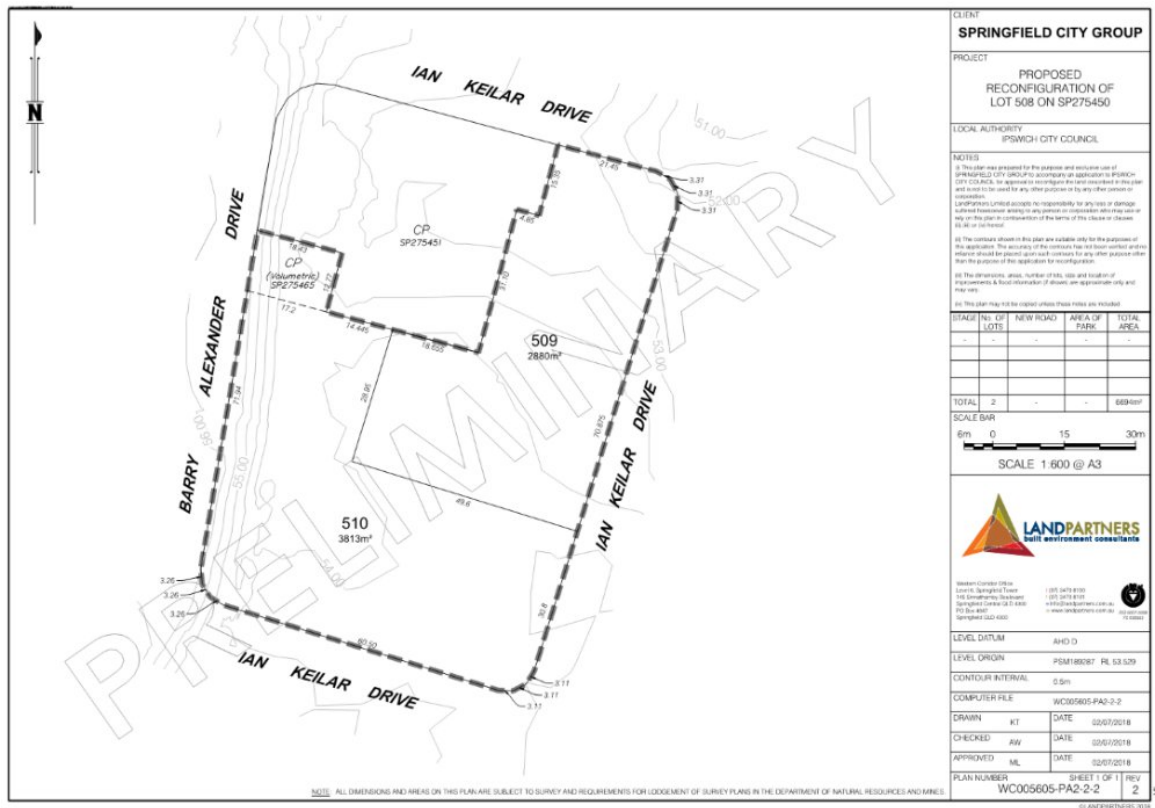
**EXPECTED DETERMINATION DATE:**

15 September 2018

**SITE LOCATION:**



## PROPOSAL PLAN:



## PROPOSAL:

The application submitted to Council is seeking approval of an Area Development Plan to reconfigure one (1) management lot into two (2) management lots (proposed Lot 509 & 510). The subject site is 6,694m<sup>2</sup> and is bound by Ian Keilar Drive to the north, east and south, Barry Alexander Drive to the west, and Stage 1 of the "Parkside Apartments" to the north east. The site is included within Development Area 3 (Parkside Business Precinct) of the Springfield Town Centre and is expected to be developed for the purpose of residential apartment buildings as part of the Parkside Apartments project. The site is currently vacant and has been previously cleared and prepared for future development.

Contemporaneously with this application, the applicant has submitted a separate Area Development Plan application that seeks approval to develop Stage 2 of Parkside Apartments (cf. 5747/2018). The intention of this application is to create management lots that align with the intended future staging of the proposed development.

Proposed Lot 509 is 2,880m<sup>2</sup> and is intended to accommodate the future Stage 2 development of Parkside Apartments. The proposed lot has frontage to Ian Keilar Drive to the north and east. Proposed Lot 510 is a balance lot with an area of 3,813m<sup>2</sup> and has frontage to Ian Keilar Drive to the east and south and Barry Alexander Drive to the west.



**OTHER RELEVANT INFORMATION:**

The Area Development Plan approval will not permit any development to occur on the land. To this end, the proposed lots generally accord with the proposal submitted under application 5747/2018 that is currently being assessed by Council officers.

There are no development constraint overlays or referral agencies relevant to this application. There are no requirements for footpath or kerb and channel as part of this reconfiguration as an interim 2.0m wide concrete footpath and kerb and channel has been provided as part of the road construction.

**INFRASTRUCTURE CHARGES AND INFRASTRUCTURE AGREEMENTS:**

The premises is affected by an infrastructure agreement, being the Springfield Infrastructure Agreement and Springfield Town Centre Infrastructure Agreement. The application has been assessed having regard to the infrastructure agreement.

**NOTEWORTHY CONDITIONS OF APPROVAL INCLUDE:**

- Localities references condition has been included in the recommendation.
- Condition has been included that highlights that the proposed lots are Management Lots and as such may not be used for any purpose until the subsequent approval of separate Area Development Plan applications.

In summary, it is considered that the proposal to permit the reconfiguration of one (1) management lot into two (2) management lots is suitable for the subject site and should be approved, subject to the conditions below.

**RECOMMENDATION**

That the interim administrator of Ipswich City Council resolve:

- A. That the applicant be advised that development application no. 5710/2018/ADP is approved in full subject to the conditions specified in Attachment A.
- B. That the applicant be given approved plans for the development as specified in part 3 of the decision notice and included in Attachment B.
- C. 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

- D. That the Springfield EP Register of the Springfield Infrastructure Agreement be updated to include the following transactions:

Proposed Lot 509:  $0.725\text{EP (existing Lot 508) plus } 11.4.475\text{EP} = 115.2\text{EP}$

Proposed Lot 510: 240EP

All EP's are to be transferred from the balance EPs that are yet to be allocated post execution of the Springfield Town Centre Infrastructure Agreement.

**1. Decision Details:**

Development	Approval Type	Decision	Currency Period
Area Development Plan “For Reconfiguring Purposes Only” to reconfigure one (1) management lot into two (2) management lots	Development Permit	Approved in full subject to the conditions set out in Attachment A	2 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: all				
WC005605-PA2-2-2	Plan of Subdivision, Rev. 2	Landpartners Limited	2 July 2018	N/A

**4. Referral Agencies**

Not applicable to this decision.

**5. 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 Area Development Plans, Material Change of Use, Reconfiguring a Lot, Operational Works, Building Works and Plumbing Works before any future works are commenced.

**6. Environmental Authority**

Not applicable to this decision.

**7. Properly Made Submissions**

Not applicable to this decision.

**8. Currency period for the approval (section 85 of *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*.

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

Not applicable to this decision.

**10. Infrastructure**

Not applicable to this decision.

**11. 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.

## **12. Resolution of Disputes or Differences**

Any person, including any applicant to the Council for approval, any person relying on or affected by such decision may give notice of a dispute or difference.

A notice outlining the dispute or difference must be given to the Chief Executive Officer of the Council by hand delivery or certified mail, no later than 14 calendar days after the dispute or difference arises or within 14 calendar days of the facts or circumstances giving rise to the dispute or difference becoming known to that person or within 14 calendar days after such facts or circumstances ought to have become known to that person, whichever is the earliest.

