

INSTRUMENT OF SUB-DELEGATION

Sustainable Planning Act 2009



Pursuant to section 259 of the *Local Government Act 2009*, I, Mr Carl Wulff, Chief Executive Officer, Ipswich City Council (Council), delegate to the position or positions set out in Schedule 1, the authority to exercise the powers of 'assessment manager' set out in Schedule 2 in relation to the *Sustainable Planning Act 2009* (the Act).

The powers, the subject of this instrument, have either been delegated to me by Council resolution dated 8 December 2009, or are conferred directly upon me by the Act.

These powers must be exercised subject to any conditions set out in Schedule 3.

SCHEDULE 1		
Position Title	Position Code	Department
ENGINEERING AND ENVIRONMENT MANAGER	1234	PLANNING AND DEVELOPMENT DEPARTMENT
BUILDING AND PLUMBING MANAGER	184	PLANNING AND DEVELOPMENT DEPARTMENT
STRATEGIC PLANNING MANAGER	205	PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT PLANNING MANAGER	1153	PLANNING AND DEVELOPMENT DEPARTMENT

SCHEDULE 2	
Section	Delegated powers under the <i>Sustainable Planning Act 2009</i>
Chapter 6- Integrated Development Assessment System (IDAS) Part 1 – Preliminary Division 4 – Assessment Managers and Referral Agencies Subdivision 3 – Additional Third Party advice or comment about applications	
<i>Assessment Manager or Concurrence Agency make seek advice or comment about application</i>	
s256(1)	The power to ask any person for advice or comment about the application at any stage of IDAS, other than the compliance stage.

QFCI

Date:

18/10/11

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Exhibit Number:

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Part 2 – Application stage Division 1 – Application process Subdivision 2 – Notices about receipt of applications	
<i>Notice about application that is not a properly made application</i>	
s266(1)	<ol style="list-style-type: none"> 1 The power to form the opinion that an application is not a properly made application and articulate the reasons for that opinion. 2 The power to form the opinion about what is required in terms of steps the applicant must take for an application to comply with section 261 of the Act to be a properly made application. 3 The power to, if an application is not a properly made application, give the applicant a notice stating: <ol style="list-style-type: none"> (a) that the application is not a properly made application; (b) the reasons the assessment manager is satisfied the application is not a properly made application; and (c) the action the assessment manager is satisfied the applicant must take for the application to comply with section 261 of the Act to be a properly made application.
s266(3)	The power to agree a further period with the applicant to a period nominated in section 266(3) of the Act.
<i>Notice about properly made application</i>	
s267(2)	<p>The power to, if an application is a properly made application, give the applicant a notice (the acknowledgement notice) unless:</p> <ol style="list-style-type: none"> (a) the application relates to development that requires code assessment only; (b) there are no referral agencies, or all referral agencies have stated in writing that they do not require the application to be referred to them until the information and referral stage.
<i>Content of Acknowledgement Notice</i>	
s268	<p>The power to form the opinion about the following matters required to be included in an acknowledgement notice:</p> <ol style="list-style-type: none"> (a) the type of approval applied for; (b) which of the following aspects of development the application seeks development approval for: <ol style="list-style-type: none"> (i) carrying out building work; (ii) carrying out plumbing and drainage work; (iii) carrying out operational work; (iv) reconfiguring a lot; (v) making a material change of use of premises; (c) whether an aspect of the development applied for requires code assessment, and if so, the names of all the codes considered to be applicable codes for the development; (d) whether an aspect of the development applied for requires impact assessment, and if so, the public notification requirements;

