

Statement of Reasons

Statement of Reasons in respect of the decision by the Honourable Meaghan Scanlon MP, Minister for Housing, Local Government and Planning and Minister for Public Works, made on 4 September 2024 under section 27 of the *Planning Act 2016* (Qld) (the Planning Act) to intend to make a Temporary Local Planning Instrument.

1 Decision

1.1 On 4 September 2024, I, the Honourable Meaghan Scanlon MP, Minister for Housing, Local Government and Planning and Minister for Public Works, decided, in accordance with section 27 of the Planning Act, to give notice to the City of Gold Coast (the council) in accordance with section 27(2) of the Planning Act, that I intend to take action, namely to make Temporary Local Planning Instrument No. 1/2024 - Arundel Hills (the TLPI).

1.2 I am informed that this TLPI:

- (a) provides an overarching policy for development occurring within the TLPI Area, as defined in the TLPI (the Site), which enables new supply for a diverse range of housing types within a compact urban form, including an affordable housing component, security of open space and recreation areas, protection and rehabilitation of biodiversity corridors; and
- (b) sets out a bespoke planning framework for the former Arundel Hills Country Club, by setting local planning requirements for residential development, sport and recreational uses, open space and conservation areas within the TLPI Area.

1.3 Further, the primary purpose of the TLPI is to:

- (a) ensure that development of the Site incorporates an affordable housing component;
- (b) facilitate increased gentle density through residential development that integrates sensitively with the existing surrounding residential land uses and natural environment;
- (c) support improved biodiversity and environmental outcomes through restoration and rehabilitation of connectivity corridors;
- (d) provide for sporting and recreational facilities that are publicly accessible and open to the broader community; and
- (e) support innovative carparking solutions and carshare models.

1.4 The TLPI will suspend or otherwise affect the operation of the *Gold Coast City Plan 2016* (the planning scheme) as set out in the TLPI for a period of two years after the effective day, unless repealed sooner.

1.5 I am satisfied that the action I have decided to take:

- (a) should be taken under section 26(2)(b) of the Planning Act to protect, or give effect to, a state interest; and
- (b) must be taken urgently.

1.6 The background and reasons for my decision made under section 27(2) of the Planning Act are set out below.

2 Background

Material

2.1 In deciding to exercise my power under section 27 of the Planning Act, I had regard to the following documents:

- (a) The Briefing Note prepared by the Department of Housing, Local Government, Planning and Public Works (the department) and its attachments (the Material) including:
 - (i) this Statement of Reasons which I have adopted in full
 - (ii) the draft TLPI
 - (iii) the Planning Assessment Report (PAR)
 - (iv) the draft notice to the council.

2.2 I accept the information contained in the Briefing Note and its attachments, specifically:

- (a) the assessment of the TLPI against the statutory provisions; and
- (b) the purpose and effect of the TLPI.

Legislation

2.3 I was informed that the legislation and statutory instruments relevant to my decision include:

- (a) Planning Act
- (b) Planning Regulation 2017
- (c) State Planning Policy (SPP)
- (d) South East Queensland Regional Plan 2023 (*ShapingSEQ 2023*)
- (e) the planning scheme.

2.4 I was also informed that the following documents are relevant:

- (a) The National Housing Accord
- (b) Homes for Queenslanders Plan
- (c) Land supply and development monitoring reporting.

2.5 Section 27 of the Planning Act applies in relation to making a TLPI if I consider that:

- (a) action should be taken under section 26(2)(b) of the Planning Act to protect, or give effect to, a state interest; and
- (b) the action must be taken urgently.

2.6 A 'state interest' is defined as an interest that I consider:

- (a) affects an economic or environmental interest of the state or a part of the state, or

- (b) affects the interest of ensuring that the Planning Act's purpose is achieved.
- 2.7 The purpose of the Planning Act is to '*establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (**planning**), development assessment and related matters that facilitates the achievement of ecological sustainability*'.
- 2.8 Under section 8(2) of the Planning Act, the SPP and *ShapingSEQ 2023* are state planning instruments which are made to '*protect or give effect to State interests*'.
- 2.9 The action I can consider taking urgently under section 27 and 26(2)(b) of the Planning Act includes making a TLPI.
- 2.10 A TLPI may suspend, or otherwise affect, the operation of another local planning instrument. However, a TLPI does not amend or repeal the instrument.
- 2.11 Under section 23(1) of the Planning Act, a local government may make a TLPI if the local government and Minister decide:
 - (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area;
 - (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and
 - (c) the making of the TLPI would not adversely affect state interests.
- 2.12 Under section 27(2) of the Planning Act, before taking action, I must give the relevant local government a notice that states:
 - (a) the action that I intend to take; and
 - (b) the reasons for taking the action.
- 2.13 Under section 27(3) of the Planning Act, after giving the relevant notice, I may take the action as required under the process in the Minister's Guidelines and Rules (MGR) without consulting with any person.

