

FRAMEWORK FOR DEVELOPMENT APPLICATIONS AND RELATED ACTIVITIES	Version: Document No.:
<p>1.1 Background:</p> <p>Development applications and related activities are a fundamental part of Council’s business and are of interest to multiple Council departments and other government agencies, the community and the development industry. Ipswich is a significant growth area in the South East Queensland Region, with our population expected to more than double by 2041. Development applications are the legislative vehicle through which this growth is managed. The development of land in Ipswich is regulated and influenced by various pieces of Commonwealth, State and Local legislation, and these legislative provisions define a strict framework prescribing what can and cannot be required by Council (including elements considered in the assessment of applications, and limitations on development conditions) and timeframes for decisions on various matters.</p> <p>The outcome of development applications is of interest to a wide range of people and groups, including residents, investors, developers, business owners, government departments, community groups etc. With so many competing priorities and interests in development and such a rigorous legislative framework, it is important to ensure meaningful consultation is undertaken with relevant entities on the right matters, and views are appropriately defined, reviewed and balanced by Council decision makers.</p>	
<p>1.2 Objective:</p> <p>The objective of this policy is to provide a governance framework for processing development applications and related activities which is lawful, transparent, accountable, effective, efficient and sustainable and maximises achievement of the Local Government principles.</p>	
<p>1.3 Regulatory Authority:</p> <p>The main legislative provisions that apply to the development of land in Ipswich are as follows:</p> <ul style="list-style-type: none"> <i>Planning Act 2016</i> <i>Planning Regulation 2017</i> <i>Development Assessment Rules</i> <i>Planning and Environment Court Act 2016</i> <i>Planning and Environment Court Rules 2018</i> <i>Economic Development Act 2012</i> <i>Economic Development Regulation 2013</i> <i>State Planning Policy</i> 	

South East Queensland Regional Plan
Ipswich Planning Scheme
Ripley Valley Development Scheme
Environmental Protection Act 1994
Environmental Protection Regulation 2008
Nature Conservation Act 1992
Environmental Protection and Biodiversity Conservation Act 1999
Vegetation Management Act 1999
Building Act 1975
Plumbing and Drainage Act 2002

1.4 Policy Statement:

Council is committed to development related practices that are lawful, transparent, accountable, effective, efficient and sustainable and maximise achievement of the Local Government principles. The following core principles must be adhered to in the processing of development applications and for development related activities:

- **Decision Process for Development Applications and Requests** – The decision process for development applications and requests is to be as follows and in accordance with the related procedures:
 - Delegation - Development applications and requests that are generally in accordance with the planning scheme and relevant legislative framework are to be assessed and determined under delegation by officers with the appropriate qualifications and experience within the Planning and Development Department (with consultation undertaken with officers in other departments as necessary). These applications include all building work (including where Council is a referral agency for building work), plumbing work, operational work and environmentally relevant activity applications, minor change applications, extension to relevant period applications, minor alterations, responses to proposed infrastructure designations or public housing proposals, requests to sign plan of subdivisions, naming requests and most reconfiguring a lot, material change of use, area development plans, priority development area applications, plans of development, context plans, superseded planning scheme requests, and 'other change' applications. All development applications and requests that are decided under delegated authority are to be reported to the next practicable Committee meeting.
 - Fast Track – Certain qualifying minor, simple development applications and requests are to be assessed and determined under delegation via a streamlined 'Fast Track' process pursuant to the related procedure.
 - Committee and Full Council – Development applications are only to be reviewed by Committee and then decided by Full Council in the following circumstances:
 - If the development application or request requires public notification and more than 20 properly made submissions are received objecting to the proposed development.
 - If any part of the development application is for a Variation Request.
 - If the Chief Executive Officer determines that the scale, scope, nature and sensitivity of the application or request warrants a Council decision;
 - If an application or request is considered by the Chief Executive Officer to involve

a matter of *Strategic Public Interest* or a *Strategic Policy Issue*, including as a result of a request from the Mayor or a Councillor to consider a matter to be of *Strategic Public Interest* or involve a *Strategic Policy Issue*.

- If a development application has been made by Council or a commercial entity of Council, and does not relate to the provision of standard local government infrastructure and facilities such as parks (including canteens, storage sheds, lighting and other similar facilities within parks), roads, libraries, community centres or meeting rooms, art and cultural facilities (including public art), emergency services facilities, utilities or the like.
- If the application or request involves a *Sensitive Development Matter*.

In all circumstances, a recommended decision will be provided in a Committee Report prepared by officers within the Planning and Development Department (with consultation undertaken with officers in other departments as necessary in formulating the recommendation).