	<p>(e) the name and address of each referral agency for the application, and whether the referral agency is an advice or concurrence agency;</p> <p>(f) about whether an information request would be made under section 276 of the Act, and if such a request is not to be made, to note that the assessment manager does not intend to make an information request; and</p> <p>(g) if there are referral agencies for the application, to note that the application will lapse unless the applicant gives to each referral agency the referral material within the period mentioned in section 272(2) of the Act.</p>
<p>Part 3 – Information and referral stage</p> <p>Division 2 – Giving material to referral agencies</p>	
<i>Applicant give material to referral agency</i>	
s272(2)(b)	The power to agree a further period with the applicant to the period nominated in section 272(2)(a) of the Act.
s272(4)	The power to, if asked by the applicant, give the referral material to a referral agency on behalf of the applicant for a fee, not more than the assessment manager's reasonable costs of giving the material.
<i>When application taken not to have lapsed</i>	
s274(2)(b)	The power to agree a further period with the applicant to the period nominated in sections 272 and 273 of the Act.
<p>Division 3 – Information requests</p>	
<i>Information request to applicant</i>	
s276	The power to ask the applicant, by written request (<i>information request</i>) to give further information needed to assess the application.
<i>Extending information request period</i>	
s277(1)	The power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
s277(3)	The power to enter into a written agreement with the applicant to further extend the information request period.
<i>Lapsing of application if no response to information request</i>	
s279(1)(a) and (b)	The power to agree a further response period with the applicant to the periods specified in section 279(1)(a) and (b) of the Act.
<i>When application taken not to have lapsed</i>	
s280(2)(b)	The power to agree a further period with the applicant to the period specified in section 280(2)(a) of the Act.
<p>Part 4 – Notification stage</p> <p>Division 2 – Public notification</p>	
<i>Applicant or assessment manager to give public notice of application</i>	
s297	<p>The power to enter into a written agreement with the applicant to undertake public notification by:</p> <p>(a) publishing a notice at least once in a newspaper circulating generally in the locality of the land;</p>

	(b) placing a notice on the land in the way prescribed under a regulation; and (c) giving a notice to the owners of all land adjoining the land.
<i>Application lapses if notification not carried out or notice of compliance not given</i>	
s302(1)(a)	The power to agree a further period with the applicant if the last action under section 297(1) of the Act is not carried out before the end of 20 business days after the applicant was entitled to start the notification stage.
s302(1)(b)	The power to further agree a period with the applicant if the applicant has not complied with section 301 of the Act within the period stated in the section.
<i>When application taken not to have lapsed</i>	
s303(2)	The power to further agree a further period with the applicant to carry out the actions under section 297(1) of the Act.
s303(3)	The power to agree a further period with the applicant to comply with section 301 of the Act.
<i>Assessment manager may assess and decide application if some requirements not complied with</i>	
s304(1)	<ol style="list-style-type: none"> 1 The power to form the opinion that some of the requirements of chapter 6, part 4, division 2 of the Act have not been complied with. 2 The power to form the opinion that the non-compliance has not: <ol style="list-style-type: none"> (a) adversely affected the awareness of the public of the existence and nature of the application; or (b) restricted the opportunity of the public to make properly made submissions. 3 The power to assess and decide an application even if some of the requirements of chapter 6, part 4, division 2 of the Act have not been complied with in the circumstances prescribed.
Division 3 – Submissions about applications	
<i>Making submissions</i>	
s305(3)	The power to accept a written submission even if the submission is not a properly made submission.
Part 5 – Decision stage	
Division 1 - Preliminary	
<i>When does decision stage start</i>	
s309(3)	The power to start assessing the application before the start of the decision stage.
Division 2 – Assessment process	
<i>Code assessment – generally</i>	
s313	All powers necessary to discharge the obligations of code assessment under sections 313(2), (3) and (5) of the Act.
<i>Impact assessment – generally</i>	
s314	All powers necessary to discharge the obligations for impact assessment under sections 314(2) and (3) of the Act.

