

Our Values:



Collaboration



Communication



Integrity



Efficiency



Leadership

PLANNING AND DEVELOPMENT DECISION MAKING PROCEDURE

Version:

Document No.:

1.1 Objectives:

The objective of this procedure is to provide guidance in relation to the determination of development applications and requests. The procedure aligns with the various delegations and sub delegations relating to the determination of development applications and the Ipswich City Council Policy titled Framework for Development Applications and Related Activities.

1.2 Regulatory Authority:

Policy titled 'Framework for Development Applications and Related Activities'

Delegation titled 'Approval of Plans for Springfield'

Delegation titled 'Exercise the Powers of Council under the *Economic Development Act 2012*'

Delegation titled 'Implementation of the Planning and Development Program'

Delegation titled '*Planning Act 2016*'

Delegation titled '*Planning and Environment Court Act 2016*'

Delegation titled '*Sustainable Planning Act 2009*'

1.3 Scope:

This procedure relates to the determination of development applications and requests pursuant to the Ipswich Planning Scheme, the *Planning Act 2016* and the *Economic Development Act 2012*. The procedure does not apply to Operational Works applications (other than for Advertising Devices), Environmentally Relevant Activity applications, Building Works (or any referral agency responses by Council for building work) or Plumbing applications that are not triggered by the planning scheme.

1.4 Roles, responsibilities and actions:

1.4.1 General Process for Determination of Fast Track Applications

Fast Track Applications are minor, simple development applications or requests which are to follow a streamlined assessment process with a fast turnaround. Fast Track Applications are limited to Level 1 applications, which means they must be code assessable, but may include applications which are not ready for a decision upon lodgement (that is, they require an action notice, referral agency response or information request). These types of Fast Track Applications are referred to in this procedure as Fast Track Decision Stage applications. Owing to Fast Track Applications being limited to code assessable, minor, low risk applications and having a fast turnaround, the applications are generally not presented at an IDAP Meeting and must be decided by officers with appropriate qualifications, skills and experience (that is, they are not to be reviewed by Committee and decided by Full Council).

The procedure for the determination of Fast Track Applications is as follows:

1. Upon lodgement, the development application or request is sent to the relevant Team Coordinator (or a senior officer within the relevant team in the absence of the Team Coordinator) using the approved email template by the relevant Administration Officer. The relevant Team Coordinator (or senior officer) is to assess the development against the Complexity Rating of Development Applications and Requests Procedure, to determine whether the application is a Level 1, Level 2 or Level 3 Category application, and allocate a responsible planning officer to manage the assessment of the application. If the application is a Level 1 Category, the Team Coordinator (or Senior Planner) must state whether the application qualifies as a Fast Track Application or Fast Track Decision Stage Application. The Administration Officer is to use this information to insert the relevant application workflow into Council's corporate information system (Pathway).
2. If the application qualifies as a Fast Track Application, is properly made upon lodgement and does not require an information request or referral agency response (or is an application which does not include these steps and is ready to be decided), the application is to be decided within five (5) business days of the lodgement of the application, with the confirmation notice to be issued within three (3) business days of lodgement.
3. If the application qualifies as a Fast Track Decision Stage Application (i.e. the application requires an action notice, information request or an advice agency response), the application is to be decided within five (5) business days of the start of the application entering the decision part, with all other actions to be undertaken within the required legislative timeframes.
4. The assessment report for the Fast Track Application is to be prepared by the responsible planning officer and sent to the delegate (at minimum a senior planner) by midday on the day before the application is due to be decided, with a CC to the relevant Team Coordinator. If the relevant Team Coordinator is the delegate for the application, the CC is to be to the relevant Branch Manager. Notably, the Team Coordinator/Branch Manager CC'd on the application may or may not make comment on the recommendation.
5. Once the delegate is satisfied with the recommendation, they are to send the assessment report to the relevant Administration Team by midday on the day the application is due to be decided for preparation of the Decision Notice.
6. The Decision Notice is to be prepared by the relevant Administration Officer and sent back to the responsible planning officer by 3pm on the day the application is due to be decided.
7. The responsible planning officer is to compile the decision material and send to the delegate for signing, with a CC to the Team Coordinator/Branch Manager who was included in the original email so that they are aware that the application has been decided.
8. The delegate must check and exercise the delegation by signing the decision material. Upon signing the decision material, the delegate is to send the decision documents to the relevant Administration Team.

