
From revolution to evolution: Two decades of planning in Queensland

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In December 1997, the Queensland government enacted the Integrated Planning Act 1997 (Qld) (IP Act). This comprehensive reform, designed to place Queensland at the “leading edge of planning practice” was replaced, in 2009, by the Sustainable Planning Act 2009 (Qld) (SP Act). The 2009 Act claims to be an evolution not a revolution for Queensland planning practice. This article traces, over the past two decades, the journey from revolution to evolution in Queensland planning law. It explores the background, major premises and some of the enduring critiques of the IP Act. It identifies a clear trend towards greater State intervention in recent years and describes how this trend, in conjunction with the original objectives of integration and enhanced efficiency, are reflected in the new Act

In December 1997, the Queensland government enacted sweeping reforms to the State’s planning law. At the time of its inception, the *Integrated Planning Act 1997 (Qld) (IP Act)* was hailed as “the leading edge of planning practice in Australia” and “a key plank of the government’s economic development strategy”.¹ However, over the next decade, all the hype and optimism surrounding the enactment of the IP Act quickly dissipated – lost in a paper trail of procedural black holes. In 2007, the Department of Local Government, Planning, Sport and Recreation published a report proposing significant reforms to the IP Act² and in 2009 the *Sustainable Planning Act 2009 (Qld) (SP Act)* repealed and replaced it. The 2009 Act claims to be more modest in its ambitions – an evolution not a revolution for planning law. Nevertheless, despite carrying forward much of the IP Act’s structure and content, the SP Act introduces significant new powers that will continue to change the way planning law operates in Queensland.

This article traces, over the past two decades, the journey from revolution to evolution in Queensland planning law. It explores the background, major premises and some of the enduring critiques of the IP Act. It identifies a clear trend towards greater State intervention in recent years and describes how this trend, in conjunction with the original objectives of integration and enhanced efficiency, are reflected in the new Act.

FACTORS INFLUENCING QUEENSLAND PLANNING IN THE 1990S

In the late 1980s, Queensland entered a period of intense political turmoil. In 1988, in response to rising discontent, Premier Joh Bjelke-Petersen resigned after 19 years in office. In 1989, the Fitzgerald Commission of Inquiry released its report exposing the extent of corrupt practices within the Queensland government.³ After 32 years in office (first in Coalition and then alone), the National (Country) Party was decisively defeated at the polls. The incoming Labor Government, under the leadership of Premier Goss, promised a new era for Queensland politics. The mood of the times was in favour of implementing “fundamental” reforms to make government and the public service more

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¹ Queensland, Legislative Assembly, *Debates*, “Integrated Planning Bill: Second Reading Speech” (McCauley D, 30 October 1997) pp 3,391, 4,088.

² Department of Local Government, Planning, Sport and Recreation (DLGPSR), *Planning for a Prosperous Queensland: A Reform Agenda for Planning in the Smart State* (Queensland Government, 2007).

³ Fitzgerald A, *Report of a Commission of Inquiry Pursuant to Orders in Council – Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Queensland Government, 1989).

accountable, open and efficient.⁴ Although its first priority was to “clean up” the instrumentalities of State government, it was not long before this reformist State government turned its mind to questions of economic development, including the legal framework for urban planning and development control. In seeking a reform agenda for this particular aspect of governance, three contemporary trends stood out with particular relevance. These were public sector reform, the changing role of local government, and ecologically sustainable development (ESD).

Public sector reform

Throughout the 1990s, as in other parts of the world, neoliberal economics enjoyed unparalleled ascendancy within Australia. In 1992, then Prime Minister Keating established an Independent Inquiry into National Competition Policy (NCP). Its task was to make recommendations for liberalising trade within Australia so as to develop an open, integrated domestic market for goods and services.⁵ The Hilmer Report addressed six key areas, including the need to reform regulation that unjustifiably restricts competition and to change the structure of public monopolies to facilitate competition. It recommended fostering “competitive neutrality” between government and private business when they compete and refashioning public entities to operate more along business lines.⁶

Typical of the NCP agenda was the Local Approvals Review Program (LARP) – a Commonwealth-sponsored initiative aimed at improving the efficiency of development control processes in local government. In a review of regulatory processes completed in 1990, the Commonwealth Department of Immigration, Local Government and Ethnic Affairs reported existing regulatory systems were “unwieldy, complex and difficult to use”.⁷ The review recommended separating administrative and political decision-making more clearly and removing arbitrary divisions based on professional and technical roles.⁸ A single approval system was the ultimate solution favoured by the review. In a single approval system there would be one system for processing, assessing and granting approvals whatever the form of development. The review argued a radical and far-reaching approach would be necessary to implement these reforms.⁹

The changing role of local government

While on one level Australian local governments were being urged to contract out their service functions and become more responsive to the market, at the same time their roles as partners in development and as policy makers at the local level were receiving greater recognition. Their changing role was acknowledged nationally in 1995 when local governments, represented by the Australian Local Government Association (ALGA), signed an Accord with the Commonwealth. This Accord acknowledged the increasing significance of local government and secured local government representation in the main intergovernmental fora, including the Council of Australian Governments (COAG). In return, local governments agreed to support national policies on microeconomic reform, urban reform, social justice, environmental management, regional development, employment, and training opportunities.¹⁰

In Queensland during the 1990s, local governments strengthened their position vis-à-vis State government as well as the Commonwealth. A formal expression of their relationship with State government was embodied in the *State and Local Government Planning System Protocol*. This

⁴ Stevens B and Wanna J (eds), *The Goss Government: Promise and Performance of Labor in Queensland* (Macmillan Education Australia, 1993).

⁵ Hilmer F, *Report of the Independent Inquiry into National Competition Policy* (Australian Government, 1993) (Hilmer Report).

⁶ Hilmer Report, n 5, Executive Overview.

⁷ Department of Immigration, Local Government and Ethnic Affairs, *Local Government Regulation of Land and Building Development* (Australian Government, 1990) p 35.

⁸ Department of Immigration, Local Government and Ethnic Affairs, n 7, p 36.

⁹ Department of Immigration, Local Government and Ethnic Affairs, n 7, p 36.

