**Housing Availability and Affordability (Planning and Other Legislation) Amendment Bill 2023**

**Submission No:** 12

**Submitted by:** Noosa Council

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**Attachments:**

**Submitter Comments:**

**Officer Name | Kim Rawlings**
**ECM | 41.19 State Planning**

31 October 2023

Committee Secretary
State Development and Regional Industries Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Secretary,

**Re: Submission on the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023**

Noosa Council acknowledges and commends the ambition of the Hon Dr Steven Miles MP to improve housing availability and affordability by introducing this Bill to Parliament for consideration.

While the objective of the Bill is to optimise the planning framework's response to current housing challenges through a suite of new tools, it does not approach inclusionary planning provisions as addressed in the Queensland Housing and Homelessness Action Plan. Rather, it relies on a top-down approach of eroding local government plan making and development assessment autonomy. Local governments are closest to their communities and are in the best position to respond to local interests.

It is disappointing that the Public Hearing on the Bill on 23 October included representations from the Urban Development Institute of Australia, the Planning Institute of Australia and the Real Estate Institute but no representation from Local Governments. There seems an unfortunate rhetoric that local governments, and planning schemes, are the "barriers" to delivery of affordable housing.

**"Streamlined" State Facilitated Applications**

The Bill introduces provisions for the Minister to declare an application be a State facilitated application if it is delivering development that is an urban purpose (including residential, industrial, sporting, recreational and commercial purposes) and an identified priority for the State. Such a declaration may occur where the Minister is satisfied (having regard to any matter the Minister considers relevant) it is appropriate for the chief executive (DSDLGIP) to assess and decide all or part of the application instead of Council.

These provisions apply to a development application, or a proposed development application, for a material change of use of premises or reconfiguring a lot; or to a change application, or a proposed change application, in relation to a development approval for a material change of use or reconfiguring a lot. The declaration can seemingly occur either before a development application is lodged or after it has already been lodged and assessed.

In assessing and deciding the application the Chief Executive **may** consider the planning scheme, SPP or other matter they consider relevant. The normal assessment rules for code assessment and impact assessment, and referral agencies specifically do not apply. Amendment to the P&E Court Act will prevent the development approval being appealed.

This proposal effectively removes the Local Government, the local community and potentially the planning scheme from the development assessment process. Subsequent amendments to the Planning Regulation 2017 (not yet available to scrutinise) will outline the criteria for the declaration of

a state facilitated application and the timeframes relevant for assessing and deciding such applications.

Of considerable concern is how infrastructure capacity and provision will be considered during this process. Noosa Council notes the lack of commitment for infrastructure in Noosa Shire within SEQIS and has already made representation to DSDILGP on this matter. Additionally of great concern is how will this process engender community ownership of the process, outcomes and ultimately residents who occupy these developments?

**Power of Minister to direct particular amendment of planning schemes**

The bill allows the Minister, without consultation, to direct a local government to amend its planning scheme to protect, or give effect to, a State interest (including housing supply, affordability and diversity).

The Minister is to specify the nature of the amendment, the reasons for it and a "reasonable period within which the local government must make the amendment" (no timeframe given). If the local government does not make the amendments as directed, the Minister may take action to make the amendment and recoup the cost from the Local Government.

This is to be limited to where "adequate" public consultation has been carried out in relation to the subject matter of the amendment. At the public briefing dated 23 October it was suggested this consultation had to be contextualized at the local level. However also that public briefing it was advised this could include matters having been covered in the Draft ShapingSEQ 2023 Update consultation such as increases in height and density.

During recent consultation on the ShapingSEQ update the community of Noosa Shire expressed considerable concern about increases in height and densities. Reassurance from the State was that heights are set in the planning scheme and not the Regional Plan. This Bill effectively grants the Minister power to direct Local Governments to amend their planning schemes to accord with policy positions of the Regional Plan. This power clearly contradicts advice and messaging to Local Governments and communities provided through this previous reassurance.

Explanatory material suggests this will ensure consistency between a local planning scheme and state policy and legislative requirements, thereby providing certainty about what planning controls apply to land. Local Governments are already committing extensive resources to regularly reviewing their planning schemes and the two State Interest Reviews within the current plan-making process ensures compatibility with State Interests including regulation and regional plans. Major planning scheme amendments are currently taking at least 18 months to accomplish; however, it is understood these will be "fast tracked" when directed by the Minister.

**Urban Investigation Zone**

Council generally supports the introduction of the Urban Investigation Zone to allow a Local Government to appropriately sequence and stage the detailed investigations and infrastructure planning of multiple growth fronts. However, by allowing development through a State Facilitated Application it undermines the purpose of the zone and risks out of sequence development with inadequate infrastructure. Prohibitions for development in an Urban Investigation Zone will have no effect for state facilitated applications. Given the considerable pressure to deliver more homes, we have concern for the long-term success of this zone as intended.

**Consultation**

The limited time allowed for consultation on this Bill, noting that fact sheets were only published on 25 October (one week before submissions close), is unreasonable and has not allowed for full community or local government participation in the process. We would trust that the public hearing of 9 November include representation from broader community interests including LGAQ.

Yours sincerely

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Kim Rawlings
Director Strategy and Environment

**ABN 97 969 214 121**
**noosa.qld.gov.au**
**mail@noosa.qld.gov.au**

**PO Box 141**
**Tewantin QLD 4565**
**07 5329 6500**