



# From IPA to SPA

A comprehensive guide to what's changed

November 2009



## From IPA to SPA—a comprehensive guide to what’s changed

The Department of Infrastructure and Planning brings together planning, local government and infrastructure responsibilities into one department enabling government to deliver integrated solutions, face the state’s population and economic challenges and secure a sustainable future for Queensland.



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## About this guide

When the Sustainable Planning Bill 2009 was tabled in Parliament on 19 June 2009, the Department of Infrastructure and Planning made available (via its website) a four page document, to provide a short summary of the changes, for the general community.

This document, *From IPA to SPA—a comprehensive guide to what's changed*, provides a more detailed summary of the differences between the *Integrated Planning Act 1997* and the *Sustainable Planning Act 2009*. This document also links the changes with the planning reform actions outlined in *Planning for a prosperous Queensland— A reform agenda for planning and development in the Smart State*.

This document assists with initial education and training for planning practitioners and key stakeholders by providing information on the changes.

The document complements the detailed *Explanatory notes* that were released when the *Sustainable Planning Bill 2009* was tabled in Parliament and is available from the website, [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)



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# Abbreviations

ADR	Alternative dispute resolution
Building and development committee	Building and Development Dispute Resolution Committee
e-IDAS	electronic integrated development assessment system
IDAS	integrated development assessment system
IPA	<i>Integrated Planning Act 1997</i>
RCC	Regional Co-ordination Committee
Reform agenda	Planning for a prosperous Queensland—a reform agenda for the Smart State
RPAC	Regional Planning Advisory Committee
SPA	<i>Sustainable Planning Act 2009</i>
TLPI	temporary local planning instrument
UCPR	Uniform Civil Procedure Rules



# Chapter 1—Preliminary

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Title	The title of the new Act is the <i>Sustainable Planning Act 2009</i> (SPA).	1	This change has been made to reflect a stronger focus on achieving ecological sustainability as the outcome of planning decisions and less focus on process.	Section 1.1.1	Section 1
Purpose and advancing the purpose	The purpose of SPA is to achieve ecological sustainability through, amongst other things, managing the process by which development takes place. This has been changed to include a reference to ensure the process is accountable, effective and efficient, and delivers sustainable outcomes.  The <i>Integrated Planning Act 1997</i> (IPA) identifies six ways that the purpose of the Act (ecological sustainability) may be advanced. In SPA, this list has been expanded.	various	One of the main aims of the reform project has been to improve the efficiency and effectiveness of planning and development processes. This aim has been reflected in the purpose of SPA.  IPA identifies six ways that the purpose of the Act (ecological sustainability) may be advanced.  In SPA, this list has been updated to include specific reference to contemporary issues, such as climate change, peak oil issues, urban congestion, human health impacts, housing choice and diversity, and economic diversity.	Section 1.2.3	Section 5
Definition of terms used in development	The definition of building work has been amended to exclude work for reconfiguring a lot and to clarify that building work does not include building a retaining wall.	1	This change has been made for clarification purposes.	Section 1.3.5	Section 10



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Definition of terms used in development	The definition of material change of use has been amended. The references in (a)(iii) and (b)(iv) to material change in the intensity or scale have been replaced by a material increase in the intensity or scale.	1	There is no need to regulate a reduction in intensity or scale of development.	Section 1.3.5	Section 10
Explanation of terms used in ecological sustainability	Section 1.3.6 of IPA provides an explanation of the terms used in ecological sustainability. This provision has been changed to include a specific reference to climate change issues.	n/a	The purpose of this change is to recognise the importance of the impact of development on climate change and the need to consider these impacts in planning and development assessment.	Section 1.3.6	Section 11
Application of Act	Section 1.5.1 (Act binds all persons) of IPA has been amended to incorporate section 5.9.4 (Application of <i>State Development and Public Works Organisation Act 1971</i> ) of IPA.	n/a	Section 5.9.4 was moved to chapter 1 because it relates to the application of SPA. This section has also been redrafted to make it clear that SPA does not apply to the functions and powers of the coordinator-general under the <i>State Development and Public Works Organisation Act 1971</i> .	Sections 1.5.1 and 5.9.4	Section 14
Existing uses and rights protected	Chapter 1, part 4 of IPA has been relocated to chapter 9.	n/a	These provisions are more appropriately located in chapter 9.	Chapter 1, Part 4 Sections 1.4.1–1.4.8	Chapter 9, Part 1



## Chapter 2—State planning instruments

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Whole chapter	<p>Chapter 2 has been restructured so that all state planning instruments provisions are included in this chapter.</p> <p>Under IPA, chapter 2 incorporates provisions about local and state planning instruments, designation of land for community infrastructure and master planning.</p> <p>Chapter 2 now only covers state planning instruments.</p> <p>Chapter 3 covers local planning instruments.</p> <p>Chapter 4 covers planning partnerships (master planning).</p> <p>Chapter 5 covers the designation of land for community infrastructure.</p> <p>Under IPA, there are three types of state planning instruments:</p> <ul style="list-style-type: none"> <li>• state planning policies</li> <li>• regional plans</li> <li>• state planning regulatory provisions.</li> </ul> <p>State planning policies were a feature of IPA when it was first introduced. Regional plans were introduced into IPA in 2004. State planning regulatory provisions were introduced in 2007.</p> <p>The proposed amendments now introduce another state planning instrument— the standard</p>	37	State planning instruments are clarified and all located in one part of the legislation, to effectively integrate state interests and make them more transparent. The new structure reflects the hierarchy of planning instruments.	Chapter 2, Part 4, Part 5, Part 5A, Part 5B and Part 5C	Chapter 2



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	planning scheme provisions.				
Whole chapter	<p>The hierarchy of planning instruments has been clarified through the inclusion of clear statements about the relationships between each of the planning instruments as follows:</p> <ul style="list-style-type: none"> <li>• state planning regulatory provisions (section 19)</li> <li>• regional plans (section 26)</li> <li>• state planning policies (section 43)</li> <li>• standard planning scheme provisions (section 53).</li> </ul> <p>The structure of chapter 2 reflects this hierarchy.</p>	34 and 38	<p>SPA clarifies the relationship between all instruments by including a clear statement about how each planning instrument relates to other planning instruments. While state planning policies address only single issues, regional plans balance a range of state interests for a particular geographical area and should prevail.</p> <p>In IPA, the relationship between statutory regional plans, state planning policies, planning schemes and IDAS is unclear and inconsistent in some respects. Consequently, the state's interests have not always been properly considered in plan making and development assessment.</p> <p>This change reduces the complexity of the relationship between all the relevant instruments.</p>	Section 2.5C.5, 2.5A.21 and new provisions	Section 19, 26, 43 and 53
Preliminary	<p>State planning instruments are specifically identified as:</p> <ul style="list-style-type: none"> <li>• state planning regulatory provisions</li> <li>• regional plans</li> <li>• state planning policies</li> <li>• standard planning scheme provisions.</li> </ul>	34–40	This change improves clarity in relation to what constitutes a state planning instrument and ensures that important concepts are set out clearly in SPA.	New provision	Section 15
State planning regulatory provisions	The definition of a state planning regulatory provision has been reworded to clarify that it is intended to be an instrument to provide	34	The IPA definition of state planning regulatory provision only defines it by reference to the part under which it is made. This is not workable now that all state	New provision	Section 16



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>regulatory support for regional planning or master planning, provide for infrastructure charges and protect planning scheme areas from adverse impacts.</p> <p>This term also includes a draft state planning regulatory provision that, under section 73, has effect as a state planning regulatory provision.</p>		<p>planning instruments are made under the same process.</p> <p>A distinguishing feature was required to give meaning to the definition.</p>		
State planning regulatory provisions	<p>The relationship between state planning regulatory provisions and plans, policies and codes under other Acts has been clarified.</p> <p>Also, the operation of a state planning regulatory provision has been clarified to explain that it may suspend or otherwise affect the operation of another planning instrument, but it does not amend it.</p>	34	<p>This change has been made for the purposes of clarification.</p> <p>The existing provision about regional plans stated that regional plans prevail over all other instruments (including instruments made under other Acts) except state planning regulatory provisions. The existing provision about state planning regulatory provisions says that they prevail over all other planning instruments only.</p> <p>This provision has been clarified, to remove this inconsistency.</p>	Section 2.5C.5	Section 19
State planning regulatory provisions	<p>The planning Minister and another eligible Minister may jointly make a state planning regulatory provision.</p>	35 and 43	<p>Under IPA, only the planning Minister and the regional planning Minister could make these instruments.</p> <p>This change ensures an integrated and coordinated approach to making state planning regulatory provisions.</p>	New provision	Section 20(3)
State planning regulatory	<p>Under SPA, a state planning regulatory provision can apply to the</p>	34	<p>Under IPA, state planning regulatory provisions may only be made for part of the</p>	Section 2.5C.1	Section 20



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
provisions	whole of the state. Under IPA, state planning regulatory provisions can only apply to part of the state.		state. However, this does not recognise that state planning regulatory provisions can be made to address significant risks of harm (environmental, cultural, economic or social) occurring. To be an effective instrument in these circumstances, it may be necessary for the instrument to have state-wide application.		
State planning regulatory provisions	SPA provides that state planning regulatory provisions can specify that development is prohibited development.	1	This change recognises the introduction of prohibitions as a category of development.	Section 2.5C.3	Section 21
Regional plans	The definition of regional plan has been re-worded to clarify that it is intended to be an instrument to advance the purpose of the Act by providing an integrated planning policy for the region.	34	The IPA definition of regional plan only defines it by reference to the part under which it is made. This would not be workable now that all state planning instruments are made under the same process. A distinguishing feature was required to give meaning to the definition.	Section 2.5A.10	Section 23
Regional plans	The relationship between regional plans and other planning instruments has been clarified. If there is an inconsistency between a regional plan and another planning instrument or plan, policy or code, the regional plan prevails to the extent of any inconsistency (except in the case of a state planning regulatory provision).	34	This change has been made for the purposes of clarification.  Under IPA, the relationship between regional plans and other planning instruments is unclear. Consequently, the state's interests have not always been properly considered and there have been problems associated with uncertainty.  Uncertainty often leads to delays and inefficiencies in the IDAS system. Therefore, this uncertainty	Section 2.5A.21	Section 26



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			has been resolved.		
Regional plans	The provisions relating to regional planning advisory committees and regional coordination committees have been consolidated so that there is now only one type of committee for regional planning issues—a regional planning committee.	n/a	<p>Under IPA, there are two ministerial advisory committees—regional planning advisory committees (RPAC’s) and regional coordination committees (RCC’s). The dual approach was introduced to accommodate the original SEQ regional planning process. There is now a mixture of RPAC’s and RCC’s across the state and in some instances both an RCC and an RPAC. This system is unnecessary and confusing.</p> <p>Under SPA, there is only one type of committee, called a regional planning committee. This committee will perform the functions of an RPAC where there is no designated region. Once a region is designated, the regional planning committee will perform the functions of an RCC.</p>	Chapter 2, part 5, division 2 and part 5A, division 2	Chapter 2, part 3, division 3
State planning policies	A new provision has been inserted to explain that a state planning policy prevails over a local planning instrument, to the extent of any inconsistency.	37 and 45	This change was made to clarify the relationship between state planning policies and other planning instruments.	New provision	Section 43
State planning policies	A new provision has been inserted to give the planning Minister and an eligible Minister the power to jointly make a state planning policy if the state interest addressed by the policy is a matter relevant to the department	35 and 43	This change is intended to ensure an integrated and coordinated approach to making state planning policies.	New provision	Sections 44(2) and 46(2)



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	administered by the eligible Minister.				
State planning policies	State planning policies expire after ten years.	46	Under IPA, state planning policies do not expire. This change has been made to ensure that state planning policies remain contemporary and effective. Also, this change aligns state planning policies with general legislative standards about an appropriate life for statutory instruments.	New provision	Section 45
State planning policies	Provisions about temporary state planning policies have been made clearer and more visible.  The planning Minister has been given a clear power to make temporary state planning policies if urgently required to protect or give effect to a state interest. A temporary state planning policy has effect for no more than one year.	47	IPA does not identify temporary state planning policies, but does allow a state planning policy to be made quickly without public consultation. This change strengthens this mechanism by defining temporary state planning policies in their own right and enabling these instruments to suspend or to otherwise affect the operation of an existing state planning policy.  SPA also enables temporary state planning policies to be made jointly by the planning Minister and an eligible Minister.	New provisions	Sections 46 to 49
Standard planning scheme provisions	SPA gives the planning Minister a new power to make standard planning scheme provisions.  Standard planning scheme provisions are a statutory instrument and have the force of law.  Standard planning scheme provisions will be progressively reflected in local government planning	27	This change is intended to overcome the complexity, uncertainty and inconsistency associated with many local planning schemes. There has been an identified scope for greater standardisation of key elements of planning schemes across the state.  In a submission to the Productivity Commission in	New provisions	Sections 50 to 55



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>schemes as new schemes are made under SPA. Local governments must amend planning schemes made under SPA to reflect standard planning scheme provisions. Existing planning schemes made under IPA are <u>not</u> required to be consistent with the standard planning scheme provisions.</p> <p>Standard planning scheme provisions prevail over local planning instruments, to the extent of any inconsistency.</p> <p>The standard planning scheme provisions do not regulate or affect development in their own right. Standard planning scheme provisions only have effect once they are incorporated into a local planning instrument. However, if a local planning instrument made under SPA is inconsistent with the standard planning scheme provisions, the standard planning scheme provisions take effect in place of the local planning instrument to the extent of the inconsistency.</p> <p>Standard planning scheme provisions contain both mandatory and non-mandatory parts, and provide for mandatory structure and format, standard use and administrative definitions, a suite of standard zones and codes, limited prescribed levels of</p>		<p>2003, the Local Government Association of Queensland (LGAQ) estimated \$25 million had been spent on planning scheme preparation. The process of ensuring each local government has an IPA compliant planning scheme has been extremely slow and in June 2007 (prior to the release of the reform agenda), there were still four outstanding IPA compliant planning schemes in the state. The process of preparing planning schemes has been too complex and time consuming.</p> <p>In the past, local governments have expended substantial resources on matters such as the format, structure and definitions for their planning schemes, rather than focusing resources on strategic analysis and planning outcomes. The past approach also results in inconsistency across planning schemes and complicates their interpretation.</p> <p>Also, state interests are not always consistently reflected in planning schemes and standard planning scheme provisions will assist in improving consistency in this regard. It is anticipated that state agency reviews will become simpler and faster with the introduction of standard planning</p>		



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	assessment and a suite of standard overlays.		<p>scheme provisions. Issues such as formatting and workability will be less complicated and more consistent.</p> <p>Under IPA, if the planning Minister wishes to affect the operation of a local planning instrument to reflect a state interest urgently, the planning Minister must seek the local government's representations before directing the local government to make a temporary local planning instrument. This can cause delay and frustrate the urgent protection of state interests. The standard planning scheme provisions give the planning Minister the power to affect the operation of a local planning instrument more quickly and directly.</p>		
Making, amending and repealing state planning instruments	<p>SPA includes a single performance-based process for making, amending and repealing state planning instruments. The process for making instruments may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• preparation of a draft state planning instrument</li> <li>• notification and public consultation by the Minister who prepared the draft state planning instrument</li> <li>• consideration of submissions</li> <li>• possible preparation of a</li> </ul>	44	<p>This change creates a streamlined process for making, amending and repealing all state planning instruments. Under IPA, the process for making state planning instruments differs across the various instruments.</p> <p>This new performance-based process leaves more potential for innovative approaches to community engagement. It is also simpler, because now there is just one process instead of three.</p> <p>As stated above, the process also now enables</p>	<p>Chapter 2, part 5A, division 4</p> <p>Schedule 4</p> <p>Chapter 2, part 5C, division 2</p>	Chapter 2, part 6



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>modified instrument in response to submissions</p> <ul style="list-style-type: none"> <li>• adoption of the state planning instrument, or decision not to proceed</li> <li>• notification of the adoption or decision not to proceed</li> <li>• copies of state planning instruments to be given to the relevant local governments</li> <li>• particular state planning regulatory provisions to be tabled in the legislative assembly.</li> </ul>		<p>Ministers other than the planning Minister and the regional planning Minister to make state planning policies and state planning regulatory provisions. However, the eligible Minister must have the planning Minister's endorsement prior to public notification of the draft instrument and prior to making the draft instrument.</p>		
<p>Making, amending and repealing state planning instruments</p>	<p>SPA broadens the types of amendments to state planning instruments that can go through a shorter amendment process. The shortened process involves only two steps:</p> <ul style="list-style-type: none"> <li>• the planning Minister or eligible Minister makes the amendment</li> <li>• after amending the instrument, the Minister must publish a notice about the amendment.</li> </ul> <p>The types of amendments which can go through this shortened process are administrative amendments (defined as minor amendments under IPA) and minor amendments. Administrative amendments include spelling mistakes and formatting errors. Minor amendments are amendments made to reflect a part of another state planning instrument where adequate public consultation was carried</p>	<p>44</p>	<p>This change avoids the need to duplicate public consultation. It also enables state planning instruments to be responsive to each other. For example, if a new regional plan commences, it may be necessary to amend other state planning instruments to ensure consistency with the regional plan. The new process in SPA implements a simpler way to achieve this.</p>	<p>New provision</p>	<p>Sections 68 to 69</p>



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	out in relation to the other instrument.				