¹⁰ Chapman R, “Intergovernmental Relations” in Dollery B and Marshall N, *Australian Local Government: Reform and Renewal* (MacMillan Education Australia, 1997) p 54.

agreement, between the State of Queensland and the Local Government Association of Queensland (LGAQ) described the roles and responsibilities of both tiers of government with respect to planning and sought to promote efficient, timely and high-quality decisions on planning and development matters.¹¹ The Protocol recognised local government's interest in local, regional and State planning.¹² The principles stated in the Protocol were said to form the foundation for a reform of planning law in Queensland.¹³

Ecologically sustainable development

The precursors of the ESD concept were both national and international. Internationally, the Report of the World Commission on Environment and Development (Brundtland Report) coined the phrase "sustainable development" in the lead up to the international conference on environment and development held at Rio de Janeiro in 1992. The Brundtland Report defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs".¹⁴ The international community welcomed the Brundtland Report and its attempt to reconcile development and environmental protection; however, the underlying tension between environment and development imperatives was never wholly resolved. This quickly became evident, for example, in international trade negotiations.¹⁵

Within Australia, the search for an appropriate environmental policy first crystallised in 1983. The National Conservation Strategy for Australia committed Australia to maintaining essential ecological systems and genetic diversity and ensuring the sustainable use of ecosystems forming the basis for agricultural and industrial activities.¹⁶ Almost a decade later, after extensive debate, every State and Territory government signed the National Strategy for Ecologically Sustainable Development 1992 (NSES D). In the NSES D, ESD is defined as "using, conserving and enhancing the community's resources so that ecological resources, on which life depends, are maintained and the total quality of life, now and in the future can be increased".¹⁷ The key elements of ESD are:

- integrating economic and environmental goals in policies and activities;
- ensuring environmental assets are appropriately valued;
- providing for equity within and between generations;
- dealing cautiously with risk and irreversibility (the precautionary principle); and
- recognising the global dimension.¹⁸

Also in 1992, the Queensland government signed the Intergovernmental Agreement on the Environment (IGAE) – a political agreement between the States and Commonwealth setting out some agreed principles guiding future State-federal relations on environmental matters. The IGAE committed all tiers of government to the basic principles of ESD, including integrated decision-making, conservation of biological diversity and ecological integrity, intergenerational equity, and the precautionary principle.¹⁹

PLANNING LAW REFORM – ARGUMENTS FOR A NEW APPROACH

The reformist zeal of the Queensland government in the early 1990s, combined with the international, national and local themes described above, created the opportunity for a major review of Queensland's

¹¹ *State and Local Government Planning System Protocol* (1993), Preamble.

¹² *State and Local Government Planning System Protocol* (1993), s 3.3.

¹³ *State and Local Government Planning System Protocol* (1993), s 7.

¹⁴ World Commission on Environment and Development, *Our Common Future* (Oxford University Press, 1987) p 43.

¹⁵ Bates G, *Environmental Law in Australia* (4th ed, Butterworths, 1995) p 37; Cameron J, Demaret P and Damien G, *Trade and the Environment: The Search for a Balance* (Cameron May, 1994).

¹⁶ Bates, n 15, p 30.

¹⁷ Department of the Environment, Water, Heritage and the Arts, *National Strategy for Ecologically Sustainable Development* (Australian Government, 1992) p 6 (NSES D).

¹⁸ NSES D, n 17, p 8.

¹⁹ Department of the Environment, Water, Heritage and the Arts, *Intergovernmental Agreement on the Environment* (Australian Government, 1992), s 3 (IGAE).

planning legislation – then largely premised on statutes dating back to the 1930s. From 1990-1991, the Queensland Department of Housing and Local Government (QDHLGP) conducted a comprehensive review of planning and development legislation in Queensland (Systems Review). The ensuing discussion paper identified a number of strengths and weaknesses in the existing legislative regime. The main concerns it raised related to:

- *Excessive fragmentation*: The discussion paper argued fragmentation of the law relating to planning contributes to long delays, duplication and unnecessarily expensive outlays for prospective developers.
- *Lack of flexibility*: The discussion paper found the existing legal regime was overly rigid and prescriptive in character. These features discouraged initiative, placing too much emphasis on applicants' ability to conform to detailed planning processes rather than encouraging creative solutions to planning problems.
- *Lack of coordination*: The discussion paper suggested there was inadequate regional or State input into local government development planning.
- *Inadequate public participation*: The discussion paper argued opportunities for public participation in the existing legal regime were limited, often occurring only at the latest stages in the decision-making process. It argued that, if public participation can be incorporated at the earliest possible stage of planning, disputes at later stages may be minimised.
- *Overly legalistic and confusing*: The discussion paper argued the existing legislation was difficult to understand. The heavy reliance on court proceedings to resolve planning disputes was unnecessarily time consuming and costly. It argued recourse to the law courts should be a solution of last resort.
- *Limited impact assessment*: The discussion paper found existing EIA procedures were incomplete, overly bureaucratic and not sufficiently well informed by holistic environmental and development concerns.²⁰

The discussion paper made a case for preparing comprehensive new legislation instead of continuing with piecemeal, incremental reforms to the existing system. It argued only comprehensive reform could provide the basis for a fully integrated approval process.²¹ The other main goals of comprehensive reform were to:

- emphasise the purpose of controls rather than compliance with a set of rules;
- encourage innovation;
- define the roles and responsibilities of State and local government;
- integrate State and local government planning and development objectives;
- ensure decision-making takes account of all relevant considerations;
- provide fair and effective dispute resolution and enforcement mechanisms;
- recognise diversity;
- involve the community in decision-making processes; and
- provide planning processes that are easily understood and responsive to the needs of all sections of society.²²

In May 1995, the QDHLGP released a first draft of a *Planning, Environment and Development Assessment Bill* (PEDA Bill) for public comment. However, the enactment of the PEDA Bill was stalled when government changed hands in 1996. The new Coalition Government set up a task force to review the PEDA Bill. One year later, it produced the *Integrated Planning Bill 1997 (Qld)* (IP Bill). Like its immediate predecessor, the IP Bill(Qld) sought to implement the major recommendations of the Systems Review. The IP Bill(Qld) received bipartisan support in Parliament and became law on 1 December 1997.

²⁰ Department of Housing, Local Government and Planning, *New Planning and Development Legislation: A Discussion Paper* (Queensland Government, 1993) pp 15-17.

²¹ Department of Housing, Local Government and Planning, n 20, p 20.

²² Department of Housing, Local Government and Planning, n 20, p 22.

