

# State facilitated application

This fact sheet provides an overview of the new State facilitated application process under the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023 (the Bill).

## What is a state facilitated application?

A State facilitated application is an alternate development assessment pathway which aims to deliver development that is a priority to the State (for example, affordable housing).

To be a State facilitated application, the application must be a development application, or a change application as defined by the *Planning Act 2016* (Planning Act). This means that most standard development application requirements apply (for example, public notification). However, timeframes will be specific to the state facilitated application process and set out in the Planning Regulation 2017.

Through this process, applications are assessed holistically and consider the local planning scheme, State Planning Policy, relevant Regional Plans and the purpose statements for the State Development Assessment Provisions.

State agencies and local governments will play a role by providing technical advice to ensure that state interests and local government priorities are integrated in the assessment of a State facilitated application.

For both applicants and the State and to minimise any delays in getting this development 'on-ground', state facilitated applications provide greater certainty by limiting appeal rights.

## Why do we need a new assessment pathway?

Queensland is anticipated to experience significant growth with over 900,000 new homes needed before 2046. We are making changes to the planning framework to make sure it can support the right development, in the right place, in a timely manner.

Through State facilitated applications, we will be able to quickly approve large residential developments that face complex state interests or outdated policy settings.

## Key features:

- Discretionary power for the Planning Minister to use to declare development a state facilitated application
- The Planning Regulation will include criteria for the Minister to use in considering whether a development application will be state facilitated.
- The Chief Executive of the Planning Act will be the decision maker of state facilitated applications.
- Comprehensive assessment by the State, which holistically considers State and local interests using the State Planning Policy, regional plan, purpose statements of the State Development Assessment Provisions and advice from State agencies and local governments.

## Process for state facilitated applications

The State facilitated application process consists of two stages – the Minister's declaration and the assessment of the application by the Chief Executive. Once accepted as a state facilitated application, if the application would have required public notification under the Development Assessment Rules, public notification will still be required.





Stage 1 – Declaration of a State facilitated application by the Minister



Stage 2 – Assessment of the State facilitated application by the Chief Executive

## What type of development can I expect using this pathway?

While the process for State facilitated applications remains the same, the pathway will be flexible in delivering urban development that is a priority to the State through tailored criteria in the Planning Regulation.

The focus of the assessment pathway is to increase housing supply where matters such as resolving state interests, or outdated planning scheme settings are barriers to the development proceeding, or there is a planning need which is not anticipated by other planning instruments.

### Scenario of where State facilitated applications can be used

A mixed use, multiple dwelling is proposed on the riverside forefront delivering community facilities and affordable housing. The development is proposed to include 200 dwellings and 40 affordable housing units.

Land is well-located with access to parks, essential services and public and active transportation services. The development also contributes to a significant portion of the dwelling house targets for the local government area prescribed by the regional plan.

This development could benefit from the state facilitated development process with increased certainty through limited appeal rights to minimise delays and a streamlined assessment approach to get this development ‘on the ground’ faster in response to the current housing challenge.

## What are the changes to the planning framework?

Amendments are proposed to the Planning Act, Planning Regulation 2017 and the Development Assessment Rules.

The table below provides indication of the nature of the amendments. The specific amendments to the DA Rules will be subject to normal statutory consultation processes.

Proposed amendments	
<b>Planning Act</b>	<ul style="list-style-type: none"> <li>• The Bill amends the Planning Act to allow the Minister to declare state facilitated applications if:                             <ul style="list-style-type: none"> <li>○ the application assists in the delivery of development that is a State priority,</li> <li>○ the development is for an urban purpose,</li> <li>○ the application complies with the criteria in the Planning Regulation,</li> <li>○ the Planning Minister is satisfied that the chief executive should assess the application.</li> </ul> </li> <li>• When a declaration takes effect, any decision or decision by the decision – maker stops having effect, any appeal against the decision – maker is discontinued and the process for assessing the application restarts.</li> </ul>

	<ul style="list-style-type: none"> <li>• The chief executive may assess or re-assess all or part of the application.</li> <li>• There are limited appeal rights for State facilitated applications.</li> </ul>
<b>Planning Regulation</b>	<p>The amendments to the Planning Regulation will provide for:</p> <ul style="list-style-type: none"> <li>• the criteria for the declaration of a state facilitated application,</li> <li>• the prohibitions for development in an Urban Investigation Zone has no effect for state facilitated applications,</li> <li>• the timeframes relevant for assessing and deciding a State facilitated application.</li> </ul> <p>The criteria for the declaration of a state facilitated application may include requirements such as:</p> <ul style="list-style-type: none"> <li>• the primary land use is residential in nature,</li> <li>• provision of a % of affordable housing,</li> <li>• the development is located within an urban area (as already defined in the Planning Regulation),</li> <li>• all reasonable steps have been taken to resolve barriers to the development including land fragmentation, infrastructure and density,</li> <li>• must contribute to delivering Queensland’s share of the National Housing Accord target of 1.2 million new homes over 5 years.</li> </ul>
<b>Development Assessment Rules</b>	<p>The Development Assessment Rules provide for the process for assessing and deciding a State facilitated application. This includes:</p> <ul style="list-style-type: none"> <li>• the process and timeframes for making an information request, public notification and confirmation,</li> <li>• how native title affects a state facilitated application,</li> <li>• requirements for the chief executive to undertake additional consultation with local governments and state agencies.</li> </ul>

## Further information

For further information please contact the Department of State Development, Infrastructure, Local Government and Planning via [planning4housing@dasilgp.qld.gov.au](mailto:planning4housing@dasilgp.qld.gov.au).