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Thursday, 2 November 2023

HOUSING AVAILABILITY AND AFFORDABILITY (PLANNING AND OTHER LEGISLATION AMENDMENT) BILL 2023

Thank-you for the opportunity to respond to the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023. The Queensland Chapter of the Australian Institute of Architects represents more than 2,300 architects in this state with a commitment to a high quality and sustainable built environment, professional and ethical practice, and social justice. Nationally and internationally, the Institute is a single professional voice for 14,500 members and has been present in Australia for more than ninety years.

The Australian Institute of Architects recognises the unceded sovereign lands and rights of Aboriginal and Torres Strait Islander peoples as the First Peoples of these lands and waters. This recognition generates acknowledgement and respect for Aboriginal and Torres Strait Islander Countries, Cultures and Communities, and their ways of being, knowing and doing. Caring for Country practices including architecture and place shaping have existed on this continent since time immemorial. The Institute recognises a professional commitment to engage and act meaningfully through reciprocal partnership and relationships with Aboriginal and Torres Strait Islander peoples.

The Institute has advocated for many years to both the federal and individual states and territories governments on issues of social and affordable housing. The key issues have been those of expanding supply and ensuring that good design is a key consideration of social and affordable housing.

One of the six priorities of the Institute's 2022 Federal Election advocacy campaign, A Time for Action, was a broad recommendation to "Fix the supply of affordable and social housing". The Institute has re-stated this recommendation to the new federal government in subsequent budget priorities and our recent submission to the Commonwealth Department of Social National Housing and Homelessness Plan Issues Paper. This recommendation has scoped:

- centralising and publishing data on all housing supply and consequently, setting minimum targets for the supply of social and affordable housing, including the eradication of waitlists.
- establishing a national minimum standard for the implementation of inclusionary zoning strategies in collaboration with State governments and provide incentives for State governments to implement that standard.
- setting appropriate standards to elevate housing quality, particularly in remote and regional areas, ensuring housing is fit for purpose, accessible, carbon-responsible, and

responsive to community and resident needs. This includes long term maintenance programs.

- significantly increasing funding for social housing dwellings and additionally significantly increasing funding for co-designed new social housing residences for First Nations peoples to address the chronic underfunding and undersupply of housing for Australia's indigenous peoples.
- addressing the supply and ongoing maintenance of social housing as a long-term commitment rather than short term or one-off initiatives.

Overpage, we have set out our responses to the intent of the bill more broadly and to specific provisions of the bill.

Overall intent of the bill

The key objectives of broad government housing supply policy should scope:

- adequate numbers of homes and a pipeline of supply to meet predicted demand in a timely fashion
- affordability, whether renting or purchasing
- located where it is needed (near employment, schools, services, retail outlets and social and cultural capital, and In regional areas that struggle to sustain new housing)
- sited away from physical hazards such as at-risk waterways, flood plains, areas prone to sea level rise, bushfire or geological instability
- managed urban growth and sprawl to reduce impacts on other land use, environment, and costly development of services and transport infrastructure
- quality in terms of sustainability, durability, climate resilience, health and accessibility
- size for diverse household compositions
- short versus long term tenure requirements (e.g. workers and student accommodation versus establishing families or retirement needs)
- preferences to rent or buy
- considering adaptive reuse as well as new options

Queensland has experienced an extended period of over-reliance on the private market to deliver housing supply that attempts to meet these objectives. It is evident that the private market is no longer able to meet these objectives for a significant proportion of Queenslanders, especially adequate numbers of homes, their location, their typology, and their affordability.