9. The relevant Administration Team is to then undertake the following actions:

- The exercise of the delegation and the details of the determination is recorded in the corporate information system (Pathway).
- The decision notice must be provided within one (1) business day of the exercise of the delegation (preferably same day) and is distributed by means of:
 - Electronic Correspondence: Where an email address has been provided, the Administration Team must 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 must be posted to the applicant. Should there be any attachments to the decision, then those attachments must also be posted.
- A copy of the decision notice must be provided to any referral agencies (concurrence or advice) and QUU if applicable.
- Council's corporate information system (Pathway) must be updated to include the following information:
 - Decision date – date delegated authority was exercised and description.
 - Decision.
 - Officer who exercised the delegated authority
 - Record Infrastructure Contributions (if applicable).
- 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, Approved Plans and the Notice About Decision publicly available in the corporate information system (Pathway) (so that the decision material can be accessed via PD Online or equivalent).

1.4.2 General Process for Determination of Applications under Delegated Authority

The majority of development applications are to be determined under delegated authority. However, there are a number of instances where applications may be reviewed by Committee and decided by Full Council, which are identified in the steps below. Where one of the steps below requires the application to be reviewed by Committee and decided by Full Council, the procedure for determination of the application will revert to the alternative procedure for review by Committee and decision by Full Council. The procedure for determination of development applications under delegated authority is set out below:

1. Upon lodgement, the development application or request is sent to the relevant Team Coordinator (or a senior officer within the relevant team in the absence of the Team Coordinator) using the approved email template by the relevant Administration Officer. The relevant Team Coordinator (or senior officer) is to assess the development against the

Complexity Rating of Development Applications and Requests Procedure, and respond to the email with a determination as to whether the application is a Level 1, Level 2 or Level 3 Category application, and allocate a responsible planning officer to manage the assessment of the application. The Administration Officer is to use this information to insert the relevant application workflow and responsible officer into Council's corporate information system (Pathway).

2. If the development application or request is for a Variation Request, or involves a Sensitive Development Matter, the application or request is to be reviewed by Committee and decided by Full Council (refer 'General Process for Review of Applications by Committee and Determination by Full Council').
3. On the first business day of each week, a list of all development applications (with the exception of Fast Track Applications) lodged during the previous working week is to be circulated to the Chief Executive Officer, Mayor and Councillors.
4. Should the Mayor or any Councillor believe that any development application or request listed involves a matter of Strategic Public Interest or a Strategic Policy Issue, they are to make a written request to the Chief Executive Officer by close of business on the final business day of the working week setting out the reasons why they believe the application involves a matter of Strategic Public Interest or a Strategic Policy Issue. If the request is agreed by the Chief Executive Officer, the application is to be reviewed by Committee and decided by Full Council (refer 'General Process for Review of Applications by Committee and Determination by Full Council'). The Chief Executive Officer has the discretion to accept any written request made beyond the final business day of the working week.
5. The application is to be presented to the relevant Integrated Development Assessment Panel (IDAP) meeting in accordance with the IDAP procedure. At the relevant IDAP meeting, the City Planner or Development Planning Manager is to determine whether the scale, scope, nature and sensitivity of the application or request may warrant a Council decision, or whether the application may involve a matter of Strategic Public Interest or a Strategic Policy Issue. If either of these determinations are made, the responsible planning officer is to include this information on the IDAP notes. Subsequent to the meeting, the City Planner or Development Planning Manager is to consult with the Chief Executive Officer to confirm agreement, and if the Chief Executive Officer makes this determination, the application is to be reviewed by Committee and decided by Full Council (refer 'General Process for Review of Applications by Committee and Determination by Full Council'). The Chief Executive Officer, City Planner, Development Planning Manager or relevant Team Coordinator is to notify the Mayor and Councillors following the meeting if either of these determinations are made.
6. The relevant planning officer is to ensure the time taken to issue an information request for the application is minimised in order to maximise the time available to make a decision on the application (i.e. the information request is generally to be issued within two (2) business days).

