STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:
Mr CG Whiting MP—Chair
Mr JJ McDonald MP
Mr MJ Hart MP
Mr RI Katter MP (videoconference)
Mr JE Madden MP
Mr TJ Smith MP (videoconference)

Staff present:
Ms S Galbraith—Committee Secretary
Ms R Duncan—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE HOUSING AVAILABILITY AND AFFORDABILITY (PLANNING AND OTHER LEGISLATION AMENDMENT) BILL 2023

TRANSCRIPT OF PROCEEDINGS

Thursday, 9 November 2023

Brisbane

THURSDAY, 9 NOVEMBER 2023

The committee met at 11.09 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023. My name is Chris Whiting. I am the chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me today are: Jim McDonald, the member for Lockyer and deputy chair; Jim Madden, the member for Ipswich West; and Michael Hart, the member for Burleigh. Attending via videoconference we have Robbie Katter, the member for Traeger, and Tom Smith, the member for Bundaberg.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or on social media pages. Could you all turn your mobile phones and other devices off or to silent.

BAKER, Ms Crystal, Manager, Strategic Policy Advocate, Local Government Association of Queensland

HENDRY, Mr Matthew, Council of Mayors (SEQ)

LEMAN, Mr Matthew, Lead, Planning and Development Policy Advocate, Local Government Association of Queensland

SMITH, Mr Scott, Chief Executive Officer, Council of Mayors (SEQ)

VOGLER, Ms Sarah, Head of Advocacy, Local Government Association of Queensland

WILSON, Mr Garath, Manager, Strategic Planning, Ipswich City Council (via videoconference)

CHAIR: Could someone from each organisation give a short opening statement? Then we will ask our questions.

Ms Vogler: Thank you for the opportunity to appear before the committee today. I, too, would like to acknowledge the traditional owners of the land on which we meet and pay our respects to elders past, present and emerging. My name is Sarah Vogler. I am the head of advocacy at the Local Government Association of Queensland. I am here representing our CEO, Alison Smith, who is unable to appear today due to prior travel commitments. Joining me are Crystal Baker, the manager of strategic policy, and Matthew Leman, our lead for planning and development policy.

As you are aware, the LGAQ is the peak body for all 77 councils across Queensland. We have been advising, supporting and representing local councils since 1896. We are pleased to be speaking today alongside CoMSEQ and the Ipswich City Council. Queensland's councils are acutely aware of the diverse, complex and multifaceted housing challenges we are facing. Despite being the most financially constrained level of government, councils have responded to the housing crisis with actions including waiving development assessment fees for new housing, waiving infrastructure charges for

affordable or diverse housing, offering council owned land to community housing providers, fast-tracking the assessment of diverse housing proposals, and investing in housing investigations, strategies and action plans to support the long-term supply of developable land.

It is important, however, to recognise that planning can only facilitate development. For example, according to the latest statistics, right now there are more than 97,000 lots within active approvals that have not yet been developed across Queensland and, similarly, in South-East Queensland alone there are more than 94,000 approved multiple dwellings that are also yet to be constructed. These are approved projects that are not being held up by any planning or local government processes but, indeed, by other forces. This brings me to the bill before the committee today.

The LGAQ understands and supports the intent behind the bill in principle, but we do hold concerns that the mechanisms the bill establishes to achieve that intent will increase regulatory burden and constrain the delivery of housing, among other concerns. We believe that our concerns could have been addressed had there been adequate consultation with local government before the bill was introduced into the House.

Today I would like to highlight three of our primary concerns, starting with the operation of the urban investigation zone. While, in principle, we understand and support the intent of the zone, as currently drafted implementing it would not be practical or worthwhile for local government as it would take three or more years for a council to follow the state's process to implement it or remove it. Due to the impracticalities of the zone and its potential unintended consequences, we do urge the committee to consider alternatives.

Secondly, I would like to note our concerns with the proposed state facilitated application pathway. As currently proposed, it is not clear when, how or why a minister would declare a state priority and what assessment benchmarks a state facilitated development would be assessed against. Under the current planning framework, before a local government can establish assessment benchmarks for development they undertake rigorous and robust process to balance state and public interests, consider the local context and build community buy-in and trust; however, as currently drafted, a minister could bypass all of these processes and disregard community consultation outcomes. As such, we cannot support the state facilitated application pathway.

Finally, I would like to briefly flag concerns with some of the operational amendments proposed. Firstly, as currently drafted, the proposed ministerial powers to direct planning scheme amendments do not allow local governments to locally refine state interest, therefore disregarding local concerns and interests. Secondly, amendments to allow for temporary accepted development require further thought and consideration to ensure that permanent structures, like slab-on-ground homes, are not approved as a temporary development. Finally, while we understand the state's interest in avoiding the duplicative assessment of local and state heritage values, we would like to highlight the ongoing need for local government to protect local heritage values to the extent they differ to the state.

Mr Smith: My name is Scott Smith. I am the CEO of the Council of Mayors (SEQ), representing 11 of the South-East Queensland councils here today. Thank you for the opportunity to provide feedback on the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill. The Council of Mayors supports the need for an efficient planning system that continues to support housing supply and diversity in South-East Queensland. Housing supply, diversity and affordability is a complex issue requiring evidence-based solutions and strong collaboration and coordination with local government. To date, the bill has been developed with limited consultation with local government. We are yet to see the detail of the regulation to support the implementation of the bill. We are continuing to work closely with the state on the update of Shaping SEQ, the regional plan, but we are yet to fully understand or finalise key amendments. Considering this bill in the absence of this important information is extremely challenging and, understandably, a concern for local government across South-East Queensland.

Accordingly, the essence of our feedback to the committee has been that we want to understand the detail supporting the implementation of the bill, we want to understand the checks and balances that will ensure there are no unintended consequences for our local communities, we want to understand how decisions consider and complement local planning outcomes, and we want to understand how community interests will be considered and consulted on. Consequently, we strongly seek appropriate and further consultation with local government as this progresses.

Mr Wilson: Firstly, thank you for the opportunity to present today. We welcome the opportunity to make a submission on the bill. I guess I wanted to principally address three components of the bill which relate to Springfield and the development control plans, the introduction of the urban

investigation zone, and temporary development provisions captured within the bill. Springfield is one of the oldest standing development control plans to which this bill will relate. As a result, we acknowledge the background to these provisions within the bill and welcome the proposal in relation to the issues associated with the validation of existing approvals.

In response to the application process, whilst the principle of applying the development assessment provisions under the Planning Act to development in the DCP areas is understood, there needs to be some clarification in relation to conflicting processes. The proposal to run a parallel application process where development constitutes a DCP application provides a lot of challenges when we relate that to the Planning Act. It needs to be acknowledged that the DCP is an application process in and of itself and predates the current integrated development assessment system, which most of our current processes align to. There are some existing provisions there that are now part of now repealed legislation, so they do not really fit into the framework under the Planning Act. We would seek some further consideration of these implications with the addressing of the regulation.

Appeal provisions are also encapsulated within the DCP. There is a dispute resolution process for the Springfield area. It was created at a time when negotiation and decision notice processes to change applications were not prominent or a feature of the planning system. As such, consideration needs to be given to the incorporation of an equivalent change representation process within the dispute resolution provided for in the Springfield Structure Plan.

Secondly, we also relate into our submission on the urban investigation zone. We consider that, in our submission, unnecessary and follow the comments made by LGAQ. Rather, improved provisions could be included into the existing zonings within the regulatory requirements as they currently apply. For example, the emerging community zone could be used and augmented to achieve the same outcome.

Additional regulation could also be applied to ensure diversity of products protected by setting minimum density requirements within the regional plan objectives framework, including providing an avenue for the achievement of high-amenity areas, which is a new policy framework envisaged under the draft SEQ Regional Plan. That may apply to areas that are not just low-density residential but also areas such as centres. If retained, the adverse planning change provisions should not apply where sites are located outside of the priority investigation area or on land not already zoned for an urban purpose as envisaged by a planning scheme. We submit that such a change does not constitute a change in the value of interest in the land and, as such, an adverse planning change does not actually apply in those circumstances. The added administrative burden and reporting requirements that are consistent and covered within the bill are going to place significant administrative burden on councils when the outcome here is to achieve further housing diversity and bring that to market.

Lastly, I will touch on temporary development. Whilst it is our view that the introduction of an approval for a temporary use creates conflict with the established principles under the Planning Act, particularly in relation to existing use rights, should it proceed our submission seeks some additional controls to support this option. We would be seeking a time frame—or at least a consideration of a time frame—of around two years, bringing it into the same alignment as a temporary local planning instrument; to restrict the power to the re-use of existing buildings or structures or use of land where not requiring any building or built form; and that it does not result in permanent works, particularly building works, being established.

Our concern here is that allowing for permanent works, particularly in buildings, will restrict the ability of local government and the public, which would not normally require any consultation to appropriately consider and assess the proposed use. It also brings into consideration challenges for the future use of that structure and the determination of things like existing use rights and future material changes of use or, rather, subsequent changes to that use; and, particularly in our charging framework requirements, consideration of whether or not those charges should apply or whether or not there is a credit applying to the land as a result of that. We submit that the state is already able to set assessment levels through regulation and due process should be followed. Alternatively, the ministerial call-in process is already available for that purpose. I will leave it there for questions.

CHAIR: One thing we have seen in a lot of the submissions is people talking about a response time for that. Before we start that, I will let you know that we have the response from the state government to your submissions. That is now on our webpage. We will be referring to that. Feel free to get someone to pull that up on your device if you want to look at that. In terms of consultation times, the department has said that it undertook stakeholder meetings throughout 2022 and 2023 and targeted stakeholder consultation. They have said there was extensive consultation with state government agencies, key stakeholder groups and peak bodies. The question is: is there anything new in this bill? Are there differences there? Were you involved in those stakeholder meetings?

Ms Vogler: There are new things in this bill that we were not consulted on. I think it came from a good place, trying to solve an issue that local government can work with the government on, but we were not able to have a look at that before the bill was introduced.

Ms Baker: I can absolutely confirm that we have been working with the department through the Growth Areas Advisory Committee over the last couple of years in relation to a whole range of amendments stemming from the Deputy Premier's announcement around a priority growth area bill. Much of that consultation has been confidential, particularly last year. We were bound by that in terms of being unable to consult with our members. A lot of what we see in the bill maybe has some links, but certainly the tools that have been put forward are very different in their form, particularly when LGAQ made a submission to the department earlier this year on the proposed amendments to the Planning Act. Things such as the ministerial direction powers were strongly opposed by the LGAQ. We did make comment on those. The two key mechanisms in this bill on which the detail was not consulted are around the urban investigation zone and the state facilitated development pathway.

Mr Smith: Like the LGAQ, the Council of Mayors is part of that Growth Areas Advisory Committee and were likewise bound by confidentiality so we were unable to liaise with our members. As our submission says, it is not so much about the major parts of this; it is more the hidden detail that we are we yet to see that we are concerned about. When we find that detail, we will work out whether there are any major issues with that. As I said before, we trust that we can collaborate with the state to work on that detail so there are no unintended consequences.

CHAIR: Crystal, you said that during consultation the detail was not there. That was on the mechanisms. I understand that it is confidential. I do not know if that confidentiality still stands in terms of the Growth Areas Advisory Committee, so I had better not ask too much about that. Are we talking about major elements or about the details on the mechanisms that were not there before?