<i>Code and impact assessment – superseded planning scheme</i>	
s315	All powers necessary to assess an application which is a development application (superseded planning scheme) under section 315(1) of the Act.
<i>Assessment for s242 preliminary approvals that affect a local planning instrument</i>	
s316	All powers necessary to discharge the obligations under section 316(4) of the Act for an application for a preliminary approval mentioned in section 242 of the Act.
<i>Assessment manager may give weight to later planning instrument, code, law or policy</i>	
s317(1)	<p>1 The power to form the opinion that it is appropriate to give weight to a planning instrument, code, law or policy that came into effect after the application was made, but:</p> <p>(a) before the day the decision stage for the application started; or</p> <p>(b) if the decision stage is stopped – before the day the decision stage is restarted.</p> <p>2 The power to give the weight considered appropriate to a planning instrument, code, law or policy that came into effect after the application was made, but:</p> <p>(a) before the day the decision stage for the application started; or</p> <p>(b) if the decision stage is stopped – before the day the decision stage is restarted.</p>
Division 3 – Decision	
Subdivision 1 – Decision-making period	
<i>Decision-making period – generally</i>	
s318(2)	The power to, by written notice given to the applicant and without the applicant’s agreement, extend the decision-making period by not more than 20 business days.
s318(4)	The power to enter into a written agreement with the applicant to further extend the decision-making period.
Subdivision 2 – Decision rules – generally	
<i>Decision – generally</i>	
s324(1)	<p>1 The power to decide whether conditions ought to be imposed on a development approval and the content of those conditions.</p> <p>2 The power to, in deciding an application:</p> <p>(a) approve all or part of the application;</p> <p>(b) approve all or part of the application subject to conditions decided by the assessment manager; or</p> <p>(c) refuse the application.</p>
s324(6)(a)	The power to give a preliminary approval, other than a preliminary approval to which section 242 of the Act applies, even though the applicant sought a development permit.

<i>Other decision rules</i>		
s326(1)	1	All powers necessary to decide if there is a conflict with a relevant instrument.
	2	All powers necessary to decide if the conflict is necessary to ensure the decision complies with a State planning regulatory provision.
	3	All powers necessary to decide if there are sufficient grounds to justify the decision, despite the conflict.
	4	The power to decide, if a conflict arises because of a conflict between two or more relevant instruments of the same type, that the decision best achieves the purposes of the instruments.
	5	The power to decide, if the conflict arises because of a conflict between two or more aspects of one relevant instrument, that the decision best achieves the purposes of the instrument.
Subdivision 3 – Decision rules – application under section 242		
<i>Decision if application under s242 requires assessment</i>		
s327(1)	1	The power to form the opinion that different variations from those sought in respect of the part of an application for a preliminary approval mentioned in section 242 of the Act are warranted, subject to section 242(3) and (5) of the Act.
	2	The power to decide whether conditions ought to be imposed on an application for a preliminary approval mentioned in section 262 of the Act, subject to section 262(3) and (5) of the Act.
	3	The power to, in deciding the part of an application for a preliminary approval mentioned in section 242 of the Act that states the way in which the applicant seeks approval to vary the effect of any applicable local planning instrument for the premises: <ul style="list-style-type: none"> (a) approve all or some of the variations sought (including subject to conditions); (b) subject to section 242(3) and (5) of the Act – approve different variations from those sought (including subject to conditions); or (c) refuse the variations sought.
<i>Other decision rules</i>		
s329(1)	1	All powers necessary to decide if there is a conflict with a relevant planning instrument.
	2	All powers necessary to decide if the conflict is necessary to ensure the decision complies with a State planning regulatory provision.
	3	All powers necessary to decide if there are sufficient grounds to justify the decision, despite the conflict.
	4	The power to decide, if a conflict arises between two or more relevant instruments of the same type, that the decision best achieves the purposes of the instruments.
	5	The power to decide, if the conflict arises because of a conflict between two or more aspects of any one relevant instrument, that the decision best achieves the purposes of the instrument.

