



12th October 2018

Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000

Sent via email only: sdnraidc@parliament.qld.gov.au

Dear Committee,

Submission: Economic Development and Other Legislation Amendment Bill 2018

Thank you for the opportunity to provide a submission to your Committee's inquiry into the Government's proposals to amend the Economic Development Act 2012 and other legislation resulting in the Economic Development and Other Legislation Amendment Bill 2018.

This submission is made on behalf of Brisbane Residents United Inc (BRU), Brisbane's peak body for community resident actions groups. Whose purpose is to:

- Represent Brisbane and surrounding district residents and provide them with a united voice to Governments on matters pertaining to urban planning and development.
- Act as a resource centre, facilitating information sharing across established and start-up local resident associations.

Below is a summary of our submissions, followed by more detailed submissions and recommendations for further improvements.

We would be pleased to present before the Committee in any hearing held on this inquiry if desired.

Summary:

- 1. The Planning legislation and related regulation should be strong enough to stand on its own and therefore Parliament should reform or abolish the Economic Development Act.**

2. Overall, BRU supports the intent of the Bill as a necessary step in improving integrity in decision making of government by bringing the sections of the Economic Development Act into line with the Planning Act.
3. Queensland's planning laws need reform.

The Parliament should reform or abolish the Economic Development Act.

The Queensland Parliament has spent considerable time and effort in the last few years drafting and renewing planning legislation in this State. Leaving aside how effective that legislation is, it must have been judged strong enough to stand alone. There should be no requirement for ancillary legislation that allows exceptions to the Queensland planning legislation and the framework that surrounds it. There should be no Priority Development Areas or any other area that cannot be dealt with within the standard planning scheme and its procedures and protections.

The State Government approves the planning schemes for each local government area. The Brisbane City Plan 2014 states:

Part 1 About the planning scheme

1.1 Introduction

- (1) The City Plan (the planning scheme) has been prepared in accordance with the [Sustainable Planning Act 2009 \(the SP Act\)](#) as a framework for managing development in a way that advances the purpose of [the SP Act](#).
- (2) The planning scheme was amended for alignment with the [Planning Act 2016 \(the Act\)](#) pursuant to the Minister's rules under section 293 of [the Act](#) on 30 May 2017.
- (3) In seeking to achieve this purpose, the planning scheme sets out the Brisbane City Council's intention for the future development in the planning scheme area, over the next 20 years.
- (4) The planning scheme seeks to advance state and regional policies, through more detailed local responses, taking into account the local context.
- (5) While the planning scheme has been prepared with a 20 year horizon, it will be reviewed periodically in accordance with [the Act](#) to ensure that it responds appropriately to the changes of the community at a local, regional and state level.

The Brisbane City Plan 2014 and subsequent amendments all were approved by the State Government. The City of Brisbane Act 2010 that governs the Brisbane City Council in Chapter 1 Preliminary states

“Local government principles underpin this Act

- (1) To ensure the system of local government in Brisbane is accountable, effective, efficient and sustainable, Parliament requires—
 - (a) anyone who is performing a responsibility under this Act to do so in accordance with the local government principles; and
 - (b) any action that is taken under this Act to be taken in a way that—
 - (i) is consistent with the local government principles; and

(ii) provides results that are consistent with the local government principles, in as far as the results are within the control of the person who is taking the action.

(2) The local government principles are—

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) (e) ethical and legal behaviour of councillors and council employees.”

Surely if the State Government is exercising its responsibilities to Local Government legislation correctly that legislation should be robust enough to be used by the State Government in its own developments.

The Economic Development Act 2012 is misconceived legislation which weakens the community's rights to be engaged in decisions about town planning and development approval and is prone to suboptimal outcomes.

Instead of tinkering with this legislation it should be substantially reformed or abolished.

Listen to affected communities

We suggest that the Committee hold public hearings in areas affected by Priority Development Areas (PDAs) which have been designated under the Economic Development Act, such as Cleveland, Redland Bay and Carseldine.

The Economic Development Act

The Economic Development Act allows the State Government to excise areas from being subject to 'normal' planning laws (Planning Act 2016) where the primary decision maker is the local council.

The Economic Development Act allows the Government to make planning and development approval decisions with less transparency than if they were subject to local council decision making under the Planning Act. The community has virtually no right of appeal against state government decisions about PDAs.

It is the sort of legislation one might expect to see in a third world country without democratic values, where economic growth is valued over community rights.

On 28 November 2012, speaking about the Economic Development bill, then Opposition spokesperson Jackie Trad said: “This is an outrageous abuse and concentration of power.”

Establishing a corporation sole (Minister for Economic Development Queensland) to make planning and approval decisions was described by Ms Trad as: “...nothing more than the LNP

making a power grab to buy up land to develop it at its will and to give it away to its developer mates.”

“This is all about empowering the white shoe brigade and not local government or community groups.” said Ms Trad. She described the bill as “... the second strike in this government’s agenda to serve the white shoe brigade.”