Ms Baker: I think it is the major elements, particularly the state facilitated application pathway and the UIZ in their form. They certainly were not things we were able to comment on until we saw the bill. Some of the other mechanisms that were consulted on—things like simplifying the public notice requirements, the development control plans et cetera—were things that we had supported in our previous consultation. Those parts of the bill we did not comment on in this recent submission because those were, I guess, reflective of our comments previously. We have maintained the same position where we have opposed proposals in the past.

CHAIR: Wasn't the state facilitated application process announced as part of one of the housing round tables or housing announcements in recent times? That has been out in the public for a while, though, hasn't it?

Ms Baker: Our understanding of this mechanism is that it stemmed from a priority growth area. I guess our understanding of the state facilitated application pathway is allowing the minister to propose development and assess it through a streamlined process where it is for an urban purpose. The definition of an urban purpose is obviously extremely broad and may include residential, industrial, sporting or recreation. The definition of a state priority is also undefined. For us, there is a lack of clarity in relation to the intended use of that tool and also things like removing third-party appeal rights. The detail that we have seen come through this bill is why we have made comment on those.

Mr McDONALD: I want to explore a little further your concerns with regard to the urban investigation area and the state facilitated development pathway. You have outlined a couple of things there. Obviously there was some work happening, but you have real concerns in that area.

Ms Baker: I will respond firstly to the urban investigation zone. I would like to reiterate the point that we made in our submission, which is that the intent of this tool is something that we do appreciate and we understand. Our understanding is that it does seek to recognise the challenges that councils face from multiple growth fronts in balancing infrastructure planning and appropriately sequencing development. That is something that we have consistently raised as a challenge on behalf of local governments and that we have been consistently hearing across the state.

However, as the bill is currently drafted, we are concerned, and local governments have raised concerns with us, that the utility and application and the workability of that zone and the effectiveness, therefore, may not actually deliver the intended outcome. One of the examples is certainly about the way the process sits behind the UIZ, whereby a local government must undertake a major planning scheme amendment with a feasible alternatives report to be prepared in order to get an urban investigation zone into a planning scheme and the time that it takes to progress that. Then, in order to remove it within a five-year time period, you would also have to go through a planning scheme amendment process, which has considerable time, cost and resource impact for local government to do. I guess the streamlining of that process is critical.

Something that has also been raised as a concern is around the pre-emptive lodgement of development applications for example, particularly if the urban footprint is expanded and switched on and the local government planning schemes are not yet calibrated, in addition to the resource impost. There is that concern. I think this is common feedback from us across all of the mechanisms: we think there are existing tools in the toolbox of the Queensland planning system that could be better utilised.

Mr HART: Is the process for a UIZ a local government process or a state government process that you have to comply with?

Ms Baker: It is intended to be a set state process that local governments would have to follow in order to put it into their planning scheme to actually give it effect.

Mr HART: And that may take three years?

Ms Baker: Local government planning scheme amendments, obviously in high-growth areas, are very much scheduled so to do an additional planning scheme amendment or to insert into a process that is already underway, the approval process for that by the state can take that time, yes.

Mr McDONALD: I am really concerned about the 97,000 existing opportunities that are being impeded. Can you explain to that us? Is that restricting the expansion of the South East Queensland Regional Plan?

Ms Vogler: That is the latest statistic for the March quarter of how many subdivisions there are in terms of lots within subdivisions that have been approved. For us, that really just paints that picture of the complexity of this issue. It is not just about planning scheme amendments. It is actually much broader than that. It is about the market and what is happening in supply. When you look at that, we need to be looking at other mechanisms in order to encourage and assist the industry to actually start putting the slabs on the ground and start building.

Ms Baker: I can add to that. It does go to show that there is some externalities at force here in the housing supply. Planning and the planning framework and amendments to the planning framework are not necessarily the solution here. Councils have unlocked a lot of land for development through the approvals of residential lots but, equally, Sarah made mention in her opening statement of residential multiple dwellings, so the likes of townhouses and units, that are also approved by local governments. That comes from the land supply monitoring program data. We would really encourage the government, and through round tables and summits we have been advocating for particularly catalytic infrastructure funding to unlock this growth. We know that industry does need support right now. It is a very challenging economic climate. Those sorts of incentives would be extremely welcome, rather than top-down planning reforms that create more red tape.

Mr Smith: As Crystal has said, planning schemes, particularly for local government, seem to be an easy target in a housing crisis. I think the reality is that we have shown by supply numbers that there are enough approvals out there. It is not a supply issue. To be honest, to pull a lever of trying to change that on a planning scheme from the thought of a planning scheme through to a house on the block can be up to 10 years. It is not the first trigger I would be pulling.

I think infrastructure supply, the challenge of funding catalytic infrastructure, the challenges of the building industry at the moment, the feasibility of product and the financial models for developers are a bigger challenge. I think local government has shown over many years—I personally have led most of the biggest planning reforms in this country—that we have pulled every lever we can over many years and we are always open. I can say quite confidently that, particularly in our region, we have councils and mayors that are very focused on delivering outcomes. It is only one factor in the whole scheme of things. We applaud any attempts to improve things and we are always there, but I do not know that this is necessarily of the highest importance at the moment given those numbers that are out there in supply.

Mr McDONALD: Will the urban investigation zone increase the value of that land? If the land was in an urban zone, it would certainly increase the value of it and that might unlock some capital for people to be able to do it.

Mr Smith: We have put this in our work in the regional plan and, thankfully, we have seen for the first time in a regional plan the notion of affordable living rather than affordable houses. There is this notion that cheap land is the solution. The challenge is that it is not affordable living because it is disconnected from services. You have to have two cars to live there in order to get to your job. Opening up further investigation zones may well increase the value, and that may well be the reason people are looking at this. However, is it the solution that we need? No. If it was, we would have seen swathes of the urban footprint changed in the current regional plan and we have not. We have seen an increased focus on consolidation and infill development, to use the older term, and there is a reason for that: it is more affordable living that we need to deliver to our households in this region.

Mr MADDEN: I want to continue the discussions about the proposed provisions with regard to the urban investigation zone. From looking at all of the submissions, I note that there is some support for it from some councils and some groups. However, the LGAQ, CoMSEQ and the Ipswich City Council have concerns about it—I will be gentle. I am interested in your submission, Mr Smith. You raised two issues: if the provisions were introduced it may raise the possibility of premature development applications; on the positive side, you said that with the challenges it raises as proposed by the state government, it would assist if the state government consulted with councils on exploring retrospective provisions to support the application of this provision, the urban investigation zone. I invite you to enlarge on those issues.

Mr Smith: As we have all said today, there are tools in the current planning toolkit that we can use. We encourage the state to work with us and councils to identify those and continue to work with us on the improvement of our planning schemes and the rollout and expansion of those and use the tools that we have. We note that there is potential but it depends on the detail of how this is implemented. We encourage the state to work with us to ensure we make this achievable and implementable. That is the outcome we are after. We have plenty of councils actively updating their planning schemes. We have identified, in our regional plan submission, that the streamlining of that process is a great way to get moving, because we have plenty of amendments in the schemes in our region that are sitting waiting for approval and that would unlock land supply.

We have not shut the door on the UIZ. It is a matter of how we implement it and how we make sure we do not double up on existing tools that we have in the toolkit. I think it is pretty fair to say that the planning system in Queensland is one of the best in the country. Do we really have to expand it too much? However, if we do and we feel like we do then let's do it together so it is implementable and there are no unintended consequences.

Mr MADDEN: Do you want to enlarge on what legislation would have to be changed retrospectively, or is that going too far?

Mr Smith: Probably too far at this point.

Mr MADDEN: I fully understand. I am glad you raised those two issues: this may lead to premature development applications and, obviously, we need further consultation with you three groups and the broader community. Thanks very much for coming in today.

CHAIR: Scott, you say there are other planning instruments that you can use. Do you mean the temporary local planning instrument or the emerging community zone?

Mr Smith: That is one of them. I think just the planning system itself in terms of the planning schemes. There is a vehicle there to unlock land supply that is appropriate and affordable and we should do that, because councils are bound to engage with community, get their feedback and input. I think it is important to make sure we do that and we do not just rush at this again, thinking that the planning system and the planning schemes are the solution to all of these challenges because we have seen that they are not. With the time frame and the number of approvals in the system, they are simply not. If we were sitting here saying that there are not enough lots to develop and there is very limited supply out there in approvals then we would be the first to ask, 'How do we unlock more?' However, when you have that many lots in Queensland, there are other challenges. We could unlock more but what is the point? It will not get developed.

CHAIR: Absolutely. Going back to the planning instruments, you have the temporary planning instruments such as the emerging community zone, but they have a different intent. They have different ways of working than the proposed UIZ. All of those would involve working through a planning scheme amendment. No matter which one you choose, there is going to be some years of work before you actually get to that end point; do I have that correct?

Mr Smith: Yes, absolutely.

CHAIR: You have talked about the potential of up to three years or more, but whatever planning instrument you use will involve working through a planning scheme amendment with a lot of planning in that. Do I have that right?

Ms Baker: Yes, absolutely. What we are definitely indicating here is that planning is not the short-term housing solution that we probably need in Queensland right now. We would like to discuss options with the government. I think that is the key part of that, particularly in relation to the UIZ. In relation to the question asked before, we have obviously considered local government submissions and reviewed all of those. We commend them to the committee as well. What you will see as a consistent thread through all of them is the support for the intent of the UIZ. We just need to explore the options. As Garath mentioned, we do have an emerging community zone. We have been calling for streamlining of local government infrastructure planning and fast-tracking of planning scheme

amendments. There is a whole suite of options on the table. The LGAQ packaged those up into our 2023 local government housing strategy. Something that we would love to unpack is the options around how to best facilitate and, particularly, the out-of-sequence growth which the UIZ is targeted at.

Mr HART: Going back to consultation, in 2022-23 there was a clause that did not allow you to talk to your members. When did your members find out about what is in this legislation? Was that only a couple of weeks ago?

Ms Baker: Yes. In terms of the mechanisms that are in this particular piece of legislation, when the bill was introduced I think was the first we all saw and obviously all of our councils therefore saw as well. The public consultation element that was undertaken in around April this year on proposed changes to the Planning Act included some of the proposed changes such as public notices et cetera.

Mr HART: I have been complaining about this for years, but a lot of stuff happens in regulation instead of legislation. Are you fearful of what is to come in the regulation? How much have you been consulted about what will actually appear in the regulation?

Ms Vogler: We have been fairly firm on that: we really want proper consultation on the regulation with the department.

Mr HART: So do we.

Ms Vogler: That is a key priority for us, obviously, because that is where the detail will come in.

Mr HART: I refer to the Council of Mayors submission, and we only received the departmental response last night. I apologise that you have not seen it yet. I am also looking at that. In your submission you say—

> Housing supply, diversity and affordability is a complex issue requiring evidence-based solutions ... it is important to ensure we avoid knee-jerk responses ...

What are you fearful of there? Can you give us an example of what a knee-jerk reaction may be?

Mr Smith: Knee-jerk for us is without due consideration and consultation. We have not had time as a collective—and that is not pointing the finger at anyone; it is just saying that if you rush through these things, if you do not do it properly, we get unintended consequences and we just do not want to see that. We have time. Let's do this properly and make sure we are all involved and we do not have to unwind it. In terms of legislation versus regulation, obviously the regulation gives us more flexibility. I would not say I fear it. I am just mindful that it is worthwhile then taking that flexibility, working collaboratively and making sure it is implementable.

