Jensen Bowers plunges into SPA reform

Amendments to the Sustainable Planning Act 2009 introduced recently intend to relieve the burden of regulation on the development industry in Queensland.

These changes may have significant implications to the development industry. At JB we welcome these initial steps to create a planning system that is more simple, predictable and cost-effective.

To keep you informed, the JB team has summarised the 6 main reforms aimed at restoring efficiency and consistency to Queensland's planning and development system:

1. Is Referral Coordination back…?

Those of you who operated under IPA, you may remember this – "the Chief Executive administering SPA would have an ability to be the single State assessment and referral agency for development applications that trigger multiple jurisdictions."

JB's view:

If implemented successfully, this amendment should result in prioritised and ultimately more expedient State assessments. However, such major procedural changes will take time to bring in, followed by the mandatory teething issues resulting from the policy, political and organisational complexities involved. We also expect further consideration and amendment of remaining referral triggers.

No immediate impact is envisaged but with proper implementation this should assist larger more complex applications.

Time Saved **Costs Reduced** **Complexity Reduced**

2. Master Planning / Structure Planning make a dignified exit…

Apparently these were taking up too much space in SPA. The State appears to consider there are sufficient provisions already available to provide for master plans and structure plans including:

- Preliminary approval to override the planning scheme (affectionately known as s242)
- Regional plans
- Planning schemes

JB's view:

This is considered to be of little consequence to the overall planning system. This change merely removes an option for such activities which has not been widely adopted by industry. Forthcoming regional and local planning instruments are touted to provide ample flexibility for such projects.

No immediate impact envisaged but any reduction in regulatory hurdles is a good thing.

Time Saved **Costs Reduced** **Complexity Reduced**

3. Resource Entitlement no longer required for lodgement!!!

The amendments allow development applications to be lodged without evidence of resource allocation and entitlement, and instead allow such evidence to be sought prior to, concurrent with or post lodgement of a development application.

JB's view:

This amendment represents one of the more profound and positive changes proposed. Time and time again we encounter the perils of obtaining RE upfront – the time delays and costs involved in preparing applications and navigating additional processes

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before a DA can even be lodged. This offers a significant reduction in current development application preparation and lodgement timeframes.

This should be a positive and immediate impact on applications that involve State resources.

Time Saved **Costs Reduced** **Complexity Reduced**

4. Discretion on 'Properly Made' provisions

No more petty changes to plans – it is now at the discretion of Council whether an application's 'supporting information' (AKA "mandatory requirements") meet the 'properly made' provisions.

JB's view:

Most of us have experienced the burden of making unnecessary changes to applications in order to meet the mandatory requirements. Such a simple change should allow a much more efficient and pragmatic assessment process. We only hope this much needed pragmatism spreads to other areas of the planning system in the future…

This does rely on the skill and good faith of Council officers. Impacts should be immediate and positive. We'll judge on their actions.

Time Saved **Costs Reduced** **Complexity Reduced**

5. No DA for low risk Operational Works Applications!

Some low risk OWAs will be compliance assessed meaning no DA required under the Queensland Planning Provisions. Examples include carparks, sediment and erosion control, electrical drawings and landscaping.

JB's view:

This amendment will ensure a more uniform approach to such works and allow Councils the opportunity to revise its approach to low-risk OWAs, including lowering levels of assessment. Again, this removes the need for undue assessment of certain development – resulting in a more efficient planning process. We're all for it!

This should result in an immediate and positive impact.

Time Saved **Costs Reduced** **Complexity Reduced**

6. P & E Court determines court costs

The P & E Court has been granted powers for 'discretion' in awarding or determining costs AND greater powers apply in the Dispute Resolution process.

JB's view:

The clear intention here is to reduce the number of spurious appeals reaching court – appellants will now have to seriously consider the merits of their case. Coupled with greater powers to the Alternative Dispute Resolution Registrar (essentially a delegation from the Chief Judge to the ADR) this should result in a more efficient, accessible and cost-effective outcome for those parties involved. Again, let's see how it plays out in reality.

Should result in less spurious, more efficient and cost-effective dispute resolution.

Time Saved **Costs Reduced** **Complexity Reduced**

The JB Team would welcome the opportunity to discuss how these changes may affect your project or proposal. Call us on **3852 1771** if you want to hear more.

We also welcome your feedback or suggested subject matter for future publications of "Team Talk". All submissions will remain strictly confidential.

Follow this item via LinkedIn to stay in touch with ongoing discussion.

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