

Planning Act Reforms on Agenda

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As Australian farmers modernise, develop and expand their businesses, many are changing the way land and buildings are being used. Unwittingly or not, these farmers are interacting with planning law and policy which regulates the use of land.

In Queensland, the development, subdivision and reconfiguration of land is governed by the *Sustainable Planning Act 2009* (Qld) and is underpinned by the principle of ecological sustainability. The *Sustainable Planning Act 2009* (Qld) provides for three (3) levels of planning - state planning, regional planning and local (government) planning.

The categories of development outlined in the *Sustainable Planning Act 2009* (Qld) are:

1. exempt development;
2. self-assessable development;
3. development requiring compliance assessment;
4. assessable development; and
5. prohibited development.

Applications for assessable development made pursuant to the *Sustainable Planning Act 2009* (Qld) are assessed and decided in accordance with the Integrated Development Assessment System (IDAS). There are five (5) stages to IDAS - application, information and referral, notification, decision and compliance.

Planning schemes identify whether development applications are either impact assessable or code assessable. The primary difference between impact assessment and code assessment is that impact assessment requires public notification, thereby giving the public an opportunity to make submissions in relation to the proposed development. A code assessable proposal is assessed against all relevant development codes, without public notification.

Farmers ought to be aware that the *Sustainable Planning Act 2009* (Qld) also establishes a number of development offences, including carrying out assessable development without a development permit, breaching a development approval (including any conditions) or using premises if the use is not a lawful use.

Planning reform is high on the agenda in Queensland and the Government has indicated that it intends to introduce a new Planning Bill in Parliament by October 2015, replacing the current *Sustainable Planning Act 2009* (Qld). As these reforms progress, it will be important to understand how the new legislation impacts on existing use rights and development approvals, and how existing applications are to be assessed.

Jane is a Senior Associate and head of the Rural Law Team at Kelly Legal, and has a weekly column in the Rural Weekly dealing with agricultural and rural law. Jane can be contacted on 07 4911 0509 or jane.young@kellylegal.com.au



Mackay Office

Level 2
65 Sydney Street
PO Box 1035
Mackay Q 4740


 0749 110 500

 07 49 110 599

Brisbane Office

Level 5
NSW Chambers
33 Queen Street
PO Box 13531
George Street
Brisbane Q 4003

 07 3179 2700

 07 3179 2799

mail@kellylegal.com.au

www.kellylegal.com.au

 @KellyLegalQld

 KellyLegalQld

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