- **Deemed approvals** – In the event a development application is at risk of being subject to the Deemed Approval provisions in Section 64 of the *Planning Act 2016* and **that application is required to be reviewed by Committee and then decided by Full Council**, a Special Meeting must be arranged so that the development application can be determined prior to the application being eligible for deemed approval. In the event a Special Meeting cannot be arranged within the relevant timeframe and consent cannot be obtained from the applicant to extend the decision making period, the relevant Branch Manager must send a copy of the recommendation to the Mayor, Chairperson of the Growth and Infrastructure Committee (or equivalent), affected divisional Councillor(s), Chief Executive Officer, City Planner and City Solicitor, inviting comments by a reasonable nominated period, and determine the application based on any comments received, prior to the application being eligible for deemed approval.
- **Complexity Rating** – Development applications and requests lodged with Council (other than building work, plumbing work and operational work applications except for advertising devices) are to be initially assessed against a complexity rating matrix using three complexity ratings in accordance with the related procedure. The complexity rating applied to each application will reflect the consistency of the application with the legislative framework, the scale of the application and any identified risks to Council and the community associated with the processing of the application.
- **Customer Service** - The Planning and Development Department is committed to its Customer Service Charter which is available on Council's website and promotes respect, easy access to services, quality information, consultation and a commitment to respond. Council will provide development enquiry, heritage advisor and development application prelodgement meeting services free of charge. The conduct of prelodgement meetings is to be in accordance with the related procedure.
- **Initial Development Assessment Panel (IDAP)** – Development applications and requests lodged with Council (other than Fast Track Applications and building work, plumbing work and operational work applications except for advertising devices) are to be presented at a IDAP meeting consisting of various departments and disciplines within Ipswich City Council (with external attendees invited as necessary), in accordance with the related procedure.
- **Draft Conditions** – Draft conditions may be issued (at the discretion of the delegate) for an application which is not at immediate risk of deemed approval (i.e. within the next five (5) business days), is not to be reviewed by Committee and decided by Full Council, and providing the 'stop the clock' provisions are legislatively available for the application and agreed to be

utilised by the applicant until such time as Council has had the opportunity to consider any representations made in relation to the draft conditions.

- **Legal Matters** - All Planning and Environment Court Appeals, Alternative Dispute Resolution Procedures and Judicial Reviews are to be undertaken in accordance with the related procedure. An update on all Planning and Development Legal Matters is to be provided to each Growth and Infrastructure Committee Meeting. Where it is proposed to settle an appeal relating to a development matter, the relevant Branch Manager must (where practicable) consult with the Mayor, Chairperson of the Growth and Infrastructure Committee (or equivalent), affected divisional Councillor(s), Chief Executive Officer, City Planner and City Solicitor. Consultation emails may be sent by another nominated officer such as the relevant team coordinator on behalf of the Branch Manager.
- **Naming** – the naming or renaming of all roads, private roads, parks, bridges and places within the Ipswich Local Government Area will be undertaken in accordance with the related procedure. Preferred names are those of Pioneers, an individual or family who have an exemplary long history associated to the area, or for local identities with national level sporting or cultural achievements. Estate names, business names, product names, religious names or themes, political names or themes, developer, consultant, Council officers or Councillors names are not to be used.
- **Property and Kerbside Numbering** – Property and kerbside numbering will be undertaken in a consistent manner, in both rural and urban areas, in accordance with the related procedure.
- **Infrastructure Charges, Offsets or Refunds** – Infrastructure charges are to be levied in accordance with relevant legislative provisions, including the *Planning Act 2016*, *Economic Development Act 2012*, Ipswich Adopted Infrastructure Charges Resolution, Local Government Infrastructure Plan, Infrastructure Agreements, Infrastructure Funding Framework and the related procedure. When trunk infrastructure is conditioned on a development approval and there is a consequential offset or refund of infrastructure charges, an officer with the appropriate financial delegations for the proposed offset or refund amount must approve the offset or refund, prior to it being reflected in an infrastructure charges notice. This approval must be obtained in accordance with the related procedure, which includes the preparation of a memorandum setting out the basis and reasons for the calculation of the amount of the offset or refund.
- **Infrastructure Agreements** – Council is committed to negotiating infrastructure agreements in good faith, in accordance with legislative requirements. Infrastructure agreements are to be negotiated in accordance with the steps set out in the related procedure.
- **Development Fees and Charges** – The development fees and charges are to be reviewed a minimum of every four (4) years to ensure they fairly represent the costs to Council of assessing development applications and requests. Any development application fee variations must be recorded in a register, and include a formal written request and a written record with reasons for any decision to grant or not to grant the requested variation, in accordance with the related procedure. Fee variations may only be authorised by an officer with the appropriate financial delegations for the amount of the proposed variation.
- **Development Approval Compliance** – Development approval compliance audits are to be undertaken in accordance with the related procedure, with priority given to the recovery of outstanding infrastructure contributions or charges, and any development where there may be a risk to the public owing to the non-compliance (such as shopping centres, shops, medical centres and other developments with high public access). Where non-compliance is identified, the severity of the non-compliance will dictate the resulting action, whether it be

Show Cause, Enforcement, Penalty Infringement Notice, or formal legal proceedings. Where infrastructure contributions have been recovered and there is no risk to public safety, certain developments will be audited upon receipt of a complaint to the extent necessary to address the complaint, and other mechanisms such as self-audit processes may be used for low risk developments.