The notice of dispute must identify the subject matter of the dispute or difference and the provision(s) of the Springfield Structure Plan in respect of which the dispute or difference arises and such notice shall contain or be accompanied by adequate particulars of the dispute or difference and all relevant written material relating thereto.

Section 11 of the Springfield Structure Plan sets out further information about the resolution of disputes or differences. An extract from the Springfield Structure Plan about the resolution of disputes or differences is attached to this decision notice.

**Attachment A**  
**Assessment Manager's Conditions**  
**File No: 5710/2018/ADP**  
**Location: 7004 Barry Alexander Drive, SPRINGFIELD CENTRAL QLD 4300**  
**Proposal: Area Development Plan to reconfigure one (1) lot into two (2) management lots**

<b><u>Assessment Manager (Ipswich City Council) Conditions</u></b> <b>Conditions applicable to this approval under the Planning Act 2016</b>		
No.	Condition	The time by which the condition must be met, implemented or complied with
<b>1.</b>	<b>Basis of Approval</b>	
	<p>This approval incorporates as a condition, the applicant's common material (as defined in <i>Schedule 24 – Dictionary of the 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.
<b>2.</b>	<b>Minor Alterations</b>	
	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.
<b>3.</b>	<b>Rates in Arrears</b>	
	The applicant must pay any outstanding rates and other expenses as a charge against the land in accordance with the provisions of the <i>Planning Act 2016</i> .	Prior to the assessment manager signing the subdivision plan.
<b>4.</b>	<b>Limits to Approval</b>	
(a)	In accordance with Clause 2.2.4.1 of the Springfield Structure Plan, proposed Lots 509 and 510 (ie. the management lots) are approved for "reconfiguration purposes only" and must not be used or developed (for any purpose) until approval of a subsequent Area Development Plan which provides for the use and/or development of such land.	At all times after the approval is granted.

(b)	In accordance with Section 16 of the Springfield Infrastructure Agreement, management lots must not be transferred without the prior written consent of Council.	At all times after the approval is granted.
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<b>5.</b>	<b>Subdivision Plan</b>	
	The applicant must submit to the assessment manager a subdivision plan generally in accordance with the approved plans outlined in part 3 of the development permit.	Prior to the assessment manager signing the relevant subdivision plan.

<b>6.</b>	<b>Hours of Construction</b>	
	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.

<b>7.</b>	<b>Locality References</b>	
(a)	<p>The applicant must ensure any place name, estate name or development name used in respect of this development in any form of advertising or communication (excluding a reference to a building, structure or the like and excluding minor, subsidiary signage within a development to Council's satisfaction) must specify the relevant, approved place name under the <i>Place Names Act 1994</i> and must comply with the following:</p> <ul style="list-style-type: none"> <li>(i) Be in the same colour, background colour, typeface, font, font characteristics and character spacing as the place/estate/development name;</li> <li>(ii) Be in lettering at least 50% of the size of the place/estate/development name;</li> <li>(iii) Be in the same orientation as the place/estate/development name; and</li> <li>(iv) Be in either title case or all in upper case.</li> </ul>	At all times after the approval is granted.
(b)	The applicant must not at any time refer to the location of the site or the development, including the place or estate, as being located in Brisbane or a Brisbane suburb or in the metropolitan area or in the western suburbs.	At all times after the approval is granted.

<b>8.</b>	<b>Erosion Control</b>	
	The applicant must provide sufficient grass (or equivalent) cover to prevent both rill and sheet erosion for all unpaved and disturbed areas.	Prior to the assessment manager signing the relevant subdivision plan.

<b>9.</b>	<b>Further Works</b>	
(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 the assessment manager signing the subdivision plan.
(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 the assessment manager signing the subdivision plan.
(c)	The applicant must reinstate all disturbed verge and open space areas with turf (including provision of topsoil to minimum depth of 50mm).	During the construction of the development and prior to the assessment manager signing the subdivision plan.



**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.

<b>1.</b>	<b>Indigenous Cultural Heritage</b>
	<p>The Applicant is advised to ensure that any development obligations pursuant to the provisions of the <i>Aboriginal Cultural Heritage Act 2003</i>, the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i> are complied with in respect to the proposed development. Applicants, developers and landowners have a duty of care under the legislation where items of cultural heritage significance are located, even if those items have not been previously recorded in a database.</p> <p>For more information, the applicant may seek information from the Registered Aboriginal Cultural Heritage Body for the Ipswich Region, the cultural heritage database, or seek the advice of the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs.</p>
<b>2.</b>	<b>Springfield Structure Plan</b>
	<p>Pursuant to Clause 10.2.5 of the Springfield Structure Plan a person must not remove, destroy or interfere with any identified cultural heritage resource of either aboriginal or European origin or item of the Queensland Estate.</p>
<b>3.</b>	<b>Springfield Infrastructure Agreement</b>
	<p>Pursuant to Clause 222 of the Springfield Infrastructure Agreement, management lots must not be transferred without the prior written consent of the Council. Any request to transfer the ownership of a management lot may be subject to conditions pursuant to Clause 223 of the Agreement.</p>
<b>4.</b>	<b>Fire Ants</b>
(a)	<p>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.</p>
(b)	<p>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 <i>Biosecurity Act 2014</i>. The Fire Ant Biosecurity Zones, as well as general information can be viewed on the Department of Agriculture and Fisheries website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>.</p>
(c)	<p>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 measures prior to the commencement of any works.</p>

<b>5.</b>	<b>Local Government Regulation 2012</b>
	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.
<b>6.</b>	<b>Section 73 of the Planning Act 2016</b>
	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.
<b>7.</b>	<b>Easement Documentation</b>
	The documentation associated with easements may be prepared by the applicant in a form satisfactory to Council's city solicitor, or the applicant may submit easement plans, only where Council is party to the easements, to Council for the preparation of easement documents at the applicant's expense.

Brett Davey  
**DEVELOPMENT PLANNING MANAGER**

I concur with the recommendation/s contained in this report.

John Adams  
**CITY PLANNER**

<b>Planning, Development and Heritage Committee</b>	
Mtg Date: 11.09.2018	OAR: Yes
<b>Authorisation:</b> John Adams	