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Effect of draft state planning regulatory provision and draft amendments	<p>Under IPA, draft state planning regulatory provisions and draft amendments to state planning regulatory provisions (draft provisions) take effect immediately upon notice of the draft provision being gazetted.</p> <p>This has been changed under SPA so that draft provisions only take effect upon notice of the draft provision being gazetted where the planning Minister is satisfied that immediate commencement is necessary to prevent:</p> <ul style="list-style-type: none"> <li>• economic, social or environmental harm</li> <li>• implementation of a regional plan or a structure plan being compromised.</li> </ul> <p>Also, a new provision has been included to ensure that draft state planning regulatory provisions do not have effect for more than 12 months.</p>	n/a	<p>State planning regulatory provisions override all other planning instruments, codes, plans and policies under other legislation. These instruments can also change levels of assessment, prohibit development and regulate exempt development.</p> <p>It is therefore considered appropriate to provide that draft state planning regulatory provisions only take effect immediately in situations where any delay would increase the risk of serious harm or compromise the implementation of a regional plan or structure plan. In the latter case, this ensures the draft provision can implement a holding pattern with respect to regional planning or master planning outcomes, pending the finalisation of the regional plan or structure plan.</p> <p>Under IPA, draft state planning regulatory provisions remain in effect until the final state planning regulatory provision is made or a decision is made not to proceed with the provision. To ensure that draft state planning regulatory provisions do not remain in effect indefinitely, an overall time limit of 12 months has been imposed on the life of the draft provisions.</p>	Section 2.5C.12	Section 73



## Chapter 3—Local planning instruments

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Whole chapter	A new chapter 3 has been created so that all provisions about local planning instruments are located in the same chapter. Previously, these provisions were located in chapter 2, parts 1 to 3.	n/a	This change has been made to improve readability and to make the location of the provisions more logical. This restructuring also reflects the hierarchy of instruments, with state instruments prevailing over local planning instruments to the extent of any inconsistency.  It should be noted that planning schemes remain the most important tool for each local government area because they contain the integrated planning policy for that area.	Chapter 2, Parts 1-3	Chapter 3
Preliminary	A new provision has been inserted to clarify that local planning instruments include the following: <ul style="list-style-type: none"> <li>• planning schemes</li> <li>• temporary local planning instruments (TLPI)</li> <li>• planning scheme policies.</li> </ul>	n/a	This change has been made for the purposes of clarification and to ensure that important concepts are set out clearly in SPA.	TLPis: Chapter 2, Division 4	Section 77
Planning Schemes	The definition of planning scheme has been reworded to explain that it provides an integrated planning policy for the local government's planning scheme area.	n/a	The IPA definition of planning scheme only defines it by reference to the part under which it is made. This would not be workable now that planning schemes are made under the same part (part 5) that all local planning instruments are made under. A distinguishing feature was required to give meaning to the definition.	Section 2.1.1	Section 79
Planning Schemes	A new provision has been inserted that explains the relationship between planning schemes and	1	Although there is no specific reform action linked to this change, the reform agenda discusses the establishment	New provision	Section 83



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	planning scheme policies. This provision clarifies that if there is an inconsistency between a planning scheme and a planning scheme policy, the planning scheme prevails to the extent of any inconsistency.		<p>of a clear hierarchy of planning instruments.</p> <p>Section 2.1.17A of IPA explains that if there is an inconsistency between a planning scheme policy and another planning instrument, that instrument prevails. A new provision has been inserted to further clarify the hierarchy of planning instruments.</p> <p>The new provision also includes a note to the provisions in chapter 2 which set out the relationship between state planning instruments and local planning instruments.</p>		
Planning Schemes	A new provision has been inserted to clarify the relationship between planning schemes and the <i>Building Act 1975</i> .	1	<p>The <i>Building Act 1975</i> contains a number of provisions which specify the building matters that a planning scheme can and cannot include. There is no reference to this provision in IPA.</p> <p>This new provision in SPA clarifies that planning schemes cannot regulate building work to the extent it is regulated under the provisions of the Building Act (unless permitted by the Building Act) and clarifies that to the extent a planning scheme seeks to do this, it is of no effect.</p>	New provision	Section 86
Planning Schemes	The key elements of planning schemes have been changed to require planning schemes to reflect the standard planning scheme provisions.	28	Standard planning scheme provisions address issues with the planning and development system at the local level. To do this, a provision was required to ensure planning schemes are consistent with the	Section 2.1.3	Section 88



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			standard planning scheme provisions.		
Planning Schemes	Planning schemes are now required to identify strategic outcomes instead of desired environmental outcomes.	27	The term strategic outcomes is intended to better reflect the purpose of SPA, namely ecological sustainability, which involves a balance of ecological, economic, cultural and social considerations.	Section 2.1.3	Section 88
Planning Schemes	The measures facilitating achievement of the strategic outcomes have been amended to include identification of: <ul style="list-style-type: none"> <li>• development requiring compliance assessment</li> <li>• prohibited development, but only if the standard planning scheme provisions state the development may be prohibited development.</li> </ul>	1	This change has been made to account for the introduction of limited prohibitions and compliance assessment as new categories of development.	Section 2.1.3	Section 88
Planning Schemes	Under IPA, local governments are required to review their planning schemes every eight years. This period has been changed to every ten years.	29	This change was made to promote forward planning and to more closely align with the period of growth that a priority infrastructure plan must cover and the planning horizon of regional plans.  Matters to be considered in reviewing planning schemes are set out in the explanatory notes.	Section 2.2.1	Section 91
Application of superseded planning schemes	SPA introduces a process for a person to request a local government assess a proposed development under a superseded planning scheme or apply a superseded planning scheme to assessable or prohibited development that was, under the superseded planning	1	Under IPA, an applicant is required to make a development application (superseded planning scheme) and this application must be made within two years after the new planning scheme or planning scheme policy takes effect.  The assessment manager	New provisions	Section 95 - 100



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>scheme, exempt or a self-assessable development. The local government is given 30 business days to decide the request (this period can be extended) and must give a notice to the person within five business days after making the decision.</p> <p>If the local government approves the request, the applicant can either carry out the development under the superseded planning scheme (for self-assessable and exempt development) or make a development application under the superseded planning scheme.</p> <p>The timeframe for making a request has been reduced from two years to 12 months. However, if the request is agreed to, the person then has six months within which to make any necessary development applications. Section 5.4.6 of IPA requires a superseded planning scheme application to be made within two years in order for an applicant to claim compensation.</p> <p>These provisions also apply to development requiring compliance assessment.</p> <p>SPA also enables the timeframe for carrying out development under a superseded planning scheme to be extended, with the local</p>		<p>must indicate, in the acknowledgment notice, whether it agrees to assess the application against the superseded planning scheme or to allow the applicant to carry out development under the superseded planning scheme.</p> <p>This process under IPA is confusing—particularly where a development approval is not actually needed to carry out the development. The existing provisions therefore create an artificial situation, by requiring a development application for something that does not require approval.</p> <p>SPA simplifies this process by requiring the applicant to make a request to the local government.</p> <p>The reduction of the timeframe from two years to 12 months is intended to give the new planning instrument, which reflects current planning standards, its full effect more quickly. It also means that compensation is limited to those persons with an immediate intention to realise their development rights and reduces the amount of time the superseded planning scheme has effect.</p> <p>IPA does not contain a process by which a person can seek to extend the period for carrying out development under a</p>		



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	governments' agreement.		superseded planning scheme. By comparison, an approval given under a development application (superseded planning scheme) can be extended. As there is no reason for the different treatment, a process has been included in SPA for requesting an extension to the period for carrying out development under a superseded planning scheme.		
Temporary local planning instruments	The definition of a temporary local planning instrument has been reworded to explain that it advances the purpose of SPA by protecting a planning scheme area from adverse impacts.	n/a	The IPA definition of temporary local planning instrument only defines it by reference to the part under which it is made. This would not be workable now that all local planning instruments are made under the same provision. A distinguishing feature was required to give meaning to the definition.	Section 2.1.9	Section 101
Temporary local planning instruments	A temporary local planning instrument can only be made if the planning Minister is satisfied of certain things. SPA contains some additional criteria, namely that the Minister is satisfied that the proposed temporary local planning instrument appropriately reflects the standard planning scheme provisions and that state interests would not be adversely affected by the proposed temporary local planning instrument.	27	This change is made to account for standard planning scheme provisions and to make it clear that a temporary local planning instrument must not adversely affect a state interest.	Section 2.1.10	Section 105
Making or amending local planning instruments	The process under IPA for making planning schemes is set out in schedule 1 of IPA. Under SPA, the process for making local	29 and 31	The movement of the process for making planning schemes to a statutory guideline will enable more flexibility in changing the	Schedule 1	Chapter 3, part 5



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>planning instruments will be contained in a statutory guideline made by the planning Minister and prescribed under a regulation.</p> <p>SPA specifies minimum guarantees to ensure effective consultation and the approval of the planning Minister for new planning schemes.</p>		<p>process, to ensure that plan-making is continuously improved. It is also consistent with modern drafting standards to include detailed processes in a regulation or statutory guideline, rather than in the Act.</p>		
Making or amending local planning instruments	<p>A new provision has been included in SPA to require local governments to provide the planning Minister with a summary of the issues raised during public consultation and how the issues have been dealt with by the local government.</p>	31	<p>This change ensures that the planning Minister is kept informed of likely issues surrounding draft planning schemes.</p>	New provision	Section 118
Powers of the state in relation to local planning instruments	<p>Under IPA, the planning Minister can direct local governments to make or amend a local planning instrument. However, the planning Minister must first give written notice to the local government of his or her intention to exercise the power. The local government then has an opportunity to make representations about the proposed direction. If the local government does not comply with the direction, the planning Minister can then make or amend the local planning instrument.</p> <p>This power has been expanded to enable the planning Minister to direct a local government to amend a local planning instrument to make it</p>	49	<p>Outcomes of stakeholder consultation indicate that there is support for the planning Minister to take a more proactive role in developing and delivering good planning and development outcomes. This change facilitates more effective protection and promotion of state interests through local planning instruments. In particular, it ensures that the planning Minister can act to urgently protect state interests.</p> <p>This change also enables the planning Minister to directly amend multiple local planning instruments. For example, this power could be used where there is a change to a definition in the standard planning scheme provisions, which</p>	New provision	Chapter 3, part 6



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>consistent with the standard planning scheme provisions.</p> <p>In addition, SPA now enables the planning Minister to make or amend a local planning instrument where urgent action is necessary to protect or give effect to a state interest, without first giving a direction to the local government.</p> <p>SPA also enables the planning Minister to amend a local planning instrument, or multiple local planning instruments, to reflect the standard planning scheme provisions without first giving a direction to the local government.</p>		<p>affects all local government planning schemes. This is a more efficient process than requiring each local government to separately amend its planning scheme.</p>		



## Chapter 4—Planning partnerships

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Whole chapter	The provisions relating to planning partnerships have been relocated to chapter 4.  The provisions largely reflect what was previously in chapter 2, part 5B of IPA.	n/a	It is more logical to locate these provisions in a separate chapter as structure plans and master plans are neither a state planning instrument or a local planning instrument. They are a partnership approach to planning, with local government, state government and land owners/developers all participating in the process.	Chapter 2, part 5B	Chapter 4
Structure plans for master planned areas declared by the Minister	A new provision has been inserted to explain the relationship between structure plans and state planning instruments. This provision confirms that a state planning instrument prevails to the extent of any inconsistency.	34 and 37	This provision has been inserted to establish a clear hierarchy of instruments under SPA. Under IPA, it is unclear how structure plans relate to other planning instruments. This new provision will assist referral agencies and assessment managers in resolving conflicts between structure plans and state planning instruments.	New provision	Section 139
General matters about structure plans	A new provision has been inserted to provide that structure plans must be consistent with the standard planning scheme provisions.	27 and 28	Structure plans form part of a planning scheme. Therefore it is appropriate that structure plans also be required to appropriately reflect the standard planning scheme provisions.	Section 2.5B.8	Section 141(1)(c)
General matters about structure plans	New provisions have been inserted to provide that a structure plan may state that development is: <ul style="list-style-type: none"> <li>development requiring compliance assessment</li> <li>prohibited development, but only if the standard planning scheme provisions states the development may be prohibited</li> </ul>	1	This change has been made to account for the introduction of limited prohibitions and compliance assessment as new categories of development.	New provision	Sections 141(2)(c) and 142



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	development.				
Funding for structure plans	<p>IPA enables a local government to impose a special charge on landowners for making a structure plan.</p> <p>A new provision has been included in SPA to provide that a regulation about concessions under section 96(a) of the <i>Local Government Act 2009</i> applies to a charge under section 144.</p>	n/a	While IPA requires the charge to be imposed by a resolution of local government, and also requires an overall plan to be made about the charge, a reference to section 96(a) of the <i>Local Government Act 2009</i> has also been included. This specifically give local governments the ability to grant concessions to classes of landowners, such as pensioners and not-for-profit organisations.	Section 2.5B.75	Section 144(9)
Making structure plans	<p>Under SPA, the process for amending a planning scheme to include a structure plan will be set out in a statutory guideline made by the planning Minister and prescribed under a regulation.</p> <p>SPA specifies minimum guarantees to ensure effective consultation and the approval of the Minister for structure plans.</p>	29	<p>Under IPA, the process for amending a planning scheme to include a structure plan is set out in schedule 1A of IPA.</p> <p>The movement of the process for making structure plans to a statutory guideline will enable more flexibility in changing the process, to ensure that this process is continuously improved. It is also consistent with modern drafting standards to include detailed processes in a regulation or statutory guideline, rather than in the Act.</p>	New provision	Section 145 and 146
Master plans	A new provision has been inserted to explain the relationship between a master plan and other planning instruments. This provision confirms that a state planning instrument prevails to the extent of any inconsistency.	34	<p>This provision has been inserted to establish a clear hierarchy of instruments under SPA. Under IPA, it is unclear how master plans relate to other planning instruments. This new provision will assist referral agencies and assessment managers in resolving conflicts between master plans and state planning instruments.</p> <p>However, as master plans are a type of approval, state planning instruments made after the master</p>	Section 2.5B.19	Section 153