I think you have heard from us and most of our councils that we are supportive of the intent. It is not a case of saying, 'We don't want to have change.' It is just, 'How about we do it properly and we do it together so we do not have to backtrack and change it.' That is our view of a knee-jerk: we rush at it and we make things that do not work.

Ms Baker: I could add to that to say that, for us, when there is a head of power introduced through primary legislation without the necessary detail to support it, a regulation can change at any point and there is not necessarily a requirement for that consultation. In terms of some of the points in relation to that state facilitated development pathway around that lack of clarity of assessment benchmarks and what this will actually be assessed against, the provisions in the bill talk about 'may consult with local government' but not 'must consult with local government'. There is no requirement to consider a local government planning scheme and the actual planning provisions that the community has been consulted on in relation to the codes that sit within a local government's plan. Those are the sorts of elements that are unknown for us, and then supporting a head of power in legislation proves a little bit difficult.

Mr HART: Around the ministerial decision-making or designation, from your reading of the legislation and what you have seen and heard about regulation does it appear to you there is a possibility that a council could refuse a planning application that is agreed to by a court but then a minister could come in and change that and approve a development? It has always been the case where a minister could make a designation on the state interest. This appears to me to move outside of that to a developer's interest. Do you have any concerns there?

Ms Baker: In terms of the legislation that exists now, there are tried and tested mechanisms in there like the ministerial call-in powers, the current ministerial direction powers and priority development areas under the Economic Development Act. There is a variety of mechanisms that are well entrenched. Our feedback indicates that there is a sense that it will remove local governments and local communities from decisions that ultimately will affect them.

Mr HART: We have a housing crisis at the moment. Do you think this is an attempt to shift the blame to local government?

Mr Smith: No comment.

Mr SMITH: Point of order, Chair.

Mr HART: They do not like my questions.

Mr SMITH: They are bad questions.

CHAIR: You are asking for—

Mr HART: Sorry, Sarah—

CHAIR: I will give you a chance to rephrase it. Do you want to rephrase it?

Mr HART: No, you are not going to let me ask that question, so that is fine. Sarah, you said that you had concerns about applying a local interest to something that may have been overridden by a state interest. Can you give us an example of a local interest that might conflict with a state interest?

Ms Vogler: I am going to throw to Crystal on this again as she has the details.

Ms Baker: Thank you for the question. I refer to Sarah's opening remarks, particularly in relation to the heritage place changes that are proposed under the legislation. For local governments that are in the throes of making or amending a planning scheme right now, those changes can be front-loaded. What that is potentially resulting in is local heritage values; we may have a site that has a number of buildings on there and landscaping. The state may list the main building as a state significant heritage place but the outbuildings and the surrounding landscape is a local value. Currently as the bill is drafted, it would preclude local government from assessing the value of those local outbuildings and landscaping. Yes, if it is a different value, we would very much advocate for councils to have the autonomy to continue that decision-making.

Mr SMITH: This question is more for the LGAQ, and I will go back to urban investigation zones. I am trying to get a bit of a sense about how the communication has occurred between the department and the LGAQ. In the public briefing it very much seemed as though this was an amendment included in the bill driven by the want of councils. When was the first time that LGAQ corresponded with the department and engaged in what a preferred UIZ would look like?

Ms Vogler: I might start and then I will throw over to Crystal. Our understanding is that we have raised concerns with the department and the UIZ was their attempt to resolve those concerns for us. Unfortunately, obviously everybody was rushing through this and so we were not able to see it and to give feedback before it became part of the bill. I will throw to Crystal because she has some detail around those conversations.

Ms Baker: Again, going back to what this mechanism is designed to do, yes, we have had a number of conversations. The department has been very collaborative in that way in hearing local government concerns around multiple growth fronts, around out-of-sequence development and around the lack of an ability for local governments to actually prohibit development and put a halt on development in certain areas. Those are policy positions for which the LGAQ has been calling for a very long time on behalf of our councils. It is those policy positions that we understand the state has been trying to address through this particular mechanism. We do thank the state for taking on board and actually acknowledging and recognising those challenges that we are facing as a sector. It is purely about the mechanism. We do want to work collaboratively on a mechanism that is workable, that is fit for purpose and that will achieve that intent.

Mr SMITH: When we are having those discussions—and you used the word 'rushed'—at any point in the lead-up to this bill has the LGAQ outlined what their preferred UIZ would look like to the department, or were there conversations and then the department has proposed the bill? How much input has the LGAQ had in the lead-up to what is their preferred UIZ implementation?

Ms Vogler: I think it has been outlining what the problem is rather than what the solution should be as part of the bill.

Ms Baker: I think that is a great summary. Like we indicated in our submission, there are a variety of options. We know that every option comes with a positive and a negative and we need to have that conversation as a sector in an open way in order to get that solution right. We have raised the challenges, the problems and the impediments that we are facing but we would like to have that conversation about opportunities and options here.

Mr SMITH: Just to make it clear, LGAQ raised the challenges, the issues and the problems but did not put forward the solutions for the UIZ?

Ms Baker: Not the particular UIZ, no.

Mr SMITH: I know that the member for Burleigh just touched on it then and you spoke a little bit about the heritage changes. Can you go into a little bit more detail? It sounded like you were talking about if there is one lot and there is a range of buildings on that lot, one might be state government registered and the others are local and it changes the values around that. Could you expand on that? In your submission it says 'result in loss of local heritage values'. I was wondering if you could expand a little bit more on your concerns about that?

Ms Baker: Again, we understand that the intent of this provision is to remove duplicative assessments where a heritage place—and that could be a property or a building—is listed as both a state and a local. The bill goes further than that and actually prevents more local assessment benchmarks applying, regardless of whether they duplicate the state benchmark or not. We are saying that some councils may well have identified other values that they seek to protect. The drafting of the bill would perhaps have an unintended consequence that it would prevent local values from therefore being protected. The example is one but there are obviously others as well. The local government protections would not duplicate the state protections in place and that is something that is a general principle. It is very similar to matters of local environmental significance and matters of state environmental significance that councils should have the autonomy to maintain local values and protect them.

Mr SMITH: Is there a specific, concrete example that might be a threat right now? Has a particular council raised a possible unintended consequence likely to occur as a result of this legislation passing?

CHAIR: Do you mean the heritage part?

Mr SMITH: Yes.

Ms Vogler: We would be happy to take that on notice for you.

Mr HART: I can give you one later, Tom.

Mr McDONALD: Thank you for your consideration of this bill and the challenges it has. From what you have talked to us about in terms of the implementation of the urban investigation zone, it occurs to me that it might actually be important to delay the implementation of the bill to allow proper consultation as opposed to trusting that the consultation will occur. Would you like to comment on that at all?

Ms Vogler: Our preference in this case would be that we have that consultation before the bill is passed, yes. Obviously we have not had time to look at the department's response, but they have said that they want to work with us on that and we very much welcome that.

Mr McDONALD: I look forward to hearing responses from all of the submitters in terms of the government's response so we can get our head around each of those things and the detail of that. I am also concerned about the 39-point housing plan that local government put together that does not seem to have come across in this bill in any meaningful way.

Ms Baker: This is a very important strategic document for us and our sector. It is the culmination of our members' calls and resolutions passed at annual conferences over successive years. It certainly is not just focused on the planning framework as the solution. Therefore, it does look to short-, medium- and long-term solutions and reforms. We do very much welcome a lot of the initiatives that have been put forward by the government, particularly in relation to social housing and the like in terms of funding.

Infrastructure is a really big focus in our plan. It does talk about a whole range of regional, rural and remote housing issues and challenges that need to be overcome through relaxation of loan and financing terms as well as postcode discrimination and land tenure issues. It goes into a whole breadth, so it is the consolidated thoughts of our membership at present.

Ms Vogler: It is also important to note that it is targeting all levels of government as well. We believe that the federal government have a fairly hefty role to play in this as well as they are the level of government most able to afford some of the initiatives that we want to see implemented.

CHAIR: One of the things the department responds about is the UIZ. It said that the use of that can be decided by the local government. In the case of those local governments that are struggling with these multiple development fronts opening up everywhere, this could be a very useful tool if they want to use it. Would that be correct?

Ms Baker: I can make the first response. It becomes the utility aspect. Again, what councils were saying to us and is reflected in their submissions is yes, the intent, where needed to actually manage, is very important. How we can get this off the ground quickly, how we can prevent those premature applications coming through the pipeline and how we can just manage it and stage it well—the workability is the challenge.

CHAIR: Any last questions?

Mr HART: Yes, hundreds. On the timing of this bill, the committee reports on 24 November and there is one sitting week after that during which the bill could pass. Maybe it will not. How does consultation on the regulation fit in with the council elections being in March and councillors not being able to respond to the regulation? How does that work for everyone?

Ms Vogler: It is very important to us that any consultation happens outside of the caretaker period, so that is critical.

Mr HART: So we cannot really start talking until April or May again; would that be correct?

Ms Vogler: Fairly, yes, and you would have up to—

Mr HART: Just on the Council of Mayors, you have raised concerns about this legislation going through before the Shaping SEQ update for 2023. Can you just tell us what your concerns are? How do they clash?

Mr Smith: We need to see where that settles. We have obviously made submissions. We have seen drafts, but until it lands we do not know where the ultimate urban footprint lands and where the supply in existing areas lands, so we do not know the demands that we need to address through mechanisms like this, and it is better for us to understand the lay of the land and then go, 'There is an issue and we do need to work on something and here's the scale of it,' or, 'Do you know what? We think we've got enough supply to last for a period of time to allow more time for this.' Again, with a three-year lead time, it is not a rushed kind of outcome that we are going to get here.

Mr HART: When I listened to what you said before, it sounded like this legislation is not going to lead to more housing quickly.

Mr Smith: No, it is not.

CHAIR: Bear in mind that as a short-term solution I think the point was well made. You would not want this to be your only short-term solution.

Mr HART: How is this a short-term solution then? Is there any short-term solution at all?

CHAIR: Member for Burleigh, I think you are talking outside the scope of the bill on that in terms of housing.

Mr HART: These are the experts in the area.

CHAIR: We have a range of experts today, and we are running out of time.

Mr McDONALD: As a quick follow-up, will implementing the proposed amendments to the South East Queensland Regional Plan have a better impact than this bill?

Mr Smith: It is hard to say right now because we do not know where the plan lands, so it is hard to say.

CHAIR: That concludes this session. I thank everyone for coming along. We have one question on notice—that is, an example of an issue regarding the heritage ones, a real live issue. If we could an answer by 17 November, that would be great. Thank you very much.

CONNOR, Mr Michael, Chair, Planning and Environment Law Committee, Queensland Law Society

DEVINE, Ms Wendy, Principal Policy Solicitor, Queensland Law Society

WEBB, Mr Troy, Member, Planning and Environment Law Committee, Queensland Law Society

CHAIR: I now welcome representatives from the Queensland Law Society. Thank you very much for coming along today. I invite you to make a short opening statement of about five minutes and then we will ask some questions of you.

Ms Devine: Thank you, Chair, and thank you for inviting the Queensland Law Society to appear today. In opening, I would like to respectfully recognise the traditional owners and custodians of the land on which this meeting is taking place—Meanjin, Brisbane. I recognise the country north and south of the Brisbane River as the home of both the Turrbal and Yagara nations and pay deep respects to all elders past, present and future.

The Queensland Law Society is the peak professional body for the state's legal practitioners, over 14,000 of whom we represent, educate and support. We are an independent, apolitical representative body upon which government and parliament can rely to provide advice which promotes good, evidence-based law and policy.