MB:SF  
A: 5055068

3 September 2018

## **MEMORANDUM**

TO: CITY PLANNER

FROM: BUILDING AND PLUMBING MANAGER

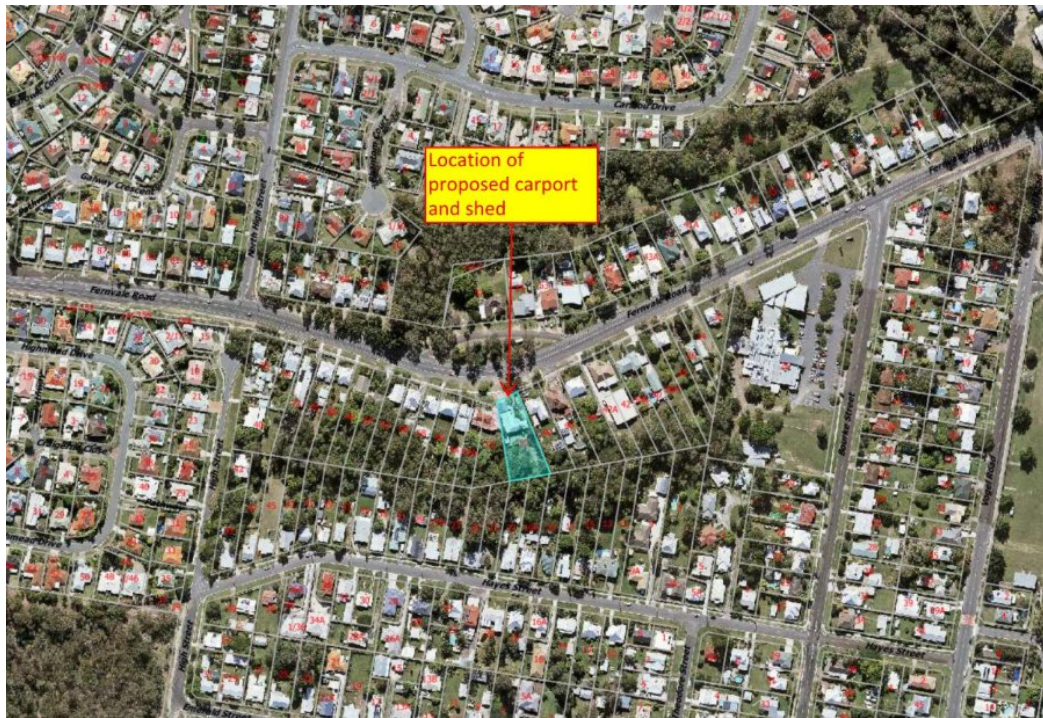
RE: COMBINED AMENITY AND AESTHETICS AND SITING REFERRAL AGENCY APPLICATION

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### **INTRODUCTION:**

<b>APPLICATION NO:</b>	1938/2018/BR
<b>SITE ADDRESS:</b>	50 Fernvale Road, Brassall QLD 4305
<b>APPLICATION TYPE:</b>	Combined Amenity and Aesthetics and Siting Referral Agency
<b>PROPOSAL:</b>	Construction of a carport and shed
<b>APPLICANT:</b>	Strickland Certifications Pty Ltd
<b>OWNER:</b>	Mr B E McCarthy and Mrs S R McCarthy
<b>DIVISION:</b>	6
<b>AREA:</b>	1,786m <sup>2</sup>
<b>REFERRAL AGENCIES:</b>	Nil
<b>EXISTING USE:</b>	Residential
<b>DATE RECEIVED:</b>	12 March 2018
<b>DECISION PERIOD START DATE:</b>	20 August 2018
<b>EXPECTED DETERMINATION DATE:</b>	30 August 2018

**SITE LOCATION:**





**IPSWICH CITY COUNCIL**

THE REFERRAL AGENCY  
RESPONSE FOR BUILDING  
WORK IS GRANTED PURSUANT  
TO THE SUSTAINABLE  
PLANNING ACT 2009 AND IS  
SUBJECT TO THE CONDITIONS  
ATTACHED TO THE RESPONSE

**APPLICATION NO: 1938/18/BR**

**DATE: 20/08/2018**

**PROPOSED SHED**  
94.5m  
20.00

**EXISTING RESIDENCE**  
60.00  
14.20

**NOT PART OF THIS APPROVAL**

**Important Note:**  
Walling and the installation of garage doors to the carport within  
6 metres of a road frontage property boundary is not permitted.

**PROPOSED CARPORT**  
60.00

**50 FERNVALE ROAD, BASSALE**  
LOT/ RP 20090  
SCALE 1:300

**FERNVALE ROAD.**

The architectural drawings include four elevations and a floor plan:

- North Elevation:** Shows a structure with a gabled roof. Labels include: "METAL DECK ROOF SHEETING OVER 100mm ASSOCIATED TIMBER ROOF TRUSSES", "SELECTED WEATHERBOARD CLADDING", "FEATURE STONE CLADDING", "100 X 300 FOOTING", "20mm R.C. CONC. SLAB FINI MESH TO TOP", and "25mm CONCRETE". Dimensions shown are 3000mm (width) and 2500mm (height).
- West Elevation:** Shows a side view of the structure. Labels include: "100 X 300mm PORTS WITH 100mm R.C. TO TOP", "GALV STEEL ROOF", and "SET INTO CONC. PAD FOOTING".
- South Elevation:** Shows a front view of the structure. Labels include: "GUTTER", "ROOF GUTTER TO EXISTING DOWNWATER", and "25mm CONCRETE".
- East Elevation:** Shows a side view of the structure.
- Floor Plan:** A detailed plan of the structure. Labels include: "SLAB OVER", "100 X 100mm PORTS OVER GALV STEEL ROOF", "R.C. CONC. SLAB", "LINE OF EASES ON", "620mm", "2000mm", "6000mm", "6000mm", "2000mm", and "FLOOR PLAN". Dimensions shown are 6000mm (width) and 6200mm (depth).

Carport - 1938/18/BR

AMENDMENTS DATE ISSUE A 17.5.19 Q B R M C R N D J P E K Q F J P		GENERAL NOTES ALL WORK TO COMPLY WITH THE POSITIVE OF THE BOARDINGS OF ALPINE ALPINE (ALPINE) THE POSITIVE OF ALPINE ALPINE (ALPINE) THE POSITIVE OF ALPINE ALPINE (ALPINE)		USE POSITIVE OF ALPINE ALPINE (ALPINE) THE POSITIVE OF ALPINE ALPINE (ALPINE) THE POSITIVE OF ALPINE ALPINE (ALPINE)		CLIENT: Mr & Mrs McCarthy SITE: 10 FERNVALE ROAD BRASSALL QLD 4300		MODEL: CASPOT JOB NO.: 14-01 ISSUE DATE: 17.5.19		ISSUE: A 2 OF 2 DRAWN: FJ		drafter design 3 Canunda Street NORTH LAKE QLD 4508 0411251241 0800 661518	
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## PROPOSAL:

This application is for an 'amenity and aesthetics' and 'siting variation' approval associated with the construction of a 45m<sup>2</sup> (L 7.5m, W 6.0m, H 2.1m, Apex 3.6m) carport and of a 94.5m<sup>2</sup> (L 9.5m, W 9.95m, H 3.4m, Apex 4.0m) shed at 50 Fernvale Road, Brassall. The application is triggered as the proposed shed is larger than 80m<sup>2</sup> on a lot less than 2000m<sup>2</sup> in area, and a carport which is within 6.0m (0.6m) setback from the road frontage property boundary and a combined length of carport and dwelling greater than 9m within 1.5m (0.0m) of the Eastern property boundary. A Referral Agency Response from Council is required in accordance with Schedule 9, Division 2, Tables 1 and 3 of the Planning Regulation 2017, prior to the approval of a development application for building work.

It is considered that the building complies with the specific outcomes under Part 12, Division 6 and Division 16 of the Ipswich Planning Scheme, and will not have an extremely adverse effect on the amenity, or likely amenity, of the locality; or be in extreme conflict with the character of the locality. The proposed carport and shed are to be used for storage of vehicles, yard maintenance equipment and items ancillary to the residential use of the property.

## RECOMMENDATIONS:

That the interim administrator of Ipswich City Council resolve:

- A. That the applicant be advised that referral agency application no. 1938/2018/BR is approved subject to the following conditions.

**1. Building Use:**

The carport and shed must only be used for general storage ancillary to the residential use of the lot and not for habitable, community, business, commercial, industrial or other non-residential purpose.

**2. Site Development:**

The site development shall be undertaken generally in accordance with the following drawings:

<b>Site Plan</b>	<b>1938/18/BR</b>	<b>Dated</b>	<b>Approved Date</b>
<b>Carport Details</b>	<b>1938/18/BR</b>	<b>Dated</b>	<b>Approved Date</b>
<b>Shed Details</b>	<b>1938/18/BR</b>	<b>Dated</b>	<b>Approved Date</b>

Any alterations or additions marked on the approved plans and/or the specifications by Council shall be carried into effect.

