

Development Control Plans

This fact sheet provides an overview of the changes to the operation of Development Control Plans under the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023 (the Bill).

What are Development Control Plans?

Development Control Plans (DCPs) have been in operation for over thirty years. They are historic mechanisms that govern the planning intent for larger scale development, through the assessment and approval of a series of increasingly specific plans. They have remained in effect through a series of transitional provisions in successive Queensland planning legislation.

There are three DCPs in effect across Queensland –

- Springfield Structure Plan in the Ipswich City Council area
- Mango Hill Infrastructure Development Control Plan in the Moreton Bay City Council area
- Kawana Waters Development Control Plan 1 in the Sunshine Coast Regional Council area.

Why are the changes to the operation of DCPs necessary?

Development assessment in DCP areas works differently to the rest of the State. As provisions have transitioned through different planning legislation, there has been confusion about the process that applies.

In 2022, the Planning and Environment Court considered *JH Northlakes Pty Ltd v Moreton Bay Regional Council* [2022] QPEC 18 (Northlakes judgement). The Northlakes judgement found that development assessment in development control plans must be made, assessed and decided using the Integrated Development Assessment System created under the repealed *Integrated Planning Act 1997* (IPA). The Northlakes judgement raised significant questions regarding previous approvals granted within the area, potentially affecting many housing developments.

The Northlakes judgement also means that development applications in a DCP area are required to be made, assessed and decided using an outdated assessment and decision process that is unfamiliar, complicated and not as intended under the *Planning Act 2016*.

Key features

- Validates development approvals in DCP areas.
- Applies the assessment process under the Planning Act to development applications in DCP areas.
- DCPs continue to categorise development, dictate assessment levels and the set relevant assessment benchmarks.
- Supporting amendments to the Planning Regulation will ensure the process is clear.

What does the Bill do?

The Bill validates approvals given since the repeal of IPA and modernises the development assessment system applying to development control plan areas.

The Bill ensures that development applications are made, assessed and decided under the Planning Act.

The DCPs will remain in effect and still control development as intended. The DCPs will continue to categorise development, dictate assessment levels and set the relevant assessment benchmarks.

To give effect to the changes in the Bill, supporting amendments will be made to the Planning Regulation to clarify the relationship between the DCP, a local planning scheme and the Planning Regulation to ensure the proper process is clear.

These amendments will also clarify when development should be referred to the State for assessment.

No changes to the plan application process under a DCP are proposed.



What does the Bill change?

Amendments are made to the *Planning Act 2016* and *Planning Regulation 2017*.

Proposed amendments ¹	
Planning Act	<p>The Bill validates previously granted development approvals in development control plan areas. The validation provisions will commence on the day the Bill amends the Planning Act.</p> <p>The Bill also modernises the assessment framework that applies to development in development control areas by:</p> <ul style="list-style-type: none"> • Applying the development assessment process under the Planning Act • Retaining the role of a development control plan in categorising development and assessment and setting assessment benchmarks • Enabling the Planning Regulation to set out the matters for applying and interpreting development control plans, and their relationship with the regulation and local government planning schemes. <p>These provisions will commence at the same time as the supporting amendments to the Planning Regulation.</p>
Planning Regulation	<p>Amendments to the Planning Regulation will set out matters for applying and interpreting development control plans and how they will work within the regulation and with their respective planning schemes. This may include:</p> <ul style="list-style-type: none"> • Translating terms used in development control plans to those used under the Planning Act • Identifying the parts of the regulation that do and don't apply, e.g. a development control plan prevails over Schedules 6, 7 and 9 of the Planning Regulation to the extent of inconsistency • Clarifying the assessment manager for applications in line with how the plans currently operate • Apply referral triggers to development that is categorised as assessable under the development control plan, and to development that is not categorised (i.e. it is silent).

Further information

For further information please contact the Department of State Development, Infrastructure, Local Government and Planning via planning4housing@dsdilgp.qld.gov.au.

¹ The table below provides indication of the nature of the amendments.