

Significant changes to project assessment and decision-making in Queensland

Changes recently made to the *State Development and Public Works Organisation Act 1971* (**State Development Act**) empower the Minister for State Development, Infrastructure and Planning (**Minister**) or the Coordinator-General (**CG**) to facilitate projects, considered to be of strategic importance in Queensland, by way of new tools which will "fast-track" approval processes, provide for infrastructure coordination and changes to land access and land acquisition powers.

These expanded powers have the potential to impact existing planning assessment processes, decision-making roles and how projects are delivered.

The amendments are broad and geared towards facilitating projects across several sectors – including resources, industrial activities and manufacturing, agriculture and tourism.

Previous role of the Minister and CG

Prior to the changes, the State government already had a role in development processes to ensure that its interests (being an interest that affects an economic or environmental interest of all or part of the State) were reflected in policy documents, planning instruments and particular development assessment processes.

Before the amendments were made to the State Development Act, the Minister or CG already had the power to:

- coordinate the evaluation of projects that have strategic significance to a locality, region or the State (including on the basis of the potential infrastructure, economic and social benefits, capital investment or employment opportunities) and state conditions required to be included in any material change of use of premises approval or impact assessable development approval issued by an assessment manager under the *Planning Act 2016* (**Planning Act**);
- identify and declare "prescribed projects" or "critical infrastructure projects" due to their economic and social significance to the State or a region, in turn enabling the CG to:
  - issue progression notices to decision makers, requiring the decision maker to take steps within a nominated timeframe;
  - give a decision maker a "notice to decide" requiring the decision maker to decide an application within a stated timeframe; or
  - with the Minister's approval, give a decision maker a "step in notice" enabling the CG to assess or decide an application if the progression notice or notice to decide had not been complied with or if satisfied that this was required to ensure timely decision-making;
- declare "state development areas" in which development is regulated by a development scheme implemented by the CG; or
- take land for "private infrastructure facilities", subject to meeting the requirements of the State Development Act.

Changes to powers

The changes to the State Development Act are significant and wide ranging and now mean that the Minister or CG can:

- for prescribed projects, give a new type of step in notice, on the basis that the CG has decided it is necessary or appropriate for her or him to be the decision maker for a development application (or other prescribed process), and decide the application even for a period of time after the original decision has been the subject of appeal proceedings;

- declare some prescribed projects as "State strategic projects" – determined to be essential or critical for the State for economic, environmental or social reasons (or otherwise are a high priority for the State) – enabling the Minister to give decision makers a "State significance notice" requiring the decision maker to:
    - take into account particular matters nominated by the Minister when assessing development applications/making other prescribed decisions; and/or
    - make the decision in consultation with the Minister;
- by regulation, issue a "modification order" for a State strategic project which will modify or exclude the way other Acts (such as the Planning Act) apply to the assessment of a project or prescribe conditions that apply to undertaking the State strategic project – for which there are no appeal or review rights;
- facilitate a coordinated approach to the delivery of mineral or energy resource infrastructure, providing for an "infrastructure coordination plan" which will enable the Minister to decide the process for assessing and deciding particular development applications (for which there are no appeal rights, but potentially the subject of declaratory proceedings in the Planning and Environment Court);
- take land for a State strategic project (in accordance with stated requirements), where "it is in the interests of the State that the land be taken to facilitate the delivery of [a] project", including for easement purposes; and
- require an owner of land to provide access to a prescribed project proponent, enabling the third party to undertake works of a minor or temporary nature.

State development area (**SDA**) development schemes will also be able to regulate development outside the SDA for "SDA-related development", where the CG will decide those applications, in turn displacing local government planning schemes that would otherwise apply in the area.

Impacts for major project proponents

These amendments are significant and provide the Minister and CG with broad powers in relation to project assessment and conditioning and overall project facilitation.

The changes are similar to legislative changes that have happened in other Australian jurisdictions and reflect the government's focus of attracting and facilitating major projects.

Impacts for local governments

The amendment to the State Development Act and project assessment processes has the potential to reduce or remove local government decision making capacity for projects which are deemed by the State to be a 'high priority' because the project will, or is likely to, significantly contribute to the economic, environmental or social objectives for the State or a region.

It could have other impacts in terms of the location of infrastructure, how infrastructure charging happens and the achievement of strategic planning goals.

Impacts for landowners and cultural heritage

The State Development Act changes mean that the State (and third parties) have broader land access and land acquisition powers. This means changes to existing landholder consultation requirements, compensation and rectification processes.

Appeal and review rights have substantially reduced. There is present uncertainty about the requirements to address Aboriginal or Torres Strait Islander cultural heritage for projects proposed under these new arrangements.

Next steps

The impact of these changes for other entities and their current roles as decision makers and affected third parties are wide ranging. We are happy to discuss these changes with you and how to best navigate them moving forward.

Contributed by Anna Vella.

All references to legislation are references to the legislation current as at 26 October 2026.

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