**3. Enclosure of Carport**

Walling, lining, enclosure or installation of doors to the carport is not permitted.

**4. Vehicle Access:**

Vehicle access to the property is permitted via the existing access from Fernvale Road. Any new or additional driveway access points are not permitted without Council approval.

Michael Bond

**BUILDING AND PLUMBING MANAGER**

I concur with the recommendations contained in this report.

John Adams

**CITY PLANNER**

GE: PC  
A: 5055183

<b>Planning, Development and Heritage Committee</b>	
Mtg Date: 11.09.2018	OAR: Yes
<b>Authorisation: John Adams</b>	

3 September 2018

**MEMORANDUM**

TO: CITY PLANNER

FROM: ENGINEERING AND ENVIRONMENT MANAGER

RE: COMMENT ON LIQUOR LICENCE APPLICATION

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**INTRODUCTION:**

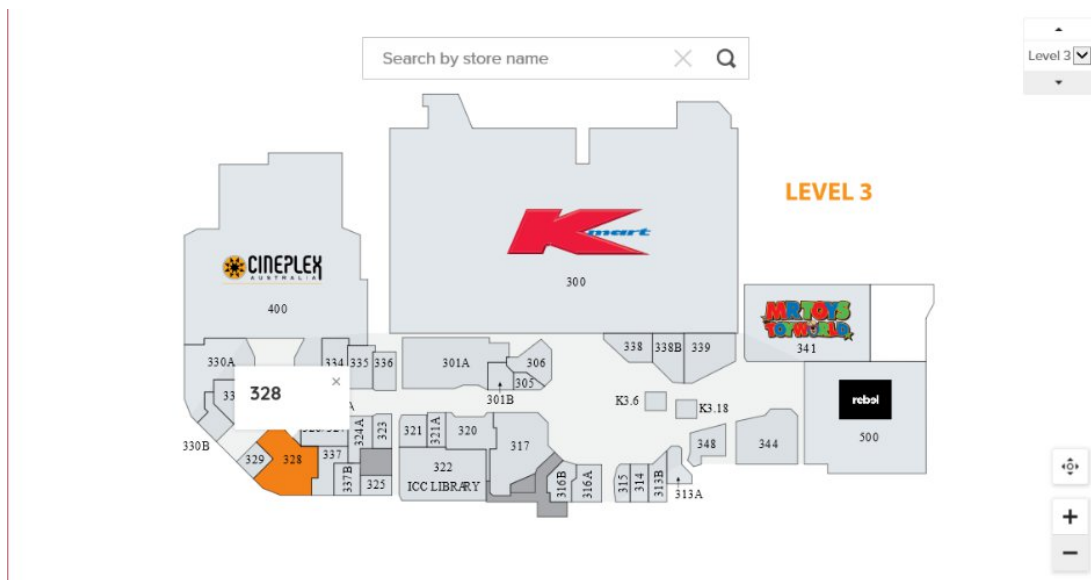
<b>SITE ADDRESS:</b>	Shop 328, 1 Collingwood Drive, REDBANK QLD 4301
<b>LICENCE APPLICATION TYPE:</b>	Application for Commercial Other Subsidiary On Premises - Meals
<b>PROPOSAL:</b>	Licence to sell liquor for consumption on premises where the principal activity is the provision of meals.
<b>DESIGNATION:</b>	Major Centres Zone
<b>APPLICANT:</b>	Rashays Redback Pty Ltd
<b>OWNER:</b>	Trondage Enterprises Pty Ltd and YFG Shopping Centres Pty Ltd
<b>EXISTING OR PROPOSED TRADING NAMES:</b>	Rashays Casual Dining Redback
<b>DIVISION:</b>	3
<b>EXISTING USE:</b>	Café / Restaurant
<b>DATE RECEIVED:</b>	8 August 2018
<b>DATE RESPONSE REQUIRED BY LIQUOR LICENSING DIVISION:</b>	13 September 2018



## SITE LOCATION:



## LAYOUT PLAN:



## **OFFICE OF LIQUOR, GAMING AND RACING REQUEST:**

Council received correspondence directly from the Office of Liquor, Gaming and Racing (OLG&R) to make comment in accordance with s117 of the *Liquor Act 1992* for a liquor licence application to sell liquor for consumption on premises where the principal activity is the provision of meals.

## **PROPOSAL**

The hours proposed by the applicant are 10:00am – Midnight, Monday – Sunday and are inconsistent with the hours of operation permitted under the *Planning Scheme* Major Centres Zone where the restaurant is located. The accepted hours of operation are Monday to Sunday, 6.00am – 10.00pm.

## **DISCUSSION:**

Prior to requiring Council to comment in respect to applications under the *Liquor Act 1992*, the delegate shall consult with the Chairperson of the Planning and Development Committee and the relevant Divisional Councillor for the purpose of establishing whether either Councillor has any objection to the exercise of delegation. The Chairperson of the Planning, Development and Heritage Committee (Cr David Morrison) exercised his delegation however Councillor Silver (relevant Divisional Councillor) requested the application be referred to the first available meeting of the Planning, Development and Heritage Committee.

## **CONCLUSION:**

In summary, it is considered that the proposed hours are inconsistent with the hours of operation permitted under the *Planning Scheme* Major Centres Zone where the restaurant is located (i.e. Major Centres Zone of the *Ipswich Planning Scheme 2006*). The approved hours of operation are Monday to Sunday, 6.00am – 10.00pm. A material change of use application is required for the proposed extended hours.

## **RECOMMENDATION**

That the interim administrator of Ipswich City Council resolve:

- A. That the proposed hours are inconsistent with the hours of operation permitted within the *Planning Scheme* Major Centres Zone where the restaurant is located. The approved hours of operation are Monday to Sunday, 6.00am – 10.00pm.
- B. That a material change of use application would be required for the proposed extended hours and advice should be sought from Council's Development Planning Branch on 3810 6666 or via <http://www.ipswichplanning.com.au/development-planning/development-planning>.

Gary Ellis  
**ENGINEERING AND ENVIRONMENT MANAGER**

I concur with the recommendation/s contained in this report.

John Adams  
**CITY PLANNER**

<b>Planning, Development and Heritage Committee</b>	
Mtg Date: 11.09.2018	OAR: YES
<b>Authorisation:</b> Brett Davey	

BJD: TS

3 September 2018

## **MEMORANDUM**

TO: CITY PLANNER

FROM: ADMINISTRATION AND PROJECT COORDINATOR

RE: EXERCISE OF DELEGATIONS REPORT

### **INTRODUCTION:**


This is a report by the Administration and Project Coordinator dated 3 September 2018 concerning applications determined by delegated authority. Attachment A outlines a list of delegations exercised from 1 to 31 August 2018.

### **BACKGROUND:**

The following delegations (and associated sub-delegations) contain a requirement for the noting of applications determined by delegated authority:

- Approval of Plans for Springfield
- Determination of Development Applications, Precinct Plans, Area Development Plans and Related Matters
- Exercise the Powers of Council under the *Economic Development Act 2012*
- Implementation of the Planning and Development Program
- Exercise the Powers of Council under the *Planning Act 2016*

### **ATTACHMENT:**

<b>Name of Attachment</b>	<b>Attachment</b>
<a href="#">Delegated Authority Decision Report</a>	 Attachment A.pdf

### **RECOMMENDATION:**

That the report be received and the contents noted.

Trish Standen  
**ADMINISTRATION AND PROJECT COORDINATOR**

I concur with the recommendation contained in this report.

