

# Development assessment—deemed approvals

This fact sheet provides an overview of the deemed approvals process and should be read in conjunction with the *Standard conditions for deemed approvals* available from the department's website.

## Overview

The deemed approval provisions in Chapter 6, Part 5 of the *Sustainable Planning Act 2009* (SPA) apply to certain applications requiring code assessment only. They do not apply to applications that involve both code and impact assessment.

The deemed approval provisions do not apply to the following applications:

- preliminary approvals to which Section 242 of SPA apply
- an application that a concurrence agency has directed the assessment manager to refuse or approve in part only
- an application for development:
  - in a wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*
  - in a wild river area
  - on a Queensland heritage place
  - in a protected area, critical habitat or area of major interest under the *Nature Conservation Act 1992*
- a vegetation clearing application under the *Vegetation Management Act 1999*
- a building development application
- an application for which Chapter 9, Part 7 of the SPA applies (i.e. particular aquaculture developments).

## Issuing a deemed approval notice

If the assessment manager does not decide the application within the decision making period, including any extension of the period, the applicant

may, before the application is decided, give written notice to the assessment manager that the application should be deemed to have been approved by the assessment manager.

The deemed approval notice for the application must be in the approved form. A copy of the approved form is available from the department's website.

A copy of the deemed approval notice must also be given to any referral agencies or the local government if the local government is not the assessment manager.

The assessment manager is taken to have decided to approve the application on the day the deemed approval notice is received by the assessment manager. The assessment manager cannot refuse a deemed approval request provided the applicant was entitled to give a deemed approval notice.

## Issuing a decision notice

Within 10 business days after receiving the deemed approval notice, the assessment manager must give the applicant a decision notice that either:

- approves the application or
- approves the application subject to conditions.

The approval must be consistent with what the applicant applied for. For example, if a development permit was applied for, a development permit must be issued (unless a concurrence agency has directed the assessment manager to issue a preliminary approval only).

## Standard conditions for deemed approvals

If the assessment manager does not give a decision notice for the application, the deemed approval is subject to the standard conditions made by the planning Minister that were in effect at the

time the deemed approval notice was given to the assessment manager.

The standard conditions are taken to have been imposed by the assessment manager.

In addition to the standard conditions, if a concurrence agency's response required conditions to be imposed on the development approval, these conditions also apply to the approval.

Under Section 361 of SPA, an applicant may make written representations to the assessment manager about any conditions imposed on a deemed approval, including the standard conditions.

The deemed approval provisions apply to both state and local government assessment managers.

## Further information

Further information on deemed approvals can be found in the *Sustainable Planning Act 2009*, the *Sustainable Regulation 2009* and from the department's website

Disclaimer: This publication has been compiled for your information. While the Department of State Development, Infrastructure and Planning (DSDIP) believes this information will be of assistance to you, it is provided on the basis that you are responsible for making your own assessment of the topics discussed. DSDIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind whatsoever or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on the material contained in this publication. This information is issued on the understanding that DSDIP is not, through the issue of this information, giving any legal or other professional service. Readers are encouraged to seek independent advice if they have any concerns about the material contained in this publication.