This Report: Planning for a Prosperous Queensland, A reform agenda for planning and development in the Smart State documents the findings of the most extensive review undertaken on the Integrated Planning Act 1997 since it commenced in 1998. The review identified a number of systemic, operational and cultural issues, underlining the need for significant reform of planning and development in Queensland. The report describes how the Queensland Government will respond to these issues with wide-ranging reforms.


Part 1 of the Report provides the detailed actions that comprise the reform agenda. It includes and builds upon most of the proposed improvements identified in the Discussion Paper.

Part 2 of the Report (refer to CD enclosed) documents the full consultation process undertaken on the Discussion Paper and summarises the feedback from the consultation. Most of the recommendations contained in the Discussion Paper have been taken forward and located within the appropriate section of Part 1 of the Report. A small number of recommendations are not being progressed for one or more of the following reasons:

- They have already been implemented
- The Reform Agenda is more comprehensive and addresses the issue through other actions
- There was limited stakeholder support.
As Australia’s fastest growing State, Queensland needs a system of planning and development that is responsive to its rapidly changing needs, while delivering high-quality outcomes.

I am pleased to release this Report which is the culmination of an extensive review of planning and development in Queensland, including the Integrated Planning Act 1997 (IPA) and the Integrated Development Assessment System (IDAS).

During consultation, Queenslanders had a lot to say about the current planning and development system with more than 400 submissions received. A high degree of support was received for the proposed improvements outlined in the Discussion Paper released last year.

The feedback from the review indicated quite clearly that many issues of concern related to fundamental engineering elements of Queensland’s planning legislative framework, while affirming the original philosophical framework. The policy of the IPA remains sound; its operation requires modernising.

There is a clear imperative for the Department of Local Government, Planning, Sport and Recreation (the Department) to be more proactive in managing planning and development in Queensland.

The reform agenda will be delivered by new planning legislation and will introduce improved tools to: manage planning and development proactively; shift the focus from the planning process to delivering sustainable outcomes; reduce complexity through standardisation; adopt a risk-based approach to development assessment; introduce a broader range of opportunities for people to reach agreement and resolve disputes; and provide improved opportunities for the community to understand and participate in the planning system.

The reform will result in an enhanced planning and development framework with greater certainty for users of the system. The key reform actions include:

- streamlining and simplifying IDAS
- transparent and equitable infrastructure planning and charging
- standard planning scheme provisions and improved State interest reviews
- improving community engagement in planning scheme preparation
- clear and more effective State planning instruments
- more effective State planning policies
- proactive roles for the Minister and Department in managing the planning framework and its operation
- comprehensive statutory regional planning
- reforming preliminary approvals which override a local planning instrument
- better managing historic approvals and development leases to reflect current expectations
- more accessible dispute resolution
- better stakeholder communication and supporting information
- greater stakeholder capacity and support.

This reform agenda will ensure that planning and development in Queensland will remain contemporary and will continue to deliver responsive outcomes guiding sustainable growth and change within our communities.

Andrew Fraser MP
Minister for Local Government, Planning and Sport
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The IPA/IDAS Improvement Project was initiated in February
2006 to identify improvements to the Integrated Planning Act
1997 (IPA) and the Integrated Development Assessment System
(IDAS). In particular, the review was undertaken to develop
more efficient and straightforward processes, and to determine
opportunities for increased community involvement in the
planning and development assessment system.

Stakeholder consultation undertaken between February
and April 2006 formed the basis for a Discussion Paper,
Dynamic Planning for a Growing State: Options for improving
Queensland’s Integrated Planning Act 1997 (IPA) and Integrated
Development Assessment System (IDAS). This Discussion
Paper contained 22 strategies and 86 supporting proposed
improvements. It was published on 10 August 2006 and
consulted on until 3 November 2006.

The results from both consultation exercises clearly identified
a need to extend the purpose of the review beyond those issues
contained in the Discussion Paper. A number of systemic,
operational and cultural issues were consistently identified for
resolution, and provided the catalyst for a significant reform of
the planning and development system in Queensland.

Collectively, the following key initiatives are significant reforms
involving legislative, cultural and operational improvements to
ensure the planning and development system is consistent with
contemporary best practice and adequately responds to users’
needs.

**Streamlining and simplifying IDAS**

The integrated development assessment system (IDAS)
represented the culmination of substantial public sector reform
in the mid-1990s. The subsequent integration of more than 30
pieces of legislation and 60 approval processes has placed
Queensland at the leading edge of development assessment.

By 2006, almost all the remaining legislation regulating
development was in some way integrated with the IPA.
Therefore, it is now appropriate to review the experience of the
last nine years and address some of the problems and concerns
raised about IDAS. These include:

- issues associated with complexity and legibility
- difficulties in correctly determining referral agencies
- poor-quality or incomplete development applications
  being lodged
- non-compliance with timeframes
- lack of confidence in decision-making rules
- a focus on process and timeframes rather than good
development outcomes

- issues associated with procedural actions, such as
  changing development applications or conditions of
  approvals.

Reforms of IDAS are broad ranging and include:

- streamlining and simplifying the assessment and referral
  triggers
- simplifying the application stage and strengthening the
  requirements for properly made applications
- review the mechanism for making a development
  application under a superseded planning scheme and
  consider the option of reducing the time period for
  lodgement from two years to 12 months.
- consolidating, simplifying and allowing more flexible
  arrangements for procedural matters including various
timeframes, changing development applications, missed
  referrals and public notification
- making code and impact assessment and the decision-
  making processes simpler, clearer and more consistent
- clarifying and prescribing the circumstances in which
  assessment managers and referral agencies can depart
  from planning instruments in making their decisions
- amending the IDAS decision rules to establish a clear
  hierarchy of instruments
An effective, consistent and flexible statutory regional planning framework is an essential element in guiding Queensland’s future prosperity.

- tightening the assessment rules to reflect only State planning instruments rather than the broader range of policies and codes currently allowed
- providing an option for the decision rules to require mandatory compliance with relevant policies and codes in specified circumstances
- expanding the current compliance assessment process to apply to a much wider range of compliance matters.

In addition to these legislative reforms, a number of operational initiatives will simplify and streamline IDAS including:

- continued acceleration of the Smart eDA Program
- staged implementation of RiskSmart into high-growth regions and key referral agencies.

**Transparent and equitable infrastructure planning and charging**

This reform initiative seeks to ensure the planning, funding and management of infrastructure required for new development is efficient and accountable.

A number of current issues have been raised concerning infrastructure planning and charging. These include:

- local government has been slow to adopt priority infrastructure plans (PIPs)
- the basis for infrastructure charging is perceived to be complex.

The existing process for developing and implementing infrastructure charges schedules (ICS) and PIPs is being reviewed and simplified. Proposed changes include:

- standardising PIPs and PICS to form part of the standard planning scheme provisions
- introducing a suitable infrastructure charges schedule for low and medium-growth local government areas
- establishing an independent body to review the methodology of infrastructure charges schedules prepared by local government
- expanding the Building and Development Tribunal to mediate disputes on how infrastructure charges are applied to individual development applications.

**Standard planning scheme provisions and improved State interest reviews**

Many planning schemes prepared under the IPA are lengthy, complex and inconsistent across the State. This situation creates difficulties for all stakeholders, but applicants and the community in particular.

A centre piece of the reforms will be the ability for the planning Minister to make standard planning scheme provisions that specify structure/format (incorporating strategic elements and regularising local plans), land use and administrative definitions, a suite of zones, some levels of assessment including limited prohibitions, infrastructure planning provisions, certain development assessment codes, State interests and administrative matters. Local governments will have the ability to incorporate local content and variation as appropriate.

Standard provisions will significantly reform the way planning schemes are prepared and implemented throughout the State.

Standard planning scheme provisions will deliver immense benefits. These include significantly increasing the consistency and quality of planning schemes, increasing efficiencies in planning scheme preparation and development assessment, providing greater certainty and clarity for end users, and providing an enhanced community understanding of planning schemes. Standard planning scheme provisions will also provide another State planning tool that will provide an effective, consistent expression of policy for those aspects of State interests that constitute specific development assessment criteria.

**Improving community engagement in planning scheme preparation**

There is a need to improve community engagement in local planning and planning scheme preparation.

Presently, there is poor community awareness and engagement in the plan-making process, and an over-reliance on adversarial involvement in subsequent, individual, development applications. Community confidence in planning is undermined when opposition to development proposals fails because the proposal contrary to expectations, is assessed as consistent with a planning scheme of which the community has little ownership.
The establishment of guarantees and benchmarks for effective consultation and State involvement in the plan-making process is required. This will involve the creation of a ‘menu’ of best practice options for effective community engagement to suit specific circumstances.

Other initiatives include greater community support through the delivery of a comprehensive training strategy, the development of best practice advice, and supporting guidelines and information.

These initiatives will result in greater opportunities for meaningful public engagement in the plan-making process and increased community confidence in planning schemes.

**Clear and more effective State planning instruments**

Many State agencies use informal mechanisms to articulate their interests in planning and development assessment rather than formal mechanisms (for example, State planning policies). This creates uncertainty and difficulty for the community, local government and applicants.

In future, only State planning instruments (State planning regulatory provisions, statutory regional plans, State planning policies and standard planning scheme provisions) will be used to articulate and integrate State agency interests in planning schemes and development assessment. The relationship between all instruments applying in development assessment will be clarified. The IDAS assessment and decision rules will be amended to ensure that State planning instruments take precedence over local planning instruments where there is a conflict.

Using only State planning instruments will provide greater clarity, transparency and certainty about State interests for all stakeholders. These reforms will also require State interests to be expressed through rigorous, whole-of-Government endorsed policy, and will give State agencies greater certainty in achieving their outcomes.

**More effective State planning policies (SPPs)**

The reformed SPPs will become substantially more effective in achieving planning and development outcomes. A SPP program will give clear direction on what issues should be the subject of policy development. SPPs will complement regional plans and standard planning scheme provisions as one of the ‘tools’ for the Government to provide effective policy direction for planning and development in Queensland.

**Proactive roles for the Minister and Department in managing the planning framework and its operation**

The Minister and Department currently have a general role in administering and managing the system. This role needs to be broadened to include proactive leadership in policy development and the delivery of good outcomes.

The following actions will enable the Minister and Department to assume this new role:

- create a range of more flexible and effective State planning tools
- develop a range of advice and concurrence agency and assessment manager roles for the Department.
- expand the ministerial IDAS powers, including clarifying and reforming the call-in powers, and enhancing powers of direction

These changes will make the planning and development system more efficient, effective and accountable.

**Comprehensive statutory regional planning**

Presently, Queensland has two models for regional planning. A non-statutory, voluntary model, and a statutory model with a range of implementation tools. The absence of powers to achieve effective implementation of non-statutory regional plans can present challenges in responding to regional issues.

An effective, consistent and flexible statutory regional planning framework is an essential element in guiding Queensland’s future prosperity. Therefore, it is proposed that all future regional plans will be statutory State planning instruments.

Regional plans are the only State instruments that can integrate and reconcile State interests for a geographic area. Regional plans will comprise a range of tools (including regulatory provisions, local growth management strategies, structure plans, and infrastructure plans).
The wide differences in Queensland’s regions require a flexible and responsive regional planning instrument. Some of the tools will not be appropriate or necessary for all regions, so a number of these tools will be optional and selected to suit a specific region’s needs and circumstances.

These reforms will substantially improve the effectiveness of regional planning in Queensland. A single but flexible statutory framework will also enable regional plans to respond to the needs of each region in an efficient and equitable manner. Regional plans will be a key vehicle for the State to articulate and achieve its desired planning and development outcomes.

Reforming preliminary approvals which override a local planning instrument

Preliminary approvals are currently being used in certain circumstances to circumvent planning schemes by seeking broad-scale ‘relaxations’ from scheme requirements or the creation of expanded/new land-use rights. The departure from approved local planning policy in an ad hoc way undermines the integrity of planning schemes and the rights of potential submitters in respect of the development following this type of preliminary approval.

Preliminary approvals will be reformed in ways that still accommodate the flexibility needed to respond to changing circumstances and development innovation, particularly for large scale developments.

The new mechanism would still allow applicant-initiated master planning in collaboration with the community and councils but will be reflected through a consequential, streamlined planning scheme amendment. It will provide greater certainty and be more efficient by providing State requirements upfront, which relieves the need for referral to State agencies and subsequent development assessment in these master plan areas.

Better manage historic approvals and leases to reflect current expectations

Historic approvals and development leases can either explicitly grant, or implicitly give expectations for, development rights.

Many of these approvals are inconsistent with contemporary planning policies (including development standards), environmental requirements and community expectations. There are often no finite statutory time limits for these approvals and their exact numbers are unknown.

The Department will contribute to a whole-of-Government approach to managing historic approvals and the tightening of policy on inappropriate development in sensitive environments.

The proactive management of these approvals will provide better development outcomes consistent with contemporary community interests and planning and development practices, together with reduced impacts on some of Queensland’s most sensitive environments.

