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PLANNING ACT 2016 GUIDE

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Introduction

On 25 May 2016, the *Planning Act 2016* (**Planning Act**) was assented to by the Governor of Queensland. The new legislation is the result of bipartisan reforms implemented as a result of the Better Planning for Queensland Directions Paper - Next Steps for Planning Reform, which was released by the Queensland Government in May 2015.

The Planning Act will take effect on 3 July 2017 and along with the *Planning and Environment Court Act 2016* and the *Planning Regulation 2017* (**Planning Regulation**) will replace the *Sustainable Planning Act 2009* (**SPA**) as the legislation governing planning and development in Queensland.

The key aims of the Planning Act are to:

1. enable better strategic outcomes and high quality development outcomes;
2. ensure effective public participation and engagement in the planning framework;
3. create an open, transparent and accountable planning system that delivers investment and community confidence;
4. create legislation that has a practical structure and clearly expresses how land use planning and development assessment will be done in Queensland; and
5. support local governments to adapt and adopt the changes.

This guide is designed to assist town planners working with the Planning Act and outline the key changes to the development assessment process.

What's changed?

The Planning Act is designed to be easy to use by making a number of practical changes to SPA's existing structure.

The Planning Act has been made easy to navigate and follow by:

1. rearranging provisions so that similar matters are grouped together, are expressed more succinctly, and ordered logically;
2. consolidating definitions as much as possible, so they are easier to find;
3. removing descriptive detail about plan making, like key concepts and core matters for planning schemes; and
4. shifting process details to other instruments, like the regulation or other statutory instruments.

The system established in the SPA remains largely the same but the way that the key elements are structured has been renewed.

There are still state planning instruments and local planning instruments (such as planning schemes), each of which will need to reflect state interests. These instruments will still be approved by the Planning Minister, who will also continue to make rules about how local governments can make and amend their planning schemes.

The IDAS system will largely remain however, rather than being in the Planning Act, the details concerning each stage of the process will be contained in the Development Assessment Rules, which will be a separate statutory instruments. Where the State has jurisdiction, the State Assessment and Referral Agency (SARA) will continue to be the assessment manager or referral agency.

The Planning and Environment Court will remain the primary dispute resolution forum for matters under the Planning Act but will have its own legislation in the

Planning and Environment Court Act 2016. The Building and Development Dispute Resolution Committee will also be retained and renamed the Development Tribunal.

The *Planning Act 2016*

The Planning Act is designed to be easier to understand and use, whilst still remaining familiar to those who are used to the processes established under SPA. There are however, a number of significant differences that will change the way the framework operates and practitioners need to be aware of these matters so that they can continue to effectively serve their clients.

Chapter 1 - Preliminary

Chapter 1 of the Planning Act is a short opening chapter, which identifies:

- the commencement date of the Planning Act (which has been fixed by proclamation at 3 July 2017);
- the purpose of the Planning Act;
- how authorities advance the purpose of the Planning Act;
- the dictionary defining certain words in the Planning Act (contained in Schedule 2); and
- that the Planning Act binds all persons.

Chapter 2 - Planning

This chapter outlines the different state and local planning instruments and how they relate to each other. It also addresses the issue of superseded planning schemes and how to claim compensation under them, as well as infrastructure designations.

State planning instruments

There are now only two state planning instruments in Queensland's planning framework: the State Planning Policy (**SPP**) and Regional Plans. The SPP prevails over any Regional Plan to the extent of any conflict between them.

As in the SPA, there are consultation and notification requirements for the creation of the SPP and Regional Plans. The detailed arrangements for transition from the current State Planning Regulatory Provisions and Queensland Planning Provisions are contained within the Planning Regulation.

Local Planning Instruments

Similar to the SPA, the Planning Act creates the following local planning instruments:

- Planning Schemes;
- Temporary Local Planning Instruments; and
- Planning Scheme Policies.

The process for making local planning instruments is outlined in a separate statutory instrument called the Minister's Guidelines and Rules. These arrangements call for more community consultation and also allow local governments to negotiate more flexible arrangements for plan making that better suit the needs of individual communities.

Temporary local planning instruments are given a life of up to two years and are now able to be amended.