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			plan approval is given, cannot affect the approved master plan. This is the case under IPA.		
Master plans	The provision has been changed to provide that a master plan may state that development is development requiring compliance assessment.	1	This change has been made to account for the introduction of compliance assessment as a new category of development.	Section 2.5B.15	Section 155(1)(c)
Master Plans	The period for responding to a request for information has been reduced from 12 months to six months.	1	This change has been made to ensure consistency with the information response period for development applications under IDAS (see chapter 6, section 279).	Section 2.5B.25	Section 163
Master Plans	A new provision has been included to provide applicants with a short period of time (five business days) within which to revive an application for a master plan approval that has lapsed due to a failure to respond to a request for information.	1	This change was made to ensure consistency with IDAS, which now contains provisions enabling applicants to revive a development application that has lapsed (see chapter 6).	New provision	Section 165
Master Plans	IPA provides that a local government cannot approve a proposed master plan if it conflicts with a state planning policy not appropriately reflected in the structure plan.  SPA provides that a local government cannot approve a proposed master plan if it conflicts with a state planning policy not appropriately reflected in the structure plan or <u>a regional plan</u> .	36	This change recognises that state planning policies can also be reflected in a regional plan, in which case they do not apply in assessing a master plan.	Section 2.5B.43	Section 182
Master	The provisions about when an approval takes	n/a	Under IPA, it is unclear when an approval takes effect in the	Section	Section



<b>SPA section or division heading</b>	<b>Summary of change</b>	<b>Reform action</b>	<b>Reason for change</b>	<b>IPA provision</b>	<b>New provision in SPA</b>
Plans	effect have been changed to account for the situation where an appeal is withdrawn.		situation where an appeal is lodged but later withdrawn. SPA clarifies that the approval takes effect when the appeal is withdrawn.	2.5B.48	187



## Chapter 5—Designation of land for community infrastructure

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Whole chapter	The provisions about designation of land for community infrastructure have been included in a separate chapter.	n/a	It is more logical to locate these provisions in a separate chapter as community infrastructure designations are a distinct and unique planning tool.	Chapter 2, Part 6	Chapter 5
General	New provisions have been inserted to explain that a note on a planning scheme identifying a designation or repealing a designation is not an amendment of the planning scheme.	n/a	This change has been made for the purpose of clarification and consistency with other provisions in the legislation which specifically state that certain notations made on a planning scheme are not amendments to the planning scheme.	Sections 2.6.11, 2.6.16 and 2.6.18(8)	Sections 211, 216 and 221



# Chapter 6—Integrated development assessment system

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Categories of development	Prohibited development has been introduced as a new category of development (limited prohibitions).	1	<p>This change consolidates a range of prohibitions contained in other legislation (see schedule 1 of SPA) and also allows for state declared prohibitions through state planning regulatory provisions and standard planning scheme provisions. Local governments can choose whether or not to adopt a prohibition specified in the standard planning scheme provisions.</p> <p>If development is prohibited, an application cannot be made (see section 239).</p>	Section 3.1.2 and new provision	Sections 231 and 239
Categories of development	Development requiring compliance assessment has been introduced as a new category of development. It involves a technical, objective assessment that cannot be refused and involves a deemed approval if the request for compliance assessment is not decided within a specified timeframe.	1	<p>This change has been made to improve efficiency by expanding the compliance assessment process to allow technical matters to be assessed using a simple, standardise process. The code assessment process under IPA is not purely a technical assessment and it also involves assessment against state planning instruments. Self-assessment is only appropriate for non-technical matters.</p> <p>The introduction of compliance assessment allows these technical developments to be assessed more quickly and</p>	Section 3.1.2	Section 231



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			efficiently. Compliance assessment also allows local governments to delegate the assessing and deciding of these developments to private entities.		
Categories of development	Schedule 8 of IPA prescribes development that is assessable development or self-assessable development. Schedule 8 has been moved from the Act to the regulations (with changes).	1	This change is consistent with modern drafting standards. Section 232 of SPA establishes the power to make the regulation, and provides that the regulation may prescribe that development is self-assessable development, development requiring compliance assessment or assessable development (requiring code or impact assessment, or both).	Schedule 8	Section 232
Categories of development	Schedule 9 of IPA prescribes development that is exempt from assessment against a planning scheme. Schedule 9 has been moved from the Act to the regulations.	1	This change is consistent with modern drafting standards. Section 232 of SPA establishes the power to make the regulation.	Schedule 9	Section 232
Categories of development	A new provision has been inserted to provide that a planning instrument will be of no effect to the extent that it provides for any matter about development that is prohibited development under schedule 1.	1	This provision is necessary to make it clear that the schedule of prohibited development in SPA prevails over a planning instrument to the extent of any inconsistency. Examples of inconsistencies are different levels of assessment (e.g. the planning scheme may state that the development is assessable development) or codes in a planning scheme that purport to regulate the development.	New provision	Section 234



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Approvals for IDAS	A new provision has been inserted to provide that a compliance permit (not a development permit) is required for development requiring compliance assessment.	1	This provision is necessary to make it clear that a separate approval process (set out in chapter 6, part 10 of SPA) applies for development requiring compliance assessment.	New provision	Section 237
Approvals for IDAS	A new provision has been inserted to explain that there are four types of approvals: <ul style="list-style-type: none"> <li>• preliminary approvals</li> <li>• development permits</li> <li>• compliance permits</li> <li>• compliance certificates.</li> </ul>	1	This provision has been changed to account for the introduction of compliance assessment. Also, IPA does not contain a clear statement about the types of approvals that can be applied for. This new provision is intended to make SPA easier to read and more user-friendly.	New provision	Section 240
Approvals for IDAS	The provision relating to preliminary approvals to override the planning scheme has been amended. However, the amendment is not fully consistent with reform action 55. The following changes have been made: <ul style="list-style-type: none"> <li>• in the heading, the word override has been replaced with the word affect</li> <li>• changes have been made to make it clear that a preliminary approval under this section can either include a new code, or adopt or modify an existing code</li> <li>• changes have been made to make it clear that, in the case of a preliminary approval for a material change of use, the approval may state that the material change of use (and not just development relating to</li> </ul>	55	Feedback from stakeholders indicates that these types of preliminary approvals are sometimes misused and can undermine the integrity of planning schemes.  Although significant changes to this provision have been made, the amendments are not fully consistent with reform action 55, due to strong stakeholder feedback in support of retaining these types of approvals in certain circumstances.  It is recognised that preliminary approvals that override a planning scheme have a number of advantages. They facilitate innovative development outcomes and can respond to changing circumstances more quickly than planning scheme amendments. Also, they provide the only formal mechanism for	Section 3.1.6	Section 242



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>the material change of use) has a different level of assessment to that stated in the planning scheme.</p>		<p>developers to initiate amendments to the planning scheme.</p> <p>The main legislative change in response to the reform action is the introduction of a default lapsing provision, to avoid the problems associated with entrenched development (see section 343). Also, the problem associated with the state's limited influence in relation to these types of preliminary approvals has been overcome by giving the Department of Infrastructure and Planning a concurrence agency role for these types of applications. This concurrence agency role will be prescribed in the regulation.</p> <p>The heading of this provision has been changed to redress the perception that preliminary approvals under this section completely override a local planning instrument. The effect of these approvals is in fact more limited in scope. Therefore, it is considered that the word affect is more appropriate.</p> <p>The other minor changes made to this provision are to clarify issues about which there has been longstanding uncertainty. The insertion of the phrase inclusion or identification of a code has been made to clarify that the preliminary approval can include</p>		



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			additional codes, not just vary existing codes. The changes to subsection (3) to clarify that an approval for a material change of use can vary the level of assessment for the material change of use itself, and not just development relating to the material change of use, clarifies the original intent of this provision.		
Assessment manager and referral agencies	A new division has been included to introduce the concepts of assessment manager, advice agency, concurrence agency and referral agency.	1	IPA does not clearly set out who are the parties involved in IDAS. This new division is intended to make SPA more user-friendly.	Section 3.1.7 and schedule 10	Chapter 6, part 1, division 4
Assessment manager and referral agencies	Section 2.5B.64 of IPA has been relocated to chapter 6, part 1, division 4 of SPA.	1	This provision relates to development applications for land in a declared master planned area and states that entities that exercised a coordinating agency or participating agency's jurisdiction for the structure plan or a master plan are generally not referral agencies for the development application. This provision is located in chapter 2, part 5B (Master planning for particular areas of state interest) of IPA. As it relates to the issue of who is a referral agency for the application, it is more appropriately located in chapter 6 (IDAS) of SPA.	Section 2.5B.64	Section 253
Stages of IDAS	The compliance stage has been included as the final stage of IDAS.	1	Details about the new compliance stage are set out below (see notes for chapter 6, part 10).	Section 3.1.9	Section 257
Application of	Section 2.5B.65 of IPA has	1	This provision is located in	Section	Section



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
IDAS in declared master planned areas	been relocated to chapter 6, part 1, division 6 of SPA.		chapter 2, part 5B (Master planning for particular areas of state interest) of IPA. As it sets out particular exceptions to the general IDAS rules for applications in a declared master planned area, it is more appropriately located in chapter 6 (IDAS) of SPA.	2.5B.65	258
Giving notices electronically	A new section has been included to provide that electronic development assessment systems can be used to process applications under IDAS.	10	This change makes it clear that any written notice given under IDAS can be given electronically using an electronic development assessment system (e.g. Smart eDA).	New provision	Section 259
Application stage	The application stage has been changed so that it: <ul style="list-style-type: none"> <li>clarifies the roles of the applicant and assessment manager</li> <li>improves the information provided with an application</li> <li>prevents assessment managers from accepting incomplete applications.</li> </ul>	1	Under IPA, the responsibilities of the assessment manager and the applicant are sometimes unclear (for example, is the applicant required to identify whether any referral agencies are triggered, or is this the responsibility of the assessment manager?). The new SPA (through the explanatory notes) is intended to clarify these roles.  Under IPA, it is possible to submit a development application with little or no detailed information about the proposal (other than that required through the approved forms). This has the effect of slowing down the IDAS process as applications are worked up through later stages of IDAS.  To ensure a higher standard of applications, the approved forms will	Chapter 3, Part 2	Chapter 6, part 2



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			<p>now specify mandatory supporting information to be provided with the application.</p> <p>Also, assessment managers no longer have the discretion to accept an application that is not properly made. This will have the effect of reducing the number of information requests required, therefore improving the overall efficiency of IDAS.</p>		
Application stage	IPA requires that applications must be made in the approved form. SPA provides that applications must be in the approved form <u>or made electronically</u> .	10	This change is necessary to account for the lodgement of electronic development. The requirement to make an application in the approved form does not apply when it is made electronically.	Section 3.2.1	Section 260(1)(b)
Application stage	SPA contains a new requirement that applications must be accompanied by mandatory supporting information specified in the approved forms.	1	This change will ensure that applications are of a higher standard and should therefore reduce the amount of information requested during the information request period. This will have the effect of reducing overall IDAS timeframes.	Section 3.2.1	Section 260(1)(c)
Application stage	Under IPA, certain applications must be accompanied by the land owner's written consent. This has been changed to provide that the applicant may, instead of providing the written consent, include in the application a declaration that the owner has consented to making the application.	10	<p>The existing requirement in section 3.2.1 of IPA is cumbersome for electronic applications, as it requires a person making an electronic application to send a separate document with the owner's signature attached. This change will ensure that electronic development applications can operate effectively.</p> <p>SPA makes it an offence to give a declaration that is</p>	Section 3.2.1	Section 260(1)(e)



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			false or misleading (see section 587).		
Application stage	<p>A new provision has been inserted to strengthen properly made application requirements.</p> <p>Section 3.2.1(9) and (10) of IPA allows the assessment manager, in limited circumstances, to accept an application that is not properly made. This discretion has been removed.</p> <p>The new provision no longer includes a requirement for an application to include an accurate description of the land, as this can be required through the approved forms and electronic development applications.</p> <p>The new provision also no longer includes a requirement that an application must not be contrary to a state planning regulatory provision.</p>	1	<p>The application stage has been changed to put more responsibility on applicants to ensure a higher quality of application. This will improve the information provided with an application and will therefore have the effect of reducing overall IDAS timeframes.</p> <p>It is intended that development contrary to a state planning regulatory provision will be specified in the state planning regulatory provision as prohibited development. An application cannot be made in respect of prohibited development. Therefore, this issue is no longer relevant to the question of whether an application is properly made.</p>	Section 3.2.1(7)(9) and (10)	Section 261
Application stage	<p>A new provision has been introduced to allow for lodgement of electronic applications.</p>	10	<p>This provision is intended to promote electronic applications and complement e-IDAS programs (e.g. Smart eDA).</p>	New provision	Section 262
Application stage	<p>Existing provisions about the requirement for owner's consent for development applications have been included in a single provision. This new provision reflects what is in parts of section 3.2.1 of IPA.</p>	1	<p>The new, consolidated provision in SPA makes the rules about owner's consent clearer and easier to find.</p>	Section 3.2.1(3) (12) (13)	Section 263
Application	Existing provisions about	1	The new, consolidated	Section	Section



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
stage	<p>the requirement for evidence of resource allocation have been included in a single provision. This provision reflects what is in section 3.5.21(5) and (5A).</p> <p>This provision has also been changed to make it clear when the evidence may no longer be used.</p>		<p>provision makes the rules about development involving a state resource clearer and easier to find. It also makes the relationship between this provision and the issue of owner's consent clearer.</p> <p>Section 3.2.1(5A) of IPA is unclear. This provision states that the document containing the evidence may state a day after which the evidence may not be used. However, it is unclear whether this means that the application must have been made or decided within this timeframe. SPA makes it clear that the application must be made (but not decided) within this timeframe.</p>	3.2.1(5) and (5A)	264
Application stage	<p>A new process has been included to enable the assessment manager to give the applicant a notice if the application is not properly made.</p> <p>The notice explains that the application is not properly made, the reasons why and the action the applicant must take for the application to be properly made.</p> <p>The assessment manager must, within ten business days after the assessment manager receives the application, either give the applicant an acknowledgement notice (if the application is properly made) or give the application a not properly</p>	1	<p>As stated above, the assessment manager can no longer accept an application that is not properly made. This has the effect of raising the bar in terms of the quality of applications, but also could be onerous on applicants if there was no means of remedying deficiencies in applications. This new process requires the assessment manager to give the applicant advice about how to fix their application to ensure that it is properly made.</p>	New provision	Section 266



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	made notice.  If the applicant does not take the required action (to make the application properly made) within 20 business days after receiving the notice (or a later period, if agreed), the application lapses and the application fee is refunded.				
Application stage	IPA requires the assessment manager to identify in the acknowledgement notice all referral agencies. SPA continues to include this requirement. The explanatory notes make it clear that despite this requirement, it is the applicant's responsibility to ensure that the application is referred to all referral agencies.	1	Under IPA, there is some confusion about whether it is the responsibility of the applicant or the assessment manager to identify referral agencies. This change makes it clear that it is the applicant's responsibility.	Section 3.2.3	Section 268
Application stage	A new provision has been included to require an assessment manager to advise the applicant (using the acknowledgment notice) that the application will lapse unless the applicant gives a copy of the application to each referral agency in accordance with section 272.	1	This change is intended to make applicants better informed about the consequences of failing to respond to an information request.	Section 3.2.2	Section 268
Application stage	IPA requires that where a proposed development is inconsistent with the priority infrastructure plan, the acknowledgment notice must state that it is inconsistent and that additional infrastructure costs may be imposed under chapter 5, part 1.	1	This requirement in IPA is extremely onerous, as inconsistency often cannot be determined at the acknowledgment stage and within the requisite timeframe. In some cases, the information required to make the determination has yet to be provided by the	Section 3.2.4	Deleted



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	If a local government does not advise an applicant that the development is inconsistent in the acknowledgement notice,		applicant. To overcome these issues, it is understood that a practice has arisen		



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	<p>it may not impose additional cost conditions on the development approval.</p> <p>The requirement to include this information in the acknowledgement notice has been removed.</p>		<p>whereby all applications are being treated as potentially inconsistent in order to retain the opportunity to impose additional cost conditions should the application subsequently prove to be inconsistent with the assumptions underpinning the priority infrastructure plan.</p> <p>The benefits associated with determining inconsistency at the acknowledgment stage do not outweigh the costs of doing so. Typically the larger, more intensive developments have potential to be inconsistent with the priority infrastructure plan and consultants for the applicant will have already undertaken detailed studies to determine whether the proposal is consistent with the infrastructure planning. The acknowledgment notice serves no great purpose for these developers.</p> <p>For smaller developments undertaken by general community applicants, it is unlikely that these developments would be inconsistent with the priority infrastructure plan and so again the determination of this issue at the</p>		