Facts

- 2.14 I am informed that:
 - (a) The National Housing Accord (the Accord) is a landmark agreement to address one of our nation's biggest economic challenges: the supply and affordability of housing. The Accord requires 1.2 million new homes across Australia within five years. For Queensland this means approximately an additional 240,000 new well-located homes must be built by mid-2029.
 - (b) The Queensland Government's \$3.1 billion Homes for Queenslanders plan is the State's commitment to this task and to ensure that every Queenslanders has access to a safe, secure and affordable home.
 - (c) *ShapingSEQ 2023* has set housing supply targets for the Gold Coast of 334,200 additional dwellings by 2031 and 433,100 dwellings by 2046. In order to achieve these targets, the Gold Coast area must uplift housing delivery to 6,280 dwellings/year in 2021-2031 and 6,593 dwellings/year in 2031-2046. In 2023, 4,771 residential dwelling units were approved for construction in the Gold Coast Local Government Area (LGA) (down 16 per cent from 2022). It is clear from the current housing supply targets for the Gold Coast that the rate of new dwelling supply in the Gold Coast LGA is falling short of *ShapingSEQ 2023* targets.

- (d) State government land supply reporting for South East Queensland assists government, and other key stakeholders, to gain a shared understanding of land supply and new housing supply activity across the region and how much land supply each local government has available to accommodate future expected growth.
- (e) For the Gold Coast region, land supply reporting identifies that:
 - (i) As at June 2023, Gold Coast's estimated population was 666,087 residents, with an annual growth rate of 2.9 per cent, the fourth highest in SEQ and above Queensland (2.6 per cent) and Australia (2.4 per cent). The Gold Coast is expected to accommodate an additional 388,300 people and 161,700 dwellings by 2046 according to *ShapingSEQ 2023*.
 - (ii) Most of the Gold Coast's greenfield areas have been developed.
 - (iii) Infill and higher density dwellings are an integral part of the future of housing in the Gold Coast, with 80 per cent of additional dwellings expected to be developed within established areas.
 - (iv) As at December 2023, most new dwelling approvals in Gold Coast were for attached high rise apartments (45 per cent), followed by detached dwellings (23 per cent).
 - (v) Dwelling approvals for high-rise attached are challenging due to current market factors.
 - (vi) Accommodating population growth while also keeping housing affordable means that residential areas must accommodate a significant increase in diversity of housing.
 - (vii) Only 16 per cent of all new dwelling approvals between 2021-2023 were for low-rise attached dwellings.
 - (viii) More than 42 per cent of rental households in the Gold Coast paid more than 30 per cent of income on rent (2021 Census), and 15.7 per cent of households with a mortgage paid more than 30 per cent of income on mortgage repayments.
- (f) The council's forward program does not identify the progression of any planning scheme amendments within the next 18 months relating to the current zoning of Sport and Recreation for the Site. On this basis, it is inferred that the Site is proposed to remain in the Sport and Recreation under a new planning scheme despite the Site being in private ownership and unable to viably operate as a golf course and the council not expressing any intention to bring it into council ownership.

2.15 I am further informed that:

- (a) The Queensland Housing Summit Outcomes Report – November 2022 identifies that Queensland is experiencing sustained net increased interstate migration, global market factors in the property and development industry and changes in the property market arising from pandemic-era economic policies and longer running demographic trends like the move towards smaller household sizes.
- (b) The combined effect of these and other factors is that overall delivery of additional housing supply has not kept pace with the increased demand.
- (c) The higher demand for new stock has impacts across the entire housing continuum and places increased pressure on related service provision.

- 2.16 In regards to the Site, I am informed that:
- (a) There are opportunities to greater align the current local planning framework for the Site with *ShapingSEQ 2023* by achieving gently density targets, as well as realising broader community benefits such as sport and recreation, open space and conservation.
 - (b) The Site, being a disused private landholding of 67 hectares in size, represents a significant opportunity for new housing supply within an existing urban area with access to infrastructure and services that can assist in meeting housing supply targets in South East Queensland.
 - (c) The TLPI seeks to recognise the locational advantages of this Site and:
 - (i) provide new supply for a diverse range of housing types, including an affordable housing component within a compact urban form;
 - (ii) secure the provision of public open space and recreational areas;
 - (iii) protect and rehabilitate biodiversity corridors.
- 2.17 On 22 July 2024, the department wrote to the council, the proponent and key stakeholders seeking their comments on a revised draft of the TLPI. The draft TLPI was also placed on the department's website for view and comment by the broader community.
- 2.18 A total of 1856 submissions were received. I was informed by the department that the PAR included a complete and accurate summary of those submissions.

3 Reasons

3.1 Having regard to the background above, I made my decision for the following reasons.

3.2 I am satisfied:

- (a) In accordance with s23(1)(a) of the Planning Act, that there is a significant risk of serious adverse economic and social conditions happening in the Gold Coast local government area:
 - (i) as a result of the high demand for housing supply, diversity and affordability, and reduced availability of housing in this area;
 - (ii) contributed to by the population growth and property price increases in this area and noting that the rate of new dwelling supply in the Gold Coast local government area is falling short of *ShapingSEQ 2023* targets;
 - (iii) exacerbated by challenges as a result of global market factors in the property and development sector; and
 - (iv) flow on impacts and pressure on the most vulnerable cohort if housing supply is limited and constrained in the broader housing continuum.
- (b) In accordance with s23(1)(b) of the Planning Act, the delay involved in undertaking the process in sections 18 to 22 of the Planning Act to make or amend another local planning instrument would increase this risk given the timeframes for undertaking the process. Further, council's forward program does not identify the progression of any planning scheme amendments within the next 18 months for the Site.
- (c) In accordance with s23(1)(c) of the Planning Act, having regard to the department's assessment of the proposed TLPI against the relevant state interests, that making the TLPI would not adversely affect state interests.

