

14 April 2022

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Policy and Statutory Planning
Department of State Development, Local Government, Infrastructure and Planning

By Email: PGAproject@dsdilgp.qld.gov.au

Priority Growth Areas

Dear Kristy

Thank you for the opportunity to provide early comment on the document 'Legislative changes for Priority Growth Areas – Policy intent' (policy intent document), which provides an overview of proposed legislative changes and how the changes to the planning framework are intended to work.

The Property Council is uniquely placed to assist government in this project, given our Queensland Division represents over 380 member companies across residential, commercial, retail, retirement living, industrial, tourism and education sectors.

The calibre of our membership, combined with our established track record of working collaboratively with government to deliver excellent outcomes means we would be a valuable partner in the development of this framework.

It is in that spirit of partnership and collaboration that we offer the following comments on the policy intent document.

Overarching Comments

While the intent of the Priority Growth Areas project is supported, it unfortunately represents yet another layer in an already complicated planning system that is failing to deliver housing supply at pace with demand.

Immediate and ambitious action is required to improve the function of the existing system in advance of holistic reform.

Mechanisms are urgently needed to cut through red tape and resolve impasses to deliver real outcomes on the ground. We must do this if we are to 'move the needle' on housing affordability and availability.

The approach as proposed in the policy intent document would see relatively limited Ministerial intervention, constrained by criteria for action and would be restricted to specific geographical areas which have been made through lengthy statutory declaration processes. This model is seen as similar to that utilised by Economic Development Queensland (EDQ) for declaring a Priority Development Area.

The Property Council contends that such an approach would not provide the Minister sufficient opportunity or flexibility to effectively intervene in planning processes outside of designated

PGAs. There are many sites across the urban footprint that would benefit from the ‘tools’ identified in the policy intent, however may not be of the size to warrant declaration as a PGA.

It is our view that, given the planning minister’s responsibility for Queensland’s planning system, the Minister’s powers should allow wide scope for intervention in the system and not limit it purely to a geographic area that is subject to a declaration process.

The planning minister should be free to intervene in the planning system to the extent they feel necessary, within the scope of the *Planning Act 2016*’s purpose.

The Property Council acknowledges that there may be a role for prescribing a geographically defined area of action as part of the planning minister’s suite of intervention tools, particularly for large areas facing complex planning issues that span multiple levels of government. It would be important however to sufficiently differentiate this new mechanism from the existing similar mechanisms, such as the Priority Development Area framework.

It should be noted that the planning minister and the wider Queensland Government already have significant authority and positional mandate to deliver the outcomes sought by the policy intent document. The key issue however is that successive governments have shown reluctance to exercise these powers and rights. If Government is reluctant to use existing powers, it is likely that additional powers may also go underutilised.

The Property Council notes that the policy intent document focuses on collaboration with local government as a key means of achieving its aims. It flags governance structures would be created to bring local and state government together to negotiate and agree on outcomes. The Property Council believes collaboration between government departments and levels of government is an important element of the planning system and is the rule rather than the exception. There does however need to be an appropriate mechanism to bring resolution to protracted and irreconcilable differences when they occur.

The policy intent document must ensure the planning minister has final authority to decide on behalf of all parties, where good faith negotiation breaks down.

Consultation Stages

The Property Council believes that the consultation approach as set out in the consultation document is appropriate.

It is recommended that the Property Council remains engaged throughout the policy development process to provide ongoing input into its development.

Intent of Priority Growth Areas

It is unclear what value is added by a somewhat lengthy statutory process to declare a specific geographical area as a PGA. The currently proposed suite of tools is largely already within the Minister’s purview and can be exercised in relation to any place. They are also not necessarily reliant on a statutory declaration process in order for them to be exercised.

The Property Council is concerned that successive governments have shown a reluctance to exercise these existing powers of intervention and as such, is concerned that any additional power may equally not be used.

The Property Council supports in principle the concept of a spatial definition for PGAs for large and complex areas, provided declaration of the spatial area triggers new powers that cannot otherwise be exercised. Having said that, the planning minister should not be limited to geographic areas and should be free to intervene in the planning system where necessary to free up planning processes that may have hit a roadblock.