More accessible dispute resolution

Presently, the Building and Development Tribunal (the Tribunal) has a jurisdiction to hear appeals against decisions on development applications assessed against building standards under the Building Act 1975. The Tribunal has proved an effective, low-cost way of resolving technical disputes and has strong support among its users.

Although the Planning and Environment Court (the 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.

Consequently, the jurisdiction of the Tribunal will be expanded in stages to provide applicants with the option of an alternative, inexpensive and timely dispute resolution process.

Stage 1 of the expansion will incorporate simple technical matters such as infrastructure charging disputes. Stage 2 may involve more complex technical matters that are currently within the jurisdiction of the Court.
Other initiatives in this area include:

- Referral agencies involvement in negotiated decision notices
- appointing a full-time registrar to the Court
- amending the fee structure of the Court to align with other jurisdictions
- expanding the discretionary powers of the Court
- promoting alternate dispute resolution opportunities.

These reform actions will lead to significant improvements in the timeliness, quality and consistency of decisions made by assessment managers and referral agencies, as applicants will have greater access to an efficient and cost-effective dispute resolution.

**Better stakeholder communication and supporting information**

An overarching framework needs to be developed to improve stakeholder engagement, consultation and communication in planning and development assessment.

Stakeholder engagement is critical for the improved operation of IPA and IDAS, particularly as the IPA seeks to integrate many different interests, and performance-based planning involves balancing different views. This can only be done effectively by bringing stakeholders together to work through problems and resolve difficulties as collaboratively as possible.

While the Department has a role in brokering partnerships and promoting collaboration, all stakeholders have a role to play in supporting a cultural shift within the planning and development sector that:

- emphasises outcomes over process
- embraces the flexibility and adaptability of performance-based planning
- supports collaborative problem-solving
- welcomes community input to achieve better planning and development outcomes
- commits to training and coaching so that our planning professionals engage confidently with IPA and IDAS.

A key focus of this framework will be reforming the way in which the community engages with the planning and development system. In addition, a comprehensive framework will ensure the Department is engaging stakeholders in a coordinated, cost-effective manner.

**Greater stakeholder capacity and support**

In terms of building capacity, Queensland’s planning and development industry is grappling with two key issues.

Firstly, there are not enough planning and development professionals. For some years now, there has been a widely acknowledged shortage of technical specialists, particularly planners and engineers.

The effective and efficient operation of IPA and IDAS will depend on stakeholders being able to access appropriate technical skills and other supporting functions.

Secondly, some professional staff, particularly in development assessment, tend to be relatively inexperienced. The structural complexity, technical language and volume of information surrounding the IPA and IDAS can be problematic for less experienced planners and even experienced specialists who need to keep up to date with frequent amendments.

The shortage of planners and technical professionals needs to be tackled through demand and supply strategies. While this will take time in the short term, the package of reforms should, in many cases, ease the burden on planning professionals and specialised technicians, or at least channel these scarce resources into assessment of developments with the highest impact.

The Department will develop and implement a needs-based training strategy, catering to different stakeholders in terms of content and method of delivery. To ensure the most efficient allocation of training resources across the sector, the Department will also partner with stakeholders that have already developed targeted training programs to support their members.

Local governments will be supported in particular through tiered training packages tailored to a range of staff, including planners, development assessment officers, para-professionals, frontline staff dealing with public enquiries, and councillors with whom the final development decision rests.

The Department will also direct additional funding to increase the supply of planning professionals and para-professionals, and ensure they are better prepared to deal with the real world demands of performance-based planning and development assessment.

Similarly, professional development opportunities such as secondments, scholarships and rotations are equally important for a rounded understanding of the planning and development sector and to build confidence in the practical application of theory and policy.
Why reform Queensland’s planning and development system?

Current context

The IPA took effect in 1998 and represented substantial public sector reform.

The previous framework of planning included inconsistent and non-integrated planning and development assessment systems comprising more than 30 separate pieces of legislation and 60 different approvals regulating development in Queensland.

Furthermore, the approach to controlling development was contradictory, appearing to provide certainty through sets of prescriptive rules and standards, but allowing these to be overturned through ‘rezoning’.

The commencement of the IPA in 1998 heralded a completely new approach. The IPA focused on sustainable outcomes and performance-based planning, allowing for flexibility and innovation in planning and development outcomes.

The fundamental principles underpinning the legislation were integrated performance-based planning and IDAS. Other key elements were infrastructure planning and charging, State planning policies, State reserve powers, regional planning provisions, the designation of land for community infrastructure, and the private certification of building work.

Since 1998, the IPA and IDAS have been the subject of considerable legislative and administrative change, largely to achieve the integration of other legislation that regulated development in some way. Changes have also been made in response to Queensland’s changing needs, notably dramatic population growth and development (e.g. the South East Queensland (SEQ) Regional Plan provisions).

Also, nearly all local governments have now prepared, or are close to completing, new planning schemes under the IPA. Only when these schemes became operational was it possible to experience how well the IPA’s mechanisms were working.

All legislation and associated processes should be periodically reviewed to ensure they are working effectively, reflect contemporary stakeholder needs and expectations, and maintain best practice. It is therefore the right time to take stock.

Queensland’s planning and development assessment system.

Although legislative reform will go a long way to ensuring more timely and efficient decisions, it needs to be supported by operational and cultural reform to deliver better development outcomes.
The review

The review of IPA and IDAS was initiated in February 2006 with extensive stakeholder and public consultations. The review was also precipitated by additional, important drivers.

Queensland continues to experience dramatic population growth and development pressures in many areas, particularly along the coastal and the resource-rich regions. This has led to pressure on natural resources, the environment, and housing affordability. More than ever, the community expects good quality, consistent, timely and transparent decision-making for planning and development.

The nationwide shortage of experienced industry professionals has created additional pressure on the system, a problem most keenly felt by small and remote councils that often experience difficulty in attracting and retaining these specialist staff.

The consultations to date have confirmed a general agreement that the principles and purpose of the IPA are both sound and appropriate. Nevertheless, there are a number of legislative issues requiring resolution.

There is also a strong need to focus on cultural and operational reform. Although legislative reform will go a long way to ensuring more timely and efficient decisions, it needs to be supported by operational and cultural reform to deliver better development outcomes.
1.1. Streamlining and simplifying IDAS

IDAS was developed during the 1990s ‘from the ground up’ through intensive stakeholder negotiation. IDAS is a leading edge approach to integrated development assessment. It conforms with nine of the ten best practice principles identified by the Development Assessment Forum (DAF) in its ‘Leading Practice Model for Development Assessment’. (The key elements of the DAF reforms are supported by the Council of Australian Governments and Local Government and Planning Ministers’ Council).

Although continuing to support IDAS in terms of its fundamental principles, stakeholders are seeking a number of changes to improve the process and its execution.

Implementing IDAS so far has mostly involved removing existing separate regulatory processes and reflecting them in IDAS. This has led to a perception of constant change and expansion of IDAS. However, the process of integrating separate approval processes is now almost complete. This provides an opportunity to simplify and rationalise the approvals that have been integrated.

The feedback from stakeholders indicated a number of concerns with IDAS and its practical application such as:

- IDAS is complex in its operation
- Regulatory requirements are constantly changing
- Users have difficulty in determining referral agencies
- Poor quality or incomplete development applications can be accepted
- Assessment managers are not complying with IDAS timeframes
- IDAS rules are inconsistently interpreted by different individuals and local governments
- Decision-making rules inspire a lack of confidence
- Process and timeframes are a focus rather than good development outcomes

- Arrangements for changing development applications before they are decided are rigid and inconsistent
- Rules for changing development approvals are too complex and restrictive
- Assessment and decision rules are complex and in certain circumstances ineffective.

The following initiatives will lead to substantial improvements in IDAS:

- streamlining and simplifying the assessment and referral triggers
- simplifying the application stage and making the responsibilities of the assessment manager and applicant clearer
- reordering current provisions for lapsing of development applications to make them easier to find and understand

Although continuing to support IDAS in terms of its fundamental principles, stakeholders are seeking a number of changes to improve the process and its execution.
• consolidating variations to the IDAS process currently contained in other legislation
• consolidating all assessment and referral requirements (assessable development, assessment managers, referral agencies, scope of assessment etc.) in the regulations under the recast legislation
• including a prohibited development schedule in the IPA consolidating a range of prohibitions currently contained in other legislation, and also allowing for State planning regulatory provisions or the standard planning scheme provisions to prohibit development
• preventing the acceptance of incomplete applications
• reducing the ‘default’ time for an applicant to respond to an information request
• allowing greater flexibility for the timing of public notification
• clarifying how applications may be changed and where a changed application must return to in the IDAS process
• providing a simpler process for changing an application to include a missed referral
• simplifying code and impact assessment and decision making processes
• clarifying and prescribing the circumstances in which assessment managers and referral agencies can depart from planning instruments in making their decisions
• consolidating, simplifying and allowing more flexible arrangements for changing development approvals
• review the mechanism for making a development application under a superseded planning scheme and consider the option of reducing the time period for lodgement from two years to 12 months
• expanding the current compliance assessment process to apply to a wider range of compliance matters (not merely compliance with some conditions as at present).

In addition to the above initiatives the following will lead to improved management and operation of IDAS:

• Allowing limited State-declared prohibition and consolidating existing prohibitions
• Standard planning scheme provisions will lead to greater efficiency and consistency in decision making, and improved community understanding
• The Smart eDA initiative, when fully operational, will contribute to reducing inconsistency and errors in administering IDAS, and allow for simplified legislative provisions. The first stage of the Smart eDA initiative is expected to be operational in July 2007 and will be fully operational by mid 2008
• The Statewide implementation of RiskSmart, which is based on business process improvement principles to apply a risk management approach to development assessment
• Extending the jurisdiction of the Building and Development Tribunal will provide a strong incentive for assessment managers to adhere to time frames, and will improve the quality of decision making and conditions
• Consolidating and strengthening the role of State planning policies will lead to a clearer and more consistent policy framework for decision making.

When the IPA was introduced, it was intended to consolidate planning, development assessment and dispute resolution processes into a single integrated system, while leaving responsibility for developing and implementing policy through that system primarily to relevant local governments and State agencies.

However, a number of other Acts, subordinate legislation and statutory instruments have:

• modified the operation of the IPA
• allowed the use of other policy instruments, particularly in development assessment
• introduced prohibition
• sought mandatory compliance with a relevant code or policy through provisions in that Act.

The result is increased complexity in IDAS that requires consolidation and simplification. Consolidating these provisions in the new planning legislation, combined with stronger State planning instruments, will allow a range of consequential amendments to relevant legislation to remove complexity and inconsistency.
ACTIONS

1. Reform IDAS to:
   - retain key rights and responsibilities in the new planning legislation
   - streamline and simplify the assessment and referral triggers, and locate them together in the regulation to the new planning legislation
   - simplify the application stage and make the responsibilities of the assessment manager and applicant clearer
   - re-order current provisions for lapsing of development applications to make them easier to find and understand
   - consolidate variations to the IDAS process currently contained in other legislation within IDAS itself
   - consolidate all assessment and referral requirements (assessable development, assessment managers, referral agencies, scope of assessment etc) under one schedule in the regulation to the new planning legislation
   - require the submission of identified supporting information as part of a properly made application for assessable development
   - prevent the acceptance of incomplete applications
   - reduce the ‘default’ time for an applicant to respond to an information request
   - allow more flexibility as to when public notification of development applications may start
   - clarify how applications may be changed and where a changed application must return to in the IDAS process
   - review the mechanism for making a development application under a superseded planning scheme and consider the option of reducing the time period for lodgement
   - provide a simpler process for changing an application to include a missed referral
   - simplify code and impact assessment and decision-making processes
   - clarify and prescribe the circumstances in which assessment managers and referral agencies can depart from planning instruments in making their decisions
   - reform IDAS to enable concurrence agencies to be involved in the negotiated decision notice process
   - consolidate, simplify and allow more flexible arrangements for changing development approvals
   - expand the current compliance assessment process to apply to a wider range of compliance matters (not merely compliance with some conditions as at present)
   - reform timeframes and accountability provisions for the current compliance process
   - introduce limited prohibition through a new schedule of prohibited development.
2. Identify all legislation that was introduced post IPA which contains exceptions, variations and/or additions to the IPA.

3. Consolidate all criteria for assessing development applications contained in other legislation or in instruments made under other legislation in appropriate State planning instruments (particularly reformed SPPs and eventually standard planning scheme provisions when these take effect).

4. Consolidate all prohibitions under other legislation in an appropriate schedule under the IPA, or in the proposed standard planning scheme provisions.

5. Include arrangements for mandatory compliance with particular State codes within the proposed reformed IDAS assessment rules.

6. Remove redundant provisions from other legislation in connection with the above reforms, and provide appropriate savings and transitional arrangements.


8. Require councils to publish a list of all current development applications on the internet.

9. Redesign the IDAS application forms and checklists to:
   - improve legibility and ease of use
   - improve the extent of information that must be submitted with certain types of applications
   - include any proposed mandatory information.

10. Continue the accelerated development and implementation of the Smart eDA Program.

11. Coordinate and develop (in collaboration with the Smart eDA Program) an online, centralised repository for information regarding State interests.