MAIN FEATURES OF THE INTEGRATED PLANNING ACT 1997 (QLD)

The IP Act, as with any other legislative reform, is a creature of the political and social environment in which it emerged. This section briefly describes the key reforms in the IP Act and shows how they were inspired by the contemporary trends outlined above.

The Integrated Development Assessment System

The Integrated Development Assessment System (IDAS) was the key procedural change in the IP Act and many would say the cornerstone of the IP Act reforms.²³ IDAS is an integrated process for dealing with and deciding development applications.²⁴ It is divided into four stages. Integration with State agencies is primarily achieved in the information and referral stage. In this stage, applications raising issues falling within the jurisdiction of State agencies are referred to those agencies for their advice or determination prior to a final determination by local government. In this way, IDAS allows all the assessable aspects of a proposed development under any State law to be considered and determined prior to a development decision being made by local government. IDAS is Queensland's version of the "one-stop shop" for development assessment, as advocated in the LARP recommendations. With emphasis on a streamlined, client-driven assessment service, IDAS conformed to all the goals of corporatised local government in the late 1990s.

Performance-based planning

In a sweeping reform to planning practice, the IP Act replaced prescriptive, zone-based planning instruments with more strategic and performance-based styles of planning. Under the IP Act, previously prescriptive zones became statements of policy only.²⁵ The intention was to provide flexibility, encourage innovation and make performance outcomes the chief criteria for decision-making.²⁶ New IP Act planning schemes would identify desired environmental outcomes for a planning scheme area²⁷ and use performance-based codes to facilitate the achievement of those outcomes.

Infrastructure charges and conditions

The IP Act introduced new mechanisms for funding infrastructure items associated with development.²⁸ Local governments were encouraged to adopt infrastructure charging schedules which would provide, in advance, a clear methodology for fixing infrastructure charges associated with development. The goal was to encourage local governments to adopt a more transparent way of doing business by importing certainty and objectivity into the process of setting development charges.²⁹ Because infrastructure charging schedules would indicate charges upfront, they could also stimulate competition between councils – all goals entirely consistent with the objectives of microeconomic reform.

Private certification

The IP Act made provision for properly accredited individuals to act as assessment managers for code assessable development applications governed by the Standard Building Law.³⁰ Private certifiers would be able to inspect and certify that work complies with a development permit, including

²³ Queensland Legislative Assembly, n 1, p 3,391.

²⁴ *Integrated Planning Act 1997* (Qld), s 3.1.1.

²⁵ *Integrated Planning Act 1997* (Qld), s 6.1.2(3).

²⁶ Yearbury K, "The Integrated Planning Act: Planning for the New Millennium" (1998) 35(4) *Australian Planner* 197.

²⁷ *Integrated Planning Act 1997* (Qld), s 2.1.3(1)(b).

²⁸ *Integrated Planning Act 1997* (Qld), Ch 5.1.

²⁹ England P, *Integrated Planning in Queensland* (2nd ed, Federation Press, 2004) p 27.

³⁰ *Integrated Planning Act 1997* (Qld), Dictionary and (previously) s 5.3.5-6. Private certification is now governed by the *Building Act 1975* (Qld), Ch 6.

conditions and applicable codes.³¹ Local governments would be able to act as private certifiers for development applications outside their particular territorial unit.³² In line with the NCP agenda, the objective was to promote competition and foster competitive neutrality between government and private businesses.

Ecological sustainability

The IP Act adopted ecological sustainability as the overarching purpose of the Act.³³ Ecological sustainability was defined as a balance that integrates protection of ecological processes, economic development and maintenance of the cultural, economic, physical and social wellbeing of people and communities.³⁴ Decision-makers were required to exercise their powers either in ways that would advance ecological sustainability³⁵ or at least have regard to it.³⁶ Ecological sustainability was described by the Minister in her second reading speech as an interpretation of ESD that is consistent with the specific context of planning and development legislation.³⁷

DEATH BY A THOUSAND CUTS: WHAT WENT WRONG WITH THE IP ACT?

Arriving with trumpet blast and promises galore, the IP Act, perhaps not too surprisingly, struggled to deliver on its major reforms right from the start. Critics lambasted the Act from all perspectives. Instead of pulling together the themes of public sector reform, the changing role of local government and ecological sustainability, the IP Act seemed to fail on all three fronts. Particular criticisms were levelled at: the procedural quagmire that was IDAS; the cost and complexity of IP Act planning schemes; and the status of environmental protection under the Act. Meanwhile, and in addition to these problems, the scale and extent of urban development in Queensland, especially South East Queensland, prompted the State government to seek new, less convoluted mechanisms for managing that growth. Incremental amendments to the IP Act were frequent and additional legislation addressing specific problems further complicated the planning regime.³⁸

In 2006, in the light of continuing criticism of the IP Act and with rapid urban growth continuing unabated, the State government decided to review the Act. The Department of Local Government, Planning, Sport and Recreation published an initial discussion paper in August 2006³⁹ and a subsequent report, *Planning for a Prosperous Queensland: A Reform Agenda for Planning and Development in the Smart State* (2007 Report), in 2007. These documents usefully catalogue a variety of stakeholder criticisms of the IP Act, the most significant of which are described below.

IDAS

From the moment of its birth, IDAS was subject to some harsh criticism. Practitioners grappling with the new Act identified problems with:

- *Timeframes and information requests*: Local governments were unable to meet the administrative deadlines in the statute and routinely sought extensions – or simply didn't get back to applicants at all.
- *Terminology*: Concepts such as material change of use, impact assessment etc were all new language for applicants, developers and administrators alike.

³¹ *Integrated Planning Act 1997* (Qld), s 5.3.5 (repealed).

³² *Integrated Planning Act 1997* (Qld), s 5.3.6 (repealed).

³³ *Integrated Planning Act 1997* (Qld), s 1.2.1.

³⁴ *Integrated Planning Act 1997* (Qld), s 1.3.3.

³⁵ *Integrated Planning Act 1997* (Qld), s 1.2.2(1)(a).

³⁶ *Integrated Planning Act 1997* (Qld), s 1.2.2(1)(b) and (c).

³⁷ Queensland Legislative Assembly, n 1, p 4,087.

³⁸ See, for instance, the *Urban Land Development Authority Act 2007* (Qld) and *Iconic Queensland Places Act 2008* (Qld).

