

Compliance and Enforcement Policy

Department of State Development,
Infrastructure and Planning

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Part 1 – Overview

1.1. Introduction

The Department of State Development, Infrastructure and Planning (the Department) is the government agency responsible for administering the *Planning Act 2016* (Planning Act).

A key part of the Department's regulatory role is its compliance and enforcement function. Through an effective, fair and transparent compliance and enforcement function, the Department seeks to build public trust and support sustainable, well-planned communities.

1.2. Purpose

The purpose of this Compliance and Enforcement Policy (the policy) is to outline some key aspects of how the Department undertakes compliance and enforcement functions under the Planning Act.

It establishes the Department's general policy approach for promoting compliance, investigating alleged breaches and taking enforcement action. The policy applies subject to consideration of the facts and circumstances of each matter and the specific functions under the Planning Act.

This policy:

- outlines the Department's general regulatory approach and compliance principles
- supports enforcement action that is fair, proportionate and consistent
- identifies key considerations for decision-making, accountability and governance
- demonstrates the Department's commitment to planning outcomes that protect Queensland's lifestyle while enabling sustainable growth.

1.3. Scope

This policy applies to compliance and enforcement functions undertaken by the Department where it is the enforcement authority under section 160A of the Planning Act. This includes, for example, assessable development where the Chief Executive of the Department is the assessment manager, such as wind farms, large-scale solar farms (one megawatt (1 MW) or greater) and battery storage facilities (50 MW or greater).

Where the Chief Executive of the Department has nominated the Chief Executive of another State agency, as the enforcement authority for particular assessable development, then that agency will be responsible for compliance and enforcement functions in accordance with its own policies and procedures.

Local Governments remain responsible for compliance relating to assessable development the subject of their own local planning schemes and development approvals unless otherwise specified by legislation.

1.4. Objectives

The objectives of this policy are to:

- ensure development regulated by the Department complies with the Planning Act, which includes compliance with development approvals and relevant conditions
- promote voluntary compliance through education and early engagement
- respond to non-compliance proportionate to the nature of the non-compliance
- maintain fairness, consistency, transparency and accountability in decision-making
- support planning outcomes that protect community values, public safety and Queensland's lifestyle while enabling sustainable growth
- strengthen public trust in Queensland's planning framework by demonstrating integrity, independence and respect for human rights.

1.5. Regulatory context

The Planning Act provides the legislative framework for land use planning, development assessment and compliance powers in Queensland.

Under the Planning Act, there are specific compliance and enforcement powers relevant to the Department, including:

- **Section 160A** – Identifies the Chief Executive of the Department as the enforcement authority for certain development, including certain development approvals and matters of state interest.
- **Chapter 5, Part 1 to 5** – Outlines powers to investigate, issue notices and take legal action for development offences.
- **Chapter 5, Part 6 to 9** – Provides inspector appointment and powers, including entry provisions, applying for a warrant, information requests and evidence-gathering powers.

The provisions of the Planning Act, *Planning Regulation 2017*, *Human Rights Act 2019*, *Information Privacy Act 2009* (Information Privacy Act), *Invasion of Privacy Act 1971* and any other applicable legislation, Departmental policies and procedures apply to compliance and enforcement activities, to the extent relevant.

Part 2 – Regulatory approach and compliance principles

2.1. Regulatory approach

The Department's regulatory approach promotes, monitors and enforces compliance to achieve planning outcomes that protect the lifestyle of Queensland communities while supporting sustainable growth.

