



Recognising and upholding excellence in local government

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Committee Secretary
Cost of Living and Economics Committee
Parliament House
George Street
Brisbane Qld 4000

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Dear Committee Secretary

SUBJECT: ECONOMIC DEVELOPMENT QUEENSLAND AMENDMENTS BILL 2024

The Organisation Sunshine Coast Association of Residents Inc (OSCAR) is a non-partisan, not-for-profit umbrella/peak organisation covering resident and community organisations on the Sunshine Coast and Noosa Local Government Areas (LGAs) in South East Queensland.

OSCAR currently has over 35 member groups from the Pumicestone Passage to Noosa and from the Coast to the hinterland and ranges.

The OSCAR overarching Vision states: "The residents of this region enjoy being part of a connected and engaged community living in an area of outstanding natural beauty. They recognise that they are custodians of the unique and abundant biodiversity, beaches and green spaces of the region."

OSCAR aims to support member organisations by:

- 1 Advocating to local and state government and the public on policy issues that are of regional significance and of concern to our members;
- 2 Acting to resolve issues of strategic or region-wide relevance that are referred by member organisations;
- 3 Representing the member organisations on region-wide matters of interest to the community;
- 4 Maintaining awareness and responsiveness through frequent and regular ordinary meetings and dialogue with member organisations; and
- 5 Practising professional, honest, and ethical conduct.

Further information about OSCAR can be found on our website at:

<https://www.oscar.org.au/>

We welcome the opportunity to make a submission to the Committee about proposed changes to the Economic Development Act 2012 and thank the committee for the opportunity to make a late submission to the committee.

OSCAR endorses the submission to this inquiry made by the **South East Queensland Community Alliance (SEQCA)**.

Additionally, we have some comments relating to two of the three priority development areas within the Sunshine Coast Regional Council (SCRC) LGA and some strategic issues associated with the Bill as a whole.

- 1 Caloundra South PDA (Aura)
- 2 Sunshine Coast Airport PDA
- 3 The increasing power of the Minister (MEDQ) and political staff, hence avoiding in some cases the relevant department.
- 4 The lack of, or less time than the minimum consultation time with communities.

1. South Caloundra PDA (Aura)

At a Caloundra Residents Association meeting in July 2023, when asked about social housing construction within the PDA, Stockland staff could not say whether any social housing had been constructed despite the area having been a PDA since 2015 and since 2010 under the ULDA. As was later reported, amount of social housing was zero!

Stockland submitted their first social housing DA in 2023 despite there being social and affordable targets in the Development Approval/Scheme.

We note the following from the Explanatory Notes accompanying the proposed amendments to the EDQ Act 2012 Legislation:

“To enhance EDQ’s ability to ensure affordable and social housing targets are met in priority development areas (PDA) and provisional priority development area (PPDA), the amendments expand the MEDQ’s powers in relation to development assessment to specifically conditions for affordable and social outcomes in a PDA development approval, in line with the relevant PDA/PPDA planning instrument. However, a PDA development condition for social and affordable housing may only be imposed if the relevant development instrument (draft provisional land use plan, provisional land use plan, interim land use plan or development scheme), provides for requirements relating to social and affordable housing”. Page 3 of the Explanatory Notes on EDQ website

We note the Amendment proposed in Clause 35 Amendment of s 88 (PDA development conditions) as follows:

(1) Section 88—

insert—

(f) relate to any of the following for any priority development area

(i) the supply of social housing on the relevant land for the PDA development approval;

(ii) the supply of affordable housing on the relevant land for the PDA development approval;

(iii) the payment of an amount in lieu of the supply of social housing or affordable housing.

(2) Section 88—

insert—

(2) However, a PDA development condition mentioned in subsection (1)(f) may be imposed

only if the relevant development instrument for the priority development area for which the PDA development approval has been granted provides for requirements relating to the condition.

If this amendment includes the power of direction to such companies who have had PDA's declared, to construct the % of Social and Affordable Housing in their development agreement, then we agree strongly. If this amendment does NOT give MEDQ the power to direct in such circumstances, then a further amendment should be included for MEDQ to direct a PDA operator to comply with the provisions of the Development Instrument. However, Government should not prevent a developer from fulfilling their commitment re social and affordable housing by demanding that just more houses be built!