- **Conflicts of Interest** – Where Conflicts of Interest (real or perceived) arise in relation to development matters, the following measures are to be implemented:
 - Where an officer has a significant Conflict of Interest in an application, enquiry or other development matter (for example, an application is submitted which involves a property they or an immediate family member of theirs has a financial interest in), the officer is to make a written declaration concerning the interest for recording on their personnel file and where possible, the application is to be processed by an alternative team.
 - Where an employee has identified a Conflict of Interest, they are not to participate in the assessment of the application or in any discussion regarding the matter. Other officers are to use discretion to ensure they do not discuss the matter within proximity to the officer who has identified a conflict.
 - Where the Team Coordinator would normally be required to consult or decide a matter and has a conflict of interest (and the application has not been allocated to an alternative team for processing), the matter is to be decided by the Branch Manager.
 - Where the Branch Manager would normally be required to consult or decide a matter and has a conflict of interest, the matter is to be decided by the City Planner.
 - Where the City Planner would normally be required to consult or decide a matter and has a conflict of interest, the matter is to be decided by the Chief Executive Officer.
 - Where the Chief Executive Officer would normally be required to consult or decide a matter and has a conflict of interest, the matter is to be escalated to Committee and Full Council.
 - Any Councillor must also declare a conflict of interest in a matter as soon as they become aware of the conflict in accordance with the Councillor Code of Conduct and the *Local Government Act 2009*.
 - Where the application involves a significant conflict of interest resulting in it being categorised as a Sensitive Development Matter, it is to be reviewed by the Independent Decision Review Panel in accordance with the related procedure.
- **Independent Decision Review Panel** – Development application decisions for Sensitive Development Matters will be reviewed by the Independent Decision Review Panel in accordance with the related procedure. In addition, a third party review may also be sought for technical material where the Chief Executive Officer, City Planner, Branch Manager or Team Coordinator considers that the complexity of the technical material requires such consideration.

1.5 Scope:

This policy relates to the processing of all development applications (including material change of use, reconfiguring a lot, area development plan, priority development area, environmentally relevant activities, variation requests, operational works, building works and plumbing works and related applications such as change applications, extension to relevant period applications, superseded planning scheme requests, plan of subdivision requests, conversion applications etc) and development related activities (such as prelodgement meetings, fees and charges, infrastructure agreements, appeals, compliance, naming requests, request for comments on

proposed community infrastructure designations or public housing proposals etc). The policy broadly covers a wide range of core matters, and has a number of related procedures which provide the detail on the process to be fulfilled to achieve the policy outcomes sought.

1.6 Roles and responsibilities:

This policy applies to all Councillors and Council officers, and is directly relevant to officers involved in the assessment and determination of development applications and requests.

1.7 Definitions:

Conflict of Interest as per the Ipswich City Council Employee Code of Conduct, means a conflict between a Council employee's work responsibilities and their personal or private interests. A Conflict of Interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent).

A real Conflict of Interest is a conflict between the employee's duties and their private interests.

A perceived Conflict of Interest arises where a person is likely to believe an employee's private interests could improperly influence them at work. Such a perception is judged having regard to what a fair and reasonable member of the public could be expected to believe.

Independent Decision Review Panel means a panel consisting of one or more independent expert members or other members who are selected in accordance with the related procedure.

Sensitive Development Matter means a planning development application or request of a Level 2 or Level 3 Complexity, excluding building work, plumbing work or operational work applications, involving a kind specified below:

1. Development for which the applicant or land owner is:
 - (a) the Council or a commercial entity of Council, and does not relate to the provision of standard local government infrastructure and facilities such as parks (including canteens, storage sheds, lighting and other similar facilities within parks), roads, libraries, community centres or meeting rooms, art and cultural facilities (including public art), emergency services facilities, utilities or the like.
 - (b) a Councillor or immediate family member;
 - (c) a member of the Queensland Parliament or Parliament of the Commonwealth.
2. Any development application or request which is particularly contentious, controversial, or involves a significant departure from the planning scheme, as determined by the City Planner and Chief Executive Officer, such as:
 - (a) A development application or request that requires public notification and more than 50 properly made submissions are received objecting to the proposed development;

(b) Development which is of a Level 3 Complexity and is inconsistent with an aspect of relevant planning legislation.

Strategic Public Interest means a matter which is of strategic importance to the whole local government area, is likely to have a major impact on a significant proportion of the local government area (e.g. several suburbs).

Strategic Policy Issue means a policy matter which is likely to result in a decision precedent on a particular issue which will have a cumulative impact on a significant proportion of the local government area.

1.8 Policy Author:

The City Planner is responsible for the maintenance of this policy.