³⁹ Department of Local Government, Planning, Sport and Recreation (DLGPSR), *Dynamic Planning for a Growing State: Options for improving Queensland's Integrated Planning Act, 1997 (IP Act) and Integrated Development Assessment System (IDAS)* (Queensland Government, 2006).

- *High administrative costs:* IDAS involves up to four procedural stages, including a referral stage when copies of some applications must be referred to State agencies for their input. For applicants, each of those stages incurred an administrative cost as well as an economic cost in the waiting time before development was approved.
- *Lack of resources, staff and training:* Perhaps the biggest weakness of all was the lack of ongoing institutional support for local governments to help them understand and implement the new procedures.⁴⁰

Developers were not the only people unhappy with the IP Act. A major concern for local governments was the poor quality of development applications as the requirements for submitting a properly made development application were very few.⁴¹ Poor quality applications often required extended information requests and were blamed for some of the delays in processing.

Another aspect of IDAS that led to enduring criticism was the legal complexity (and constant change) associated with the roll-in of referral agencies.⁴² In order to make IDAS an integrated “one-stop shop” for development approvals, as envisaged by the drafters of the IP Act, all State agencies administering any related licensing schemes for new development needed to be given an opportunity, within IDAS, to provide feedback and impose conditions on relevant applications. Assimilating the legislation and jurisdictional requirements for 60 approval processes proved a monumental task. There were problems with definitional terms and institutional rivalries.⁴³ To fully comprehend the jurisdiction of each IDAS referral agency, regard must be had not only to the IP Act but to the relevant legislation and policies administered by that agency.⁴⁴ In this respect, IDAS could never be a “one-stop shop” and, in retrospect, claims made about the IP Act’s ability to “sunset about 6,000 pages of regulation”⁴⁵ look simply naïve.

By 2006, almost all legislation relevant to new development had been more or less integrated into the IP Act and, in general, the 2007 Report applauded the success of this major reform program. It did, however, acknowledge the need to reduce some of the complexity that had arisen due to the breadth of the IDAS agenda.⁴⁶ The 2007 Report also acknowledged feedback suggesting IDAS decision-making rules were complex, unreliable and sometimes ineffective.⁴⁷ In general, there seemed to be more focus on compliance with the IDAS process and its timeframes rather than on good development outcomes.⁴⁸

IP Act planning instruments

Although IDAS received the lion’s share of stakeholder criticisms, drafting and implementing IP Act-based planning schemes also proved problematic. For a start, the scope of an IP Act planning scheme was considerably more extensive than planning schemes under previous legislation. IP Act planning schemes had to consider: land-use and development; map out existing and planned future

⁴⁰ England P, “Damage Control or Quantum Leap? Stakeholder Feedback on the Integrated Planning Act” (1999) 8(2) *Griffith Law Review* 32.

⁴¹ DLGPSR, n 2; Schomburgk C, “Efficiency and Effectiveness Under IDAS – Pipe Dreams or Potentials?” in *What Cost the Tick?* (QELA Conference Proceedings, 2003).

⁴² Schomburgk, n 41; Fogg A, “IP Act – Does Its Reach Exceed Its Grasp?” (2004/2005) 10(47) *QEPR* 63; Meurling R, “IDAS: More or Less Integrated?” (2005) 11 *LGLJ* 74; Miller D, *IP Act: The Seven Year Itch or Continual Rash?* (QELA Annual Conference Proceedings, Couran Cove Island Resort, 18-20 May 2005); Walton M, “The ‘Not So’ Integrated Development Assessment System: Is IDAS Really a One Stop Shop?” (2005/2006) 11(52) *QEPR* 66.

⁴³ Carpenter J, “Learning from the Roll-In into IDAS – Partial or Complete?” in *What Cost the Tick?*, n 41; England, n 29, p 140.

⁴⁴ Meurling, n 42.

⁴⁵ Queensland Legislative Assembly, n 1, p 4,088.

⁴⁶ DLGPSR, n 2, p 2.

⁴⁷ DLGPSR, n 2, p 2.

⁴⁸ DLGPSR, n 2, p 2.

infrastructure; and identify valuable features of economic, ecological or cultural significance.⁴⁹ Local governments were required to integrate State and regional dimensions into their planning schemes with the assistance of various public sector entities during the “State interest check” on draft planning schemes.⁵⁰ With all these considerations to be included, many local governments found preparing IP Act planning schemes a time-consuming, budget draining task.⁵¹

Another problem for drafters of IP Act planning schemes was their lack of training in how to draft truly performance-based planning schemes. In general, previous, zone-based planning schemes were revised to reflect the fundamental premise that no development could be prohibited outright,⁵² desired environmental outcomes were stated but usually only in very broad terms, some additional planning objectives might be described and any number of detailed codes, with performance criteria and acceptable solutions in tow, were all brought within the scope of the new look IP Act planning schemes. The result was some very large planning schemes offering plenty of scope for internal contradictions. Once they were up and running, these monolithic planning schemes actually could not and did not prohibit any type of development at all due to the IP Act’s requirement that no particular type of development could be prohibited outright.⁵³ As in the old days (and perhaps inevitably), everything was negotiable and the scope for discretion seemed only to have grown. Only compliance with Acceptable Solutions seemed to offer a sure and fast track to development approval – but if every developer relied on them, how could the innovation and creativity envisaged by the early advocates of performance-based planning be genuinely realised?⁵⁴

A priority infrastructure plan (PIP) is the part of a local planning scheme that indicates anticipated future infrastructure development. All local governments are required to prepare a PIP, as they are used as a basis from which to calculate various types of infrastructure charge.⁵⁵ However, drafting PIPs proved to be a major challenge for local governments and, more than 10 years after the enactment of the IP Act, most councils still rely on transitional infrastructure policies as the basis for setting development charges.⁵⁶ Not surprisingly, feedback on infrastructure charges, as reported in the 2007 Report, highlighted the need to improve stakeholder understanding of PIPs, to simplify their design and provide greater assistance to councils for their preparation.⁵⁷

The 2007 Report identified some additional concerns about local planning schemes. With respect to local planning schemes, the main concerns related to their overall complexity and the lack of any consistency across different planning schemes. There was no common format, structure or terminology in use across the planning schemes of different councils. There was a need for greater training and support from the department.⁵⁸ In general, public understanding of planning schemes and planning processes was rated low, giving rise to calls for greater public engagement in planning scheme preparation. In addition, environment and climate change were said to be issues given insufficient attention in local planning schemes.⁵⁹

State and regional planning policy

One of the objectives of the IP Act was to better integrate State, regional and local planning concerns. However, in the original IP Act, the mechanisms for doing this were relatively few in number and

⁴⁹ *Integrated Planning Act 1997* (Qld), s 2.3A.

