

## Economic Development and Other Legislation Amendment Bill 2024

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# Brisbane Residents United Submission in Response to New EDQ Legislation

[NEQDL]

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Brisbane Residents United [BRU], on behalf of the community, acknowledges the Traditional Owners of South East Queensland [SEQ], pays respect to Elders past, present and emerging, and recognises that the land, water and seascapes of the SEQ region from traditional landscapes that were spiritually and sustainably managed for thousands of years by Traditional Owners to provide the resources required for life.

Traditional Owner groups of SEQ collectively identify themselves as the Goori–Murri Nation. This Nation comprises several autonomous communities (nations) that have shared and distinct languages, cultural practices, Songlines and Dreamings. Since time immemorial, Traditional Owners have cared for Country, and Country has cared for them. The SEQ of today is a changed place, where traditional Country is shared.

The primary purpose of this report is to better understand how to protect the people and landscapes within the area of the Queensland Government's South East Queensland Regional Plan. We present this report to enhance the scope for NEL to make a positive contribution to SEQ's future.

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# Creative Prologue

## Thoughts to Ground and Improve Our Assessment of this Legislation [NEDQL]

The purpose of what we have called a 'creative prologue' is an endeavour to rescue our thought, and our creativity, from the 'incrementalism' that may arise when looking at legislative change such as the NEDQL. Like the fish that is unable to know it lives in water or the frog that is boiled alive [without realising] we often take for granted what we are used to. In South East Queensland [SEQ] Region we have had regional planning for the most part of the 21st century and we have taken for granted that the State of Queensland would be intervening in the region by way of projects driven by Economic Development Queensland [EDQ]. The new EDQ legislation [NEDQL], the subject of this submission is however, 'statewide' legislation, i.e. the Bill is specific to the State of Queensland and to put it technically, is 'not uniform with legislation of the Commonwealth or another state'. [p.15]. EDQ is very much a project based operation and Priority Development Areas [PDAs] are a very significant element of EDQ's work.

As a consequence of these two factors - EDQ being project oriented and the legislation being statewide - the legislation provides a 'skeleton' operating framework to guide the way EDQ approaches its projects but [because of the legislative imperative] the presented legislation does not mention particular projects, particular settings or particular regional plans or local government areas [LGAs]. This makes the job of reviewing the material more difficult because our human senses tend to overlook [or not even understand] the particular ramifications of 'generic' provisions for specific places or regions or Local Government Areas [LGAs]. [I know many people [like me] who find it difficult to imagine what a room or a house might look like just from reading the plans. Reviewing this legislation without knowing any particular thing it will do is clearly problematic.

But more than that we have become conditioned to EDQ implementing PDAs, in what many in the community might regard as a cavalier fashion with less than optimal regard for 'higher' or 'public' purposes. This has in part been prompted by the 'commercial imperative' that sits in the existing legislation but which is being slightly moderated in the NEDQL. The ramifications, of the actual impact of this legislation, for those living in South East Queensland [SEQ] are much greater compared to other regions [this is supported by information that follows] and we believe that it's important to recognise this and we are endeavouring to seriously to consider what the particular ramifications are for us [in SEQ] as a result of this proposed new legislation, through this submission. By stepping back for a moment what we have realised is that we have been conditioned into accepting that in order to 'cut through' EDQ must undertake projects very much on its preferred terms. This is the price you pay for 'getting the job done'.

What we have realised in trying to look at what exactly is happening with this NEDQL is that whilst there have been important improvements in the general method of approach of EDQ [and we recognise these improvements below] the most important elements of what is needed in this NEDQL is not mentioned. Consequently if you only reviewed

what was written in the legislation and the accompanying documentation you would be missing the major shortcomings in the NEDQL.

The scale of the challenge confronting growth areas in Australia is well reflected by the Greater Brisbane Area [GBA] that sits within the SEQ Regional Plan. The social and environmental pressures that are being magnified in GBA and SEQ constitute the 'achilles heel' that sits fairly and squarely at the nexus of regional planning [driven predominantly by population growth and hard infrastructure investment] and genuine bioregional planning [that can only operate if there is a mature and well developed 'balance' established between economic, social and environmental perspectives].

The words espoused in the SEQ Regional Plan talk as though a 'net gains' sustainable development is achievable in SEQ over the life of the current plan [net gains means improvement in the three core pillars - social, environmental and economic - of sustainable development]. The evidence over the past 20 years [emphasised by the shambolic reporting mechanisms used by the regional plan up to this point] plus the clear indications from the current regional plan, is that **there are sub optimal governance, informational an operational resources and connections across the various levels [within the regional plan] that will stop the regions from obtaining a 'sustainable development' [let alone a 'net gains' sustainable development].**

We are therefore clear that the major problems with this NEDQL are those issues which are not dealt with in this legislation. In essence, if EDQ is not required to operate [its PDA type projects] to achieve the specific government program outcomes of 'planning' and 'housing' then EDQ projects will serve to mask significant shortcomings in these programs. And in particular, if EDQ projects in SEQ are not aligned with the specific requirements of the SEQ Regional Plan we will continue to see EDQ projects unintentionally undermining the regional plan.

Government cannot operate effectively if government projects are not aligned to government plans and government plans are not aligned to government programs - the "projects - plans - programs" structure is virtually overlooked in this legislation and it's because we have become like the fish who can't see that they live in water!

## Examples to Illustrate the Issues

To support this argument and the logic of our submission, we have a few examples to fill in the picture and make it clearer that this legislation contains improvements but the major weaknesses of the previous legislation have not been attended to.

- **Example One** notes the intensity of PDAs in SEQ and prompts for a deeper understanding of why this is so?
- **Example Two** questions whether existing **PDAs, PPDAs and PFGAs are being deployed to make up for non compliance/conformance with regional planning needs**
- **Example Three** illustrates the almost inconceivable concentration of development spreading across the whole SEQ Region and questions whether PDAs have sufficient connection with regional planning aims and expected outcomes. The Place Renewal Framework in the NEDQL is a welcome and important proposal but arises in **the absence of a clear framework that sets out the justification for 'this PDA in this LGA'**. We believe that the 'cans of responsibility' for housing diversity are being kicked from one LGA into other jurisdictions.

In the 50s and 60s there were 'suburban concentrations' of disadvantage that in retrospect are now regarded as less than optimal. But now, almost as if by 'stealth' and hidden within the 'pea soup' of SEQ governance arrangements [and compounded by insufficient justification] we have now moved towards creating even bigger concentrations, by enabling 'LGA-level concentrations of disadvantage'. **A PDA [project] within an LGA, within a regional plan, sitting within the statewide planning program must deliver for each 'level' of this governance framework.**

- **Example Four** looks at the critical difference in the administration of projects, plans and programs. **Projects can become 'cannibals with forks'<sup>1</sup>** if they do not align and sit within the local parameters, AND then the LGA parameters, AND then the regional plan parameters AND then within the planning program.
- **Example Five** points out that a complete and effective system of government [covering projects, plans and programs] is like baking a cake - if all of the original ingredients are properly mixed with one another you bake a very poor result. Getting a better oven doesn't solve the earlier problem! **Projects [PDAs] Plans [Regional Plans] and Programs [Housing and Planning] is what this legislation is supposed to be 'mixing'. But it doesn't!**

No one in any government and any political party is setting out to do the wrong thing - but without checks and balances the inexorable thrust of capital investment will always seek to find and optimise economic profits. This is well proven in all planning jurisdictions across the world. The NEDQL must contain the checks and balances [of interoperability] and these need to be built into the legislation, now! In this regard this legislation needs improvement and this would not be difficult given the potential for regional tools [already in play] to provide the framework for economic, social [housing] and environmental parameters to support the Minister's decision making processes for PDA projects.

**Example One: [Twenty three out of thirty five can't be good?]**

**Priority Development Areas (PDAs)** are parcels of land within Queensland identified for land development to deliver significant benefits to the community. We understand there are 35 PDAs across Queensland - 23 of these are in SEQ! For details and a searchable map showing the PDA boundary [for the SEQ PDAs] click the links below.

- |   |   |
|---|---|
| 1. <a href="#">Bowen Hills</a>                    | 10. <a href="#">Parklands</a>                   |
| 2. <a href="#">Cross River Rail PDAs</a>          | 11. <a href="#">Queen's Wharf Brisbane</a>      |
| a. <a href="#">Albert Street Cross River Rail</a> | 12. <a href="#">Ripley Valley</a>               |
| b. <a href="#">Boggo Road Cross River Rail</a>    | 13. <a href="#">Southport</a>                   |
| c. <a href="#">Roma Street Cross River Rail</a>   | 14. <a href="#">Sunshine Coast Airport</a>      |
| 3. <a href="#">Fitzgibbon</a>                     | 15. <a href="#">The Mill at Moreton Bay</a>     |
| 4. <a href="#">Greater Flagstone</a>              | 16. <a href="#">Toondah Harbour</a>             |
| 5. <a href="#">Herston Quarter</a>                | 17. <a href="#">Toowoomba Railway Parklands</a> |
| 6. <a href="#">Maroochydore City Centre</a>       | 18. <a href="#">Weinam Creek</a>                |
| 7. <a href="#">Northshore Hamilton</a>            | 19. <a href="#">Woolloongabba</a>               |
| 8. <a href="#">Oonoomba</a>                       | 20. <a href="#">Yarrabilba</a>                  |
| 9. <a href="#">Oxley</a>                          | 21. <a href="#">Yeronga</a>                     |

<sup>1</sup> 'Cannibals with Forks' is designed to highlight that some improvements can in fact result in becoming more efficient at achieving poor results or outcomes. If you give a cannibal a fork it appears to be an improvement but in fact it doesn't change the eventual result - a person is eaten [but more politely and/or efficiently].



A simple response to the reason why there are so many PDAs in SEQ could be that it's because that is where the most people are - and to some degree that is a relevant factor but it is definitely not the major issue at stake. International research reveals that the shifting management and governance issues in regions undergoing 'metropolitan regional' style growth [such as SEQ] calls for significant new approaches and tools to preserve the vision for such regions. This issue of a 'mixed bag' of mechanism becoming like a 'pea soup' of influence and control [that is supposed to represent democratic governmentality] is considered further in Example Four below. SEQ also hosts eleven [11] Potential Future Growth Areas. We therefore end up with thirty four major land projects sitting inside a regional plan that appears to have very limited capacity control over twelve LGAs working within a Statewide program.