2. Sunshine Coast Airport

Lack of public notification for the approval by EDQ and their current supposed "Have your say" exercise.

In several places in the Bill, reference made to the MEDQ not having to consult with anyone or only the Local Government is disturbing. It would appear that the community is considered by EDQ and the government as unnecessary or a stumbling block to the Government Aims. If government engaged the community well and in a meaningful manner, they may find that the community could be one of government's greatest allies.

The issue in relation to the Sunshine Coast Airport PDA is that of poor communication and engagement with the community at large, by EDQ and even with members of the Community and Aviation Forum (CAF). For example, the PDA was declared by EDQ on 28 July 2023 but there was no public announcement by EDQ relating to the declaration. In fact, it took a question from one of the member group representatives to get an update.

The extract from the Minutes of 30 November CAF indicate this clearly. (SC Airport Minutes on the CAF section of the website.)

6. Member Updates

A representative of the Marcoola Community Group asked for an update on the SCA Priority Development Area. The representative expressed her disappointment that SCA had not included an update on the PDA at the start of the meeting. Ms Ezzy stated this was not intentional and that in future, the PDA would be included as a standing agenda item while the proposed development scheme process was still underway. Ms Ezzy confirmed that on 28 July 2023 the Minister for Economic Development Queensland (MEDQ) declared SCA a Priority Development Area. Ms Ezzy reiterated the process is managed by EDQ and EDQ will be responsible for preparing the proposed development scheme. Ms Ezzy explained that while the proposed development scheme is being prepared, development within the airport will be facilitated under an Interim Land Use Plan (ILUP). Ms Ezzy also explained that the community will be consulted on the proposed development scheme through a public notification period. She also commented that there was no decision at this stage on the date of the notification period and reiterated that this would be determined by EDQ."

Similarly, again there has been no public communication from EDQ in relation to the process of the Development Scheme which is due to be completed within 12 months of the declaration of the PDA. This would be due by the end of July 2024.

The Community Aviation Forum has been alerted to the impending Draft Development Scheme. However, the Draft Development Scheme will only be available for comment for a minimum of 30 business days. A number of community groups on the Sunshine Coast/Noosa only meet bi-monthly and a 30 day turnaround timeframe is restrictive for those groups. We hope EDQ will allow comments for more than the minimum 30 days.

Poor communication and/or consultation does not promote confidence in a development.

3. Increasing power for the Minister (MEDQ) in relation to affordable housing

The Bill addresses the current restriction on the MEDQ to enter into agreements in relation to provision of affordable housing. Currently, only the Director General of the DHLGPPW can enter into agreements with third parties, including funding bodies (both government and private) and Community Housing Providers (CHPs) to deliver social and affordable housing which restricts the State's ability to respond to the housing supply shortage.

To deliver on the new housing mandate for EDQ, the Bill gives the MEDQ the flexibility to fund, deliver, facilitate and/or supply affordable housing by providing a power for the MEDQ to enter into an agreement with a third party to develop and operate affordable housing.

This does not apply to the provision of social housing. The Bill includes a provision that if the MEDQ enters into an agreement with an entity for the purpose of providing assistance for the delivery of social housing, the agreement is taken to be a funding agreement under the Housing Act 2003 (Housing Act), section 25, thereby requiring the approval of the Director-General under the Housing Act. Explanatory Notes to the Bill page 3.

OSCAR is concerned that such a recommendation may be putting major decisions in the hands of political operatives in MEDQ. The Public Service including the Director Generals of Departments are there to serve the community and government of the day. The Public Service has mechanisms to ensure that relevant senior officers are able to investigate and report on proposed decisions considering where there may be unintended consequences of any such decision.

This may relate to the location of housing in vulnerable areas, including flooding, loss of flood storage and insufficient attention given to the future impacts of climate change.

We are concerned that the current issues around housing may lead Local Governments to approve developments which previously they would have refused or set tighter conditions but are fearful that they may lose their planning rights.