Superseded planning schemes

The Planning Act will still allow development applications under superseded planning schemes and outlines the process for how a request is made, the decision, when development can start and other related matters.

The right to claim compensation for adverse planning changes remains and now sits alongside the provisions for superseded planning schemes. There will also be different arrangements in place for planning changes as a result of natural hazards, which are contained within the Minister's Guidelines and Rules.

Infrastructure designations

This part of the Planning Act will deal with who designates premises for development of infrastructure (the Planning Minister or local government) as well as:

- the content of designations;
- amendments;
- duration and extensions; and
- continuing requirements for noting designations in the planning scheme.

Further detail for the designation of infrastructure is contained within the Minister's Guidelines and Rules.

Chapter 3 - Development assessment

The most significant changes from the SPA to the Planning Act are contained within the development assessment chapter.

This chapter outlines:

- categories of development and assessment;
- how to make, change, assess and decide development applications;
- the development assessment rules;
- rights and responsibilities for development approvals (including how to seek changes to development approvals); and
- the Planning Minister's powers in relation to the development assessment system.

Categories of Assessment

The Planning Act cuts down the four types of assessment in SPA to three, namely:

- accepted development;
- assessable development; and
- prohibited development.

The Planning Act also introduces categorising instruments and assessment benchmarks as well as exemption certificates for particular assessable development. A categorising instrument will categorise different types of development (similar to tables of assessment), whilst the assessment benchmarks provide the matters that an assessment manager must assess against (similar to performance outcomes and acceptable outcomes).

The Department of Infrastructure, Local Government and Planning has described Assessment Benchmarks as follows:

> *Assessment benchmark is a term covering both code and impact assessment. The Planning Act does not define what a benchmark can be. It is deliberately intended that this be left to individual planning instruments. This matches the current arrangements under SPA, where the concepts of codes and other laws and policies relevant to assessment are similarly not defined.*
>
> *There is no particular level of specificity with which benchmarks must be expressed – they could consist of very detailed technical standards, or broad statement of desired policy outcomes. While it is not intended to imply detailed units of measurement, the notion of an assessment benchmark as a measuring device does imply that the benchmarks must be expressed objectively. Like any measuring device, they have a point of reference from which*

compliance can be measured and be graduated in a way that is suitable to the outcome being measured.

For example:

An assessment benchmark about achieving a particular standard of amenity could include objectively measurable outcomes such as heights, setbacks, bulk and colour, but could also validly be expressed as:

> *A standard of amenity consistent with the amenity of the built form on adjacent premises, as an observable point from which to objectively measure.*

But it would not be appropriate to express it as:

> *The development has pleasant amenity, as the term 'pleasant' is a subjective concept that varies for each observer, and there is no consistent point of reference from which to measure.*

As the form of an assessment benchmark is not prescribed, it could take many forms, such as but, of course, not limited to:

- *a traditional code, with a code purpose, performance outcomes and acceptable solutions*
- *a simple list of standards to be met for simple works or other development of a technical nature*
- *several codes together with overarching statements of intent for the development, or areas in which the development is to be located*
- *identify relevant parts of an entire planning scheme for assessing particular development in particular contexts, for example, major development proposals that are not otherwise contemplated under the scheme.*

The table below shows the difference between the different categories of assessment:

<table>
<tr><th>Accepted</th><th colspan="2">Assessable</th><th>Prohibited</th></tr>
<tr><td rowspan="3">All development other than assessable or prohibited development or identified as such in a categorising instrument.

Assessable development essentially combines what is currently exempt and self-assessable development in SPA.</td><td colspan="2">Any development that a categorising instruments states can only be carried out with a development approval</td><td rowspan="3">Development identified within a categorising instrument as being prohibited.

This category remains the same as it is in SPA.</td></tr>
<tr><th>Code Assessment</th><th>Impact Assessment</th></tr>
<tr><td>Subject to limited or bounded assessment.

Code Assessable development <u>must only</u> be assessed against the assessment benchmarks outlined in the categorising instrument and the matters outlined in the Planning Regulation. The assessment manager <u>must</u> approve the development application insofar as it complies with the relevant assessment benchmarks or if the development can be conditioned to comply with the assessment benchmarks.</td><td>Impact Assessable development <u>must</u> be assessed against the relevant assessment benchmarks and any relevant matters in the planning Regulation.