Subdivision 4 – Deemed decision for particular applications	
<i>Deemed approval of applications</i>	
s331(6)	<ol style="list-style-type: none"> 1 The power to decide whether conditions ought to be imposed on a development approval and the content of those conditions. 2 The power to give the applicant a decision notice approving the application or approving the application subject to conditions.
Division 4 – Notice of decision	
<i>Assessment manager to give notice of decision</i>	
s334(1)	<p>The power to give written notice of the decision in the approved form (the <i>decision notice</i>) to:</p> <ol style="list-style-type: none"> (a) the applicant; (b) each referral agency; (c) if the application is a building development application – each designated person for the application.
<i>Content of decision notice</i>	
s335	The power to complete the content of the decision notice as required by section 335(1) of the Act.
<i>Assessment manager to give copy of decision notice to principal submitter</i>	
s337(1)	<p>The power to give a copy of the decision notice to each principal submitter within 5 business days after the earliest of the following happens:</p> <ol style="list-style-type: none"> (a) the applicant gives the assessment manager a written notice stating that the applicant does not intend to make representations mentioned in section 361(1) of the Act; (b) the applicant gives the assessment manager notice of the applicant's appeal; (c) the applicant's appeal period ends.
s337(2)	The power to give a copy of the decision notice to each principal submitter, if the application is refused, at about the same time as the decision notice is given to the applicant.
Division 5 - Approvals	
<i>When approval lapses if development not started</i>	
s341(1), (2) and (3)	The power to state a different period from when the approval takes effect under section 341(1)(b), (2)(c), (3)(b) of the Act.
<i>When approval lapses if development started but not completed – preliminary approval</i>	
s343(3)(a)	The power to, in a condition of approval, state a period requiring development, or an aspect of development, to which the approval relates to be completed within a stated period.
Division 6 – Conditions	
<i>Agreements</i>	
s348	The power to enter into an agreement with the applicant to establish the obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 – Changing or withdrawing development applications

Division 1 - Preliminary

Meaning of minor change

s350(1)(a)	1	The power to, in respect of a change that merely corrects a mistake about the name or address or the applicant or owner, or the address or other property details of the land to which the application applies, form the opinion that the change would not adversely affect the ability of a person to assess the changed application.
	2	The power to give written notice about the opinion formed under section 350(1)(a) of the Act.
s350(1)(b)	1	The power to, in respect of a change of applicant, form the opinion that the change would not adversely affect the ability of a person to assess a changed application.
	2	The power to give written notice about the opinion formed under section 350(1)(b) of the Act.
s350(1)(d)	1	The power to form the opinion that a change: <ul style="list-style-type: none"> (a) does not result in a substantially different development; (b) does not require the application to be referred to any additional referral agencies; (c) does not change the type of development approval sought; (d) does not require impact assessment for any part of the changed application, if the original application did not involve impact assessment.
	2	The power to give written notice about the opinion formed under section 350(1)(d) of the Act.

Division 2 – Procedure for changing applications

Changing application

s351(2)	1	The power to, in respect of a notification by an applicant to change an application, form the opinion that if the application were remade including the change, would result in the application: <ul style="list-style-type: none"> (a) not being a properly made application; or (b) involving prohibited development.
	2	The power to give written notice about the opinion formed under section 351(2) of the Act.

Assessment manager to advise referral agencies about changed applications

s352	The power to give a copy of the notice of the change to the following entities and advise them of its effect under division 3 of the Act: <ul style="list-style-type: none"> (a) any referral agencies for the original application; (b) if the change requires the application to be referred to a referral agency, other than a referral agency mentioned in paragraph (a) – the referral agency.
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Division 3 – Changed applications – effect on IDAS	
<i>Effect on IDAS – changes about matters relating to submissions or information requests</i>	
s354(1)(b)	<p>1 The power to form the opinion that the change to an application:</p> <p style="margin-left: 20px;">(a) only deals with a matter raised in a properly made submission for the application; or</p> <p style="margin-left: 20px;">(b) is in response to an information request.</p> <p>2 The power to give written notice of the opinion formed in section 354(1)(b) of the Act.</p>
s354(4)	<p>1 The power to form the opinion that the change to the application would not be likely to attract a submission objecting to the thing comprising the change, if the notification stage were to apply to the change.</p> <p>2 The power to give written notice of the opinion formed in section 354(4) of the Act.</p>
<i>Effect on IDAS – other changes</i>	
s355(1)(b)	<p>1 The power to form the opinion that the change to the application is not a change that:</p> <p style="margin-left: 20px;">(a) only deals with a matter raised in a properly made submission for the application; or</p> <p style="margin-left: 20px;">(b) is in response to an information request.</p> <p>2 The power to give written notice of the opinion formed under section 355(1)(b) of the Act.</p>
s355(4)	<p>1 The power to form the opinion that the change to the application would not be likely to attract a submission objecting to the thing comprising the change, if the notification stage were to apply to the change.</p> <p>2 The power to give written notice of the opinion formed under section 355(4) of the Act.</p>
<i>Withdrawing an application</i>	
s356(2)	The power to form the opinion that, in respect of a later application made following a withdrawal of an application, the later application is not substantially different from the withdrawn application and take into account any properly made submission about the withdrawn application as if it were a properly made submission about the later application.
Part 7 – Missed referral agencies	
<i>Notice of missed referral agency</i>	
s357(1)	The power to form the opinion that an applicant has not referred an application to a referral agency as required by section 272 of the Act.
s357(2)	The power to give written notice to each other party to the application advising the other parties that the applicant has not referred the application as required under section 272 of the Act.

