Speech By

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MEMBER FOR MIRANI

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HOUSING AVAILABILITY AND AFFORDABILITY (PLANNING AND OTHER LEGISLATION AMENDMENT BILL; BUILDING INDUSTRY FAIRNESS (SECURITY OF PAYMENT) AND OTHER LEGISLATION AMENDMENT BILL

Mr ANDREW (Mirani—PHON) (6.18 pm): I rise to speak on the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023. According to a statement by the housing minister, the bill is designed to reduce red tape, unlock land and allow new pathways for housing developments. Unfortunately, it seems to me that the only red tape this bill removes is the constraint on the state government from seizing full control of the state's planning process under the pretext of addressing a government policy driven housing crisis.

Before I discuss the provisions in the bill, I would like to comment on the context surrounding the bill. As the then deputy premier said at the time, the bill was being introduced in response to key planning reforms agreed to by all state governments at national cabinet level in August 2023. This commitment included the enactment of the federal Labor National Planning Reform Blueprint. The blueprint's reform platform includes updating state, regional and local planning schemes to promote high-density housing close to existing public transport connections, amenities and employment and streamlining development approvals pathways.

This context was acknowledged by the Deputy Premier when he said in his introductory speech that the bill would enable the government to 'get our fair share of the new federal funding, which is directly dependent on these types of planning reforms'.

According to the National Planning Reform Blueprint, the state's planning reforms must be aimed at: updating state, regional and local strategic plans; undertaking planning, zoning, land release and other reforms such as increasing density; streamlining approval pathways, including strengthened call-in powers; planning amendments that support diverse housing across a range of areas; promoting medium- and high-density housing in well located areas close to existing public transport hubs, amenities and employment; reforms to address barriers to the timely issuing of development approvals; and consideration of the phased introduction of inclusionary zoning and planning.

Clauses 4, 39 and 43 of the bill significantly expand the state's powers for acquiring privately held landholding—including by compulsory acquisition—and creating easements to facilitate high-density developments. While local governments currently have the same powers under section 263 of the Planning Act to take or purchase land for a planning purpose, it is a power that has seldom been used. It is critical that the power to acquire land by the state for development purposes must be fairly balanced with protecting property rights. The bill removes this balance. Moreover, the state's new powers for acquisition will allow the state to confer beneficial rights to a third party or give measurable benefits to a third party. As one submitter pointed out—

… 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 landowner into submission.

Clause 106D of the bill creates a new alternative development approval pathway, called a state facilitated application. This gives the minister a reserve power to declare a development a state facilitated application provided it relates to an urban purpose and has been determined a priority for the state.

Designated state facilitated applications will be assessed by the minister through a streamlined assessment process. In assessing the application, the minister may consider a planning scheme but, then again, he or she may not. Ultimately, however, normal assessment rules requiring a referral and public notification process as well as code and impact assessments will not apply for developments deemed a state facilitated development. Third party appeal rights through the Planning and Environment Court have also been removed. Included in the bill is a new reserve power enabling the planning minister to direct a local government to amend its local planning scheme to reflect a state interest. This is pretty much like the Native Title Act's section 24KA, which takes away their rights to stop the government from being able to do anything with tribal people in this state. If the local government does not make the amendments as directed, the minister may take action to enforce the amendment and recover the cost of doing so from the local government.

The only limitation placed on the state's new power seems to be that the minister must be satisfied that the matter has been subject to adequate public consultation. There has not been a lot of consultation with what goes on. I bring to the attention of the House e-petition 4044-24 by Amanda Dapontes. She talks about the threshold for land tax. It is a current petition and I would like to think that all landholders in Queensland would sign it. There has not been any adjustment to the threshold for 16 years. If this government were serious about ensuring housing affordability, that threshold would have been adjusted. It is in this petition. Basically, it does not keep up with the median house price, which increases land tax and stamp duty, which is very important and makes housing affordability very difficult.

We have to look at all the situations that would save money and allow people to move into and out of houses at the right price, and the government must keep up with these thresholds. The only limitation to be placed on the state's new power seems to be that the minister must be satisfied that the matter has been subject to adequate public consultation. I say that again because there has not been much consultation with the government for quite some time. In terms of regulatory impact statements, consultation, anything to do with renewables, the dam in my electorate—and take a look at the homeschooling people who were here today—there is very little consultation. The wording of this provision makes it clear that it will be at the minister's own discretion as to what adequate public consultation may entail, which is probably zero given the government's track record on the last few bills it has pushed through the House.

This new power will allow the state government to circumvent local planning instruments prepared with and for local communities. All of this is completely contrary to the principle of transparent, democratic and best practice decision-making. Moreover, it will seriously undermine the ability of local governments, individual property owners and the community to decide what level of high-density development they are willing or able to accommodate. It is bound to seriously erode public trust in the state's planning system. As the Planning Institute of Australia submission points out—

> In simple terms, if the State is able to disregard local planning instruments, the community may question why resources are put into making local planning instruments, including community engagement, when the State can declare that particular applications are not bound by this process.

Through the bill's changes, the government is abrogating for itself an automatic right to develop any unbuilt or infill land and to permit changes of use on already developed sites—powers that will no doubt be used to increase the density and height of developments within our suburbs and facilitate the demolition of current buildings to make way for much higher density developments. This is a policy the government is already pursuing, along with its incentives for high density living through build-to-rent public-private partnerships with foreign owned investment trusts.

In Britain, a similar overhaul of the country's planning laws allowed developers to convert commercial offices to homes without going through a proper approval process. Between 2016 and 2019, an estimated 70 per cent of the United Kingdom's new housing was one-bedroom apartments or studios. Some 60,000 new homes were created from converted office spaces at the clear expense of people's living standards. Some were as small as 16 square metres or 172 square feet. In some cases, apartments were built that did not even have windows. Designed for low-income residents with few options, such housing became known for its poor quality, with developers rightly accused of 'human warehousing'. The bill before the House should be called the 'Smart Cities Bill' or the 'Smart Housing Bill', because I believe that is what it is really aimed at achieving.

In New South Wales, the state government has been much more up-front about its implementation of the National Planning Blueprint Reform Agreement. A summary of planning changes being introduced include: a maximum building height of six storeys; no minimum lot size or width; new design criteria for midrise apartment buildings, including building separations, setbacks, vehicle access, parking spaces, visual privacy and open space areas; mandatory affordable housing contributions; and developers to access an accelerated approval process if the development adopts the endorsed pattern book designs for buildings. I think we can take it as given that the same measures will be adopted in Queensland. However, in Queensland's case, as usual, they have elected for these measures only to become known once the bill's broad regulatory powers are engaged after the primary legislation has passed.

The bill's new state facilitated development pathway overrides local government and the democratic will of our communities. It will also have a major impact on individual property rights. That alone should have driven home the need for comprehensive regulatory impact statements to have been carried out. As usual, that has not been done. How surprising! This ongoing refusal to conduct a RIS on important and consequential new bills is totally unacceptable and undemocratic.

(Time expired)