12. Implement RiskSmart in high-growth councils and key referral agencies across Queensland.

13. Publish guidelines to promote and guide councils on appropriate levels of planning decision delegations.

14. Provide training to improve the quality of conditions in development approvals imposed by both assessment managers and concurrence agencies.

15. Publish best practice information checklists for various types of applications and make available for councils to provide these documents to applicants.


17. Publish guidelines to advise stakeholders on existing opportunities for community involvement in the decision-making process, including how and when formal and informal submissions may be made.
1.2. Transparent and equitable infrastructure planning and charging

Infrastructure for new urban development needs to be funded to provide for the healthy and safe functioning of communities. In Queensland, infrastructure services are funded from a variety of sources, including all levels of government, industry and the community. Growing community expectations of higher levels of servicing are also placing pressure on infrastructure servicing requirements.

The IPA recognises and promotes the importance of infrastructure in decision-making on land use planning and development. The IPA seeks to establish an equitable, efficient and accountable system for funding development infrastructure.

Development infrastructure under the IPA means land and or works for:

- urban and rural residential water cycle management infrastructure (water supply, sewerage, drainage and water quality)
- transport infrastructure
- public parks infrastructure supplied by a local government
- land for local community facilities such as libraries, community halls and public recreation centres.

The IPA requires local governments to prepare comprehensive infrastructure plans before they levy infrastructure charges.

All local governments must prepare a PIP to ensure that their land use and infrastructure plans are properly integrated. PIPs are also important for providing a transparent and equitable basis for securing infrastructure charges. The PIP is part of a local planning scheme and provides the mechanism to sequence development and ensure infrastructure is provided efficiently and cost effectively.

The IPA infrastructure charging framework enables local governments to collect charges from development to fund the provision of local government infrastructure. These charges are based on a development’s share of benefit from development infrastructure, which includes roads and pathways, water, sewerage, drainage, parks and local community land.

Making PIPs has proved to be a major challenge for local governments so few plans have been made. As the IPA does not allow infrastructure charges to be levied until a PIP is in place, local governments have been using transitional policies to charge for infrastructure. Although these are usually ‘re-adopted’ previous charging policies, some local governments have taken the opportunity to amend them or introduce new policies. The transitional arrangements were to cease from 30 June 2007 but this has been extended by 12 months in light of the local government reform.

Current variations in charges and charging options between and within local governments have caused concern in the development industry. The variations are largely due to development contribution policies being in the transitional phase. Local governments have considerable flexibility with charging methodology and the extent to which they use development contributions as a cost recovery mechanism.
The existing process for developing and implementing PIPs and infrastructure charges schedules (ICS) is being reviewed and proposed reforms include:

• standardising the format and structure of PIPs and ICS to form part of the standard planning scheme provisions
• introducing a standard infrastructure charges schedule suitable for adoption for low and medium growth local government areas
• establishing an independent body to review the methodology of infrastructure charges schedules prepared by local government
• expanding the Building and Development Tribunal (the Tribunal) to mediate disputes on the application of infrastructure charges for individual development applications.

Currently there is no provision in the IPA for the independent evaluation of PIPs and ICSs other than through public notification prior to adoption by the local government. Local governments must consider submissions but are not compelled to act on any recommendations made by a submission.

The Queensland Government made an election commitment to ensure infrastructure charging is fair and to establish a process for the independent and technical review of infrastructure charging. This review body would require the resources and authority to independently review local government infrastructure charges schedules.

It is proposed to expand the Queensland Competition Authority (QCA) to undertake the independent review of infrastructure charges schedules prepared by local government.

In support of these actions, the Department will develop and implement a plain English infrastructure guideline and provide training and practical assistance to local governments preparing PIPs.

**ACTIONS**

18. Rationalise the process for preparing PIPs and infrastructure charges.
19. Standardise the format and structure of PIPs and infrastructure charges schedules.
20. Integrate strategic land use planning and PIPs at the local level through standard planning scheme provisions.
21. Enable the Queensland Competition Authority to undertake the independent and technical review of infrastructure charges schedules and methodologies prior to adoption by local government.
22. Undertake a staged expansion of the Building and Development Tribunal to hear matters in relation to how infrastructure charges schedules and fees are applied to individual development approvals.
23. Maintain a dedicated Departmental project team to support the implementation of infrastructure planning and charging initiatives across the State.
24. Develop a plain language infrastructure guideline, including case studies and example plans.
25. Develop necessary resources and systems to:
   • provide practical assistance to councils in preparing and implementing their PIPs and charging schedules
   • expand the level of understanding and awareness about infrastructure planning and charging tailored to suit target stakeholder groups, including community, technical specialists, developers and councils.
26. Establish a PIP Reference Group for councils, the LGAQ and other relevant stakeholders to exchange ideas and provide suggestions for improvement in rolling out the infrastructure planning framework.
1.3. Standard planning scheme provisions and improved State interest reviews

Planning schemes convey local planning policy and are the basis for local decision-making on development applications.

Many planning schemes prepared under the IPA are lengthy and complex, and demonstrate scope for far greater standardisation of key elements (e.g. definitions). The lack of prescription under the IPA complicates the plan-making process with substantial resources expended on matters such as format, structure and definitions. Such work distracts from strategic analysis and drafting outcomes which respond to local issues. Detailed knowledge of the framework of individual schemes is required to understand their provisions. This complicates the interpretation of planning schemes, creates uncertainty for the end user, and limits the ready transfer of knowledge across local government boundaries.

In a submission to the Productivity Commission in 2003, the Local Government Association of Queensland (LGAQ) estimated $25 million had been spent on planning scheme preparation. Anecdotal evidence from medium sized councils suggests planning scheme costs can be in the order of $1.5 million.

Only seven local governments had finalised their IPA compliant planning schemes by the original statutory deadline of June 2003. In June 2007, four were still outstanding. These facts largely reflect the resourcing issues and complexity associated with preparing planning schemes under the IPA.

The recent announcement to reform local governments in Queensland provides a unique opportunity to reform the structure and content of planning schemes. The task of meshing planning schemes and standardising their format across the new boundaries will be significant. If the Department can establish a consistent framework in which this standardisation can occur, reformed local governments will be able to move forward confidently and focus more on policy formulation and integration when preparing new, consolidated planning schemes.

There has been a shift towards standardising planning schemes in Australia in recent years. The Victoria Planning Provisions (VPP) provide an example of where the application of standard planning scheme provisions has been maximised with minimal local variation permitted. The NSW standard instrument provides greater opportunities for local content, and includes standard compulsory and optional provisions.

Outright adoption of these models has not been considered due to differences in planning frameworks and legislation.

Queensland has the opportunity to take a fresh and contemporary examination of these initiatives and set new benchmarks.

Standard planning scheme provisions are a key reform to address issues with the planning and development system at the local level. Standard planning scheme provisions will include:

Mandatory structure and format

This includes font, section numbering, composition, style, structure and map design. Strategic elements and the regularising of local plans will be specifically addressed.

Standardised use and administrative definitions

Standardising definitions will allow a more consistent Statewide approach to classifying use types and explaining development matters. The use of common definitions will also facilitate the Smart eDA initiative.

A suite of standard zones with set core outcome statements

A zone is the primary layer for organising the provisions of a planning scheme based on land use classifications. Zone provisions can include codes and levels of assessment for particular uses.

Each planning scheme includes its own particular set of zones resulting in a lack of consistency across local governments. Zones are known by other terminologies such as ‘Area classifications’ and ‘Domains’. Zones are accompanied by intent statements under some planning schemes and by outcome statements in others. The zoning schedule in a planning scheme is often based on previous zoning rather than a strategic analysis. There may also be a need to rationalise zones by ensuring they serve a particular purpose.
Standard formats will enhance readability of planning schemes for the community, promote certainty and allow for different local circumstances to be reflected more clearly.
areas. By June 2007, only one local government (Gold Coast City Council) had an adopted PIP under the IPA.

Standard planning scheme provisions will require land use and infrastructure planning processes to be integrated and coordinated. This will ensure infrastructure planning is a fundamental component of land use planning.

**Standardised codes addressing matters readily amenable to standardisation**

Codes comprise criteria for assessing whether proposed developments will achieve the outcomes sought for self-assessable and assessable development.

Each planning scheme has its own particular set of codes, with each related to particular elements of the planning scheme. The terms used in codes can vary between local governments. For example, some codes have a ‘purpose’, ‘performance criteria’ and ‘acceptable solutions’ whilst others have ‘overall outcomes’, ‘specific outcomes’, ‘probable solutions’ and ‘acceptable solutions’. The range and types of codes and the elements of the planning scheme including codes vary. Codes can be associated with zones, overlays, local plans, constraints and particular development types.

Standardising codes can ensure consistent structure and expression, as well as assessment of similar uses across different local government areas, particularly where codes address matters amenable to standardisation e.g. car parking and subdivision.

**The effective integration of State interests**

State interests are not always reflected in planning schemes in a consistent and readily identifiable manner. When endorsing a planning scheme, the Minister must specify those SPPs that are ‘appropriately reflected’ in that scheme. Any other Policies not so specified may be reflected to varying degrees but the extent will not be clear. State interests may be variously reflected in overlays, zones and planning scheme provisions. The adequacy of planning schemes reflecting particular State interests is also an issue.

The transparency and understanding of State interests and how these can be most effectively incorporated in planning schemes need to be resolved. A number of State IDAS codes exist (Code for Licensed Brothels, Queensland Development Code, Water Related Development and Tidal Works) which could be included in schemes.

Requirements amenable to inclusion in standard codes could provide an effective way of conveying certain State interests consistently.
of local plans varies widely. Some councils have adopted extensive local area planning, whilst others have concentrated on the preparation of IPA planning schemes with the intent to prepare local plans at a later date.

Standardising local plans would provide a mechanism to integrate local plans with the balance of the planning scheme more effectively, introduce set elements to reduce complexity in interpreting planning schemes, and rationalise the purpose of local plans.

**Administrative matters**

Mandatory administrative matters relate to the administration and interpretation of the planning scheme and should be consistent across the State.

**Improved State interest review**

The review and amendment of planning schemes can be inordinately lengthy. Occasionally, State agencies introduce new issues requiring planning scheme changes at the second of the two formal opportunities the Queensland Government has to check that State interests have been properly included. Ideally, these issues should be raised and resolved in the first review. In conjunction with improved articulation of State interests, the Department will ensure a thorough first State interest check, with second checks by exception only.

The Department will also streamline the internal State interest review process, by encouraging councils to package their planning schemes’ amendments more efficiently.

**ACTIONS**

27. Enable the Minister to make standard planning scheme provisions.

28. Prepare standard planning provisions, including:
   - standard planning scheme composition and structure (incorporating the integration of strategic elements, local plans and State interests)
   - standard use and administrative definitions
   - a suite of standard zones
   - a suite of standard overlays
   - limited prescription of levels of assessment, including prohibition
   - standard codes for a limited range of uses
   - standard menu options for infrastructure planning
   - standard administrative matters
   - standardised rules for format, style, and map design
   - mandatory and optional provisions to incorporate local content and variation.

29. Streamline the plan-making and amendment process.

30. Develop and communicate time-based performance targets for State involvement in planning scheme reviews as follows:
   - 90 per cent of all first State Interest Reviews will be completed within eight weeks (from the date the draft planning scheme is first received by the Department until the time it provides a recommendation to the Minister)
   - 90 per cent of all second State Interest Reviews, where undertaken, will be completed within five weeks (from the date the second draft planning scheme is first received by the Department until the time it provides a recommendation to the Minister).
A wider range of tools to address compliance and enforcement issues is also needed.

1.4. Improving community engagement in planning scheme preparation

The process for making planning schemes is prescribed in detail in the IPA, and involves up to 21 individual steps. For new planning schemes, a ‘statement of proposals’ must be produced and consulted about before scheme preparation starts, and the draft planning scheme must also be publicly notified for three months. For planning scheme amendments, only notification of the draft amendment is required for a period of six weeks. There is State involvement at two key points in the scheme-making process to ensure State interests are adequately reflected and integrated.

The IPA’s scheme-making process was intended to foster community involvement at the stage when key planning decisions are being considered. Community and environmental groups sought a prescriptive approach because they considered this best protected the community’s interests.

Nevertheless, there is often poor community awareness and engagement in the plan-making process, and an over reliance on adversarial involvement in individual development applications. Community confidence in the planning system is damaged when people oppose a development proposal only to find it can be adjudged as being consistent with the planning scheme for which there is little community ownership.

Prescribed community consultation processes under the IPA have sometimes become a minimum standard for councils notifying their schemes, although many have been more proactive in community engagement.

Regional planning processes were included in the IPA in 2001. These are considerably more flexible and less prescriptive than the processes for making planning schemes. More recent amendments to these processes have recognised local growth management strategies (LGMS) and structure plans, which are prepared by local governments, but included in the regional plan. There are no prescribed processes for LGMS and structure plans. Instead the IPA requires the regional planning Minister to be satisfied adequate public consultation has been carried out. This general requirement is supported by detailed guidelines about processes for making LGMS and structure plans.