Part 8 – Dealing with decision notices and approvals	
Division 1 – Changing decision notices and approvals during applicant’s appeal period	
<i>Assessment manager to consider representations</i>	
s362	The power to consider any representations made to the assessment manager under section 361 of the Act.
<i>Decision about representations</i>	
s363(1)	<ol style="list-style-type: none"> 1 The power to form the opinion that the representations about a decision notice or a deemed approval are agreed. 2 The power to give a new decision notice (the <i>negotiated decision notice</i>) to: <ol style="list-style-type: none"> (a) the applicant; (b) each principal submitter; and (c) each referral agency.
s363(5)	<ol style="list-style-type: none"> 1 The power to form the opinion, in respect of representations made about a decision notice or a deemed approval, that any of the representations are not agreed. 2 The power to, if the assessment manager does not agree with any of the representations, give written notice to the applicant stating the decision about the representations.
Division 2 – Changing approvals – request for change after applicant’s appeal period ends	
Subdivision 1 – Preliminary	
<i>What is a permissible change for a development approval</i>	
s367(1)	<ol style="list-style-type: none"> 1 The power to form the opinion that a change to a development approval would not: <ol style="list-style-type: none"> (a) result in a substantially different development; (b) if the application for the approval were remade including the change: <ol style="list-style-type: none"> (i) require referral to additional concurrence agencies; or (ii) for an approval for assessable development that previously did not require impact assessment – require impact assessment; (c) for an approval for assessable development that previously required impact assessment – be likely to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or (d) cause development to which the approval relates to include any prohibited development. 2 The power to give written notice of the opinion formed under section 367(1) of the Act.
<i>Notice about proposed change before request is made</i>	
s368(3)	The power to, if a person proposes to make a request under section 369 of the Act to change a development approval, give the person a written notice (a <i>pre-request response notice</i>) stating whether or not Council objects to the proposed change.

Subdivision 2 – Procedure for changing approvals	
<i>When owner's consent required for request</i>	
s371(d)	<p>1 The power to form the opinion that:</p> <p>(a) having regard to the nature of the proposed change to the development approval, the owner of the land to which the development approval attaches, has unreasonably withheld consent; and</p> <p>(b) the requested change does not materially affect the owner's land.</p> <p>2 The power to give written notice of the opinion formed under section 371(d) of the Act.</p>
s371(e)	<p>1 The power to form the opinion that:</p> <p>(a) because of the number of owners of the land to which the development approval attaches, it is not practicable to obtain the owners' consent; and</p> <p>(b) the requested change does not materially affect the owners' land.</p> <p>2 The power to give written notice of the opinion formed under section 371(e) of the Act.</p>
Subdivision 3 – Assessing and deciding requests for change	
<i>Particular entities to assess request for change</i>	
s373(1)	<p>1 The power to form the opinion that, in respect of a request under section 372 to change a development approval:</p> <p>(a) the entity has no objection to the change being made; or</p> <p>(b) it objects to the change being made and the reasons for the objection.</p> <p>2 The power to give written notice of the opinion formed under section 373(1) of the Act.</p>
<i>Responsible entity to assess request</i>	
s374(1)	<p>The power to assess the request under section 372 of the Act to change a development approval having regard to:</p> <p>(a) the information the person making the request included with the request;</p> <p>(b) the matters a responsible entity would have regard to if the request were a development application;</p> <p>(c) if submissions were made about the original application – the submissions;</p> <p>(d) any notice about the request given under section 373 of the Act to Council; and</p> <p>(e) any pre-request response notice about the request given to Council.</p>

