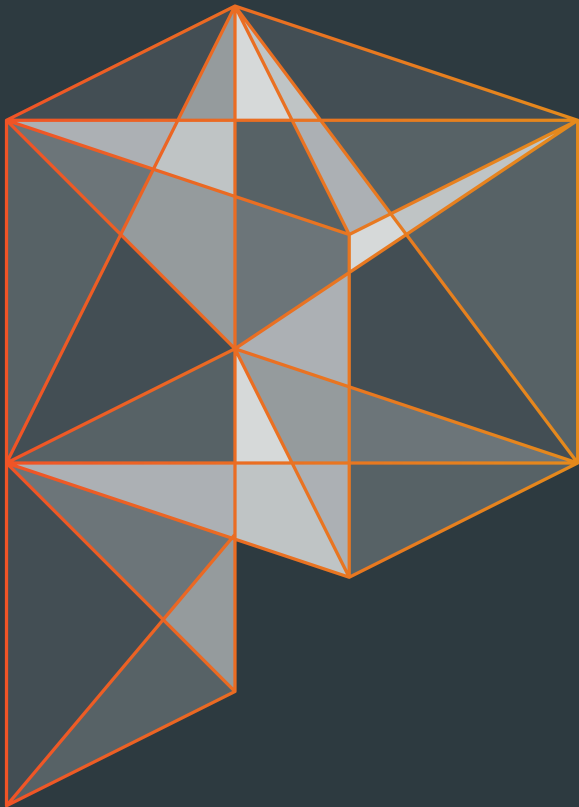


# BETTER PLANNING FOR QUEENSLAND

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## NEXT STEPS IN PLANNING REFORM DIRECTIONS PAPER



MAY 2015

# CONTENTS

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**01** INTRODUCTION

**03** TIMELINE

**05** PLANNING

**11** NEXT STEPS

# A BETTER WAY FOR PLANNING

Planning reform is an important part of the Palaszczuk Government's plan for Queensland.

We want Australia's best planning system – but we also want to plan with a purpose, because good planning should be the means to improve the liveability, sustainability and prosperity of our state.

We believe that planning reform can deliver a more efficient system that supports investment and jobs, but don't believe this must come at the expense of community participation or the role of local government.

## DELIVERING PLANNING REFORM IS A KEY ENABLER FOR A BETTER QUEENSLAND, AND CAN CONTRIBUTE TO:

- Improving the quality of our places and spaces
- Delivering a stronger economy and jobs
- Making housing more affordable
- Making sure we have the infrastructure we need to support new and existing communities
- Protecting our important natural resources
- Managing the impacts of natural hazards
- Tackling long term challenges like climate change and our ageing population

Since this government formed in February 2015, I have spoken with many stakeholders about the current planning framework. Although some elements are working well, many described key features that are broken and need urgent attention, while other elements should be removed altogether.

This Directions Paper outlines our commitment to deliver a new Planning Act, as well as other initiatives that will bring about real reform.

Importantly, real reform will only succeed where it is supported by all stakeholders – including industry, the community and local government. Without this, reform will not endure.

That's why the Palaszczuk Government is committed to working in partnership with all stakeholders to deliver better planning for Queensland, and we will work consultatively to achieve our ambition.



A handwritten signature in black ink, appearing to read 'Jackie Trad'.

**JACKIE TRAD MP**  
DEPUTY PREMIER

–  
Minister for Transport,  
Minister for Infrastructure,  
Local Government and Planning  
and Minister for Trade



# INTRODUCTION

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The Queensland Government is committed to delivering a better planning system that enables responsible development and delivers prosperity, sustainability and liveability for now and into the future.

Queensland's planning system should support effective and genuine public participation in planning, whilst providing for efficient and consistent decision making that instils investment and community confidence.

This Directions Paper charts a strategic course for the next steps in planning reform, and is particularly focussed on the immediate legislative reform agenda.

## **A NEW PLANNING BILL WILL BE INTRODUCED TO THE QUEENSLAND PARLIAMENT BY OCTOBER 2015, BASED ON THE FOLLOWING PRINCIPLES:**

- **Enabling responsible development**
- **Stimulating economic growth and innovation**
- **Ensuring genuine public participation in the planning process**
- **Delivering clear and concise legislation that supports effective and efficient planning and development assessment**

As this new Planning Bill is developed, the Queensland Government will continue to consult and engage with stakeholders and the broader community.