Brett Davey

**ACTING CITY PLANNER**



## Development Applications Determined by Delegated Authority 1 August 2018 to 31 August 2018

### Notes:

#### Development application types included in this report are-

ADP - Area Development Plan;

CA - Combined Application;

EXC - Exemption Certificate;

IU - Interim Uses;

LAP - Local Area Plan;

MCU - Material Change of Use;

NAME - Naming Application

OD - Other Development;

OW - Operational Works;

PDA - Priority Development Area;

RAL - Reconfigure a Lot;

SPSR - Superseded Planning Scheme Request;

SSP - Signing of Subdivision Plan;

SSPRV - Signing of Subdivision Plan (Ripley);

VA - Variation Request;

#### Modification application types included in this report are-

MA - Modification/Change Conditions of Approval;

MACAN - Modification Cancellation;

MAEXT - Modification Extension;

MAMC - Modification Change;

MAOC - Modification Change Other;

MAPDA - PDA Amendment Application;

Application No	Type	Application Details	Primary Property Location
<b>Division 1</b>			
3578/2018/OW	OW	Drainage Work	39 Silica Street, Carole Park
		Decision Date - 16/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
3814/2018/RAL	RAL	Reconfiguring a Lot - One (1) Lot into Five (5) Lots	30-32 Kertes Road, Camira
		Decision Date - 1/08/2018 Decision - Approved	Authority - Team Co-ordinator East
4027/2018/OW	OW	Stormwater, Earthworks, Internal Site Carpark and Civil Works	11-13 Commercial Drive, Springfield
		Decision Date - 2/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
5194/2018/OW	OW	Landscaping - Brookwater Crest Stage 11F	7001 Black Teak Court, Brookwater
		Decision Date - 30/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
6083/2018/EXC	EXC	Exemption Certificate - Material Change of Use (Single Residential within a Development Constraints Overlay - OV5 Adopted Flood Regulation Line)	62 Hayes Avenue, Camira
		Decision Date - 7/08/2018 Decision - Approved	Authority - Team Co-ordinator East
<b>Division 2</b>			
2241/2018/SSP	SSP	Lots 16, 17 & 200 on SP295244 Park Lane - Stage 1	37 Stuart Street, Goodna
		Decision Date - 13/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
3922/2018/SSP/B	SSP	Transfer of Drainage Lot (511 on SP276300)	7001 Borowski Street, Bellbird Park
		Decision Date - 1/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
5183/2018/RAL	RAL	Reconfiguring a Lot - One (1) Lot into Two (2) Lots	19 Waterford Road, Gailes
		Decision Date - 15/08/2018 Decision - Approved	Authority - Team Co-ordinator East
5688/2018/OW	OW	Landscaping	216-218 Jones Road, Bellbird Park
		Decision Date - 13/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
5978/2018/OD	OD	Advertising Devices - Two (2) Illuminated Lettering Wall Signs	118 Augusta Parkway, Augustine Heights

Application No	Type	Application Details	Primary Property Location
6521/2016/NAME/B	NAME	Park Naming	Authority - Senior Planner (Development) 51 St Augustine'S Drive, Augustine Heights
	Decision Date - 21/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
<b>Division 3</b>			
1251/2018/PDA	PDA	103-175 Bayliss Road – Vegetation Clearing and Bulk Earthworks (Operational Works)	103-175 Bayliss Road, South Ripley
	Decision Date - 14/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
1921/2017/SSP/A	SSP	Lots 182 & 192 on SP298174	182-192 Fischer Road, Ripley
	Decision Date - 16/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
3397/2018/OW	OW	Internal Works, Stormwater, Drainage Work and Earthworks	209A Westphalen Drive, Riverview
	Decision Date - 21/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
3418/2018/OW	OW	Earthworks	26 Memorial Drive, Swanbank
	Decision Date - 30/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
3633/2017/SSPRV/A	SSPRV	Lots 370 - 374 & 3028 - 3030 on SP292713 Stage 7C	1 Welford Lane, South Ripley
	Decision Date - 31/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
40/2015/MAPDA/B	MAPDA	Amendment Application - Change to PDA Development Approval	111-167 Barrams Road, South Ripley
	Decision Date - 15/08/2018	Decision - Approved	Authority - Team Co-ordinator West
40/2015/SSPRV/F	SSPRV	Lots 765 - 773, 779 - 784, 812 - 815, 847 - 849 & 7028 on SP289867 - Stage 15	7001 Centenary Highway, South Ripley
	Decision Date - 31/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
4420/2018/OW	OW	Landscape Works	10 Old Ipswich Road, Riverview
	Decision Date - 9/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
4438/2018/MCU	MCU	Major Utility (Solar Power Generation Facility)	189 Whitwood Road, New Chum
	Decision Date - 6/08/2018	Decision - Approved	Authority - Team Co-ordinator West
5085/2016/MAEXT/A	MAEXT	Extension to Currency Period Application - One (1) lot into Two (2) lots	58 Kennedy Drive, Redbank Plains
	Decision Date - 22/08/2018	Decision - Approved	Authority - Senior Planner (Development)
7603/2015/SSP/A	SSP	Lots 400, 402-405 on SP283238	Lot 123 Unnamed Road, Swanbank
	Decision Date - 20/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
<b>Division 4</b>			
1940/2014/SSP/B	SSP	Lots 110 and 111 on SP278382	55 Barclay Street, Bundamba
	Decision Date - 31/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
3795/2018/OW	OW	Rate 3 Streetlighting	200 Mary Street, Blackstone
	Decision Date - 15/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
3985/2018/OW	OW	Landscaping	57-81 Bognuda Street, Bundamba
	Decision Date - 1/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
5582/2018/MCU	MCU	Material Change of Use - Business Use - Shop and Warehouse (Salvation army Family Store)	12 Coal Street, Bundamba
	Decision Date - 3/08/2018	Decision - Approved	Authority - Senior Planner (Development)
5760/2015/NAME/A	NAME	Road Naming	35-53 Bognuda Street, Bundamba