We note (page4) of the Explanatory Notes refers to:

Section 20A(3) clarifies that the power to take land applies even though the taking of the land is for conferring rights or interests in the land on another entity and the entity may derive a measurable benefit from any action taken on the land. This provides the flexibility for the acquired land to be transferred to the entity who will ultimately own the infrastructure for which the land was taken. For example, where MEDQ is taking land for a local road, that land can be transferred to the relevant local government who will own and maintain the road.

The acquisition powers proposed in the legislation are limited to where the land is for providing infrastructure for the benefit of a PDA/PPDA. The MEDQ may only acquire the land where MEDQ is satisfied the acquisition is necessary for that infrastructure that benefits the PDA/PPDA and the Minister is satisfied the taking of the land is in the public interest. If the MEDQ's taking of the land is for conferring rights or interests on a third party, reasonable steps also need to have been taken to obtain the agreement of the landowner.

We note with interest that land acquired by MEDQ may be transferred to the LG to own and maintain (see section above in bold), that is the community of the LGA, which may put increasing costs onto the ratepayer, where a developer has benefitted from the land

acquisition!

We note also on page 7 of the Explanatory Notes that:

Operational efficiency measures Directions powers

Distributor-retailers in certain local government areas control water and sewer infrastructure which is fundamental to unlocking development in PDAs and PPDA's. The MEDQ's current directions powers under sections 127 and 128 of the ED Act enable the MEDQ to direct government entities and local governments to accept, provide or maintain critical infrastructure. This Bill clarifies that these powers include distributor-retailers to support development within a PPDA or PDA.

The community expects its Distributor-retailer to have a long-term plan for water and sewerage assets including capital and maintenance program for its assets. The community also expects its Local Government to plan and provide critical infrastructure to the LGA. There is already a lack of infrastructure on the Sunshine Coast, to manage the current growth and uncertainty about when and how such infrastructure will be realised, particularly that related to public transport. The community is concerned regarding the potential "heavy-handed" approach a Minister/MEDQ might take.

Apart from State Government control of PDAs, OSCAR is also concerned that pressure on government departments, potentially to compromise on State Interests in order to see a development approved is also a possibility and may be a reality.

4. Reinforce the lack of consultation with State Government Departments, LG, and communities included in the Bill.

There are several instances in the Bill where the Minister does not have to consult with anyone, including the Director General of a relevant department. Page 10 of the Explanatory Notes states under the heading "MEDQ may consult"

*Currently, the ED Act does not explicitly provide for the MEDQ to seek advice from any third party in assessing and deciding a PDA development application. Operationally, the MEDQ often uses a design panel in the assessment process for large and complex PDA development applications. The proposed amendment is to clarify, within the ED Act, that the MEDQ may seek advice from any third party (body or person) in assessing and deciding a PDA development application. **The amendment also clarifies that the MEDQ is not required to consult with anyone.***

EDQ Consultation with communities is limited as it stands, particularly with PDAs where communities only have one opportunity to comment and that is on the Development Scheme with a minimum time of 30 days. Rarely does the consultation time extend beyond the minimum and at times does not meet the minimum timeframe.

We further note in Clause 4 Replacement of ss 3 and 4 Clause 4 amends Sections 3 and 4 of the Act, expanding its primary objectives.

Section 3 (Main purpose of Act) outlines the main purpose of the Act, which is to facilitate various outcomes in the State, including economic development, development for community purposes, the provision of diverse housing (encompassing social and affordable housing), and the provision of premises for commercial or industrial uses.

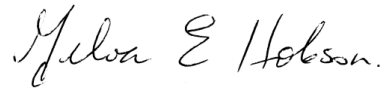
Again, we note **development for community purposes**. We would expect that something for community purposes would have extensive and genuine consultation. The community

maintains that this in many cases does not occur or is limited.

Conclusion

OSCAR is concerned that there are many sections of the Bill which the community sees as overreach, particularly in terms of the powers of the MEDQ. We would also like to see greater emphasis on engaging effectively with and not isolating the community. Along with the changes identified in the SEQCA submission and OSCAR specific issues we hope that through the Parliamentary Committee process that further amendments might be made.

Yours sincerely,

A handwritten signature in black ink, reading "Melva E Hobson". The script is cursive and fluid, with the first name "Melva" and last name "Hobson" clearly legible.

Melva Hobson PSM

President

Organisation Sunshine Coast Association of Resident Inc (OSCAR)