3.3 In accordance with s27(1)(a) of the Planning Act, I consider action should be taken, namely, the making of the TLPI, to protect, or give effect to, the economic and social state interests as articulated under the SPP and *ShapingSEQ 2023* including:

- (a) Housing supply and diversity – facilitate housing supply that is affordable and diverse (SPP);
- (b) Grow theme – provide for strong housing affordability and diversity measures that effectively address the current housing crisis (*ShapingSEQ 2023*);
- (c) Sustain theme – provide for and enhance the livability of neighbourhoods and communities to ensure the health and wellbeing of the community by addressing impacts of intensification (*ShapingSEQ 2023*).

3.4 In forming this view, I am satisfied that:

- (a) There are opportunities to greater align the current local planning framework of the Site with *ShapingSEQ 2023* by achieving gently density targets, as well as realising broader community benefits such as sport and recreation, open space and conservation.
- (b) The Site, being a disused private landholding of 67 hectares in size, represents a significant opportunity for new housing supply within an existing urban area with access to infrastructure and services that can assist in meeting housing supply targets in South East Queensland.
- (c) The TLPI seeks to:
 - (i) recognise the locational advantages of this Site and;
 - (ii) provide new supply for a diverse range of housing types, including an affordable housing component within a compact urban form;
 - (iii) secure the provision of public open space and recreational areas;
 - (iv) secure protection and rehabilitation of biodiversity corridors.
- (d) The proposed TLPI will give effect to these state interests by providing for much needed housing supply whilst promoting and enhancing housing affordability and diversity and opportunities for the community to benefit from sport and recreational uses, public open space and improved conservation outcomes.

3.5 I consider the action must be taken urgently, per s27(1)(b) of the Planning Act, as:

- (a) There is a significant risk of serious adverse social and economic conditions happening in the Gold Coast local government area.
- (b) The housing challenges, involving pressures on housing and rental stock availability and affordability, and subsequent potential increase in homelessness will continue to worsen without urgent action to facilitate increased housing supply in the local government area.
- (c) The council's forward program does not identify the progression of any planning scheme amendments within the next 18 months relating to the current zoning of Sport and Recreation over the land subject to the proposed TLPI.

3.6 I am satisfied that the TLPI:

- (a) Maintains the TLPI Area's current Sport and Recreation Zoning, but references precincts within the TLPI Area that identify areas:
 - (i) suitable for low density residential land uses (LDR), which incorporates gentle density (such as dual occupancy and multiple dwellings), where adjoining existing-low rise surrounding residential land uses;

- (ii) suitable for low-medium density residential (LMDR) that delivers predominantly attached mixed-use medium density residential development in areas adjoining future planned higher density;
 - (iii) seeking to deliver medium density residential (MDR) development which consists of a range of predominantly attached housing types that support density and enhance local character and amenity;
 - (iv) that are to accommodate future sports and recreation uses for the broader public and community; and
 - (v) that are protected and maintained for open space (public active and passive recreation) and conservation/rehabilitation purposes.
- (b) Seeks to ensure that development of the TLPI Area only occurs in accordance with a comprehensive master plan that achieves the policy intent of the proposed TLPI. In turn, both the requirements for accepted development and the assessment benchmarks for assessable development include requirements requiring development to be in accordance with the approved Master Plan.
- (c) Incorporates provisions that seek to ensure an affordable housing component of at least 20% of all dwellings in Precincts 1 and 2, is evenly distributed throughout Precincts 1 and 2.
- (d) Requires greater public access to community, sporting and recreational facilities and improved biodiversity and environmental outcomes through:
- (i) the requirements of the Master Plan, which includes requirements for identification of an ultimate lot layout including 'lots proposed to be dedicated for sports and recreation, open space or conservation purposes' and for the Master Plan to be accompanied by 'an open space and biodiversity conservation plan';
 - (ii) assessment benchmarks throughout the Arundel Hills Development Code which require a proposed Master Plan to demonstrate the proposed dedication of land for open space and conservation purposes.

3.7 I am therefore satisfied that the TLPI provides an overarching policy and framework for development within the Site to enable new supply for a diverse range of housing types within a compact urban form, including an affordable housing component, security of open space and recreation areas, protection and rehabilitation of biodiversity corridors.

3.8 I consider the TLPI provides an appropriate interim planning solution to urgently protect or give effect to the relevant state interests including to address the current housing supply need.

Dated this 4th day of September 2024



Meaghan Scanlon MP
Minister for Housing, Local Government and Planning
Minister for Public Works