Application No	Type	Application Details	Primary Property Location
6085/2018/MCU	MCU	Decision Date - 13/08/2018 Decision - Approved Material Change of Use - Dwelling and Auxiliary Unit within a Development Constraints Overlay (Flooding)	Authority - Senior Technical Support Officer 17 Vivian Hancock Drive, North Booval
7906/2009/SSP/B	SSP	Decision Date - 10/08/2018 Decision - Approved Lots 12 to 14 on SP305448	Authority - Senior Planner (Development) 72 Nelson Street, Bundamba
7989/2017/SSP/A	SSP	Decision Date - 17/08/2018 Decision - Approved Lots 57 and 58 on Survey Plan SP300720	Authority - Senior Technical Support Officer 3 Thompson Street, Silkstone
		Decision Date - 13/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
<b>Division 5</b>			
1379/2002/MAMC/A	MAMC	Minor Change - Commercial Premises (Vehicle Hire Yard) and Caretaker's Residence	49-51 Brisbane Road, Newtown
2398/2018/RAL	RAL	Decision Date - 22/08/2018 Decision - Approved Reconfiguring a Lot - One (1) Lot into Two (2) Lots	Authority - Senior Planner (Development) 10 Clifton Street, Booval
2550/2014/MAEXT/A	MAEXT	Decision Date - 8/08/2018 Decision - Approved Extension to Currency Period Application - Material Change of Use - Dual Occupancy - Reconfiguring a Lot - One (1) Lot into Two (2) Lots	Authority - Senior Planner (Development) 30 Marian Street, Booval
3236/2018/RAL	RAL	Decision Date - 7/08/2018 Decision - Approved Reconfiguring a Lot - One (1) Lot into Two (2) Lots	Authority - Senior Planner (Development) 57-59 Oxley Drive, Barellan Point
3961/2018/OD	OD	Decision Date - 10/08/2018 Decision - Approved Other Development - Carrying out building work not associated with a material change of use - Extension to Carport in a Character Zone	Authority - Senior Planner (Development) 54 Railway Street, Booval
4738/2018/OW	OW	Decision Date - 7/08/2018 Decision - Approved Stormwater and Earthworks	Authority - Senior Planner (Development) 31-33 Pine Mountain Connection Road, Muirlea
513/2018/SSP/A	SSP	Decision Date - 29/08/2018 Decision - Approved Lots 1 & 2 on SP303707	Authority - Team Co-ordinator Engineering 80-82 Arthur Summervilles Road, Karalee
5139/2016/SSP/A	SSP	Decision Date - 1/08/2018 Decision - Approved Lots 1-11, 13-22, 93-96, 900 on SP297417	Authority - Senior Technical Support Officer 117-137 Oxley Drive, Karalee
6837/2017/SSP/A	SSP	Decision Date - 31/08/2018 Decision - Approved Lots 20 and 21 on SP303364	Authority - Senior Technical Support Officer 27-29 First Avenue, Barellan Point
7101/2015/SSP/A	SSP	Decision Date - 20/08/2018 Decision - Approved Lots 1, 4, 5, 6 & 900, Lots 2, 3 & 7-10 on SP294120	Authority - Senior Technical Support Officer 10 Cook Street, North Booval
8187/2009/MAEXT/A	MAEXT	Decision Date - 16/08/2018 Decision - Approved Extension to Currency Period Application - Multiple Residential - (12 Units over 65 South Station Road, Booval Storeys)	Authority - Senior Technical Support Officer
		Decision Date - 2/08/2018 Decision - Approved	Authority - Senior Planner (Development)
<b>Division 6</b>			
4251/2018/MCU	MCU	Material change of use - dual occupancy	2-10 Henry Street, Brassall
4582/2018/OW	OW	Decision Date - 10/08/2018 Decision - Approved Rate 3 Streetlighting	Authority - Senior Planner (Development) 2-10 Henry Street, Brassall



Application No	Type	Application Details	Primary Property Location
5484/2018/OD	OD	Decision Date - 16/08/2018 Decision - Approved Carrying out building work not associated with a material change of use – Shade structure	Authority - Team Co-ordinator Engineering 6 The Terrace, North Ipswich
609/2007/MAEXT/A	MAEXT	Decision Date - 2/08/2018 Decision - Approved Extension Application - One (1) Lot into Twenty-Nine (29) Lots	Authority - Senior Planner (Development) 16 Henry Street, Brassall
609/2007/MAMC/A	MAMC	Decision Date - 3/08/2018 Decision - Approved Minor Change - One (1) Lot into Twenty-Nine (29) Lots	Authority - Senior Planner (Development) 16 Henry Street, Brassall
6306/2018/OD	OD	Decision Date - 3/08/2018 Decision - Approved Advertising Devices - Four (4) Wall Signs, Two (2) Awning Fascia Signs, One (1) Under Awning Sign and One (1) Pylon Sign	Authority - Senior Planner (Development) 6 The Terrace, North Ipswich
6385/2018/SSP	SSP	Decision Date - 24/08/2018 Decision - Approved Lots 1 & 2 on SP294117	Authority - Senior Planner (Development) 47 Bourke Street, Brassall
6433/2018/EXC	EXC	Decision Date - 23/08/2018 Decision - Approved Exemption Certificate – Material Change of Use (Single Residential within a Development Constraints Overlay - ANEF Noise Contours Overlay)	Authority - Senior Technical Support Officer 112-136 Keswick Road, Karrabin
6553/2018/SSP	SSP	Decision Date - 23/08/2018 Decision - Approved Lot 22 on SP302318	Authority - Team Co-ordinator West 4 Lowry Street, North Ipswich
		Decision Date - 29/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
<b>Division 7</b>			
3154/2012/SSP/A	SSP	Lots 10 and 11 on SP262878	62 Tiger Street, West Ipswich
		Decision Date - 31/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
3269/2014/MAEXT/A	MAEXT	Extension to Currency Period Application - Material Change of Use - Multiple Residential (5 Units)	12 Moffatt Street, Ipswich
		Decision Date - 14/08/2018 Decision - Approved	Authority - Team Co-ordinator West
3269/2018/MCU	MCU	Material Change of Use – Shopping Centre (Extension)	75 Blackstone Road, Silkstone
		Decision Date - 17/08/2018 Decision - Approved	Authority - Team Co-ordinator Central
4807/2018/OD	OD	Carrying out building work not associated with a material change of use - Extension to a Single Residential in a Character Zone (raising and building underneath a character dwelling)	1 Turner Street, Ipswich
		Decision Date - 10/08/2018 Decision - Approved	Authority - Team Co-ordinator West
5000/2018/OW	OW	Stormwater, Earthworks, Driveway and Carpark	19 Warwick Road, Ipswich
		Decision Date - 17/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
5823/2018/MCU	MCU	Material change of use - home based activity (consumer electronic servicing)	18 Blaxland Street, Eastern Heights
		Decision Date - 17/08/2018 Decision - Approved	Authority - Team Co-ordinator West
5907/2007/MAEXT/A	MAEXT	Extension to Currency Period Application - Material Change of Use - Multiple Residential (31 Units)	115A Cemetery Road, Raceview
		Decision Date - 10/08/2018 Decision - Approved	Authority - Senior Planner (Development)
5991/2018/EXC	EXC	Exemption Certificate – Material Change of Use (Single Residential Dwelling within a Development Constraint Overlay – Character Places Overlay)	187 Wildey Street, Raceview
		Decision Date - 16/08/2018 Decision - Approved	Authority - Team Co-ordinator West

Application No	Type	Application Details	Primary Property Location
6042/2018/SSP	SSP	Lots 16-18, 29-31 and 102 on SP300844 - Stage 3	1A Able Street, Sadliers Crossing
		Decision Date - 24/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
6074/2018/OD	OD	Carrying out building work not associated with a material change of use - Extension to a Single Residential in a Character Zone	27 Thomas Street, Sadliers Crossing
		Decision Date - 17/08/2018 Decision - Approved	Authority - Senior Planner (Development)
6104/2018/MCU	MCU	Material Change of Use - Single Residential in a Character Zone affected by a Development Constraints Overlay (Mining)	48A Moffatt Street, Ipswich
		Decision Date - 17/08/2018 Decision - Approved	Authority - Senior Planner (Development)
8563/2017/MCU	MCU	Material Change of Use – Business Use (Medical Centre)	10 Gordon Street, Ipswich
		Decision Date - 1/08/2018 Decision - Approved	Authority - Team Co-ordinator Central
		Decision Date - 14/08/2018 Decision - Approved	Authority - Team Co-ordinator Central

#### Division 8

2802/2018/MCU	MCU	Material Change of Use - Dual Occupancy	47-49 Equestrian Drive, Yamanto
		Decision Date - 7/08/2018 Decision - Approved	Authority - Team Co-ordinator West
40/2015/SSPRV/H	SSPRV	Lot 7031 & 8000 on SP292804 (Stage 12 - School Site)	109 Barrams Road, Ripley
		Decision Date - 21/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
5486/2018/MCU	MCU	Material change of use - dual occupancy	11 Wegener Street, Churchill
		Decision Date - 17/08/2018 Decision - Approved	Authority - Senior Planner (Development)
6241/2017/PDA	PDA	Reconfigure a Lot - One (1) lot into 283 lots (consisting of 278 lots, 1 Park lot, 2 Balance lots and 2 Drainage Reserve lots) with a Plan of Development (POD)	152-280 Grampian Drive, Deebling Heights
		Decision Date - 7/08/2018 Decision - Approved	Authority - Senior Planner (Development)
6261/2018/MCU	MCU	Material Change of Use - Single Residential affected by a Development Constr Overlay (Flooding)	53 Samford Road, Leichhardt
		Decision Date - 17/08/2018 Decision - Approved	Authority - Senior Planner (Development)
6294/2017/SSP/A	SSP	Lot 1 and 2 on SP304472	23 Woodford Street, One Mile
		Decision Date - 23/08/2018 Decision - Approved	Authority - Senior Technical Support Officer

