

Development assessment, infrastructure charges notice and dispute resolution Improvements

This fact sheet provides an overview of the operational improvements under the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023 (HAA Bill).

What does the Bill do?

Since the commencement of the Planning Act in 2017, the planning framework has proved to be efficient and robust. However, over time, as community and stakeholders used the framework, a range of issues have arisen. The HAA Bill makes a number of changes to ensure that the planning framework continues to be efficient.

- **Owner's consent for development applications on state reserve land**

The Bill amends the definition for 'owner' to clarify the owner's consent requirements for development on a State reserve where there is no trustee lease. Where a development application is proposed on State reserve land without a trustee lease and the trustee is the State, a local government or a statutory body, the amendment clarifies through the 'owner' definition that owner's consent must be provided by the trustee. If the trustee is not the State, a local government or a statutory body, the Minister of the department in which the Land Act is administered provides owner's consent.

- **Clarification on retaining walls**

The Bill removes building a retaining wall as an example of building work. This removes confusion that all retaining walls is development that is considered to be building work.

- **Changes to suspension of appeal period for change representations**

The Bill provides for the suspension of appeal period when an applicant makes change representations during an appeal period without giving notice to suspend the appeal period. The appeal period is suspended until the applicant withdraws the change representations, the assessment manager gives a decision notice or the end of 20 business days.

The amendment provides certainty that an assessment manager will have 20 business days to assess change representations during the appeal period and allows time for the applicant to act on appeal rights before the appeal period ends.

- **Changes to suspension of appeal period for Infrastructure Charges Notices**

The Bill allows the appeal period for an Infrastructure Charges Notice (ICN) to be suspended from the day the representations were made without giving a notice to the local government if the representations are withdrawn. The balance of the appeal period restarts the day after the local government receives the notice withdrawal. This allows sufficient time for the recipient to appeal during the appeal period if the recipient does not suspend the appeal period.

- **Referral agency validation provisions**

The Bill inserts a validation provision for referral agencies, similar to the existing provision for assessment managers, refining arrangements around considering statutory instruments coming into effect after a development application is made but before it is determined. It aligns with the validation provision made for assessment managers under the *Economic Development and Other Legislation Amendment Bill 2018*.

- **Planning & Environment Court Act amendments**

The amendment clarifies in the P&E Court Act that the applicant bears the onus of proof in a submitter appeal for change applications and that the appellant bears the onus of proof for an appeal related to urban encroachment registration.

The change ensures the dispute resolution system can operate effectively for the affected parties, and costs by those parties is not wasted in incorrect judicial proceedings.



Further information

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

