

## Exercise the Powers of Council under the *Economic Development Act 2012*

**Date of Council Resolution:** 17 September 2013, 25 August 2015, 4 December 2018.

**No of Resolution:** Item 4 of the Planning and Development Committee No. 2013(09) of 10 September 2013, Item 2 of the Planning and Development Committee No. 2105(08) of 18 August 2015, Planning and Development Heritage committee No. 2017 of 23 May 2017 – Council ordinary Meeting of 30 May 2017, Growth and Infrastructure Committee No. 2018 (12) of 27 November 2018.

### Relevant Legislation:

*Local Government Act 2009*

*Economic Development Act 2012*

**Delegation to:** Chief Executive Officer

**Relationship to Act:** This instrument is made under s257 of the *Local Government Act 2009*.

### Power Delegated:

The power to exercise the powers that have been delegated to Council by the Minister for Economic Development Queensland in the Instrument of Delegation dated 20 August 2013 for commencement on 30 September 2013 as modified by 'Instrument of Delegation Ipswich City Council: Amendment Delegation 2018 (No. 1) executed 30 October 2018 set out in **Attachment A** subject to the following conditions:

1. \_\_\_\_\_

### Delegation requirements

1. The Delegate must:

- (a) keep a record of all decisions made by the exercise of a delegated power at the time of decision in such format as, and be kept on record as, determined by the Chief Executive Officer from time to time;
- (b) undertake any actions required by the Policy titled 'Framework for Development Applications and Related Activities';

### **Conditions:**

~~This delegation is subject to the following conditions:~~

~~1. Whenever this power is exercised, a record of the exercise shall be made in writing at the time of exercising such power and a copy thereof shall be kept in such format as determined from time to time by the Chief Executive Officer.~~

~~2. With the exception of:~~

~~(a) Operational, building, plumbing or drainage works, compliance assessment or endorsement or any combination of these;~~

~~(b) section 60 of the *Body Corporate and Community Management Act 1997*; or~~

~~(c) any minor development matter as defined in condition 3 below:~~

~~prior to the exercise of a delegated power to determine a Ripley Priority Development Area (RPDA) application the Delegate must consult with the Chairperson of the Planning, Development and Heritage Committee and the relevant divisional Councillor about the development application to be decided to seek the Chairperson and the Councillor's views about the matter within the time specified by the Delegate.~~

~~3. A minor development matter means:~~

~~(a) an 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;~~

~~(b) minor building work; or~~

~~(c) a minor amendment, variation or alteration to an approval which is unlikely to cause a substantial impact on the amenity of nearby land.~~

~~4. The consultation for RPDA applications required by condition 2 will consist of an email which includes details of the application or request; proposal summary; recommendation (including recommended conditions or reasons for refusal); and the timeframe for response by the relevant Councillor. The delegate shall forward a copy of each matter referred for consultation in accordance with condition 2 to the Mayor for information.~~

~~5. 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 Condition 9;~~

~~(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 any established procedure adopted to deal with the determination of development applications.~~

~~6. — The Delegate must not exercise the delegated power if the Chairperson of the Planning, Development and Heritage Committee or the relevant divisional Councillor responds to the consultation that the matter should be referred to the Planning, Development and Heritage Committee for its consideration or recommendation to Council.~~

~~7. — If the Delegate receives a response from the Chairperson of the Planning, Development and Heritage Committee or the divisional Councillor as specified in Condition 6 above, the Delegate must refer the matter to the Planning, Development and Heritage Committee.~~

~~8. — Notwithstanding condition 6, the Delegate may exercise the delegated power if at any time prior to a Council decision on the matter both the Chairperson of the Planning, Development and Heritage Committee and the relevant divisional Councillor respond to the Delegate in accordance with condition 5(a).~~

~~9. — If no response is received in accordance with either conditions 5 or 6 within the nominated response period (i.e. by midday the next business day) the delegate may exercise the delegation.~~

~~10. — 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 the manner outlined in accordance with Condition 2.~~

~~11. — Where a development application is proposed on land within 50 metres of a divisional boundary line, the delegate is to forward a copy of each report referred to in Condition 2 to the relevant adjoining divisional Councillor for their information.~~

~~12. — Where an application may exceed Economic Development Queensland's application processing performance benchmarks prior to the next Council meeting, notwithstanding the provisions of Conditions 5, 6 and 7 above, 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. Such consultation shall be in accordance~~

~~with any established procedure adopted to deal with the determination of development applications. Where the Chairperson and at least one other Councillor notes the proposed exercise of the delegated power, it may be exercised.~~

~~13. — 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 for a nominated period or elect not to be consulted during this time. The delegate shall consult with the alternative nominated Councillor in the manner outlined in accordance with Condition 2 during the nominated period.~~

~~14. 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 stead until a new Divisional Councillor's term starts in accordance with s.159 of the *Local Government Act 2009*. The delegate shall consult with the Deputy Chairperson in the manner outlined in accordance with Condition 2 during the vacated period.~~