#### Division 9

1917/2018/SSP/A	SSP	Lots 73 and 74 on SP300733	25 Ruiz Court, Augustine Heights
		Decision Date - 13/08/2018 Decision - Approved	Authority - Senior Technical Support Officer
2460/2018/OW	OW	Landscaping	7002 Fernbrooke Boulevard, Redbank Plains
		Decision Date - 1/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
3964/2018/RAL	RAL	Reconfiguring a Lot - One (1) Lot into Two (2) Lots and access easement	45 Rice Road, Redbank Plains
		Decision Date - 14/08/2018 Decision - Approved - Negotiated Decision Approved	Authority - Senior Planner (Development)
4067/2018/OW	OW	Rate 3 Streetlighting - Stage 2	32 Greenwood Village Road, Redbank Plains
		Decision Date - 17/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
4121/2018/OW	OW	Rate 3 Streetlighting - Stage 3	32 Greenwood Village Road, Redbank Plains
		Decision Date - 17/08/2018 Decision - Approved	Authority - Team Co-ordinator Engineering
4741/2018/NAME	NAME	Naming of future sports grounds	8 Fernbrooke Boulevard, Redbank Plains
		Decision Date - 9/08/2018 Decision - Approved	Authority - Senior Technical Support Officer

Application No	Type	Application Details	Primary Property Location
4753/2018/OW	OW	Road work, Stormwater, Water infrastructure, Drainage work, Earthworks, Sewage infrastructure, and Clearing vegetation	7002 Grande Avenue, Spring Mountain
	Decision Date - 30/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
4931/2018/OW	OW	Rate 3 Street Lighting	7002 Fernbrooke Boulevard, Redbank Plains
	Decision Date - 30/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
5371/2017/RAL	RAL	Reconfiguring a Lot - One (1) lot into seven (7) lots	95-97 Keidges Road, Redbank Plains
	Decision Date - 10/08/2018	Decision - Approved	Authority - Team Co-ordinator Central
5727/2018/OW	OW	Road Work, Drainage Work, Stormwater, Earthworks - Eden's Crossing Stage 1	7002 Fernbrooke Boulevard, Redbank Plains
	Decision Date - 6/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
5760/2018/OW	OW	Road Work, Stormwater Drainage & Earthworks - Eden's Crossing Stage 11 - Decision Ready	7002 Fernbrooke Boulevard, Redbank Plains
	Decision Date - 29/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
6892/2006/SSP/T	SSP	Lots 201 - 206, 211-213, 217 - 219, 900, 901 and Easements A-H in lots 201, 202, 203, 206, 211, 213, 217 and 219 on SP300718	11 Kenneth Drive, Augustine Heights
	Decision Date - 2/08/2018	Decision - Approved	Authority - Acting Team Co-ordinator Technical Support
7271/2017/MCU	MCU	Material Change of Use - Multiple Residential - Nine (9) Townhouses	20 Wilkie Avenue, Redbank Plains
	Decision Date - 23/08/2018	Decision - Approved	Authority - Team Co-ordinator Central
733/2016/SSP/E	SSP	Lots 508 - 525, 529 -533, 582 and 860 on SP300831	7002 Fernbrooke Boulevard, Redbank Plains
	Decision Date - 13/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
7891/2017/SSP/A	SSP	Lots 13 & 14 on SP297504	7008 Sinnathamby Boulevard, Spring Mountain
	Decision Date - 10/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
8209/2016/ADP	ADP	Area Development Plan to:  Nominate Land for Detached Housing, New Road and Park; Reconfigure 1 Lot into 247 Residential Lots, plus New Road, Park and Balance Lots; Permit the development of 247 Detached Houses that vary from the self-assessment provisions of the Planning Scheme.	7001 Sinnathamby Boulevard, Spring Mountain
	Decision Date - 10/08/2018	Decision - Approved	Authority - Team Co-ordinator East
	Decision Date - 10/08/2018	Decision - Approved	Authority - Team Co-ordinator East
8240/2016/MAMC/B	MAMC	Minor Change - One (1) Lot into Five (5) Lots	50-52 Halletts Road, Redbank Plains
	Decision Date - 16/08/2018	Decision - Approved	Authority - Team Co-ordinator Central
8669/2017/OW	OW	Rate 3 Streetlighting	7001 Sinnathamby Boulevard, Spring Mountain
	Decision Date - 9/08/2018	Decision - Approved	Authority - Team Co-ordinator Engineering
9494/2017/MCU	MCU	Material Change of Use - Community Use (Child Care Centre)	20 Keidges Road, Bellbird Park
	Decision Date - 7/08/2018	Decision - Approved - Negotiated Decision Approved	Authority - Team Co-ordinator East
<b>Division 10</b>			
249/2007/NAME/B	NAME	Road Renaming - Highgrove Estate	7001 Soho Drive, Deebling Heights
	Decision Date - 21/08/2018	Decision - Approved	Authority - Senior Technical Support Officer
2624/2018/MCU	MCU	Material Change of Use - Community Use (Library)	15 Railway Street, Rosewood

Application No	Type	Application Details	Primary Property Location
		Decision Date - 22/08/2018      Decision - Approved	Authority - Team Co-ordinator West
4233/2018/OW	OW	Road work, Stormwater, and Signage	7001 Pisasale Drive, Deebling Heights
		Decision Date - 16/08/2018      Decision - Approved	Authority - Team Co-ordinator Engineering
4905/2018/OW	OW	Rate 3 Streetlighting	7001 Pisasale Drive, Deebling Heights
		Decision Date - 29/08/2018      Decision - Approved	Authority - Team Co-ordinator Engineering
5996/2018/RAL	RAL	Reconfiguring a lot - two (2) lots into two (2) lots	148 Schubels Road, Marburg
		Decision Date - 3/08/2018      Decision - Approved	Authority - Team Co-ordinator West
6743/2007/MAOC/A	MAOC	Other Change - Material Change of Use - Multiple Residential -(Extension to Aged Care Facility – ancillary car park)	59 John Street, Rosewood
		Decision Date - 8/08/2018      Decision - Approved	Authority - Team Co-ordinator West
9665/2017/RAL	RAL	Reconfigure a Lot - One (1) Lot into Twelve (12) Lots	1 Cowie Street, Deebling Heights
		Decision Date - 3/08/2018      Decision - Approved	Authority - Team Co-ordinator West

BD: MG  
A5054319

<b>Planning, Development and Heritage Committee</b>	
Mtg Date: 11.09.2018	OAR: YES
<b>Authorisation:</b> John Adams	

3 September 2018

## **MEMORANDUM**

TO: CITY PLANNER

FROM: DEVELOPMENT PLANNING MANAGER


RE: COURT ACTION STATUS REPORT

---

### **INTRODUCTION:**

This is a report by the Development Planning Manager dated 3 September 2018 concerning the status of outstanding court actions.