- |   |                                      |
|---|--------------------------------------|
| 1. Wellcamp (Employment/Industrial) Toowoomba | 7. South Logan (Industrial) Logan    |
| 2. Westbrook Toowoomba                        | 8. Buccan Logan                      |
| 3. Highfields Toowoomba                       | 9. Stapylton (Industrial) Gold Coast |
| 4. Lanefield/Grandchester Ipswich             | 10. Mundoolun Logan/Scenic Rim       |
| 5. Glamorgan Vale Ipswich/Somerset            | 11. Beaudesert East Scenic Rim       |
| 6. Halls Creek Sunshine Coast                 |                                      |

The coequality of so many PDAs, PFGAs and PPDAs with the major regional plan in the State[SEQ] is not coincidental. It is a product of immaturity in the evolution of the system of [government] administration within an area of intense metropolitan regionalism. The administrative and political structures are essentially jejune and we are now reaching a point of deflection where there is an opportunity for the institution that is the Queensland government to implement considered and structured 'reform' that will pave the way for a much deeper understanding of how to connect and leverage the interplay between the mechanisms of

- Project delivery [through EDQ and MEDQ]
- Program management [through both Statewide Planning and Housing Programs]
- Plan making [through Regional planning such as SEQ]

At this stage the drafting of this legislation does not avail this opportunity to be grasped by the State government. The following examples will endeavour to bring out the subtle and transformative capacities that will become available to the government if it is able to capture the necessary connections between these three critical layers of government administration in Australia. Capturing the available synergies will propel Queensland and its SEQ Plan to the forefront of government administrative capacity and reduce the risk of both administrative and political failures.

## Example Two: [Three Wrongs Don't Make it Right]

If the planning system was working effectively in concert with the relevant LGAs it does seem surprising that there would be a need for this many PDAs in SEQ. However, whilst there are other issues at play, it appears that there is a significant complicating issue - it's called the BCC LGA. Based on previous actions - along with its very latest Housing Action Supply Plan - it appears that BCC LGA is essentially ignoring many of the fundamental requirements of the SEQ Regional Plan in regard to housing - we will use the term 'diversity', to cover the wide spectrum of issues that are countenanced by this term - incl., availability, affordability-social/welfare/affordable, design/format, ownership/rental etc..

The graphic on the following page pieces together some of the key casualties prompting so much EDQ work in SEQ.

We make the following key points

- Unless LGAs are required to fully meet their housing diversity targets within their LGA area then the NEDQL and the SEQ Regional Plan will be converting red lights in some LGAs into green lights for inappropriate NEDQL projects, resulting in
  - Social dislocation
  - High infrastructure
  - Environmental destruction.

Three bad outcomes for the people of SEQ prompted by the State keep investing in projects that are prompted by the biggest LGA in the world thumbing its nose to its own residents [and to the regional plan.

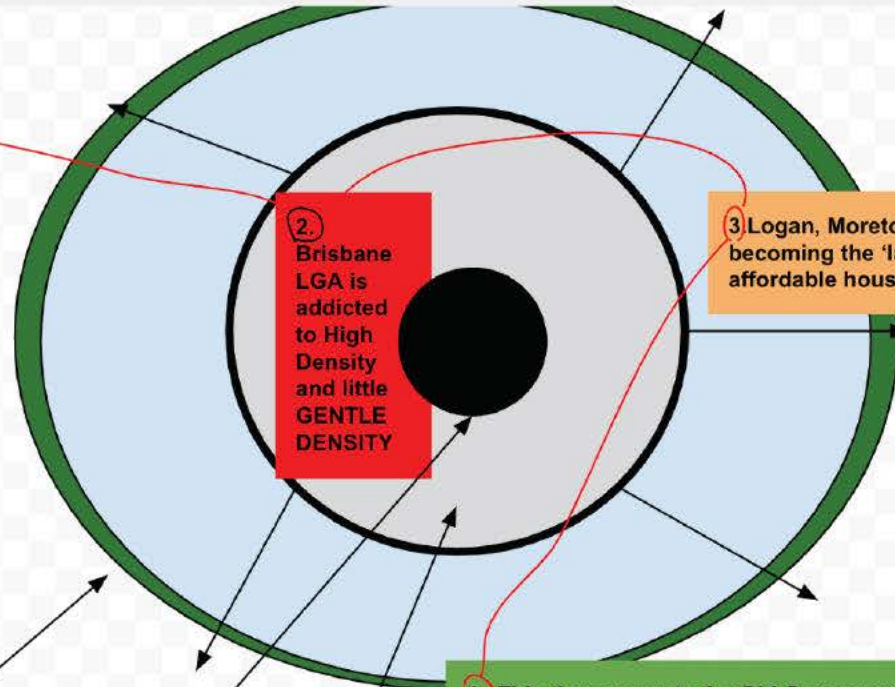
- The current legislation does not reference a benchmark for discerning the standards for assessing the scale of diversity. Without it NEDQL can sanction a housing project in one LGA that is essentially designed to overcome the fundamental failure of another LGA to meet the targets. This is not reasonable or acceptable.

1. Diagrammatic illustration of how one bad apple in the 'middle' of the SEQ barrel is creating 3 wrongs -
- **Wrong One:** Limited Diversity in Brisbane
  - **Wrong Two:** This pushes more Social and Affordable Housing into surrounding LGAs prompting.
  - **Wrong Three:** More government expenditure on infrastructure when SEQ is supposed to be 'efficient'. The infrastructure bill for SEQ over the current planning period is now well over \$100billion

5. Unless LGAs are required to fully meet their housing diversity targets within their LGA area then the NEDQL and the SEQ Regional Plan will be converting red lights in some LGAs into green lights for inappropriate NEDQL projects, resulting in

- Social dislocation
- High infrastructure
- Environmental destruction.

Three bad outcomes for the people of SEQ and all because we keep investing in projects that are prompted by the biggest LGA in the world thumbing its nose to its own residents [and to the regional plan.



3. Logan, Moreton, Ipswich, Redland LGAs etc are becoming the 'land assembly' backstops for social and affordable housing NOT PROVIDED in Brisbane LGA.

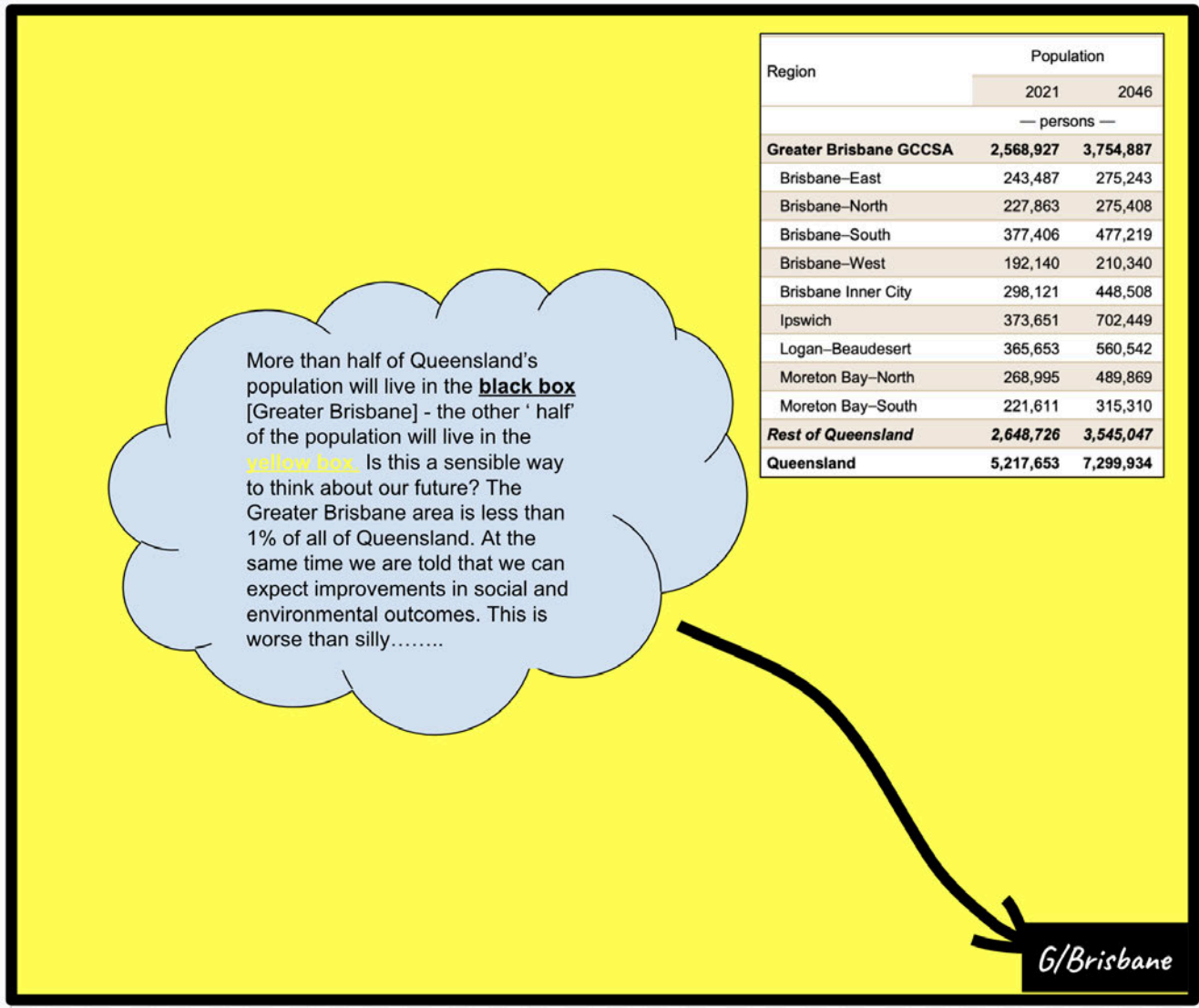
4. This then prompts the Qld Government to convert PFGA's to PDAs - meaning more inequity and social dislocation along with environmental damage to landscapes and species

Green space in the region is being eaten up by the at time unnecessary expanding urban of the urban footprint

The Black High Density and the Grey Single House suburban blocks make it unaffordable for most young families. The high density costs more and the single house blocks reduce availability for population growth. It then compounds out from Brisbane and reverberates around the region.

### Example Three :[ Have we got the balance right?]

We noted earlier that the NEDQL was like throwing a 'net' [or spreadsheet] over the whole of the State. The following is a diagrammatic representation of the whole of Queensland. The yellow coloured rectangle is made up of one hundred 'cells' of a spreadsheet. In the bottom right hand corner is a cell representing the Greater Brisbane Area [GBA] - it is .9 of one cell. That is because GBA is less than 1 percent of the area of Queensland. In the near future more than half of Queensland's population will live in GBA and by 2027 it is anticipated that the Brisbane LGA alone will house more than half of Queensland's population.

