

# PLANNING FOR PEOPLE NOT PROFIT



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## PLANNING FOR PEOPLE, NOT PROFIT

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### THE QUEENSLAND GREENS WOULD:

**Ensure property developers pay their fair share so we can afford crucial public infrastructure:**

- ▲ Tax property developers 75% of the value gains made from land rezonings
- ▲ Remove the \$20,000 cap on developer infrastructure charges

**Launch a groundbreaking trial of deliberative democracy for neighbourhood plans.**

**Tighten neighbourhood plans to end special deals for developers:**

- ▲ Strict and binding height limits
- ▲ No exemptions to boundary setbacks
- ▲ Binding minimum requirements for trees and green space

**Overhaul the Planning Act:**

- ▲ Make sure all major developments are "Impact Assessable"
- ▲ Strengthen community objection rights
- ▲ Close loopholes in the Planning Act
- ▲ Restrict construction noise
- ▲ Ban development in extremely flood-prone areas

## DELIBERATIVE DEMOCRACY FOR NEIGHBOURHOOD PLANS

Our political system has been corrupted by dodgy donations from property developers, and residents feel like they've lost control of their communities.

Right now, local governments write neighbourhood plans, conduct tokenistic "community consultation" and then approve the plans with very little scrutiny.

The Queensland Greens are committed to a fundamentally different way of doing things - one that puts people and communities first.

We would put power in the hands of residents by launching a groundbreaking trial of **deliberative neighbourhood democracy**.

Instead of being written and then rubber-stamped by local governments, neighbourhood plans would be crafted by planning experts, elected councillors and "citizen juries" from the local area and the region.

Members of the citizen juries would be paid for their time, and would be given the necessary information, time, space and resources to deliberate.

In the trial, neighbourhood plans would need to be approved by a community referendum held to coincide with local or State government elections.

Local governments would still need to approve the plans, but residents would have the final say.

Town planning experts and public servants often work hard for better outcomes, but the corrupting influence of property developers over our State and local governments means their advice is regularly ignored.

Decentralising power is the best way to make sure politics stays in touch with everyday people, and to avoid cronyism and corruption.

Citizen juries have been used successfully overseas, and their conclusions are usually well-respected by local communities. This trial would improve the quality of neighbourhood plans and bolster their legitimacy by making them genuinely democratic and deliberative.

In order to ensure the integrity of these plans, building height limits and other crucial measures will be prescriptive rather than "performance based".

The trial would require amendments to State legislation, but would be delivered by local governments.



### COMMUNITY VOTING IS ALREADY HAPPENING

*Jonathan Sri, Queensland's first ever Greens local councillor, has already started to implement community voting in the Gabba Ward, Brisbane City Council.*

*Instead of local councillors deciding which park and footpath upgrades get funding, this process gives residents a direct vote on how their money is spent.*





## TIGHTEN NEIGHBOURHOOD PLANS

## DELIBERATIVE DEMOCRACY IN OTHER COUNTRIES

*Funding for intersection upgrades, parks and community facilities, which is collected from property developers through infrastructure charges, can be allocated locally through participatory budgeting and community voting.*

*Participatory budgeting processes have been used successfully in cities around the world, from New York, USA to Porto Alegre, Brazil.*

Far too often, powerful and well-connected property developers “negotiate” exemptions and carve-outs in from crucial planning rules. The Queensland Greens would strengthen the rules to end these special deals.

### STRICT AND BINDING HEIGHT LIMITS

Individual developers should not be allowed ‘performance-based’ exemptions to height limits, as the potential for corruption is too high. Developers and landowners need certainty, but currently some sites zoned for 10 storeys are approved for 15.

If there is a public benefit in permitting higher, denser buildings in a particular area, councils should go through the process of consulting with the wider community and amending the neighbourhood plan accordingly, rather than approving individual developments that exceed the height limit on an ad hoc basis.

### PROPER TRANSITIONING AND NO EXEMPTIONS TO BOUNDARY SETBACKS

Side and rear boundary setbacks in city plans help prevent overshadowing, loss of airflow and loss of privacy through appropriate transitioning.

Too often, developers are allowed to build closer to the property boundary than the city plan specifies. When developers build too close to the boundary, it robs residents of natural sunlight, hurts property values, makes it harder to redevelop neighbouring properties, and can also make it more difficult to maintain nearby buildings.

The Greens would seek to abolish exemptions to side or rear boundary setbacks.

Setback limits can always be changed through the neighbourhood planning process, but not on an ad hoc basis for individual developers. In much the same way, neighbourhood plans must also ensure appropriate transition occurs between zones.