# WHERE HAVE WE COME FROM?

Queensland has been undertaking planning reform in one guise or another for more than 50 years to ensure the planning system remains responsive to our state's changing needs (as shown on opposite page).

Our current planning framework is relatively new, with the Sustainable Planning Act (SPA) just six years old. However, the basic structure and elements of SPA were introduced in 1997 as part of the Integrated Planning Act, which delivered generational reform to how we approach planning and development in Queensland.

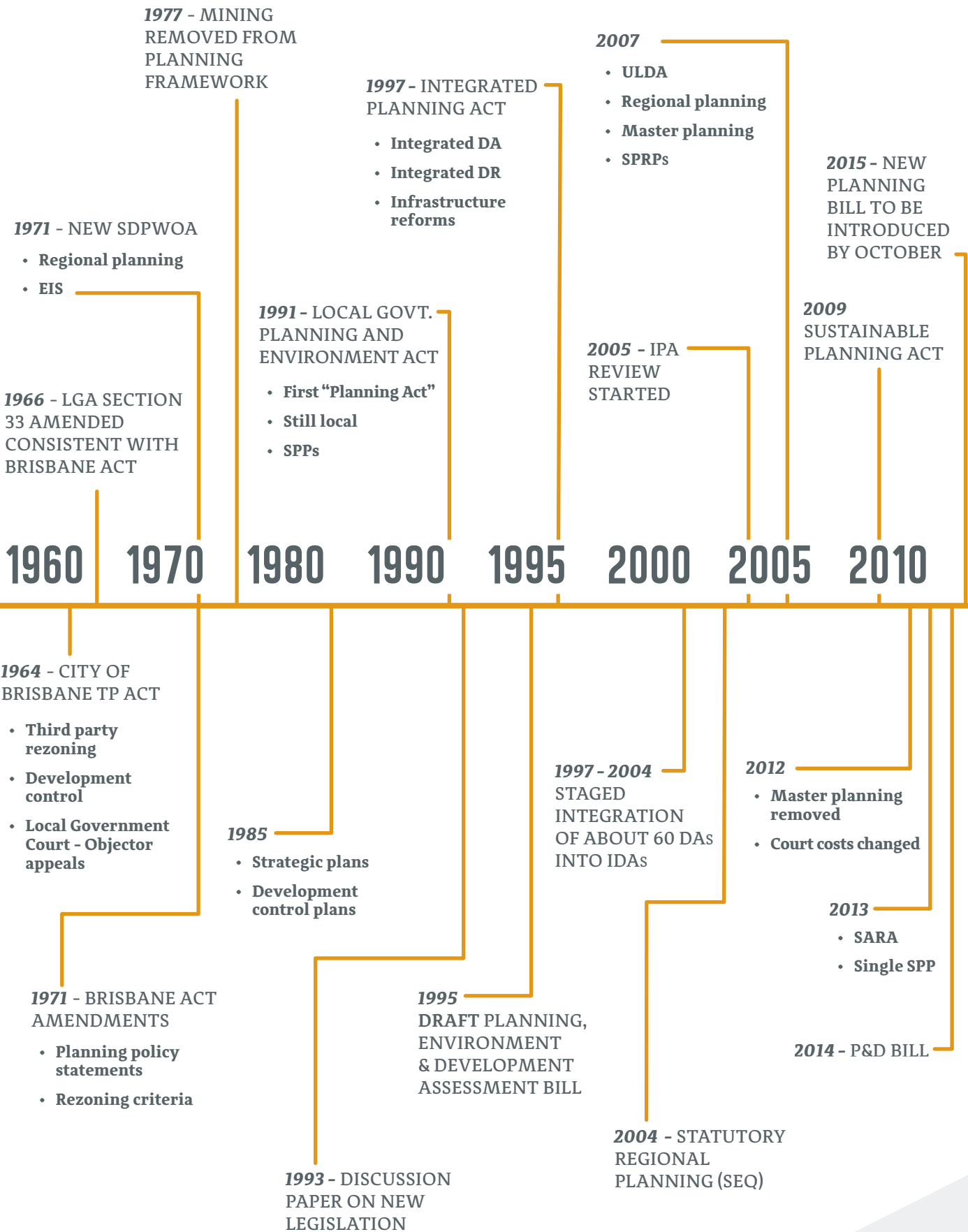
This framework brought new rigour and reliability into our system, but after 18 years it is time to consider this framework anew.