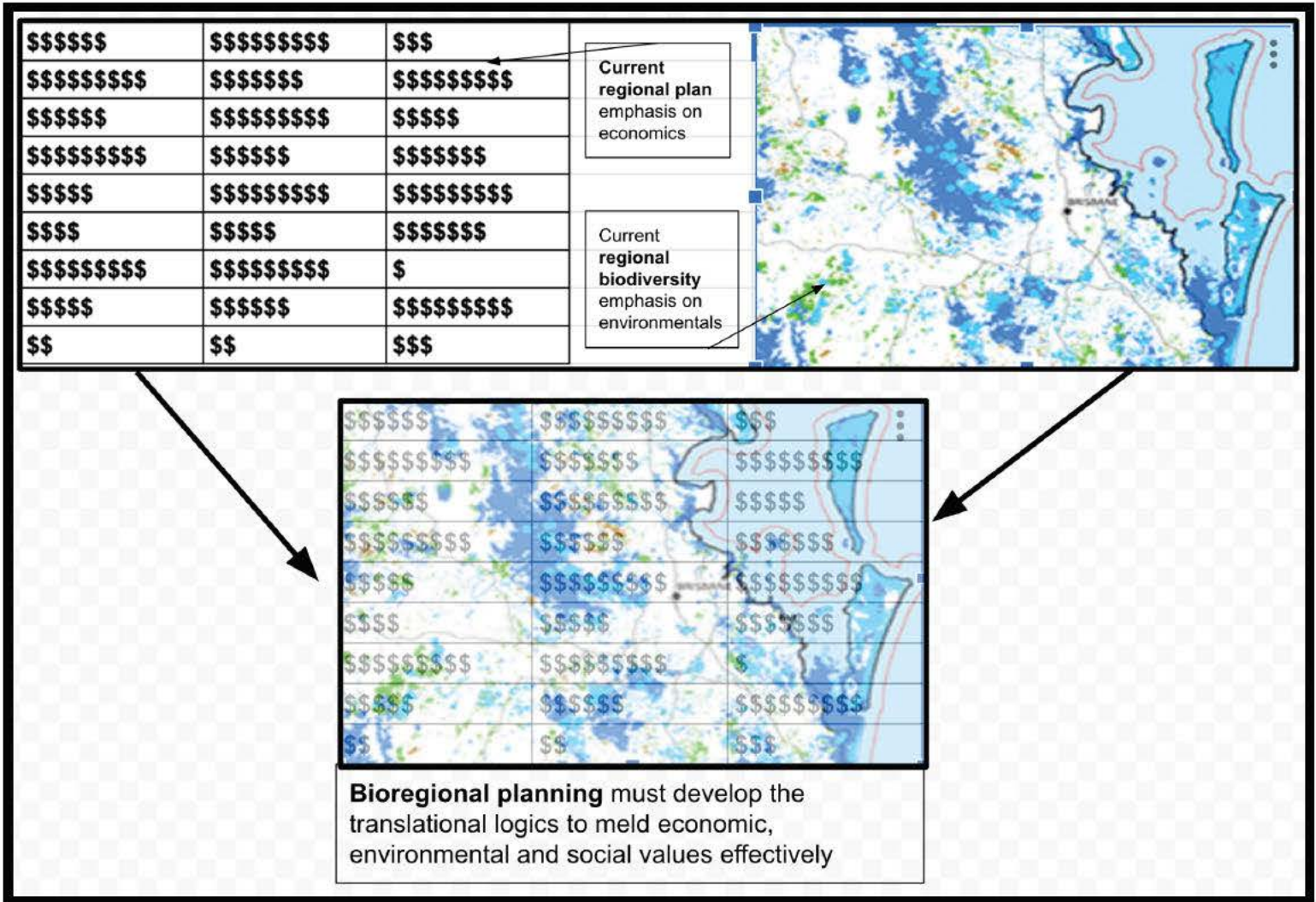


This example can be further used to highlight the challenge confronting the NEDQL in the context of seeking to bring both socio-regional planning [especially for housing] and bio-regional planning [for ecosystems and species survival let alone climate change] into constructive dialogue with the contemporary approach to planning and development currently being deployed in SEQ.

In essence regional planning is currently propelled by the economic [financial] returns - construction, development, employment, transport, sport, entertainment, retail are critical components of this picture. Based on reforms signalled by both the State of Queensland & the Commonwealth Government to bring bio-regional planning into focus there is a need to overlay the multiple dimensions of bioregional planning process [e.g. natural biodiversity, animal and flora

species, biophilial health, clean air and water, climate change] and to map them across the economic overlay which is currently driving EDQ's operations on a purely commercial basis.

The diagram below illustrates the two different perspectives at the top of the diagram and then figuratively enjoins to the two maps at the bottom of the diagram. We are suggesting that the NEDQL will require a third overlay to encapsulate the social elements through use of the mapping of housing diversity into each LGA.



This process would fully support what is proposed in the NEDQL to bring sustainable development to the fore. The three overlays - economic, social and environmental are far from exclusive of one another but at the moment there is insufficient 'overlap' to achieve a sustainable development - much less a capacity to achieve a 'net gains' sustainable development.

What flows from this process is that

- Under bioregional planning, each cell in each LGA becomes unique. Regional Biodiversity Values are the ways that scientists have been able to map this uniqueness across a defined spatial landscape.
- Under social planning [which through EDQ will have a significant focus on housing] each cell in each LGA becomes unique. Housing Diversity Values are the ways that have been identified to bring about a suitable housing ecosystem.

- Under economic planning each cell in each LGA is unique. Land valuation and zoning are the ways that owners and developers are able to develop their properties in line with community expectations set out in City Plans.

It is interesting to reflect on this type of process and compare it to another dimension of life that is important for bringing land [in its spreadsheet format] into direct dialogue with social and environmental issues. Take for example what has been done in meteorology to respond to the social and economic demands in regard to climate management. Meteorologists have developed models of weather systems that are then mapped onto charts and enable forecasts to be made for particular locations. In essence a weather forecast is mapped onto a spreadsheet of an LGA and it's used to identify hot spots and flood zones. This guides built infrastructure development especially housing.

Clearly, the future requires city plans to be able to translate unique values into each cell [i.e. each block of land]. At the moment 'zoning' [based on economic drivers mostly] provides the overarching purpose and value of land. At present 'zoning' has extensive hegemony over the environmental and social values of land. Bioregional planning and social [housing] planning must provide a more direct and legal framework for protecting economic, social and environmental values.

This type of 'approach' comes to its 'achilles heel' especially in urban intensification settings like SEQ. This example is intended to distil an insight into the fundamental and underlying issues confronting the 'implementation' of the NEDQL issues. Making changes at a 'generic' State level is clearly necessary for legislative performativity. However, astute and minor changes to the proposed legislation could enable the translation of State-level initiatives down to the local level. -

In the absence of such work we are, as a community going to be asking of the NEDQL "Is it an improvement when a cannibal uses a fork?" And we know the answer to that if you are the one being eaten by the cannibal. We must save our 'country' [SEQ] from the cannibal that is land planning and development that gives hegemony to economic values [at the expense of social [housing] and environmental values].

This links directly to the concept of the Place Renewal Areas and Place Renewal Framework.

The following is from the NEDQL documentation

*Place Renewal Areas are a new concept being introduced into the Economic Development Act 2012. The declaration of a Place Renewal Area within an existing Priority Development Area (PDA) or on PDA-associated land will allow the Minister for Economic Development Queensland (MEDQ) to take a place-making and leading coordination role across a precinct.*

*The purpose of Place Renewal Areas is to bring together government, community, and industry stakeholders to deliver thriving and sustainable precincts that will generate increased social, environmental, and economic value.*

*Place Renewal Areas will give EDQ leadership and coordination of key locations within a PDA. They will ensure the Queensland Government achieves its vision and optimises its investment for an area through collaboration, enhanced integration, and facilitating development and placemaking that aligns with Queensland Government priorities.*

*The amendments provide the MEDQ with the power to declare a Place Renewal Area where the planning and development of the proposed area involves, or is likely to involve, a State interest and action should be taken by the MEDQ to give effect to that interest. The MEDQ must consult with the relevant local government prior to declaring a Place Renewal Area.*

*At the same time as, or within 12 months after the declaration, the MEDQ must prepare a Place Renewal Framework (Framework) which is a statutory document intended to guide the activities within the Place Renewal Area. The Framework will set out the vision, objectives and outcomes for the Place Renewal Area and must include an implementation plan outlining how these will be achieved. Each Framework will address the challenges and opportunities relevant to the Place Renewal Area.*

This is a positive change BUT it comes back to the issue of the cannibal using a fork if the selection of the PDA is not subject to a similar level of disciplined and transparent assessment. Without clear parameters that lead to a transparent justification that arises from within the subject LGA we are just (1) kicking the can to less powerful LGAs and (2) putting people in the wrong place and destroying the environment with only 'superficial justification'.

#### **Example Four: [ A Plan is Not A Program and a Program is not a Project]**

There is a genuine possibility that the drafting of this legislation has

- Not properly recognised and understood the reasons for the intensity of PDAs occurring in SEQ and also,
- Not been alert to the significant legal, administrative and operational issues at play in seeking to expand the role of the EDQ within the overarching framework of government administration in Queensland.

Why is this so important - because the 'government of government' in Australia has an established framework that has proven to be successful over many years and has been developed in concert with having a very clear appreciation of how to effectively deploy plans, programs and projects.

- **Plans** are time based instruments that cut across levels of government as well as prescribed administrative and legal boundaries. Plans must be backed by capacities to intervene and deploy at these different levels and boundaries. Without a plan having this 'equipment' it will often flounder due to divergence of interests and outcomes.
- **Programs** are the main mechanism used by Commonwealth and State Governments to deliver focused outcomes across large bounded jurisdictions. Education, health, policing, justice, planning, are examples of programs that are deployed by State and Commonwealth governments. And in fact in Brisbane, the LGA is so large that the BCC is employing a 'program' level of management and has almost dispensed with an organisational focus on 'place' or 'location' other than for political or minor issues.

- **Projects** are time limited and scope limited and generally use a 'time based' project team structure to implement a project. PDAs are large complex projects.