### BINDING MINIMUM REQUIREMENTS FOR TREES AND GREEN SPACE

Minimum requirements for deep-planted trees and green space need to be binding rather than negotiable. If a neighbourhood plan specifies that 10% of a site has to include deep-planted trees, this should be understood as the non-negotiable minimum.

A development that only includes 7% or 8% of a site as deep-planted should not be approved if the local requirement is 10%. Even when minimum requirements are upheld in approvals, local governments too often fail to enforce these decisions.

The Greens would make sure that publicly-accessible green space and other community facilities are provided on site for major developments rather than money being “allocated” for provision elsewhere which may never eventuate.

Developers would also be required to allocate funding for maintenance of on-site green space in advance.





## OVERHAUL THE PLANNING ACT

### ENSURE ALL MAJOR DEVELOPMENTS ARE "IMPACT ASSESSABLE"

Any development project - whether commercial or residential - should be treated as "impact assessable" if it is eight or more storeys in height, or if it is five or more storeys taller than existing neighbouring properties.

This will apply even if the development technically falls within the height limits of the existing neighbourhood plan. In all instances, height, bulk, transitioning and setbacks will be constrained by the relevant, tightened neighbourhood plan.

The Greens would fundamentally overhaul the State Development Act and the Economic Development Act to limit priority development areas to State-owned and State-run projects rather than for-profit projects.

This would mean that many for-profit projects which currently avoid proper assessment and appeal rights under priority development areas would be subject to proper impact assessments.

### STRENGTHEN COMMUNITY OBJECTION RIGHTS

Even with our ambitious reforms, it's critical that ordinary residents still have the power to challenge bad developments in the Planning and Environment court. The Greens would extend full "merits review" to any "material change of use" under special development zones like State Development Areas.

The Greens would keep the current rules which allow residents to challenge developments in the public interest without fear of paying the developers' legal costs.

We would also increase access to information for local residents by mandating the publication of rigorous economic modelling and assessment for major projects.

Residents often face huge barriers to challenging bad developments in court.

The Greens' plan for a trial of genuine deliberative democracy would empower local residents by giving them a real say in the planning system rather than empty "consultation". As a safeguard, the Greens would also maintain support for the Environment Defenders Office and other free legal assistance services which help communities take on big developers.

### CLOSE LOOPHOLES IN THE PLANNING ACT

The Greens would increase community certainty in the planning system by removing a series of loopholes in our planning law.

We would remove the discretion which allows State or local governments to:

- ▲ provide exemption certificates from assessment;
- ▲ allow a developer to choose who decides their application through 'alternative' assessment managers; and
- ▲ allow a 'minor change of use' that is not a material change of use and therefore does not need development approval

We would also remove discretions which allow property developers to:

- ▲ 'opt out' of providing information requested by an assessment manager or referral agency; and
- ▲ include broadly any 'ancillary uses' under a development approval. Instead, we would reinstate the more precise definition of 'use' as 'incidental to and necessarily associated with the use of the premises', as provided under the Sustainable Planning Act 2009.

The Greens would grant veto power over development applications to environment and heritage assessors.





## LESS CONSTRUCTION NOISE ON SATURDAYS

Extended construction noise hurts the amenity and liveability of our neighbourhoods. It particularly affects shift workers, people who work from home, the elderly and parents of young children.

While construction is necessary to house our growing population, it is important that its impact on local communities is minimized where possible.

Reducing permitted construction hours to be consistent with those of New South Wales and Victoria is an easy step towards reducing construction's impact on our communities.

Currently under Queensland legislation construction noise is allowed from 6.30am to 6.30pm Monday to Saturday.<sup>1</sup>

We propose bringing our rules into line with Victoria and New South Wales, as outlined below.

### CONSTRUCTION HOURS:

	Current rules
Mon - Sat	6:30am - 6:30pm
	Proposed rules
Mon - Fri	7:00am - 6:00pm
Sat	8:00am - 1:00pm

These changes would be implemented in consultation with construction workers, unions and businesses. Where earlier starting times are required due to heat, the total number of hours should be consistent with Victoria and NSW.

<sup>1</sup> Environmental Protection Act 1994, section 440R.

## NO DEVELOPMENT IN EXTREMELY FLOOD-PRONE AREAS

**Long-term climate change modelling suggests that rising sea levels and changing rainfall patterns mean floods in Queensland will become more frequent and severe in the future.**

This means that a site which at present is likely to flood once every 20 years may, in the future, flood once every 10 years, or every 5 years. Therefore councils should be particularly cautious with regards to development on flood-prone sites.

