

NEW PLANNING LAWS FOR QUEENSLAND

FEBRUARY 2010

The *Sustainable Planning Act 2009* (Qld) ('SPA') came into force on 18 December 2009 and replaces the *Integrated Planning Act 1997* (Qld) ('IPA').

The SPA sees a move away from a focus on planning processes towards the achievement of sustainable planning outcomes through managing the effects of development on the environment. The SPA will however, continue the coordination and integration of local, regional and state planning which was a major feature of the old legislation. Importantly, IDAS (or the 'Integrated Development Assessment System'), a key component of Queensland's planning and development assessment system since 1998, is still the procedural centrepiece of the new Act (albeit with some changes).

Applicants need to be aware that the SPA is more prescriptive than IPA as regards properly made applications. Applicants will need to ensure that applications comply with the requirements for a properly made application or risk having to take further action to rectify irregularities (and the resulting time delays this will bring).

Other new features of the SPA include the introduction of standard planning schemes, two new categories of development ('compliance assessment' and 'prohibited development'), and new decision rules for code and impact assessable development applications.

In an attempt to standardize planning instruments across Queensland, the SPA introduces a process for the implementation of standard planning schemes. Standard planning schemes must be based on standard planning scheme provisions which were released in draft form for public consultation last year. These draft standard provisions contain components which are both mandatory (for example definitions and zonings) and optional for inclusion in a standard planning scheme. The rationale behind the draft standard provisions is to achieve consistency between schemes which will result in more certainty for applicants (particularly those making applications in various locations across the state).

The new category of 'prohibited development' is development listed in Schedule 1 of the SPA and may also include development that is declared to be prohibited by a planning scheme or a state

planning regulatory provision. Some examples in the Schedule include certain development relating to:

- various activities (including aquaculture, agriculture or animal husbandry) in a wild river area,
- clearing native vegetation;
- brothels;
- taking or interfering with water.

In terms of transitioning to the new Act, any development applications lodged prior to 18 December will still be dealt with under IPA. Applications made after 18 December will be SPA applications.

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