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

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Submission to State Development and Regional Industries Committee about Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023

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1. Introduction

Springfield City Group Pty Limited (**SCG**) welcomes this opportunity to make a submission in relation to the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023 (**Bill**).

This submission relates only to clauses 58 - 60 of the Bill, which relate to development control plans.

SCG is the master developer of Greater Springfield, an area of 2,860 ha which is subject to the Springfield Structure Plan (**SSP**). This is a quarantined development control plan (**DCP**) which was made in 1999 under the *Integrated Planning Act 1997* (Qld) (**IPA**) and which has been transitioned through all successive planning legislation to the present day. Additional SSP-specific changes were made to the *Planning Act 2016* (Qld) (**Planning Act**) in 2020 to insert Chapter 7 Part 4C, which has the effect of preserving the master planning hierarchy used in Greater Springfield.

There are only three areas in Queensland subject to quarantined DCPs – Springfield, Kawana Waters and Mango Hill/North Lakes – but the proposed changes to the Planning Act will have a significant impact on these areas.

Springfield has been and continues to be an important growth area for the State, and a critical facilitator for the implementation of the Government's housing affordability strategy. The SSP and its quarantining provisions in the planning legislation have been a critical component of Greater Springfield's success, and SCG strongly supports the Government's desire to preserve the operation of the quarantined DCPs.

2. General comments

2.1 Issues arising

SCG welcomes the changes made by the Bill to confirm the validity of certain approvals granted in DCP areas and to clarify the processes to be used in assessing applications for development.

However, the Bill does not go far enough. SCG has raised for some years now with the State the inherent difficulties and which arise given that development in the SSP areas requires – usually – both an SSP approval, and a development approval under the Planning Act. The SSP approvals are given as part of a detailed master planning process under the SSP, requiring assessment against the SSP. The process cascades through levels of detail until final approval for development under the SSP is given. Planning Act development approvals are obtained ***only after*** SSP approvals are obtained.

Because Planning Act processes must be used to issue these Planning Act development approvals after the issue of all SSP approvals:

(a) The application processes can duplicate assessment already undertaken by the local government;

(b) The existence of two separate and largely unrelated processes is confusing for both applicants and assessment managers;

(c) Development applications sometimes require referral to the State and assessment against the State Development Assessment Provisions (**SDAPs**) under the Planning Act (no SSP application requires referral or assessment against the SDAPs); and

(d) To the extent they are assessed by the State, development approvals may be inconsistent with the earlier SSP approvals, as there may be no requirement (or power?) for the State to take into account or ensure consistency with SSP approvals; and

(e) An applicant may therefore end up with inconsistent SSP and Planning Act approvals, with no way of reconciling them, and unable to commence development as Div 4 of Part 4C requires development under a Planning Act development approval to be consistent with SSP approvals.

2.2 SCG's proposed solution

SCG has been engaged in lengthy discussions with the State over the past couple of years about these issues. From SCG's perspective, there are two possible solutions to the issues:

(a) Ensure any State referral occurs earlier in the master planning process, to remove the possibility of duplication; or

(b) Exempt development in a DCP area either from the referral triggers contained in the *Planning Regulation 2017* (Qld) (Planning Regulation) so there would be no State assessment at the development approval stage, or exempt development in a DCP area from assessment under the Planning Act generally. This is a reasonable solution given the amount of assessment that occurs under the SSP already.

Unfortunately, neither of these options have been adopted by the Bill.

3. Detailed comments

Proposed section number	Issue	Comment
359	Validation of approvals	SCG welcomes the proposed validation of development approvals given in DCP areas in the past.
360(4)	Categorisation of development under DCPs etc	The Bill assumes that all DCPs actually categorise development in the same way as a modern planning scheme, provide for assessment levels, and prescribe assessment benchmarks. This is not the case for the SSP. The SSP is contained in Chapter 14 of the 2006 Ipswich planning scheme. Both the SSP and the scheme use IPA terms and concepts. SCG has been working with Ipswich City Council (**ICC**) for some months in the context of the new ICC draft planning scheme, to try to reconcile the new draft scheme's Planning Act-based terminology, assumptions and processes with the SSP, but this is proving extremely difficult, if not impossible, without rewriting the SSP entirely. In part this is due to the fact that the SSP: • Uses different use definitions to those in the draft scheme; • Does not use the same levels of assessment as the scheme; and • Does not contain its own full set of assessment benchmarks, so some of the scheme benchmarks (for example, codes relating to reconfiguration, operational works, some use codes) must be used. SCG is concerned that if DCPs are 'rewritten' to perform the roles which proposed section 360(4) assumes they may perform (categorisation, prescription of assessment level and assessment benchmarks), the DCPs may even lose their status as quarantined DCPs. Given the

Proposed section number	Issue	Comment
		success of the DCPs in facilitating development in their areas, this would be a retrograde step. Attempting to 'weave' Planning Act processes into DCPs in this way gives an applicant and assessment managers an almost impossible task to determine the correct process to be adopted for assessment and hence potentially may cause approvals to be invalid as proper process may not have been undertaken.
360(5)	Regulation making power	The proposed regulation making power is very broad, but requiring applicants to refer to the Planning Regulation as well as (in the case of the SSP) the SSP, the Ipswich planning scheme, the Planning Act (Chapter 7 Part 4C, these transitional provisions) and the Planning Regulation will make it almost impossible to ensure full compliance. In SCG's view it would be more efficient for the matters discussed in this submission to be resolved by legislation, as set out above.