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			acknowledgement stage has little benefit. Therefore, section 3.2.4 of IPA has not been included in SPA.		
Application stage	Section 3.2.2A of IPA deals with approved operational works for marine plants. This provision has not been included in SPA.	1	This section is now dealt with through referral triggers in the regulation.	Section 3.2.2A	Deleted
Application stage	Section 3.2.2B of IPA deals with approved operational works for retaining walls. This provision has not been included in SPA.	1	Reconfiguration approvals are usually obtained long before works approvals are sought. The impacts of retaining walls are better considered at the works stage.	Section 3.2.2B	Deleted
Application stage	The provision about when a development application lapses has been moved.  Under IPA, all lapsing triggers are located in a single provision in the application stage.  Some of the actions which may cause lapsing are contained in the information and referral stage and the notification stage.  These provisions have been broken up and moved so they are located under the relevant action which causes the lapsing.	1	Stakeholders indicated that these provisions are not easy to find and would be better included after the relevant step which triggers the lapsing	Section 3.2.12	Sections 273, 279 and 302
Information and referral stage	IPA provides that a referral agency can give a response about a proposed development before an application has been made.  A concurrence agency cannot charge a fee for		The process of enabling a referral agency to give a response prior to the application being made has significant advantages for speeding up the IDAS process, by providing for any state agency issues to be	Section 3.3.2	Section 271



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	this under IPA. Under SPA, a concurrence agency can now charge for giving a response prior to the application being made.		resolved up front.  By including a provision which enables a fee to be charged, the use of pre-request responses should be encouraged.		
Information and referral stage	Under IPA, applicants have three months within which to give referral agencies a copy of the application, the acknowledgement notice and any relevant fee. Under SPA, this timeframe has been reduced to 20 business days.	1	As these steps are merely procedural steps and do not require any further work on the part of the applicant, the three month timeframe in IPA is considered too long.	Sections 3.2.12 and 3.3.3	Section 272
Information and referral stage	Under IPA, if the applicant does not take the action specified above within 20 business days, the application lapses. The SPA now gives applicants a short period of time (five business days) within which to revive an application that has lapsed.	1	Stakeholders showed strong support for giving applicants an opportunity to revive an application that has lapsed as a result of a minor, administrative error (e.g. miscalculating the number of days within which the applicant must complete an action). This change gives flexibility and means that technical lapses, where there is no real impact on a planning outcome, can be overcome.	Section 3.2.12	Sections 273 and 274
Information and referral stage	A new provision has been inserted to require that an information request must state that the application will lapse unless the applicant gives the assessment manager or a concurrence agency a response within six months.	1	This change is intended to make applicants better informed about the consequences of failing to respond to an information request.	Section 3.3.6	Section 276(3)
Information and referral stage	A new provision has been inserted to make it clear that the assessment manager or a concurrence	1	This change promotes better planning outcomes, by allowing concurrence agencies and assessment	Section 3.3.6	Section 276(6)



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	agency may, in the information request, provide advice about how the applicant may change the application.		managers to make suggestions about how an application could be changed. SPA also includes new processes for changing applications which ensure that there are no penalties or disincentives for applicants if they change an application to reflect these suggestions (i.e. the application does not have to return to an earlier stage of IDAS).		
Information and referral stage	The period for responding to an information request has been reduced from 12 months to six months.	1	<p><i>Dynamic Planning for a Growing State – A Discussion Paper</i> (August 2006) proposed reducing this period to three months for all applications (proposed improvement 13.16). There was significant support for this proposal during stakeholder consultation.</p> <p>However, the information request response period has been reduced to six months rather than three months, as it was considered that three months was too short in some circumstances (e.g. where an applicant is required to provide information which requires a long monitoring period). Applicants can still extend this period, with the agreement of the entity that made the request.</p> <p>The change from 12 months to six months will ensure that applications remain current and will</p>	New provision and section 3.2.12	Section 279



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			reduce the potential for a backlog of applications. With a shorter timeframe, it is intended that stakeholders will follow the application through the assessment process. To ensure that applicants are able to extend this timeframe where necessary, a new provision has been included to provide that the entity must not unreasonably refuse to extend the response period.		
Information and referral stage	A new provision has been included to provide applicants with a short period of time (five business days) within which to revive an application that has lapsed due to a failure to respond to an information request.	1	Stakeholders showed strong support for giving applicants an opportunity to revive an application that has lapsed as a result of a minor, administrative error (e.g. miscalculating the number of days within which the applicant must complete an action). This change gives flexibility and means that technical lapses, where there is no real impact on a planning outcome, can be overcome.	New provision	Section 280
Information and referral stage	The rules applying to referral agency assessments have been rewritten.	38	These changes clarify the matters that referral agencies must consider in assessing an application, and list these matters in a way that reflects the hierarchy of planning instruments.	Section 3.3.15	Section 282
Information and referral stage	The response powers of concurrence agencies have been changed to make it clear that a concurrence agency can give a response in relation	56	Under IPA, it is unclear whether concurrence agencies can give a response in relation to the part of an application that seeks to vary the effect of	Section 3.3.18	Section 287



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	to an application for a preliminary approval that affects a planning scheme.		a planning scheme. As the Department of Infrastructure and Planning will now have a concurrence role in respect of these types of applications, it is essential that the department has appropriate powers to respond. It is also considered desirable that other agencies be able to give a response about these applications, as variations to a planning scheme can affect whether or not an agency will be triggered as a referral agency for later applications under the preliminary approval.		
Information and referral stage	<p>Under IPA, a concurrence agency can give a response or change a response outside of the referral agency's assessment period with the applicant's agreement.</p> <p>Under SPA, a new provision has been included to give concurrence agencies a limited ability to change their response without the applicant's agreement in other circumstances, namely where the applicant has changed its application in response to a properly made submission or a request for information.</p>	1	<p>This change relates to the new process for changing applications, which enables an applicant to change an application in response to an information request or a properly made submission without having to repeat the information and referral stage or repeat public notification. To ensure that there is no impact on concurrence agency responses, state agencies have been given an opportunity to amend their response if necessary, to account for the changes to the application.</p> <p>Rather than requiring the applicant to repeat the information and referral stage, a new process has</p>	Section 3.3.17	Section 290



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			been included in SPA which gives the concurrence agencies a short timeframe within which to consider the change and give an amended response without the need for the applicant to repeat any steps of the process or otherwise stop IDAS.		
Notification stage	IPA requires a notification period of 15 business days. However, chapter 6 (Transitional provisions) of IPA sets a longer notification period of 30 business days for certain types of applications. This provision has been moved into chapter 6 (IDAS) of SPA.	1	The purpose of this change is to co-locate all provisions about the notification period. This makes SPA more user-friendly.	Sections 3.4.5 and 6.7.1A	Section 298
Notification stage	A new provision has been inserted to require the applicant to give the assessment manager written notice stating the day the last of the actions mentioned in section 297(1) is carried out. The notice must be given within five business days after the day the last of the actions mentioned in section 297(1) is carried out.  This requirement is in addition to the existing requirement to give a notice of compliance about public notification.	1	This provision ensures that the assessment manager remains informed about the progress of the application and can more easily calculate when the notification period has commenced.	New provision	Section 300
Notification stage	Under IPA, an application will lapse if the applicant does not provide the assessment manager with a notice of compliance with the public	1	As this is simply a procedural step, it is considered that three months is too long. The reduction of this period to 20 business days will	Sections 3.4.7 and 3.2.12.	Section 301



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	notification requirements, within three months of carrying out the public notification. Under SPA, this timeframe has been reduced to 20 business days.		have the overall effect of reducing IDAS timeframes.		
Notification stage	A new provision has been included to provide applicants with a short period of time (five business days) within which to revive an application that has lapsed due to a failure to carry out public notification or give notice of compliance about public notification.	1	Stakeholders showed strong support for giving applicants an opportunity to revive an application that has lapsed as a result of a minor, administrative error (e.g. miscalculating the number of days within which the applicant must complete an action). This change gives flexibility and means that technical lapses, where there is no real impact on a planning outcome, can be overcome.	New provision	Section 303
Notification stage	A new provision has been included to clarify that an applicant cannot make a submission to the assessment manager about its own application.	1	This change is relevant because under SPA, applicants can change their application to reflect submissions without penalty or disincentive (i.e. without having to return to an earlier stage of IDAS). It is therefore important to prevent applicants from changing applications in response to a submission made about their own application.	Section 3.4.9	Section 305(1)
Decision stage	Code assessment has changed in the following ways: <ul style="list-style-type: none"> <li>the new provision includes a clear and comprehensive list of the instruments that an application must be assessed against</li> </ul>	1, 3 and 38	Code assessment was originally limited to assessment against applicable codes only. However additional instruments have been introduced since IPA commenced that are required to be taken into	Section 3.5.4	Section 313



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	<ul style="list-style-type: none"> <li>the list of instruments to be considered in assessing an application reflects the hierarchy of instruments</li> <li>a state planning policy does not need to be considered if it is reflected in a regional plan.</li> </ul>		<p>account in code assessment. Generally, these are a range of state instruments which prevail over the relevant code to the extent of any inconsistency.</p> <p>Under IPA, the effect of other instruments in code assessment is not apparent, as the relevant provisions are distributed throughout the Act.</p> <p>This section consolidates all of the relevant considerations in code assessment and lists them in order of hierarchy. The hierarchy of instruments set out in chapters 2, 3 and 4 is then used to resolve any conflicts between these instruments.</p>		
Decision stage	<p>Impact assessment has been changed in the following ways:</p> <ul style="list-style-type: none"> <li>the new provision includes a clear and comprehensive list of the instruments that an application must be assessed against</li> <li>the list of instruments to be considered in assessing an application reflects the hierarchy of instruments</li> <li>a state planning policy does not need to be considered if it is reflected in a regional plan.</li> </ul>	1, 3 and 38	<p>Under IPA, the effect of other instruments in impact assessment is not apparent, as the relevant provisions are distributed throughout the Act.</p> <p>This section consolidates all of the relevant considerations in impact assessment and lists them in order of hierarchy. The hierarchy of instruments set out in chapters 2, 3 and 4 is then used to resolve any conflicts between these instruments.</p>	Section 3.5.5	Section 314
Decision stage	The assessment rules for preliminary approvals that affect a planning scheme have been changed in the	1, 3 and 38	The change listed in column 2 is made for the purposes of clarification. Under IPA, there is a lack	Section 3.5.5A and new	Section 316



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	<p>following ways:</p> <ul style="list-style-type: none"> <li>• to make it clear that the assessment manager must assess the proposed development using the code and impact assessment rules</li> <li>• to include a clear and comprehensive list of the instruments that an application must be assessed against</li> <li>• the list of instruments to be considered in assessing an application reflects the hierarchy of instruments</li> <li>• a state planning policy does not need to be considered if it is reflected in a regional plan.</li> </ul>		<p>of certainty about how to apply the assessment rules for these types of approvals. In assessing an application for a preliminary approval that affects a planning scheme, the assessment manager must consider not only the proposed variations to the planning scheme, but also the actual proposed development. The new assessment rules clarify this.</p> <p>This section also consolidates all of the relevant considerations in assessing this type of application and lists them in order of hierarchy. The hierarchy of instruments set out in chapters 2, 3 and 4 is then used to resolve any conflicts between these instruments.</p>	provisions	
Decision stage	Section 2.5B.67(1) of IPA has been moved to chapter 6 (IDAS) of SPA.	1	This provision is located in chapter 2, part 5B (Master planning for particular areas of state interest) of IPA and requires decision-making on a development application for a master planned area to be suspended where a master plan has not yet been approved. As this provision relates to the decision-making period for an application, it is more logical that it is located in chapter 6 (IDAS) of SPA.	Section 2.5B.67(1)	Section 322
Decision	The decision rules in IPA	1	The existing decision	Sections	Sections



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
stage	<p>have been changed in the following ways:</p> <ul style="list-style-type: none"> <li>• there is now a single set of decision rules for both impact assessment and code assessment</li> <li>• the impact of concurrence agency responses on the way an application is decided has been made clear</li> <li>• particular decision rules relating to development applications for land in a declared master planned area have been relocated from chapter 2, part 5B of IPA to chapter 6 (IDAS) of SPA</li> <li>• the assessment manager’s decision may conflict with a local planning instrument or a state planning instrument (other than a state planning regulatory provision) if there are sufficient grounds to justify the decision, despite the conflict.</li> </ul>		<p>rules in IPA are complex and difficult to apply. They also do not reflect the planning instrument hierarchy or relationships.</p> <p>In the case of code assessment, there is a presumption under IPA in favour of approving an application that complies with applicable codes. This presumption ignores the effect of state planning instruments (e.g. if there is a conflict between an applicable code in a local planning instrument and a state planning regulatory provision, the state planning regulatory provision prevails and may require that the application be refused).</p> <p>The revised decision rules are clearer, less complicated and easier to apply. They are broken down into general rules, that apply to all applications (e.g. the assessment manager’s decision must not be contrary to a state planning regulatory provision). Specific rules which provide that the assessment manager’s decision may conflict with a state or local planning instrument in limited circumstances, namely where the conflict is necessary to ensure compliance with state planning regulatory provisions, there are sufficient grounds to</p>	<p>3.5.11, 3.5.13 and 3.5.14</p> <p>Sections 2.5B.67 to 2.5B.70</p>	324 to 326



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			<p>justify the decision, or the conflict arises due to a conflict between instruments (e.g. a conflict between two codes within a planning scheme).</p> <p>The decision rules now contain a presumption in favour of policy, but remove the artificial presumption in favour of approval in the case of code assessment.</p>		
Decision stage	<p>New arrangements have been included to provide for deemed approval of some development applications involving code assessment only, if the application has not been decided by the end of the decision making period (or extended decision making period).</p> <p>Consequential changes have been included throughout SPA to support the introduction of deemed approvals.</p>	1	<p>A key purpose of the reform is to ensure that assessment managers comply with IDAS timeframes. Deemed approvals are intended to be one way of achieving this.</p> <p>Deemed approval arrangements do not apply for the following types of applications:</p> <ul style="list-style-type: none"> <li>• applications which require code and impact assessment</li> <li>• applications for preliminary approvals which affect a planning scheme (section 242)</li> <li>• applications where a concurrence agency has directed refusal or approval in part only</li> <li>• applications where a refusal is or may be required by SPA or another Act, namely               <ul style="list-style-type: none"> <li>- applications which relate to wet tropics areas under the <i>Wet Tropics World Heritage Protection and Management</i></li> </ul> </li> </ul>	New provision	Sections 330 – 333



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			<p><i>Act 1993</i></p> <ul style="list-style-type: none"> <li>- applications which relate to a wild river area under the <i>Wild Rivers Act 2005</i></li> <li>- applications which relate to a Queensland heritage place</li> <li>- applications which relate to areas identified as protected areas, critical habitats or areas of major interest under the <i>Nature Conservation Act 1992</i></li> <li>- vegetation clearing applications (as defined under the <i>Vegetation Management Act 1999</i>)</li> </ul> <ul style="list-style-type: none"> <li>• building development applications</li> <li>• aquaculture development to which chapter 9, part 7 of SPA applies</li> <li>• applications which relate to iconic places.</li> </ul> <p>Deemed approval is not automatic. If the applicant wants the development application to be treated as having been approved by the assessment manager, the applicant must give the assessment manager a deemed approval notice. The assessment manager then has ten business days within which it can issue a decision notice imposing conditions on the deemed approval. If the</p>		