⁵⁰ *Integrated Planning Act 1997* (Qld), ss 2.13, 2.1.4, Sch 1.

⁵¹ DLGPSR, n 2, p 8.

⁵² *Integrated Planning Act 1997* (Qld), s 2.1.23.

⁵³ *Integrated Planning Act 1997* (Qld), s 2.1.23.

⁵⁴ England, n 29, p 155.

⁵⁵ *Integrated Planning Act 1997* (Qld), s 2.1.3.

⁵⁶ DLGPSR, n 2, p 6.

⁵⁷ DLGPSR, n 2, pp 7, 70.

⁵⁸ DLGPSR, n 39, p 29.

⁵⁹ DLGPSR, n 39, p 63.

weak in their actual impact. The State interest check for draft planning schemes, for instance, caused lengthy delays and relied on the goodwill and resources of public sector entities working to a myriad of agendas.⁶⁰ Regional planning fared even more poorly than State planning policy under the original IP Act. Despite the extensive deliberations of committees such as the SEQ Regional Organisation of Council, their existence relied on the discretion of the Minister, their status remained voluntary and their outputs remained advisory.⁶¹ At best, their deliberations could be incorporated into a State planning policy which could be applied State-wide or to specific regions within the State.

The arrival of the South East Queensland Regional Plan (SEQ Regional Plan) in 2005 confirmed the inadequacies of the IP Act, as originally conceived, in the realm of State and regional planning. The SEQ Regional Plan, Queensland's first ever statutory regional plan, provides a framework for managing growth, change, land-use and development in SEQ across a 20-year timeframe.⁶² It is the State government's pre-eminent strategic document for dealing with regional development issues in SEQ, including rapid population growth. In 2004, the IP Act was amended to give appropriate legal weight to the SEQ Regional Plan and, in 2007, the Act was amended again to cater for statutory regional plans in other regions of Queensland.⁶³ Thus, by the time the SP Act was being drafted, the State had already introduced the reforms it needed to deliver on its regional planning agenda – but in so doing it had created additional complexity and generated some uncertainty about the interrelationship between different State planning instruments. Confirming these problems, stakeholder feedback in the 2007 Report identified an ongoing need for: clearer, more consistent use of State planning instruments; better coordination between different levels of government; access to more and better information about State policies; and more community input into the preparation of State planning instruments.⁶⁴

Ecological sustainability and community participation

Although the IP Act made achieving ecological sustainability the overarching objective of the Act, some critics doubted the sincerity of the Act's environmental credentials. They contrasted the NSESD definition of ESD, which hinges on "maintaining" the ecological processes on which life depends as its bottom line, with the notion of an "integrated balance" in the definition of ecological sustainability. The latter, they argued, had no bottom line and would be ineffectual in raising the status of environmental protection under the Act.⁶⁵ That argument was endorsed in at least one early case.⁶⁶ Also problematic was the established legal principle favouring specific assessment criteria (as stated in Ch 3 of the IP Act) over and above more general ones.⁶⁷ In practice, the objective of the Act has seldom been relied upon in court proceedings.

At another level, some commentators criticised the lack of rigorous environmental impact assessment (EIA) processes in the Act, arguing no amount of performance-based planning could adequately replace the well-trodden path of EIA.⁶⁸ These issues, combined with the absence of public notification and appeal rights for all code assessable development, meant the IP Act found few friends

⁶⁰ Rowe W and Papageorgiou M, "The Cost of the Gold Coast City Council's IP Act Compliant Planning Scheme" in *What Cost the Tick?*, n 41.

⁶¹ *Integrated Planning Act 1997* (Qld), s 2.5.2

⁶² Office of Urban Management, *South East Queensland Regional Plan 2005-2026*, p 3; Office of Urban Management, *South East Queensland Regional Plan 2009-2030*, p 4.

⁶³ *Integrated Planning Act 1997* (Qld), Pt 5A.

⁶⁴ DLGPSR, n 39, p 55.

⁶⁵ Bragg J, "Will IP Act Protect the Environment?" in *Procedural Evolution and Integration* (QELA Annual Conference Proceedings, Sanctuary Cove, 1998).

⁶⁶ *Elliot v BCC* [2002] QPEC 013 at [33].

⁶⁷ England, n 29, p 38.

⁶⁸ Brown A and Nitz T, "Where Have All the EIAs Gone?" (2000) 17 EPLJ 89; Leong M, "Comparative Analysis of EIA under the IP Act, 1997 and the Local Government (Planning and Environment) Act, 1990" (1999) 4(18) *Queensland Environmental Practice Reporter* 87.

amongst advocates of more participatory planning. Confirming these concerns, the 2007 Report found:

On the whole, individual members of the community, community groups and environmental groups all expressed a strong degree of disempowerment and disillusionment with the negotiation process. They expressed concern and a loss of faith in the process of making submissions on development applications because this is perceived to have little, if any, influence over the outcome.⁶⁹

Dispute resolution

The 2007 Report unveiled continuing dissatisfaction with the available avenues for resolving planning disputes. Recourse to the courts was regarded as an overly legalistic and expensive solution for community representatives. It was felt that legal processes or technicalities could too often be used to thwart good planning outcomes.⁷⁰

Reflecting on the criticisms of the IP Act, as documented in the 2007 Report and elsewhere, is a sobering exercise. In 1991, the Systems Review had set out to: reduce fragmentation; increase flexibility; improve coordination; enhance public participation; improve understanding of the system and extend the environmental assessment of development. It argued in favour of comprehensive and radical reform to fix these problems – and so the *Integrated Planning Act 1997*, was born. Sixteen years later the fruit of that labour, the IP Act, was lambasted for its failure to live up to expectations on any of these major reform objectives. How could they get it so wrong? Is there anything that can be done to improve on this performance or are these simply the perennial and irremediable weaknesses of a modern planning bureaucracy?