<i>Responsible entity to decide request</i>	
s375(1)	<ol style="list-style-type: none"> 1 The power to decide whether conditions ought to be imposed on a request to change a development approval under section 374 of the Act and the content of those conditions. 2 The power to decide to: <ol style="list-style-type: none"> (a) approve the request to change a development approval under section 374 of the Act, with or without conditions; or (b) refuse the request.
<i>Responsible entity to decide request</i>	
s375(5)	The power to enter into an agreement with the person who made the request under section 369 of the Act to extend the period within which Council must decide the request by not more than 20 business days.
<i>Notice of decision</i>	
s376(1)	The power to give written notice of the decision to each of the following: <ol style="list-style-type: none"> (a) the person who made the request; (b) if the responsible entity is not the assessment manager – the assessment manager; (c) any referral agency for the original application; (d) if the request relates to a development approval given by the Minister under part 1.1, division 2 of the Act and the Minister referred the request to the original assessment manager – the Minister.
Division 3 – Changing or cancelling particular conditions – other than on request	
<i>When condition may be changed or cancelled by assessment manager or concurrence agency</i>	
s378(7)	<ol style="list-style-type: none"> 1 The power to form the opinion that it is necessary to change or cancel a condition of approval in the circumstances specified in section 378(1) of the Act. 2 The power to give written notice to the owner of the land to which the approval attaches and any occupier of the land to the effect that the entity is satisfied it is necessary to change or cancel the condition in the circumstances specified in section 378(1) of the Act.
Division 4 – Cancelling approvals	
<i>Assessment manager to cancel approval</i>	
s381	The power to, after receiving the request under section 379 of the Act to: <ol style="list-style-type: none"> (a) cancel the approval; and (b) give notice of the cancellation to the person who applied for the cancellation and to each concurrence agency.
Division 5 – Extending period of approvals	
<i>Request to extend period in s341</i>	
s383(4)	<ol style="list-style-type: none"> 1 The power to form the opinion that, in respect of a notice to the assessment manager under section 383 of the Act, that: <ol style="list-style-type: none"> (a) having regard to the nature of the request, the owner of the land to which the approval attaches has unreasonably withheld consent; or

	<p>(b) because of the number of owners of the land to which the approval attaches, it is not practicable to obtain the owners' consent.</p> <p>2 The power to give written notice of the opinion formed under section 383(4) of the Act.</p>
<i>Assessment manager to decide request</i>	
s387(1)	The power to approve or refuse the extension to a period sought within 30 business days after receiving the request.
s387(3)	The power to enter into an agreement with the person making the request to extend the period within which the assessment manager must decide the request.
<i>Deciding request</i>	
s388(1)	<p>The power to, in deciding a request under section 383 of the Act, have regard to:</p> <p>(a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule;</p> <p>(b) the community's current awareness of the development approvals; and</p> <p>(c) whether, if the request were refused:</p> <p>(i) further rights to make a submission may be available for a further development application; and</p> <p>(ii) the likely extent to which those rights may be exercised; and</p> <p>(d) the views of any concurrence agency for the approval given under section 385 of the Act.</p>
<i>Assessment manager to give notice of decision</i>	
s389	The power to give written notice of the decision to the person asking for the extension and any concurrence agency that gave the assessment manager a notice under section 385 of the Act.
<p>Part 10 – Compliance stage</p> <p>Division 1 - Preliminary</p>	
<i>Nominating document or work for compliance assessment – condition of development approval or compliance permit</i>	
s398(1)	The power to, in imposing a condition on a development approval or compliance permit, state, in that condition, that a document or work is a document or work requiring compliance assessment.
s398(2)	<p>The power to impose a condition on a development approval or compliance permit which states:</p> <p>(a) the matters or things against which the document or work must be assessed;</p> <p>(b) the entity to whom a request for compliance assessment under this part must be made (the <i>compliance assessor</i>); and</p> <p>(c) when the request for compliance assessment under this part must be made.</p>