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			assessment manager fails to do this, standard conditions (made by the planning Minister) will apply.		
Decision stage	The requirements for a decision notice have been changed to require reasons for refusal.	1	This provision has been changed to increase accountability in decision-making.	Section 3.5.15	Section 335
Decision stage	The requirements for a decision notice have also been changed to require that the approval must specify any other compliance permits necessary to allow the development to be carried out and the details of any compliance assessment required for documents or works in relation to the development.	1	This change has been made to account for the new compliance assessment stage and the fact that: <ul style="list-style-type: none"> <li>• some development may now require a compliance permit instead of a development permit</li> <li>• a development approval may specify whether documents and works require compliance assessment.</li> </ul>	Section 3.5.15	Section 335
Decision stage	The provisions about when an approval takes effect have been changed to account for the situation where an appeal is withdrawn.  Also, the provision has been changed so that if there is an appeal to the Building and Development Dispute Resolution Committee, the approval does not take effect until the appeal is finally decided. Under IPA, this provision only applied to appeals to the court.	1	Under IPA, it is unclear when an approval takes effect in the situation where an appeal is lodged but later withdrawn. SPA clarifies that the approval takes effect when the appeal is withdrawn.	Section 3.5.19	Section 339
Decision stage	Section 2.5B.72 of IPA has been relocated to chapter 6 (IDAS) of SPA.	1	Section 2.5B.72 of IPA provides that development in a declared master planned area cannot start until all	Section 2.5B.72	Section 340



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			<p>necessary master plans have taken effect. As this relates to the issue of when development under a development approval may start, it is more appropriately located in chapter 6 (IDAS) of SPA.</p>		
Decision stage	<p>Under IPA, an approval will lapse if development does not happen within a specified period. This period takes account of any further development approvals that may be required for the development. This provision remains unchanged except that the word happen has been changed to start and the provision incorporates wording to cover compliance assessment and compliance permits.</p>	1	<p>The word happen has been replaced with the word start because, in the case of a use, it is difficult to determine whether or not a use has happened. Rather, the relevant test should be whether the use has started.</p> <p>The references to compliance permits have been included to account for the new compliance assessment provisions and to ensure that, in calculating when an approval lapses, the need for any further compliance permits is taken into account.</p>	Section 3.5.21	Section 341
Decision stage	<p>A new provision has been inserted to provide a default lapsing period for preliminary approvals that affect a planning scheme. The approval lapses if the development is not completed within a prescribed period. The prescribed period can be nominated by the applicant or set by a condition of the approval. If a period is not nominated by the applicant, or a condition set in the approval, a default lapsing period of five years will apply.</p>	55	<p>The main legislative change to these types of approvals is the introduction of a default lapsing period, to avoid the problems associated with entrenched development. There is concern that preliminary approvals can become entrenched over time and inconsistent with emergent social, environmental or economic issues. This new provision ensures a time limit is imposed on preliminary approvals affecting a planning</p>	New provision	Section 343



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			scheme so they don't continue indefinitely.		
Decision stage	A new provision has been included in SPA to clarify that a condition may require a document or work to be subject to compliance assessment.	1	Compliance assessment can apply to development and also to documents and works carried out in relation to development (e.g. plans of subdivision, landscape plans etc). This new provision supports the compliance assessment provisions in chapter 6, part 10 of SPA which provide that a condition of an approval may require compliance assessment for documents or works.	Section 3.5.31	Section 346(1)(d)
Changing applications	<p>The SPA includes a new process for changing applications. This new process identifies different categories of changes and clearly specifies their effects on IDAS. The categories of changes are:</p> <ul style="list-style-type: none"> <li>• minor changes (IDAS does not stop)</li> <li>• changes in response to information requests or submissions (IDAS does not stop, but re-notification may be required if the change would be likely to attract an objection)</li> <li>• all other changes (IDAS stops and returns to the start of the acknowledgment period, however re-notification is only required if the change would be likely to attract an objection).</li> </ul> <p>A <b>minor change</b> is defined</p>	1	<p>The new provisions clarify and simplify processes for changing applications, as well as allowing for greater flexibility in changing applications through specifying a broader category of minor changes which can be made without having to stop the IDAS clock.</p> <p>In particular, this change clarifies the types of changes that can be made and the effect of each of these changes on the IDAS process, and aims to avoid disincentives for responding to submissions and information requests.</p> <p>It is intended that this change also removes any disincentives for changing applications in ways that may improve the development and lead to better planning outcomes.</p>	New provision	Chapter 6, part 6, divisions 1 to 3



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	to include: <ul style="list-style-type: none"> <li>• a change that corrects spelling errors, mistakes about the name or address of the applicant or owner or the address of the land</li> <li>• a change that does not               <ul style="list-style-type: none"> <li>- result in a substantially different development</li> <li>- trigger new referrals</li> <li>- require impact assessment where it was not previously required.</li> </ul> </li> </ul>		Importantly, the new provisions clarify that in determining whether a change is a minor change, the planning instruments or laws in effect at the time the change was made apply. However, the new provisions also clarify that what is relevant is whether it is the change itself which causes the need for referral to additional referral agencies or impact assessment. It is not the intention to prevent a change being made simply because, since the original application was made, there has been a change to the legislation or a planning instrument, which has the effect that the application as originally made, would now trigger additional referral agencies or require impact assessment. It is only intended to prevent changes being made if the change itself is the reason why the new referral agency is triggered or impact assessment is required. Under IPA, changes to the legislation result in a change to the application not being a minor change.		
Changing applications	A new provision has been inserted to prevent an applicant changing an application if it results in the application not being properly made or involving	1	This change is made for the purposes of clarification and to support the new provisions about properly made applications and	Section 3.2.9	Section 351



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	prohibited development. However, if the change results in the application not being properly made, the applicant has an opportunity to do whatever is necessary to make the application properly made (e.g. pay any difference in fees or attach any new forms).		prohibited development.		
Missed referrals	A new process has been inserted into IDAS to give the parties to an application the opportunity to identify if an application has not been referred to a referral agency, i.e. that a referral agency has been missed.	1	Under IPA, there is no process for dealing with missed referrals. Generally, it is likely that a missed referral would be considered to be a change to the application and would result in the application having to return to the start of the acknowledgment period. The new process in chapter 6, part 7 of SPA enables the IDAS process to continue while providing a means for the missed referral agency to catch up. The assessment manager cannot decide the application until the missed referral agency has given an information request and a referral agency response (if any).  These new provisions provide a process for dealing with missed referrals and allowing missed referral agencies to exercise their referral powers without significantly delaying the IDAS process.	New provision	Chapter 6, part 7
Changing decision notices	Under IPA, an applicant may make representations to the assessment	1	This change has been made for the purposes of clarification. Although IPA	New provision	Section 362



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
during applicant's appeal period	<p>manager about a decision notice where the applicant is seeking a negotiated decision notice.</p> <p>A new provision has been inserted to require the assessment manager to consider any representations made to the assessment manager.</p>		<p>provides for the assessment manager to decide whether it agrees with the representations, there is no positive obligation on the assessment manager to consider the representations.</p>		
Changing approvals—request for change after applicant's appeal period ends	<p>Under IPA, separate processes exist for changing a development approval and changing a condition of an approval. SPA consolidates these processes to provide a single process for all changes to approvals. The new process also clarifies who is the responsible entity for deciding the request for change.</p> <p>Under IPA, a change can only be made to an approval if the change is a minor change. SPA replaces the term minor change with permissible change, in recognition of the fact that changes may be permitted, even if they are not in fact minor in nature.</p> <p>A permissible change is defined to include a change to the approval that would not</p> <ul style="list-style-type: none"> <li>• result in a substantially different development</li> <li>• require referral to additional concurrence agencies</li> <li>• increase the level of assessment from code to impact</li> <li>• if impact assessment</li> </ul>	1	<p>The rules in IPA for changing approvals are too complex and restrictive. These changes provide a single process that consolidates, simplifies and allows more flexible arrangements for changing development approvals.</p> <p>The new provisions also clarify that, in determining whether a change is a permissible change, the planning instruments or laws in effect at the time the change was made, apply.</p> <p>The new provisions also clarify that what is relevant is whether it is the change itself which causes the need for referral to additional concurrence agencies or impact assessment. It is not the intention to prevent a change being made simply because, since the original application was made, there has been a change to the applicable law which has the effect that the application as originally made would</p>	Section 3.5.24 and 3.5.33	Chapter 6, part 8, division 2



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	<p>was already required, cause a person to object to the proposed change</p> <ul style="list-style-type: none"> <li>cause the development to include prohibited development.</li> </ul>		<p>now trigger additional concurrence agencies or require impact assessment. It is only intended to prevent changes being made if the change itself is the reason why the new concurrence agency is triggered or impact assessment is required. Under IPA, a change to the legislation results in a change to an approval not being a minor change.</p>		
Changing approvals—request for change after applicant’s appeal period ends	A new provision has been included to provide that an entity may give advice about a request to change an approval prior to the request being made.	1	<p>This provision is similar to the provisions of IDAS which enable a referral agency to give a response about a development application, prior to the application being made.</p> <p>This provision will have the effect of speeding up the process for changing an approval by providing for any issues these entities may have to be resolved up front.</p>	New provision	Section 368
Changing approvals—request for change after applicant’s appeal period ends	SPA clarifies that, in the case of an approval given by a Minister (as a result of a call-in) or a condition imposed through a direction of a Minister, the entity responsible for deciding a request to change the approval or condition is the Minister. However, in the case of a call in, SPA also enables the Minister to refer the request to the original assessment manager, if the Minister is satisfied that no state interests are affected.	1	<p>Under IPA, it is unclear whether, in the case of a Ministerial call in; the Minister is responsible for considering a change to an approval. The new provisions in SPA clarify this issue.</p> <p>Also, conditions imposed on an approval, as a result of a Ministerial call in, may relate to technical matters such as car parking requirements or charges to be paid. Under IPA, the Minister is responsible for deciding requests to change</p>	Section 3.5.24 and 3.5.33	Section 369



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			conditions. The new provisions give the Minister the flexibility to require the original assessment manager to decide these requests, if they do not affect any state interests.		
Changing approvals—request for change after applicant’s appeal period ends	A new provision has been inserted to provide that a request to change an approval does not have to include the consent of all of the owners of the land, in situations where there are a large number of owners (e.g. because the land has been subdivided since the original approval was given) or the owner has unreasonably withheld consent.	1	The requirement to obtain owner’s consent can be onerous, in situations where the land is now held by multiple owners.	New provision	Section 371
Extending period of approvals	<p>The process for requesting an extension of an approval has been changed in the following ways:</p> <ul style="list-style-type: none"> <li>the consent of all of the owners of the land is not required in situations where there are a large number of owners (e.g. because the land has been subdivided since the original approval was given) or the owner has unreasonably withheld consent</li> <li>the request need not be accompanied by evidence of resource allocation—instead, it can be accompanied by evidence that the person has requested the relevant chief executive’s agreement</li> </ul>	1	<p>The requirement to obtain owner’s consent can be onerous, in situations where the land is now held by multiple owners.</p> <p>In relation to the second dot point in column 2, the process for obtaining evidence of resource allocation can be lengthy. As the timeframe within which a request to extend an approval can be made is limited, this change will enable the person to request the extension, even though they do not yet have evidence of resource allocation. However, the request for extension cannot be decided until the evidence of resource allocation is received and must be refused if the resource</p>	Section 3.5.22	Section 383 and 390



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	to the extension.		allocation is not granted.		
Compliance stage	<p>Under IPA, the only assessment processes available under IDAS are impact and code assessment for assessable development and self- assessment.</p> <p>The application of the compliance stage will mean that certain development, documents or works will need to be approved for compliance with certain criteria.</p> <p>The compliance stage will:</p> <ul style="list-style-type: none"> <li>• allow for a true technical assessment with a deemed approval if the request is not decided in time (there are no refusals, only returns to the applicant for re-iteration)</li> <li>• enable assessment by a state entity, a local government or an entity nominated by the local government</li> <li>• provide for the assessment of development, as well as post approval compliance of documents and works</li> <li>• enable certain development to be dealt with under IDAS more quickly (for development requiring compliance assessment, the compliance stage will be the only IDAS stage that applies)</li> <li>• enable development to be conditioned, with the same limits on</li> </ul>	1	<p>Self-assessment is appropriate only for non-technical matters. Even though the processes in IDAS are streamlined, with clear timeframes and outcomes, they could still be considered onerous for simple or purely technical proposals. This is particularly relevant where the only assessment would be compliance against certain provisions in planning instruments. Based on this, a far simpler assessment process would be more suitable for certain types of development.</p> <p>Compliance assessment provides a quick, standardised process for purely technical issues. It involves a relatively quick assessment process that will improve efficiency, as it is aimed at getting the low risk developments through the system faster.</p>	New provision	Chapter 6, Part 10



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	<p>conditions as other assessment types.</p> <p>Compliance assessment would be suitable for development for which:</p> <ul style="list-style-type: none"> <li>• clear technical standards are available</li> <li>• the exercise of broad discretion in determining compliance is unnecessary</li> <li>• integrated referral arrangements are unnecessary.</li> </ul>				
Ministerial directions	<p>A new provision has been inserted to allow the planning Minister to give a direction to an assessment manager requiring a copy of all development applications for particular development or for development in a particular area to be given to the Minister.</p> <p>This power is limited to instances where the development type or area involves a state interest. For example, the Minister could require all development applications within a certain radius of a state development area to be given to the Minister.</p>	48	The Ministerial IDAS powers have been changed to broaden the scope of Ministerial directions powers to better complement the call in powers. This change gives the planning Minister a more proactive role in managing the planning framework and its operation. It also gives the planning Minister a wider range of responsive tools to ensure there is an efficient, effective and accountable planning and development assessment system.	New provision	Section 417
Ministerial directions	The directions powers under section 3.6.1 of IPA have been expanded to enable the planning Minister to direct an assessment manager not to decide an application until the Minister indicates otherwise. The direction must state a period of not more than 20 business days within	48	The purpose of this new direction power is to enable the planning Minister to stop the IDAS clock to enable the Minister to obtain the necessary information about the application before deciding an appropriate course of action. For example, the Minister could issue a	Section 3.6.1	Section 418(1)(a)



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	which the assessment manager must not decide the application.		further direction about the application, impose conditions or call the application in.		
Ministerial directions	The planning Minister has been given a new power to direct assessment managers to decide applications within 20 business days from the start of the decision stage, if the development involves a state interest. The planning Minister has also been given a new power to direct assessment managers and concurrence agencies to take an action under IDAS within a specified period if the development application involves a state interest.	48	<p>This change relates to an election commitment by the Bligh Government to expand the Ministerial IDAS powers to enable the planning Minister to fast-track approvals where a development exhibits exemplary sustainability features.</p> <p>IPA allows the planning Minister to give a direction to assessment managers to make a decision on a development application within a specified timeframe, but only where the assessment manager has already exceeded all reasonable timeframes. This new power enables the planning Minister to direct assessment managers early in the approvals process that they must make decisions within the 20 business day decision-making period, without any further extensions, if the development involves a state interest. It should also be noted that the definition of state interest has been changed to include a specific reference to sustainable development as a state interest.</p> <p>Under IPA, the planning Minister also has the power to direct</p>	Sections 3.6.1 and 3.6.2	Sections 418 and 420



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			<p>assessment managers and concurrence agencies to take an action, but only if the period for taking the action has not been complied with. Again, this power has been expanded to enable the planning Minister to give directions to assessment managers and concurrence agencies at any time where the proposed development involves a state interest.</p>		
<p>Ministerial directions</p>	<p>Section 3.6.1(2)(a) of IPA has not been included in SPA. This provision basically allows the planning Minister to influence the way in which an application is decided (eg: direction to refuse the application or to approve only part of the application). However, the planning Minister will still be able to direct an assessment manager to impose conditions on an approval.</p> <p>The existing section 3.6.1(6) is also not included in SPA. This provision provides that for an appeal under any of sections 4.1.27 to 4.1.29 of IPA, the planning Minister's direction under section 3.6.1(2)(a) is taken to be a concurrence agency's response and the chief executive is taken to be a co-respondent.</p>	<p>48</p>	<p>If section 3.1.6(2)(a) of IPA is retained, it essentially provides the planning Minister with two separate avenues for determining the way in which an application is decided, however the directions power does not specify any criteria for the direction, that is, it does not require the planning Minister to carry out an assessment of the application or specify the grounds on which the direction can be given.</p> <p>If the planning Minister wants to determine the way in which a development application is decided, the Minister should exercise the Ministerial call in powers and carry out an assessment of the application.</p> <p>Existing section 3.1.6(6) has not been included in SPA because there will now be no right of appeal against a direction given by the Minister. However,</p>	<p>Section 3.6.1</p>	<p>Deleted</p>