## TODAY'S PLANNING LEGISLATION

SPA has been in operation since 2009, and despite numerous amendments there are ongoing concerns by local government, planning professionals and industry about:

- **How difficult it is to understand and use some current planning schemes**
- **How long it takes for planning schemes to be made and changed**
- **How the focus has been on the process and not the outcome**
- **How long it takes for some development applications to be assessed**
- **How poor some of the "on the ground" developments have ended up being**
- **How difficult it is to understand and use the legislation and its many related instruments**

The Palaszczuk Government accepts the overwhelming view of key stakeholder organisations that the current framework needs fundamental revision, and as a core component of improvement, we need better legislation.



# KEY DIRECTIONS TO DELIVER BETTER PLANNING FOR QUEENSLAND

## TO CREATE A BETTER PLANNING AND DEVELOPMENT ASSESSMENT FRAMEWORK, WE NEED TO:

1.

Enable better strategic planning and high quality development outcomes

2.

Ensure effective public participation and engagement in the planning framework

3.

Create an open, transparent and accountable planning system that delivers investment and community confidence

4.

Create legislation that has a practical structure and clearly expresses how land use planning and development assessment will be done in Queensland

5.

Support local governments to adapt to and adopt the changes

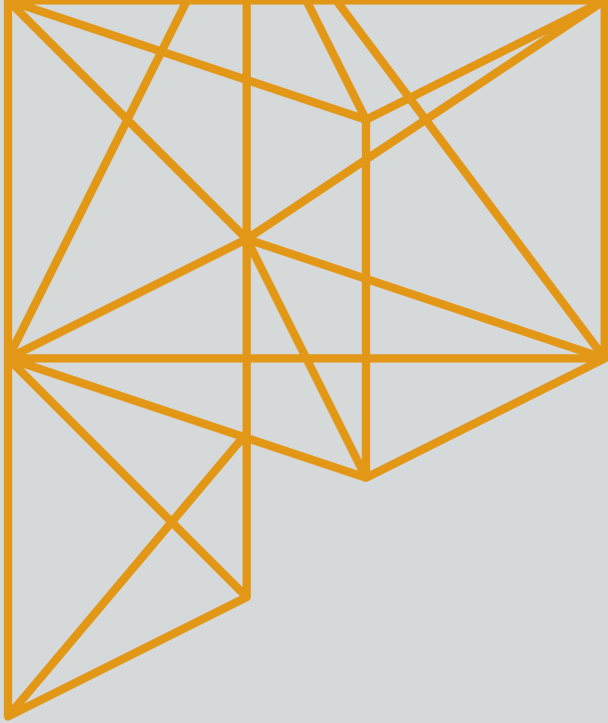
To achieve these goals, we need a new, clear, logical and consistent Planning Act.

But better planning isn't just about the Act. The legislation needs to be complemented by a range of measures that realise the opportunities of planning for the places and people of Queensland, including support for better methods, a positive culture and capacity building.

We also need to provide meaningful support to local governments and local communities to ensure the new legislation is understood and transitions smoothly and expeditiously.

## TO ACHIEVE THIS, THE GOVERNMENT WILL:

- Introduce a new Planning Bill into the Queensland Parliament in 2015
- Create opportunities and material to engage the community and industry on planning
- Deliver training and ongoing professional development across the state to support the right culture for planning professionals and the broader industry
- Provide meaningful support to local governments to implement the new legislation



# 1 BETTER PLANNING AND DEVELOPMENT OUTCOMES

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An important function of the planning system is to provide straightforward and clear direction for communities, so they understand what development can occur in their neighbourhoods. Just as importantly, the planning system should provide certainty to industry about development outcomes to instil investment confidence.