Consequently, there is a mismatch between general and flexible outcome-based regional planning, LGMS and structure plan processes on the one hand, and prescriptive requirements for making planning schemes on the other.

All Australian jurisdictions provide for community consultation about proposed planning instruments. Some jurisdictions, such as Victoria, also provide for an independent review or inquiry mechanism for draft schemes, in particular where there are public objections to the scheme.

Effective processes will also necessarily involve a balance between engagement and efficiency. Community engagement will be ineffective if the outcome takes too long to implement.

Standard Planning Scheme Provisions should indirectly encourage improved community engagement. Standardising most technical aspects of planning schemes should allow both local governments and their communities to re-focus on simpler planning documents dealing with planning outcomes rather than regulatory detail.
ACTIONS

31. Legislate changes that simplify the planning scheme preparation process, and specify guarantees and benchmarks for effective consultation and State involvement. Prepare supporting statutory guidelines approved by the Minister.

32. Develop best practice options in the legislation and accompanying guidelines for effective community engagement.

33. Review and update information about planning schemes and opportunities for community input, particularly with regard to promoting a clear understanding of:
   - the role and purpose of a planning scheme and its components
   - the stages of the planning scheme preparation process
   - opportunities for community input during the planning scheme preparation process
   - the consideration of community input by the council
   - standardised planning scheme provisions.

1.5. Clear and more effective State planning instruments

Currently, the SEQ Regional Plan, State Planning Policies and State IDAS codes are the formal mechanisms used to articulate State interests in planning and development. However, many State interests have also been expressed in various informal documents.

Regional plans integrate and balance a range of State interests spatially for a region, thereby providing the necessary context for local planning and development assessment. In particular, regional plans reflect and balance SPPs thereby providing an agreed spatial expression of the State interests addressed by those SPPs.

SPPs articulate single matters of State interest and specify outcomes for planning and development for that particular matter for the whole or part of the State. SPPs are required to be reflected by local governments in their planning schemes. When not reflected in a planning scheme, regard must be had to the SPP in development assessment.

Only seven SPPs have been created since 1992, with five still currently in effect. In addition to these, the State Coastal Management Plan and four regional coastal management plans prepared under the Coastal Protection and Management Act 1995 have the effect of an SPP.

State IDAS codes articulate single matters of State interest, prevail over planning scheme codes, and are considered directly in IDAS. These codes have been prepared under legislation other than the IPA, using different processes and forms of expression. In some instances, the legislation under which these codes have been prepared varies the IDAS process adding confusion and complexity.

The State also has a broad range of property interests which can both impact on, and be affected by, land-use strategies and development policies. For example, a proposed planning scheme can potentially help maximise the substantial investment made in a State controlled road through the way adjacent land is allocated for development and how development will interact with the State controlled road. Other examples of State property interests include: conservation reserves such as national parks, schools, hospitals, industrial parks, and water supply infrastructure.

The distinction between what constitutes a State interest as opposed to an agency interest is significant, particularly in terms of how it is integrated with planning schemes.
In contrast, there has been a relatively prolific expression of State interests through similar instruments in other States with similar development pressures.

It is clear Queensland’s planning and development system could benefit from greater policy development about State interests. Further, the manner in which the State articulates State interests needs to be more effective to provide greater certainty about the outcomes sought through planning and development decisions. At the same time, there needs to be far greater consistency, accountability and visibility in the way State interests are expressed and given effect to meet the expectations of external stakeholders.

The relationship between statutory regional plans, SPPs, 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 or development assessment, leaving applicants and the community uncertain as to what outcomes are expected, and creating unnecessary delays in both plan making and development assessment.

Limiting the expression of State interests for planning and development assessment only to State planning instruments will clarify for all stakeholders what a State interest is, by allowing a simple, easy reference to the applicable State planning instrument. This approach will also reduce the complexity of the relationship between all the relevant instruments, particularly in development assessment.

The stipulation of a clear process for the preparation, articulation and adoption of State planning instruments would enhance accountable policy-making rigour for State agencies, ensuring consultation with relevant stakeholders and endorsement by Government. Also, the instruments would be focused on the development-related issues posed by the particular State interest, rather than having those issues mixed with those that have no relevance for land-use planning and development.

Clarifying the relationship between State instruments and local planning instruments in IDAS will provide clarity about which instrument should take precedence in instances of policy conflict.

Statutory regional plans will be confirmed as the pre-eminent instrument to articulate and resolve State interests. While SPPs only address single issues, regional plans balance a range of State interests for a particular geographic area.

SPPs and standard planning scheme provisions will be the only other ways (apart from other legislation) of articulating matters of State interest. SPPs will be ‘reflected’ in regional plans and planning schemes. Where this has not occurred (such as in the case of a newly implemented SPP) an SPP will be directly considered in development assessment. Future State codes will only be made through an SPP, regional plan or standard planning scheme provisions, and there will be no reduction in the effectiveness of codes made by the State.

The reform of SPPs (refer to Section 1.6), implementation of statutory regional plans across the State (refer to Section 1.8), and the introduction of standard planning scheme provisions (refer to Section 1.3) supports this reformed planning and development assessment framework.
A formal ongoing SPP program will be established to develop a suite of planning policies based on State interests.

**ACTIONS**

34. Confirm regional plans as the pre-eminent instrument for articulating State interests by removing inconsistencies in the legislation to reaffirm that a regional plan overrides all other instruments to the extent of any inconsistencies.

35. Make State planning instruments SPPs, regional plans and standard planning scheme provisions the only way of expressing State interests.

36. Establish that when an SPP is reflected in a regional plan, the SPP ceases to have effect in the regional plan area.

37. Provide for an SPP to override a planning scheme to the extent of any inconsistency (see Section 1.6 and Action 45 on next page for details).

38. Amend the IDAS decision rules to appropriately reflect the reformed planning instrument hierarchy.

39. Provide for all State assessments to be against only State planning instruments, rather than the broader range of ‘laws and policies’ currently provided for under the IPA.

40. Ensure that future State codes are made only in a State planning instrument, namely a SPP, regional plan, or standard planning scheme provisions.

41. Lead State agencies to ensure changes to the IPA and related State policy are able to be effectively implemented, including the provision of support in performing their referral agency roles.

42. The Department will establish an IPA/IDAS State Agencies Reference Group to negotiate and integrate State policies across State agencies.

**1.6. More effective State Planning Policies (SPP’s)**

Under the IPA, SPPs are statutory instruments made by the planning Minister and used to express the State’s desired outcomes for planning and development matters concerning a particular State interest.

SPPs are a vehicle for the Government to develop in a formal and consultative way a policy on the development implications of a key issue. That position can then be interpreted into particular geographic areas and balanced with other State interests by regional plans and planning schemes. SPPs therefore complement regional plans and standard planning scheme provisions in providing a suite of tools that can meet the State’s policy needs in differing situations and circumstances.

There is clear scope for clearer articulation of State interests through SPPs. State agencies have used other mechanisms, or informal policies that have been prepared outside the IPA/IDAS framework. As a result, stakeholders are often confused about what is a legitimate State interest or Government policy.

However there are ways of making SPPs a more effective instrument.

The current process for making SPPs requires two stages of public consultation, which could be streamlined without compromising the effectiveness of community input.

SPPs also lack strength in development assessment because they are effectively overridden by codes in planning schemes. Currently, the IDAS decision rules require that a development application must be approved if it complies with all codes. This requirement therefore ignores circumstances where an SPP expresses a more current policy position than the scheme’s codes. Also, in the absence of any legislative direction to the contrary, the Courts have tended to give more weight to planning schemes when there is conflict with an SPP on the basis that a planning scheme is a more detailed instrument.
State agencies will be encouraged to use SPPs in two ways: first by limiting the manner in which State interests for planning and development can be articulated and second, by making SPPs a stronger and more effective tool in development assessment.

There is also a benefit in the clearer direction from Government about what policy issues should be addressed by SPPs. SPP preparation has sometimes been reactive, responding to a particular issue as needs arise, rather than reflecting an endorsed framework.

A formal ongoing SPP program will be established to develop a suite of planning policies based on State interests. The first suite of priority SPPs, which will be developed over approximately 18 months, is likely to include planning for:

- climate change
- integrated land-use and transport (including Transit Oriented Development)
- recreation space in new developments
- hazardous industry sites.

Additional policy issues may include:

- air, noise and water pollution to complement environmental protection policies
- biodiversity
- state coastal planning
- plantation forestry
- intensive animal husbandry
- best practices for planning and development (including urban design, subdivision design, CPTED, etc)
- development in waterways
- out-of-centre retail/employment development
- Rural residential development
- ‘brown-field’ development (consolidated in-fill development within existing urban areas).

There are also other reforms that will improve SPPs. Policies need regular review to ensure they are up to date and relevant. There is currently no time limit on the ‘life’ of an SPP as there is with subordinate legislation or other statutory instruments.

The provision for making an SPP on an interim basis needs greater clarity in the legislation. Currently, the IPA does not identify ‘temporary SPPs’, but does allow an SPP to be made quickly without public consultation. An SPP made in this way has effect for no more than 12 months.

**ACTIONS**

43. Develop and implement a ‘State planning policy program’ in consultation with other agencies.

44. Streamline the process for making SPPs, including removing the requirement for one of the two stages of public consultation.

45. Provide for an SPP to override a planning scheme to the extent of any inconsistency, but retain the position that if an SPP is ‘appropriately reflected’ in a planning scheme, the SPP will not apply in development assessment.

46. Impose a time limit of 10 years on the life of an SPP (thereby aligning with review periods for regional plans), requiring periodic review and remaking.

47. Legislate to better identify and strengthen the mechanism to create ‘temporary’ SPPs for situations where there is an urgent need to protect or express a State interest.
1.7. Proactive roles for the Minister and Department in managing the planning framework and its operation

Consultation supported the need for the Minister and the Department to take more proactive roles in developing and delivering good planning and development outcomes. In other jurisdictions, the purpose of the planning legislation is similar to Queensland, with planning departments providing a clear leadership role, not just one of stewardship.

The Queensland Government needs a suite of tools that allows the State to establish and implement effective policy positions on State planning and development interests. These tools will enable the Government to be more responsive to key planning and development issues such as demographic change, housing affordability and climate change.

The suite of tools required includes State planning instruments (State planning policies (SPPs), regional plans and standard planning scheme provisions), enhanced ministerial planning and IDAS powers, and an increased role for the Department in certain types of development applications as either concurrence agency or assessment manager.

Amending the ministerial powers of direction to allow the Minister to directly affect the operation of a planning scheme will facilitate more effective protection and promotion of State interests through local planning instruments.

Ministerial powers to intervene in IDAS have proved, with experience, to have limitations. When the Minister assesses and decides a called-in development application, the IDAS assessment and decision rules in certain circumstances constrain the matters that can be explicitly considered to exclude the particular State interest that prompted the call-in. The Minister is bound by the same rules as the original assessment manager in assessing and deciding applications.

Greater flexibility is required to allow the Minister to choose either to consider and decide a called-in application on the basis of the articulated State interest grounds for calling in the application or to undertake a full assessment as if the Minister was the assessment manager.

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.

In other cases, the Minister may call in an application because the State is the appropriate assessment manager (e.g. because the scale of the development has regional implications). In such circumstances, full assessment against all relevant considerations, particularly the planning scheme would be appropriate.

The flexibility provided by these actions would be complemented by the following suggested changes to the direction of power.

The scope of directions that the Minister can give needs to be broadened. The directions power should complement the call-in power and provide greater flexibility in selecting the right action for the situation, thereby improving the efficiency of ministerial intervention without unduly delaying the decision making under IDAS. The changes include:

- empowering the Minister to direct the assessment manager not to decide the application until the Minister indicates otherwise, subject to a maximum period specified by the legislation. This could, when necessary, temporarily stop the ‘IDAS clock’ to enable the Minister to obtain the necessary information about the application before deciding an appropriate course of action. The Minister could then issue a further direction about the application, such as direct the assessment manager to continue with assessment and decision making, direct refusal or imposition of conditions, or call the application in...
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to be more responsive to emerging planning and development issues such as demographic change, housing affordability and climate change.

- empowering the Minister to direct the assessment manager to continue to assess the application but to refer it to the Minister for a decision, together with the assessment manager’s assessment and recommendation about the application

- empowering the Minister to direct involvement in particular types of development applications in advance. The direction could ‘pre-specify’ applications to be referred to the Minister e.g. in a particular local government area(s), or for particular types of development application. The Minister would have a specified number of days to issue a direction, one of which could be to not decide the application until the Minister directs otherwise. However, if the Minister has not replied within the specified period, it would be deemed that the Minister has no requirements.

These powers have long existed in other jurisdictions and have proved efficient and effective without causing undue disruption to the system.

If the Minister wishes to affect the operation of a local planning instrument to reflect a State interest urgently, the Minister must currently seek the local government’s representations before directing the local government to prepare a temporary local planning instrument. The Minister can only act if the local government fails to comply with the direction, so there is no current power allowing the Minister to affect the operation of a local planning instrument. This can delay and frustrate the urgent protection of State interests.