Currently in Brisbane, there are restrictions against most kinds of development on sites that have a high likelihood of flooding, but developers can put in impact assessable development applications and receive a 'performance outcome' that allows them to build on these sites anyway if they can demonstrate that they are taking flood mitigation measures.

The social impacts of flooding, especially on low-income and vulnerable residents, can be severe. Property developers may be able to gain approval, but they are not responsible for the massive clean-up costs, or ongoing maintenance of public infrastructure in flood-prone areas.

**Increasingly regular flooding in these areas means that restricting development is the most sensible option.**

We support introducing State government legislation prohibiting new residential dwellings on sites which are currently identified as having a once in 20 years (or higher) risk of flooding from rivers, creeks and waterways (5% Annual Exceedance Probability).

Such sites should only be used for public parks and nature reserves, sport and recreation, agricultural purposes, nurseries and landscaping supplies, and car parking.

*Existing flood buy-back programs should be extended to these areas where appropriate.*

In addition, the State Government needs to assist local governments to invest in updated flood modelling and mapping that properly accounts for climate change risk factors over the medium and long term, like sea-level rise, increases in high-intensity rainfall and flooding.





## MAKE DEVELOPERS PAY: 75% DEVELOPER TAX

### DEVELOPERS CURRENTLY GET A FREE RIDE

When land is rezoned for a higher use, property developers make massive, windfall profits, but they don't pay anything for the privilege. This is a massive giveaway of public wealth into private hands. The current system encourages corruption and backroom deals, and it makes property speculation worse, pushing up prices.

Overwhelmingly, these massive "gifts" flow to rich, well-connected property developers who can afford expensive lobbyists. Queensland research by Cameron Murray and Paul Frijters (2015) has shown that "well-connected" landowners held 75% of the land rezoned in growth areas, compared with only 12% of comparable land immediately outside the rezoning.<sup>1</sup>

Murray and Frijters' work has uncovered an alarming network of informal "mates" who benefit from public handouts. Political donations, informal networks and the revolving door between big corporations, Labor and the LNP keep these favors flowing. It's time to turn off the tap.

1. Cameron Murray and Paul Frijters, April 2015, *Clean Money in a Dirty System: Relationship Networks and Land Rezoning in Queensland*, Institute for the Study of Labor Discussion Paper No. 9028. <http://ftp.iza.org/dp9028.pdf>
2. Cameron Murray and Paul Frijters, 2017, *Game of Mates*, page 20

## MAKING DEVELOPERS PAY

The Greens would impose a **75% Developer Tax** on increases in land value due to rezoning. Estimates from Murray and Frijters shows that Queensland would earn **\$1.8 billion per year**.<sup>2</sup>

That's an extra \$9 billion over five years that we can use to pay for more affordable housing, schools and hospitals.

Our current system treats housing and land as speculative commodities instead of a place to live, and this has driven up housing prices.

The Developer Tax would also discourage useless and parasitic land speculation, since the windfall gains from land rezoning would be properly taxed. Land speculation drives up prices for everyone and only benefits big property developers.

In the ACT, a similar set of policies brings in \$183 million per year on a much smaller tax base. This system has been in place since 1971.

The Developer Tax would apply to any land which is rezoned to a higher use, whether as part of a new neighbourhood plan or on an ad hoc basis.

It would be levied at 75% of the difference between the officially assessed land value before the rezoning compared to the land value afterwards.

The amount of tax due would be assessed at the time the land is rezoned. Landowners would not need to pay the tax until a development application is approved under the new higher zone.

## REMOVE THE CAP ON DEVELOPER INFRASTRUCTURE CHARGES

The Queensland government imposes an arbitrary \$20,000 cap on "infrastructure charges" for new developments which local governments use to fund vital facilities like parks and public transport.

The Greens would remove these caps on infrastructure charges so that local councils have the flexibility to charge developers according to the cost of delivering crucial infrastructure.

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## HOW THE DEVELOPER TAX WOULD WORK:

### OUTER-URBAN

*The company Development Ltd owns a block of agricultural land on the outskirts of a city which is valued at \$50,000.*

*After the local council rezones the land to low density residential, the same block is worth \$1.05 million, an improvement of \$1 million. After the company's development application is approved by the local council, they would need to pay \$750,000, which is 75% of the improvement in land value.*

### INNER-CITY

*Ms Khalil owns an old Queenslander house. Her land is worth \$300,000. When the local council rezones the whole street to medium-density residential, her land is worth \$1 million, an improvement of \$700,000. Ms Khalil doesn't have to pay anything, because she isn't redeveloping her land.*

*Some years later, she moves to another suburb, selling her house to the company Property Ltd. When Property Ltd's development application is approved by the local council, they would need to pay \$525,000, which is 75% of the improvement in land value.*



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