To address overall supply the Queensland Government aims to streamline planning to deliver needed housing more quickly. We support this intent. However, it is important that planning policy initiatives create a long-term benefit of quality housing, precincts and neighbourhoods that are climate resilient, sustainable, durable and promote wellbeing, liveability (including accessibility) and social and economic inclusion. This is important for:

- government and community organisations as end assets owners and operators of public or social housing,
- private individuals and businesses as developers and asset holders, and
- most of all, for Queenslanders as buyers, tenants, and community members

While the Institute supports the streamlining approach to deliver more housing, more quickly, we are concerned about how the government will ensure that it avoids the risk of creating a legacy of poorly designed housing at the subdivision precinct (both new and infill), neighbourhood, and building level and that fails to ensure all of the above housing supply objectives are met. It is imperative, for example, that the government avoids past mistakes, such as siting homes in flood prone or bushfire prone areas. Australians and Queenslanders are problem-solvers and innovators. With the right planning policy settings, the housing and development sectors can contribute to solving the housing issues, and deliver not only more housing but also better, more flexible, more sustainable, and more resilient housing with the attributes noted above.

Inclusionary zoning

The capacity of the current Housing Availability and Affordability Bill before the Qld Parliament to implement its policy intent (more housing more quickly overall and more social and affordable housing) would benefit from provisions for inclusionary zoning for affordable housing.

It appears that the current Planning (Inclusionary Zoning Strategy) Amendment Bill 2023 will not be successful because of particular provisions in the Bill which the report of the State Development and Regional Industries Committee has recently found to be deeply flawed. The Committee has, therefore, recommended that the bill should not be passed.

The Australian Housing and Urban Research Institute (AHURI) defines inclusionary zoning as

“land use planning intervention by government that either mandates or creates incentives so that a proportion of a residential development includes a number of affordable housing dwellings.”¹

The benefits of inclusionary zoning are well documented. A recent AHURI report² found that the wider benefits associated with private sector participation in social and affordable housing included:

- the opportunity to support skills and capacity building across the housing industry,
- improved environmental outcomes in residential housing stock, including social and affordable housing,
- and
- local employment and training opportunities.

Governments can implement inclusionary zoning policies through measures including:

- planning provisions and mandated minimum inclusionary zoning requirements
- presales of social housing units to unlock funding and reduce risk
- capital grants
- operating/service/rental subsidy
- government-backed bonds
- land lease or transfer (long-term “peppercorn” rents)
- inclusionary planning incentives such as increased floor space ratio (FSR) & building heights
- taxes and duties subsidies or concessions
- investment direction to superannuation and other large-scale financial investors
- directions to government investment funds such as the Future Fund

Changed use of premises

The bill establishes a head of power for the Planning Regulation to declare that a material change of use of a premises is a temporary accepted development for a stated period and does not require development approval. The bill also seeks to improve the functionality of applicable event

declarations and temporary use licences. The explanatory notes accompanying the bill explain that this strategy will enable the planning framework to respond to events or disasters, such as floods,

¹What is Inclusionary zoning, and how does it help deliver affordable housing AHURI <https://www.ahuri.edu.au/analysis/brief/what-inclusionary-zoning-and-how-does-it-help-deliveraffordable-housing#:~:text=The%20benefits%20of%20inclusionary%20zoning,rents%20might%20be%20otherwise%20prohibitive>

²Private sector involvement in social and affordable housing AHURI <https://www.ahuri.edu.au/sites/default/files/documents/2022-10/PES-388-Stimulating-private-sector-involvement-in-social-and-affordable-housing.pdf>

cyclones, bushfires, or a public health emergency. We understand this would mean, for example, that an office building, decommissioned aged care building, or hospital could temporarily be used for housing displaced people (as well as worker accommodation associated with re-building).

However, the appropriate *longer-term* re-purposing of structures such as commercial office buildings could also be an opportunity to address urban sprawl as well as reduce embodied carbon through the adaptive reuse (re-purposing) of existing buildings. In doing so, it is critical that there is a development approval process and adequate controls to ensure that housing is of appropriate quality with regard to comfort, energy efficiency, light access, noise, indoor air quality, ventilation, etc. Temporary accepted development for a stated period in the absence of development approval should not be permitted to stealthily transition to indefinite use or approval.