Part 12 – Miscellaneous provision	
<i>Refunding fees</i>	
s434	The power to decide whether or not to refund all or part of a fee paid to the assessment manager to assess and application.
Chapter 7 – Appeals, offences and enforcement	
Part 1 – Planning and Environment Court	
Division 7 – Other court matters	
<i>Court may make declarations and orders</i>	
s456(1)	The power to bring a proceeding in the Planning and Environment Court for a declaration about any of the following: <ul style="list-style-type: none"> (a) a matter done, to be done or that should have been done for the Act other than a matter for Chapter 6, Part 11 of the Act; (b) the construction of the Act, planning instruments and master plans under the Act and guidelines made under section 117, 145, 627 or 630(1) of the Act; (c) the construction of a land use plan under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> and Chapter 3, Part 1 of that Act; (d) the lawfulness of land use or development.
s456(2)	The power to decide to bring a proceeding about a matter done, to be done or that should have been done for Chapter 6, Part 11, Division 2 for a development application if, when the application was called in under that part, the Assessment Manager: <ul style="list-style-type: none"> (a) had not decided the application; or (b) had refused the application.
Division 11 – Making an appeal to Court	
<i>Respondent and co-respondents for appeals under Division 8</i>	
s485(6)	The power to apply to the Court to withdraw from the appeal if the appeal is only about a concurrence agency's response.
<i>How an entity may elect to be a co-respondent</i>	
s488	The power to elect to be a co-respondent to an appeal.
Division 14 – Appeals to Court of Appeal	
<i>Who may appeal to Court of Appeal?</i>	
s498(1)	The power to, if Council is a party to a proceeding in the Planning and Environment Court, appeal a decision of that court to the Court of Appeal.

Part 2 – Building and Development Dispute Resolution Committees Division 3 – Committee Declarations Subdivision 1 – Declarations	
<i>Declaration about whether development application is properly made</i>	
s510(3)	The power to, within 10 business days after receiving a development application, bring a proceeding before a building and development committee for a declaration about whether the application is a properly made application.
Subdivision 2 – Proceedings for Declarations	
<i>Fast-track proceedings for declarations</i>	
s515(1)	The power to make a written request to the Chief Executive to appoint a Building and Development Committee to start the hearing of the proceeding within two business days after starting the proceeding.
Division 8 – Making Appeals to Building and Development Committees	
<i>Fast-track appeals</i>	
s537(1)	The power to request the Chief Executive to appoint a Building and Development Committee to starting hearing the appeal within 2 business days after starting the appeal.
<i>Respondent and Co-Respondents for Appeals under section 519, 522 or 527</i>	
s543(4)	The power to, if the appeal is only about a concurrence agency's response, decide to apply to the Building and Development Committee to withdraw from the appeal.
Chapter 9 – Miscellaneous Part 3 – Compensation Part 4 – Power to purchase, take or rent a land for planning purposes	
<i>Power of assessment manager or other entity to enter land in particular circumstances</i>	
s715(1)	<ol style="list-style-type: none"> 1 The power to form the opinion that: <ol style="list-style-type: none"> (a) implementing a development approval or compliance permit would require the undertaking of works on land other than the land the subject of the approval or permit; (b) the applicant or person who requested compliance assessment has taken reasonable steps to obtain the agreement of the owner of the land to enable the works to proceed, but has not been able to obtain the agreement; and (c) the action is necessary to implement the development approval or compliance permit. 2 The power to enter land at all reasonable times to undertake works if the assessment manager or Council has formed the opinion as specified under section 715(1) of the Act.

