City of Ipswich	**CONSULTATION PROCEDURE** **DEVELOPMENT ASSESSMENT DECISIONS PROCEDURE**	**Document No: A4244849** **Procedure No: PD-03**

1 Objective:

The objective of this procedure is to provide guidance in the processes relating to the determination of development applications and requests under delegated authority and the preparation of correspondence associated with applications approved or refused under such authority. This procedure is intended to provide guidance on the process for fulfilling the conditions of the various delegations and sub-delegations relating to the determination of development applications (including fast-track applications), development requests (such as naming requests) and the preparation of application related correspondence.

2 Regulatory Authority:

- Local Government Act 2009
- Integrated Planning Act 1997 delegation for Change or Cancel Conditions of a Development Approval and Change and Development approval (other than a Change of conditions)
- Integrated Planning Act 1997 delegation for decision notices and Negotiated decision notices
- Integrated Planning Act 1997 delegation for Determination of Development Applications, Precinct Plans, Area Development Plans and related matters
- Integrated Planning Act 1997 delegation for Determination of a Development Application, Including Negotiated Decisions
- Sustainable Planning Act 2009 – Assessing Authority – City Planner
- Sustainable Planning Act 2009 – Assessing Authority – Managers
- Sustainable Planning Act 2009 – Assessing Authority – Officers
- Sustainable Planning Act 2009 – Assessing Authority – Team Coordinators
- Sustainable Planning Act 2009 – Assessing Authority – Senior Planners
- Sustainable Planning Act 2009 – Assessing Manager – City Planner
- Sustainable Planning Act 2009 – Assessing Manager – Managers
- Sustainable Planning Act 2009 – Assessing Manager – Officers
- Sustainable Planning Act 2009 – Assessing Manager – Team Coordinators
- Sustainable Planning Act 2009 – Assessing Manager – Senior Planners
- Sustainable Planning Act 2009 - Local Government – City Planner
- Sustainable Planning Act 2009 - Local Government – Managers
- Sustainable Planning Act 2009 - Local Government – Officers
- Sustainable Planning Act 2009 - Local Government – Team Coordinators
- Sustainable Planning Act 2009 - Local Government – Senior Planners
- Planning Act 2016 – Assessment Manager – City Planner

- Planning Act 2016 – Assessment Manager – Managers
- Planning Act 2016 – Assessment Manager – Principal Planners and Team Coordinators
- Planning Act 2016 – Assessment Manager – Senior Planners
- Implementation of the Planning and Development Program
- Issuing notices (Show Cause, Enforcement, Penalty Infringement)
- Local Government Act 2009, Chapter 3, Part 3, Division 1, Section 59 & 60 (2) (c) & (d)

Note: All delegations/sub-delegations may be amended from time to time, a full list of Related Delegations are available on Council's Intranet

3 Procedure

General Process:

3.1 Prior to the exercise of a delegated power to determine a Development Assessment Decision the Delegate must:

(a) consult with and seek the views of the Chairperson of the Planning, Development and Heritage Committee and the relevant divisional Councillor about the Development Assessment Decision;

(b) forward a copy of the consultation to the Mayor for information; and

(c) forward a copy of the consultation to the relevant adjoining divisional Councillor where a Development Assessment Decision relates to land within 50 metres of a divisional boundary line.

3.2 The Delegate is authorised to exercise the delegated power to determine a development application if the Chairperson of the Planning, Development and Heritage Committee and the relevant divisional Councillor:

(a) responds to the effect that he or she has noted the proposed exercise of the delegated power; or

(b) does not respond within the time specified in this procedure adopted to deal with the determination of a Development Assessment Decision; or

(c) responds to the effect that he or she declares a material personal interest in the matter; or

(d) responds to the effect that he or she declares a conflict of interest in the matter; or

(e) responds, but not in accordance with this procedure adopted to deal with the determination of development applications.

