



Fact sheet: Approving plans of subdivision

This fact sheet explains the essential differences between the previous and current planning systems in regard to approving plans of subdivision.

The previous planning system

Under the *Sustainable Planning Act 2009* (SPA), local government approval of these plans was subject to compliance assessment, and a compliance certificate was given. This approval was necessary to enable the plans to be registered or recorded and separate titles issued for the new lots created.

Schedule 19 of the Sustainable Planning Regulation 2009 prescribed the matters that the local government assessed the plan against, which includes compliance with any development permit for the reconfiguration.

The current planning system

The *Planning Act 2016* has not continued compliance assessment as a category of assessment. For the approval of plans of subdivision, section 284 of the Act states that a regulation may provide for how local governments must approve plans for reconfiguring a lot. Transitional provisions (section 286 and 288 of the Act) ensure that the process continues in relation to any compliance certificates sought under SPA, and that compliance certificates are taken to be an approval made under the Planning Regulation for section 284 of the Act.

Schedule 18 of the Planning Regulation 2017 prescribes the process for local government approval of plans of subdivision. The process provides that a person may request an approval by giving written notice to the local government, using the form provided by the local government, if applicable. The schedule also establishes the criteria that the local government must assess the request against. These criteria reflect the matters that subdivision plans are assessed against for a compliance certificate under schedule 19 of the Sustainable Planning Regulation 2009.

Provided all of the matters are complied with, the local government must approve the request. The local government's approval is given by issuing a written notice to the person making the request. The Planning Regulation does not specify the form of the notice, other than to state that if the Act the plan of subdivision is to be registered or recorded under requires a particular form for the registration or recording, the notice must be in that form.

If the request complies with the criteria, the notice of approval must be given within 20 business days of the request being received. If the request does not comply with the criteria when it is received, the approval must be given within 20 business days of the person who made the request notifying the local government that the request is compliant with the criteria. Alternatively, a different timeframe for giving the approval may apply if both the local government and the person making the request agree.

For more information contact us at bestplanning@dilgp.qld.gov.au

July 2017

