

Module	QLG – LAND USE, PLANNING, DEVELOPMENT AND BUILDING CONTROL
Jurisdictions	QLD
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Module Application

The QUEENSLAND LOCAL GOVERNMENT – LAND USE, PLANNING, DEVELOPMENT AND BUILDING CONTROL module informs Queensland local government entities that play an integral role in relation to land use, planning, development and building control as to their duties and responsibilities when assessing development applications and ensuring compliance. It also informs the local government entities as they co-operate with state and federal government departments and agencies in relation to environmental conservation, heritage considerations and development in general.

The QUEENSLAND LOCAL GOVERNMENT – LAND USE, PLANNING, DEVELOPMENT AND BUILDING CONTROL module focuses on the role of the local government in relation to land use, planning, development and building control in the local area and its responsibilities and accountability to relevant state and federal government departments and agencies.

The module covers the authority of local government with regard to planning for land use including;

- › Establishing and adhering to planning instruments and planning schemes and authorising changes to them in accordance with strategic planning outcomes;
- › Making and changing planning scheme policies;
- › Notification and publishing of changes to the Chief Executive of the department of state development, infrastructure and planning;
- › Continuation and registration of existing uses of land (previously allowed uses of land and requirements in this regard);
- › Making and changing local government infrastructure; and
- › Designation.

The module also covers state interests and how they intersect with local government planning. The identified state interests all fall into one of these categories;

- › Economic growth;
- › Liveable communities and housing;
- › Environment and heritage;
- › Infrastructure; and
- › Safety and resilience to hazards.

Local government planning must factor these state interest considerations into account when reviewing and deciding applications;

- › Access to mining and extractive resources;
- › Support of economic activity;
- › Communities and housing;
- › Protection of biodiversity and water quality;
- › Protection of cultural heritage;
- › Protection of the coastline;
- › Managing the risk of natural disasters; and
- › Energy, water and transport infrastructure.

Importantly the module also covers;

- › Notification requirements relating to development;
- › The acquisition of land for planning purposes in accordance with legal requirements;
- › State government delegation to local government and requirement to make decisions within the scope of local government responsibility;
- › The process for assessment and factors that must be considered with regard to development applications;
- › Charges and agreements for the provision of trunk infrastructure; and
- › The requirement for all planning activities to be conducted in a manner that promotes conservation and considers both long and short term environmental impacts at the local, regional, state, and federal levels.

As well, the module also covers the role and responsibilities played by various departments in planning and development including;

- › The State Assessment and Referral Agency (SARA) which is always responsible for making decisions about developments that have an impact on Queensland heritage places and native vegetation;
- › The Coordinator-General of the Department of State Infrastructure, Development and Planning (coordinator-general) which is always responsible for taking and deciding applications for development proposed to take place within a state development area;
- › Economic Development Queensland which is responsible for taking and deciding applications for development proposed to take place within priority development areas.

In relation to referral agencies the module also covers;

- › How the referral process works and the circumstances in which it would be required;
- › The role of the local government as a referral agency; and
- › Types of development applications that must be referred to the state government or to another agency and practical ways for how this works.

The local government can become aware of potential offences against planning or plumbing and drainage legislation usually through either its own programs for assessing compliance or through complaints from the public. The module covers the obligations of local government to determine whether they have responsibility for enforcing the law, whether an offence has been committed, and what power they have to take enforcement action.

There is an obligation on local government to maintain transparency within the local planning and development system. The module covers this obligation including requirements relating to;

- › Providing planning and development certificates to members of the public upon application;
- › Complying with requirements about what information should be provided to the public and the time frame in which it needs to be issued; and
- › The requirement for local government to retain all planning documentation.

The module also covers obligations of local government to protect heritage considerations;

- › Local heritage places within the district must be protected;
- › Local heritage places must be recorded in a local heritage register or included in the local government's planning scheme; and
- › Comply with requests for heritage information from government departments and agencies.

The QUEENSLAND LOCAL GOVERNMENT – LAND USE, PLANNING, DEVELOPMENT AND BUILDING CONTROL module focuses solely on the role and obligations of local government in planning and development and how the role and obligations interact in conjunction with state government departments.

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