7. If the development application or request requires public notification and more than 20 properly made submissions are received objecting to the proposed development, the application is to be reviewed by Committee and decided by Full Council (refer 'General Process for Review of Applications by Committee and Determination by Full Council').
8. Following the above steps, if the application or request is still to be determined under delegated authority, the assessment report for the application or request is to be completed by the responsible planning officer to enable determination within legislative timeframes.
10. For a Level 1 Category application or request, the assessment report is to be sent to the delegate (generally a senior planner), with a CC to the relevant Team Coordinator. If the relevant Team Coordinator is the delegate for the application, the CC is to be to the relevant Branch Manager. Notably, the Team Coordinator/Branch Manager CC'd on the application may or may not make comment on the recommendation.
11. For a Level 2 application or request, the assessment report is to be sent to the delegate (generally the relevant Team Coordinator), with a CC to the relevant Branch Manager. If the Branch Manager is the delegate, the CC is to be to the City Planner, and if the City Planner is the delegate, the CC is to be to the Chief Executive Officer. Notably, the Branch Manager/City Planner/Chief Executive Officer CC'd on the application may or may not make comment on the recommendation.
12. For a Level 3 application or request, the assessment report is to be sent to the delegate (generally the relevant Team Coordinator), with a CC to the relevant Branch Manager and City Planner. If the Branch Manager or City Planner is the delegate for the application, the CC is to be to the Chief Executive Officer. Notably, the Branch Manager, City Planner or Chief Executive Officer CC'd on the application may or may not make comment on the recommendation but must be briefed on the recommendation prior to the exercise of the decision, and must acknowledge that they have reviewed the report in writing prior to determination of the application.
13. If the application is a Level 2 or 3 Complexity, is not at risk of deemed approval (i.e. within the next five (5) business days) and providing the 'stop the clock' provisions are available for the relevant application, once the delegate is satisfied with the recommendation, they are to determine whether draft conditions may be issued for the application. If so, the assessing officer is to consult with the applicant by whatever means necessary to determine whether the applicant wishes to receive and review draft conditions for the application. If the applicant does wish to receive draft conditions for the application, they must 'stop the clock' for a period which will allow them to make comments on the draft conditions and for these comments to be reviewed by Council. This timeframe will vary depending on the particular application. In the event that there is no 'stop the clock' time remaining for the application, the draft conditions process can only occur if there will not be a detrimental impact on assessment timeframes, including a deemed approval. If at any point the draft conditions process is having a detrimental impact on the assessment timeframes, the draft conditions process is to be abandoned and the applicant is to be advised accordingly.

14. Once the delegate is satisfied with the recommendation, they are to send the assessment report to the relevant Administration Team by midday on the day the application is due to be decided for preparation of the Decision Notice.
15. The Decision Notice is to be prepared by the relevant Administration Officer and sent back to the responsible planning officer by 3pm on the day the application is due to be decided.
16. The responsible planning officer is to compile the decision material and send to the delegate for signing, with a CC to the Team Coordinator/Branch Manager/City Planner or Chief Executive Officer who was included in the original email so that they are aware that the application has been decided.
17. The delegate must check and exercise the delegation by signing the decision material. Upon signing the decision material, the delegate is to send the decision documents to the relevant Administration Team.
18. The relevant Administration Team is to then undertake the following actions:
 - The exercise of the delegation and the details of the determination is recorded in the corporate information system (Pathway).
 - The decision notice must be provided within one (1) business day of the exercise of the delegation (preferably same day) 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.
 - 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.
 - Record Infrastructure Contributions (if applicable).
 - 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, Approved Plans and the Notice About Decision publicly available in the corporate information system (Pathway) (so that the decision material can be accessed via PD

Online or equivalent).

1.4.3 General Process for Review of Applications by Committee and Determination by Full Council

If the application or request is required to be reviewed by Committee and determined by Full Council, Steps 1 to 7 of the 'General Process for Determination of Applications under Delegated Authority' are to be followed, and then the following procedure will apply:

