



# Development assessment—acceleration of compliance assessment

FACT SHEET

This fact sheet provides an overview of how compliance assessment works with respect to the *State planning policy 3/10—Acceleration of compliance assessment*, effective 3 December 2010.

## Summary

Reconfiguring a lot (one into two lot subdivision) and associated operational works require compliance assessment under Schedule 18 of the *Sustainable Planning Regulation 2009* (Regulation) if they meet certain criteria. Under the *Integrated Planning Act 1997*, these developments were assessable development requiring a development permit.

Requests for these types of development will be assessed against a standard code contained in the *State planning policy 3/10—Accelerating compliance assessment* (SPP 3/10).

If the development and associated works comply with the criteria in the standard code, then the compliance assessor must approve it and issue a compliance permit. Conditions can be imposed as part of the approval. However, if the development or works do not comply, then the compliance assessor must issue an action notice.

A request for compliance assessment cannot be refused. From 3 December 2010, if compliance with the code is not possible at the subject site, the development is an assessable development and

requires a development application to be made to the relevant Local Government.

## When compliance assessment is required

Compliance assessment is required when reconfiguring a lot (one into two lots) and associated operational works—

- when the development is carried out on land in an industrial zone or a residential zone, other than a park residential zone or a rural residential zone and
- the size of any lot created is at least the minimum lot size for the zone stated in a planning scheme, a temporary local planning instrument, a master plan or preliminary approval and
- can comply with State planning policy 3/10.

However, Schedule 18 of the Regulation sets out a number of exceptions to this rule. In particular, compliance assessment will not apply if the development would have required referral under the normal integrated development assessment system (IDAS) process.

## Compliance assessor

The compliance assessor for a request for compliance assessment for reconfiguring a lot and associated operational works to which Schedule 18 applies, is the local government for the area in which the lot is situated.



## Compliance permit

If the development complies with the standard code in SPP 3/10, a compliance permit is issued for the reconfiguring a lot and associated operational works.

The compliance permit authorises the reconfiguring a lot and associated operational works to take place to the extent stated in the permit and subject to the conditions in the permit.

## Compliance assessment time period

The time period for assessing a request for compliance prescribed under Schedule 18 of the Regulation is 20 business days after the local government receives the request for compliance assessment.

Within that period the local government must—

- decide the request
- give the person making the request
  - a compliance permit or
  - an action notice.

If the local government does not comply with the prescribed timeframes, it will be deemed to have approved the request without conditions.

The local government is still required to issue a compliance permit.

## What is an action notice?

If a development requiring compliance assessment does not achieve compliance, the compliance assessor must give an action notice. The action notice specifies—

- the reasons the development does not achieve compliance
- the action required to achieve compliance
- the period in which the person may again make a request for compliance assessment after taking the action.

After complying with the action notice, the person can then resubmit their request for compliance assessment.

If the person does not comply with the action notice, the request for compliance assessment will lapse.

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## Further information

Further facts sheets on related matters are available on the department's website, [www.dip.qld.gov.au/spa](http://www.dip.qld.gov.au/spa).

More information on compliance assessment can be found in the *Sustainable Planning Act 2009*, the Sustainable Planning Regulation 2009 and from—

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