Ms Trad suggested “financially powerful property developers” had undue influence on the government in its preparation of the legislation. She questioned “why the bill was rammed through with minimal public scrutiny and consultation” and said “There is no justification provided by this [LNP] government for broadening the scope for the removal of local community appeal rights...”

“The opposition cannot support elements of what is rushed and poorly conceived legislation that has been drafted with woefully inadequate consultation and that is targeted at two sets of interests, those of powerful mining companies and wealthy developers, to the detriment of the rest of the community. The Deputy Premier [at the time this was Jeff Seeney] commented earlier that the community supported this bill. I challenge the Deputy Premier to go to the communities that will be affected by this legislation and hold community meetings, not closed room meetings with three, four or eight people.” said Ms Trad.¹

But when the Labor Party formed government in early 2015, all of the Economic Development Act’s flaws and shortcomings were not addressed. Why not?

Surely such poorly conceived legislation which constitutes an “outrageous abuse and concentration of power” needs substantial reform, not minor tinkering.

Surely it is necessary for legislation conceived with “woefully inadequate consultation” to be reviewed comprehensively, with exemplary consultation, including meetings with affected communities.

Some of the communities affected by the Economic Development Act are mentioned below

We suggest the Committee might find it very instructive to meet in these communities with local residents who are concerned about for their neighbourhoods to be significantly disturbed and transformed, without genuine community consultation because of the Economic Development Act.

Cleveland (Toondah Harbour PDA)

In mid 2013, over five years ago, a PDA was declared around Toondah Harbour in Cleveland where ferries depart for North Stradbroke Island. Development in this area was proposed as a way of achieving an upgrade to the ferry terminal but current plans for 3,600 apartments on dredged Ramsar wetlands have outraged local residents and environmentalists.

Public consultation about a draft development scheme in 2014, managed for the State Government by Redland City Council, was flawed and deceptive. The public notice period was sprung on the community during the summer holiday period. Technical reports including important information about environmental issues, were withheld from the community.

¹ Queensland Parliament. Record of Proceedings, November 28 2012, pp. 2902-2929
Brisbane Residents United Inc

Once the development scheme was approved, the State government and Redland City Council moved with surprising speed to pick a preferred developer whose plans for development were completely different to and more impactful than the plans which had been waved briefly in front of the community during public 'consultation'.

Once the revised project's scale was unveiled it became apparent that environmental impacts had not been properly considered when the original PDA boundaries were determined, with most of the proposed area for development overlapping the protected wetlands in the Moreton Bay Ramsar site, triggering the need for Federal Government environmental approvals.

If proper planning processes had been followed from the beginning this fundamental flaw would have been picked up much earlier and a far more appropriately scaled project might already be under way. It's a great example of what happens if planning is managed secretly and incompetently without normal checks and balances.

The view of many in the community is very clear. The State government should 'stop the rort and just fix the port.'

But it's also important that lessons are learned the mistakes made with the Toondah PDA, and planning laws are changed to prevent such debacles from occurring again.

Redland Bay (Weinam Creek PDA)

In 2013 the Redland City Council doubled its bets and punted on also getting a windfall outcome at Weinam Creek in Redland Bay, where ferries depart for inhabited islands in southern Moreton Bay.

As was the case with the Toondah PDA, the quality of up front planning by the Council and State government was inadequate. The choice of preferred developer (same entity as Toondah PDA) proved to be wrong.

In May 2018 Redland City Council confirmed that its 'preferred developer' was not interested in development at Weinam Creek.

The community had been strung along for years with expectations of improved facilities but no inclusion in the planning process.

Instead of revoking the PDA and reverting to business as usual, the Council (through its secretive property development company the Redland Investment Corporation) is now pushing ahead with its own plans for development of housing and public car parks on flood prone land (Moores Farm).

Residents who would rightfully expect an opportunity to have a say about these plans will find that under the Economic Development Act they have no say if the Council's proposed development is consistent with the original development scheme approved back in 2014.

This is of great concern to residents in Redland Bay who live near Moores Farm, but also concerns island residents and visitors who may get inadequate car parking facilities located a considerable distance from the ferry terminal.

As with the Toondah Harbour PDA, there are lessons to be learned about the importance of following good planning process including plenty of genuine community consultation. Inadequate checks and balances in the Economic Development Act make planning failure more likely to occur.

Carseldine Urban Village (Fitzgibbon PDA)

The Carseldine Urban Village site is state land in the Fitzgibbon Priority Development Area (PDA), formerly a campus of the Queensland University of Technology (QUT).

Since the Government announced in 2017 plans to “repurpose” the site for urban development, local residents have been actively opposing the 900 home development with petitions, submissions and demonstrations coordinated by the [Save Our Carseldine](#) (SOC) community action group.

In November 2017, during the last State election campaign, MP for Aspley Tracey Davis (LNP) [said](#) that her party would stop plans for the Carseldine Urban Village because “There are real concerns about overdevelopment, loss of green space and congestion.”