What does this mean for this legislation - here are some key points

- EDQ has been heavily focused on project delivery
- Regional planning is one component of the State Planning Program administered by the Minister for Planning. Regional planning involves having plans that engage with Local Governments. SEQ is a well developed regional plan involving a dozen local governments but the plan does not have the administrative or legal force to achieve conformance through all LGAs
- EDQ is being deployed in SEQ to enforce outcomes by using project strategies to overcome weaknesses in the planning program when it is deployed through regional plans.
- This legislation now proposes that EDQ be deployed to overcome issues in the housing program as well as the planning program.
- There will be, based on the evidence to date [see example one above] an expansion in projects in SEQ to deal with both housing and planning program problems.
- The currently drafted legislation continues to see EDQ work as predominantly a 'project' oriented entity but it cannot be sure it's doing the right projects at the right time unless it is equipped with the program information to support planning and housing program issues.
- The legislation assumes that EDQ is able to identify the right time, the right place and the right project and provides no visible or operational connections that ensures that
  - the necessary program information is made available
  - The necessary tools for assessment are available.

We have no doubt that EDQ has capacity and we have no need or cause to limit the Ministers capacity for acting; but, we believe that unless the government and the Minister recognise that the most critical issue in deploying EDQ in this way is for EDQ to have capacity to

- diagnose and identify the appropriate locations for projects and
- scale and scope each project relative to the problem in that LGA.

Neither of these capacities are provided for in this legislation.

What is at stake here is the question - is it an improvement when a cannibal uses a fork? It is not possible for the government to resolve a housing diversity/affordability issue in one LGA by doing a project in another LGA. This simply increases the efficiency with which the government delivers the wrong outcome. Unless EDQ is deployed to resolve the problem where the problem arises it becomes a matter of EDQ deploying the wrong outcome more efficiently i.e. a cannibal using a fork.



### Example 5: [You can't bake a cake without the ingredients and the implements]

Example 3 above outlined the idea of overlays on spreadsheet earth. This is an extremely valuable methodology for connecting social and environmental issues with planning and zoning issues. Without gaining the appropriate tools that bring complex information sources together EDQ will be unable to achieve the right projects in the right spots.

At the moment regional planning is delivering a very low level of integrated data sources and a low level of advanced computing is being deployed to support decision making. The tools needed by EDQ to fulfil its legislative requirements under this new bill are simply not being deployed in an integrated interactive fashion by the relevant programs. The SEQ Planning Team is moulding plasticine models whilst advanced machine learning with natural language processing is being deployed to simulate and bring together intensely complex layers of information.

The layers needed to do what EDQ is being asked to do involve the following dimensions

1. Regional biodiversity values
2. Regional housing diversity values
3. Regional zoning diversity values
4. Regional housing affordability values

These tools would enable EDQ to solve the right problem in the right place. Smart city planning involves input from multiple stakeholders. Work on developing these tools does not need to delay legislation and action but the framework to make the cake that mixes projects into programs into plans in Queensland must be provided in this legislation. Put simply, the proposed legislation completely 'overlooks' this issue and assumes by dint of magic that EDQ will know where and how to 'fix' the problem.

### And So? [What next...]

The proposed NEDQL throws a net for potential action across Queensland and that 'net' can be likened to a 'spreadsheet' - the scale of the webbing that makes up that net [or cells in a spreadsheet] are uniform - homogenous - one size fits all. It takes no account of regional or place specific issues or requirements yet portends to respond to a wide range of issues that can only be calibrated by reference to the social, environmental and economic circumstances that apply to particular places. We fully acknowledge the essential need for state legislation to be 'generic' within the law; however, the application of actions by MEDQ and EDQ and its associated partners must be subject to some level of local calibration by way of alignment with planning and housing program outcomes.

The Queensland Government needs to make use of its very considerable investment in regional planning and deploy this investment by using the guides, benchmarks and indicators that would provide a foundation [including justification and transparency] for MEDQ actions under this legislation. It is absolutely critical that the MEDQ is able link in with

- the planning program [and within this program, with the regional plan [if there is one in place] and
- the housing program

to investigate and identify priorities for action and to then be able to demonstrate that [and how] the prioritised projects will contribute to achievement of the planning and housing programs [and with a regional plan as necessary] objectives. Over time, the Queensland Government needs to work towards the alignment of Regional Plans with LGAs planning schemes as this would reduce the call on EDQ interventions.

In the immediate future, the State's position must be capable of clear connection with its own planning instruments and program outcomes. Without a pre agreed framework, simply laid out in the legislation, the Minister and therefore the State could be undertaking projects that are supported by vested interests [inside and outside government] that tip the regional plan 'out of balance' and thereby prompting efforts to turn '3 wrongs into a right' [as illustrated earlier].

**The SEQ Region is already confronting comprehensive non compliance with the regional plan and if this legislation is used to 'assemble lands' [words used by the Commonwealth in its exhortations to State Governments to make things happen for more housing'] in the outer parts of the region [to provide social and affordable housing] then it will be underwriting a comprehensive failure of its own regional plan.**

# Executive Summary

## The Big Picture

Whilst it is not signalled in the NEDQL, this sort of legislation is particularly 'powerful' in growth areas such as SEQ [whilst being both very relevant and important across the State. The propensity of PDAs in SEQ has been signalled above.

It appears that using State powers to avoid ordinary State planning legislation and regulation is becoming a popular way for State Governments in Australia to endeavour to exercise some limited controls over outcomes, given the general decline in government capacity to deliver focused outcomes arising from a general historical decline in governments [led by both major parties in Australia] intellectual property and operational capacity perspectives. Further, it is fair to suggest that much of the delivery of projects like those executed by EDQ are mostly done through the [ intellectual property ] capacities outside of government.

Within the context of this approach, Queenslanders and South East Queenslanders respond positively to 'benevolent dictators' : those who display confidence and a modicum of 'cutting through' [red tape] to get the job done. We congratulate the Queensland Government for seeking to make a difference with this legislation - there are important improvements and significant enough to warrant their recognition here. The proposed changes to the Economic Development Act 2012 (ED Act) outlined in the NEQDL documentation include provisions aimed at supporting

- *balancing economic development with environmental conservation and promoting sustainable practices.*
- *facilitating economic development, development for community purposes, the provision of diverse housing (including social and affordable housing), and the provision of premises for commercial or industrial uses. This broad purpose indicates a holistic approach that considers the environmental impact of development activities alongside economic and social objectives .*
- *empowering the Minister for EDQ [MEDQ] to plan, execute, promote, or coordinate activities that facilitate the Act's main purposes in the State. In doing so, the MEDQ is directed to seek the achievement of ecological sustainability, value, protect, and promote Aboriginal and Torres Strait Islander knowledge, culture, and tradition, and recognize the cultural heritage significance of places .*
- *undertaking strategic leadership and coordination in designated place renewal areas. This responsibility ensures a comprehensive approach to revitalising these areas, which likely includes considerations for ecological sustainability and environmental conservation in urban renewal initiatives*

- *recognizing cultural heritage significance and significant places in the context of development activities. This recognition underscores the need to protect and preserve natural and cultural assets while pursuing economic development goals.*

Overall, the proposed changes in NEDQL demonstrate a commitment to promoting ecological sustainability by integrating environmental considerations into economic development strategies, planning processes, and decision-making frameworks. By emphasising the value of ecological sustainability and cultural heritage, the amendments aim to foster a balanced and sustainable approach to development that safeguards the environment for future generations.

## What's at Stake

In light of these changes we see that enormous gains could be made to support the Minister, the Department and the community through taking some comparatively small changes [compared to what we have noted above] that would make such a significant improvement to outcomes for all parties.

We are deeply concerned that there are inadequate 'markers' to ensure that government resources and projects are actually directed toward the real problem. There is a compelling need to ensure that PDAs are justified for reasons comprehensively in accord with regional planning requirements and that sites and areas are identified within the LGAs where there is a clearly enunciated issue relating to economic, social or environmental matters. We think it puts the Minister at considerable risk and we think without checks and balances the Minister could unwittingly authorise projects that exacerbate

- Lack of housing diversity incl. social and affordable housing
- Destruction of biodiversity of ecosystem, networks and species
- Increased secondary infrastructure costs due to not making use of existing well serviced land assemblages.

At the moment, there is an identified tendency for actions by the government in SEQ to actually mask underlying problems with its implementation of the regional plan. The absence of any markers, guides or indicators that could be used to more accurately focus government resources to 'hot spots' is stark. **We do not wish to impede the capacity for the Minister to act. We ask that the proposed legislation be modified to ensure that the decision to 'act', that is, to cut through, is actually being used in the right place at the right time. To put it bluntly, if the BCC LGA is allowed to flaunt the SEQ regional plan and to continue to disregard the genuine negative impact of its Housing Strategy and Housing Action Supply Plan then this act is simply going to give the 'cannibal a fork' in relation to SEQ's future.**

*E. Handley*

Elizabeth Handley

President

Brisbane Residents United.

April 2024

# Introduction

We are mindful that there are significant improvements intended to arise from the NEDQL. We have limited time in which to prepare this submission. We are not overlooking and not commenting on the improvements as a result of our oversight, we simply only have time to go to the core of issues that are 'left undone' in this work.

We also seek to make sure however, that through this document our sister and brother [community] organisations across Brisbane and SEQ have the benefit of our efforts. We have structured this document to enhance sharing across the community as well as providing feedback to the elected representative of government and the public servants who have prepared the

Our approach covers

- Interrogation of the Documentation
- Analysis of the Documentation
- Recommendations

## Our Focus

### **Brisbane Residents United**

This submission has been prepared by Brisbane Residents United [BRU] which is an umbrella support group for suburban/local resident and community groups in the Brisbane Local Government Area [LGA]. BRU is Brisbane's representative on the regional network called South East Queensland Community Alliance [SEQCA].

BRU seeks to make evidenced based submissions on behalf of our communities to address shortcomings in the four layers of planning that are currently in play in South East Queensland [SEQ].

For BRU these layers comprise

- Cwlth laws and deals which relate specifically and or generally to SEQ
- State legislation, policy and regulation which covers both SEQ and Brisbane LGA
- Regional Planning implications as set out in the Qld Govt's Planning Policies that apply specifically to the SEQ Region by way of a Regional Plan referred to as Shaping SEQ and a Regional Infrastructure Plan for SEQ
- Local government through the Brisbane City Council's City Plan and its strategies, overlays and zonings.

