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

Submission No: 32

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Publication:

Attachments:

Submitter Comments:

November 14th, 2023

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

Dear Sir/Madam,

Thank you for the opportunity to make this submission. We do so from a landowner's perspective. We support highest and best use development of the few remaining broadhectare greenfield land opportunities for housing current and future residents in South East Queensland.

We are not developers but we do have an understanding of the substantial amount of time and effort required to establish a sufficient body of landholding to deliver a new broadhectare master planned community or economic project.

The first concern we wish to share with your committee relates to clauses 4, 39 and 43. We are concerned that the proposed broadening of acquisition and easement power diminishes land owner's freehold rights in favour of other public and private interests. Land fragmentation combined with higher costs to provide infrastructure can become hurdles in developing broadhectare greenfield areas, however, the proposed change in legislation creates a nexus whereby a landowner is effectively subject to a pincer movement by both private and government interests working in unison to force a landowner into submission.

An alternate mechanism in this regard may be to utilise powers already held by the State through the Economic Development Act to designate such areas as may be required for necessary infrastructure as a Priority Development Area (PDA). In this manner any area of land may be designated a PDA and thereafter a development scheme implemented that provides access for infrastructure that is both efficient and agreeable. Designation of a PDA or other such "up-zoning" of essential land which would otherwise subject to compulsory acquisition or easement under this proposed Bill would at a very least provide for the owners of that land to be compensated in an equivalent or higher manner to those "upstream" who are directly benefiting from the downstream owners loss of rights to their land.

It would be an unconscionable for landowners, whose land may not be suitable for development (due to ecological or drainage constraints for example) but whose land is essential for development elsewhere not to be compensated at the same or higher levels than the upstream beneficiaries.

The existing methods of determining land value for compulsory acquisition or acquisition of an easement does not take this broader view into consideration. Our view is that if an area of land is essential to support other development, but is not in and of itself developable, then its value is certainly not less than the other areas that cannot be developed without it.

The proposed Bill implies that such landowners are obstacles to development whereas in fact they are fundamental to development occurring and their compensation for losing land rights should be compensated on the basis of their indispensability, not on the basis of a perception that its value is lower because it cannot be developed.

On a further matter we submit that access to the current compensation provisions of the Planning Act be available to landowners whose land may be designated "Urban Investigation Zone" or if not that Local Government be prohibited from misusing that designation to down-grade or stifle development opportunities otherwise available to those landowners. Placing land in a holding pattern subject to the timing and whim of local government creates a very dangerous set of circumstances for landowners and for land values within that zone. Landowners comprise the full spectrum of society and it is unfair for their options to divest or develop their landholding to be disadvantaged by being in a holding pattern at the whim of local government. If such powers do proceed into law, it seems to us that the review process should be much sooner than 5 years (perhaps 1 or 2), should not be conducted by Local Government itself but by the State, be subject to a substantial body of evidence to support its continuation and that landowners' have access to appeal rights.

Thank you for considering our landowner perspectives and concerns.

Yours sincerely

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