

## Fact Sheet

# Development Compliance Action

## Resolving Complaints About Land Use and Development

This fact sheet provides information to residents who have raised concerns about possible unlawful land use, building work or development on a private property. These concerns are investigated by Council's Development Compliance Section.

### Investigating a complaint

When Council receives a complaint about land use, building work or development, an Officer will investigate to determine if a breach of development laws is occurring. Council has access to a range of information about properties. Our records include information about previous development enquiries, applications and approvals dating back over the age of the property. Mapping available to Council includes aerial images of properties taken at regular intervals dating back several decades. Publicly available information on real estate webpages also have photos of buildings and properties that Officers can use to identify development. Development Compliance Officers can conduct site inspections and use aerial images and historic photos to identify details of building structures or land use and compare them with Council's property data.

### How does Council resolve a complaint?

There are a variety of actions available to Council to resolve complaints about land use, building work or development. These are called compliance actions. They range in significance from issuing cautions or warnings through to sending formal notices and issuing fines. In certain cases, Council may even consider prosecution in Court. As a public entity, Council is required to consider the public interest in determining the level of action it takes. A risk assessment will be undertaken, and Council resources are focused on matters that pose a greater risk to people and the environment.

### Timeframes to comply

Issues relating to land use, building work or development can take time to resolve. Legislated compliance processes require Council to provide certain time frames for people to respond to notices and take action. The development application process can also be time consuming depending on a large range of factors that are beyond Council's control. Council must provide people with the opportunity to try to get an approval for their development despite how unlikely that seems. Also, there are usually several consultants involved in getting a development approval including Engineers, Architects, Town Planners and Building Certifiers.

### Privacy Laws

In Queensland, the Information Privacy Act 2009 regulates the use and disclosure of personal information. Council must comply with the Information Privacy Principles in the Act and give an individual access to a document containing their private information if they request access. Also, Council must not disclose personal information to another entity unless an exemption applies. This means private information relating to compliance action may not be freely disclosed and Officers may not be able to provide regular updates.

## Focusing on the development breach

Concerns raised by residents about land use often relates to a range of issues. Development laws are intended to manage the risks and impacts of development on people and the environment but there are times when they fall short. A person's behaviour cannot always be regulated by compliance action or a development approval. Compliance Officers powers are limited to focusing on resolving the development breach.

## Recrimination complaints

Council's investigations into an alleged development breach can sometimes cause the property owner to feel singled out. It is not uncommon for a person in this situation to make a complaint about someone else's property. This is called a recrimination complaint. Development Compliance Officers do not encourage this, but Council is obliged to take all complaints at face value. Compliance investigations and actions are prioritised on a case by case basis regardless of the source.

## Dangerous structures

When a complaint is received about a dangerous structure Council has powers under the Building Act 1975 to take action. These powers apply to situations where a structure poses an immediate and significant risk to people or the environment. However, there are limits to these powers and Council are unable to force someone to repair or demolish a structure if it can be fenced off and access restricted.

## Civil laws for loss, damage or encroachment

Development can sometimes cause loss, damage or an encroachment on someone else's property. Development laws are focused on regulating development and Council is unable to force people to relocate a lawful structure, repair damage, or compensate for loss caused by someone else's development. These matters must be addressed through civil powers and residents must take civil action for redress. The Queensland Civil and Administrative Tribunal (QCAT) can provide residents with an avenue for making claims for loss or damages for certain matters. Council recommends residents seek independent legal advice.

## 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>
- Show Cause and Enforcement Notices: <https://www.ipswich.qld.gov.au/live/issues-and-laws/laws-and-permits-for-residents/show-cause-and-enforcement-notice>
- Home Based Business: [https://www.ipswich.qld.gov.au/\\_data/assets/pdf\\_file/0008/102221/Operating-a-home-based-business,-hobby-or-occupation-fact-sheet.pdf](https://www.ipswich.qld.gov.au/_data/assets/pdf_file/0008/102221/Operating-a-home-based-business,-hobby-or-occupation-fact-sheet.pdf)
- Signs and Advertisements: [https://www.ipswich.qld.gov.au/\\_data/assets/pdf\\_file/0015/131361/Factsheet Signs and Advertisements.pdf](https://www.ipswich.qld.gov.au/_data/assets/pdf_file/0015/131361/Factsheet_Signs_and_Advertisements.pdf)
- Queensland Civil and Tribunal (QCAT): <https://www.qcat.qld.gov.au/>

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