We have worked with our member groups on several projects in recent years that provide us with grounding in relation to the practical implications of many putatively beneficial laws, regulations and policies and these reports are available for review at the following links -

- [SEQ Protected Landscapes Report](#)
- [South East Queensland Report](#)
- [Finding your way around the SEQ Regional Plan 2024](#)
- [Regional City Issues](#)
- [Request for Evidence of Governance to Support SEQ Regional Plan](#)
- [SEQ Regional Plan Review](#)

- [How the Commonwealth Government facilitates urban intensification projects](#)
- [Brisbane: Welcome to the 200km City?](#)
- [Brisbane's Future?](#)
- [Brisbane's Unsustainable Growth Strategy](#)
- [A Brief Review of BCCs Housing Action Supply Plan - It's All Bad News Sorry](#)
- [SEQ City Deal Information and Action Request from SHCG](#)
- [A Resident's Perspective](#)
- [Local Issues](#)

Through our engagement and analysis, we have a deep and well founded suspicion that the putative benefits of many government initiatives [set out in the current SEQ regional plan] at each of the levels mentioned above, are not likely to be reaped by many of the residents within our organisation's catchment area.

## Priorities and Recommendations

There are material improvements in this proposed legislation to bring it in line with contemporary modes of operation. We acknowledge these. We believe there are major issues that are not properly covered in this legislation so that it can properly enable linking of the mechanisms of

- Project delivery
- Program management
- Plan making

This will regularise the operation of a project oriented approach [historically taken by EDQ] in a way that will ensure that it stays true to the enunciated aspirations of the government's planning program [especially via regional planning] and the housing program.

1. Define what intensive means for housing. There is no articulation of what 'intensive' means and it may or may not have significant ramifications depending on its definition in the first case; it then becomes a matter of whether such definition suits the type of housing required in all circumstances.
2. There is a need to clarify how 'land assembly' relates to and fits into PPDAs and PDAs.
3. This legislation is linking projects with programs. There is a need to clarify reporting arrangements. We suggest there is a need for the MEDQ and the Housing Minister to publish a joint plan showing the expected targets for each element of the housing delivery program for each year. And for there to be 6 monthly progress reports published jointly by both Ministers.
4. It is critical that this legislation aligns the MEDQ [and each PDA's outcomes] with a Regional Plan [when there is one] to the same extent the legislation requires alignment to the Housing program.
5. Housing diversity must be physically mapped for each LGA. This requires a structured method. The absence of linking EDQ housing matters with an LGA is fundamental to the logic of this legislation. The regional plan establishes forecasts and LGA's Housing Supply Action Plans. The Housing Program, the Planning Program and EDQ must reconcile with intended LGA action to establish an outcome that services the needs of these programs. Regional Planning will fail if LGA's city plans and zoning plans are not operating in concert. If the Planning Program does not have the teeth to ensure LGA compliance, then the State Programs must resolve

the issue within that LGA. Letting LGAs under-deliver is a significant ongoing problem in SEQ and will cause a breakdown in regional planning and impact social and environmental outcomes of the regional plan. If LGAs are allowed by the State to under deliver, then, it is absolutely essential that PDAs deliver solutions in regard to housing supply where LGAs are failing. It is also critical that EDQ does not solve a housing failure in one LGA by undertaking PDAs in another LGA. This would fulfil the worst aspects of the 'cannibal using a fork'.

6. The level of State owned social housing in each LGA is a critical issue for ongoing stability of the housing market. 'Actual' and 'target' must be established and reported on.
7. Whilst the legislation specifically proposes to overcome
  - a. Inefficiencies
  - b. Insufficient capacity
  - c. Commercial challenges

we have been unable to find exactly how these initiatives are intended to be achieved [within the materials provided].

8. The EDQ must identify 'why' a PDA is needed and make specific reference to the housing program and the planning program requirements [covering any relevant regional plan] for that area.
9. It needs to be far more explicit that the Place Renewal Framework focus on
  - a. Particular housing targets for diversity within that LGA [where the PRF is to be implemented]
  - b. Being consistent with a regional plan
  - c. Be developed to respond to the overall housing requirements within that LGA [where the PRF is to be implemented]
  - d. Be ecologically sustainable with a clear outline of how this will be achieved.

10. The documentation does not explicitly mention transition arrangements in the context of the proposed amendments to the Economic Development Act 2012 and related legislation. The focus of the document is primarily on outlining the changes and provisions related to economic development, infrastructure delivery, land acquisition powers, and reporting and accountability frameworks within the Queensland context.

11. It is important to be explicit about the transition arrangements because there are a large number of existing PDAs in play and there needs to be clear indication of how each one will be handled. We seek wherever possible for existing PDAs to be transferred to this new platform.

12. When EDQ is completing projects that are fulfilling/delivering program outcomes [e.g housing and planning etc] then the reporting for those projects must align to those program outcomes. The reporting for projects where there is a regional plan in place, the reporting must align and contribute to regional planning requirements.

13. Offsets should be deleted as a pathway because they are a pathway of avoidance. The offset provisions do not recognise housing is both a time and a place issue. There must be minimum requirements set for each PDA below which offsets do not apply. If there is a 'range' above the minimum, then the offset must recognise the time value of that housing not being provided. The offset application should not be allowed if there is no reasonable evidence of an alternative supply within 3 years. Any offset must recognise the time and money impact on not being able to obtain the housing by alternative means other than what is provided for in the subject development.

# Interrogation of the Document

For our interrogation we established a list of what we wanted to know and then set about finding the responses within the documentation. In this way we are seeking to

- Do justice to all of the work undertaken to prepare this document
- Inform ourselves as best we could about what is actually countenanced by this legislation.
- Provide a document that not only responds to the needs for review but also responds to the need to inform many related community organisations without the resources to fully assess the NEDQL.

## Questions

Our interrogatory questions are organised under three headings

### **Setting the Scene**

- What prompted this legislation?
- How does Economic Development Queensland (EDQ) plan to accelerate land assembly and infrastructure provision for housing development?
- What additional pathways are proposed for delivery of housing?
- What additional pathways are proposed for accelerated land assembly?
- How are 'social' and 'affordable' housing defined?
- What does 'housing supply' mean?
- What might 'intensive' might mean?
- What is housing diversity?

### **Getting Down to Business**

- Any examples of what might be proposed to happen?
- Time limits or other prescriptions relating to offsets?
- Criteria or framework to justify specific projects?
- Information and justification
- What constitutes an area or location for assessing housing diversity?
- Does the document make reference to regional planning instruments or actions?

### **Checking Core Issues & Looking for Clarity**

- Exactly which changes in the legislation relate only to the supply of social and affordable housing?
- Exactly what is the expanded remit of the Minister provided for in this document?
- Does the document explain exactly how EDQ is constrained in achieving the Queensland Housing Summit Outcomes Report?
- Does the report identify how this new legislation will decrease operational inefficiencies?
- Does the report identify how this new legislation will overcome commercial challenges that affect its operations?
- Does the report identify how this new legislation will overcome limited resources in EDQ to address the housing shortage?



- What is EDQs new operating model?
- What is the modern operating model and governance framework proposed to be implemented by EDQ?
- How will EDQ enhance enterprise and place-based outcomes through its new operating model?

The following section sets out our method [of individual questions directed to the documentation] and the results of each interrogation. We then set out our overarching analysis and then our recommendations.

## Answers

### Setting the Scene

#### What prompted the NEDQL?

1. The National Housing Supply and Affordability Council [NHSAC]report
2. The Queensland Housing Summit Outcomes [QHSC]Report

#### Key recommendations from the NHSAC report include:

- Encouraging greater institutional investment in housing.
- **Accelerating land assembly**, infrastructure provision, and development approvals in areas suitable for large-scale intensive housing development.
- State and territory development corporations and precinct planning bodies should play a role in facilitating housing development, including through compulsory acquisition if necessary.

#### Key outcomes from the QHSC report include:

- Achieving an increase in housing supply, diversity of housing typologies, and provision of quality social and affordable housing at scale across the State, informed by need.
- Building the capacity of government and the housing sector to deliver social and affordable housing outcomes in a flexible manner tailored to specific opportunities.
- Leveraging government intervention to maximise industry capability, alternative delivery models, and funding sources.
- Delivering a range of housing outcomes within accelerated timescales to effectively address the housing shortage <sup>1</sup>.

How does the NEDQL plan to go about **accelerating land assembly** and infrastructure provision for housing development?

Economic Development Queensland (EDQ) plans to:

1. Strengthen the remit of EDQ to deliver more housing supply across the State, including new social and affordable housing in the context of urban renewal and precincts.
2. Establish social, affordable, and diverse housing as a clear purpose in EDQ's legislation to demonstrate to the market the availability of affordable and diverse housing for low to moderate income households.

3. Identify opportunities to improve the government's housing capabilities and leverage government intervention to maximise industry capability, alternative delivery models, and funding sources.
4. Deliver a range of housing outcomes within accelerated timescales to address the housing shortage effectively 1.

#### What additional pathways are proposed for the delivery of social and affordable housing?

The proposed additional pathways for Economic Development Queensland (EDQ) to facilitate the delivery of social and affordable housing include:

1. Allowing the Minister of Economic Development Queensland (MEDQ) to enter into agreements with third parties to develop and operate affordable housing, providing flexibility in funding, delivering, facilitating, and supplying affordable housing.
2. Enabling the MEDQ to enter into agreements with entities for the purpose of providing assistance for the delivery of social housing, with such agreements being treated as funding agreements under the Housing Act 2003, requiring approval from the Director-General.
3. Expanding the MEDQ's powers in relation to development assessment to include conditions for affordable and social outcomes in priority development areas (PDA) and provisional priority development areas (PPDA), aligning with the relevant planning instruments.
4. Providing alternative pathways for developers to meet their obligations for social and affordable housing in PDAs/PPDAs, including paying an amount in lieu of housing supply or entering into voluntary housing agreements with the MEDQ 3.

#### What additional pathways are proposed to accelerate land assembly for intensive housing development?

To accelerate land assembly for infrastructure provision and development approvals in areas suitable for large-scale intensive housing development, Economic Development Queensland (EDQ) plans to:

1. Strengthen the remit of EDQ to deliver more housing supply across the State, including new social and affordable housing in the context of urban renewal and precincts.
2. Establish social, affordable, and diverse housing as a clear purpose in EDQ's legislation to demonstrate to the market the availability of affordable and diverse housing for low to moderate income households.
3. Identify opportunities to improve the government's housing capabilities and leverage government intervention to maximise industry capability, alternative delivery models, and funding sources.
4. Deliver a range of housing outcomes within accelerated timescales to address the housing shortage effectively 2.

#### What is the definition of the terms 'affordable' and 'social' housing?

The documentation provides the following definitions for the terms 'affordable' and 'social' housing:

1. Affordable Housing: Housing that is affordable to a particular type of household under criteria prescribed by regulation for that specific type of household 17.
2. Social Housing: Housing provided to an individual for residential use, determined based on eligibility requirements related to the individual's income and assets. Social housing includes public housing

under the Housing Act 2003 and crisis accommodation. It is important to note that social housing does not include affordable housing 17.