In certain circumstances, the amendment of multiple planning schemes will be the most efficient way of reflecting a State policy or code that may itself have been the subject of widespread community consultation. While standard planning scheme provisions will provide one mechanism to address such circumstances, a direct ministerial process is also deemed beneficial.

The Department has largely taken on the role of system administrator rather than one of proactively developing and delivering planning policy and development outcomes.

In other jurisdictions, planning ministers and departments take a lead role in the development of major projects. This involvement ensures the State’s interests and development goals are achieved as well as cost-effective use of infrastructure investments.

The Department, taking a concurrence agency or assessment manager role for certain development applications involving key State issues (supported by clear policy positions), will complement referrals exercised by other State agencies.
1.8. Comprehensive statutory regional planning

The IPA has different regional planning provisions for SEQ and the rest of the State. The most notable difference is that the IPA sets out a process for preparing a statutory regional plan in SEQ, and provides a range of powerful, effective implementation mechanisms.

These provisions are to be extended to allow a new statutory plan in Far North Queensland (FNQ). For the rest of the State, the IPA sets out the process of voluntary regional planning through the establishment of regional planning advisory committees.

The Department is currently leading 11 regional planning projects across the State. The State has committed to accelerating the implementation of seven of these regional plans. FNQ will be the first statutory regional plan outside SEQ.

The absence of powers and commitment to achieve effective implementation of voluntary regional plans is regarded as a shortcoming by some stakeholders. Consequently, some regional communities have not always been able to respond adequately to regional growth pressures.

Given the widely recognised fundamental role of regional planning, it is desirable to adopt a consistent regional planning model that can be applied throughout the State, rather than retain the current two model approach.

**ACTIONS**

48. Clarify and enhance the ministerial IDAS powers by:
   - providing greater flexibility for the Minister to consider and decide a called-in application on the basis of State interest grounds or to undertake a full assessment as if the Minister is the assessment manager
   - enabling the Minister to direct the assessment manager not to decide the application until the Minister indicates otherwise, subject to a maximum period specified by the legislation
   - enabling the Minister to direct the assessment manager to continue to assess the application but to refer it to the Minister for a decision together with the assessment manager's assessment and recommendation about the application
   - enabling the Minister to identify involvement in particular types of development applications (that is, pre-specify applications to be referred to the Minister).

49. Broaden the ministerial powers of direction to more effectively promote and protect State interests by enabling the Minister to directly affect the operation of planning schemes

50. Enable the Department to assume concurrence agency or assessment manager roles for particular types of development applications.

The Department would take leadership in the delivery of development outcomes that are not the responsibility of other agencies. Examples include:

- managing inappropriate rural residential development
- achieving appropriate densities in key locations
- managing out-of-centre retail and employment development
- managing significant development proposals that are contrary to the relevant planning instruments.
A single approach will clarify the role of regional planning in the Queensland planning system, and improve efficiency and certainty. A consistent set of regional planning tools with the same legislative effect will achieve an effective, simple system.

However, the wide differences in Queensland’s regions require a flexible and responsive regional planning instrument. Some of the tools will not be appropriate or necessary for all regions, thus a number of these tools will be optional, allowing selection to suit a particular region’s needs and circumstances.

There is also a need to improve and clarify the operation and relationship of the existing regional planning mechanisms (notably Local Growth Management Strategies and Structure Plans) to reduce complexity and provide greater integration with local planning instruments. The new planning legislation will clarify:

- the hierarchy of State planning instruments and relationship between regional plans and SPPs, planning schemes and other legislation
- the role of regional planning policy and the regulatory provisions in the decision rules for development assessment
- the role of referrals in implementing regional plans.

An important element in any regional planning process is monitoring and review. The outcomes and policies of the regional plan need to be monitored and used in the review of the regional plan. Performance indicators that measure the progress in implementing regional plan policies, regulations and targets provide a tool to monitor the progress of the plan and provide input into any review. Performance review should also be an important element of the planning tools themselves.

**ACTIONS**

51. Create a single statutory regional planning framework for Queensland.
52. Provide for regional plans to include a range of standardised but optional ‘tools’, including regulatory provisions, where required.
53. Standardise the range of planning tools used to implement and integrate statutory regional plans with planning schemes.
54. Accelerate the implementation of statutory regional planning across the State having consideration for regional and growth variations.
1.9. Reforming preliminary approvals which override a local planning instrument

The IPA provides for two different types of preliminary approval. The first type is one consistent with a local planning instrument. The second type of preliminary approval can change the effect of a local government planning scheme for a specific site.

A preliminary approval prevailing over a local planning instrument in effect sets up a ‘mini planning scheme’ over a specific development site. The provisions are drafted by the development proponent as a development application which is assessed by the local government. The Department currently has advice agency powers in relation to this type of preliminary approval but cannot therefore strongly influence development application outcomes.

Preliminary approvals overriding a local planning instrument are a valuable tool in accommodating the flexibility needed within the planning and development system to: facilitate innovative development concepts; respond to changing circumstances within the established policy framework; and provide a proponent initiated tool to amending a local planning instrument.

Nevertheless, experience with these provisions has highlighted a number of issues including:

- Added complexity to the planning framework by allowing site-based planning scheme changes that continue in effect for the life of the development (20+ years for some major developments)
- The need for a way of keeping overriding provisions current in terms of contemporary issues. The longevity of the approvals means many of the provisions become dated and do not have the ability to be updated unless requested by the proponent. As a result the approvals can be inconsistent with emergent social, environmental or economic issues
- More rigour about how the provisions in a preliminary approval application are prepared in comparison to a formal planning scheme amendment process (this includes the appropriate level of community consultation and an ability for State agencies to undertake State interest checks when formal referrals are not triggered by the application)
- The ability to alter levels of assessment can potentially remove further public notification requirements for specific development, thereby removing the community’s ability to comment on or potentially appeal future decisions
- Ad hoc departures from approved local planning policy can undermine the integrity of local government planning schemes
- The quality of the overriding provisions are sometimes poorly drafted, resulting in long-term implementation, operational and maintenance issues
- Preliminary approvals are not transparent to the general public as they are not reflected or incorporated in the planning scheme.

The existing provisions for preliminary approvals overriding a planning scheme are to be reformed by limiting preliminary approvals to only apply to material changes of use for master planned areas.

The State and local government will lead development of the initial master plan for these Master Planned Areas while councils will continue to be the assessment managers for subsequent applicant initiated master plan applications, with the Department playing a co-ordinating role to ensure State interests are not adversely affected.

Once approved, the initial master plan will be required to be incorporated into the planning scheme through a streamlined planning scheme amendment process.

A similar approach is already being successfully employed by a number of councils. For example, the Brisbane City Plan requires applicant initiated structure plans to be prepared in Emerging
Community Areas and the Maroochy Plan requires applicant initiated master plans to be prepared for land in the Master Planned Community Precinct Class. Under these planning schemes, the type of approval required is either a preliminary approval or the master plan is expected to be incorporated into the planning scheme through the formal amendment process.

The recommended approach is advantageous in that it:

- promotes development in areas identified for infill or greenfield development
- ensures comprehensive planning occurs where necessary
- allows development innovation by providing a feasible mechanism for the private sector to plan for large, complex development proposals
- facilitates the use of private sector planning expertise rather than relying on local government planning resources only
- allows the Department to have the ability to protect State interests and maintain the clarity and workability of planning schemes
- provides greater transparency and consistency to the community by requiring the planning scheme to reflect the master planning undertaken.

**ACTIONS**

55. Limit preliminary approvals overriding a local planning instrument to be material changes of use for a master planning exercise.

56. Provide the Department with a concurrence agency role in the assessment of preliminary approvals overriding a planning scheme.

57. Fast-track planning scheme amendments consequential to an approved master plan.

1.10. Better manage historic approvals and development leases to reflect current expectations

Some lands that remain undeveloped are subject to some form of development approval or expectation granted many years ago.

Improvements to legislation and statutory planning policy and instruments have occurred since these occurrences were created. As a result, the approved or anticipated development is often inconsistent with contemporary planning policies (including development standards), environmental requirements and community expectations. In many instances, development of historic approvals or leases have not started and have no required end-date for completion.

These historic approvals and development leases can either confer or imply use rights, and hence development proponents may have expectations that development can occur. Such approvals are not transparent to the public and are not quantifiable by government (State or local). As a consequence, the full extent of historic approvals and their potential impacts are unknown.

While some historic development interests may conflict with current community expectations and public interests, others may comply, be of low risk or of little consequence to the community and/or public policy.

Analysis of options for better managing historic approvals will need to recognise that some development proposals may be facilitated by one or more mechanisms, including for example, a rezoning approval, a development lease and a resort scheme. This complicates the situation and necessitates a case-by-case analysis.

For the above reasons, a single, legislative lease approach to comprehensively deal with all historic approvals is unlikely to be possible.

A systematic and integrated whole-of-government review of all unimplemented historic approvals and any related development leases is required.
The Department will assist the review, which should include:

- locating and compiling a database of historic approvals and related development leases from records of relevant State agencies and local governments
- a comprehensive analysis of historic approvals to accurately define the scope of the problem
- the identification and evaluation of options to address the issues associated with historic approvals.

1. Development leases

A number of development leases were granted by the State during the 1970s and 1980s when there were less rigorous planning, development and environmental requirements, but greater expectations that all subsequent and required approvals could be readily obtained.

Since these original leases were granted, improvements to the regulatory, legislative and policy framework have meant that there has been growing uncertainty about whether the required further approvals could be obtained.

2. Rezoning approvals

The Local Government Act 1936 (LGA) and the Local Government (Planning and Environment Act) 1990 (LGPEA) allowed individuals to apply to rezone land. Although these applications followed an assessment and appeal process similar to current development applications under the IPA, the end result was an amendment to the relevant planning scheme, not a development approval.

Whereas a development approval under the IPA lapses if not acted upon within a given period, a rezoning approval does not lapse unless the planning scheme is amended to change the zone. Under the LGA, LGPEA and the IPA, changes to planning schemes may give rise to claims for compensation, so local governments have been reluctant to make such changes.

Further concerns regarding rezoning approvals include the fact that in many instances ample time has already elapsed (up to 15-20 years in some instances) to allow the development of the land to have occurred.

Planning schemes under the LGA and LGPEA continued to apply under the IPA until replaced by IPA planning schemes. As local governments have prepared their IPA planning schemes, many have reviewed historic rezonings and either reflected them in their IPA scheme or changed the zoning of the land to remove the effect of the rezoning. However, changing the rezoning under the IPA planning scheme triggers the superseded planning scheme provisions under the IPA.

Some local governments have opted to recognise previous rezonings in their IPA planning schemes, because they do not wish to give rise to superseded planning scheme applications and/or compensation claims. These zones can cause community concern if they do not conform to contemporary planning standards or community expectations.
3. CPMA deemed approvals

Following amendments in October 2003, the *Coastal Protection and Management Act 1995* (CPMA) provides that existing permits, sanctions and approvals under the *Harbours Act 1955*, the *Beach Protection Act 1968* and the *Canals Act 1958* are deemed to be development approvals under the IPA. These are referred to as deemed approvals under the CPMA.

Under the CPMA and IPA, where these deemed approvals are for operational work (tidal works associated with construction of a structure), the currency period is four years from 20 October 2003. Therefore, these currency periods applying under the CPMA will expire on 20 October 2007.

There have been concerns that the current IPA provisions could be interpreted to allow local government to extend the life of these development approvals without the involvement of the State.

However, the intent of Section 3.5.22(b) of the IPA is that in cases where an applicant wishes to extend a currency period, the applicant must (by written notice) ask the entity that was the assessment manager to extend the period. Therefore, a request to extend the currency period for a deemed approval under the CPMA should be made to the chief executive administering the CPMA. This would mean the Environmental Protection Agency should decide the request rather than the local government. The new planning legislation will clarify this intent.

4. Resort and mixed-use schemes

In 1987 the *Integrated Resort Development Act 1987* (IRDA) and the *Sanctuary Cove Resort Act 1985* (SCRA) were introduced to allow large scale resorts to be established. When this legislation was enacted it was assumed resorts would be approved and fully developed by a single developer within approximately ten years.

Amendments to approved resort schemes still occur from time to time, whether or not the resorts have been fully developed.

The age of resort schemes often mean they have become inconsistent with improvements to local planning, environmental, development and infrastructure charging policies.

The SCRA and the IRDA provide a good example of the way in which other legislation affects development on particular sites and the associated issues.

Under the SCRA, the local government IPA planning scheme and certain local government by-laws do not apply to the Sanctuary Cove Resort land. The SCRA contains no provision for amendment of an approved plan. The SCRA plan can only be amended by way of an amendment to the relevant Act and is not regulated by the scheme preparation and amendment provisions under the IPA.

The IRDA does provide for amendment of an approved scheme. An approved scheme under the IRDA regulates the development and use of resort land and effectively overrides the local government IPA planning scheme. Local government local laws that are inconsistent with the IRDA or the approved scheme do not apply to a resort site.