QLS recognises that the shortage of housing supply in Queensland requires a multifaceted response from government and industry. In our written submission we have expressed support for a number of reforms in the bill. However, QLS has also identified a number of concerns. There are significant aspects of the new state facilitated application framework which are left to be prescribed by regulation. QLS is concerned that the approach taken fails to have regard to the institution of parliament in a way which is inconsistent with the Legislative Standards Act 1992. QLS has also raised concerns about the new urban investigation zone process. The bill proposes to restrict compensation rights of landowners within the new zone and we do not support this approach.

In preparing for our appearance today, we have also identified a further issue regarding the changes affecting development control plans. The bill introduces changes to validate past approvals in development control plan areas as a result of the Planning and Environment Court decision in JH Northlakes Pty Ltd. The bill also clarifies that after the date of commencement any new applications for development approval in a DCP area will be assessed under the Planning Act 2016 and not under the repealed legislation, so the bill therefore deals with approvals that were given before the commencement of this legislation and it deals with any new applications made after the commencement. However, it appears that the bill does not deal with any applications which are made but not yet approved before the commencement of the amendments. We believe that this gap is not the intended policy outcome. If an applicant is concerned by this outcome, then in theory the applicant could withdraw the application and relodge after commencement, but we suggest that this would be time-intensive and costly. It may also trigger a new application fee. If this is not the intent then we recommend that this gap be considered and addressed before the bill is passed.

I am joined today by Michael Connor, Chair of the QLS Planning and Environment Law Committee, and Troy Webb, a QLS Planning and Environment Law Committee member. We welcome any questions that the committee may have in relation to these issues or any other matters that we have raised in our response on the bill. Thank you.

Mr MADDEN: Thanks again for coming in today. I was very interested in your comments with regard to section 4 of the Legislative Standards Act, and I will follow decisions of the Supreme Court in the future as to whether they take issue with that as well. However, my question relates to your comments with regard to the urban investigation zone. This was something I was not aware of. You suggest that if a block of land is within the urban investigation zone two things happen, and tell me if I am wrong here. The first thing that happens is the landholder loses some rights with regard to the prohibition and material change of use of the premises and the reconfiguration and also loses the right to claim for compensation. This is an issue that has not been raised to a full extent in other submissions, so I just invite you to make comment about those two issues and maybe expand on the rights that are lost to a landholder within the urban investigation zone.

Mr Webb: Currently under the planning system if there is a zoning change and, for instance, you had a vacant residential lot and a council changes the planning scheme to open space zone, that person—the landowner—has 12 months to make what is known as a superseded planning application. Upon receipt of that application, the council really has two options. It can decide to apply

the old planning scheme, so assess it as a residential lot, and if it does that then the applicant has about six months to make an application. No compensation is payable if that option is chosen. In respect of the second option, the council may decide to assess it under the open space zone, and if the proposal is for just a house, for instance, the council may refuse that application or impose conditions that might be restrictive. In that circumstance, the landowner can make a development application that may be refused and has a right to claim compensation under the Planning Act for the loss of value before the change and after the change, and that is assessed. There are appeal rights that flow from that as well, so that is really the nature of the right.

Within the legislation there are also some exceptions to claiming compensation. One of those might be if the planning scheme change is designed to address a natural hazard issue that might affect residents, so that is carved out, so in those circumstances compensation may not be payable. What is proposed here is that if the adverse change relates to the urban investigation zone and the process was in accordance with the minister's rules, and we do not know what they look like at this stage, then there will be no right to claim compensation.

Mr MADDEN: That is a major change, isn't it?

Mr Webb: It is, yes.

CHAIR: I just point out that that very issue is addressed in the departmental response on page 19.

Mr McDONALD: If the area in question was subject to flooding and there had never been any previous floods, would that be a valid reason for the council to change that zoning?

Mr Webb: Yes, that could be, potentially. The policy reason behind it is: obviously, we do not want residents to be affected by these natural hazards and councils should not feel their policy, as I understand it, is constrained that it might be payable for compensation for making that important planning scheme change that may be important in the circumstances. If that does exist, that is a potential option for council, and this urban investigation zone will be at that same level.

Mr McDONALD: Just coming back to your submission, I note the concerns by others in the new ministerial call-in powers, and they are my words—new ministerial opportunities. Would you like to explain to the committee further some of your concerns in that regard?

Mr Connor: There are a number of concerns, so perhaps we might start with a lesson in history. I am old enough to remember a period in Queensland planning law where the power of the state government to deliver planning outcomes was abused, and that is within my lifetime as a lawyer. What then happened was a period in which central government's—state government's—powers in planning matters was effectively on the nose and the powers to do those that existed by call-ins et cetera were sparingly used. As more time is put between the era that I spoke of and now, those powers are coming back, and that is a matter that needs to be considered in the context of political history and governmental history in Queensland.

There are a few things. The first proposition is that it is clear that the bill proposes a series of legislative reforms which grant powers which probably already exist. That is the first proposition. The second proposition is that it has been the philosophy in Queensland for many years—rightly or wrongly—that local government is the level at which planning decisions are assessed and decided and they are accountable to their local community about these things. The third thing is that, at least in Queensland, the idea of centralised government decisions about planning has been not preferred—in fact, anathema—and those powers which currently exist are used sparingly. This might be a personal view rather than the views of the Queensland Law Society, but I think there is a lesson from history to be learned here about the exercise of these powers and the fact that the community at least sees them better left with local government than with the state government.

CHAIR: I understand what you are saying, Mr Connor. Certainly in my time we have seen as a part of that communities calling for more centralised decision-making, which is interesting because that is sometimes at odds with the calls for more local decision-making. It depends what application they do not want to deal with for that. You talked about the development control plans. You said there was a potential gap for applications that are made but not approved; is that correct?

Ms Devine: Yes, that is correct. I think Troy has the details in front of him. There are two provisions in the bill. One deals with applications that have already been approved. The next section deals with applications that will be made after the commencement of the legislation—whatever date that might be. There is no provision dealing with an application made in a current DCP where that application has not yet been decided.

Mr Webb: Yes. That is as I understand it. It is in the bill. Proposed section 359 is the validation of approval and proposed section 360 is dealing with the new applications post commencement. It seems to the Law Society that there is a potential gap in respect of applications that are currently in the system. The impression we have is that in those circumstances the JH Northlakes precedent will apply.

CHAIR: That was going to be my next point. If there is a gap in the legislation, would that precedent set the guardrails of how it should be dealt with?

Mr Webb: It would seem to be, at least on my reading of that case.

CHAIR: If there is a gap there, we might follow that up with the department.

Mr HART: Michael, I think I am old enough to remember as well. I am from the Gold Coast, so we have some prime examples down there. Did you hear my question to the LGAQ about ministerial designations or ministerial overriding of decisions that a council has made and maybe the Land Court has reinforced that decision? I am not a lawyer. I am not an expert in this area. Could you outline for us whether what I proposed could be possible under this legislation? Could a minister override a decision that has been made by a council, say, to decline a development application that has been reinforced by the Land Court and a minister could step in over the top to approve that on behalf of a developer?

Mr Connor: I think that power already exists. If you think about a call-in power which exists in the Planning Act—so a council refuses a development application, or approves it for that matter, and the minister has the power to call it in within the specified—

Mr HART: That is with regard to a state interest, isn't it?

Mr Connor: It is.

Mr HART: If there is no state interest in it—or is it completely up to the minister to decide whether there is a state interest?

Mr Connor: Yes. There is really no definition of a state interest. It can take all sorts of forms. It could include things such as housing affordability and matters of that kind.

CHAIR: They would need to refer to a state planning policy if they were going to call something in. You say there may not be a criteria, but I am assuming it would have to be specific in referring to an SPP if it is being called in.

Mr Webb: I think the current proposed section 106D sets out what it is. A lot of it is left to the regulation and the rest is a little bit unclear. It has to be for an 'urban purpose' or an 'identified priority' for the state. Such a concept is not defined.

Mr HART: This is one of the questions I did not get to ask the LGAQ. We now have the departmental responses, as I said, which we got last night. One of the directions this legislation is taking us in is trying to encourage affordable housing. The definition of affordable housing, according to the department's response, may be reassessed under regulation. Do you have any concerns about a definition of affordable housing changing under regulation?

Ms Devine: QLS has previously commented in other contexts that, where a concept is a key definitional concept which has flow-on consequences for people affected by decisions under the legislation, there would be a strong preference that that be defined in the empowering legislation and not something that is left to regulation. We can certainly provide more detail, but OQPC has published a range of materials about regulatory materials. Regulations can be disallowed by parliament, but of course it takes some time for a regulation to be disallowed. Critical definitions that do have consequences for particular processes and mechanisms under the Planning Act, which is what we are looking at here, I think really should sit in the empowering legislation.

Mr HART: I totally agree with you. We have heard that over and over again with a number of pieces of legislation that have come before the committee. If the definition of affordable housing changed dramatically under regulation, it would have a significant effect on the outcomes of this legislation; am I right?

Ms Devine: It could potentially in the sense that that feeds into criteria for certain key decisions that might be made under this legislation, whether by the minister or by a local government.

Mr HART: The department's response around the UIZs is that they are only there for a short period of time—a couple of years—so compensation maybe is not an issue. On reflection, does that change what you said before?

Mr Connor: The QLS has not seen the department's response—I have been listening—so we have not had an opportunity to consider that. I think we would like the opportunity to provide some additional comments about the departmental response, given that it was apparently received last night and we have not had a chance to consider it. Wendy, do you want to add anything to that?

Ms Devine: In relation to the urban investigation zones, my understanding is that that can be declared and then there is a requirement to revisit that declaration after five years and then that potentially could be reconfirmed. The suggestion is that it would be used in a temporary way. That may well be the policy intent, but the drafting of the legislation does contemplate that it could be in place for up five years and potentially be extended. If it is intended to be used in a much more sparingly and temporary way then it would be helpful if that was reflected in the legislation. Troy, did you have anything to add to that?

Mr Webb: Yes. I think we noted in the submission that we were concerned that it is a situation. Even though it is reviewed it does not mean it is repealed. It could continue on. We were concerned about the situation continuing indefinitely. You could potentially have land locked up where there is prohibited development, for instance, for a significant period of time. There would not be a right to make an application to get into the compensation rights, because that is excluded as well.

Mr HART: This is another question I did not get to ask the LGAQ. I do not know whether you have burrowed into this enough to answer the question. On infrastructure charges, if a minister makes a decision overriding what a council has done, is the minister able to set the infrastructure charges or waive them?

Ms Devine: I will have to defer to Troy or Michael there.

CHAIR: That is a big one. There is a whole body about that.

Mr Connor: Could we take it on notice?

CHAIR: We have run out of time, so we might place that one on notice. That is a big response. The other question on notice was to provide a response to the department's response on the issue of compensation. If we could have your responses by 5 pm on the 17th, that would be great. We will communicate specifically via email about those questions taken on notice. Thank you, Troy, Michael and Wendy, for your evidence here today.

HILLS, Mr Jackson, Manager—Policy and Strategic Engagement, Q Shelter (via videoconference)

KIPPEN, Ms Bronwen, Campaign Coordinator (Housing), Queensland Council of Social Service

O'LEARY, Mr Ryan, Manager—Community Engagement, Queensland Council of Social Service

CHAIR: Good afternoon. I invite you to make a short opening statement before we ask questions.