### Is there an indication of what housing supply means?

The documentation defines housing supply as the provision of diverse housing, including social and affordable housing, to meet various community needs. This includes factors such as size, type, price, built form, density, cost, adaptability, and tenure. The term 'provision' of housing encompasses funding, facilitation, delivery, supply, and ownership of housing or premises 16

### What might 'intensive' might mean?

The documentation does not provide a specific reference, indication, or benchmark regarding what 'intensive' might mean in the context of housing or development. The document primarily focuses on the legislative amendments related to economic development, planning processes, and housing provisions without delving into specific definitions or benchmarks for terms like 'intensive' in this context.

### What is housing diversity?

In Section 3(2) of the document, "diverse housing" is defined as a range of housing to meet various community needs, considering factors such as size, type, price, built form, density, cost, adaptability, and tenure 16. This definition highlights the importance of offering a variety of housing options to cater to the diverse requirements of different individuals and communities.

Furthermore, the document mentions that the provision of diverse housing includes funding, facilitation, delivery, supply, and ownership of the housing 16. This indicates that housing diversity encompasses not only the physical attributes of housing but also the financial and operational aspects involved in making different types of housing available to meet the needs of the community.

### What is land assembly?

We conjecture that land assembly refers to the process of acquiring multiple parcels of land to create a larger, consolidated tract of land for a specific development project or public purpose. This process typically involves acquiring individual properties from multiple owners to assemble a contiguous land area that is suitable for a particular development, such as infrastructure projects, urban renewal initiatives, or large-scale developments.

In the context of urban planning and development, land assembly is often used to overcome fragmented land ownership patterns, create larger development sites, and facilitate more efficient and cohesive development outcomes. It can involve negotiations with property owners, voluntary sales, compulsory acquisition (eminent domain), rezoning, and other legal and planning mechanisms to consolidate the land needed for a specific project.

The documentation discusses land acquisition powers granted to the Minister for Economic Development Queensland (MEDQ) for the purposes of providing infrastructure to service Priority Development Areas (PDAs) and Provisional Priority Development Areas (PPDAs) in Queensland. These powers include the ability to acquire land for infrastructure projects within PDAs and PPDAs, emphasising the importance of land assembly for supporting development and infrastructure delivery in designated areas 4.

## Getting Down to Business

What we are keen to understand is how this will work to ensure that priority action is taken in priority area - and not caving into commercial or sectional interests

Does the documentation make reference to any target levels for social or affordable housing in line with the housing program?

The document provides information on the proposed changes related to social and affordable housing within the context of the Queensland Housing Summit Outcomes Report and the National Housing Accord 2022. While the document outlines the objectives and policy directions for Economic Development Queensland (EDQ) to address housing supply, affordability, and diversity, it does not explicitly mention specific target levels for social or affordable housing in line with the housing program.

However, the document highlights the following objectives related to social and affordable housing:

1. Increase in Housing Supply: The objectives include achieving an increase in housing supply, diversity of housing typologies, and the provision of quality social and affordable housing at scale across the State, informed by need 1.
2. Capacity Building: Building the capacity of government and the housing sector to deliver social and affordable housing outcomes in a flexible manner tailored to specific opportunities 1.
3. Leveraging Government Intervention: Leveraging government intervention to maximise industry capability, alternative delivery models, and funding sources to support social and affordable housing initiatives 1.
4. Timely Delivery: Delivering a range of housing outcomes within accelerated timescales to address the housing shortage 1.

While specific target levels for social or affordable housing are not explicitly mentioned in the document, the objectives outlined suggest a commitment to increasing the supply of social and affordable housing in Queensland and improving housing outcomes for low to moderate-income households. These objectives align with the broader goals of the housing program to address housing affordability challenges and ensure access to suitable housing options for all Queenslanders.

What are the policy objectives set out in this document?

There are several policy objectives aimed at addressing housing supply, affordability, and diversity, as well as enhancing Economic Development Queensland's (EDQ) capacity to achieve its goals. The key policy objectives set out in the document include:

1. Housing Supply, Affordability, and Diversity: The document aims to create additional pathways for EDQ to facilitate the delivery of social and affordable housing while aligning with government targets

and priorities. This includes establishing social, affordable, and diverse housing as a clear purpose in EDQ's legislation to drive new housing supply 2.

2. Investment Powers: The proposed amendments include undertaking investment activities in property assets as a function of the Minister for Economic Development Queensland. This objective aims to enhance EDQ's capacity to respond to initiatives and challenges in delivering economic development in Queensland 2.
3. Place Renewal Framework: The document seeks to establish place renewal areas to enable EDQ to lead coordinated and integrated urban renewal through a place renewal framework. This objective focuses on improving enterprise and place-based outcomes in designated areas 2.
4. Amendments for Operational Efficiency: Measures are proposed to deliver operational efficiencies to the Minister for Economic Development Queensland's existing functions. This objective aims to establish a contemporary operating model and governance framework to support EDQ's long-term financial sustainability and performance 2.
5. EDQ's Corporate Structure: Adjustments to EDQ's corporate structure are proposed to optimise its capabilities across planning and development activities. This objective aims to enhance EDQ's ability to achieve outcomes identified in the document and improve its overall performance 2.

Overall, the policy objectives outlined in the document focus on enhancing EDQ's role in addressing housing challenges, promoting economic development, and ensuring sustainable urban renewal. By setting clear objectives related to housing supply, investment powers, place renewal, operational efficiency, and corporate structure, the document aims to guide EDQ's activities towards achieving its goals and contributing to the development of Queensland.

#### Any examples of what might be proposed to happen?

The documentation provides examples of alternative pathways for developers to meet their obligations regarding social and affordable housing requirements in priority development areas (PDA) and provisional priority development areas (PPDA). These pathways include:

1. Paying an amount in lieu of supplying affordable or social housing, which can then be directed to fund a social or affordable housing project within the local government area where the PDA/PPDA is located.
2. Entering into a voluntary housing agreement with the MEDQ, which would prevail over a PDA development approval condition requiring payment for affordable or social housing, to the extent of any inconsistencies 4.

#### Time limits or other prescriptions relating to offsets?

The documentation does not explicitly mention specific time limits or prescriptions regarding the capacity for payments to be used for alternative affordable housing. However, it emphasises the flexibility provided to the MEDQ to fund, deliver, facilitate, and/or supply affordable housing through agreements with third parties. This

flexibility allows for the redirection of payments towards social or affordable housing projects within the local government area where the PDA/PPDA is located 8.

#### Criteria or framework to justify specific projects?

The documentation does not provide specific criteria or a framework for when or where housing would be provided in the context of regional planning instruments or targets. However, it mentions that the amendments expand the MEDQ's powers in relation to development assessment to include conditions for affordable and social outcomes in PDA development approvals, in alignment with the relevant PDA/PPDA planning instrument. These conditions can only be imposed if the relevant development instrument provides for requirements related to social and affordable housing 3.

#### Information and justification

The documentation does not explicitly outline the nature or type of information and justification that would be made available prior to taking action to implement a specific project for the delivery of more social and affordable housing supply. However, it does mention that the Minister for Economic Development Queensland (MEDQ) may return draft statement plans to the Board for further consideration and may direct modifications to the plans. This suggests a process of review and approval by the Minister before specific projects or initiatives related to housing supply are implemented 11.

#### No alternatives available to achieve the policy objectives.

The documentation indicates that there are no alternative ways of achieving the policy objectives. 11

#### What constitutes an area or location for assessing housing diversity?

In the context of assessing housing diversity, the documentation does not explicitly specify whether the area or location for evaluating housing diversity is at the Local Government Area (LGA) level or a specific planning area such as a neighbourhood plan. However, based on the information provided in the document, it is likely that the assessment of housing diversity may occur at various levels, depending on the scope and objectives of the evaluation.

1. Local Government Area (LGA): LGAs are administrative regions defined by local councils to manage and govern specific geographic areas. Assessing housing diversity at the LGA level would involve examining the range of housing options available across the entire jurisdiction to ensure that diverse housing needs within the community are met.
2. Specific Planning Areas: In addition to LGAs, assessments of housing diversity may also occur at more localised levels, such as specific planning areas or neighbourhood plans. These areas may have unique characteristics, development objectives, and community needs that require tailored approaches to housing diversity to create inclusive and sustainable neighbourhoods.

Overall, the assessment of housing diversity can be conducted at different spatial scales, ranging from broader LGAs to specific planning areas or neighbourhood plans, depending on the context and objectives of the evaluation. The document emphasises the importance of providing a range of housing options to meet various community needs, suggesting a comprehensive approach to assessing and addressing housing diversity at multiple levels within the built environment.

#### Does the document make reference to regional planning instruments or actions?

The documentation does not specifically mention regional planning instruments or actions in the provided excerpts. The focus is primarily on the objectives and actions related to housing supply, diversity, social and affordable housing delivery, and government intervention at the state level to address housing shortages and affordability challenges 1.

### Checking Core Issues & Looking for Clarity

#### Exactly which changes in the legislation relate only to the supply of social and affordable housing?

It mentions that the amendments to the main purpose of the Economic Development Act 2012 (ED Act) include the provision of diverse housing, such as social housing and affordable housing, as one of the main purposes of the ED Act. This change establishes the expanded remit of the Minister for Economic Development Queensland (MEDQ) to drive new housing supply, particularly social and affordable housing, in alignment with government targets and priorities 17.

#### Exactly what is the expanded remit of the Minister provided for in this document?

The expanded remit includes the following key aspects:

1. Housing Supply, Affordability, and Diversity: The Minister's expanded remit includes creating additional pathways for Economic Development Queensland (EDQ) to facilitate the delivery of social and affordable housing while aligning with government targets and priorities 2.
2. Investment Powers: The Minister's remit includes undertaking investment activities in property assets as a function of the Minister for Economic Development Queensland 2.
3. Place Renewal Framework: The Minister's expanded remit involves establishing place renewal areas to enable EDQ to lead coordinated and integrated urban renewal through a place renewal framework 2.
4. Amendments for Operational Efficiency: The Minister's remit includes implementing measures to deliver operational efficiencies to the existing functions of the Minister for Economic Development Queensland 2.
5. EDQ's Corporate Structure: The Minister's expanded remit involves adjusting EDQ's corporate structure to optimise its capabilities across planning and development activities 2.

