

Fact Sheet

Regulating Development

Council powers regulating development

This fact sheet provides information about Council's regulatory powers on development. A key function of local government is to enforce development laws within its jurisdiction. These laws are intended to manage the impacts of various types of land use, building works, earthworks or tree clearing. Issues with dangerous structures and swimming pools are also handled by powers in development laws enforced by Council.

What development laws are enforced by Council?

A local government's jurisdiction to enforce legislation is not unlimited and is prescribed in the *Local Government Act 2009*. Development laws within Council powers include the *Planning Act 2016*, *Building Act 1975* and Ipswich Planning Scheme. These laws define how all types of land use, building work and development is categorized and how an application for an approval is assessed. Development approvals have conditions that are intended to manage impacts on people and the environment. Council has powers under development laws to enforce approval conditions both during the construction phase and during the relevant land use.

How is development categorized and assessed?

The *Planning Act 2016* categorises all land use, building work and other development as either *accepted*, *assessable* or *prohibited*. If an activity or building work is considered *accepted* development, Council is not required to regulate it. The *Ipswich Planning Scheme 2006* and Schedules 6 and 7 of the *Planning Regulation 2017* describe land uses that are *accepted* and do not require an approval. A business or activity, for example, is *accepted* on a residential property when it meets the Ipswich Planning Scheme home-based business criteria. Schedule 1 in the *Building Regulation 2006* describes the extent of building works that are *accepted* and when it becomes *assessable*.

Development approvals

Land use, building work or other development that is considered *assessable* is required to have a development approval. The Ipswich Planning Scheme provides definitions for various land uses and prescribes the type of development assessment required for an approval depending on the particular property. Council's planners can answer any question about the type of approval required for a particular land use on a certain property. The *Building Act 1975* provides powers for building certifiers to approve *assessable* building work. Depending on the building work and the particular property, there may be additional approvals required before a building approval can be given. A licensed building certifier can answer any questions about the building approval process. You can either find a private building certifier through an on-line search or contact Council's building certifiers.

Further Information

- Ipswich City Council: <https://www.ipswich.qld.gov.au/>
- Ipswich Planning: <https://www.ipswichplanning.com.au/>
- Ipswich City Council Building Information: <https://www.ipswich.qld.gov.au/services/planning-and-property/building>

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