Mr O'Leary: First, I would like to acknowledge that we meet on the lands of the Turrbal and Yagara people. I pay my respects to elders past and present. Thank you, Chair and committee. QCOSS recognises the opportunity to provide feedback in relation to the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023. QCOSS would like to acknowledge the Hon. Steven Miles, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure, for introducing the bill and enabling input from key industry and community representatives.

The Queensland Council of Social Service is the peak body for the social service sector in Queensland. Our vision is to achieve equality, opportunity and wellbeing for all Queenslanders. With more than 500 member organisations across Queensland, QCOSS receives clear and extensive feedback of the undeniable impact that the housing crisis is having on communities, service delivery and workforce sustainability.

QCOSS welcomes the opportunity to provide feedback about the bill. Queensland's current housing crisis has laid bare the vulnerabilities that exist in the housing system. Our frontline services are currently witnessing distressing levels of housing need and the human impacts this creates. The Pawson report found over 150,000 households in Queensland have an unmet need for social and affordable housing. Both immediate and long-term action is required to end the housing crisis. To meet the estimated need for social and affordable housing in Queensland, 11,000 additional social and affordable homes will be required each year for the next 10 years.

QCOSS welcomes the Queensland government's commitment to amending legislation to accelerate the availability and affordability of housing in Queensland. Feedback is provided in relation to changes being made to support one of the key aims of the amendments—that is, to introduce a state facilitated process to provide for streamlined assessment of development applications for matters of priority to the state, for example affordable housing. QCOSS supports amendments prescribed in section 106D of the bill to implement a state facilitated application process to streamline planning application processes that are identified as a priority for the state and that relate to the delivery of social and affordable housing in Queensland.

Our submission is that, in determining what is an identified priority for the state in paragraph 106D(2)(a) and the criteria prescribed by regulation in paragraph 106D(2)(b), the identified priority for the state and the criteria prescribed must minimise potential adverse impacts on human rights, in accordance with the Human Rights Act, and identified priorities for the state must be limited to critical community infrastructure such as social and affordable housing. Given the potential impact on human rights associated with the amendments and in line with the Queensland Law Society's submission, QCOSS supports that consideration be given to prescribing the details in the empowering legislation and that it is not left to statutory instruments.

Queensland is in the grip of an unabating housing crisis and urgent action to increase supply is needed. There is a need for immediate action and an ambitious and comprehensive long-term plan to end the housing crisis in Queensland. QCOSS welcomes amendments to the Planning Act to include a state facilitated application process to streamline assessment of development applications to the extent that it will accelerate delivery of social and affordable housing.

Thank you again for the opportunity to provide the submission. We will take questions after Jackson has made his opening statement.

Mr Hills: Thank you, Chair and committee. Q Shelter is the peak body for affordable housing and homelessness services here in Queensland. We welcome the opportunity to provide feedback on the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill. As our submission suggests, we support the intent of the amendments in the bill because the efficiency and

effectiveness of the planning framework has a significant impact on the speed with which homes are delivered to the market. Given the sheer size of the need in the housing market right now and the expected housing required by 2046, as identified in the SEQ Regional Plan and wider population projections for Queensland, we are genuinely concerned about the system's ability to meet current and future demand, and we have to look at all possible levers across the planning system to accelerate supply.

In addition to the new housing required in the market, we know that there is already considerable unmet need across the system in Queensland. The Community Housing Industry Association report released earlier this year identified over 150,000 households whose housing needs are not being met in Queensland. Queensland has five of the top 10 regions in the country with unmet housing need.

As the peak body for housing and homelessness in Queensland, Q Shelter has a unique perspective on the need for more social and affordable housing, as well as the more mainstream housing development required to achieve a healthy balance of provision across the system. We regularly interact with the development industry, building construction firms, urban planners, local governments, state agencies and other players across the housing system, and our views are informed by those interactions and by the views collected from the not-for-profit community housing providers.

We know that these amendments can help improve the affordability and delivery of homes through important system improvements. We also know that time saved in the planning, procurement and development process can impact on the financial viability of many of these projects—positively, I might add. To be clear, we support the interventions proposed by the bill: one, the ability for the planning minister to acquire land and create an easement for critical infrastructure to unblock development in the right locations at the right time; two, a new streamlined, state-led assessment process to facilitate development that is a priority to the state, as mentioned by the previous speaker, for example affordable housing delivery; and, three, a new zone to help local governments better sequence development and allow for detailed land use planning to occur.

In summary, we continue to support all efforts to unlock additional land for affordable housing supply in Queensland. This includes improving the assessment process to create greater certainty and increased speed of delivery. Our response to planning and supply measures has to match the current need being experienced by many Queenslanders.

CHAIR: I want to talk about the state facilitated applications. I note that Q Shelter, the Planning Institute, the Property Council, the Urban Development Institute and REIQ have all said that they support the facilitated application process. One of the reasons for that is the possible timeliness—that this particular process can deliver extra housing. Can you talk about the benefits and timeliness that this process can potentially deliver?

Mr O'Leary: I do think the timeliness, given the urgency of need at the moment, is a very important factor. Certainly that is a factor that we support as well. Again, we agree with the intent of the bill and the amendments. We see the outcomes that can be achieved from that as positive. We hold the same line as the others you mentioned.

Mr Hills: We similarly support that, just as you highlighted the other peak and industry bodies that do. Our main reason for supporting it is offering an alternative approval pathway. There are still many developments that need to go through the normal DA process at local government level, and many of those are in the pipeline right now. Some of them have been held up for a whole range of reasons. This is an alternative pathway that allows developments to be considered, against a really strict criteria I might add, to meet a very dire need we have at the moment. For those reasons, as well as the reasons around speed and delivery and a reduction in time line to get through that process and move to the development stage, we absolutely support those measures.

Mr McDONALD: I note that both of you have been involved in the consultation regarding the Housing Summit and that sort of thing. Putting that aside, were you consulted with regard to this bill before it was presented to the House?

Mr O'Leary: No, not that I am aware of.

Mr Hills: As a housing peak, we have been consulted by the department on this bill. There were some other consultations with other peak bodies that interact with the housing system and the development industry on two or three occasions in the first half of the year.

Mr McDONALD: Have you had the opportunity to see the government response to your submissions yet?

Mr O'Leary: No, I have not.

Mr Hills: No, I have not seen those yet. We would be very interested to read that.

CHAIR: They are on the webpage now.

Mr McDONALD: We look forward to your feedback on that. I am not sure if you heard the LGAQ outline earlier that there are 97,000 lots available at the moment and there are a lot of externalities that are in place that are holding up some of those. Both the LGAQ and CoMSEQ suggested that this bill was not going to provide a short-term solution. Did you hear those comments? Can you comment on that?

Mr Hills: I did not hear that. We are actually holding our own conference here today so I have not had a chance to listen to it, but I have read the submissions of those who were on the panel earlier this morning. I understand the positions of the local government sector more generally in this space. What I would say about these alternative pathways is that they still require very thorough consultation. Even though the end point around disputes and the like is different, there is lots of consultation required with local government and the community on the way through. I think there is room for both. We know that happens in other jurisdictions and we are still very supportive.

Mr O'Leary: I did not quite catch all of that conversation as we entered the room so I cannot comment in too much depth, but I certainly agree with Jackson in terms of his stance.

Mr McDONALD: I think it was the Q Shelter submission that talked about modification or improvements to infrastructure pathways and headworks and all that sort of thing being an impediment. The government response actually says that it is outside the nature of this bill. How important is infrastructure to affordable housing?

Mr Hills: I imagine the general nature of the conversations this morning. I think it is absolutely critical. We should not isolate this issue from the wider picture of service land and support for infrastructure to unlock the supply that we need in the future. We know that the infrastructure charges that local government collect do not cover the full bill of infrastructure required, and that is still a serious issue that needs to be resolved. We will support local government in that endeavour in terms of making the case to state and federal governments for support there, but I do not think it is a strong enough reason or a compelling reason not to support these alternative pathways. They are quite bespoke. We are not talking about the lion's share of projects moving through here, by the way; they are very specific projects that need to meet a specific need.

Mr McDONALD: On that then, LGAQ, CoMSEQ and the Queensland Law Society said the call-in powers of the minister now exist and, as the chair said, if it is against some SPPs arguably those opportunities or powers already exist.

Mr Hills: I understand your line of questioning. I think it is for the government to probably articulate those technicalities a little further. The only observation I would make is that these projects are not moving as quickly as we would like at the moment and this is an alternative pathway that we know can speed them up, having consulted with the development industry and those involved in financing these projects, and our industry is on the other side of providing the affordable aspect. I think we are keen to look at anything that can increase speed of delivery. My real question would be why that is not being used at the moment.

Mr SMITH: The member for Lockyer just mentioned the importance of infrastructure around social and affordable housing. What are some of the challenges that people in states of vulnerability may face if there is a community housing company that sets up affordable housing and the infrastructure is not around it—public transport and so forth? What are some social detriments to them?

Mr O'Leary: We have certainly advocated for infrastructure around these developments for a long time across Queensland. I think the impacts are people's ability to engage in their daily lives, whether that is accessing employment, education or psychosocial supports. Transport is a really big part of that infrastructure, mainly because it is a means to accessing all of those other parts of critical participation in social life. We strongly advocate for infrastructure to be a core part of any of these developments. We have certainly seen examples of quite isolated developments, particularly as you get out of South-East Queensland. The ripple effect of that is quite sizeable across the scale of Queensland communities.

Mr Hills: I support that view from Ryan at QCOSS. The other thing we have found with the greenfield developments is that a lot of the service provision obviously comes at the end of the development, once each of the releases has occurred. In plans like the South East Queensland Regional Plan, there is very much a tilt towards more infill development. This particular instrument

that is being proposed will help on both of those fronts. We are very interested in what it can do in our inner-city, urban areas, given they are going to have to pick up the lion's share of the growth that we are seeing up to 2046. It is a great point, Tom; I understand what you are saying. Our sector, the bottom two income quintiles, has struggled to live in those communities when the infrastructure has not been there at the time they move in.

Mr SMITH: I want to elaborate on that further around the urban investigation zones which you may have seen in the bill—providing councils with the ability to actually pause on particular areas within their council region and focus around planning of onsite infrastructure. When we talk about social and affordable housing, is that of a greater benefit—to allow council to really plan around affordable and social housing and the requirements and needs of the entire community so that wraparound services can be available?

Mr Hills: We made some observations on the urban identification zones in our submission. One of the things that we are keen to understand a little more detail on is the time allocated to that—like the time line of how long you might be able to sit on that for. I understand your point. For us, we need to actually get our hands on land in the right locations when the development might not be ready now but it might be in the future. There is a sequencing at play there. It is a tool that we know has been advocated for in the sector, but we think there need to be some time lines attached. I am happy to circle back with more of a technical explanation on that, but I think we have talked to that in our submission.

Mr O'Leary: We certainly recognise and support the public benefit that is identified there, but we quite intentionally did not comment on the urban investigation zone in our submission.

Mr HART: On the affordable housing side of things, affordable housing is not a defined use in the act currently. If it is going to be a defined use, there may need to be a more specific description of what affordable housing is. At the moment there is an administrative definition in the Planning Act which says that members of a household will spend no more than 30 per cent of their gross income on housing costs. Would you like to see that changed?