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			if the Minister directs an assessment manager to impose conditions on an approval, the Minister must table a report about the direction in the Legislative Assembly (section 422).		
Ministerial directions	A new provision has been inserted to provide that the planning Minister must, after giving a direction to an assessment manager to include a condition in any approval, prepare a report about the planning Minister's decision and table it in Parliament.	48	This provision is based on the equivalent provision for Ministerial call in powers (section 432). This provision has been included to provide accountability for the Minister's decision to impose conditions on any approval, as the exercise of this power is no longer able to be appealed (see chapter 7).	New provision	Section 422
Ministerial call in powers	<p>The timeframes for when an application can be called in have been simplified to specify that it is the later of the following:</p> <ul style="list-style-type: none"> <li>• 15 business days after the day the chief executive receives notice of an appeal against the application</li> <li>• 50 business days after the day the decision notice or negotiated decision notice is given to the applicant (if there are any submitters for the application)</li> <li>• 25 business days after the day the decision notice or negotiated decision notice is given to the applicant (if there are no submitters)</li> <li>• in the case of a deemed approval where no</li> </ul>	48	<p>This change was made to make the timeframes clearer and easier to understand and apply, as the timeframes in IPA are complex.</p> <p>The timeframe in dot point 1 in column 2 is five business days longer than the timeframe under IPA, as ten business days is considered too short to allow for the administrative processes required to issue a notice of call in.</p> <p>The timeframes in dot points 2 and 3 for calling in an application under SPA are not longer than the timeframes under IPA—the proposed time limits of 50 and 25 days simply correspond to the aggregate time limits for giving the applicant and</p>	Section 3.6.5	Section 424



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
	decision notice is given—25 business days from the after the decision notice should have been given.		submitters copies of the decision notice or negotiated decision notice and their respective 20 day appeal periods.		
Ministerial call in powers	<p>Under IPA, the planning Minister, regional planning Minister and Minister responsible for administering the State Development and Public Works Organisation Act have the power to call in a development application and either assess and decide the application (if not already decided) or re-assess and re-decide the application (if already decided).</p> <p>A new power is introduced to allow the Minister to require the assessment manager to assess the application or, if assessment has already started, to continue assessing the application on behalf of the Minister. The assessment manager must then give the Minister its recommendations for deciding the application. The Minister then decides the application.</p>	48	This change enables the Minister to require the original assessment manager to carry out the assessment of the called-in application. In this way, the Minister can rely on the expertise and resources of the original assessment manager, whilst reserving the right to make the final decision on the application.	New provision	Section 426
Ministerial call in powers	Under SPA, the Minister can choose to assess and/or decide (or reassess and re-decide) the application having regard only to the state interest for which the application was called in.	48	This change provides greater flexibility in the matters that may be considered when assessing and deciding a called in development application. Under IPA, the Ministerial call in power has limitations, because the Minister must assess and decide the	New provision	Section 426



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			<p>application in accordance with the IDAS assessment and decision rules. Therefore, the Minister is constrained in the matters that can be considered and is bound by the same rules as the original assessment manager in assessing and deciding applications.</p> <p>The reform agenda recognised that greater flexibility was required to allow the Minister to choose whether to consider and decide the application on the basis of the state interest grounds for calling in the application. If the Minister calls in an application on a specific state interest and that interest is likely to be decisive, assessing the application against the planning scheme could be seen as an unnecessary delay in reaching a decision.</p>		
Ministerial call in powers	A new provision has been included to clarify which parts of section 335 (Content of decision notice) do not apply to a decision notice given by the Minister as a result of a call in.	48	The requirements for a decision notice are set out in section 335. A number of these requirements are not relevant in the case of a Ministerial call-in. For example, the requirement to state whether a condition is a concurrence agency condition is not relevant because all concurrence agencies are taken to be advice agencies for the purposes of the call in. Also, the requirement to include information about appeal rights is not relevant,	Section 3.6.7(3)	Section 429



SPA section or division heading	Summary of changes	Reform-action	Reason for change	IPA provisions	New provisions in SPA
			because there is no right of appeal against a decision on a call in.		
Ministerial call in powers	A new provision has been inserted to provide that the Minister may require a report from the assessment manager about a person's compliance with a development approval given by the Minister as a result of a call in. The assessment manager must comply with this request from the Minister.	n/a	<p>This new provision ensures that the Minister has the power to direct a local government to report to the Minister about compliance with an approval granted by the Minister.</p> <p>The purpose of this change is to provide a feedback loop to the Minister with respect to approvals granted by the Minister, to ensure that they are being complied with and to give the Minister the necessary information to decide whether to commence enforcement action in the case of non-compliance.</p>	New provision	Section 433
Plans of subdivision	Chapter 3, part 7 (Plans of subdivision) of IPA has not been included in SPA.	1	The process under IPA for approving plans of subdivision under chapter 3, part 7 of IPA conforms very closely to the compliance assessment process in SPA. Therefore, the stand alone process in chapter 3, part 7 of IPA has been omitted from SPA. Instead, subdivision plans will be specified in the regulation as documents requiring compliance assessment.	Chapter 3, part 7	deleted



# Chapter 7—Appeals, offences and enforcement

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Summary	<p>This chapter sets out provisions dealing with jurisdiction, procedures and appeal matters of the Planning and Environment Court and the Building and Development Dispute Resolution Committee (building and development committee). This chapter also contains provisions dealing with development offences, and the enforcement mechanisms available to address them.</p> <p>Many of the provisions mirror those contained in chapter 4 of IPA. However, this SPA also:</p> <ul style="list-style-type: none"> <li>• expands the discretionary powers of the court to award costs against commercial competitors and to determine whether a matter of procedural non-compliance can be excused</li> <li>• changes the name of the Building and Development Tribunal to the Building and Development Dispute Resolution Committee in accordance with a recent government decision</li> <li>• expands the jurisdiction of the building and development committee</li> <li>• allows for appeals, offences and enforcement to facilitate the introduction of compliance assessment</li> <li>• gives assessing authorities a broader discretion to proceed directly to issuing an enforcement notice, without first issuing a show cause notice.</li> </ul>				
Planning and Environment Court	The provision about contempt of court and contravention of orders has been changed. Subsection (4) has been deleted. This subsection refers to section 129 of the <i>District Court of Queensland Act 1967</i> .	n/a	Section 129(4) of the <i>District Court of Queensland Act 1967</i> has now been repealed.	Section 4.1.5	Section 439
Planning and Environment Court	Under IPA, if, in a proceeding before the court, the court finds a <i>requirement</i> of IPA (or another Act in its application to IPA) has not been complied with, or fully complied with, the court may deal with the matter in the way the court considers appropriate. This power is limited to circumstances where the court is satisfied the non-compliance, or partial non-compliance, has not substantially restricted	64	The courts have interpreted the term <i>requirement</i> narrowly, such that the courts will only exercise the discretion in subsection (2) where IPA actively requires or imposes a positive obligation on an entity to take a particular action (e.g. <i>Lamb v Brisbane City Council &amp; Anor</i> (2007) LGERA 100).  Section 4.1.5A(1)(b) has been deleted because the	Section 4.1.5A	Section 440



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>the opportunity for a person to exercise the rights conferred on the person by IPA (or the other Act).</p> <p>This provision has been changed to expand the court's power. Under SPA, the limitation in section 4.1.5A(1)(b) about exercise of rights has been removed. Also, instead of the power relating to a requirement of the Act, it has been changed to relate to a provision of the Act.</p> <p>Also, a new provision has been inserted that makes it clear that the section applies in relation to a development application that has lapsed or is not a properly made application.</p>		<p>test in this provision has proved difficult to satisfy. This provision appears to require the court to be satisfied that not a single person was affected. Also, it has been interpreted as meaning the court must be satisfied that the non-compliance has not substantially affected the opportunity for a person to exercise the rights conferred, even if the opportunity was one of which the person was unlikely to avail themselves.</p> <p>A number of cases have considered the issue of whether section 4.1.5A can apply in relation to a development application which has lapsed (e.g. <i>Muir &amp; Anor v Logan City Council &amp; Ors</i> [2008] QPEC 024). To put this issue beyond doubt, the provision has been amended to clarify this issue.</p> <p>Finally, this provision has been changed to make it clear that the court can give relief in response to proceedings commenced for that purpose or in the context of other proceedings.</p>		
Planning and Environment Court	The provision about the rules of the court has been changed to provide that the rules may be uniform rules that apply to other courts.	n/a	This provision has been changed to make it clear that the <i>Planning and Environment Court Rules</i> may apply the <i>Uniform Civil Procedure Rules</i> for matters not otherwise	Section 4.1.10	Section 445



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			provided for in the <i>Planning and Environment Court Rules</i> .		
Planning and Environment Court	<p>Under IPA, the power of a judge to issue directions about a particular case is limited to matters not provided for by the <i>Planning and Environment Court Rules</i>. In contrast, rule 367(1) of the <i>Uniform Civil Procedure Rules</i> provides that the court may make any order or direction about the conduct of a proceeding it considers appropriate, even though the order or direction may be inconsistent with another provision of these rules.</p> <p>The SPA now includes a broader power for the court to make an order or direction about the conduct of proceedings, consistent with rule 367 of the <i>Uniform Civil Procedure Rules</i>.</p>	n/a	This provision has been changed to ensure that the power of a judge in the Planning and Environment Court to grant orders or directions is as unconstrained as that provided for under the <i>Uniform Civil Procedure Rules</i> .	Section 4.1.11	Section 446
Planning and Environment Court	<p>IPA provides for the situation where a judge is incapacitated or dies. SPA provides more broadly for the situation where the judge cannot continue the proceeding for any reason, including absence or illness.</p>	n/a	This section has been changed because it is too narrow under IPA. The broader provision allows for a judge to take a leave of absence and covers more situations.	Section 4.1.15	Section 450
Planning and Environment Court	<p>The registries of the Planning and Environment Court will now be under the control of the principal registrar. These provisions have also been updated to reflect the existing governance structure of the District Court and the Planning and Environment Court.</p>	n/a	These amendments are necessary to reflect the existing governance structure of the District Court and the Planning and Environment Court.	Sections 4.1.17, 4.1.18 and 4.1.19	Sections 452, 453 and 454



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Planning and Environment Court	Section 456(1)(b) allows the Planning and Environment Court to make declarations about the construction of guidelines made under SPA.	n/a	Under SPA, a number of statutory processes have been moved to statutory guidelines (e.g. the process for making local planning instruments.) The court has therefore been given the power to make declarations about these guidelines.	Section 4.1.21(1)(b)	Section 456
Planning and Environment Court	The ability of the court to award costs against a party has been expanded. Under IPA, the court can award costs if the court considers the proceeding was instituted merely to delay or obstruct. In SPA, the power is expanded by replacing the word merely with primarily. Also, the words or continued have been inserted.  This provision has also been changed to ensure consistency with the process for assessing costs in the District Court.	65	This change has been made to deal with commercial competitors appealing against decisions. These changes will make it easier for the court to award costs against commercial competitors where the primary purpose is to delay or obstruct, even though the proceedings may have raised some valid planning grounds.  By inserting the words or continued, the court can also award costs in the situation where a commercial competitor persists with proceedings in order to delay or obstruct.	Section 4.1.23	Section 457
Planning and Environment Court	Section 4.1.30 of IPA deals with appeals about decisions relating to extensions for approvals and decisions about requests to make a minor change to an approval. The appeal rights in relation to minor changes to an approval have been removed.	1	As explained in the notes for chapter 6 (IDAS), the processes for changing an approval have been consolidated into a single process.  The only changes which can now be made to an approval are permissible changes.  The right to appeal against a decision to refuse a request to make a permissible change is	Section 4.1.30	Sections 465 and 466



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			set out in section 466.		
Planning and Environment Court	SPA includes a new appeal right to enable a person to appeal against a refusal to extend the period of a development approval given under a superseded planning scheme.	n/a	This change has been made to give consistent appeal rights for all approvals, whether or not given under a superseded planning scheme.	Section 4.1.30	Section 465
Planning and Environment Court	A new provision has been inserted that deals with appeals about decisions relating to permissible changes. This provision establishes a right to appeal against a decision on a request to make a permissible change to an approval.  This provision also includes a right to appeal against a deemed refusal of the request.  The appeal period is 20 business days after the notice of the decision is given. This aligns with other appeal period timeframes in SPA.	1	This change has been made to account for the new provisions in SPA relating to the process for making permissible changes to an approval.	New provision	Section 466
Planning and Environment Court	Section 4.1.31 of IPA deals with appeals about conditions that are changed or cancelled, unilaterally, by an assessment manager or concurrence agency, and appeals about decisions made about a request to change or cancel a condition of an approval. The appeal rights in relation to decisions on a request to change or cancel a condition of an approval have been removed.	1	As explained in the notes for chapter 6 (IDAS), the processes for changing an approval have been consolidated into a single process and the only changes which can now be made to an approval are permissible changes. The right to appeal against a decision to refuse a request to make a permissible change is set out in section 466.	Section 4.1.31	Section 467
Planning and Environment	A new provision has been inserted that deals with appeals against the	1	This change has been made to account for the introduction of the new	New provision	Section 468



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Court	<p>decision of a compliance assessor to issue an action notice (i.e. a notice which states that the development, document or work does not achieve compliance).</p> <p>The appeal period is 20 business days after the notice of the decision is given. This aligns with other appeal period timeframes in SPA.</p>		compliance assessment processes in chapter 6, part 10.		
Planning and Environment Court	<p>A new provision has been inserted that deals with appeals against conditions imposed on a compliance permit or certificate.</p> <p>The appeal period is 20 business days after the notice of the decision is given. This aligns with other appeal period timeframes in SPA.</p>	1	This change has been made to account for the introduction of the new compliance assessment processes in chapter 6, part 10.	New provision	Section 469
Planning and Environment Court	<p>A new provision has been inserted that deals with appeals against particular decisions about compliance assessment. It deals with appeals against a decision on a request to change or withdraw an action notice and a decision to refuse a request to change a compliance permit or compliance certificate.</p> <p>The appeal period is 20 business days after the notice of the decision is given. This aligns with other appeal period timeframes in SPA.</p>	1	This change has been made to account for introduction of the new compliance assessment processes in chapter 6, part 10.	New provision	Section 470
Planning and Environment Court	<p>A new provision has been included to enable a person who requested an extension to the timeframe for carrying</p>	n/a	This change ensures that consistent appeal rights are available to persons who carry out	New provision	Section 472



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>out development under a superseded planning scheme to appeal against a refusal of that request.</p> <p>However, the only ground for appealing the decision is whether it was so unreasonable that no reasonable relevant local government could have refused the request.</p>		development under a superseded planning scheme and persons who carry out development under a development approval given under a superseded planning scheme.		
Planning and Environment Court	Consequential changes have been made to section 4.1.41 of IPA (now section 482) to reflect changes made to division 8.	1	These changes reflect changes to the processes for requesting a change to an approval, and the restructuring of division 8.	Section 4.1.41	Section 482
Planning and Environment Court	<p>A new provision has been inserted that sets out the requirements for giving a notice of appeal to other parties if the appeal is about compliance assessment (appeals under division 9).</p> <p>The period for giving the notice is ten business days after the day the appeal is started. This aligns with other timeframes in SPA.</p>	1	This change has been made to account for the introduction of compliance assessment and appeal rights in relation to compliance assessment processes.	New provision	Section 483
Planning and Environment Court	Consequential changes have been made to section 4.1.42 of IPA (now section 484) to reflect changes made to division 9 (now division 10).	1	These changes reflect changes to the processes for requesting a change to an approval and the restructuring of division 9 (now division 10).	Section 4.1.42	Section 484
Planning and Environment Court	Consequential changes have been made to section 4.1.43 of IPA (now section 485) to reflect changes made to division 8.	1	These changes reflect changes to the processes for requesting a change to an approval and the restructuring of division 8.	Section 4.1.43	Section 485
Planning and Environment Court	A new provision has been inserted that sets out who is the respondent and co-	1	This change has been made to account for introduction of	New provision	Section 486