3.3 The Delegate must:

(a) not exercise a delegated power if the Chairperson of the Planning, Development and Heritage Committee or the relevant divisional Councillor gives the Delegate notice

that the matter must be referred to the Planning, Development and Heritage Committee for its consideration and recommendation to Council for the making of the decision by Council;

(b) if paragraph 3.3(a) applies, refer the matter to the Planning, Development and Heritage Committee as soon as practicable.

3.4 Paragraphs 3.2 and 3.3 above are subject to or modified by (as the circumstances may require) paragraphs 3.5 to 3.9 below.

3.5 Despite paragraph 3.3, the Delegate may exercise the delegated power if at any time prior to a Council decision on the matter any notice given pursuant to paragraph 3.3(a) is withdrawn by the person who gave the notice and the Chairperson of the Planning, Development and Heritage Committee and the relevant divisional Councillor have provided a response that satisfies paragraph 3.2(a).

3.6 Where the Chairperson of the Planning, Development and Heritage Committee is also the relevant divisional Councillor, the delegate shall consult with the Deputy Chairperson of the Planning, Development and Heritage Committee in place of the Chairperson of the Planning, Development and Heritage Committee.

3.7 In the event that the relevant divisional Councillor is absent or is temporarily incapacitated he or she may nominate an alternative Councillor for the delegate to consult with, or elect not to be consulted during this time. The delegate shall consult with any alternative nominated Councillor in place of the relevant divisional Councillor.

3.8 Where a divisional Councillor vacates office the delegate must consult with the Deputy Chairperson of the Planning, Development and Heritage Committee in his or her place until a new Divisional Councillor's term starts in accordance with section 159 of the *Local Government Act 2009*.

3.9 Where an Development Assessment Decision may become a deemed approval prior to the next Council meeting, and despite any other paragraph, the Delegate shall consult with the Chairperson of the Planning, Development and Heritage Committee, the Deputy Chairperson of the Planning, Development and Heritage Committee, the Mayor and the relevant Divisional Councillor to seek their views about the matter. Where the Chairperson and at least one other Councillor notes the proposed exercise of the delegated power, it may be exercised.

Specific Process for determination of 'fast-track' applications that require councillor consultation prior to exercising delegated authority:

3.10 An assessment report is prepared by an officer for review by the delegate within three (3) business days of lodgement of the application or within 1 business day of the application entering the decision part if the application did not enter the decision part upon lodgement with Council.

3.11 Upon receipt of the report, the delegate will review the report within four (4) business days of lodgement of the application, or within 2 business days of the application entering the decision part if the application did not enter the decision part upon lodgement with Council; and if in agreement with its recommendations, authorise the Administration Team to undertake the Councillor consultation process pursuant to this procedure and any conditions of the relevant sub-delegation.

3.12 Prior to the exercise of delegation, and where required pursuant to this procedure and any sub-delegation, the Administration Team will send the appropriate councillor consultation via email.

3.13 The Councillor consultation for fast-track applications will consist of an email followed by a pager message. The email must include a copy of the application or request details; proposal summary; recommendation (including recommended conditions or reasons for refusal); and the timeframe for response by the relevant Councillor. The pager message must identify that a recommendation about a fast-track application has been forwarded to their email for consultation.

3.14 The consultation email must also include the following options in respect to the proposed exercise of the delegation:

> ***I note the proposed exercise of delegated power*** *[ ]*
> *I request the matter be referred to the* ***Planning, Development and Heritage Committee*** *[ ]*
> *I wish to declare a material personal interest in the matter [ ]*
> *I request the matter be held* ***pending clarification*** *of issue(s) below [ ]*
> *I wish to declare a conflict of interest in the matter [ ]*
> *COMMENTS/ISSUES (if any):*

3.15 If no response is received within the nominated response period (i.e. by midday the next business day) the delegate may exercise the delegation.