Mr Hills: Yes, we understand where you are going with that. For us, we would like to see a clearer definition. The Planning Act is one aspect, but there are policy and funding programs. What you will find is that affordable housing can mean different things across different mechanisms, and I think that has been problematic for our sector to achieve the supply matched to the need that we are trying to solve. That need primarily has been the bottom two income quintiles until recently, and now it has crept into the third income quintile as well.

For us, the definition in the planning instrument for affordable housing—being the bottom two income quintiles or the bottom 40 per cent of the income distribution and housing that allows those people to spend no more than 30 per cent of their income on rent—is the definition we are seeking for clarification, and not just in the planning scheme but right across funding and policy mechanisms as well. We think that will better pinpoint taxpayer funds and these types of developments. There is another whole thing about housing affordability and subsidised rent and discount to market rent that also needs to occur. We just think the definition against affordable housing needs to be clearer.

Mr O'Leary: I completely agree with those comments around the need for a consistency of that definition. We are here representing community services that support low- and medium-income community members such as those on the bottom two income quintiles. That is certainly the focus of where we would like to see that definition of affordable housing being consistently delivered across a range of different contexts. It is playing a very key role in a lot of the different policy and planning processes.

Mr SMITH: My question relates to the state facilitated application and around streamlining processes. I will not ask you to name councils, but have there been examples recently around hesitancy for councils to approve affordable housing lots potentially because of community hesitancy about what is affordable housing? I guess we talk about social housing as well and some of the unfair stigmas attached to social housing.

Mr Hills: I am sorry: I had a slight audio drop-out. Can you restate the first part of the question?

Mr SMITH: Not having to name councils, but are there recent examples, within, say, the last five years, where we have seen councils either stall or delay applications potentially because of those stigmas attached to social housing and affordable housing?

Mr Hills: I do not have the ability to name any either, and I will not. What I will say is that our sector is aware of where moving those developments through the local government planning instrument has been more difficult in some locations than others. Sometimes that has come down to

community engagement and an understanding of the types of housing profile we are looking to deliver in those locations. That has been identified by the state as well. We are looking to do a lot more community engagement and awareness building around the profile of social and affordable housing and the mixed-tenure communities that we can create. Absolutely, this would be an alternative pathway that you could explore if you have had some difficulty in the past. There will still be consultation required in the community and with local government, but I think it is fair to say that that has been challenging in some locations more than others.

Mr O'Leary: We would not be able to provide any specific examples that identified that as the key cause of any delays in developments, but we certainly do receive anecdotal feedback that some of the planning processes are taking too long, from some of our members' perspectives.

Mr McDONALD: I am happy for you both to take this question on notice. You mentioned the change to the definition of affordable housing from the current 30 per cent to the bottom two quintiles. Could you quantify that for us?

CHAIR: And how many people?

Mr McDONALD: Yes, how many people and also the value of the change.

Mr Hills: We are happy to take that on notice. Ryan and Bronwyn, perhaps it is something we can work on together. We both have access to that information. I do not want to commit today to the full part of the question because it may be hard to quantify all of that, but we will be able to pinpoint the number of people that we are talking about. That will give us an idea of the size of the housing profile required, if that makes sense. We are happy to take that on notice.

CHAIR: Any more information on that would be useful. Can I ask that we have that back by 5 pm on 17 November. We will email you specifically about what we are after in relation to that. Thank you all very much for assisting today.

Proceedings suspended from 12.48 pm to 1.18 pm.

DEGENHART, Ms Amy, Queensland Chapter President, Australian Institute of Architects

SVENSDOTTER, Dr Anna, State Manager Queensland, Australian Institute of Architects

ZANATTA, Mr Paul, National Advocacy and Policy Manager, Australian Institute of Architects (via videoconference)

CHAIR: Good afternoon. Would someone like to make a quick opening statement before we start asking questions?

Ms Degenhart: Thank you for the opportunity to respond to the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023. I am the Queensland chapter president of the Australian Institute of Architects. The Australian Institute of Architects recognises the unceded sovereign lands and rights of Aboriginal and Torres Strait Islander peoples as the first peoples of these lands and waters.

We support the intent of the bill to streamline planning to deliver needed housing more quickly; however, the outcomes of any streamlining need to be climate resilient, sustainable and durable, providing livability and dignity. Good housing will enhance wellbeing as well as social and economic inclusion; however, streamlining of planning should not be the only short-term solution. With urgency comes risk, and that risk is the potential for government to create a legacy of poorly designed housing precincts and neighbourhoods. It is critical that planning and design steps are not bypassed to the extent that past mistakes, such as siting homes in physically hazard-prone areas, are repeated. This bill could be used to deliver mandated minimum inclusionary zoning requirements. This potential should be considered as the current Planning (Inclusionary Zoning Strategy) Amendment Bill 2023 will most likely not be successful.

This bill will enable changed use of premises for a temporary stated period without development approval. The bill could also be used as an opportunity to address the appropriate longer term repurposing of structures such as commercial office buildings to supply additional housing more quickly. However, longer term or permanent change of use must only occur through a development approval process and adequate controls to ensure that housing is of appropriate quality. Temporary accepted development for a stated period should not be permitted to stealthily transition to infinite use or approval.

The bill will enable land acquisitions to facilitate the delivery of development infrastructure. This provision should also be considered as a tool to assemble land parcels to achieve more holistic infill development rather than the challenged, patchwork approach. We caution, however, that the government will disenfranchise various stakeholders if land acquisitions are not undertaken strategically without adequate master plans, urban designs, analysis, modelling and consultation.

The bill attempts to bring time, financial and process efficiencies by removing local government assessment of cultural heritage significance of a local heritage place that is also a Queensland heritage place (dual listed heritage place); however, many local government areas do not have existing effective heritage overlays or controls. This feature of the bill sends the wrong signal that cultural heritage does not matter. Strong heritage controls would send a signal to development proponents to think about adaptive re-use/repurposing. Retention and inclusion of cultural heritage significant places and structures into housing redevelopment can help create local neighbourhood character and an enduring sense of community identity. Thank you for the opportunity to make this submission on this important bill.

CHAIR: Anna or Paul, did you want to add anything?

Mr Zanatta: No, I think that Amy has covered this very well in her opening address.

CHAIR: Amy, in relation to the cultural heritage overlay, you mentioned sending a signal about heritage matters. Surely it would send a stronger message if we have all of our local governments making sure they maintain a good local register. Surely that is something that would send a strong signal in local communities.

Ms Degenhart: I do agree with the statement that local areas should already be a little bit stronger in their protection and recognition of heritage. I think the reality is that they are a little further behind. It is an issue that lags a bit with incentives, and the time available for locals to get coordination for that is possibly not recognised until it is nearly too late, so there are some vulnerabilities there.

Mr Zanatta: I did chair our national heritage committee for two years, and what I clearly heard through our Queensland chapter is that it has been great that the Queensland government has got through a process of reviewing heritage controls. There had been an advisory committee to the minister which produced a report that was released last year. That report did indicate a whole range of recommendations to strengthen resourcing and controls for heritage in Queensland. Obviously it takes time to deliver the recommendations of the report. I believe that report was accepted by the minister and government, but the status quo has been that in local government in Queensland heritage has not necessarily been well protected and on the radar of local governments. We are looking to see that being strengthened.

The present urgency to create more housing does create the risk that proponents of development will simply say, 'Look, this heritage item or place doesn't really matter.' Rather than seeing it as an obstacle to good development, it should be seen as something to leverage good development. As we have stated in our submission, adaptive re-use is one thing that we should all be thinking about—also the way that retention of heritage helps create a sense of local identity and character. We hear too much in the media about how people do not feel connected to or included in their communities. We see that expressed in various ways in communities. Things that help to create that sense of bonding and connection in the community, including those physical elements in the community, should also be retained through good heritage controls.

CHAIR: I think you emphasised that what we are talking about here is in terms of housing availability and affordability.

Mr McDONALD: Were you consulted with regard to the development of this bill?

Ms Degenhart: Paul, correct me if I am wrong, but not to my knowledge.

Mr McDONALD: Have you had an opportunity to look at the government response to your submission?

Ms Degenhart: No, I have not.

Mr McDONALD: I note that in your submission you made a couple of points in relation to other advice in terms of housing affordability and availability, and I think they are good points; however, the government response mentions that these are outside the nature of the bill. Would you like to expand on those opportunities?

Ms Degenhart: Yes. The issues that have been discussed this morning skirted around one of the major challenges with immediate affordable housing, and that is size. The demographic that needs housing is the one- to two-person household, possibly at most three. In terms of the housing demographic, it is very difficult to create houses that are less than four bedrooms in the current economic scenario. Pointing to the 97,000 lots that are not being developed, most of that is quite possibly because they need to be larger homes. Now that the economics have changed so significantly, those homes would be well above the reach of what the typical market would be.

One of the solutions that the institute is advocating is to create smaller dwellings, in infill situations in particular. However, we know that that is the greatest area of community concern. It is a little outside of the submission, but our research is that traffic, car parking and design are the three things that communities are most concerned about when infill or changes to their neighbourhood in terms of new housing are introduced. Architects are particularly capable of addressing those design solutions within the context of an existing neighbourhood so that those changes are actually seen as welcomed refreshments and also create the opportunity for a demographic where the existing community cannot only house their growing children and their children as they progress into adulthood but also for ageing in place.

However, the demographic of the smaller home is challenged in the planning regimes so, in actual fact, we saw the link as just being the streamlining of planning. Whether that issue of smaller dwellings could be investigated, to take away some of the concern that that outcome might not be welcomed by the communities—we would love to shoulder the responsibility by using the responsibilities or the codes of conduct that cover our registration process to say that if we could collaborate with an uplift of yield but maintain similar built-form outcomes in terms of what dwelling, site coverage and garden proportions would be then that would be a really excellent immediate ability to get some smaller houses on the ground more quickly in the desired infill areas, which are well located.

Mr McDONALD: Will the changes to the granny flat legislation help in that aspect?

CHAIR: I cannot remember where that is part of this bill.

Mr McDONALD: I was just thinking about it when Amy was talking about it.

CHAIR: I will let that one go. I understand what you are talking about. Feel free to give my colleague an answer.

Ms Degenhart: Thank you for clarifying that, Chair. I do appreciate the indulgence. Member, it does but it does not, because the separate title is not available. Sometimes without a separate title there is not the housing security that is afforded by being able to own one's own premises.

CHAIR: I do have some numbers for you there.

Mr McDONALD: Good.

Mr SMITH: My question relates to your opening statement, where you talked about concerns around planning and development being more climate resilient and sensitive to ensure that people do not develop on flood plains and so forth. Is the understanding that State Development is putting into regional plans issues around climate sensitivity and so forth giving your organisation a little bit of confidence and security that the government is being receptive to concerns around climate? For instance, in Bundaberg, at Bargara, where we have turtles coming in, obviously there are lighting provisions. Does that maybe give some greater confidence that regional plans push down on the councils around their planning schemes? Does that cover some of the concerns around climate sensitivity and resilience?

CHAIR: Member for Bundaberg, that is not in the bill either, but I will give you latitude as well with that question. Feel free to answer my colleague's question.

Ms Degenhart: I am not sure I have a complete grasp of the question to enable me to answer it. I believe that in the climate response we could be very much talking about the design of the homes themselves in terms of the suitability for carbon, the maintenance of the home in the long run and livability. Those are probably just issues in relation to urgency and rush and maybe skipping through design steps. I might defer to Paul or Anna to fill in a bit further.