## TO SUPPORT BETTER STRATEGIC PLANNING AND DEVELOPMENT OUTCOMES, THE GOVERNMENT'S REFORM PRIORITIES INCLUDE:

- Strengthening the relationship between planning instruments to deliver an integrated planning system, including ensuring that planning instruments advance the purpose of the Act
- Retaining the State Assessment Referral Agency, the State Planning Policy and State Development Assessment Provisions
- Supporting planning schemes that are streamlined, understandable and practical to give greater certainty to the community and industry about development outcomes
- Continuing to require regular reviews of local government planning schemes and state planning instruments to ensure the planning framework remains contemporary and up-to-date
- Exploring opportunities to support innovative and technological solutions that improve efficiency and effectiveness in plan making and development assessment
- Refreshing the categories of development, to ensure they are a true standards-based assessment, and simplifying them to accepted, assessable and prohibited categories. For the assessable development category, specific consultation will occur about retaining the current levels of assessment (compliance, code, impact) or whether further change is needed, although notifiable development will continue to provide for submitter appeal rights
- Replacing SPA's complex and complicated rules for making assessment decisions, with simplified rules that encourage a more holistic approach to considering development proposals. Under these rules, assessable development would either be approved (or conditioned) using established benchmarks or decided against policy and other relevant public interest matters
- Replacing the Queensland Planning Provisions with more focussed standard requirements for planning schemes that improves consistency whilst removing requirements that add unnecessary complexity and length to local planning schemes
- Simplifying the hierarchy for State level planning documents – only 2 State instruments instead of 4, with anything from the current instruments that still needs to be regulated (including retention of the Urban Footprint and koala protections) being moved to the regulation (or other instruments)
- Introducing better processes for plan making, with the step by step detail not set in the legislation, allowing local government more flexibility to innovate in process and engagement. This flexibility will include a default “minimum” path at the local government's discretion
- Simplifying Community Infrastructure Designation, including introducing arrangements enabling the Planning Minister to assess against a single set of state assessment criteria, with development for a designated purpose exempt from state and local planning instruments



# 2 REAL COMMUNITY ENGAGEMENT AND PARTICIPATION



Land use planning is undertaken for a range of reasons, including managing the impacts of growing and diverse populations, managing the effects of natural hazards and climate change, and protecting important resources such as open space, areas of environmental significance and productive agricultural land.

Planning enables appropriate development in appropriate locations, and creates great places for people to live, work and play.

As such, local communities are the key beneficiaries of good planning.

It is important to ensure that Queensland's planning system ensures genuine and effective public participation and engagement, and this needs to be secured in the state's planning legislation.

## TO DELIVER REAL OPPORTUNITIES FOR COMMUNITY ENGAGEMENT IN PLANNING, THE GOVERNMENT'S REFORM PRIORITIES INCLUDE:

### PREPARING

a new statutory guideline that introduces new community engagement standards for local government in the plan-making process, in consultation with councils and communities

### RETAINING

statutory minimum consultation periods of 60 business days on regional plans

### RETAINING

statutory timeframes for public notification of proposed local planning schemes

### RETAINING

statutory requirements for consideration of public submissions currently in SPA, including requirements for keeping proposed schemes on public display, rights to make submissions, consideration of submissions and reporting to the Minister



# 3 AN OPEN, TRANSPARENT AND ACCOUNTABLE PLANNING SYSTEM

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The planning system should be open, transparent and accountable to ensure that both the community and industry can have confidence in the decisions that are made.

**TO DELIVER AN OPEN, TRANSPARENT AND ACCOUNTABLE PLANNING SYSTEM, THE GOVERNMENT'S REFORM PRIORITIES INCLUDE:**

- Enshrining existing public notification requirements in legislation to ensure they are not at the discretion of the Minister
- Working with local government to enhance public reporting on development assessment timeframes
- Ensuring that all publicly notified applications continue to attract third party appeal rights, as well as restoring the rights of resident and community group submitters to appeal decisions to the Planning and Environment Court without fear of having costs awarded against them
- Improving Temporary Local Planning Instruments by extending their life from 12 months to up to 2 years to account for scheme amendment timeframes, and introducing the ability for them to be amended
- Ensuring open access to planning and development information, including minimum access rules in the regulations
- Simplifying and making consistent Ministerial powers
- Increasing penalties to bring them in line with similar offences and ensuring director's liabilities align with the national benchmarks
- Ensuring that enforcement notices attach to the land and are notified on title to ensure prospective purchasers are not caught unawares
- Improving the operations of the Building and Development Dispute Resolution Committee

# 4 LEGISLATION WITH A BETTER STRUCTURE THAT SOLVES THE PROBLEMS

Practical well-structured legislation is crucial so that it is easy to understand and apply, and can be used to create planning schemes that are purposeful and establish sensible and straightforward development requirements. Having practical legislation will also assist the community when engaging with the framework.