## Does the document explain exactly how EDQ is constrained in achieving the Queensland Housing Summit Outcomes Report?

The documentation explains that Economic Development Queensland (EDQ) is currently constrained in achieving the Queensland Housing Summit Outcomes Report due to a range of governance, resourcing, commercial, and operational challenges. These constraints are outlined as follows:

1. Governance Challenges: EDQ faces governance challenges that hinder its capacity to deliver on the outcomes identified in the Queensland Housing Summit Outcomes Report 2.
2. Resourcing Constraints: Limited resources impact EDQ's ability to address the housing shortage and deliver on the objectives set forth in the Summit Outcomes Report 2.
3. Commercial Challenges: EDQ encounters commercial challenges that affect its operations and ability to respond effectively to housing initiatives and challenges in Queensland 2.
4. Operational Challenges: Operational inefficiencies within EDQ impede its ability to achieve the desired outcomes related to housing supply, affordability, and diversity 2.

To address these constraints and challenges, EDQ has identified a new operating model aimed at increasing its capacity, establishing a contemporary governance framework, improving financial sustainability, responding to economic development initiatives, and enhancing enterprise and place-based outcomes 2.

## Does the report identify how this new legislation will decrease operational inefficiencies?

The documentation does not explicitly provide detailed information on how the new legislation will specifically decrease operational inefficiencies within Economic Development Queensland (EDQ). However, it mentions that the proposed amendments to the Economic Development Act 2012 (ED Act) aim to implement measures to deliver operational efficiencies to the functions of the Minister for Economic Development Queensland 2.

While the document outlines the objectives of the new operating model, such as increasing capacity, improving financial sustainability, and responding to initiatives and challenges for economic development in Queensland, it does not delve into specific provisions or mechanisms within the legislation that directly address operational inefficiencies.

## Does the report identify how this new legislation will overcome commercial challenges that affect its operations?

The documentation does not explicitly detail how the new legislation will specifically overcome commercial challenges that affect the operations of Economic Development Queensland (EDQ). However, it mentions that EDQ has identified a new operating model aimed at addressing various challenges, including commercial challenges, to improve its capacity to achieve outcomes, enhance financial sustainability, and respond to economic development initiatives in Queensland 2.

While the document does not provide specific provisions within the legislation that directly target commercial challenges, the overall objective of the proposed amendments to the Economic Development Act 2012 is to support EDQ in overcoming constraints and improving its effectiveness in delivering on economic development goals in the state.



## Does the report identify how this new legislation will overcome limited resources in EDQ to address the housing shortage?

The documentation does not explicitly outline how the new legislation will specifically address the limited resources within Economic Development Queensland (EDQ) to effectively tackle the housing shortage. However, it mentions that EDQ has identified a new operating model to increase its capacity, establish a contemporary governance framework, and respond to economic development initiatives in Queensland 2.

While the document does not provide detailed information on specific provisions within the legislation that directly target resource constraints, the overall aim of the proposed amendments to the Economic Development Act 2012 is to enhance EDQ's ability to deliver on housing supply, affordability, and diversity objectives as outlined in the Queensland Housing Summit Outcomes Report.

## What is EDQs new operating model?

The key components of EDQ's new operating model include:

1. **Increasing Capacity:** The new operating model aims to enhance EDQ's capacity to achieve outcomes related to housing supply, diversity of housing typologies, and the provision of quality social and affordable housing at scale across the state 2.
2. **Establishing a Contemporary Operating Model and Governance Framework:** EDQ seeks to establish a modern operating model and governance framework that will support its long-term financial sustainability and performance 2.
3. **Responding to Initiatives and Challenges:** The new model aims to increase EDQ's capacity to respond effectively to economic development initiatives and challenges in Queensland 2.
4. **Improving Enterprise and Place-Based Outcomes:** EDQ aims to enhance enterprise and place-based outcomes through its new operating model 2.

Overall, the new operating model is designed to address governance, resourcing, commercial, and operational challenges faced by EDQ and to align its operations with the objectives set forth in the Queensland Housing Summit Outcomes Report.

## What is the modern operating model and governance framework proposed to be implemented by EDQ?

The modern operating model and governance framework proposed to be implemented by Economic Development Queensland (EDQ) include the following key components:

1. **Separation of Operational Functions:** The amendments provide for the continuation of the Corporation Sole constituted by the Minister, but with a separation of operational functions from the Department of State Development and Infrastructure 10.
2. **Appointment of a Chief Executive Officer (CEO) and an Independent Board:** The new structure includes the appointment of a CEO and an independent Board comprising the Chief Executive of the department responsible for the MEDQ's portfolio responsibilities, the Under-Treasurer, and up to six non-government members with expertise relevant to EDQ's activities 10.
3. **Delegation of Powers:** All powers under the Act remain vested in the MEDQ but may be delegated to the Board, with exceptions related to regulatory functions and exemptions stated in the ED Act 10.

4. Strategic and Operational Planning: The Board is required to prepare and submit a strategic plan and an operational plan to the Minister for approval, specifying financial and non-financial performance targets for its activities for the relevant financial year 10.
5. Financial Sustainability: The amendments aim to facilitate the long-term financial sustainability of EDQ by allowing the organisation to charge fees for services related to its functions and activities 8.
6. Risk Management and Asset Management: The governance framework includes policies for minimising and managing risks related to investments, borrowings, and major asset acquisitions and disposals 11.

Overall, the proposed modern operating model and governance framework aim to optimise EDQ's capabilities, enhance its financial sustainability, and improve its performance in delivering economic development outcomes in Queensland.

#### How will EDQ enhance enterprise and place-based outcomes through its new operating model?

Economic Development Queensland (EDQ) aims to enhance enterprise and place-based outcomes through its new operating model by focusing on several key strategies and initiatives:

1. Place Renewal Framework: The new operating model includes the establishment of place renewal areas to enable EDQ to lead coordinated and integrated urban renewal efforts through a place renewal framework 2. This framework is designed to revitalise specific areas, promote economic development, and create vibrant and sustainable communities.
2. Strategic Leadership and Coordination: The amendments to the Economic Development Act acknowledge EDQ's new role in undertaking strategic leadership and coordination of place renewal areas 3. By taking on this leadership role, EDQ can drive initiatives that support economic growth, community development, and sustainable urban planning.
3. Operational Efficiencies: The new operating model includes measures to deliver operational efficiencies in EDQ's existing functions 2. By streamlining processes, improving resource allocation, and enhancing collaboration, EDQ can optimise its performance and achieve better outcomes for enterprises and communities.
4. Diverse Housing Provision: The amendments to the main purpose of the ED Act include the provision of diverse housing, such as social housing and affordable housing, as one of the main purposes of EDQ 2. By expanding its remit to include housing diversity, EDQ can contribute to creating inclusive and sustainable communities that support enterprise development.

Overall, EDQ's new operating model is designed to drive economic development, support enterprise growth, and enhance the quality of place-based outcomes through strategic planning, efficient operations, and a focus on diverse and sustainable development initiatives.

#### Does the documentation describe or define 'sustainable development'?

There is a description and definition of "ecological sustainability," which is a key component of sustainable development. The document defines ecological sustainability as a balance that integrates the protection of ecological processes and natural systems at local, regional, state, and wider levels with economic

development. It emphasises the maintenance of the cultural, economic, physical, and social well-being of people and communities 16.

While the document specifically mentions ecological sustainability, it aligns with the broader concept of sustainable development, which aims to meet the needs of the present without compromising the ability of future generations to meet their own needs. By emphasising the importance of ecological sustainability and the well-being of communities, the document acknowledges the significance of sustainable development principles in guiding economic development initiatives and urban renewal efforts in Queensland.

#### Is there reference to transition arrangements in this documentation?

The documentation does not explicitly mention transition arrangements in the context of the proposed amendments to the Economic Development Act 2012 and related legislation. The focus of the document is primarily on outlining the changes and provisions related to economic development, infrastructure delivery, land acquisition powers, and reporting and accountability frameworks within the Queensland context.

While transition arrangements are common in legislative changes to ensure a smooth transition from existing regulations to new provisions, the document does not specifically address any transition arrangements or provisions that may be associated with the proposed amendments.

## Analysis of the Documentation

### Setting the Scene

A split between Housing program/policy and Housing delivery leaves the door wide open for 'Yes Minister' outcomes...

The NEDQL provides a clear trajectory from the NHSAC and QHSC reports.

The scope and approach of EDQ is being modified to enhance delivery in regard to social and affordable housing.

It appears that the Housing program will remain separate to the Housing delivery program which will sit in EDQ. What is not clear is how closely the performance of EDQ's delivery will be tracked against the program's outcomes [for Housing]. Who will provide reporting and how transparent will reporting on housing delivery VS policy targets be?

Land assembly - this sounds very ominous.

We are extremely uncertain and so is this documentation about what 'land assembly' might mean. To the best of our knowledge no one is making any more land and this is simply an inappropriate term that might usually be called consolidation. Is the PDA the land assembly or is it something else?

As well we are not sure about what Provisional PDAs mean in this setting. Are they in any way connected to PFGAs in the Regional Plan?

Finally, the extent to which PDAs are used to eat into existing undeveloped lands as opposed to working with existing developed land for infill must be given priority. The continuing creep to extend the urban footprint is testimony to the extent that EDQ relies heavily on undeveloped [from an urban perspective] land that must be limited. Clear prioritisation must be given to existing urban areas. This is the foundation of the original regional planning processes but is being overridden by enthusiasm for 'cheap' land that has a large environmental and social impact.

### Supply = Provision

This is a necessary condition and we are pleased that this is clear. What needs clarity is consolidated reporting in circumstances where 'delivery' and 'program/policy' are split.

### Intensive = ?????

There is no visibility of what this means and it may or may not have significant ramifications depending on its definition in the first case and then whether 'intensive' is appropriate in all locations in the second place.

## Getting Down to Business

Our major issues arise in this area.

### Target levels and plans

We believe it needs to be mandatory for the MEDQ and the Housing Minister to publish a joint plan showing the expected targets for each element of the housing delivery program for each year. And for there to be 6 monthly progress reports published jointly by both Ministers.

### No regional plan

It is critical that this legislation aligns the MEDQ with a Regional Plan to the same extent the legislation requires alignment to the housing program.

This legislation will have limited credibility if it is not undertaken in concert with the State's own Planning Program.

It is not possible to determine priority projects, performance parameters or delivery time frames without linking EDQ delivery and performance with an extant regional plan.