Mr Zanatta: What we are really urging here is that there may be the potential for the state government to come in and override some of the local government planning approval processes, and that is what we are reading down here. Whether or not the state government is obliged to nonetheless heed that regional plan, for example, with respect to broad parameters around particular types of land use—for example, in a flood plain area or an area that may be prone to inundation—we need clarity on what would be bypassed and whether that creates a risk. We are saying to government: make sure that you do not bypass those critical provisions within schemes and plans such as regional plans and simply ignore those to go straight to the land use that is desired in terms of a residential outcome. Those plans and schemes are there for an important reason, so make sure that we do not create risks by bypassing critical steps.

Ms Degenhart: To add to that, it is in fact quite a complex matrix of controls that we deal with in this environment. It seems an obvious thing that those things would not be bypassed, but there are often inadvertent and unintended consequences because of the complexity of the way that schemes are written. That might help to clarify.

Mr SMITH: In relation to heritage, I am reading your submission—and I take on board what the LGAQ said earlier. I am trying get some more information around duplicating an application on a site that is locally listed and state listed on the heritage register. How does that cause concerns? Your submission states—

> This feature of the Bill risks sending a strong signal that cultural heritage does not matter and that demolition and re building is preferred. ...

How does stopping the duplication of an application encourage or give off that vibe? I am not quite following.

Mr Zanatta: More than anything, when the bill passes it is very easy for, I suppose, governments to turn around in public messaging and say, 'We are introducing streamlining. That's a good thing. These controls will no longer be required.' Development proponents might hear the message incorrectly, so when that message goes out about the provisions in the bill there has to be absolute clarity in that messaging that this does not mean that heritage does not matter; it just means that, as you say, member for Bundaberg, all we are doing is making sure there is not a process inefficiency. We acknowledge that that does create time and process efficiencies, and that is great; however, make sure there is still a clearly qualified message that heritage still matters.

Mr SMITH: So if the Deputy Premier, in a future speech on the bill, made that more clear, would that be something that the institute would be asking for—to make it more clear in a speech?

Mr Zanatta: Absolutely. Your government has very well sought to strengthen heritage controls and has recommended—and I believe you have accepted the recommendations—to resource heritage better across local government in Queensland. It is consistent with the current policy approach of the government in Queensland to ensure that heritage is strengthened and well protected. Certainly in the report that was produced for the minister in that process, it was identified that Queensland's heritage controls had tended to be sitting behind those of other states and territories. We want all of that good work that has happened through that review process to be retained and carried through as well.

CHAIR: There being no further questions, I thank you for your evidence today.

ENGLAND, Dr Philippa, General Member, SEQ Community Alliance

HANDLEY, Ms Elizabeth, President, Brisbane Residents United

HEYWOOD, Adjunct Associate Professor Philip, Visiting Associate Professor in Community Planning, Queensland University of Technology, Kurilpa Futures

HOBSON, Ms Melva, President, Sunshine Coast Association of Residents

WALKER, Mr Chris, President, SEQ Community Alliance

CHAIR: Thank you all for coming today. I recognise some of you who have appeared before us before. I invite you to make a brief opening statement on behalf of each organisation and then we will follow up with questions.

Mr Walker: My name is Chris Walker and I am the President of the SEQ Community Alliance. I am accompanied by Dr Philippa England, who is a member of our association and who has lectured on and written about Queensland's planning laws. The SEQ Community Alliance advocates for the community to have genuine opportunities to be engaged in decision-making about planning and development issues. In our view, Queensland's various planning laws have, over the past two decades, eroded the rights of community members to have a say about changes to their neighbourhoods caused by development.

The combination of a performance-based planning system with code assessment means that there is little opportunity for community engagement under the Planning Act, except when a new planning scheme is being considered or in the rare case when a proposal is impact assessable. The generic process for gaining development approvals in Queensland can already be bypassed in various ways if the state government decides to do so. These include use of priority development areas under the Economic Development Act and the use of ministerial infrastructure designations, and the state government can use its ministerial call-in powers to take over decision-making from local government.

Our submission questions the need for the new state facilitated application process. We suggest that the government's stated objectives could be achieved through carefully reviewing and improving the current ministerial call-in provisions. We also question the proposed restriction of appeal rights for third parties and, in the operational amendments, we flag concerns about the proposed avoidance of community consultation about planning scheme amendments that are directed by the minister. Thank you for the opportunity to speak to you and to make a submission.

Ms Handley: Chair and committee members, I represent Brisbane Residents United, Brisbane's peak body for community resident action groups. Thank you for the opportunity to make a presentation to this committee. The purpose of this bill is to further restrict the community's appeal rights to inappropriate development. The proposed planning system is unnecessarily reducing community consultation when it already has an armoury of legislation deployed for that very purpose. No legislation ensures that community input is actively considered or acted upon. There is no guarantee that a resident's amenity will not be adversely affected by a neighbouring development. Every move made in recent years by the state government and local councils has been to limit or control the amount of community consultation. The only guaranteed contribution from the community is paying for the infrastructure.

Besides the very excessive use of code assessable development, the Queensland government has already implemented the following processes to bypass the planning system: SARA, the State Assessment and Referral Agency; development control plans; priority development areas; ministerial infrastructure designations; ministerial call-in powers; temporary planning instruments; and accepted self-assessment by state government departments under the State Development and Public Works Organisation Act. Now it proposes to implement two more: state facility applications and urban investigation zones. At what stage will the development industry think they have enough control over the planning system? I know of no other business where the government guarantees you a profit and yet this is considered a reason for inappropriately increasing the height or bulk of a development, to boost the yield and developers' profit.

This legislation is being proposed, we are led to believe, to increase social and affordable housing. This claim is beyond bizarre and is not borne out by the research. The Queensland government has only managed a net increase of 410 community and public housing dwellings since 2013. During that time, the government has sold off 1,927 dwellings, including 275 dwellings during

COVID. The government is well aware that the most successful and cost-effective model to provide social and affordable housing is for the government to build it and retain ownership. It has tried the market route and it has been an expensive mistake that has led to our present situation. Queensland currently has, I believe, as the adjusted figure now, over 97,000 approved housing sites and 120,000 unit approvals that have not been enacted. In a speech by Emily Sims of Prosper Australia to the Planning Institute of Australia, Ms Sims said—

State governments have the levers for non-market provision, when market outcomes are unacceptable. That means social housing (states can also tax land and capture value uplift through the development process).

Yet, housing affordability is too often framed as a problem of not enough housing.

…

We have a report showing that greenfield estates are typically drip-fed to market over 30-40 years. This suggests that these large developers 'regulate' the supply of lots to stop prices falling.

…

And our vacancy reports have shown that even built property can be withheld from supply.

…

You might have read about the Jewel Tower in Surfers Paradise, where two-thirds of the apartments have still not been put to market three years after construction finished. Why? They are keeping a floor under the price by releasing them slowly.

This is speculation, and it's not a fringe concern. It tells us something about the nature of the markets we are dealing with.

There is no guarantee of affordable or social housing in this bill. The local community, the key stakeholder and financier in these areas, lacks consultative structures that enable meaningful input. Governance procedures provide little transparency and accountability. Detailed information is difficult to find. Legislation shields decisions from right-to-information requests. Development run riot has never resulted in good housing solutions, and it does not do so today. Thank you.

Ms Hobson: My name is Melva Hobson and I am the President of the Organisation of Sunshine Coast Association of Residents. We call it OSCAR for ease of saying. We thank you for the invitation to participate in this public hearing. While acknowledging the local First Nations people of the land where we meet, I would also like to acknowledge the First Nations people from the Sunshine Coast, which is where I live, the Kabi Kabi and the Jinibara First Nations people. I would like to acknowledge their elders past, present and emerging and acknowledge their active participation in local government issues and local government advisory groups, activities and engagement with Sunshine Coast Regional Council. We are very fortunate.

OSCAR is a nonpartisan, not-for-profit umbrella or peak organisation with 35 member groups from Pumicestone Passage to Noosa. Predominantly, our membership comes from the Sunshine Coast Regional Council. Our main role is to advocate to local and state governments and the public on policy issues that are of regional significance and of concern to our members. Our 35 member groups are very active in their own right on issues that are occurring within their local area.

We have been regular responders to the *Queensland Housing Summit outcomes report* and anything that relates to it because we see this as a really significant issue. However, we see this bill as reducing community participation and transparency. We are not satisfied that a number of the changes are necessary. It would appear to committee members that some of the changes are an overreach and do not demonstrate good planning, good community engagement or effective engagement with local government, and I think we have heard that this morning from some of our local government members.

We appreciate that there is a housing crisis and the government response is a reaction to that. We suggest that there are a number of things that the state government can do before overriding local government decisions and/or unilaterally removing the opportunity for community consultation.

I would like to acknowledge, however, the role of the state government in the acquisition of many properties—and I think it may come to several hundred—that previously were run under community housing, under the NRAS scheme. The state government has acquired those, and I think they should be congratulated on that; however, that does not let them off the hook for the lack of social housing in the Sunshine Coast. Any of the figures will tell you that there is an incredible dearth of social housing. They also tell you that the definition of affordable housing, be it the previous definition of 30 per cent of income or the later one which was referred to this morning, just does not apply. I encourage any of you to maybe go to the *My Suburb Profile* for the Sunshine Coast which gives you the median prices across the Sunshine Coast in the current process. There are probably

three areas where they are less than $900,000 to a million dollars and they go up as far as $1.6 million, and that is the median price. Affordable housing is a big issue on the Sunshine Coast and where rents are either non-existent or outpriced and increasing sometimes by $100 a week.

We take issue with a number of the points, as outlined in our comments. We see, for example, the state facilitated application removing the right of appeal, undermining certainty of local government planning schemes. As a community organisation and representing several thousand community members, the certainty of that planning scheme is critical to the community having an understanding and awareness as well as participation, and we do not want to see that certainty decreased.

We are also concerned that with the state facilitated applications, for example, the haste in order to bring areas to the market and their streamlined assessment may not give adequate consideration to natural hazards and climate change risk assessment, which is quite drastic in some parts of the Sunshine Coast. These things can lead to poor planning and development outcomes and inadequate considerations given to existing and evolving risk factors and are particularly significant with the Sunshine Coast flood plains, coastal erosion sites and fragmented significant habitat.

The other issue that is really significant to the Sunshine Coast is the poor, inadequate and often non-existent infrastructure, particularly in terms of transport and public transport. We see that as a significant issue to many of the proposals within the bill and also within the South East Queensland Regional Plan.

We are concerned about the way some words are used. You made reference this morning to the definition of housing affordability—what does it actually mean? In the amended planning scheme process it talks about reflecting state interests that had been subject to adequate consultation. How does one define 'adequate consultation'? We are also concerned about the time lines for local government to assess. Local governments—and we work closely with our local government—are under a lot of pressure in terms of staffing and in terms of applications, the complexity of applications, and we do not want to see any pressure put on them to decrease that time frame and allow decisions which then will be challenged in court.

The other big issue we have is about urban encroachment, which we see as potentially creating huge problems for increasing land use conflicts. I will not go into detail on that. If there are questions specifically about that, my colleague Lindsay Holt, who chose to have surgery this morning instead of coming to this presentation, would have information on the urban encroachment, particularly in relation to the urban-rural interface. You may like to ask a question to that to be taken on notice. There is a case that is currently being undertaken by the community with council. I would not want to presuppose commenting on that, and he may wish to do that confidentially. I ask you to do that.