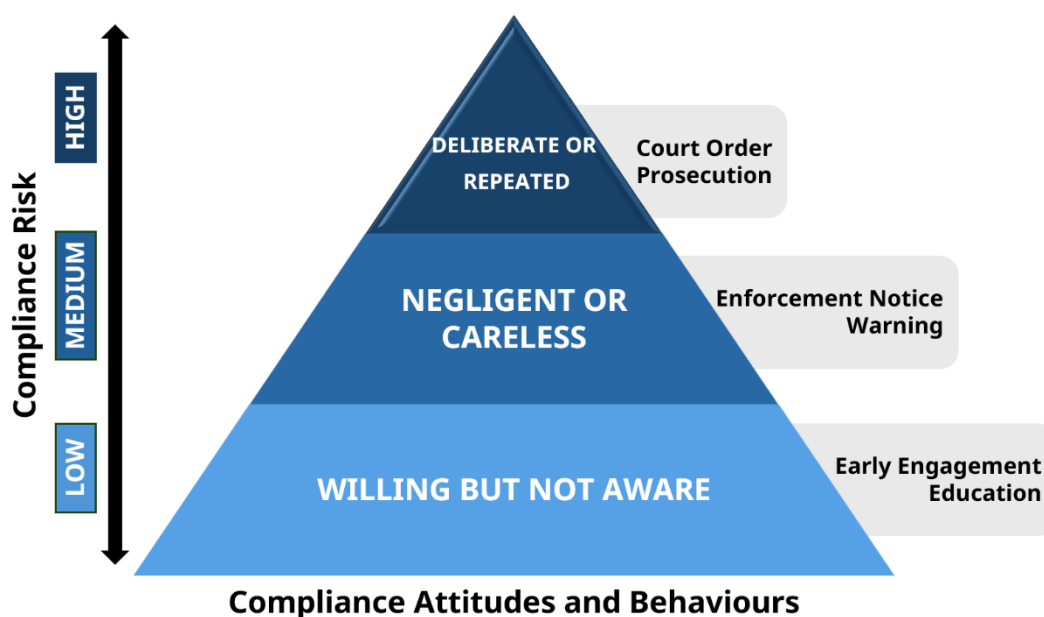
The regulatory approach is outcomes-focused, evidence-based and proportionate. It emphasises education and early engagement to encourage voluntary compliance, while ensuring enforcement action in appropriate circumstances, including when serious, deliberate or repeat non-compliance occurs.

Foundations of the regulatory approach:

- **Risk-based regulation** – Prioritises matters based on risk, impact and potential harm.
- **Responsive and proportionate** – Tailor responses to the nature, severity and wilfulness of the non-compliance.
- **Support for voluntary compliance** – Promotes understanding and early engagement to help parties meet their obligations.
- **Escalation when necessary** – Take formal enforcement action when voluntary compliance fails or an escalation of enforcement action is determined to be appropriate in the circumstances.
- **Evidence-based decision-making** – Ensures decisions are supported by facts and procedural fairness.
- **Behaviour-focused regulation** – Consider wilfulness and severity of the conduct when determining response.

Enforcement responses escalate proportionately according to compliance risk, attitudes and behaviours, ranging from education and engagement through to prosecution and court orders.

Figure 1 – Regulatory approach¹



¹ Adapted from Ayres, I and Braithwaite, J 1992, *Responsive regulation: Transcending the deregulation debate*, Oxford University Press, Oxford.

2.2. Compliance principles

The Department's decisions are guided by the following principles:

- **Fairness** – Uphold procedural fairness and natural justice.
- **Proportionality** – Match responses to nature, severity and wilfulness of the non-compliance.
- **Consistency** – Apply similar responses to similar circumstances.
- **Transparency** – Communicate processes and decisions clearly.²
- **Accountability** – Document decisions for ownership, transparency and improvement.
- **Independence** – Act impartially and without undue influence.
- **Rights-Based** – Apply human rights in all enforcement action.
- **Collaboration** – Work with local governments, industry and other agencies for coordinated outcomes as appropriate.

² Subject to relevant legislation including the [Right to Information Act 2009](#) (Qld) and [Information Privacy Act 2009](#) (Qld).

Part 3 – Compliance and enforcement framework

3.1. Managing compliance and enforcement

The Department applies a four-step process to manage compliance and enforcement:

1. Triage and assessment
2. Investigation
3. Decision-making and enforcement tools
4. Monitoring and review

Each stage is underpinned by the requirements of the Planning Act as well as compliance principles and governed by internal procedures.

3.1.1. Triage and assessment

Compliance complaints or referrals may come from the public, industry, local governments or other agencies.

Key steps:

- acknowledge receipt of compliance complaint
- assess jurisdiction, nature of the alleged non-compliance and supporting evidence
- refer or close matters outside jurisdiction, providing advice where appropriate
- handle information in accordance with the Department's Privacy Policy³ and the Information Privacy Act
- manage unreasonable complainant conduct in accordance with the principles in the Department's [Managing unreasonable complainant conduct procedure](#).

3.1.2. Investigation

Where a potential matter of non-compliance is identified, the Department may conduct formal investigations in accordance with the Planning Act.

Investigations may include:

- review of development approvals and compliance documentation
- site inspections (with consent or warrant)
- interviews with persons of interest and witnesses
- collection and preservation of evidence.

All investigation activities will be fully notated and records retained.

³ Department of State Development, Infrastructure and Planning 2025, *Privacy and security statement*, Queensland Government, <https://www.statedevelopment.qld.gov.au/about-us/help/privacy/privacy-and-security-statement>.

3.1.3. Decision-making and enforcement tools

After an investigation, if a development offence is confirmed, the Department will apply the most suitable enforcement tools for the circumstances of the matter.