Impact Assessable development <u>may</u> also be assessed against relevant matters such as planning need or whether the planning scheme has been overtaken by events (similar to sufficient grounds in the SPA).</td></tr>
</table>

Development applications

This section outlines:

- how a person may make a development application to an assessment manager;
- the role of the assessment manager;
- the nomination of alternative assessment managers for code assessable applications where the local government decides this is appropriate; and
- the different types of development approvals.

Assessing and deciding development applications

This section outlines:

- referral agency assessment and response;
- assessment and decision of assessment managers;
- assessing and deciding variation requests (formerly applications under s 242 of SPA to vary the effect of a planning instrument);
- decisions notices;
- deemed approval of code assessable applications; and
- what conditions may imposed as part of a development approval.

Development Assessment Rules

The Planning Act requires the Planning Minister to make Development Assessment Rules as part of the Planning Regulation. These rules must be followed by applicants, referral agencies and assessment managers for making, assessing, changing and deciding development applications.

The Development Assessment Rules deal with:

- how public notification is carried out;
- how assessment managers consider properly made submissions;
- when a development application is property made;
- when development applications lapse and/or can be revived; and
- the standard conditions for a deemed approval.

More detail concerning the Development Assessment Rules is provided later in this guide.

Development approvals

This section deals with:

- the effects and duration of development approvals;
- when development approvals lapse;
- how development approvals are extended, changed or cancelled; and
- how a development approval can be changed.

The process for changing development approvals will no longer be known as a "permissible change" and will allow “minor” changes and “other” changes.

Minister's powers

This section deals with the powers of the Planning Minister, including directions and call-ins. These powers are limited to when a matter involves, or is likely to involve, a state interest and the process is largely unchanged from that currently provided in SPA.

Miscellaneous

This part deals with miscellaneous matters including how the Planning Regulation prevails over local

categorising instruments and the power to refund or waive fees.

Chapter 4 - Infrastructure

This chapter provides for:

- local government infrastructure charges and resolutions;
- infrastructure conditions (including trunk infrastructure and state infrastructure conditions); and
- infrastructure agreements.

Provisions for local governments and state infrastructure providers

In relation to trunk infrastructure, local governments may;

- levy charges (which will be automatically indexed) for development infrastructure in accordance with any adopted infrastructure charges resolution; and/or
- impose particular conditions about development infrastructure.

Local governments will also continue to have power to impose conditions in respect of non-trunk infrastructure.

State infrastructure providers will continue to have power to impose conditions in respect of infrastructure and works to protect or maintain infrastructure.

Chapter 5 - Offences and enforcement

This chapter deals with offences against the Planning Act as well as the measures that may be taken by local authorities and/or the state government to deal with breaches of the Planning Act.

These provisions remain largely the same as those that currently exist in SPA.

Chapter 6 - Dispute resolution

This chapter deals with appeal rights to the Planning and Environment Court and to the Development Tribunal (formerly the Building and Development Dispute Resolution Committee.

Most of the detail concerning the dispute resolution procedures of the Planning and Environment Court has been moved to the Planning and Environment Court Act 2016. Importantly, the provisions outlining the limited circumstances for an award of costs to a party for proceedings in the court remain.

Appeal rights will also be comprehensively outlined in Schedule 1 of the Planning Act.

Chapter 7 - Miscellaneous

This chapter deals with:

- the protection of existing use rights;
- the power of local governments to take or purchase land for planning purposes in certain circumstances;
- public access to documents;
- the continuation of the urban encroachment provisions of SPA; and
- various administrative matters, such as approved forms, ministerial delegation and the power to make or amend regulation (including the Planning Regulation).

Chapter 8 - Repeal, savings and transitional provisions

This chapter deals with the transition from the SPA to the Planning Act and how certain matters will be dealt with.

Key changes to the development assessment process

As is outlined above, many of the features of IDAS have been retained by the Planning Act and associated legislation. However, these features may now be contained within different statutory instruments.

Development application forms

IDAS requires an applicant to complete the relevant IDAS forms when making a development application. If they are not provided and properly completed, the application will not be considered properly made.