3.16 The consultation process and outcomes must be recorded in the P & D Delegations Register of Pathway.

3.17 Upon completion of the above referenced process, the following options may be applicable:

(a) If the box adjacent to **Planning, Development and Heritage Committee** has been selected, then the file and report is forwarded to the Administration Team to arrange for the report to be changed to a committee report in consultation with the delegate and placed on the agenda for the first available meeting of the Planning, Development and Heritage Committee; or

(b) If the box adjacent to **pending clarification** has been selected, then the Delegate should be advised of the comments and respond to any matters raised by the Councillor as soon as possible, preferably within one business day; or

(c) If the box adjacent to **I note the proposed exercise of delegated power** has been selected or the Councillor indicates a material or personal interest, forward the file, report and replies to the Delegate for the exercise of their delegated authority.

3.18 Upon completion of the consultation process, or determination of the application by Council, the Administration Team must finalise the decision notice, and distribute the decision notice (including plans), the Notice About Decision and recommendation to the delegate.

3.19 The delegate must check the decision notice (including plans) and exercise the delegation by signing the recommendation, the Notice About Decision and the decision notice.

3.20 The Administration Team then undertakes the following actions:

(a) The exercise of the delegation is recorded in the corporate information system (Pathway), and the details of the determination are recorded in the corporate information system (Pathway).

(b) The decision notice must be provided within one (1) business day of the exercise of the delegation (preferably same day) and the determination of an application and is distributed by means of:

- Electronic Correspondence: Where an email address has been provided the Administration Team will email the applicant and/or referral agencies (concurrence or advice) and QUU if applicable, a copy of the signed decision notice along with a full set of stamped and approved plans.

- Hard Copy Correspondence: If an email address has not been provided a letterhead copy of the signed decision notice will be posted to the applicant. Should there be any attachments to the decision, then those attachments will also be posted.

- A copy of the decision notice is provided to any referral agencies (concurrence or advice) and QUU if applicable.

(c) Council's Corporate information system (Pathway) is updated to include the following information:

- Decision date – date delegated authority was exercised and description.

- Decision.

- Officer who exercised the delegated authority or Council, if it was determined by Council.

- Record Infrastructure Contributions (if applicable).

(d) All actions outlined in the recommendation must also be completed including, but not limited to:

- Forward any other attached correspondence to the relevant officer or officers within Council for action (including the recording of memos in the corporate information system (Pathway)).
- For Smart eDA applications, original correspondence and approved plans are exported from ECM Objective then uploaded to Smart eDA.
- For development applications make the decision notice and the Notice About Decision publicly available in the corporate information system (Pathway) (so that the decision notice and Notice About Decision can be accessed via PD Online or equivalent).

Note: In the instance of the determination of Technical Support correspondence this is not made available via PD Online.

Specific Process for determination of applications (non-fast-track) and requests that require councillor consultation prior to exercising delegated authority:

3.21 An assessment report is prepared by an officer for review by the delegate.

3.22 Upon receipt of the report, the delegate will review the report and if in agreement with its recommendations, authorise the Administration Team to undertake the Councillor consultation process pursuant to this procedure and any conditions of the relevant sub-delegation.

3.23 Prior to the exercise of delegation, and where required pursuant to this procedure and any sub-delegation, the Administration Team will prepare the appropriate councillor consultation via email.

3.24 The consultation email must include a copy of the application or request details, proposal summary, and recommendation (including recommended conditions or reasons for refusal) and the timeframe for response by the relevant Councillor. The consultation process and outcomes must be recorded in the P & D Delegations Register of Pathway.

3.25 The consultation email must include the following options in respect to the proposed exercise of the delegation:

> ***I note the proposed exercise of delegated power*** *[ ]*
> *I request the matter be referred to the* ***Planning, Development and Heritage Committee*** *[ ]*
> *I wish to declare a material personal interest in the matter [ ]*
> *I request the matter be held* ***pending clarification*** *of issue(s) below [ ]*
> *I wish to declare a conflict of interest in the matter [ ]*
> *COMMENTS/ISSUES (if any):*

3.26 If no response is received by midday on the second business day after the councillor consultation email being sent, the delegate may exercise the delegation.