“Carseldine residents were offered nothing but tokenistic information sessions that were designed to get the outcome that the government wanted, not what locals wanted.” She said.²

Brisbane City Council concerns about PDAs

In August 2018 the State Government announced that it was declaring PDAs in two new areas within the Brisbane City Council local government area at Yeronga (3 hectares) and Oxley (19 hectares).

Other PDAs in Brisbane City Council’s local government area include:

Northshore Hamilton (300 hectares),

The BCC is currently spending \$650 Million dollars to upgrade Kingsford Smith Drive so it can service the development that occurred as a result of this PDA. Much of the land included in this PDA is subject to flooding.

Bowen Hills (107 hectares),

Fitzgibbon (294 hectares),

Woolloongabba (10 hectares),

Queen’s Wharf (26 hectares) and

This development will turn many of Brisbane’s most important heritage buildings into almost toy town buildings in an over developed site. Much of the detail about deals done on this site have been shrouded in secrecy by both major political parties.

² Michelle Smith and Renee McKeown, “LNP commits to stop Carseldine Urban Village development”, Bayside and Northern Suburbs Star, 8 November 2017 Retrieved from: <https://www.couriermail.com.au/questnews/north/lnp-commits-to-stop-carseldine-urban-village-development/news-story/f47731def28ec0ecc45ecbf78dfca93d>

Herston Quarter (6 hectares),

Brisbane City Council planning chairman Matthew Bourke was [reported](#) in the Brisbane Times as saying the council did not support PDAs and infrastructure designations because: “While [the] state government do infrastructure inside the actual site of the PDA it doesn’t support infrastructure connections that are outside of the PDA,” and this “takes large chunks of the city out and creates islands, where you have development going on that doesn’t have the significant necessary infrastructure.”³ This article further reported that “This planning process means there is no right of appeal for submitters, no consultation on individual development proposals and no infrastructure charges collected by the council.”

Bringing the Economic Development Act into line with the Planning Act.

Overall, BRU supports the intent of the Bill as a necessary step in improving integrity in decision making of government by bringing this legislation into line with the Planning Act. We would like to see an increase in the transparency and accountability around developments approved under this legislation.

We note that the recommendation 3 from the An administrative review of Building Queensland's operating arrangements “Increase the public transparency of business cases led by BQ (or provided assurance on) by publishing sufficient information (redacting commercial-in-confidence material) to ensure confidence that the basis of Government’s investment decision was robust and in the public interest.” was not supported in this legislation. Surely in the interests of transparent and accountable government it should have been.

Queensland’s planning laws need reform

Community groups in south east Queensland acting together as the South East Queensland Alliance (including Redlands2030, Gecko, OSCAR and Brisbane Residents United) are advocating that Queensland’s planning laws (including the Planning Act 2016 and the Economic Development Act 2012) need substantial reform to put community interest first, through:

1. Enhancing community amenity, heritage and neighbourhood character
2. Providing green and open spaces in SEQ at world's best practice standard
3. Integrating land and transport planning to avoid transport congestion
4. Conserving koala and other wildlife habitat
5. Ensuring adequate provision of infrastructure and services to support development
6. Increasing certainty to communities in relation to development compliance with designated building heights, density, setbacks, off-street parking and private community space
7. Making most developments subject to genuine public scrutiny and objection

³ Ruth McCosker, “Council city planning boss worried state-led development will create 'islands'”, Brisbane Times, 29 August 2018, Retrieved from: <https://www.brisbanetimes.com.au/national/queensland/council-city-planning-boss-worried-state-led-development-will-create-islands-20180829-p500k3.html>

8. Requiring all development to declare their public and community benefits in terms other than jobs creation.

9. Requiring full transparency of council and government decision-making including genuine community consultation

10. Protecting the community from impacts of climate change

E-petition 2989-18 - [Reform of Queensland Planning Legislation](#) about the need for planning reform is collecting thousands of signatures and will be presented to Parliament in February 2019.

Conclusion

Brisbane Residents United submits that the Economic Development Act needs to be thoroughly reviewed and reformed.

This could best be done in conjunction with a root and branch review of Queensland's planning laws to ensure that the community interest is put first, with a strong emphasis on good planning practices based on genuine community consultation..

All the money governments of all levels spend comes from the residents and citizens of the State of Queensland. It is wasteful and dishonest to try and shift cost from one level of government to another. The community pay for it all and should expect the most benefit to the community with the advantageous development of our community assets. At the moment we have seen private profit from development with public expense for infrastructure.

We call on the State government to give serious consideration to our concerns to ensure that Queensland is moving towards the best government governance system in Australia; one that truly inspires confidence and certainty from all stakeholders and empowers our communities to meaningfully participate in all levels of government. Should you require any further information I can be contacted [REDACTED]

We request the opportunity to appear before the Committee in their hearing into this inquiry.

Yours sincerely

Elizabeth Handley
President
Brisbane Residents United Inc steering group