Although the new legislation will still require approved forms to be used when making a development application, there will now only be two forms (reduced from the current 30). These forms will be supported by templates for different types of development applications and guidance on how to properly complete them, which will be provided by DILGP.

Steps in the development assessment process

The different stages of IDAS and associated processes will now be contained within the Development Assessment Rules. These stages will largely be the same, although the information and referral stage will now be two separate stages as they will each only be required for certain development applications.

Ability to refuse to accept information request

Applicants will now have the ability, under the Development Assessment Rules, to specify that they will not accept an information request. This means that the information request stage will effectively be skipped for that application.

This provision allows applicants to fast-track their development applications and may be suitable in circumstances where an applicant makes multiple applications or has undertaken thorough pre-lodgement discussions.

However, if an applicant elects to use this provision, the assessment manager will not be obligated to consider any further information that they do choose to provide.

Furthermore, this provision cannot be used where the development application:

- is also an application for an environmental authority;
- seeks to vary the planning scheme; or
- seeks a development permit for building work.

Stopping a current period

The Development Assessment Rules expand the power of an applicant to stop a current period so that the applicant may stop a current period at any time before the development application has been decided as many times as they like (up to a cumulative period of 130 business days).

However, the applicant cannot stop the current period if:

- the development application has lapsed;
- public notification is underway;
- the development application is required by an enforcement notice; or
- the development application it responds to a show cause notice.

This provision allows the applicant greater scope to stop current periods and prepare additional

information or negotiate potential conditions.

Public notification

Public notification will continue to be required for:

- impact assessable development; and
- variation requests (formerly applications under s242 of the SPA to vary the planning scheme).

Rules for public notification will now be contained within the Development Assessment Rules.

Where submissions are received in respect of a publically notified development application, the Development Assessment Rules also provide for an additional 10 business days after public notification ends for the assessment manager to consider the issues raised in submissions.

Timeframes

The Development Assessment rules have simplified the time frames applicable to development applications by making the following changes:

- all automatic time extensions have been removed (though timeframes can still be extended by agreement);
- a standardised period of time is provided for the assessment manager for all development applications to confirm whether a development application is properly made;
- each referral agency is provided a period of time in which to confirm whether the development application has been properly referred;
- the applicant has three months to respond to an information request;
- a single timeframe for the decision period where the assessment manager needs to decide and give a decision notice;
- any time taken by the assessment manager to make an information request is also now deducted from the overall decision period; and
- where a development application lapses, the applicant now has 20 business days in which to revive the development application.

Negotiated decisions

Under IDAS, an applicant is permitted to make representations during its appeal period in order to reach a negotiated decision. There is currently no timeframe in which the assessment manager must consider these representations.

Section 75 of the Planning Act will now require the assessment manager to consider any representations (called "change representations") within 20 business days (or any longer period as extended by agreement).

Changing approvals after appeal period

IDAS contains a process by which an application may make a "permissible change" to a development approval after its appeal period has ended. This ability has been retained in the Planning Act, however, there will now be two types of change applications, namely:

- minor changes; and
- other changes (which are not "minor" changes).

The process in assessing a minor change will remain similar to that currently identified under SPA (although the "substantially different development" test is now contained in schedule 1 of the Development Assessment Rules).

For "other" changes, the proposed change will have to be assessment again under the development assessment process. This means that applicants will no longer have to apply for an entirely new approval if their proposed change is a not a minor (or permissible) change.

CONTACT *US*

If you require any further information about the Planning Act or have any legal questions concerning a development, please contact HWL Ebsworth's Planning and Environment Team.

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ABOUT *HWL EBSWORTH LAWYERS*

HWL Ebsworth is a full service commercial law firm providing expert legal services at competitive rates, focusing on client outcomes. Through our combination of legal specialists and industry experience, HWL Ebsworth has established a reputation as a legal service provider of choice for organisations across Australia and internationally. HWL Ebsworth is currently ranked as the largest legal partnership in Australia according to the most recent partnership surveys published by The Australian and the Australian Financial Review and comprises 1,080 staff across offices in **Adelaide, Alice Springs, Brisbane, Canberra, Darwin, Hobart, Melbourne, Norwest (North West Sydney), Perth** and **Sydney**.

