

Development assessment—compliance assessment

This fact sheet provides an overview of how compliance assessment works under the *Sustainable Planning Act 2009* (SPA).

Summary

The compliance stage was introduced to the integrated development assessment system (IDAS) to expand the compliance assessment process to apply to a wider range of compliance matters. The application of the compliance stage means that certain developments, documents or works may now need to be approved for compliance with certain criteria.

Compliance assessment

Compliance assessment is the assessment of a development, document or work relating to development that is assessed for compliance with:

- a matter or thing prescribed under a regulation
- a planning instrument
- a master plan
- a preliminary approval to which Section 242 applies
- a condition of a development approval or compliance permit.

Under Section 812(2) of the SPA, where an Integrated Planning Act approval contained conditions requiring documents or works to be assessed for compliance in a prescribed manner (eg against Schedule 12 of the Integrated Planning Regulations), then that requirement remains in force as though the SPA had not commenced.

Compliance assessment is suitable for development, documents or works for which:

- clear technical standards are available
- the exercise of broad discretion in determining compliance is unnecessary
- integrated referral arrangements are unnecessary.

Compliance stage

The compliance stage applies to the following:

- development that is development requiring compliance assessment as prescribed by a regulation
- documents or works nominated in a relevant planning instrument, including a planning scheme, master plan or preliminary approval that affects a planning scheme under Section 242 of the SPA, as requiring compliance assessment
- documents or works nominated in a condition of a development approval as requiring compliance assessment.

Assessors

Compliance assessment may be carried out by a local government, an entity nominated by a local government or a public sector entity. The entity carrying out the compliance assessment is called the compliance assessor.

Compliance permit

A compliance permit is required for development requiring compliance assessment. A compliance permit authorises the development requiring compliance assessment to take place to the extent stated in the permit, and subject to the conditions in the permit.

A compliance permit is only given for development, not documents or works.

Compliance certificate

A compliance certificate is required for documents and works that require compliance assessment. These documents or works will generally be actions arising from previous development approvals or compliance permits. For example, compliance assessment may be used for completed works or documents such as management plans required under the conditions of an approval.

A compliance certificate approves the documents or works to the extent stated in the certificate and subject to the conditions stated in the certificate.

A compliance certificate is only given for documents and works, not for development.

Assessment time period

The time period for assessing a request for compliance is prescribed under the *Sustainable Planning Regulation 2009*.

Within that period the compliance assessor must:

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

If the compliance assessor does not comply with the prescribed timeframes, the request will be deemed to be approved without conditions.

The compliance assessor is still required to issue a compliance permit or compliance certificate.

Action notice

If a development, document or work requiring compliance assessment does not achieve compliance, the compliance assessor must give

an action notice. The matters included in the action notice are:

- the reasons the development, document or work 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.

Further information

Further facts sheets on related matters are available on the department's website.

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