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	respondent for appeals about compliance assessment (appeals under division 9).		compliance assessment and appeal rights in relation to compliance assessment processes.		
Planning and Environment Court	Consequential changes have been made to section 4.1.44 of IPA (now section 487) to reflect changes made to division 9 (now division 10).	1	These changes reflect changes to the processes for requesting a change to an approval and the restructuring of division 9 (now division 10).	Section 4.1.44	Section 487
Planning and Environment Court	Under IPA, the planning Minister may elect to join an appeal if it involves a state interest. However, the existing provision is unclear about whether there is a time limit on the Minister filing the notice of election. SPA clarifies that the notice of election may be filed at any time before the appeal is decided.	48	This change clarifies that the planning Minister can join an appeal at any time.	Section 4.1.46	Section 489
Planning and Environment Court	Section 4.1.48(1) of IPA provides that the <i>District Court of Queensland Act 1967</i> , part 7 and the <i>Uniform Civil Procedure Rules 1999</i> (UCPR), chapter 9, part 4 (together, the <b>ADR provisions</b> ), apply to proceedings started under chapter 4, part 1 of IPA.  Section 491 reflects section 4.1.48(1) of IPA, except that the words other than section 321 have been inserted into subsection (1).	n/a	Rule 321 of the <i>Uniform Civil Procedure Rules</i> (UCPR) (which is in chapter 9, part 4 of the UCPR), provides that subject to an order of the court, if a dispute in a proceeding is referred to an ADR process, the dispute and all claims made in the dispute are stayed until six business days after the report of the ADR convenor certifying the finish of the ADR process is filed with the registrar.  For the purposes of the Planning and Environment Court, section 321 of the UCPR should not apply. Instead, the court proceedings will not be stayed where the dispute	Section 4.1.48	Section 491



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			<p>is referred to ADR, unless the court orders otherwise.</p> <p>This will enable the ADR process to run concurrently with the court proceedings. However, the court is not able to decide the proceedings until the ADR process is finalised.</p>		
Planning and Environment Court	The procedure for hearing an appeal will now be under the rules of the court (i.e. the Planning and Environment Court Rules) or a direction of the court or the chief judge if the rules do not deal with the matter.	n/a	<p>Unlike IPA, SPA enables the Planning and Environment Court and the chief judge to give directions that are different from the Planning and Environment Court Rules (see section 446). Therefore, section 492 has been changed to make it clear that the procedure for hearing an appeal is either under the rules of the court or, if the court or chief judge has given a different direction under section 446, then the procedure will come under that direction.</p>	Section 4.1.49	Section 492
Planning and Environment Court	A new provision has been inserted to provide who must prove that an appeal should be upheld or dismissed in the case of an appeal about compliance assessment issues.	1	This change has been made to account for the introduction of compliance assessment and appeal rights in relation to compliance assessment processes.	Section 4.1.50	Section 493
Building and development committees	Section 4.2.4 of IPA provides that referees with a conflict of interest must not sit as a member of a tribunal. This section lists different types of professionals that may act as a referee. This provision has been changed to	60	This is a consequential change to reflect that a wider variety of professionals are being used to act as referees on the building and development committees.	Section 4.2.4	Section 505



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	include any other professionals (e.g. an accountant or lawyer) who is or has been engaged by one of the parties to the proceedings.				
Building and development committees	<p>The jurisdiction of the building and development committees (previously known as the building and development tribunal) has been expanded. Presently, the tribunal has jurisdiction to hear appeals about matters relating to the <i>Building Act 1975</i>, matters that relate to the <i>Plumbing and Drainage Act 2002</i>, errors in the calculation of infrastructure charges and regulated state infrastructure charges, and other matters prescribed under the <i>Integrated Planning Regulation 1998</i>.</p> <p>The jurisdiction of this body has been expanded to include declarations about:</p> <ul style="list-style-type: none"> <li>• whether an application is properly made</li> <li>• matters stated in acknowledgment notices</li> <li>• lapsing of requests for compliance assessment</li> <li>• whether a change to a development approval is a permissible change.</li> </ul> <p>The jurisdiction of this body has also been expanded to cover appeals against:</p> <ul style="list-style-type: none"> <li>• a decision made in relation to an application for a material change of use for a prescribed building, i.e. a class 1 or 10 building</li> <li>• a decision made in</li> </ul>	60	<p>Although the Planning and Environment Court is highly efficient at managing proceedings and ensuring timely outcomes of appeals, there are some disputes of a technical nature that are not adjudicated on because they do not warrant the cost and time involved in a full appeal to the court.</p> <p>Building and development committees offer a cost effective remedy for these matters and will increase the efficiency of dispute resolution.</p> <p>These changes also support the Queensland Housing Affordability Strategy launched in July 2007, as the focus of the expansion is on appeals relating to class 1 and 10 buildings (i.e. houses and related domestic buildings), and other residential buildings of three or less storeys.</p> <p>IPA was recently amended to enable the tribunal to consider appeals about an error in the calculation of a charge in an infrastructure charges notice and a regulated state infrastructure</p>	Section 4.2.7	Section 508



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>relation to a request to extend a development approval (this is limited to prescribed buildings)</p> <ul style="list-style-type: none"> <li>• a decision relating to a request to make a permissible change to an approval for a material change of use of premises that involves the use of a prescribed building</li> <li>• conditions of development approvals on approvals for class 2 buildings if less than 3 storeys and the development is not for more than 60 sole occupancy units</li> <li>• a decision to issue an action notice</li> <li>• conditions imposed on a compliance permit</li> <li>• a notice of a decision on a request to change or withdraw an action notice</li> <li>• a notice about a decision to refuse to change a compliance permit or compliance certificate.</li> </ul> <p>Expanding the jurisdiction of the building and development committees does not replace the jurisdiction of the court. Parties can elect to initiate proceedings in the committees or the court. Also, an appeal from a committee decision to the court will remain available on the grounds that the committee made an error or mistake in law or where the committee has exceeded its jurisdiction.</p> <p>It is also worth noting that the committee will not deal</p>		<p>charges notice. The amendment did not include a reference to regulated infrastructure charges notices. This was an omission and is rectified by SPA.</p>		



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>with appeals about impact assessable development applications where a properly made submission was received.</p> <p>Section 4.2.7(2)(b) of IPA (now section 535) has also been changed to include a reference to a regulated infrastructure charges notice.</p>				
Building and development committees	<p>Division 3 has been inserted. This division sets out the new declaratory powers of the building and development committee set out above.</p> <p>The division also sets out the process for starting declaratory proceedings, requirements for giving notice of the proceedings to other parties, and who is the respondent for the declaratory proceedings.</p> <p>A new provision is also included which provides that the planning Minister is entitled to be represented in a proceeding if the Minister is satisfied that the proceeding involves a state interest. This provision basically mirrors the existing provision (section 4.2.23) about the Minister's ability to be represented in building and development committee appeals.</p>	60	See above	New provisions	Sections 510-518
Building and development committees	<p>Division 4 has been inserted. This division sets out the additional appeal rights to the building and development committee about development approvals, set out above.</p>	60	See above	New provisions	Sections 519-522



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Building and development committees	<p>Division 5 has been inserted and deals with appeals about compliance assessment. This division allows a person to appeal against:</p> <ul style="list-style-type: none"> <li>• a decision to give an action notice</li> <li>• a condition imposed on a compliance permit or certificate</li> <li>• a decision on a request to change or withdraw an action notice</li> <li>• a decision on a request to change a compliance permit or compliance certificate.</li> </ul>	60	See above	New provision	Section 523-525
Building and development committees	SPA includes an ability to appeal to the committees if the local government refuses a request to extend the period of a development approval given under a superseded planning scheme.	n/a	This change provides consistent appeal rights for all types of approvals, including approvals given under a superseded planning scheme.	Section 4.2.11	Section 529
Building and development committees	Division 6 of SPA deals with appeals to the committee about building, plumbing and drainage and other matters. This division reflects the existing provisions in IPA. However, consequential changes have been made to reflect the new process for changing approvals.	1	These changes are made to account for the new process for making a permissible change to an approval.	Section 4.2.12	Section 530
Building and development committees	Division 7 has been inserted to provide who may appeal to a building and development committee about an error in the calculation of an infrastructure charge, a regulated infrastructure charge or a regulated state infrastructure charge.	n/a	IPA was recently amended to expand the jurisdiction of the tribunal to the hearing of appeals against infrastructure charges notices and regulated state infrastructure charges notices. However, the	New provision	Chapter 7, part 2, division 7, section 535



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			<p>amendments did not insert into IPA any process provisions for dealing with these appeals e.g. who can initiate such an appeal, who are the parties to the appeal, etc. This change has been made to correct this.</p>		
<p>Building and development committees</p>	<p>Division 8 sets out the process for making an appeal to the building and development committee. The provisions about the entities that must be given notice of the appeal have been changed in order to set out who must be given notice of an appeal in relation to the new appeal provisions.</p> <p>The provisions about parties to an appeal have been changed to include provisions that set out the entities that are respondents and co-respondents for the new appeal provisions.</p> <p>New provisions have been included to set out who must be given notices of an appeal about an infrastructure charge and who is the respondent for this type of appeal.</p> <p>Section 550 has been inserted to provide that the respondent and any co-respondents for an appeal are each entitled to be heard in the appeal as a party to the appeal.</p> <p>A new provision has been inserted that basically</p>	<p>60</p>	<p>These changes are consequential changes to account for the expanded jurisdiction of the building and development committee and to improve the operation of the committee.</p>	<p>Chapter 4</p>	<p>Chapter 7, part 2, division 8</p>



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	mirrors section 4.1.47 of IPA, which provides that a development cannot (generally) start until the appeal is decided or withdrawn, unless the court is satisfied that the outcome of the appeal would not be affected.  The new section 553 gives this same power to the committee.				
Building and development committees	Division 6 of IPA sets out the tribunal process for hearing appeals. This division has been amended to also include proceedings for declarations.	60	This is a consequential change to ensure the existing process provisions also apply in relation to proceedings for declarations.	New provisions	Section 554 to 569
Building and development committees	A new provision has been inserted to enable building and development committee decisions to be published.	n/a	The decisions of the building and development committee should be publicly available, to provide guidance to potential applicants and also to provide a resource for committee referees.	New provision	Section 569
Development offences, notices and orders	A new offence has been introduced for carrying out development without a compliance permit.	1	This change ensures that any requirement for compliance assessment of development is enforceable.	New provision	Section 575
Development offences, notices and orders	A new offence has been introduced for contravening a compliance permit or a compliance certificate.	1	This change ensures that compliance permits and compliance certificates are enforceable.	New provision	Section 576
Development offences, notices and orders	A new offence has been introduced for failing to comply with a requirement to request compliance assessment of a document or work.	1	This change ensures that any requirement for compliance assessment of a document or work is enforceable.	New provision	Section 577
Development offences, notices and	A new offence has been introduced for carrying out prohibited development.	1	This change introduces a penalty for carrying out prohibited development.	New provision	Section 581



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
orders					
Development offences, notices and orders	The existing exemptions for carrying out emergency works have been expanded to include exemptions in relation to the compliance assessment offences and, in some cases, prohibited development offences.	1	This change ensures that a person does not commit an offence if development requiring compliance assessment or prohibited development was required to be carried out in an emergency.	Section 4.3.6, 4.3.6A and 4.3.6B	Sections 584 to 586
Development offences, notices and orders	The existing exemption for carrying out emergency building work on a Queensland heritage place has been extended to emergency building work carried out on a local heritage place.	1	The <i>Queensland Heritage Act 1992</i> was amended to apply to local heritage places in 2007. It is logical that the exemption for carrying out emergency building work should apply to local heritage places, as well as Queensland heritage places.	Section 4.3.6B	Section 586
Development offences, notices and orders	A new offence has been introduced for making a false or misleading declaration that the owner of the land to which an application relates has given written consent to the application being made.	1	This new offence relates to changes in relation to section 260 (section 3.2.1 of IPA) which enable the applicant to either include the owner's written consent with the application or make a declaration that the owner has consented to the making of the application.	Section 4.3.7	Section 587
Development offences, notices and orders	Assessing authorities have been given a broader discretion in deciding whether to proceed directly to issuing an enforcement notice, without first issuing a show cause notice.	66	This change gives assessing authorities greater flexibility in choosing enforcement options. It will also streamline the compliance and enforcement process and lead to improved efficiency.	Section 4.3.8 – 4.3.17	Sections 588 - 596



## Chapter 8—Infrastructure

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Overall structure	The existing infrastructure provisions in IPA are contained in chapter 5 (Miscellaneous). In SPA, the infrastructure provisions form their own chapter (chapter 8).	n/a	Infrastructure is an important element of the planning and development system. To highlight this importance, these provisions are now contained in their own chapter.	Chapter 5	Chapter 8
Infrastructure planning and funding	Section 5.1.3 of IPA provides that a priority infrastructure plan must be prepared as required by guidelines prescribed under a regulation.  This provision has been changed to provide that a priority infrastructure plan must be <u>made</u> and prepared as required by a statutory guideline made by the planning Minister and prescribed in a regulation.	18	The process for making or amending a planning scheme is set out in schedule 1 of IPA. This process has been moved from the Act to a statutory guideline made by the planning Minister and prescribed in a regulation. The process for making a priority infrastructure will now also be specified in a statutory guideline. This will provide greater flexibility and is consistent with modern drafting standards.	Section 5.1.3	Section 627
Infrastructure planning and funding	The period for reviewing priority infrastructure plans has been increased from four years to five years.	n/a	Under IPA, priority infrastructure plans for high growth local governments must be reviewed every four years and planning schemes are required to be reviewed every eight years. Therefore, this four year mark represented a point half-way through the life of a planning scheme.  Now that the period for reviewing planning schemes has been increased to a maximum of ten years, it is appropriate that priority infrastructure plans be reviewed at least	Section 2.2.5	Section 628



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			every five years.		
Infrastructure planning and funding	SPA clarifies that a local government may have both an infrastructure charges schedule and a regulated infrastructure charges schedule for different parts of a trunk infrastructure network.	18	Under IPA, it is unclear whether a local government could have an infrastructure charges schedule and a regulated infrastructure charges schedule. SPA clarifies that this is possible.	Section 5.1.4	Section 629
Infrastructure planning and funding	Section 5.1.5 of IPA provides that an infrastructure charges schedule must be made or amended by following the process set out in schedule 1 of IPA. This provision has been changed to refer to a statutory guideline made by the planning Minister and prescribed under a regulation.	18	The process for making or amending a planning scheme is set out in schedule 1 of IPA. This process is being moved from the Act to a statutory guideline made by the planning Minister and prescribed in a regulation. This will provide greater flexibility and is consistent with modern drafting standards.	Section 5.1.5	Section 630
Trunk infrastructure funding under an infrastructure charges schedule	SPA contains new arrangements allowing the guideline for making infrastructure charges schedules to provide for: <ul style="list-style-type: none"> <li>• the phasing in of infrastructure charges</li> <li>• the charge rates in the schedule to be adjusted for inflation</li> <li>• credits recognising factors such as current use.</li> </ul>	18	These changes have been included in response to experience in developing and implementing infrastructure charges schedules.  Phasing in charges is desirable in most cases as the scope of charging under IPA, together with the rigorous methodologies for calculating charges, often means charges are significantly greater than the contributions for similar infrastructure which preceded them.  Providing for charges to be phased in ensures industry is given an appropriate time to adjust and factor the charges into their cost structures.  Although many schedules	Section 5.1.5	Section 630