Table of changes to the development assessment process

The table below compares the IDAS process to the new development assessment process under the Planning Act.

IDAS (SPA)	Development Assessment under the Planning Act
	Part 1 - Introduction
Categories of development Particular provisions about categories of development	The categories of development under the *Planning Act* have changed, and now only include prohibited development, assessable development and accepted development (see **section 44**). Impact and code assessment remain as the two categories of assessable development
Approval for IDAS	**Section 49** now sets out that a development approval is a preliminary approval, a development permit, or a combination of the two.
Assessment managers and referral agencies.	The legislation establishes who is who in the development assessment process. Specifically an assessment manager is set out under **section 48** and a referral agency under **section 54(2).** The equivalent **section 256** in the SPA about seeking third party advice under IDAS is not within the legislation but has been provided for in **part 7** of the DA Rules
Division stages of IDAS.	**Section 68** provides for the DA Rules to establish the development assessment process. Accordingly, the DA Rules establish the parts that must be followed during the development assessment process.
Giving of electronic notices.	**Section 278** provides for the electronic service of electronic notices, submissions, messages and documents.
	Part 2 - Application Stage
Application process Applying for development approval.	The right to make a development application is provided under **section 50**
When an application is properly made.	The requirements for a properly made development application are set out under **section 51.**
Special electronics provisions.	These specific provisions are not carried forward in the DA Rules or the Planning Act. **Section 278** and the *Acts Interpretation Act 1954* and the *Electronic Transactions (Queensland) Act 2001* provide adequate ability for applications to be made electronically.
Owners' consent.	Like IDAS, the new planning framework will also require owners consent to be provided when making particular types of development application. This requirement is set out in **section 51(2).**

Notices about receipt of applications. Not properly made. Acknowledgement notice.	The provisions of notices about applications that are or are not properly made are established in **part 1** of the DA Rules. The DA Rules allow 10 business days for the assessment manager to ensure the development application is properly made. This part of the DA Rules also provide for the giving of an action notice where a development application is not properly made—which is the equivalent of a notice about an application that is not properly made under **section 266** of SPA. The DA Rules also make provision for a confirmation notice, which is for the most part, equivalent to an acknowledgment notice under the SPA.
Part 3—Information and referral stage	
The process to be followed in requesting information and undertaking referral is provided in the DA Rules. It should be noted the DA Rules split this stage into two separate parts, being the information request part and the referral part.	
Referral agency responses before an application is made.	The ability to provide a referral response before an application is made is in **section 57.** **Section 54(4)** also sets out that a response given in accordance with **section 57**, if provided with the development application when it is made and particular circumstances are met; the applicant need not refer the application to a referral agency for the matters provided in the response.
Giving material to referral agencies.	**Section 54** sets the requirement that the applicant must, within the period prescribed under the DA Rules, give a copy of the application to each referral agency. The DA Rules, under **part 2**, set out that the applicant must refer the development application within 10 business days of receiving a confirmation notice from the assessment manager.
Information request to applicant. Extending information request period.	The ability for an assessment manager or concurrence agency to request further information about the development application is in **part 3** of the DA Rules. However, the DA Rules also include additional provisions restricting the use of **part 3** in certain circumstances—where the applicant chooses not to receive an information request when making their development application. Where **part 3** is applicable to the development application, 10 business days are provided for the assessment manager or concurrence agency to make an information request. This period can only be extended by agreement.