Overview of Minister's choice of legislative tools

The Property Council supports new legislated powers to facilitate the Minister's acquisition of land and creation of easements over private land. This would also include a new statutory process for the Minister to acquire land to enable infrastructure to be located on that land in a PGA, as well as to allow the Minister to create an easement on land to allow access to build and service infrastructure. It will be important however to ensure that these tools have clear and appropriate safeguards and parameters to protect the rights of landowners and ensure any action is necessary and in the public interest.

Economic Development Queensland (EDQ) already has these powers but do not use them. This goes to the concern raised above that additional powers may be moot if there is not a level of willingness by Government to use them.

Infrastructure funding and approvals

The funding models alluded to in the consultation document appear to be existing mechanisms. The Queensland Government is urged to consider taking on a greater share of the infrastructure cost burden for residential development if its policy objectives around sufficient and affordable housing are to be met.

Coordinating and Resolving State Interests

The document outlines the use of the Growth Areas Team (GAT) to resolve complex State Interest matters between state agencies or between different levels of government, where these matters are preventing the delivery of land or housing supply.

It is currently unclear how this approach would differ from, or improve on, the current situation. Additional detail will be required on what changes are required to facilitate smooth and effective resolution of State Interests between Queensland Government departments or between different levels of Government.

Use of the Planning Regulation to Change how parts of the planning scheme work in development assessment.

Amendment of the Planning Regulation is already a part of the Minister's portfolio of responsibilities and can be done without the declaration of a PGA.

Leading plan making

Leadership of plan making by the Minister (or their delegate), in particular structure plans, is an important tool in facilitating effective plan making and is supported.

Given that the leadership of plan making will still involve local government, it will be important to ensure that there are adequate processes to quickly settle disagreements between the local government and the Minister.

Structure Planning

While it is understood that the intention is for the Minister to play a more active role in structure planning, it is not clear how this is to be achieved as the proposed process and features of structure planning appear largely the same as those already in force.

While the Property Council supports the Minister taking a more active role in this regard, it is unclear how resistance from unsupportive local governments would be managed, should it arise.

The Property Council believes it is necessary for the Minister to have the ability to exercise control over not just the planning process but also development assessment in a PGA, where necessary. Having the flexibility to intervene in other parts of the planning and development pipeline would give the ability to 'fast track' housing delivery where it is in the public interest to do so and push through impasses with local government.

Process to make, amend or revoke a PGA declaration

The Property Council considers this process to be too lengthy to facilitate the kind of outcomes this proposal contemplates, especially where the Minister needs to intervene in planning processes already underway. Lengthy processes such as the one anticipated is not conducive to positively, and noticeably, impacting on the current housing crisis in South East Queensland.

The need for urgency of action is a further reinforcement of the benefit of not binding the Minister's powers to a geographical area. Providing the Minister with powers that can be applied as needed would avoid the lengthy process to make a PGA and allow more timely intervention.

Collaborative approach to PGAs

While it is acknowledged that the preferred approach to planning is to rely on collaborative arrangements for the coordination of state agencies, local government, and utility provider interests, the Minister must have sufficient ability to finally decide outcomes on behalf of all parties when collaboration breaks down and an impasse is reached. Without this, it is hard to see how any new approach could be successful.

Processes around structure planning

The Property Council agrees that collaboration is an important ingredient in successful planning. However, as mentioned previously, it is not clear how stalemates between parties can be resolved.

For this to be done properly, there needs to be sufficient ability for the Minister to decide on behalf of both state government and local government parties where collaboration and negotiation have reached an impasse. This ability should be constrained by a legal obligation on the Minister to only do so where it is in the public interest.

Infrastructure charging in PGAs

The policy intent document lacks sufficient detail for the Property Council to provide considered comments on this matter, at this time. It is our view that infrastructure charges in a PGA should be considered as part of the wider review of infrastructure charges currently being progressed. This would allow it to be considered in the context of the wider infrastructure framework review, as well as provide a mechanism for considered input by industry.

In summary, I would like to take the opportunity to reinforce the seriousness of the housing supply crisis in South East Queensland and the need for urgent and bold action by Government to address it. Without such action, South East Queenslanders face growing housing insecurity, which brings with it a raft of other social and economic concerns.

Should you have any questions in relation to the Property Council or this submission, please do not hesitate to contact me on jwilliams@propertycouncil.com.au or 0448 432 936.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jen W', written in a cursive style.

Jen Williams
Queensland Executive Director