Similar to the IRDA and SCRA, the *Mixed Use Development Act 1983* (MUDA) also facilitate the establishment of mixed use developments. A number of these schemes still have undeveloped land subject to preliminary approvals in effect today.

The IRDA and SCRA are currently being reviewed by the Department. Recommendations to resolve issues associated with these Acts will be progressed through that review. Legislative improvements, where appropriate, will be implemented through the new planning legislation or amendments to the resort Acts.
ACTIONS

58. The Department will contribute to a coordinated and integrated whole-of-government strategy to manage and resolve historic approvals and related development leases by:

• undertaking a comprehensive review of existing records
• analysing existing historic approvals and related development leases to determine the scope of problem
• reporting to Cabinet on options to satisfactorily address the issues identified

59. Require requests to extend the currency period for deemed approvals under the CPMA be made to the chief executive administering the CPMA.

1.11. More accessible dispute resolution

The IPA provides a number of avenues for dispute resolution for planning and development decisions. These include:

• alternative dispute resolution
• the Planning and Environment Court
• the Building and Development Tribunal.

The Planning and Environment Court (the Court) is constituted by District Court judges notified by the Governor in Council as judges of the Court. In recent years, the Court has placed a greater emphasis on case management and alternative dispute resolution to reduce the number of disputes reaching the Court and to narrow the areas in dispute should the matter proceed to trial. In particular, experts have been required to meet early in the process without the parties or their lawyers to try to define the areas in dispute. Compulsory mediation and case appraisal have also been introduced in some cases. These changes have had positive results with disputes being resolved earlier and often without the need for long drawn out court hearings.

Practice Direction (No. 1 of 2006) introduced a requirement for a Dispute Resolution Plan. A Dispute Resolution Plan is a plan directed towards the narrowing and, if possible, resolution by agreement of the issues in dispute. It may include a ‘without prejudice’ conference, mediation case appraisal, neutral case evaluation, a dispute resolution process offered by one of the parties or such other process, or combination of processes, as may be appropriate in the circumstances.

The Building and Development Tribunal (the Tribunal) is also established under the IPA. Its jurisdiction is currently limited to appeals against decisions on building applications assessed against the Building Act 1975. However, the jurisdiction of the Tribunal can be expanded by regulation to include other technical based assessments.

It should be noted that the Explanatory Notes for the Integrated Planning Bill 1997 intended that Section 4.2.7 (2)(b) allows the jurisdiction of the Tribunal to be expanded to include other technical based assessments, particularly those that before integration into IDAS had no avenue of appeal under previous legislation.

Unlike the Court, which has the jurisdiction to hear a matter afresh (‘de novo’), the Tribunal focuses on refereeing solely on the matters in dispute. Litigants before the Tribunal may not be represented by a lawyer and generally represent themselves. As a result the Tribunal has proved an effective, low-cost way of resolving technical disputes, and has strong support among users.

Although the Court is highly efficient at managing proceedings and ensuring timely outcomes once an appeal is lodged, there are nevertheless many disputes of a technical nature which cannot presently gain access to dispute resolution because they do not warrant the cost and time involved in an appeal to the Court. Expanding the Tribunal’s jurisdiction to cover these disputes would complement the role of the Court in the dispute resolution system, and expand the options available to appellants.
Consultation highlighted the heavy reliance on the Court to resolve disputes. As a result, stakeholders may be deterred from becoming involved in local decision-making and disputes about planning matters.

A staged approach to the expansion of the Tribunal’s jurisdiction will provide an opportunity to have an experience-based approach to the implementation of each stage. The lessons from stage 1 will inform the development, implementation and cost implications for stage 2.

Stage 1 would involve expanding the Tribunal’s jurisdiction to hear disputes about less complex technical matters, such as technical infrastructure planning and charging disputes. This expanded role will reflect the election commitment to provide an independent evaluation of the true cost of providing the infrastructure. The initiative is also consistent with the Queensland Government’s strategy on housing affordability by providing cost-effective dispute resolution to hear matters associated with infrastructure charges and fees.

Stage 2 will expand the jurisdiction of the Tribunal to more complex technical matters currently only in the jurisdiction of the Court.

**Other Reforms**

There is a need to increase the efficiency of certain matters being heard in the Court by allowing the Court wider discretion in some areas that currently involve protracted legal argument.

A wider range of tools to address compliance and enforcement issues is also needed. Currently, the primary avenue for enforcing compliance with the IPA or planning decisions is through the court system, but this can be too costly and time-consuming, particularly for minor compliance and enforcement matters. The introduction of penalty infringement notices (PINs) for on-the-spot fines and removal of the need to issue a ‘show cause notice’ before issuing an enforcement notice will streamline the compliance and enforcement process.

To enhance the legislative reforms, the Department will develop a range of education, guidance and support tools for stakeholders using Alternative dispute resolution (ADR) processes already provided for in the IPA.
1.12. Better stakeholder communication and supporting information

Effective stakeholder engagement involves a range of activities including change management, communication, consultation, facilitation, training and dispute resolution.

Stakeholder engagement is critical for the continuous review and improvement of the IPA and IDAS, particularly as the IPA seeks to integrate many different interests and performance-based planning involves balancing different views. This can only be done effectively by bringing stakeholders together to work through problems and resolve difficulties as collaboratively as possible.

While the Department clearly has a leadership role in brokering partnerships and promoting collaboration, all stakeholders have a role to play in supporting a cultural shift within the planning and development sector that:

- emphasises outcomes over process
- embraces the flexibility and adaptability of performance-based planning
- supports collaborative problem solving
- welcomes community input to achieve better planning and development outcomes
- is committed to training and coaching so that our planning professionals engage confidently with IPA and IDAS.

The Department will develop a detailed stakeholder engagement framework to keep abreast of each stakeholder’s interests and to determine how the players across Queensland’s planning and development sector can work together better.
Engagement needs to be ongoing to improve communication and provide regular feedback to continuously improve the total system. A key focus of this framework will be revamping the way in which the community engages with IPA and IDAS, and creating more opportunities for community input. In addition, a comprehensive framework will ensure the Department is engaging stakeholders in a coordinated, cost-effective manner.

Stakeholders also need to understand the reasons for change and what the impacts on them will be. In such a complex legislative environment where even minor changes can have substantial flow-on effects, it is imperative that communication and information about these changes is accessible, easy to understand and tailored to suit different stakeholders.

**ACTIONS**

70. Implement a detailed stakeholder engagement framework to define and deliver:
   - better understanding of Queensland’s planning and development assessment system
   - a broad and inclusive identification of relevant stakeholders
   - stakeholder roles and responsibilities
   - collaborative opportunities
   - better linkages with existing engagement opportunities.

71. Develop and implement a detailed Communication Plan to support the stakeholder engagement framework.

72. Lead, facilitate and prioritise change management, conflict resolution, cultural changes and good organisational communication in undertaking recommendations for improving Queensland’s planning and development system.

73. Redesign departmental websites to provide easier navigation to information and supporting material provided by the Department.

74. Review all advice and information dealing with the IPA and IDAS and where appropriate redraft to improve readability and legibility.

**1.13. Greater stakeholder capacity and support**

In terms of building capacity, Queensland’s planning and development industry is grappling with two key issues. First, there are not enough professionals in planning and related disciplines, particularly engineers. Second, some professional staff, particularly in development assessment, tend to be relatively inexperienced.

The shortage of key professionals has been widely acknowledged for some years now. A report released by the Planning Institute of Australia in 2004 found that in the period 2001–2003, the planning profession in Queensland had experienced a job vacancy rate of around 16 per cent, with an expectation for a 28 per cent increase in planning positions over the subsequent five to 10 years.

Stakeholders engaging with IPA and IDAS rely on these technical skills, together with other supporting functions, to work effectively and efficiently. The rapid population growth experienced in many areas of Queensland, particularly South East Queensland, has put additional pressure on the planning and development industry and the resources and systems used to assess and facilitate this growth. Development assessment, most often carried out by councils, has become a high-pressure environment with a relatively high degree of staff turnover, making it difficult to attract, train and retain staff.
The structural complexity, technical language and volume of information surrounding the IPA and IDAS can be problematic for less experienced planners and even experienced specialists who need to keep up to date with the frequent amendments.

Redressing the shortage of planners and technical professionals will take time. However, in the short term, the package of reforms proposed in this paper should help ease the burden on planning professionals and specialised technicians to some extent, or at least channel these scarce resources into assessment of the highest impact developments.

**ACTIONS**


76. In collaboration with local government, develop a comprehensive training program to enhance community engagement skills of council officers.

77. Establish a Departmental scholarship program to support entrance into planning and development vocations.

78. Develop a professional exchange program with councils, State agencies and the private sector.

79. Increase support for the LGAQ Diploma in Local Government (Planning) course by:
   - fully funding 12 positions in the course per year
   - collaborating with the LGAQ and other relevant organisations to facilitate the expansion of the number of courses offered
   - continuing to provide in-kind support, by making one experienced technical officer available per course to deliver content, and assist with facilitation, evaluation and assessment
   - determining the resources and other requirements necessary to deliver the course in regional and rural areas of Queensland

80. In collaboration with the LGAQ, the Planning Institute of Australia and Queensland tertiary institutions:
   - lead the incorporation of development assessment subjects in undergraduate and postgraduate curricula
   - investigate the provision of development assessment subjects as an external mode of study.

The planning profession in Queensland had experienced a job vacancy rate of around 16 per cent, with an expectation for a 28 per cent increase in planning positions over the subsequent five to 10 years.
Streamlining and simplifying IDAS

1. Reform IDAS to:
   - retain key rights and responsibilities in the new planning legislation
   - streamline and simplify the assessment and referral triggers, and locate them together in the regulation to the new planning legislation
   - simplify the application stage and make the responsibilities of the assessment manager and applicant clearer
   - re-order current provisions for lapsing of development applications to make them easier to find and understand
   - consolidate variations to the IDAS process currently contained in other legislation within IDAS itself
   - consolidate all assessment and referral requirements (assessable development, assessment managers, referral agencies, scope of assessment etc.) under one schedule in the regulation to the new planning legislation
   - require the submission of identified supporting information as part of a properly made application for assessable development
   - prevent the acceptance of incomplete applications
   - reduce the 'default' time for an applicant to respond to an information request
   - allow more flexibility as to when public notification of development applications may start
   - clarify how applications may be changed and where a changed application must return to in the IDAS process
   - review the mechanism for making a development application under a superseded planning scheme and consider the options of reducing the time to lodge a development application from two years to 12 months.
   - provide a simpler process for changing an application to include a missed referral
   - simplify code and impact assessment and decision-making processes
   - clarify and prescribe the circumstances in which assessment managers and referral agencies can depart from planning instruments in making their decisions
   - reform IDAS to enable concurrence agencies to be involved in the negotiated decision notice process
   - consolidate, simplify and allow more flexible arrangements for changing development approvals

   - expand the current compliance assessment process to apply to a wider range of compliance matters (not merely compliance with some conditions as at present)
   - reform timeframes and accountability provisions for the current compliance process
   - introduce limited prohibition through a new schedule of prohibited development
2. Identify all legislation that was introduced post IPA which contains exceptions, variations and/or additions to the IPA.

3. Consolidate all criteria for assessing development applications contained in other legislation or in instruments made under other legislation in appropriate State planning instruments (particularly reformed SPPs and eventually standard planning scheme provisions when these take effect).

4. Consolidate all prohibitions under other legislation in an appropriate schedule under the IPA, or in the proposed standard planning scheme provisions.

5. Include arrangements for mandatory compliance with particular State codes within the proposed reformed IDAS assessment rules.

6. Remove redundant provisions from other legislation in connection with the above reforms, and provide appropriate savings and transitional arrangements.


8. Require councils to publish a list of all current development applications on the internet.

9. Redesign the IDAS application forms and checklists to:
   • improve legibility and ease of use
   • improve the extent of information that must be submitted with certain types of applications
   • include any proposed mandatory information.

10. Continue the accelerated development and implementation of the Smart eDA Program.

11. Coordinate and develop (in collaboration with the Smart eDA Program) an on-line, centralised repository for information regarding State interests.

12. Implement RiskSmart in high-growth councils and key referral agencies across Queensland.

13. Publish guidelines to promote and guide councils on appropriate levels of planning decision delegations.

14. Provide training to improve the quality of conditions in development approvals imposed by both assessment managers and concurrence agencies.

15. Publish best practice information checklists for various types of applications and make available for councils to provide these documents to applicants.


17. Publish guidelines to advise stakeholders on existing opportunities for community involvement in the decision-making process, including how and when formal and informal submissions may be made.

**Transparent and equitable infrastructure planning and charging**

18. Rationalise the process for preparing PIPs and infrastructure charges.

19. Standardise the format and structure of PIPs and infrastructure charges schedules.

20. Integrate strategic land use planning and PIPs at the local level through standard planning scheme provisions.

21. Enable the Queensland Competition Authority to undertake the independent and technical review of infrastructure charges schedules and methodologies prior to adoption by local government.

