

19 December 2016

Hon Jackie Trad MP
Deputy Premier
Minister for Infrastructure, Local Government and Planning; Trade and Investment
PO Box 15009
City East, Qld 4002

Dear Deputy Premier

Draft Development Assessment Rules

Thank you for the opportunity to provide feedback on the Queensland Government's draft Development Assessment Rules (DA Rules), which will form an integral part of the new planning framework.

As articulated in our submission to the Department of Infrastructure, Local Government and Planning (DILGP) in October on the Interim DA Rules, the Property Council is pleased to see the DA Rules retain many of the elements of the current Integrated Development Assessment System (IDAS), which is well understood by all stakeholders.

The Property Council appreciates the considerable consultation that has informed the development of the DA Rules, and as such, we only have minor comments, below:

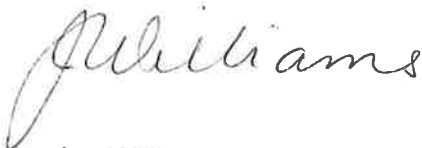
- Section 3.5 would benefit from a timeframe. Section 3.6(b) contains a timeframe for providing a confirmation notice in the circumstances identified in 3.5, however section 3.5 lacks a timeframe.
- As noted in our earlier submission, it is unclear why 'properly made' has been extended to include referrals, where the only prerequisites are for a development application and a copy of the confirmation notice to be received by the referral agency. This step would only seem to add complexity. The Act also does not contain the concept of 'properly referred'.
- Section 23.1(b) refers to 'any further period agreed', however it is unclear which parties need to reach this agreement.
- Section 26.2(a)(ii) regarding when public notification needs to be restarted or repeated, states where 'the assessment manager is not satisfied...' We question if this should instead be 'the assessment manager is satisfied...'
- Section 3 allows an applicant to stop a current period, however it is unclear how this will work in practice when there are concurrent current periods. There may be unintended consequences with an applicant stopping one current period when the other current period is still running.
- As noted in our earlier submission, the requirement to include planning scheme definitions on public notifications is often unable to be met by development proponents, and can mislead

stakeholders. This is particularly apparent for variation requests, where the planning scheme definition may include a list of potential uses that are not likely to occur on the site. It is also difficult for the full list of definitions to fit on the prescribed notification sign. It would be preferable if this criteria simply required a description of the proposed development, and left it up to the applicant how best to describe the development.

- The information required on public notices includes alternative criteria- the proposed use of the land, or the proposed development. It is unclear when it is sufficient to identify 'the proposed use' rather than 'the development'.
- Sub-paragraph (b)(iv) of the definition of Action notice refers to a 'properly made development application', however it relates to a notice issued by a referral agency.
- There are a number of minor errors in the definitions
 - The definition of 'enforcement notice' should refer to 167(2) of the Act, not 168(2)
 - The definition of 'further advice' should refer to section 35 of the DA Rules, not section 37
 - The definition of 'show cause notice' should refer to section 166(2) of the Act, not section 167(2)
 - In the introduction to the definition of 'referral confirmation notice', the words 'an application' should be replaced by 'an applicant'.

Thank you once again for the opportunity to provide feedback on the DA Rules. If you have any questions regarding the above, I can be contacted on 07 3225 3000, or jwilliams@propertycouncil.com.au.

Regards,



Jen Williams
Queensland Deputy Executive Director