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			to date provide for adjustment of charges for inflation, there is no explicit power in IPA for this, other than a power to formally amend a schedule.  Credits are often justified in respect of an existing use's share of the use of an infrastructure network.		
Trunk infrastructure funding under an infrastructure charges schedule	SPA contains revised requirements for the content of an infrastructure charges schedule.	18	Experience with preparing infrastructure charges schedules has led to several changes to the requirements for the content of this schedule.  Key changes are: <ul style="list-style-type: none"> <li>• SPA no longer provides for the concept of a charge unit and refers instead to a rate of charge</li> <li>• inclusion of methodologies for adjusting charges for inflation, as mentioned above.</li> </ul>	Section 5.1.6	Section 631
Infrastructure planning and funding	Under IPA, an infrastructure charges notice can be given as a result of a development approval. SPA also provides for an infrastructure charges notice to be given as a result of a compliance permit.	1	This change takes account of the introduction of the new compliance assessment process in chapter 6, part 10.	Sections 5.1.8, 5.1.9, 5.1.12 and 5.1.14	Sections 633, 634, 637 and 639
Infrastructure planning and funding	The amount of information required to be included in an infrastructure charges notice has been expanded to include: <ul style="list-style-type: none"> <li>• the number of units of demand charged for</li> <li>• the charge rate, stated</li> </ul>	18	This change ensures that the person given the notice receives adequate information about how the charge was calculated.	Section 5.1.8	Section 633



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>in the infrastructure charges schedule, for the charge</p> <ul style="list-style-type: none"> <li>• if the charge rate has been adjusted for inflation—details of how it was adjusted and the adjusted charge rate</li> <li>• the number of units of demand given as a credit.</li> </ul>				
Infrastructure planning and funding	Under IPA, a regulated infrastructure charges notice can be given as a result of a development approval. SPA also provides for a regulated infrastructure charges notice to be given as a result of a compliance permit.	1	This change takes account of the introduction of the new compliance assessment process in chapter 6, part 10.	Section 5.1.18, 5.1.19 and 5.1.23	Sections 643, 644 and 648
Infrastructure planning and funding	Under IPA, conditions can be imposed on a development approval for necessary trunk infrastructure. SPA also provides for conditions for necessary trunk infrastructure to be imposed on a compliance permit.	1	This change takes account of the introduction of the new compliance assessment process in chapter 6, part 10.	Section 5.1.24	Section 650
Infrastructure planning and funding	Under IPA, conditions may be imposed on a development approval requiring the payment of additional trunk infrastructure costs. SPA also provides for conditions for additional trunk infrastructure costs to be imposed on a compliance permit.	1	This change takes account of the introduction of the new compliance assessment process in chapter 6, part 10.	Section 5.1.25 and 5.1.26	Sections 650 and 651
Infrastructure agreements	A new provision has been included to provide that an infrastructure	1	This change takes account of the introduction of the new compliance	Section 5.2.6	Section 664



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	agreement is not invalid merely because its fulfilment depends on the exercise of discretion by a public sector entity about an existing or future request for compliance assessment.		assessment process in chapter 6, part 10.		
Infrastructure agreements	Existing section 5.2.3 of IPA (now section 665) has been changed to provide that an infrastructure agreement will prevail to the extent of any inconsistency with a compliance permit.	1	This change takes account of the introduction of the new compliance assessment process in chapter 6, part 10.	Section 5.2.3	Section 665
Changing notices	New provisions have been included in SPA to allow for negotiations about infrastructure charges notices, regulated infrastructure charges notice and regulated state infrastructure charges notices.	n/a	Experience with implementing infrastructure charging arrangements has demonstrated a need for an effective, low cost dispute resolution mechanism to minimise the need to resort to appeals about the amount of charges. Consequently a new negotiated notice arrangement, similar to a negotiated decision notice under IDAS, has been included in chapter 8.	N/A	Chapter 8, part 4



## Chapter 9—Miscellaneous

SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Existing uses and rights protected	This part has been moved to chapter 9, part 1. Under IPA, these provisions were located in chapter 1, part 4.	n/a	This is a structural change only.	Chapter 1, Part 4	Chapter 9, part 1
Existing uses and rights protected	IPA protects uses that were lawful immediately prior to the commencement of IPA on 30 March 1998. SPA protects all uses that were lawful immediately prior to the commencement of SPA as an Act.	n/a	This change is necessary to ensure that all uses that are lawful under IPA continue to be lawful when the new Act commences.	Section 1.4.1	Section 689
Existing uses and rights protected	IPA protects a development approval from being affected by a new planning instrument or an amendment of a planning instrument. SPA also ensures that compliance permits are protected from any new planning instruments or amendments to planning instruments.	1	This change is necessary to protect rights granted under a compliance permit, and to ensure that rights under a compliance permit have the same protection as rights under a development approval.	Section 1.4.4	Section 684
Existing uses and rights protected	IPA protects implied and uncommenced rights to use premises, as a result of a development approval. SPA also ensures that implied and uncommenced rights to use premises as a result of a compliance permit are protected.	1	This change is necessary to ensure that rights under a compliance permit have the same protection as rights under a development approval.	Section 1.4.5	Section 685
Compensation	Under IPA, owner is defined for the purposes of the compensation provisions to mean an owner of an interest in land at the time a change to a planning scheme is made. The definition of owner has been changed to mean an owner of an interest in land	n/a	By referring generally to a change, the definition of owner now also picks up changes to planning schemes and planning scheme policies.  The new definition is correcting the omission of planning scheme policies	Section 5.4.1	Section 703



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>at the time a change is made.</p>		<p>in IPA definition.</p> <p>It should be noted that this change does not have the effect of broadening the compensation provisions—changes to planning scheme policies formed part of the definition of change under IPA and were already compensable under IPA.</p>		
<p>Compensation</p>	<p>Existing section 5.4.2 (now section 704) has been changed to reflect the fact that a new process has been included in chapter 3 of SPA for requesting that a development be carried out or assessed under a superseded planning scheme (see notes for chapter 3).</p> <p>A new provision has also been inserted to:</p> <ul style="list-style-type: none"> <li>• provide a right to compensation where a planning scheme is changed to introduce a prohibition</li> <li>• provide a right to compensation where a planning scheme is changed to require compliance assessment for development that was previously exempt or self-assessable development, or to change the matters or things against which development requiring compliance assessment is assessed.</li> </ul> <p>An owner of an interest in land is entitled to be paid reasonable compensation if the change reduces the value of the interest and</p>	<p>1</p>	<p>This change reflects changes to the process for requesting that a development be carried out or assessed under a superseded planning scheme. This change also accounts for the introduction of prohibited development as a new category of development.</p>	<p>Section 5.4.2</p>	<p>Section 704</p>



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	the person makes a request to the local government under chapter 2, part 7, and that request is refused.				
Compensation	The limitations on compensation have been expanded to prevent compensation being payable where a change is made to a planning scheme to include a mandatory part of the standard planning scheme provisions or where a change is made to reflect a part of the standard planning scheme provisions if the effect of the part is similar to the effect of the original planning scheme provision being replaced.	27 and 28	Implementing the standard planning scheme provisions may create differences between current provisions and new provisions caused only by the expression of the new standard provisions.  It is important that local governments should not be exposed to compensation through being required to adopt the standard planning scheme provisions if no substantive policy change is intended or the change is made to include a part of the standard planning scheme provisions that a local government must include in its planning scheme (e.g. a mandatory code).	Section 5.4.4	Section 706
Compensation	The time limits for claiming compensation have been changed to reflect the fact that a request to carry out development under a superseded planning scheme, or to have an application assessed under a superseded planning scheme, must be made rather than a development application (superseded planning scheme).	1	These changes are consequential changes as a result of the changes to provisions relating to superseded planning schemes.	Section 5.4.6	Section 708
Power to purchase, take or enter land for planning	The power to purchase, take or enter land in particular circumstances has been changed to enable:	1	These changes take account the introduction of the new compliance assessment process.	Section 5.5.1 and 5.5.2	Sections 714, 715 and 716



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
purposes	<ul style="list-style-type: none"> <li>• a local government to take land if a compliance permit creates a need to construct infrastructure on land or carry drainage over land</li> <li>• a local government or a state entity, as compliance assessor, to enter land to undertake works.</li> </ul>				
Public housing	The definition of public housing has been moved to the dictionary (schedule 3).	n/a	This is a structural change.	Section 5.6.2	Section 718 and schedule 3
Public housing	<p>Development for public housing is exempt development, to the extent the development is self-assessable or assessable development under a planning scheme.</p> <p>This provision has been changed to ensure that development requiring compliance assessment under a planning scheme is also exempt development if it is for public housing. This provision has also been changed to include a reference to temporary local planning instruments.</p>	1	<p>This change takes account of the introduction of the new compliance assessment process in chapter 6, part 10.</p> <p>This change also ensures that where development is self-assessable, development requiring compliance assessment or assessable development under a temporary local planning instrument, it is exempt development if it is for public housing.</p>	Section 5.6.3	Section 719
Public access to planning and development information	<p>IPA defines the term available for public inspection and purchase. The definition distinguishes between documents held by various entities (e.g. assessment managers, local governments, etc.). This definition has been changed to also include a reference to documents held by a compliance</p>	1	This change complements other changes to the requirements for public access to documents, namely the insertion of a new requirement for compliance assessors to keep certain information available for the public.	Section 5.7.1	Section 723



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	assessor.				
Public access to planning and development information	<p>Changes have been made to the provisions about documents local governments must keep available for inspection and purchase, or inspection only, to reflect changes to the process for making and amending planning schemes.</p> <p>These provisions have also been changed to:</p> <ul style="list-style-type: none"> <li>• require local governments to keep available a copy of the standard planning scheme provisions</li> <li>• make it clear that local governments must keep available any document used in preparing a priority infrastructure plan or infrastructure charges schedule.</li> </ul> <p>The requirements for the infrastructure charges register have also been changed to require additional information about the charge rate applicable when the charge was levied, any indexation factor that was applied and the indexed charge rate.</p>	29	<p>These are generally consequential changes.</p> <p>The changes in relation to infrastructure charges registers are intended to make this information readily available to the public.</p>	Section 5.7.2	Section 724
Public access to planning and development information	<p>Section 2.5B.57 of IPA requires a local government to keep certain information about master plan applications available for inspection and purchase.</p> <p>This provision has been moved into chapter 9, part 6 of SPA.</p>	n/a	As section 2.5B.57 deals with requirements to have information available for inspection and purchase, it is more appropriate that it is located in chapter 9, part 6 of SPA.	Section 2.5B.57	Section 725



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Public access to planning and development information	A new provision has been inserted to require local governments to keep available for inspection and purchase certain information about requests for compliance assessment.	1	This provision ensures that information held by a local government about requests for compliance assessment is publicly available.	New provision	Section 726
Public access to planning and development information	Section 3.2.8 of IPA requires assessment managers to keep available for inspection and purchase certain information about current development applications.  This provision is located in the application stage of IDAS in IPA.  This provision has been moved into chapter 9, part 6 of SPA.	n/a	As section 3.2.8 deals with requirements to have information available for inspection and purchase, it is more appropriate that it is located in chapter 9, part 6 of SPA.	Section 3.2.8	Section 728
Public access to planning and development information	A new provision has been included to require assessment managers to keep available for inspection and purchase any plans and specifications approved by the assessment manager in relation to a decision notice.	1	Under IPA, assessment managers are not required to keep this information available.  However, this information may be of importance to submitters in deciding whether to appeal the decision.	Section 5.7.4	Section 729
Public access to planning and development information	Under IPA, the information an assessment manager must keep available for inspection only is specified in section 5.7.5. This list has been carried over into SPA.  However a new provision has been inserted to provide that a regulation may prescribe further information that must be kept by the local government.	1	This change enables a regulation to specify, at a future date, the information that assessment manager's will be required to keep, in order to assist with monitoring of IDAS.	Section 5.7.5	Section 730



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Public access to planning and development information	A new provision has been included to require referral agencies to keep a register of development applications referred to the agency.	1	This change enables a regulation to specify, at a future date, the information that referral agencies will be required to keep, in order to assist with the monitoring of IDAS.	New section	Section 731
Public access to planning and development information	Changes have been made to the provisions about documents the chief executive must keep available for inspection and purchase. In particular, the chief executive is now required to keep available: <ul style="list-style-type: none"> <li>• the standard planning scheme provisions</li> <li>• a copy of any direction given by the Minister under chapter 6, part 11, division 1</li> <li>• each report prepared by the Minister about a direction under section 422.</li> </ul>	48	These changes ensure that the standard planning scheme provisions and information about Ministerial directions are made publicly available.	Section 5.7.6	Section 732
Public access to planning and development information	New provisions have been inserted to require compliance assessors to keep available information about requests for compliance assessment.  This requirement also applies to compliance assessors that are nominated entities of a local government.	1	This provision ensures that information held by a compliance assessor about requests for compliance assessment is publicly available.	New provision	Sections 734 and 735
Public access to planning and development information	A new provision has been inserted to require local governments to publish a list of all current development applications received by the local government as assessment manager on the local government's website.	8	This provision ensures that information about development applications is available on the web, to make this information more publicly available.	New provision	Section 736



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
Public access to planning and development information	The provisions about planning and development certificates have been changed to require these certificates to include information about compliance permits or compliance certificates that have been given in respect of premises.	1	These changes take account of the introduction of the new compliance assessment process in chapter 6, part 10.	Sections 5.7.8 to 5.7.11	Chapter 9, part 6, division 4
General	A new provision has been included to provide that a submission about a proposed new planning instrument, an amendment of a planning instrument, an application for approval of a master plan or a development application, can be made electronically, if the relevant public notice states that submissions can be made electronically.	1	Under IPA, it is unclear whether submissions can be made electronically. This provision is intended to put this matter beyond doubt.	New provision	Section 756
General	A new provision has been included to enable the planning Minister to make statutory guidelines about: <ul style="list-style-type: none"> <li>• whether there are sufficient grounds to depart from a planning instrument (this relates to the new IDAS decision rules)</li> <li>• requirements for a preliminary approval under section 242 (e.g. drafting standards)</li> <li>• the matters to be considered in deciding whether a change to a development application or a development approval will result in a substantially different development (this relates to the definitions of minor change of a</li> </ul>	1 and 55	Dot point 1 in column 2 relates to reform action 1. Under IPA, there is no guidance about when an assessment manager can depart from a local planning instrument, other than case law. This leads to uncertainty and inconsistent application of the test of whether there are sufficient grounds for departing from a planning instrument. It is intended that this statutory guideline will provide assessment managers and applicants with guidance in determining whether sufficient grounds exist to depart from a planning instrument.	New provision	Section 759



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
	<p>development application and a permissible change for a development approval)</p> <ul style="list-style-type: none"> <li>any other matter.</li> </ul>		<p>Dot point 2 relates to reform action 55. As stated previously, reform action 55 has not been implemented. However, this statutory guideline represents one of the proposed tools for dealing with problems associated with these types of preliminary approvals, in particular the problems of misuse, abuse and poor quality drafting. To address these issues, the statutory guideline will:</p> <ul style="list-style-type: none"> <li>contain drafting standards for codes etc contained in a preliminary approval</li> <li>provide guidance about interpreting the assessment and decision rules for applications for these types of preliminary approvals</li> <li>provide guidance about currency and lapsing arrangements for these preliminary approvals</li> <li>provide guidance about how these preliminary approvals fit with new structure planning and master planning arrangements in the Act.</li> </ul> <p>In relation to the term substantially different development, it is considered inappropriate to attempt to define this term in SPA, as it is likely that such a definition would inhibit flexibility in applying this term. However, it is appropriate</p>		



SPA section or division heading	Summary of change	Reform action	Reason for change	IPA provision	New provision in SPA
			that guidance be provided to assist in interpreting this term. It is envisaged that this guideline would set out criteria to be considered and examples of changes that would/would not fit within this term.		



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