3.27 Upon completion of the above referenced process, the following options may be applicable:

(a) If the box adjacent to **Planning, Development and Heritage Committee** has been selected, then the file and report is forwarded to the Administration Team to arrange for the report to be changed to a committee report in consultation with the delegate and placed on the agenda for the first available meeting of the Planning, Development and Heritage Committee; or

(b) If the box adjacent to **pending clarification** has been selected, then the Delegate should be advised of the comments and respond to any matters raised by the Councillor as soon as possible, preferably within one business day; or

(c) If the box adjacent to **I note the proposed exercise of delegated power** has been selected or the Councillor indicates a material or personal interest, forward the file, report and replies to the Delegate for the exercise of their delegated authority.

3.28 Where the delegate responds to a matter raised by a Councillor in accordance with paragraph 3.27(b) above, one business day (in addition to the two business day consultation period) is to be provided to the Councillor for consideration of and response on the matter. If no response is received following this additional one business day, the delegate may exercise the delegation.

3.29 Upon completion of the consultation process, or determination of the application by Council, the Administration Team must finalise the decision notice, and distribute the decision notice (including plans), the Notice About Decision and recommendation to the delegate.

3.30 The delegate must check the decision notice (including plans) and exercise the delegation by signing the recommendation, the Notice About Decision and the decision notice.

3.31 The Administration Team then undertakes the following actions:

(a) The exercise of the delegation is recorded in the corporate information system (Pathway), and the details of the determination are recorded in the corporate information system (Pathway).

(b) The decision notice must be provided within one (1) business day of the exercise of the delegation and the determination of an application and is distributed by means of:

- Electronic Correspondence: Where an email address has been provided the Administration Team will email the applicant and/or referral agencies a copy of

the signed decision notice along with a full set of stamped and approved plans.

- Hard Copy Correspondence: If an email address has not been provided a letterhead copy of the signed decision notice will be posted to the applicant. Should there be any attachments to the decision, then those attachments will also be posted.

- A copy of the decision notice is provided to any referral agencies (concurrence or advice) and QUU if applicable.

(c) Council's Corporate information system (Pathway) is updated to include the following information:

- Decision date – date delegated authority was exercised and description.

- Decision.

- Officer who exercised the delegated authority or Council, if it was determined by Council.

- Start submitters task (if applicable).

- Record Infrastructure Contributions (if applicable).

(d) All actions outlined in the recommendation must also be completed including, but not limited to:

- Forward any other attached correspondence to the relevant officer or officers within Council for action (including the recording of memos in the corporate information system (Pathway)).

- For Smart eDA applications, original correspondence and approved plans are exported from ECM Objective then uploaded to Smart eDA.

- For development applications make the decision notice and the Notice About Decision publicly available in the corporate information system (Pathway) (so that the decision notice and Notice About Decision can be accessed via PD Online or equivalent).

Note: In the instance of the determination of Technical Support correspondence this is not made available via PD Online.

<u>Specific Process for determination of applications and requests that do not require councillor consultation prior to exercising delegated authority:</u>

3.32 An assessment report is prepared by an officer for review by the delegate.

3.33 Upon receipt of the report, the delegate will review the report and if in agreement with its

recommendation, exercise the delegation.

3.34 The Administration Team must finalise the decision notice, and distribute the decision notice (including plans) to the delegate for signing.

3.35 The delegate must check the decision notice (including plans) and sign the decision notice and Notice About Decision.

3.36 The Administration Team undertakes the following actions after signing:

(a) The exercise of the delegation and the details of the determination are recorded in the corporate information system (Pathway).

(b) The decision notice is distributed by means of:

- Electronic Correspondence: Where an email address has been provided the Administration Team will email the applicant and/or referral agencies a copy of the signed decision notice along with a full set of the stamped and approved plans.
- Hard Copy Correspondence: If an email address has not been provided a letterhead copy of the signed decision notice will be posted to the applicant along with a full set of stamped and approved plans.
- A copy of the decision notice is provided to any referral agencies (concurrence or advice) and QUU if applicable.

