

# Queensland's new planning system: How it works

2016

In Queensland, statewide legislation establishes the framework and overarching policy for land use planning. The *Planning Act 2016* was passed in May 2016 by the Queensland Parliament and will establish a new planning system for the state. Commencing in 2017, the new Act will replace the current *Sustainable Planning Act 2009*. Broadly speaking, the new planning system comprises three main elements: plan making, development assessment and dispute resolution; with state and local government sharing the responsibility in delivering it. The system is performance based, which allows for innovation and flexibility in how development can be achieved, which also responds to community needs and expectations.

## 1/ Plan making

The Act provides for the making of documents which guide all strategic planning and development throughout the state. The primary document is the local planning scheme that captures the aspirations of the community and the state's interests.

### State government

- Mandates the roles and responsibilities in plan making
- Sets out the process for making plans
- Articulates mandatory components in the scheme
- Ensures effective community engagement
- The Planning Minister approves the planning scheme

### Local Government

- Prepares and owns local planning schemes
- Applies the state's categories of assessment
- Sets what is code assessable or impact assessable
- Details matters such as codes, building heights, site setbacks and other expectations

## 2/ Development Assessment

The Act mandates the framework and process for development assessment and also the basics required for an application. The local government's planning scheme sets out what development can occur in an area and applications are made against the scheme.

### State government

- The state specifies that it has a particular interest through the regulation
- The state assesses state aspects of the development through the State Assessment and Referral Agency
- Must publish all reasons for development

### Local Government

- The local government assesses applications and issues a decision on each application
- Can make infrastructure agreements with applicants to ensure necessary infrastructure is funded
- Must publish all reasons for development

## 3/ Dispute resolution supports the whole system

Queensland has a strong and well regarded dispute resolution framework that supports the entire system, which include the Planning and Environment Court and the Development Tribunal. Local government, applicants and community members can access dispute resolution avenues as specified under the legislation. Each party bears their own costs, except in limited circumstances to do with frivolous, vexatious or improper action.

# New Planning laws

Planning reform is an important part of the Palaszczuk Government's plan for Queensland. The new planning laws provide the basis for securing the liveability, sustainability and prosperity of our communities, both now and into the future. The new planning laws will deliver a transparent and efficient system that contributes to investment and jobs, and embraces genuine community engagement.

---

## Better for the Community

- Transparency and accountability with new requirements on councils and the state government to publish reasons for development decisions for the first time
- Greater say for the community with local governments now required to consult for longer on new planning schemes and mandatory consultation on state planning instruments
- Greater certainty through a 'bounded' code assessment, which will mean development is assessed more strictly against the criteria set out in the code
- More rights for community with the ability to appeal decisions without adverse cost orders
- Delivers critical community infrastructure by providing councils with more ability to increase infrastructure charges levied on new development

---

## Better for jobs

- More certainty in development decision-making to create investment and jobs through clear and unambiguous code provisions
- Promotes innovation over administration with the Act half the size of the current legislation (around 300 pages vs 700 pages)
- Provides a simpler development assessment process, which will translate to more jobs on the ground
- Reducing red tape in the development application process, through a significant reduction in required forms
- Retains the role of the State Assessment Referral Agency to provide a one stop shop for state approvals for development decisions

---

## Better for The environment, heritage and sustainability

- Ecological sustainable development at the heart of the planning system for future generations
- Stronger protection for heritage buildings with proposed developments requiring examination by an independent body
- Protection of our pristine coastline by reinstating land surrender arrangements
- Climate change recognised and the requirement for development to measure potential impacts
- Formal recognition of our Aboriginal and Torres Strait Islander knowledge, culture and tradition