22. Undertake a staged expansion of the Building and Development Tribunal to hear matters in relation to how infrastructure charges schedules and fees are applied to individual development approvals.

23. Maintain a dedicated departmental project team to support the implementation of infrastructure planning and charging initiatives across the State.

24. Develop a plain language infrastructure guideline, including case studies and example plans.
25. Develop necessary resources and systems to:
   • provide practical assistance to councils in preparing and implementing their PIPs and charging schedules
   • expand the level of understanding and awareness about infrastructure planning and charging tailored to suit target stakeholder groups, including community, technical specialists, developers and councils.

26. Establish a PIP Reference Group for councils, the LGAQ and other relevant stakeholders to exchange ideas and provide suggestions for improvement in rolling out the infrastructure planning framework.

Standard planning scheme provisions and improved State interest reviews

27. Enable the Minister to make standard planning scheme provisions.

28. Prepare standard planning provisions, including:
   • standard planning scheme composition and structure (incorporating the integration of strategic elements, local plans and State interests)
   • standard use and administrative definitions
   • a suite of standard zones
   • a suite of standard overlays
   • limited prescription of levels of assessment, including prohibition
   • standard codes for a limited range of uses
   • standard menu options for infrastructure planning
   • standard administrative matters
   • standardised rules for format, style, and map design
   • mandatory and optional provisions to incorporate local content and variation.

29. Streamline the plan-making and amendment process.

30. Develop and communicate time-based performance targets for State involvement in planning scheme reviews as follows:
   • 90 per cent of all first State Interest Reviews will be completed within eight weeks (from the date the draft planning scheme is first received by the Department until the time it provides a recommendation to the Minister).
   • 90 per cent of all second State Interest Reviews, where undertaken, will be completed within five weeks (from the date the second draft planning scheme is first received by the Department until the time it provides a recommendation to the Minister).

Improving community engagement in planning scheme preparation

31. Legislate changes that simplify the planning scheme preparation process, and specify guarantees and benchmarks for effective consultation and State involvement. Prepare supporting statutory guidelines approved by the Minister.

32. Develop best practice options in the legislation and accompanying guidelines for effective community engagement.

33. Review and update information about planning schemes and opportunities for community input, particularly with regard to promoting a clear understanding of:
   • the role and purpose of a planning scheme and its components
   • the stages of the planning scheme preparation process
   • opportunities for community input during the planning scheme preparation process
   • the consideration of community input by the council
   • standardised planning scheme provisions.
Clear and more effective State planning instruments

34. Confirm regional plans as the pre-eminent instrument for articulating State interests by removing inconsistencies in the legislation to reaffirm that a regional plan overrides all other instruments to the extent of any inconsistencies.

35. Make State planning instruments SPPs, regional plans and standard planning scheme provisions) the only way of expressing State interests (apart from legislation and property interests).

36. Establish that when an SPP is reflected in a regional plan, the SPP ceases to have effect in the regional plan area.

37. Provide for an SPP to override a planning scheme to the extent of any inconsistency (see Section 1.6 and Action 45 for details).

38. Amend the IDAS decision rules to appropriately reflect the reformed planning instrument hierarchy.

39. Provide for all State assessments to be against only State planning instruments, rather than the broader range of ‘laws and policies’ currently provided for under the IPA.

40. Ensure that future State codes are made only in a State planning instrument, namely a SPP, regional plan, or standard planning scheme provisions.

41. Lead State Agencies to ensure changes to the IPA and related State policy are able to be effectively implemented, including the provision of support in performing their referral agency roles.

42. The Department will establish an IPA/IDAS State Agencies Reference Group to negotiate and integrate State policies across State agencies.

More effective State planning policies (SPPs)

43. Develop and implement a ‘State Planning Policy Program’ in consultation with other agencies, with the program including planning for:
   i) climate change
   ii) transport and land-use (including Transit Oriented Development)
   iii) recreation space in new developments
   iv) hazardous industry sites

44. Streamline the process for making SPPs, including removing the requirement for one of the two stages of public consultation.

45. Provide for an SPP to override a planning scheme to the extent of any inconsistency, but retain the position that if an SPP is ‘appropriately reflected’ in a planning scheme, the SPP will not apply in development assessment.

46. Impose a time limit of 10 years on the life of an SPP (thereby aligning with review periods for regional plans), requiring periodic review and remaking.

47. Legislate to better identify and strengthen the mechanism to create ‘temporary’ SPPs for situations where there is an urgent need to protect or express a State interest.

Proactive roles for the Minister and the Department in managing the planning framework and its operation

48. Clarify and enhance the ministerial IDAS powers by:
   • providing greater flexibility for the Minister to consider and decide a called-in application on the basis of State interest grounds or to undertake a full assessment as if the Minister is the assessment manager
   • enabling the Minister to direct the assessment manager not to decide the application until the Minister indicates otherwise, subject to a maximum period specified by the legislation
   • enabling the Minister to direct the assessment manager to continue to assess the application but to refer it to the Minister for decision together with the assessment manager’s assessment and recommendation about the application
• enabling the Minister to identify involvement in particular types of development applications (that is, pre-specify applications to be referred to the Minister).

49. Broaden the ministerial powers of direction to more effectively promote and protect State interests by enabling the Minister to directly affect the operation of planning schemes.

50. Enable the Department to assume concurrence agency or assessment manager roles for particular types of development applications.

**Comprehensive statutory regional planning**

51. Create a single statutory regional planning framework for Queensland.

52. Provide for regional plans to include a range of standardised but optional ‘tools’, including regulatory provisions, where required.

53. Standardise the range of planning tools used to implement and integrate statutory regional plans with planning schemes.

54. Accelerate the implementation of statutory regional planning across the State having consideration for regional and growth variations.

**Reforming preliminary approvals which override a local planning instrument**

55. Limit preliminary approvals overriding a local planning instrument to be material changes of use for a master planning exercise.

56. Provide the Department with a concurrence agency role in the assessment of preliminary approvals overriding a planning scheme.

57. Fast-track planning scheme amendments consequential to an approved master plan.

**Better manage historic approvals and development leases to reflect current expectations**

58. The Department will assist in a coordinated and integrated whole-of-government strategy to manage and resolve historic approvals and related development leases by:

- undertaking a comprehensive review of existing records;
- analysing existing historic approvals and related development leases to determine the scope of problem; and
- reporting to Cabinet on options to satisfactorily address the issues identified.

59. Require that requests to extend the currency period for deemed approvals under the Coastal Protection and Management Act 1995 (CPMA) be made to the chief executive administering the CPMA.

**More accessible dispute resolution**

60. Expand the jurisdiction of the Building and Development Tribunal as follows:

- Stage 1 - the identification and inclusion of less complex technical matters into the Tribunal’s jurisdiction, including infrastructure charging disputes
- Stage 2 - the identification and inclusion of complex technical matters within the jurisdiction of the Tribunal.

61. Amend the fee structure of the Planning and Environment Court (The Court) to align with other court jurisdictions.

62. Establish a full-time registrar to the Court.

63. Expand the discretionary powers for the Court in determining sufficient grounds for departing from a planning instrument.
64. Expand the discretionary powers for the Court to determine whether a matter of procedural non-compliance can be excused.

65. Expand the discretionary powers for the Court to determine if proceedings have been motivated by commercial competitiveness.

66. Remove the requirement to give a show cause notice before issuing an enforcement notice.

67. Introduce PINs and associated on-the-spot fines for certain development offences.

68. Publish successful mediations on the departmental IPA website.

69. Develop and implement a comprehensive education and training package for all stakeholders to improve awareness of existing ADR processes.

**Better stakeholder communication and supporting information**

70. Implement a detailed stakeholder engagement framework to define and deliver:
   - better understanding of Queensland’s planning and development assessment system
   - a broad and inclusive identification of relevant stakeholders
   - stakeholder roles and responsibilities
   - collaborative opportunities
   - better linkages with existing engagement opportunities.

71. Develop and implement a detailed Communication Plan to support the stakeholder engagement framework.

72. Lead, facilitate and prioritise change management, conflict resolution, cultural changes and good organisational communication in undertaking recommendations for improving Queensland’s planning and development system.

73. Redesign departmental websites to provide easier navigation to information and supporting material provided by the Department.

74. Review all advice and information dealing with the IPA and IDAS and where appropriate redraft in plain language.

**Greater stakeholder capacity and support**


76. In collaboration with local government, develop a comprehensive training program to enhance community engagement skills of council officers.

77. Establish a departmental scholarship program to support entrance into planning and development vocations.

78. Develop a professional exchange program with councils, State agencies and the private sector.

79. Increase support for the LGAQ Diploma in Local Government (Planning) course by:
   - fully funding 12 positions in the course per year
   - collaborating with the LGAQ and other relevant organisations to facilitate the expansion of the number of courses offered
   - continuing to provide in-kind support, by making one experienced technical officer available per course to deliver content, and assist with facilitation, evaluation and assessment
   - determining the resources and other requirements necessary to deliver the course in regional and rural areas of Queensland
   - collaborating with local government to develop an IPA and IDAS training course to educate councillors on their roles and responsibilities prior to acting in their elected capacity.

80. In collaboration with the LGAQ, the Planning Institute of Australia and Queensland tertiary institutions:
   - lead the incorporation of development assessment subjects in undergraduate and postgraduate curricula
   - investigate the provision of development assessment subjects as an external mode of study.
### Appendix 1 – Glossary

#### A

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>Alternative dispute resolution (ADR)</td>
<td>ADR is a process provided under IPA, Section 4.1.48, and is used by the Planning and Environment Court to reduce the number of disputes reaching the court and to narrow the areas in dispute should the matter proceed to trial.</td>
</tr>
</tbody>
</table>
| Assessable development                    | Development identified by IPA as requiring the lodgement of an application which is assessed and decided using IDAS. There are two types of assessment under IPA.  
  - Code assessment – A ‘bounded’ assessment only against applicable codes (e.g. the Building Code of Australia). Public notification is not required (see also ‘Code assessment’).  
  - Impact assessment – involves a broader assessment of the potential effects of the proposal. In this instance the application is assessed against the planning scheme, any applicable SPP and any other laws or standards that can be reasonably applied to the development. Public notification is required and the application is subject to third party appeal rights. |
| Assessment manager                        | The entity responsible for assessing and deciding a development application. This is usually the relevant council but may be a State government agency, and or private building certifier. |
| Assessment table                          | See ‘Development assessment table’.                                                                                                                                                                       |

#### B

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<thead>
<tr>
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| Biodiversity protection                   | Under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) biodiversity is defined as meaning the variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part) and includes:  
  - diversity within species and between species  
  - diversity of ecosystems.                                                                                                                        |
| Building and Development Tribunal         | The body established under IPA, Chapter 4, Part 2, to resolve disputes over planning and development decisions. The jurisdiction of the tribunal is currently limited to disputes under the Building Act 1975 and some vegetation matters. |

#### C

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<thead>
<tr>
<th>Term</th>
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<tbody>
<tr>
<td>Case appraisal</td>
<td>See ‘Compulsory mediation’.</td>
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<tr>
<td>Coastal Management Plan</td>
<td>State and regional coastal management plans are required to be prepared under the Coastal Protection and Management Act 1995, Chapter 2, Part 2.</td>
</tr>
<tr>
<td>Code assessment</td>
<td>Section 3.1.3 of IPA states that assessable development may be subject to code assessment or impact assessment, or both code and impact assessment. Both of these terms are defined in Schedule 10 of IPA. Code assessment is a ‘bounded’ assessment, i.e. the application is assessable against identified ‘applicable codes’ only. If the application complies with the code the application must be approved, whether or not conditions are required to achieve compliance. However, the application may also be approved if it does not comply with the code. This may be the case if there are sufficient grounds to justify the decision having regard to the purpose of the code, any applicable SPP and, if applicable, the SEQ Regional Plan, provided the decision does not compromise the achievement of the desired environmental outcomes for the planning scheme.</td>
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C

<table>
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<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compulsory mediation</td>
<td>Under IPA, Section 4.1.11 a process that has been introduced by the Planning and Environment Court to reduce the number of matters going before the court.</td>
</tr>
<tr>
<td>Concurrence agency</td>
<td>See Referral agency.</td>
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D

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>DA</td>
<td>A development application under IPA.</td>
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<tr>
<td>Decision notice</td>
<td>Under IPA, Section 3.5.15 the written notice given by the assessment manager of a decision about a DA.</td>
</tr>
</tbody>
</table>
| Declaratory proceeding      | Under IPA, Section 4.1.21 a person can bring proceedings in the Planning and Environment Court for a declaration about: a matter done, to be done or that should have been done for IPA other than a matter for Chapter 3, Part 6, Division 2;  
* the construction of IPA and planning instruments under IPA  
* the lawfulness of land use or development. |
| Deemed refusal              | Under IPA, Chapter 4, Parts 1 and 2, one of the mechanisms to resolve disputes over planning and development decisions are the deemed refusal provisions. A deemed refusal means that a refusal is taken to have happened if a decision is not made within the relevant time period under IPA. |
| Desired environmental outcome (DEO) | DEOs provide the foundation of council planning schemes. DEOs express the fundamental purpose of the planning scheme and what it seeks to achieve. They cover a broad range of issues such as community needs, economic activity and nature conservation. DEOs translate IPA's sustainability objectives into strategic outcomes for a particular local government area. |
| Development                 | IPA defines 'development' by reference to five distinct actions (or aspects of development). The term is a broad concept covering a wide range of actions affecting the physical environment, including:  
* carrying out building work (e.g. constructing an office building or demolishing a house)  
* carrying out plumbing or drainage work (e.g. domestic plumbing and house drainage)  
* carrying out operational work (e.g. laying out the roads and services in a new subdivision or clearing vegetation on freehold land)  
* reconfiguring a lot (e.g. subdividing land); and  
* making a material change of use of premises (e.g. converting a residential property into a business premise).  
The concept is deliberately broad to ensure IDAS is able to integrate the many different development related assessment systems. A narrower meaning would limit the application of the system. An important point to note about the way the term 'development' is used in the Act that assists in its understanding, is that development is defined to be an action rather than the result of an action. For example, development is the carrying out of building work and the making of a material change of use rather than the results of those actions, which are a building and a use of premises. IPA recognises the following three types of development:  
* exempt – where an application is not required and the proposal is not required to comply with any codes or standards  
* self-assessable – where an application is not required but the proposal must comply with any applicable codes or standards relevant to the development (e.g. development standards in a transitional planning scheme, codes in an IPA planning scheme, or a State code such as the Prostitution Code)  
* assessable – where an application is required and a development permit must be obtained prior to undertaking any new work or use. Assessable development may be either code or impact-assessable. |
### Development assessment criteria

Mostly contained in codes, these are the criteria or standards for achieving the outcomes sought from self-assessable or assessable development. Codes may address a specific type of development (e.g. reconfiguring a lot), a type of use (e.g. home business) or may relate to an identified zone or overlay.

