WARREN BOLTON

558 Mooloo Road
MOOLOO Q 4570
AUSTRALIA

Mobile:- 04 293949 04
E-mail:- me@warrenbolton.com

Monday, 3 August 2026

Hon Jarrod Bleijie MP,

Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Dear Jarrod,

I am writing to seek your consideration of whether the *Planning Act 2016* should be amended to clarify the assessment of infrastructure contributions, following development approval for the reconfiguring of a lot.

My concern arises from the interpretation adopted by the Planning and Environment Court in *Grunske v Fraser Coast Regional Council (No. 2) [2026] QPEC 16*, which, in my respectful view, permits infrastructure contributions to be assessed on the basis of assumptions about future development rather than the development for which approval is presently sought.

This letter is not intended as criticism of the Court's role in interpreting legislation. Rather, it seeks consideration of whether that interpretation has revealed an unintended consequence in the legislation that Parliament may wish to address.

As I understand the legislative scheme, infrastructure contributions are intended to be assessed in relation to the development identified in the **Form 1 Development Application** for which a development permit is sought. They are not intended to be assessed by assuming what future development may or may not subsequently occur on the land.

The interpretation adopted by the Court appears to permit infrastructure contributions to be assessed by reference to a speculative future use. In my view, this creates a number of practical and policy difficulties.

These include:

At the time a development permit is issued for some reconfiguration of a lot, the nature, scale and characteristics of any future dwelling or other development are unknown and cannot be accurately assessed.

A dwelling house cannot lawfully be established until a subsequent development permit for building work has been issued, at which time the actual development and its infrastructure demand become known.

The current legislative framework also provides for infrastructure contributions to be assessed when a development permit for building work is issued. Consequently, infrastructure demand may first be assessed on the basis of an assumed future dwelling and later assessed again when the actual development is approved.

The eventual lawful use of the land may differ from the use assumed at the time of reconfiguration. It may be another residential use or a use requiring a future material change of use approval, resulting in infrastructure demands that differ from those assumed at the earlier stage, resulting in possible double dipping.

These examples illustrate a broader concern.

Infrastructure contributions should be assessed by reference to the development that is actually before the assessment manager, rather than by reference to a hypothetical development that may never occur.

If Parliament intended infrastructure contributions to be assessed only in relation to the development identified in the relevant development application, I respectfully suggest that the legislation could be strengthened to make that intention unmistakably clear and thereby avoid future uncertainty.

I therefore respectfully request that the operation of the *Planning Act 2016* be reviewed to determine whether legislative amendment is appropriate to confirm that infrastructure contributions are assessed only for the development the subject of the application before the assessment manager, and not by reference to speculative future development.

I have provided a copy of this correspondence to the Attorney-General, as the issue concerns the interaction between the legislative framework enacted by Parliament and its subsequent interpretation by the Courts.

Yours faithfully,

Warren Bolton