Applicant responds to information request. Lapsing if no response and exceptions	**Part 3** of DA Rules provides the requirements and process for the applicant in responding to an information request. The DA Rules provides three months for the applicant to respond to an information request regardless of whether the application is in response to enforcement action or a show cause notice. The DA Rules do not lapse the development application and allow the authority that made the request to continue their assessment of the application, as if the applicant has chosen to provide no response.
Referral agency advises assessment manager of response.	This provision is not required as a development application no longer lapses if the applicant does not respond to an information request under the DA Rules.
Referral agency assessment.	**Section 55** sets out what a referral agency can consider in its assessment of the development application.
Referral agency assessment period. Extending referral assessment period.	The DA Rules, in **part 2**, set out the period of time in which a referral agency must provide their referral response to the assessment manager within. Unlike IDAS, the referral agencies assessment period cannot be automatically extended—it can only be extended by agreement.
Concurrence agency responses : ▪ when response must be given for particular matters ▪ effect if concurrence agency does not give response ▪ response powers ▪ limitations to refuse ▪ Reasons for decision or conditions ▪ giving a late or changed response.	The separate functionalities of concurrence and advice agencies in decision making and processing a development application will carry forward into the new planning framework. **Section 55** sets out the requirements around how, a referral agency (concurrence and advice) must undertake its assessment. **Section 56** establishes the response powers for both concurrence and advice agencies, noting that **section 56(5)** specifically sets the ability for the regulation to limit an agency's response powers. This section also sets the requirements for a referral agency that is the chief executive or an entity prescribed by regulation, to also publish a notice of the reasons for the referral agency's decision. The effect of no referral agency response being given is listed in **section 58.** The ability to give a late or changed referral response and its process is now located in **part 6** of the DA Rules.

• Advice agencies: • when response must be given • response powers.	
End of information and referral stage.	The end of the referral part is in **part 2** of the DA Rules and the end of the information request part is in **part 3** of the DA Rules.
Part 4—Public notification	
Purpose of notification stage. When it applies. When it can start. Public notification: ▪ applicant or assessment manager to give public notification of application ▪ notification period ▪ requirement for particular notices ▪ applicant to give the assessment manager notice about particular matters ▪ notice of compliance to be given to assessment manager ▪ lapsing if notification not carried out or notice of compliance	While public notification is provided as a part in the DA Rules, the Planning Act retains some of the integral components of this element. When public notification applies to a development application is in **section 53(1).** Under **section 53(3),** the assessment manager is provided with some discretion if some requirements are not complied with. When public notification can start is set out in **part 4** of the DA Rules. The *Planning Act* provides that the DA Rules can outline the ways in which public notification must be undertaken and as such the types of public notice required are set up in **part 4** of the DA Rules. **Section 53(4)** sets out the minimum public notification periods for certain development applications.

▪ assessment manager discretion if some requirements not complied with.	
Submissions: ▪ making submissions ▪ made during period effective for later periods.	**Section 53(5)** sets out who can make a submission on a development application during public notification. **Part 4** of the DA Rules provides rules around when the assessment manager may and must accept submissions. **Part 4** of the DA Rules also provides an additional period of time for the assessment manager to consider submissions received during public notification.
End of notification stage.	The end of the public notification part is in **part 4** of the DA Rules.
Part 5—Decision stage	
When does decision stage start	When the decision part starts is set out in part 5 of the DA Rules.
Applies even if concurrence agency refuses application.	This is in **section 59.**
When does decision stage start.	This is set out in **part 5** of the DA Rules.
Effect of Native Title on decision stage.	This is set out in **part 5** of the DA Rules.
Assessment process.	This is set out in **sections 43 and 60.**
Decision: ▪ decision making period ▪ decision making period— changed circumstances ▪ applicant may stop decisions period to make representations	The decision making period (including for changed circumstances) is set out in **part 5** of the DA Rules. The provision for the applicant to stop the decision period to make representations is not specifically mentioned in the new development assessment system, however the same ability is still provided under the DA Rules in the applicant's ability to stop a current period as described in part 7 of the DA Rules. A provision which allows the applicant to stop the assessment manager's decision making period in order to ask the chief executive to reconcile conflicting referral agency responses has not been carried forward in either the Planning Act or the DA Rules. For the most part, this provision in SPA has become ineffective as a result of the creation of the State Assessment and Referral Agency (SARA).