1. The application or request is to be processed as normal in accordance with the stages and requirements of the relevant planning legislation until it reaches the start of Council's decision timeframe.
2. At this time, the relevant planning officer is to review the Committee and Council Meeting schedule to determine the most suitable Committee and Council Meeting the application or request is required to be presented at, to ensure it is decided within legislative timeframes. If the Committee and Council Meeting schedule is such that the application or request will have exceeded legislative timeframes prior to determination, the relevant planning officer is to send a letter to the applicant requesting agreement for an extension to the decision part to enable the application or request to be decided at the relevant Committee and Council Meeting. If this agreement cannot be obtained, the City Planner or Development Planning Manager is to determine whether to follow the relevant procedure to call a Special Meeting such that the application can be determined within legislative timeframes (which must always be done for any application at risk of Deemed Approval).
3. The assessing officer is to complete a draft Committee Report with a recommendation for the determination of the application or request. The Committee Report must outline the reason(s) why the application is to be reviewed by Committee and decided by Council.
4. Where the application involves a Sensitive Development Matter, the recommendation is to be reviewed by the Independent Decision Review Panel, in accordance with the 'Independent Decision review Panel Procedure'. The findings of the review are to be attached to the Committee Report.
5. The draft Committee Report is to be completed by the relevant planning officer in accordance with the 'Officer Reports for Consideration at a Committee, Board or Council Ordinary Meeting Procedure' (or equivalent), at least five (5) business days before the established deadline for the submission of Committee Reports.
6. Once the City Planner is satisfied with the report, it is to be included on the Committee Agenda.
7. Following the Council meeting where the decision on the application is adopted, the Decision Notice is to be prepared by the relevant Administration Officer and sent to the responsible planning officer.
8. The responsible planning officer is to compile the decision material and send to the relevant Team Coordinator for signing, indicating the Decision Authority as Full Council.

9. The relevant Team Coordinator or relevant Branch Manager must check and sign the decision material. Upon signing the decision material, the relevant Team Coordinator or relevant Branch Manager is to send the decision documents to the relevant Administration Team.
10. The relevant Administration Team is to then undertake the following actions:
 - The details of the determination is recorded in the corporate information system (Pathway).
 - The decision notice must be provided within one (1) business day of the decision material being signed (preferably same day) 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.
 - Council's corporate information system (Pathway) is updated to include the following information:
 - Decision date – date delegated authority was exercised and description.
 - Decision.
 - That Council determined the application.
 - Record Infrastructure Contributions (if applicable).
 - 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, Approved Plans and the Notice About Decision publicly available in the corporate information system (Pathway) (so that the decision material can be accessed via PD Online or equivalent).

Note: Where this procedure refers to a position to complete a particular function, that function may be fulfilled by another officer of a similar or more senior level instead, as may be appropriate for the particular circumstances.

1.5 Definitions:

Fast Track Application (also includes Fast Track Decision Stage Application) means a development application or request which fulfils all of the following criteria:

- Is a Level 1 Category;

- Must not require referral to a Concurrence Agency (but may require referral to an Advice Agency);
- Must be consistent with the planning scheme or capable of being conditioned to be consistent with the planning scheme (including following an information request) and therefore, unlikely to be recommended for refusal;
- Is a development application / request for any of the following:
 - Reconfiguring a lot – access easement, creation of up to three (3) residential lots, subdivision by lease, boundary realignment;
 - Material change of use – caretaker residential, display housing, dual occupancy, home based activity, single residential use
 - Carrying out building work not associated with a material change of use – auxiliary unit, carport/garage in a character zone, extension to a character house, any other minor extension to an existing building
 - Operational works – advertising device unless Billboard, Sky Sign, Major Entry Community Signage or for a Third Party Advertising Device
 - Extension to relevant period applications for an application which was a Level 1 complexity
 - Minor Change applications where original application was a Level 1 complexity
 - Superseded Planning Scheme Requests where the development described in the request would be a Level 1 Complexity.

IDAP Meeting means a meeting scheduled pursuant to the Integrated Development Assessment Panel (IDAP) Procedure.

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.

Level 1 Category means an application or request that has been given a Level 1 rating under the Complexity Rating of Development Applications and Requests Procedure.

Level 2 Category means an application or request that has been given a Level 2 rating under the Complexity Rating of Development Applications and Requests Procedure.

Level 3 Category means an application or request that has been given a Level 3 rating under the Complexity Rating of Development Applications and Requests 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.

1.6 Procedure Author:

The City Planner is responsible for Maintenance of this Procedure.

Date of approval:

Title of Manager:

**THIS WILL BE FILLED IN ONCE THE PROCEDURE HAS BEEN APPROVED
BY THE DEPARTMENT HEAD BY THE CORPORATE GOVERNANCE
ADMIN TEAM**

Date to be reviewed: (two years after this procedure has been approved)