



Inquiry into Planning (Missing Middle Housing) Amendment Bill 2026

Answer to question taken on notice

Asked by: Ms Fiona Carrick MLA

Addressed to: Minister for Planning and Sustainable Development

In relation to: Planning and Appeal Rights

Hearing: 19/05/2026

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Answer Due: 02/06/2026

MS CARRICK: Thank you, Chair. So I just want to come back to the scrutiny side of things. So are there still going to be minor and major DAs, and if so, can minor DAs appeal to ACAT or do they have to go to the Supreme Court? So for example, if you cannot appeal through the lease system, change system anymore, so perhaps you could and you could not through the DA process.

So have we ended up in a situation where we have got some categories of developments where you could appeal, you could not in the design and site, and you take that away, the lease appeal rights, and so we have got categories that end up with no consultation or appeal rights?

Mr Bennett: No, so I think the answer to your question is the thing that gives the approval for the building to be built, which is the thing that would be approving the impacts of the actual development, is the design and siting DA, and if that has appeal rights, it will continue to have appeal rights that is not being changed here. So the lease variation component for that is really sort of a technical supporting change to the approval of the design and siting DA and we are not touching the process for the design and siting DA.

MS CARRICK: Yes, I appreciate that but if you have got design and siting DAs that do not have consultation or appeal rights and they had it at the lease variation—you could appeal the lease variation, maybe you could not appeal or the DA for the design and siting. So have we ended up in that situation where if you take away the rights at the lease variations stage, and you do not have them at the design and siting stage, so there is no—do we have categories that will now not have any consultation or appeal rights?

Mr Bennett: I might need to just take that explicit question on notice and come back about any interactions with the process for appeal rights there.

Chris Steel MLA: The answer to the Member's question is as follows:

Missing middle housing is multi-unit housing. All multi-unit housing developments currently require development approval, public notification and have a third-party appeal right. This is not proposed to be changed under the *Planning (Missing Middle Housing) Amendment Bill 2026*. Notably, the Bill will not introduce categories of multi-unit housing that do not have any consultation or appeal rights.

The exempt lease variation pathway applies only to a limited range of simple lease variations (such as updating the number of dwellings already approved or amending easement clauses). These variations will not require public notification and will not have appeal rights.

The impacts of the development are best assessed through the multi-unit housing development application (design and siting) which will be publicly notified and has appeals rights.

Approved for circulation to the Standing Committee on Environment and Planning and Planning

Signature:



Date:

2 / 6 / 26

By the Minister for Planning and Sustainable Development, Chris Steel MLA