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16 December 2019

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

Via email: sdnraidc@parliament.qld.gov.au

RE: Implementation of The Spit Master Plan Bill 2019

Thank you for the opportunity to provide input into the Committee's consideration of the Government's *Implementation of The Spit Master Plan Bill 2019*.

The Property Council of Australia is the leading advocate for Australia's biggest industry – property. We are a national not-for-profit organisation established to promote the work of the property industry in delivering prosperity, jobs and strong communities to all Australians.

Here in Queensland, the Property Council represents over 360 member companies across residential, commercial, retail, retirement living, industrial, tourism and education sectors.

The Property Council provided extensive feedback to the Government through the public consultation on The Spit Master Plan throughout 2018 and 2019. While the Property Council remains concerned with many aspects of the final master plan, the organisation accepts that this Bill introduces measures to help facilitate the implementation of what the Government envisions for The Spit.

Rather than re-prosecute our concerns with the limitations that the State Government is proposing on The Spit, this submission is focused on the aspects of the Bill related to amending Section 31(3) of the *Planning Act 2016 (PA)*.

As currently worded, section 31(3) of the PA implies that compensation is only available if development was not assessable before the adverse planning change and becomes assessable because of the change. As this was not the intention of the PA, the Property Council welcomes the Government's proposal to amend this section.

However, the corresponding changes to section 351 does not reflect the fact that the original section 31 was a "minor error".

Section 351 only applies to situations where an affected owner has lost their ability to make a claim for compensation because of the error in the original section 31. It allows the affected owner to make a claim for compensation within 6 months after the commencement of the *Implementation of The Split Master Plan Bill 2019*.

Section 351 does not, however, deal with other situations where development is assessable development both before and after an adverse planning change has effect, where that adverse planning change had effect before the commencement of the Bill. It might be, for example, that a person, having read the original section 31 decided not to make a superseded planning scheme request on the basis that compensation was not available.

As such, the Property Council contends that section 351 is simply too limited and prescriptive. Therefore, we recommend that section 351 should be amended to make it truly retrospective.

The final Bill should provide that, upon commencement, the new section 31 is deemed to have had effect from the commencement of the *Planning Act 2016* and persons who have lost rights as a result of the operation of the original section 31 should be given a reasonable period of time post-commencement of the Bill, to take the action that they could have taken as if the new section 31 had existed at the commencement of the *Planning Act 2016*.

Thank you for the opportunity to respond to this Bill. If you have any questions or would like to discuss this further, please do not hesitate to contact me, on [REDACTED] or [REDACTED].

Kind regards,



Nathan Percy
Acting Queensland Deputy Executive Director