MAIN REFORMS IN THE SUSTAINABLE PLANNING ACT 2009 (QLD)

As if never to be defeated, the SP Act, aims to implement: “[A] significantly improved and streamlined land use planning and development framework”, including “streamlining...clarity... greater flexibility and responsiveness”.⁷¹ To that end, the SP Act includes a myriad of small reforms as well as some more significant ones. In particular, the SP Act recognises that, in order for procedural integration to deliver on the goal of a streamlined, more efficient planning system, there must be: more proactive management by the State; greater standardisation; and a risk-based approach to development assessment.⁷² The following section reviews the major reforms that aim to deliver on this strategy.

Standard planning scheme provisions

The most sweeping reform in the SP Act is the standardisation of planning schemes throughout Queensland. In the future, there will be one uniform format for all Queensland planning schemes. All planning schemes will apply consistent terminology, rely upon a fixed suite of zoning categories and overlays, and include a number of common, State-determined planning principles. The standard planning scheme provisions (or Queensland Planning Provisions) may include specific codes and, in a clear break with the original philosophy of the IP Act,⁷³ may even include particular prohibitions on development.⁷⁴

Local governments will be free to add their own content to that of the standard planning scheme provisions but, in the event of a conflict between State and local content, the local content will simply not apply.⁷⁵ The standard planning scheme provisions will be adopted gradually at the time when each current planning scheme falls due for review.⁷⁶ The adoption of standard planning scheme provisions

⁶⁹ DLGPSR, n 2, p 52.

⁷⁰ DLGPSR, n 2, p 96.

⁷¹ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 2.

⁷² DLGPSR, n 2, p ii.

⁷³ *Integrated Planning Act 1997* (Qld), s 2.1.23.

⁷⁴ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 33; *Sustainable Planning Act 2009* (Qld), Ch 2, Pt 5.

⁷⁵ *Sustainable Planning Act 2009* (Qld), s 53.

⁷⁶ *Sustainable Planning Act 2009* (Qld), s 55.

follows the model set by Victoria's *Planning and Environment Act 1987* (Vic), which first allowed for standardised Victorian Planning Provisions in 1987.

The use of standard planning scheme provisions speaks clearly to the agenda of streamlining, cost cutting and improving efficiency across the planning system. Even the most stalwart defenders of local government autonomy should welcome the opportunity to focus on policy not terminology, especially when local government resources are limited and planning expertise is in short supply. Standardisation should lessen the technical complexity of planning schemes and may, over time, reduce the number of legal disputes that turn on procedural and technical matters.

Despite these welcome benefits, the standard planning scheme provisions are controversial in at least one respect. Inevitably, standardisation creates opportunities for greater oversight or control by the State, which has acquired a new power to directly influence local planning strategy. On one view, this power enhances consistency and the overall effectiveness of planning schemes.⁷⁷ A more cynical view might suggest this demonstrates yet another attempt to monopolise ever greater planning powers in the hands of State government. Symptomatic of this trend is the Minister's power to include types of prohibited development in the standard planning scheme provisions.⁷⁸ This is a new power in the SP Act, which replaces one of the founding principles of the IP Act – that no particular type of development could be absolutely prohibited.⁷⁹ While many local governments were unhappy with the former "prohibition on prohibitions" in the IP Act, they may be equally unimpressed that, in the SP Act, power to prohibit development rests with the State.⁸⁰

Consolidation and clarification of State planning powers

As noted above, by the time the SP Act was being drafted, the State had already introduced the reforms it needed to deliver on its regional planning agenda; however, in so doing it had created additional complexity and generated some uncertainty about the roles of different State planning instruments. To deal with these issues, the SP Act clarifies the hierarchy of all planning instruments. State planning regulatory provisions now sit at the top of this hierarchy, followed by regional plans, State planning policies and then local planning schemes.⁸¹ When development applications are assessed, any applicable State planning regulatory provisions must be observed⁸² and all other planning instruments must be observed except in a few defined circumstances.⁸³

The SP Act creates an opportunity for more State planning policies and more State planning regulatory provisions in the future by providing that both these types of instrument may now be made by the Planning Minister or by that Minister and another eligible Minister acting together.⁸⁴ Previously only the Planning Minister could make these instruments, which may help to account for the relatively small number of State planning policies brought into effect under the IP Act. In the SP Act, Ministers opting to use the State regulatory provisions have access to some very real planning powers – they may prohibit particular types of development, prescribe particular levels of assessment and generally regulate development – so they may become a much more popular option.⁸⁵

The accumulated impact of these new measures is a significant extension of the State's involvement in planning policy.

⁷⁷ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 49.

⁷⁸ *Sustainable Planning Act 2009* (Qld), ss 88, 231.

⁷⁹ *Integrated Planning Act 1997* (Qld), s 2.1.23.

⁸⁰ Reynolds S and Schneider M, *The Sustainable Planning Bill, 2009: An Introduction to Queensland's New Planning Legislation* (QELA Seminar Proceedings, 6 July 2009) p 2.

⁸¹ *Sustainable Planning Act 2009* (Qld), ss 19, 26, 43.

⁸² *Sustainable Planning Act 2009* (Qld), ss 327, 329.

⁸³ *Sustainable Planning Act 2009* (Qld), s 326.

⁸⁴ *Sustainable Planning Act 2009* (Qld), ss 20, 44.

⁸⁵ Reynolds and Schneider, n 80, p 14.

New types of development and approval categories

The SP Act expands on the range of development categories. First, there is scope for the Minister to declare certain types of development prohibited in part or all of the State.⁸⁶ A development application cannot be made for prohibited development.⁸⁷ The Minister may use Sch 1, a State planning regulatory provision, or the standard planning scheme provisions to identify prohibited development.⁸⁸ Compensation is not payable when development becomes prohibited by virtue of a State planning instrument.⁸⁹ Local governments may only prohibit development in their own schemes if the standard planning scheme provisions allow it.⁹⁰

Another new development category is Compliance Assessable development.⁹¹ This category has been designed to offer a form of bounded assessment, judged suitable where:

- clear technical standards are available;
- the exercise of broad discretion in determining compliance is not necessary; and
- integrated referrals are unnecessary⁹²