(c) Council's Corporate information system (Pathway) is updated to include the following information:

- Decision date – date delegated authority was exercised and description.
- Decision.
- Officer who exercised the delegated authority or Council, if it was determined by Council.
- Start submitters task (if applicable).
- Record Infrastructure Contributions (if applicable).

(d) All actions outlined in the recommendation must also be completed including, but not limited to:

- Forward any other attached correspondence to the relevant officer or officers within Council for action (including the recording of memos in the corporate information system (Pathway)).

- For development applications make the decision notice and the Notice About Decision publicly available in the corporate information system (Pathway) (so that the decision notice and Notice About Decision can be accessed via PD Online or equivalent).

Note: In the instance of the determination of Technical Support correspondence this is not made available via PD Online.

Flowcharts:

3.37 Process for determination of fast-track applications that require councillor consultation prior to exercising delegated authority:

Fast track Decision Stage Flow Chart.pc

3.38 Process for determination of applications and requests that require councillor consultation prior to exercising delegated authority:

Delegation process flow chart.pdf

3.39 Process for determination of applications and requests that do not require councillor consultation prior to exercising delegated authority:

Applications that do not require Cour

4 Definitions:

- Development Assessment Decision means any decision relating to a matter under Chapter 3 of the *Planning Act 2016* and excludes a decision about a Minor Development Matter.

- Minor Development Matter means:

  - assessable development that is operational work, building work, plumbing or drainage work or any combination of such development requiring code assessment only;

  - any application which is unlikely to cause a substantial impact on the amenity of nearby land, and which involves building work not associated with a material change of use, such as minor boundary setback variations and minor alterations or additions to character places or the erection of car ports or outbuildings;

- minor building work; or
- a minor amendment, variation or alteration to a development approval which is unlikely to cause a substantial impact on the amenity of nearby land.

- Corporate Information Management Systems – The software and programs used by Council for the creation and maintenance of documentation identified as 'Corporate Memory'. These include Objective and Pathway as defined below.

- Delegation: The term delegation is the assignment of authority and responsibility to another person and under the laws of local government there is an overarching Act which gives the CEO the powers to sub-delegate powers to other officers from various Acts or Local Laws if it so determined by those Acts or Local Laws.

- Delegation Checklist: This checklist is used by the Development Planning Administration Team and Town Planners to track the delegation process.

- Objective - The term Objective is Council's electronic document and records management system used to receive, record, search and maintain corporate information. An Objective task is a way of forwarding documentation electronically to a person(s) or group within the organisation.

- Fast-track Application: A development application which is for a minor form of development as listed below and which is: not subject to significant development constraints; and does not attract any objections during its public notification if applicable; and is not subject to any statutory referral response requirements or conditions and does not necessitate the request for, or lodgement of, further information which requires assessment and input from internal specialists (i.e. engineering/environment).

  The minor forms of development include development such as:

  - single residential uses
  - dual occupancies
  - boundary realignments
  - building setback variations within three (3) metres of the road boundary excluding single open bay car ports.
  - access easements
  - residential reconfigurations up to ten (10) new lots
  - multiple residential uses up to ten (10) units
  - small scale commercial/industrial uses
  - building work not associated with a material change of use
  - operational work for advertising devices
  - minor alterations
  - extensions to relevant periods
  - change application to a fast-track approval

- Notice About Decision: A notice published on the Council's website as required by sections 46, 63 and 83 of the *Planning Act 2016* (Qld).

- Pathway - Pathway is Council's Application Management System. It is used for general enquiries and maintenance to properties, customers and applications. Applications are also lodged using this system and there is a link to Objective.

5. Procedure Review and Revision:

The Development Planning Manager is responsible for the review and revision of this procedure.

Date of approval: 30 June 2017
Title of Manager: City Planner
Date to be reviewed: 30 June 2019