Land acquisitions

The Bill creates a reserve power for the State in the Planning Act to take or purchase land or create easements for planning purposes, to facilitate the delivery of development infrastructure to unlock development.

The Institute notes that while land acquisitions have been highly controversial within the Planning (Inclusionary Zoning Strategy) Amendment Bill 2023, there is an important benefit to be gained from *properly compensated* land acquisitions. As well as enabling set asides and easements for infrastructure, land acquisitions can enable land parcels to be assembled in brownfields redevelopments to create more wholistic infill development, rather than patchwork approaches where the neighbourhood and precinct do not deliver highly liveable neighbourhoods. If the Queensland government genuinely seeks to manage urban sprawl and revitalise and re-purpose whole precincts as residential precincts, then land acquisitions need to be considered in a broader context and also used as a city and urban precincts shaping tool.

We caution, however, that the government will disenfranchise various stakeholders if land acquisitions are not undertaken strategically, without sophisticated masterplans and sufficient analysis, modelling and consultation. The community will also be disenfranchised if there is a failure to deliver. Compensation will be seen as a waste of taxpayer's money and especially if there are later sell-offs if land was unnecessarily acquired. It would send a negative signal that the projects were not properly planned. This strategy must be approached with great care to ensure it does not do more harm than good.

Cultural heritage significance

The Bill prescribes that a local categorising instrument may not include assessment benchmarks about the impact of development on the cultural heritage significance of a local heritage place that is also a Queensland heritage place (dual listed heritage place). The explanatory note advises that removing an apparent duplication of process may help prevent increased costs to applicants, inconsistent decision making, and the judicial process (with its attendant time and costs).

However, many local government areas of Queensland are already largely devoid of heritage overlays or controls. This feature of the Bill risks sending a strong signal that cultural heritage does not matter and that demolition and re-building is preferred – whether or not a building is listed on the state heritage register.

Retaining strong heritage controls sends a signal to development proponents to think about adaptive reuse/repurposing and also place-making. As noted earlier, adaptive reuse can reduce embodied carbon. Development of housing is not just about the construction of dwellings but creating communities (place-making). Retention and inclusion of cultural heritage significant places and structures into housing redevelopment can help create local neighbourhood character and sense of identity through which communities are created, retained and/or enhanced.

Other advice

While not strictly within the remit of the bill's provisions, our members have made two suggestions that can help ease the pressure on existing housing and allotments. These are:

- enabling additional dwellings on existing “residential A” lots above 450m² in area, intended for use by multiple family groups, on an “as of right” basis similar to the Community Residence use, but without the requirement for care. To promote excellence in design as our suburban communities are shaped by these dwellings, we suggest that a self certification process be considered where architects use the responsibilities of their registration to design and implement these additional dwellings, similar to the self certification of a Registered Professional Engineer Queensland (RPEQ) currently permitted in Priority Development Areas (PDA’s). Minimum requirements for landscape area would still need to be retained, along with a few other key code requirements that speak to amenity and community benefit. By relying on the integrity and professionalism of architects – who are covered by strict codes of conduct and insurance provisions – additional smaller dwellings can be provided in an exemplary manner. We advocate for architect led strategy of a “1 to 3” solution can be developed where one existing larger dwelling might make way for three new smaller dwellings or homes.
- providing for a true use of the 8.5m/9.5m height rules to compel councils to approve building within the roof space. This approach can again enable older teenagers and adult children to comfortably remain at home rather than create the need to move out into other housing.

The Queensland Chapter of the Australian Institute of Architects also suggest that the Queensland Government develops guidelines similar to NSW or Victorian apartment design guidelines for quicker approvals and guarantee of minimum standards for apartments in Queensland.

Thank-you for the opportunity to make a submission on this important bill.

Yours sincerely,



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Mandatory information for submission:

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