Compliance assessment may occur in two situations. It may be applied in the first stage of IDAS to assess and authorise development to occur by way of a Compliance Permit.⁹³ It may also be used in the last stage of IDAS as a compliance mechanism for development approved subject to conditions, leading in this case to the issue of a Compliance Certificate.⁹⁴ In either case, Compliance Assessment may be carried out by either: a local government; a public sector entity; or a nominated entity of local government when a relevant instrument or approval specifically allows for this.⁹⁵ In every case, the compliance assessor must assess the development, document or work only against the matters identified in a regulation, State regulatory planning instrument, relevant instrument or condition.⁹⁶ Development may be classed as Compliance Assessable by a wide range of instruments including: a regulation; a State Planning Regulatory Provision; a structure or master plan; a local planning scheme; or a development approval.⁹⁷

The SP Act includes a powerful new provision allowing applicants to claim the benefit of a deemed approval for their code assessable development applications if these applications are not determined by the relevant assessment manager within the statutory timeframes.⁹⁸ In order to do so, an applicant must give written notice, in the approved form to the assessment manager and any other entities entitled to a copy of the decision notice.⁹⁹ The assessment manager is taken to have approved the application from the day it receives this deemed approval notice.¹⁰⁰ It has 10 days in which to respond to the applicant with a decision notice indicating it approves the development with or without

⁸⁶ *Sustainable Planning Act 2009* (Qld), s 231.

⁸⁷ *Sustainable Planning Act 2009* (Qld), s 239.

⁸⁸ *Sustainable Planning Act 2009* (Qld), ss 21, 53, Sch 1.

⁸⁹ *Sustainable Planning Act 2009* (Qld), s 706.

⁹⁰ *Sustainable Planning Act 2009* (Qld), s 88.

⁹¹ *Sustainable Planning Act 2009* (Qld), s 231.

⁹² *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 207.

⁹³ *Sustainable Planning Act 2009* (Qld), s 232.

⁹⁴ *Sustainable Planning Act 2009* (Qld), s 397

⁹⁵ *Sustainable Planning Act 2009* (Qld), s 399

⁹⁶ *Sustainable Planning Act 2009* (Qld), s 403.

⁹⁷ *Sustainable Planning Act 2009* (Qld), ss 396, 397.

⁹⁸ *Sustainable Planning Act 2009* (Qld), ss 330-333.

⁹⁹ *Sustainable Planning Act 2009* (Qld), s 331.

¹⁰⁰ *Sustainable Planning Act 2009* (Qld), s 331(5).

conditions.¹⁰¹ If the assessment manager fails to issue a decision notice, any applicable standard conditions made by the Minister will apply to the development.¹⁰² They are taken to have been imposed by the assessment manager.¹⁰³

Previously the consequence of any failure to determine an application within the statutory timeframe was a deemed refusal. Certain types of code assessable development are exempt¹⁰⁴ but the ambit of the deemed approval provision is still wide and may lead local governments to reconsider their use of the code assessable development category.¹⁰⁵ The new section demonstrates the State government's commitment to ensuring timely assessment – albeit at the expense of local governments' entitlements. The application of standard conditions may prevent any serious abuse of the deemed approvals provision. Standard conditions may even work to the advantage of local governments. For instance, they could choose to use the standard conditions as the basis for their own conditions or choose to rely on them entirely if they cannot meet the IDAS deadlines. However, to ensure the standard conditions act as an effective safeguard on the quality of deemed approvals, there needs to be:

- a comprehensive suite of standard conditions in place;
- an opportunity for local governments to revise their planning schemes to reallocate some code assessable development if necessary; and
- widespread adoption of the standard planning scheme provisions, which should give greater guidance on types of code assessable development etc.

The SP Act aims to implement a modular and risk-based approach to development assessment so that all development applications receive a level of assessment appropriate to their complexity.¹⁰⁶ Relatively straightforward applications should not be allowed to clog up the approval system but more complex applications require thorough assessment. With the dramatic shift to deemed approvals for code-assessable applications that are not determined within the statutory timeframes, it will be more important than ever for local governments to apply a risk-based approach to development assessment.

Other changes to IDAS

While preserving the overall form of IDAS, the SP Act includes many small procedural changes designed to enhance its efficiency. These include:

- new requirements to improve the quality of initial development applications, including electronic development applications;¹⁰⁷
- limited opportunities to revive applications which lapse due to a minor error on the part of the applicant;¹⁰⁸
- reductions in the length of IDAS timeframes applying to applicants' actions (such as responding to information requests;¹⁰⁹ and
- simplified processes for making minor changes to applications and permissible changes to approvals.¹¹⁰

In addition to these procedural reforms, the assessment rules for code and impact assessable

¹⁰¹ *Sustainable Planning Act 2009* (Qld), s 331(6).

¹⁰² *Sustainable Planning Act 2009* (Qld), s 332.

¹⁰³ *Sustainable Planning Act 2009* (Qld), s 332(4).

¹⁰⁴ *Sustainable Planning Act 2009* (Qld), s 331.

¹⁰⁵ Reynolds and Schneider, n 80, p 6.

¹⁰⁶ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 114.

¹⁰⁷ *Sustainable Planning Act 2009* (Qld), ss 261-263.

¹⁰⁸ *Sustainable Planning Act 2009* (Qld), ss 274, 280, 303.

¹⁰⁹ *Sustainable Planning Act 2009* (Qld), s 279.

¹¹⁰ *Sustainable Planning Act 2009* (Qld), ss 351, 369-376.

development have been revised in part to clarify the relative weight of different assessment criteria.¹¹¹ In particular, both types of assessment must be assessed “against” some criteria and with “regard to” some other relevant considerations.

For code assessment, the greatest change is the removal of the IP Act’s requirement to approve an application that is consistent with the applicable codes or one that can be made consistent by the inclusion of conditions.¹¹² This change – which seems to demonstrate yet another erosion of performance-based planning – has been made because, over time, code assessable development had become subject to an increasingly wide range of decision-making criteria so the presumption in favour of approval was no longer felt to be workable. For code assessable development the presumption is now said to be “in favour of policy not approval”.¹¹³ In its place, compliance assessment will reflect the presumption in favour of approval (subject to compliance with the terms of a certificate or permit).