### Development assessment table

A development assessment table usually identifies:
- the assessment category (assessable, self-assessable or exempt) that applies to development in a particular zone or affected by an overlay
- the assessment criteria, including applicable codes, that are relevant to particular development
- whether code assessment or impact assessment is required for assessable development.

### Dispute Resolution Plan

Under IPA, Section 4.1.11, the Planning and Environment Court recently introduced a Practice Direction (No. 1 of 2006) requiring a Dispute Resolution Plan that is aimed at working toward a full resolution or at least reducing the issues in dispute. This plan may include such processes as a ‘without prejudice’ conference, meeting of experts, mediation and dispute resolution processes offered by one of the parties such as in-house ADR mechanisms by councils.

### DLGPSR

The Department of Local Government, Planning, Sport and Recreation.

### EIS

An Environmental Impact Statement prepared under IPA, Chapter 5, Part 8.

### EPA

The Environmental Protection Agency.

### Exempt development

Does not require development approval and there are no codes or standards applied to the development.

### IDAS

The Integrated Development Assessment System established under IPA. IDAS is an incremental process for making, assessing and deciding development applications in Queensland. IDAS consists of four stages: application stage; information and referral stage; notification stage; and decision stage. Not all stages will apply to a particular application.

### Impact assessment

Is a broad assessment of the environmental effects of the development having regard to a range of matters such as the council's planning scheme and any relevant SPP. An impact-assessable application must be publicly notified and any person or group who lodges a properly made submission about the application accrues third party appeal rights through the Planning and Environment Court against the approval of the application.

### Implementation note

Explanatory documents prepared by the DLGPSR to assist councils, State agencies and the development industry in the interpretation and implementation of IPA.

### Infrastructure charges schedule

An infrastructure charges schedule prepared under IPA, Chapter 5, Part 1, Division 4. An infrastructure charges schedule identifies infrastructure networks for which a charge is proposed, establishes standards of service for each network, and identifies the charge payable, expressed in ‘per lot’ or ‘per equivalent tenement’ terms.

### Infrastructure guideline

A guideline prepared by the DLGPSR in accordance with the requirements of IPA setting out how a PIP or ICS must be prepared.

### IPA


### IPA/IDAS State Agencies Reference Group

A group of State agency representatives that has met on a semi-formal basis to share information and experiences about implementation of IPA, and particularly IDAS.
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<tr>
<td>L</td>
<td>LGAQ</td>
<td>The Local Government Association of Queensland (Incorporated).</td>
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<tr>
<td></td>
<td>LGAQ community engagement framework</td>
<td>LGAQ has prioritised the improvement of local government performance in community engagement through this framework which includes a policy statement, specific training and supporting resources such as online tools, resources and case studies.</td>
</tr>
</tbody>
</table>
| | Local government area | Under IPA, a local government area is a part of the State that is:  
• established as a local government area under the Local Government Act 1993; or  
• declared to be a council area under the Community Services (Torres Strait) Act 1984. |
| | Local growth management strategy (LGMS) | A document prepared by a South East Queensland council to demonstrate how the council will achieve planning outcomes established for its local government area under the SEQ Regional Plan. LGMSs are intended to be included under the SEQ Regional Plan using a simplified amendment process (reflecting the public consultation that will have already been carried out by the council), and are intended as a first step towards the detailed planning scheme amendments necessary to implement the SEQ Regional Plan for a local government area. |
| M | Ministerial call-in power | Under IPA, Section 3.6.6 the Minister by written notice given to the assessment manager, may call in the development application and:  
• if the development application has not been decided by the assessment manager – assess and decide the development application in the place of the assessment manager  
• if the development application has been decided by the assessment manager – reassess and re-decide the development application in the place of the assessment manager. |
| N | Negotiated decision notice (NDN) | Under IPA, Section 3.5.17(2) if an applicant makes representations to an assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under Section 3.3.18(1), and if the assessment manager agrees with any of the representations, the assessment manager must give a new decision notice (the negotiated decision notice) to:  
• the applicant  
• each principal submitter  
• each referral agency  
• the council, if the assessment manager is not the council and the development is in a local government area. |
<p>| | Non-statutory regional plan | A regional plan prepared for a region outside South East Queensland. |</p>
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<tr>
<th><strong>Overlay</strong></th>
<th>See ‘Zone’.</th>
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<tr>
<td><strong>Plain language</strong></td>
<td>A written or spoken style that expresses ideas in the simplest, most direct way. Plain language is free of jargon, official or legal terms. It is drafted with the reader in mind, using techniques such as ordering ideas logically, writing short, concise sentences, and using an active voice. Plain language does not mean dumbing down writing or using baby talk. In fact, it is quite an art to draft a document in plain language so that it can be understood the first time it is read or heard.</td>
</tr>
<tr>
<td><strong>Plan making guideline</strong></td>
<td>A guideline prepared by the DLGPSR setting out how a planning scheme should be prepared and structured.</td>
</tr>
<tr>
<td><strong>Planning and Environment Court</strong></td>
<td>The Planning and Environment Court established under IPA, Chapter 4, Part 1.</td>
</tr>
<tr>
<td><strong>Planning scheme</strong></td>
<td>When IPA commenced, councils were required to prepare new planning schemes consistent with IPA. These new IPA schemes would replace existing planning schemes (transitional planning schemes) prepared under the repealed Local Government (Planning and Environment) Act 1990. Planning schemes are prepared by councils to manage growth and change in their respective local government areas. Planning schemes must coordinate and integrate the matters they deal with, and also the State and regional dimensions of those matters expressed through regional plans and SPPs.</td>
</tr>
<tr>
<td><strong>Planning scheme map</strong></td>
<td>This is an element of a planning scheme which identifies broad land use allocations, areas with special attributes, and major infrastructure. Planning schemes are also intended to include plans for growth and infrastructure provision.</td>
</tr>
</tbody>
</table>
| **Planning scheme policy** | Under IPA, Section 2.1.16 a planning scheme policy is an instrument that:  
- supports the local dimension of a planning scheme  
- supports council actions under IPA for IDAS and for making or amending its planning scheme  
- is made by a council under IPA. |
| **Priority infrastructure plan (PIP)** | Under IPA, is the part of a planning scheme that:  
- identifies the priority infrastructure area  
- includes the plans for trunk infrastructure the council intends to supply or for which infrastructure charges will be levied  
- identifies, if required by a supplier of State infrastructure with a relevant jurisdiction –  
  o a statement of intent for State-controlled roads; or  
  o the roads implementation program under the Transport Infrastructure Act 1994, Section 11  
- states the assumptions about the type, scale, location and timing of future growth on which the plan is based  
- states the desired standard of service for each development infrastructure network identified in the plan  
- includes any infrastructure charges schedule. |
| **Priority infrastructure plan example project** | A project currently being undertaken by DLGPSR to provide support to several smaller rural and regional councils to prepare PIPs as demonstration projects and to allow other councils to draw on the experience gained and outcomes to prepare their own PIPs. |
IPA requires development applications to be publicly notified if:

- any part of an application requires impact assessment, including an application that requires both code assessment and impact assessment
- the application is made under a 'transitional planning scheme' or interim development control provision and would have required public notification had it been made under the repealed Local Government (Planning and Environment) Act 1990
- the application was lodged on or after 4 October 2005 and the application is an application to which Section 3.1.6 of IPA applies (i.e. the application is seeking a preliminary approval overriding a local planning instrument). However, subsequent applications to a Section 3.1.6 approval will not require further public notification provided that –
  - the application does not seek to change the type of assessment for the development (from what was approved in the original Section 3.1.6 approval)
  - the application seeks only to change development requiring code assessment to self assessable development
  - a code proposed as part of the application is substantially consistent with a code in the Section 3.1.6 preliminary approval.

The purpose of the public notification process is to give interested community members the opportunity to:

- inspect details of the application and if they wish make a submission expressing their views about the proposal
- secure the right to appeal any decision by the assessment manager to approve the application.

Referral agency

These are usually State government departments or agencies which have a formal role in assessing the development application. There are two types of referral agencies: concurrence and advice. A concurrence agency can request further and better particulars from the applicant about the application and can direct the assessment manager decision on the application, including the imposition of conditions on a development approval. If a concurrence agency directs that an application be refused, the assessment manager must refuse it.

An advice agency may only provide advice to the assessment manager to assist them in assessing and deciding the application.

Referral trigger

A matter stated in the Integrated Planning Regulation 1998, Schedule 2, which gives rise to a referral to a concurrence agency or an advice agency.

Regional plan

Regional planning provides a broad perspective for those planning issues that involve more than one council (e.g. significant urban metropolitan growth, major transport and services infrastructure). Councils can then prepare their planning schemes in the context of the regional planning recommendations or strategies. Regional planning is undertaken by the State and councils in conjunction with the community. IPA effectively recognises two types of regional plan:

- a plan prepared by or for a regional planning advisory committee under IPA, Chapter 1, Part 5, sometimes referred to as a 'non-statutory' regional plan
- the SEQ Regional Plan, prepared under IPA, Chapter 1, Part 5A.
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<tbody>
<tr>
<td>Regional Planning Advisory Committee</td>
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<tr>
<td>Regulatory</td>
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<td>RiskSmart Project</td>
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<th><strong>S</strong></th>
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<tbody>
<tr>
<td>Self-assessable development</td>
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<tr>
<td>SEQ Regional Plan</td>
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<tr>
<td>Show cause notice</td>
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<tr>
<td>Smart eDA Project</td>
</tr>
<tr>
<td>State agency</td>
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<tr>
<td>State code</td>
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</table>
| State interest | Under Schedule 10 of IPA, means:  
  - an interest that, in the Minister's opinion, affects an economic or environmental interest of the State or a region  
  - an interest in ensuring there is an efficient, effective and accountable planning and development system. |
| State planning policy (SPP) | SPPs are a way for the State government to spell out its interest in development related matters. The main purpose of SPPs is to shape planning schemes so that the State's requirements can be incorporated with those of councils. |
| Stay of operation | For meaning, refer to Sections 4.1.33 and 4.2.14 of IPA. |
| Subordinate legislation | Legislation made by a delegate of the Parliament (e.g. Governor in Council). |
| Sustainable development | Development that conforms to a range of principles of sustainability, such as protection of ecological processes, intergenerational equity, minimising the use of non-renewable resources, sustainable use of renewable resources, and the precautionary principle. |
**Temporary local planning instrument (TLPI)**

A TLPI is an instrument made by a council under IPA, Section 2.1.9. A TLPI may suspend or otherwise affect the operation of a planning scheme for up to one year, but:
- does not amend a planning scheme
- is not a change to a planning scheme under IPA, Section 5.4.1.

**Transitional planning scheme**

Under IPA, Section 6.1.3 the provisions (including any maps, plans, or diagrams or the like) of a former planning scheme, for a local government area, that are not inconsistent with Chapter 3 of IPA comprise the transitional planning scheme for the area, unless this chapter states otherwise.

**Zone**

A common term given to the broad land use allocations in a local government planning scheme, e.g. residential, business, recreation. The term 'overlay' is often used for identified special attributes of land that are sensitive to the effects of development or may constrain development due to an environmental hazard or the value of a resource.