

Development assessment—properly made applications

This fact sheet relates to the first stage of the integrated development assessment system (IDAS). When an application is lodged, the assessment manager must determine if the application is properly made and whether an acknowledgement notice needs to be issued.

What is a properly made application?

A development application is a properly made application if it is:

- made to the assessment manager
- in the approved form or made electronically under section 262(3) of the *Sustainable Planning Act 2009* (SPA)
- accompanied by any supporting information the approved form states is mandatory supporting information for the application
- accompanied by the relevant fee
- accompanied by or contains the owner's written consent, or a declaration that the owner has given written consent to the making of the application, if required under section 263 of SPA.

Recent changes to requirements for supporting information accompanying a development application

Recent changes to SPA have provided some flexibility in the requirements for supporting information accompanying a development application.

This change streamlines the development application process by enabling assessment managers to accept applications despite non-compliance with certain mandatory supporting information. Previously, such applications were deemed not properly made and could not be accepted until the information was provided, regardless of its relevance to the proposal.

The assessment manager now has the discretion to accept those development applications as being properly made, provided there is sufficient information for the assessment of the proposal.

This change commenced on the assent of the *Sustainable Planning and Other Legislative Amendments Act (No.2) 2012* (SPOLAA (No.2) 2012) on 22 November 2012. However, it applies only to development applications made after commencement. Applications made prior to this date must provide mandatory supporting information to be properly made.

Determining the value of mandatory supporting information

For an application that does not include all applicable mandatory supporting information, the assessment manager will consider the value of that missing

information to the assessment of the development application.

In determining the value of mandatory supporting information to the assessment of a development application, the assessment manager may consider the following:

- whether the mandatory supporting information will be assessed by a referral agency (e.g. a heritage impact statement for development on a Queensland Heritage Place or a property vegetation management plan for an application involving clearing of native vegetation). Discussion with the referral agency may be required to confirm the agency's acceptance of non-compliance with the relevant mandatory supporting information
- whether the lack of mandatory supporting information will prevent the assessment manager and any referral agency from:
 - understanding the existing opportunities and constraints of the subject site
 - gaining a comprehensive understanding of the scope of the proposal
 - adequately considering all possible impacts.
- whether the level of detail of mandatory supporting information required is equivalent to the scale and nature of the development proposal
- whether the lack of mandatory supporting information is likely to result in a request for further information after the application has been accepted as properly made.

Assessment managers may establish internal guidance/protocols to ensure a consistent approach in determining the value of mandatory supporting information, particularly for development applications involving a similar type and scale of development.

If an application is properly made

Acknowledgement notice to be given

If the application is a properly made application, the assessment manager must give the applicant an acknowledgement notice, unless:

- the application requires code assessment only
- there are no referral agencies, or all referral agencies have stated that they do not require a referral.

The acknowledgement notice serves a number of purposes, it provides:

- the applicant with a formal acknowledgement that their application has been received
- the applicant with some basic information about the application, including confirmation of the development applied for, and whether the application will be assessed as requiring code assessment or impact assessment (or both)
- useful information about the application for the consideration of any referral agencies.

Where an acknowledgement notice is required, it must be given to the applicant within 10 business days after the assessment manager receives the properly made application.

The day the assessment manager receives the properly made application should be taken as the last day on which the assessment manager receives all parts of the application making it a properly made application.

If an acknowledgement notice is required, the application stage of IDAS does not end until after the acknowledgement notice is issued.

If the assessment manager fails to give an acknowledgement notice, the applicant may bring proceedings in the Planning and Environment Court (the court). If the court directs the assessment manager to issue the acknowledgement notice, costs will be awarded against the assessment manager.

Contents of acknowledgement notice

SPA prescribes the minimum level of detail that must be included in an acknowledgement notice. Additional information about the application considered relevant may also be included.

As a minimum, an acknowledgement notice or amended acknowledgement notice must state:

- the type of approval applied for (for example, preliminary approval, development permit or both)
- the aspects of development for which approval is being sought (for example, building work)
- whether an aspect of the development applied for requires code assessment, and if so, the names of all the codes the assessment manager considers to be applicable for the development
- whether an aspect of the development applied for requires impact assessment, and if so, the public notification requirements
- the name and address of each referral agency for the application, and whether the referral agency is an advice agency or concurrence agency
- if the assessment manager does not intend to make an information request, and
- that the application will lapse unless the applicant gives each referral agency the referral agency material within the applicable period.

If an application is not properly made

Not properly made notice to be given

If the application is not a properly made application, the assessment manager must give the applicant a notice stating:

- that the application is not a properly made application
- the reasons the assessment manager is satisfied the application is not a properly made application, and
- the action the assessment manager is satisfied the applicant must take for the application to be a properly made application.

The assessment manager must give the applicant the notice within 10 business days after the assessment manager receives the application.

If the applicant does not take any action to make the application a properly made application within 20 business days after receiving the notice, or within a further period agreed between the assessment manager and the applicant, the application lapses.

If the application lapses, the assessment manager must return the application to the applicant and refund the application fee (less any processing fee).

Further information

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