▪ applicant may stop decision making period to request to the chief executive.	
Decision rules.	Decision rules are set out under **sections 45 and 60.**
Deemed decision for particular applications.	**Section 64** provides for the applicant initiate a deemed approval for development applications which are only code assessable. This section sets out the actions that need to be taken in the deemed approval process, and provides for standard conditions to be applied to the development approval if no action is taken by the assessment manager in the period provided in this section. **Schedule 4** of the DA Rules include the standard conditions that relate to deemed approvals.
Notice of decision.	This is set out in **section 63.** In addition to giving notice of the decision, **section 63** also states that for particular development applications, an assessment manager must also issue a notice which outlines the reasons for their decision, whether the application is approved or refused.
Approvals.	Requirements relating to development approvals are in **sections 71–73.**
Conditions.	This is set out in **sections 65–67.**
	Part 6—Changing or withdrawing development applications
Meaning of minor change.	Meaning of minor change for a development application is in **schedule 2** (definitions).
▪ Procedure for changing applications. ▪ When change can be made. ▪ Assessment manager to advise referral agencies about changed applications. ▪ ▪ Effect on IDAS of the changes: ▪ minor change	The new legislation provides the ability under **section 52** for the applicant to change their application before the application is decided and establishes how they must do this, equivalent to **section 351** of SPA. The mechanism for the assessment manager to advise referral agencies of the change that exists under **section 352** of SPA is in **part 6** of the DA Rules. The effect on the development assessment process where an applicant changes a development application is provided in part 6 of the DA Rules. The DA Rules also expand on the 'change in response to an information request or submissions' change type by also adding changes in response to further advice given by the assessment manager or a referral agency. **Section 52(3)** establishes that a change that is a minor change does not affect the development assessment process.

▪ change in response to an information request or submissions ▪ other change.	
Withdrawing applications.	**Section 52** provides the mechanism for a development application to be withdrawn before it is decided. This section specifies that the applicant must give notice about the withdrawal to the assessment manager and any referral agencies.
Part 7—Missed referral agencies	
Notice of the missed referral. Effect on the information referral stage. Effect on the decision stage.	The missed referral agency process is in **part 7** of the DA Rules. Part 7 of the DA Rules also provide a missed requirement provision which allows where a referral agency has received the development application and it is later identified that a matter has been missed. This section allows the referral agency to give a referral agency response for that referral requirement without the applicant's agreement to the content of the response.
Part 8—Dealing with decision notices and approvals	
These provisions (with some changes) are provided for entirely by the Planning Act	
Changing decision notice during the applicants appeal period	Changing a decision notice during the applicant's appeal period is in **sections 74- 76.** A timeframe for the assessment manager to decide the change representations is included in these provisions. This period can be extended by agreement between the applicant and the assessment manager.
Changing decision notice after the applicants appeal period.	The ability and process around changing a decision notice after the applicants appeal period are provided in **sections 77–83.** These requests have been termed 'change applications' in the new planning framework and there are now two different categories of change that can be made to an approval. ▪ Minor change: the process and requirements are similar to a change approval under IDAS with a few minor variations. For example, the chief executive is no longer required to be a relevant entity for a minor change application. ▪ Other change: this is a new provision in the planning framework that does not have a comparable provision in IDAS. These are changes that are not minor changes, and will require the responsible entity to administer the change application, and assess and decide the application in the context of the development approval. This means the change application will be assessed using the development assessment process set out under the DA Rules.

Changing or cancelling particular conditions—other than on request.	This provision has not carried forward in either the DA Rules or the Planning Act.
Cancelling approvals.	The ability to cancel an approval and its process are in **section 84.**
Extending period of approvals.	The ability to extending the currency period of a development application and its process has been provided under sections 86–88. These requests have been termed 'extension applications' in the new planning framework and the applicant is now only required to provide the extension application to the assessment manager and not to any referral agencies.
Recording decisions on planning scheme.	Provisions for noting development approvals in a planning scheme are provided in section 89.
Part 10—Compliance	
Compliance assessment.	The process for compliance assessment has not been carried forward into the DA Rules or the *Planning Act* as compliance will not be a category of assessable development.
Part 11—Ministerial powers	
Ministerial directions. Ministerial call-in power	Ministerial powers are provided under **chapter 3, part 6** specifically: ▪ ministerial directions are provided in **sections 92–99** ▪ ministerial call-ins are provided in **sections 100–105**
Part 12—Miscellaneous	
Refunding fees.	The ability to refund fees is in **section 108.** This provision has been expanded to provide for assessment managers, referral agencies or responsible entities to also waive a fee in certain circumstances prescribed by regulation.

Source: Queensland Government 2016