### No definition of the area scope for assessing diversity

The absence of linking EDQ housing matters with an LGA is fundamental to the logic of this legislation. The regional plan establishes forecasts and LGA's Housing Supply Action Plans. The Housing Program, the Planning Program and EDQ must reconcile with intended LGA action to establish an outcome that services the needs of these programs. Regional Planning will fail if LGA's city plans and zoning plans are not operating in concert. If the Planning Program does not have the teeth to ensure LGA compliance then the State Programs must resolve the issue within that LGA. Letting LGAs under-deliver is a significant ongoing problem in SEQ and will cause a breakdown in regional planning and impact social and environmental outcomes of the regional plan. If LGAs are allowed by the State to under deliver, then, it is absolutely essential that PDAs deliver solutions in regard to housing supply where LGAs are failing. It is also critical that EDQ does not solve a housing failure in one LGA by undertaking PDAs in another LGA. This would fulfil the worst aspects of the 'cannibal using a fork'.

### No policy alternatives - well this is true in part but it does not recognise the absence of inclusionary zoning

We note that the documentation indicates that there is no policy alternative. We believe that there is no policy alternative to the State Government increasing its ownership of social housing but this is not clearly enunciated. The level of State owned social housing in each LGA is a critical issue for ongoing stability of the housing market. If this

target is not recognised and referenced then much of the vaunted potential is likely to evaporate as quickly as the legislation is sanctioned.

#### No control of supply in regard to offsets

The offset provisions do not recognise housing is both a time and a place issue. There must be minimum requirements set for each PDA below which offsets do not apply. If there is a 'range' above the minimum, then the offset must recognise the time value of that housing not being provided. The offset application should not be allowed if there is no reasonable evidence of an alternative supply within 3 years. Any offset must recognise the time and money impact on not being able to obtain the housing by alternative means other than what is provided for in the subject development.

## Checking Core Issues & Looking for Clarity

#### Alignment to social and affordable housing expectations

The primary objectives and policy aspirations are generally aligned with community expectations

#### Several significant problems are not addressed in the documentation

Whilst the legislation proposes to overcome

- Inefficiencies
- Insufficient capacity
- Commercial challenges

we have been unable to find exactly how these initiatives are intended to be achieved [within the materials provided].

#### Place Renewal Framework

It needs to be far more explicit that the Place Renewal Framework focus on

- Particular housing targets for diversity within that LGA [where the PRF is to be implemented]
- Being consistent with a regional plan
- Be developed to respond to the overall housing requirements within that LGA [where the PRF is to be implemented]
- Be ecologically sustainable with a clear outline of how this will be achieved.

#### Reporting

The EDQ must identify 'why' a PDA is needed and make specific reference to the housing program and the planning program requirements for that area.

Clearly show how the PDA will contribute to the housing program and the planning program [regional plan] for that LGA.

# Findings and Recommendations

We noted at the beginning of this assessment that with astute drafting and recognition of the imperatives to link the mechanisms of

- Project delivery
- Plan making
- Program management

it would be possible to make-good many of the gaps in the NEDQL. Whilst there is some overlap between findings and recommendations we ask that they be treated of equal importance. We ask that negative findings be responded to the best way appropriate. With some findings we have recommended a line of action

## Findings

We ask that the following findings be responded to in the final documentation

1. It is not clear what 'land assembly' and 'large scale intensive' housing development means. This needs to be clarified as it appears to prioritise action in only one segment of the housing market.
2. The documentation does not provide a specific reference, indication, or benchmark regarding what 'intensive' might mean in the context of housing or development
3. We note that "diverse housing" is defined as a range of housing to meet various community needs, considering factors such as size, type, price, built form, density, cost, adaptability, and tenure<sup>16</sup>. This definition highlights the importance of offering a variety of housing options to cater to the diverse requirements of different individuals and communities. We note there is no reference to a method of assessment of LGAs' diversity of housing.
4. While the document outlines the objectives and policy directions for Economic Development Queensland (EDQ) to address housing supply, affordability, and diversity, it does not explicitly mention specific target levels for social or affordable housing in line with the housing program.
5. The documentation provides examples of alternative pathways for developers to meet their obligations regarding social and affordable housing requirements in priority development areas (PDA). This is an extraordinary 'get out of jail' card and there must be greater prescription about the circumstances for 'offsets'. The documentation does not explicitly mention specific time limits or prescriptions regarding the capacity for payments to be used for alternative affordable housing.
6. The documentation does not provide specific criteria or a framework for when or where housing would be provided in the context of regional planning instruments or targets.
7. The documentation does not explicitly outline the nature or type of information and justification that would be made available prior to taking action to implement a specific project for the delivery of more social and affordable housing supply.
8. The documentation indicates that there are no alternative ways of achieving the policy objectives. We accept this to be the case when it comes to the government owning more social housing. We posit that modifications

to city plans and specific zoning provisions are viable alternatives in relation to other aspects of housing diversity.

9. In the context of assessing housing diversity, the documentation does not explicitly specify whether the area or location for evaluating housing diversity is at the Local Government Area (LGA) level or a specific planning area such as a neighbourhood plan. The documentation notes that overall, the assessment of housing diversity can be conducted at different spatial scales, ranging from broader LGAs to specific planning areas or neighbourhood plans, depending on the context and objectives of the evaluation. This is nothing short of a loophole to modify assessments to match particular preferred outcomes.
10. The documentation does not specifically mention regional planning instruments - how can projects deliver government outcomes if they ignore regional plans?
11. The documentation does not explicitly provide detailed information on how the new legislation will specifically decrease operational inefficiencies within Economic Development Queensland (EDQ).
12. The documentation does not explicitly detail how the new legislation will specifically overcome commercial challenges that affect the operations of Economic Development Queensland (EDQ).
13. The documentation does not explicitly outline how the new legislation will specifically address the limited resources within Economic Development Queensland (EDQ) to effectively tackle the housing shortage.
14. The amendments provide for the continuation of the Corporation Sole constituted by the Minister, but with a separation of operational functions from the Department of State Development and Infrastructure. The documentation does not provide a suitable explanation for this approach.
15. The documentation provides for the appointment of a Chief Executive Officer (CEO) and an Independent Board: The new structure includes the appointment of a CEO and an independent Board comprising the Chief Executive of the department responsible for the MEDQ's portfolio responsibilities, the Under-Treasurer, and up to six non-government members with expertise relevant to EDQ's activities. We seek at least 2 x community representatives [that are not in the development industry and who participate in local and regional planning issues for community organisations] to be included as part of the structure.
16. Place Renewal Framework: The new operating model includes the establishment of place renewal areas to enable EDQ to lead coordinated and integrated urban renewal efforts through a place renewal framework but there is no explicit requirement for it to align with a regional plan if one is in place.
17. The amendments to the main purpose of the ED Act include the provision of diverse housing, such as social housing and affordable housing, as one of the main purposes of EDQ 2. By expanding its remit to include housing diversity, EDQ can contribute to creating inclusive and sustainable communities that support enterprise development. There must be alignment of these measures with program targets and regional plan targets.

## Recommendations

We ask that the following recommendations be taken up in the final documentation. These recommendations are in sync with the findings but we have kept the wording as brief as possible.

1. Define what intensive means for housing. There is no articulation of what 'intensive' means and it may or may not have significant ramifications depending on its definition in the first case; it then becomes a matter of whether such definition suits the type of housing required in all circumstances.
2. There is a need to clarify how 'land assembly' relates to and fits into PPDAs and PDAs.
3. This legislation is linking projects with programs. There is a need to clarify reporting arrangements. We suggest there is a need for the MEDQ and the Housing Minister to publish a joint plan showing the expected targets for each element of the housing delivery program for each year. And for there to be 6 monthly progress reports published jointly by both Ministers.
4. It is critical that this legislation aligns the MEDQ [and each PDA's outcomes] with a Regional Plan [when there is one] to the same extent the legislation requires alignment to the Housing program.
5. Housing diversity must be physically mapped for each LGA. This requires a structured method. The absence of linking EDQ housing matters with an LGA is fundamental to the logic of this legislation. The regional plan establishes forecasts and LGA's Housing Supply Action Plans. The Housing Program, the Planning Program and EDQ must reconcile with intended LGA action to establish an outcome that services the needs of these programs. Regional Planning will fail if LGA's city plans and zoning plans are not operating in concert. If the Planning Program does not have the teeth to ensure LGA compliance, then the State Programs must resolve the issue within that LGA. Letting LGAs under-deliver is a significant ongoing problem in SEQ and will cause a breakdown in regional planning and impact social and environmental outcomes of the regional plan. If LGAs are allowed by the State to under deliver, then, it is absolutely essential that PDAs deliver solutions in regard to housing supply where LGAs are failing. It is also critical that EDQ does not solve a housing failure in one LGA by undertaking PDAs in another LGA. This would fulfil the worst aspects of the 'cannibal using a fork'.
6. The level of State owned social housing in each LGA is a critical issue for ongoing stability of the housing market. 'Actual' and 'target' must be established and reported on.
7. Whilst the legislation specifically proposes to overcome
  - a. Inefficiencies
  - b. Insufficient capacity
  - c. Commercial challenges
  - d. we have been unable to find exactly how these initiatives are intended to be achieved [within the materials provided].
8. The EDQ must identify 'why' a PDA is needed and make specific reference to the housing program and the planning program requirements [covering any relevant regional plan] for that area.
9. It needs to be far more explicit that the Place Renewal Framework focus on
  - a. Particular housing targets for diversity within that LGA [where the PRF is to be implemented]
  - b. Being consistent with a regional plan
  - c. Be developed to respond to the overall housing requirements within that LGA [where the PRF is to be implemented]
  - d. Be ecologically sustainable with a clear outline of how this will be achieved.
10. The documentation does not explicitly mention transition arrangements in the context of the proposed amendments to the Economic Development Act 2012 and related legislation. The focus of the document is



primarily on outlining the changes and provisions related to economic development, infrastructure delivery, land acquisition powers, and reporting and accountability frameworks within the Queensland context.

11. It is important to be explicit about the transition arrangements because there are a large number of existing PDAs in play and there needs to be clear indication of how each one will be handled. We seek wherever possible for existing PDAs to be transferred to this new platform.
12. When EDQ is completing projects that are fulfilling/delivering program outcomes [e.g housing and planning etc] then the reporting for those projects must align to those program outcomes. The reporting for projects where there is a regional plan in place, the reporting must align and contribute to regional planning requirements.
13. Offsets should be deleted as a pathway because they are a pathway of avoidance. The offset provisions do not recognise housing is both a time and a place issue. There must be minimum requirements set for each PDA below which offsets do not apply. If there is a 'range' above the minimum, then the offset must recognise the time value of that housing not being provided. The offset application should not be allowed if there is no reasonable evidence of an alternative supply within 3 years. Any offset must recognise the time and money impact on not being able to obtain the housing by alternative means other than what is provided for in the subject development.

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