

IDAS IMPLEMENTATION NOTES

Note 29

Planning and development certificates

Any person may apply to the local government for one of three types a planning and development certificate. The purpose of the certificate is to provide information applicable to specific premises about planning scheme provisions, infrastructure charges or agreements and development approvals.

The three (3) types of certificates are: limited, standard and full.

1.0 Limited certificate [s5.7.9 of the IPA]

The purpose of a limited certificate is to identify what general planning information applies to a specific site. This is in terms of the planning scheme provisions, designations for community infrastructure and any outstanding infrastructure charges. In some circumstances, the description of relevant planning scheme provisions may be quite detailed depending on how localised planning policy is for the subject area.

A limited planning and development certificate must contain -

- a summary of any planning scheme provisions applying specifically to the premises, including any infrastructure charges schedule or regulated infrastructure charges schedule;
- a description of any regulatory provisions or draft regulatory provisions applying to the premises; and
- a description of any designations applying to the premises.

A limited certificate must be given by the local government within **5 business days** of the request for a certificate being made.

2.0 Standard certificates [s5.7.10 of the IPA]

A standard certificate must contain the information required to be contained in a limited certificate **plus** -

- a copy of every decision notice or negotiated decision notice for a development approval for the premises that has not lapsed;
- details of any decision to approve or refuse an application to amend a planning scheme made under s4.3 of the repealed *Local Government (Planning & Environment) Act (P&E Act)*, including any conditions of approval;
- a copy of any information recorded for the premises in the infrastructure charges register or regulated infrastructure charges register;
- details of any minor changes to the development approval;
- a copy of any judgment or order of the Planning and Environment Court about the development approval;
- a copy of any agreement to which the local government or a concurrence agency is a party about a condition of the development approval;
- a copy of any infrastructure agreement applying to the premises to which the local government is a party; and
- a description of each proposed amendment of a planning scheme the local government has decided to proceed with under schedule 1, section 16 of the *Integrated Planning Act 1997 (IPA)* but has not been adopted.

A standard certificate must be given by the local government within **10 business days** of the application being made.

Note: A development approval or a decision notice or negotiated decision notice for a development approval includes all continuing approvals mentioned in s6.1.23(1)(a) to (d) of the IPA but not a continuing approval mentioned in s6.1.23(1)(e). [s5.7.10(2)]

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Note: If a condition relates to the ongoing operating requirements of the use of premises, the statement need not make reference to the fulfilment or non-fulfilment of the conditions.

Note: An applicant may request a full certificate be given without the information normally contained in a limited or standard certificate.

Full certificate [s5.7.11 of the IPA]

A full certificate must contain the information required to be contained in both the limited and standard certificate **plus** -

- if there is a development approval with conditions currently in force for the premises - a statement about the fulfilment or non-fulfilment of each condition, at a stated day after the day the certificate was applied for;
- if there is an infrastructure agreement for the premises, to which the local government is a party -
 - details of the nature and extent of any obligations under the agreement that have not been fulfilled; and
 - details of the giving of any security and whether any payment required to be made under the security has been made; and
- advice of -
 - any prosecution for a development offence in relation to the premises of which the local government is aware; or
 - proceedings for a prosecution for a development offence in relation to the premises of which the local government is aware.

A full certificate must be given by the local government within **30 business days** of the application being made.

3.0 Effect of planning and development certificate [s5.7.13 of the IPA]

In a proceeding, a planning and development certificate is evidence of the information contained in the certificate. This clarifies the status of a certificate and recognises its potential function as the basis of private planning and development decisions which may be a matter in a proceeding.

4.0 Compensation for erroneous planning and development certificates [s5.4.5 of the IPA]

If a person suffers financial loss because of an error or omission in a planning and development certificate, the person is entitled to be paid reasonable compensation by the local government. A claim may be made at any time after the certificate is issued.

Commonly Asked Questions

1. ***Is there an approved form for applying for a planning and development certificate? [s 3.7.8]***

There is no approved form for applying for a planning and development certificate, however the local government may have their own form for this application.

2. ***Is there a fee for a planning and development certificate? [s 3.7.8]***

The local government may charge a fee for this service.

3. ***Can a planning and development certificate be used as evidence? [s 3.7.12]***

Yes, a planning and development certificate can be used in a proceeding as evidence of the information contained in the certificate.

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