Part 6 – Public access to planning and development information	
Division 2 – Documents available for inspection and purchase or inspection only	
Subdivision 2 – Requirements for assessment managers	
<i>Documents assessment manager must keep available for inspection and purchase – development application</i>	
s728(3)	The power to form the reasonable opinion that supporting material referred to in section 728(1) of the Act contains sensitive security information.
s728(4)	The power to remove the name, address and signature of each person who made a submission before making the submission available for inspection and purchase.
Chapter 7 – Notification stage for particular agriculture development	
Division 2 – Public notification	
<i>Assessment manager may assess and decide application if some requirements are not complied with</i>	
s750	<p>1 The power to assess and decide an application to which the part of the Act applies even if some of the requirements of chapter 9, part 7, division 2 of the Act have not been complied with.</p> <p>2 The power to form the opinion that, in respect of an application to which chapter 9, part 7 of the Act applies and some of the requirements of chapter 9, part 7, division 2 of the Act have not been complied with, that any non-compliance has not:</p> <p>(a) adversely affected the awareness of the public of the existence and nature of the application; or</p> <p>(b) restricted the opportunity of the public to make properly made submissions.</p>
Chapter 10 – Repeal and transitional provisions	
Part 2 – Transitional provisions	
Division 6 – Provisions for integrated development assessment system	
<i>Development applications under repealed IPA</i>	
s802(4)	<p>1 The power to, for repealed IPA, section 3.5.6(2), form the opinion that it is appropriate to give weight to a planning instrument, code, law or policy that came into effect after the application was made, but:</p> <p>(a) before the day for the decision stage for the application under repealed IPA started; or</p> <p>(b) if the decision stage is stopped – before the day the decision stage is restarted.</p> <p>2 The power to give the weight considered appropriate to a planning instrument, code, law or policy that came into effect after the application was made, but:</p> <p>(a) before the day the decision stage for the application under repealed IPA started; or</p> <p>(b) if the decision stage is stopped – before the day the decision stage is restarted.</p>

<i>Application of repealed IPA, chapter 3, part 5, division 4</i>	
s807(2)	The power to continue to deal with the representations about a decision notice to an assessment manager under repealed IPA, section 3.5.17 under that section as if repealed IPA had not been repealed.
Division 9 – Provisions about matters under repealed IPA, chapter 5	
<i>Claims for compensation</i>	
s842(2)	The power to decide a claim under repealed IPA as if the Act had not commenced.

SCHEDULE 3	
Conditions	
1.	<p>(a) 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.</p> <p>(b) That the Mayor, the Chairperson of the Planning and Development Committee and the divisional Councillor be advised within (1) one business day of the Delegate exercising the power to issue a Show Cause Notice or an Enforcement Notice under Chapter 7, Part 3 of the <i>Sustainable Planning Act 2009</i>.</p>
2.	<p>With the exception of:</p> <p>(a) operational, building, plumbing or drainage works or any combination of these;</p> <p>(b) section 60 of the <i>Body Corporate and Community Management Act 1997</i>; or</p> <p>(c) any minor development matter as defined in Clause 4 below:</p> <p>prior to the exercise of a delegated power to determine a development application the Delegate must consult with the Chairperson of the Planning and Development 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. Such consultation shall be in accordance with any established procedure adopted to deal with the determination of development applications.</p>
3.	<p>Upon exercising the delegation in respect of a minor development matter (as defined in Clause 4 below) the Chairperson of the Planning and Development Committee and the relevant divisional Councillor shall be provided with a notification of the decision.</p>
4.	<p>A minor development matter means:</p> <p>(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;</p> <p>(b) minor building work; or</p> <p>(c) a minor amendment, variation or alteration to a development approval which is unlikely to cause a substantial impact on the amenity of nearby land.</p>

5. The Delegate is authorised to exercise the delegated power to determine a development application if the Chairperson of the Planning and Development 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 any established procedure adopted to deal with the determination of development applications; or
 - (c) 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 and Development Committee or the relevant divisional Councillor responds to the consultation that the matter should be referred to the Planning and Development Committee for its consideration or recommendation to Council.
7. If the Delegate receives a response from the Chairperson of the Planning and Development Committee or the divisional Councillor as specified in Condition 6 above, the Delegate must refer the matter to the Planning and Development Committee.
8. Notwithstanding condition 6, the Delegate may exercise the delegated power if at any time both the Chairperson of the Planning and Development Committee and the relevant divisional Councillor respond to the Delegate in accordance with condition 5(a).
9. When this delegation is exercised a summary of the determination shall be included in a report to the first available meeting of the Planning and Development Committee.
10. The delegate shall forward a copy of each report referred to in Condition 2 to the Mayor for information.
11. Where the Chairperson of the Planning and Development Committee is also the relevant divisional Councillor, the delegate shall consult with the Deputy Chairperson of the Planning and Development Committee in the manner outlined in accordance with Condition 2.
12. Where an application may become a deemed approval 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 and Development Committee, the Deputy Chairperson of the Planning and Development 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.

Dated this 5 day of August 2011.



Mr Carl Wulff
Chief Executive Office
Ipswich City Council