**MANY PARTS OF SPA ARE IMPORTANT, BUT DON'T NEED TO BE LOCATED IN THE ACT ITSELF. REORGANISING, RELOCATING AND REMOVING DUPLICATE ELEMENTS OUT OF THE ACT INTO THE SUPPORTING REGULATION OR GUIDANCE MATERIAL, WILL ALLOW FOR A MORE STRAIGHT FORWARD ACT THAT ALSO SOLVES SOME OF THE CURRENT PROBLEMS, INCLUDING:**

Content that is too long and hard to follow

There are conflicts between various state instruments

Certain elements fit better in the regulation

Some elements are intuitively in the wrong place

A focus on process at the expense of outcomes

Key elements are often hard to find and often repetitive

## **TO DELIVER A PRACTICAL AND STREAMLINED ACT, THE GOVERNMENT'S REFORM PRIORITIES INCLUDE:**

- Replacing SPA with a new sensibly structured and easy-to-follow Planning Act that retains a familiar framework whilst removing unhelpful, obsolete or repetitive detail
- Fixing the problems that are blocking better performance and better development outcomes
- Moving detail that is largely process or "planning 101" out of the Act, such as the prescriptive process for regional plans, operational specifics for Regional Planning Committees, and detailed planning scheme content including core matters and key elements
- Simplifying currency period arrangements
- Simplifying the "properly made" requirements to reduce the risk of technical non-compliance at the point of lodgement
- Retaining owner's consent to be provided before any development approval is granted, although further consultation on requirements for state-owned land, servient tenement or acquisition land will specifically occur
- Removing processes like the development assessment process to a statutory instrument and improving them for more practical processing and better navigability
- Moving the establishment and jurisdiction of the court to specific courts legislation, along with procedural rules and fee regulation
- Introducing exemption certificates that, in certain limited circumstances, exempt inappropriately categorised development



# 5 PRACTICAL SUPPORT FOR LOCAL GOVERNMENTS

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Planning is delivered in local communities through a council's planning scheme, with the local government performing a central role in land-use planning and decision-making. Reforms will largely be delivered through the planning, assessments and efforts of local governments.

The state government recognises and appreciates the critical role of local government and the impact that implementing reforms will have on local government's resources to ensure reforms are delivered smoothly and successfully.

To support local government in planning reform, the Government's reform priorities include:

- **Engaging local government and industry about the best method to ensure an appropriate degree of safeguard for councils from claims for compensation regarding natural hazards risk management, where a scheme amendment is made to reduce the risk to persons or property from natural processes, including flooding, bushfires, landslides or coastal erosion**
- **Retaining the local government designation process using a planning scheme amendment under specific procedural arrangements included under the guideline for making or amending planning schemes**
- **Extending the current statutory timeframe for the making of a local government infrastructure plan (LGIP) by a further two years, subject to an approved LGIP preparation program**
- **Working with local government to identify the assistance required to implement the new planning reform legislation, including support such as tools, training and guidance**



# NEXT STEPS: MAKING BETTER PLANNING REAL

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THESE SPECIFIC REFORMS ARE INTENDED  
TO SIT IN A PACKAGE OF BILLS:

- **The main planning bill that sets up the improved planning and development assessment system**
- **A courts bill that separates out the establishment of the Planning and Environment Court**
- **A third bill that tidies up all of the technical flow-on amendments to other acts that work in with the planning legislation**

The proposed bill package redesigns the arrangements as they are set out in SPA and improves and fixes a range of technical matters that currently hinder smooth and timely processes, and appropriate planning outcomes.

The Government is committed to engaging with local governments, development and construction industry, planning and legal professions and environmental and community groups on its planning reform directions.

Through that process, this Government will also be seeking to support and encourage best practice solutions to further streamline processes and improving development outcomes. As part of this, we will partner with those councils that already have effective practices and reform programs, to promote the wider adoption of these initiatives.

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# YOUR FEEDBACK IS INVITED ON THE DIRECTIONS IN THIS PAPER

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**YOU CAN SEND YOUR COMMENTS TO:  
BESTPLANNING@DILGP.QLD.GOV.AU**

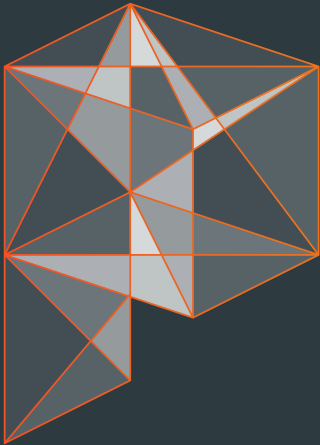
We will also produce draft legislation for broader community consultation and discussion before tabling the legislation in Parliament. It is intended that the new planning legislation will commence in the second half of 2016.

Over the coming months the Government will release a more detailed timetable of events and discussions in which all partners will be invited to participate and contribute to new Planning Bill.

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To sign up for updates, or learn more about planning reform visit

<http://dilgp.qld.gov.au/planning-reform>



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