### **ATTACHMENTS:**

<b>Name of Attachment</b>	<b>Attachment</b>
<a href="#">Attachment A - Court Action Status Report</a>	 09 Court Ar

### **RECOMMENDATION:**

That the report be received and the contents noted.

Brett Davey  
**DEVELOPMENT PLANNING MANAGER**

I concur with the recommendation contained in this report.

John Adams  
**CITY PLANNER**



**Planning and Development Department**  
**Court Action Status Report**  
**3 September 2018**  
**Total Number of Appeals - 8**

*Note: Data is current as at close of business on the previous working day.*

**Court of Appeal - 1 Appeal/s**

**Appeal No:** 8535 of 2017 **Appeal Date:** 22/8/2017

**Case Name:** Springfield Land Corporation Pty Limited v Cherish Enterprises Pty Ltd and Ipswich City Council

**Solicitor:** Daniel Best

**Appeal Type:** Application to Court of Appeal

**P&D Register No:** 135

**Application No:** 1560/2016/CA

**Applicant:** Cherish Enterprises Pty Ltd

**Division:** 1

**Property:** 30 Parkside Drive, Springfield  
7001 Mur Boulevard, Springfield  
94 Sharpless Road, Springfield

**Appeal Summary:** This is an application to the Court of Appeal (Supreme Court of Queensland) in relation to the decision of Judge Kefford in the Planning and Environment Court on 14 July 2017. The decision related to a declaratory proceeding by Cherish Enterprises seeking that a development application (pursuant to section 242 of the Sustainable Planning Act 2009 to vary the effect of the Planning Scheme) over land at 7001 Mur Boulevard, Springfield could be assessed by Council in the absence of an approved Precinct Plan or any application for an Area Development Plan. The appellant (SLC) is seeking that the decision be changed by the Court of Appeal on the basis that the primary judge made errors of law in the decision.

**Status:** Court hearing on 10 May 2018. Awaiting outcome.

**Planning & Environment Court - 7 Appeal/s**

**Appeal No:** 2188 of 2017 **Appeal Date:** 19/6/2017

**Case Name:** Lipoma Pty Ltd v Ipswich City Council

**Solicitor:** Daniel Best

**Appeal Type:** Applicant Appeal

**P&D Register No:** 134

**Application No:** 682/2003/MA/B

**Applicant:** Thomson Geer Lawyers

**Division:** 6

**Property:** 6 The Terrace, North Ipswich  
2 The Terrace, North Ipswich

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a permissible change request. The permissible change request which was refused by Council sought the deletion of the part of condition 5(a)(ii) of the Riverlink Approval relating to the Commercial Village Precinct that requires a QR land contribution and extended arts precinct contribution.

**Status:** Matter adjourned whilst preliminary matters are being considered.

**Appeal No:** 4050 of 2017 **Appeal Date:** 24/10/2017

**Case Name:** Tocchini V Ipswich City Council

**Solicitor:** N/A at this time

**Appeal Type:** Applicant Appeal

**P&D Register No:** 136

**Application No:** 8948/2016/CA

**Applicant:** Mr Samuel Mark Tocchini and  
Mrs Danielle Clare Tocchini

**Division:** 10

**Property:** 201 Sids Dip Road, Lower Mount Walker

**Appeal Summary:** This is an applicant appeal against Council's decision to part refuse an application. The refusal related to a proposed Intensive Animal Husbandry - Poultry Farm and Environmentally Relevant Activity 4(2) - Poultry Farm. The appeal also relates to the conditions of the approved Reconfiguring a Lot - one (1) Lot into two (2) Lots.

**Status:** Without prejudice discussions ongoing.

**Planning & Environment Court - 7 Appeal/s**

<b>Appeal No:</b> 473 of 2018	<b>Appeal Date:</b> 9/2/2018	<b>Case Name:</b> HPC Urban Design & Planning Pty Ltd and Bio-Recycle Australia Pty Ltd v/s Ipswich City Council
<b>Solicitor:</b> N/A at this time		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 139	<b>Application No:</b> 4475/2017/MCU	<b>Applicant:</b> HPC Urban Design & Planning Pty Ltd
<b>Division:</b> 3		<b>Property:</b> 30 Memorial Drive, Swanbank
<b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application. The MCU application for Special Industry (Extension to an existing Landfill for Non-Putrescible Waste) was refused on the basis of amenity impacts on to adjoining residential areas specifically Ripley Valley.		
<b>Status:</b> Expert meetings/discussions ongoing. Joint expert meetings to commence shortly.		
<b>Appeal No:</b> 945 of 2018	<b>Appeal Date:</b> 14/3/2018	<b>Case Name:</b> Black Ink Architecture Pty Ltd v Ipswich City Council
<b>Solicitor:</b> N/A		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 140	<b>Application No:</b> 3859/2017/MCU	<b>Applicant:</b> Black Ink Architecture Pty Ltd
<b>Division:</b> 4		<b>Property:</b> 43 Barclay Street, Bundamba 39 Barclay Street, Bundamba 41 Barclay Street, Bundamba
<b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application. The refusal related to a material change of use - child care centre which was recommended for refusal based on flooding, access, mining constrained land and amenity.		
<b>Status:</b> Awaiting directions.		
<b>Appeal No:</b> 1727 of 2018	<b>Appeal Date:</b> 11/5/2018	<b>Case Name:</b> C.B. Developments Australia Pty Ltd v ICC
<b>Solicitor:</b> N/A		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 141	<b>Application No:</b> 4432/2017/RAL	<b>Applicant:</b> CB Developments Pty Ltd
<b>Division:</b> 2		<b>Property:</b> Lot 902 Eugene Street, Bellbird Park 12-26 Eugene Street, Bellbird Park
<b>Appeal Summary:</b> This is an applicant appeal against Council's decision to refuse an application to reconfigure land into 333 lots plus parkland.		
<b>Status:</b> Awaiting directions.		
<b>Appeal No:</b> 2049 of 2018	<b>Appeal Date:</b> 1/6/2018	<b>Case Name:</b> Kylie Ann Mill T/AS Urban Services QLD v Ipswich City Council
<b>Solicitor:</b> N/A at this time		<b>Appeal Type:</b> Applicant Appeal
<b>P&amp;D Register No:</b> 142	<b>Application No:</b> 2360/2017/MCU	<b>Applicant:</b> Urban Services QLD
<b>Division:</b> 5		<b>Property:</b> 540-604 Warrego Highway, North Tivoli
<b>Appeal Summary:</b> This is an applicant appeal against Council's decision refuse an application. The refusal relates to a material change of use – special industry (waste transfer station).		
<b>Status:</b> Waiting on appellant follow up to Without Prejudice Meeting on 9 August 2018.		

**Planning & Environment Court - 7 Appeal/s****Appeal No:** 2315 of 2018 **Appeal Date:** 22/6/2018 **Case Name:** Nugrow Metro Pty Ltd v Ipswich City Council**Solicitor:** N/A at this time**Appeal Type:** Applicant Appeal**P&D Register No:** 143**Application No:** 7213/2014/MAM  
C/A**Applicant:** Nugrow Metro Pty Ltd**Division:** 3**Property:** Lot 3 Unnamed Road, Swanbank

**Appeal Summary:** This is an applicant appeal against Council's decision to refuse a 'Minor Change' application for Special Industry (Compost and Soil Conditioner Manufacturing Facility). The application was refused on the basis that the proposed changes would result in a substantially different development, change the operation of the development from that intended and is likely to introduce new impacts or increase the severity of known impacts including but not limited to environmental nuisances (i.e. odour).

**Status:** Mediation held 31 August 2018. Appellant to prepare additional material to support their 'Minor Change' application. Timeframe to be set.

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