The Explanatory Notes assert that code assessment remains a “bounded” exercise as decision-makers are not entitled to look beyond the matters stated in s 313 when making their decisions.¹¹⁴ As these matters include a new instruction to “have regard to the purposes of any instrument containing an applicable code” (instead of just the purpose of the code itself), it is clear that, despite its ostensibly bounded nature, code assessment entails an element of strategic interpretation.¹¹⁵

With respect to impact assessment, the main change is a clarification of the decision rules governing any assessment that entails conflict with an applicable planning instrument. A State planning regulatory provision must always be observed¹¹⁶ but with respect to other planning instruments a conflicting decision is possible if:

- the conflict is necessary to ensure compliance with a State planning regulatory provision; or
- there are sufficient grounds to justify the decision despite the conflict; or
- there is conflict either between two planning instruments of the same type or within one applicable instrument, in which case the decision should best achieve the purpose(s) of those instruments.¹¹⁷

The previous requirement to comply strictly with a planning scheme’s desired environmental outcomes (subject to any overriding State planning instruments) has been deleted.¹¹⁸

These sections entrench trends that were emergent in the IP Act, but were poorly expressed. Consistent with the hierarchy of planning instruments, these provisions entrench the unassailable status of State planning regulatory provisions while allowing some essential flexibility in the application of other instruments – but only in the event they contain a conflict within themselves or between each other, or in the (unlikely) event there are sufficient grounds to override an applicable planning instrument. As the Explanatory Notes state, “departures from these relevant instruments should only be by exception”.¹¹⁹ Although the difference between the nature of code and impact assessment has continued to be eroded, it remains the case that, for code assessment, the “sufficient grounds” exception is limited to the matters stated within s 24 (which exclude any common law considerations) and public submissions (due to the lack of public notification) are an irrelevant consideration.

¹¹¹ *Sustainable Planning Act 2009* (Qld), ss 313, 314.

¹¹² *Integrated Planning Act 1997* (Qld), s 3.5.13(2).

¹¹³ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 11.

¹¹⁴ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 160.

¹¹⁵ *Sustainable Planning Act 2009* (Qld), s 313(3)(d).

¹¹⁶ *Sustainable Planning Act 2009* (Qld), s 324.

¹¹⁷ *Sustainable Planning Act 2009* (Qld), s 326.

¹¹⁸ *Integrated Planning Act 1997* (Qld), s 3.5.14(2)(a).

¹¹⁹ *Sustainable Planning Bill 2009* (Qld), Explanatory Notes, p 170.

Compensation entitlements

Under the IP Act, people who suffered an adverse effect on the development potential of their land by reason of a change in a planning scheme were entitled to submit a development application (superseded planning scheme) within two years of the change.¹²⁰ On receipt of an application of this type, local governments could choose to decide the application according to the previous planning scheme or the new planning scheme.¹²¹ If they chose the latter, they were liable to pay compensation equivalent to any diminished development opportunity arising by virtue of the new scheme provisions.¹²² The SP Act retains the opportunity for applicants to make development applications (superseded planning schemes) but reduces the timeframe for these applications from two years to 12 months.¹²³ These provisions relate solely to changes made by local governments to their planning schemes, not State entities.¹²⁴ The reduced timeframe for claiming this type of compensation is symptomatic of the SP Act's drive to prioritise timely, policy-based decision-making over and above all other considerations. It is consistent with the reduced timeframes for applicants' actions under IDAS and another indication that, in the search for ever greater efficiencies, even development applicants have had to concede some of their rights in the development assessment process.

Dispute resolution

The SP Act significantly enlarges the jurisdiction of the Building and Development Tribunal, which has now become the Building and Dispute Resolution Committee.¹²⁵ Applicants and assessment managers may now seek declarations from the committee on a range of procedural issues relating to IDAS.¹²⁶ The committee can also hear appeals by applicants with respect to material change of use applications for Class 1 and Class 10 buildings except when the approval involved impact assessable development and properly made submissions were received by the assessment manager.¹²⁷ Across a range of approval types, the committee's jurisdiction extends to reviewing development conditions and determining the extent of permissible changes to a development approval.¹²⁸ A regulation may prescribe other matters that may be referred to the committee.¹²⁹ An appeal from the Building and Dispute Resolution Committee to the Planning and Environment Court is possible on grounds the committee made an error or mistake in law.¹³⁰

The new powers of the Building and Dispute Resolution Committee represent a determined effort to divert many planning disputes away from the Planning and Environment Court, which continues as the more formal, legal avenue for resolving planning disputes. The goal is to provide more accessible, cost-effective dispute resolution.¹³¹

CONCLUSION

The *Sustainable Planning Act 2009* embodies significant reforms which should make the administration of Queensland's integrated planning system less complex and unwieldy. As with the IP Act, integration and cost-effective and speedy development assessment remain core goals of the SP Act but the strategies for implementing these goals now include: greater standardisation; proactive

¹²⁰ *Integrated Planning Act 1997* (Qld), s 5.4.2.

¹²¹ *Integrated Planning Act 1997* (Qld), s 3.2.5.

¹²² *Integrated Planning Act 1997* (Qld), s 5.4.2.

¹²³ *Sustainable Planning Act 2009* (Qld), s 95.

¹²⁴ *Sustainable Planning Act 2009* (Qld), s 704.

¹²⁵ *Sustainable Planning Act 2009* (Qld), s 502.

¹²⁶ *Sustainable Planning Act 2009* (Qld), ss 510-513.

¹²⁷ *Sustainable Planning Act 2009* (Qld), s 519.

¹²⁸ *Sustainable Planning Act 2009* (Qld), ss 519-525.

¹²⁹ *Sustainable Planning Act 2009* (Qld), s 526.

¹³⁰ *Sustainable Planning Act 2009* (Qld), s 479.

¹³¹ DLGPSR, n 2, p 25.

management by the State; and a greater emphasis on risk-based assessment. These are different, yet complementary, strategies to those employed by the IP Act – an evolution not a revolution for planning law in Queensland.

Adherence to a performance-based approach seems much less dogmatic in the SP Act than in the IP Act. Code assessable development, for instance, now involves a presumption in favour of policy rather than approval. Despite including some performance-based assessment provisions, the IP Act always contained a focus on strategic, policy-based assessment and that approach seems finally to have won the day. The policy that will be applied, however, is more likely than ever to be influenced by the State. In the SP Act, the State has consolidated and expanded on its ability to steer the development assessment machine. With the enactment of the SP Act, greater State control and oversight of Queensland's planning system now seem entrenched. Although they may not claim to be radical, these reforms are likely to be far-reaching.