Available enforcement tools:

- **Education and engagement** – For minor or technical non-compliance where voluntary compliance is achievable.
- **Warning letter** – For low-risk non-compliances that have been rectified.
- **Show Cause Notice** – To invite response before further action.
- **Enforcement Notice** – To stop or remedy unlawful development.
- **Prosecution** – An offence proceeding in the Magistrates Court on a complaint to prosecute a person for an offence.
- **Enforcement Order** – A proceeding in the Planning and Environment Court (P&E Court) for an enforcement order (or interim enforcement order) to require a person to refrain from committing an offence or/and remedy the effect of an offence.

3.1.4. Monitoring and review

Monitoring compliance ensures remedial actions are completed and maintained.

Outcomes are reviewed to identify systemic issues, emerging risks and opportunities for education or policy improvement.

This continuous feedback loop strengthens regulatory practice and informs future compliance and enforcement priorities.

Part 4 – Governance and accountability

Compliance and enforcement activities are supported by clear roles and responsibilities to ensure decisions are lawful, transparent and consistent.

4.1 Roles and responsibilities

Compliance and Enforcement Team, Development Assurance Division, Planning Group

- triages complaints and allocates investigations
- maintains case records and prepares recommendations to delegates.

Inspectors (appointed inspectors)

- exercise statutory powers under the Planning Act
- uphold human rights and privacy obligations.

Delegates

- decide enforcement actions supported by full and accurate supporting information, recommendations and human rights assessments
- ensure alignment with policy, delegations and legal requirements.

Senior officers and Executives

- provide oversight, review complex matters and allocate resources to support regulatory priorities.

Policy units

- advise on legislation and policy interpretation
- identify systemic issues
- support policy review and continuous improvement.

4.2 Decision-making

- Delegations for enforcement actions are documented in the delegations from the Director-General, DSDIP, to Senior officers in Planning Group.
- Decisions must be supported by full and accurate information and documentation, reasons and human rights assessment.
- Regular audits of enforcement decisions will be undertaken to support monitoring and improvement.

4.3 Transparency

The Department is committed to transparency in exercising its powers:

- **Stakeholder engagement** – The Department engages with industry, Local Governments and communities to promote understanding of planning obligations and regulatory processes.
- **Public communication** – This policy will be made publicly available to enhance confidence and accountability.

4.4 Information privacy

- Functions and activities of the Department are regulated by its privacy policy and the Information Privacy Act.
- However, in some circumstances where the Department is undertaking the function of a law enforcement agency under the Information Privacy Act,⁴ the Department is not subject to Queensland privacy principles.⁵

4.5 Review of decision

The Department is committed to ensuring fairness, transparency and accountability in compliance and enforcement decisions. Individuals who are dissatisfied with a decision may make a customer complaint or request a review of the decision, subject to the following principles:

- Decisions may be dealt with as a customer complaint under the Department's [Customer complaints policy and procedure](#) (Policy & Procedure) if it meets the requirements.
- Where the matter does not meet the requirements of a customer complaint under the Policy & Procedure, the individual may still be able to request a review of the decision.
- A customer complaint or review request is considered where concerns relate to the outcome of an investigation, the decision to close a matter without investigation or issues of procedural fairness, timeliness or conduct.
- Decisions associated with statutory notices (e.g. Show Cause Notices or Enforcement Notices) have their own legislative appeal mechanisms.

4.6 Appeal and other review options (statutory rights)

- The decision to give an enforcement notice is subject to a statutory appeal right under the Planning Act and is excluded from the internal review process. A person given an enforcement notice may:
 - appeal to the P&E Court, or
 - appeal to the Development Tribunal in relation to limited matters stated in Schedule 1 of the Planning Act.
- These appeal rights are subject to legislative timeframes and requirements. Individuals considering statutory appeal options should consider seeking independent legal advice to understand their rights and obligations.
- In some circumstances, individuals may make an originating application to the P&E Court. This is a separate process from an appeal and may be used to seek a declaration about a particular point of law or procedural matter.

⁴ As per (b)(iv)(A) of the definition of 'law enforcement agency' in Schedule 5 of the *Information Privacy Act 2009*.

⁵ Section 29, *Information Privacy Act 2009*.

4.7 Continuous improvement

The Department is committed to continuously improving its regulatory performance and culture. Feedback from investigations, reviews, stakeholders and audits will be used to:

- identify opportunities for policy and procedural improvements
- update guidance materials, templates and training
- inform regulatory priorities and resource allocation.

The policy will be reviewed annually or sooner if significant legislative or operational changes occur.

Part 5 – Document control

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