In conclusion, the state's response to housing is predicated on infrastructure provision. Of course, as we know, now the challenge under the current revision by the Commonwealth government is going to have significant implications for development on the Sunshine Coast, particularly given there are four major projects worth several billions of dollars. It is well overdue. That will make the whole implementation of any act and also the South East Queensland Regional Plan and increasing consolidation as a major issue. Thank you.

Prof. Heywood: Thank you for the opportunity to contribute to your deliberations. My name is Phil Heywood and I am the planning spokesperson for the community group Kurilpa Futures. My comments relate to six areas of the bill's likely impacts. The first is land assembly. I question the bill's assumed shortages of developable housing land in Queensland. In SEQ, for instance, more land is designated and available for housing than is needed to meet projected demand, a view that is supported by the submissions of the LGAQ and SEQCA, who point to 60,000 approved developable housing blocks in SEQ alone. It is mainly in well-planned and well-located situations as transit orientated developments along existing and designated transport corridors. The resultant low-cost, low- and medium-rise and community integrated housing is more suitable for the often stressed households needing affordable housing than high-rise, high-density units, spatially separated from direct access to the play and amenity open space that is needed by young and old alike.

The second of my queries is the proposed use of overriding ministerial powers of designation and declaration which is at the heart of this bill. The likely use of such powers is indicated, I think, by the minister's own recent designation of the TLPI for the area where I am resident, the Kurilpa precinct in Brisbane, which was the precursor of this bill, the land designated as amongst the most expensive in the state. Proposed high-rise construction is the most costly of any building form. The affordability requirements contain blatant loopholes, providing a good example of how designation areas under the bill might operate.

The third point is the implications of preservation of recreational and rural conservation space, which we have not been focusing on, but it is a possibly unintended consequence of the bill that land beyond the designated urban footprint at present dedicated to protecting rural recreational conservation land could be subjected to ministerial designation as urban zones available for development without any public consultation. This is rather serious because one of the good things about Queensland planning has been the urban footprint, which defines things and is responsive to both needs and demands.

I am glad everybody has been mentioning the heritage implications. I will be brief. In ministerial designations heritage provisions by local government could be overruled by the minister on behalf of the state government. Taking such decisions about local heritage away from local governments would be retrograde. It has also been highlighted by the LGAQ as one of the bill's damaging consequences.

The excessive centralisation of powers goes to the heart of this problem. This control of decision-taking and control in the hands of potentially distant authorities offends against sound principles that decisions should be devolved to the most appropriate local level—the so-called principle of subsidiarity. The reversal would erode both local democracy and well-informed decision-taking. Bad precedents would be set for both processes and outcomes.

Finally, you will be glad to know, is overriding coherent integrated community planning by short-term, one-off expedients. Of course, as a professional planner, this does concern me. I cannot improve, though, on the summary of the LGQ in their written submission to you which objects that the bill would (1) undermine local decision-making in planning and development assessment and control; (2) erode community trust; (3) disregard community values; (4) damage local heritage; and (5) open the door to unintended adverse consequences. That I think is as important as anything else. It is a draconian centralised provision that you could find being used in very unexpected ways.

It is notable that prominent among other local government critics is Brisbane City Council, which originally supported the identical approach in its own initiating of the Kurilpa TLPI, which appears to have formed the model for this legislation. The very people who started the whole sequence, when it is being applied to them, are not so sure about it.

CHAIR: Thank you, Professor Heywood. We will go to some questions.

Mr McDONALD: Firstly, thank you to all of you for making your submissions—we really appreciate it—and thank you for your opening addresses. I have a broad question. A number of you quoted Greg Hallam talking about the Queensland planning laws being very permissive. If you had an opportunity, what changes would you make to this bill?

Prof. Heywood: I would like to see the bill address housing affordability and not just draconian centralised powers. I would love to see the bill say that the government can designate the need in local authorities to include inclusionary zoning of affordable housing as a requirement, not for all of the state but for designated areas of specific housing need. The Sunshine Coast would be a good example, as would the Gold Coast and parts of Brisbane. If you are going to do this new, lucrative housing development then you ought to enter into partnership with the state government, with the local government or best of all with housing, social housing providers and community associations so there will be 20 per cent that will be given to them. You get a bit of security with a development as a developer, the community gets affordable housing and we get something that works in the actual sphere rather than a generalised centralisation of power.

Dr England: Similarly, I would like to see the state planning policy maybe amended to give more coverage and more precise coverage to what we want to do in the area of affordable housing. The state planning policy defines state interests—that is the obvious place to define it—and then it works to infiltrate the planning system that we have for local governments and the state can still intervene. When they do that, it gives much better scope for the minister to properly exercise their ministerial call-in powers. Our submission basically said: why don't you improve the ministerial call-in power instead of just duplicating it and making it all very messy for everybody without actually getting to the heart of the problem?

Ms Hobson: I would like to see the state look at its own house first before this, particularly areas that are PDAs. I draw to your attention the PDA for Caloundra South, or Aura, which has been going for several years now. It was taken over under the UDA entered by state government back in 2010. There are 20,000 lots to be developed on that site—13,000 have been approved, 6,500 lots have been constructed, and 4,800 plumbing certificates have been given.

The other day we saw a media release to say that there was a development application gone to council for social housing. It is five per cent of the required amount of social housing. This is a PDA development that has been going on for a number of years[1]. We think there should be an internal look at what actually can be done immediately, given those 97,000 lots that have been approved.

I think the LGAQ raised an issue that there are obviously externalities that are impinging on that in terms of the cost of construction materials but also the drip-feeding of areas. I would like to see some housekeeping and applying control where the state has control over the PDA areas.

CHAIR: Elizabeth, would you like to add anything?

Ms Handley: I would like to make a comment. Somebody told me something interesting the other day. When you have PDA areas you would think the state government would take out of those the infrastructure that is going to be required for the number of buildings or dwellings that they are going to approve in that area, instead of paying market rate for it after the area has been developed. It was a comment made to me by a developer. He said that he found it just bizarre that they did not use that sort of leverage right at the start, where if you were doing good planning you would have everything that was required for the number of people that you are saying are going to live in that area. That means I have a high school site; I have a hospital site, if that is required; I have the road reserves. All of that should be done before the first thing is turned over to the development industry to then increase the value of that site. If the state is going to interfere in planning then let's do it for the benefit of the people of Queensland.

CHAIR: I think there are a number of PDAs coming out very soon. It will be interesting to see what they include. Chris, did you want add anything?

Mr Walker: The only other point I would make is the need to focus separately on reforming the planning system to improve it, which is a long-term issue—that should be done thoroughly, properly, with enormous community consultation—and then deal with the short-term issue which is vexing the state government, which is the shortage of housing. To use the shortage of housing to tweak the planning system and make it even easier for people to take bad projects through to the approved stage to me seems quite inappropriate.

Mr HART: Thank you all for coming. It is great to see some familiar faces. I really appreciate the time you put in as volunteers to take care of your community. You are being heard. I have definitely heard what you have said and I take it on board. Would you prefer that the councils had complete control of planning laws rather than the state overriding them? Is that a better outcome or does there need to be a mixture?

Prof. Heywood: I like the division that we have. I think it is probably about right. There is this famous phrase: the 'principles of subsidiarity', whereby you push down controls to the lowest level at which they can be really effectively performed. Clearly, you would not give national defence to the local group in Kurilpa, but you would want to give them the provision of local festivals and the proportion of housing for different age groups et cetera. I will not go on too long about it.

I think we need to be looking at this distribution of roles. My concern about the act is that I think, possibly with good intentions, it has completely ignored that. It has just said, 'Got a problem. Give me more power. I'll take the decisions.' All of the logic is that, by centralising this, you will diminish the sensitivity and the knowledge of the planning control and you are not doing what you could do, and that is to have a central control where in our society to be just these kinds of developments would have a proportion which are affordable. The state government could be doing that. It does not have to have all this wideranging intervention.

Mr HART: Maybe I can ask that a different way. When it comes to local town plans, should the community be in charge of that and that be locked and loaded with no interference?

Prof. Heywood: I do not think no interference. I am sure there are things where the state—I think you were pointing out, Philippa, the very useful state planning policies. There used to be individual ones, which were a very good idea. They were quite specific. Now it is one big state planning policy with all these different divisions. Yes, I am sure there are things where the state is quite right to have powers—social justice, community conservation, flood control, climate change. Of course those things are right. The totalistic one here is not looking at what is appropriate for different levels. It is saying, 'Got a problem. Must be seen to be doing something. Here—I'll do it all.'

[1] See published letter of clarification of evidence dated 17 November 2023

Ms Hobson: I agree to some extent but not totally with Philip's response. I think it is about a partnership between the community and the local government. For example, we work on the basis of bouquets and brickbats. We give credit to the Sunshine Coast Regional Council for the many good things that it does, but it is about that partnership. Where we see they have done something well and they maybe have refused a development application for very good reasons, we will support them and we go to court in support of them. It is about that partnership. In terms of determining the planning scheme, it is about the community engagement that takes place. It is not just the engagement, but is the community being heard? It is often being listened to but is it being heard? I think that is where you get the better quality because you get high community ownership of the town plan and therefore in support of council and you have less angst and less fighting in court against maybe council decisions where that partnership occurs. Where it breaks it then, yes, the community will go to court against council.

Mr Walker: In response to the very broad question, the balance is probably about right but it has been going a little bit too far in terms of centralisation in the recent decade or two. I think the other concern that I perceive is the lack of accountability. In our part of the world, which is the Redlands, there is a lot of finger-pointing that it is always someone else's fault. The confused nature of the planning approvals process allows that to happen. As part of doing a fundamental reform of Queensland's planning laws, it should ensure the outcome is a clear understanding of who is accountable for what, which we do not have, I do not think, at the moment.

CHAIR: Elizabeth, do you want to add anything?

Ms Handley: I do think we need a state-council balance. As I am talking about Brisbane, one of the things that does disturb me is that in Brisbane—and probably the Gold Coast and the Sunshine Coast closely following—the numbers of people who influence a councillor are almost the same as the state government, and I think that is very wrong as far as local government goes, to be honest with you. When other local councils have much smaller numbers of people whom their councillors represent, I think you get much better outcomes.

I also think that nothing replaces local knowledge. Having somebody sit in an office somewhere pontificating about how things should be done, and not being on the ground, leads to very poor outcomes. I think a degree of respect needs to be shown between the levels of government but also a degree of responsibility. If a council makes a poor decision then the state government must be able to say to them, 'That is inappropriate and we will step back from that.'

I do think that, when people are telling their councils how they want their community to be, it is not good that somebody steps in from outside if that is not an outcome that the rest of us can live with. I know that is a nuanced view of it. In the main, a lot of people go into government—and I hope I can say this—with good intent. That is what we have to hope is happening.

CHAIR: Philippa, did you want to add anything?

Dr England: All the other speakers have done excellently. I just want to point out that, in my understanding, the role of the state is to be more strategic, to ensure consistency and integration, to be interested at those planning principles and planning level. The operational level is more for local government. If local government is corrupted or there is total conflict in the community then there may be justification for a reserve power, a reserve ministerial call-in. Otherwise, if things are not working well in local government, set up a team and support local government to do a better job in operational matters.

CHAIR: Thank you all very much for your evidence here today. We always appreciate you coming in. As we said, it is good to see some familiar faces back here again.

Prof. Heywood: Best wishes with your deliberations.

CHAIR: That concludes this hearing. Thank you to everyone who has participated today. Thank you to our Hansard reporters. Thank you to our secretariat. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

The committee adjourned at 2.16 pm.