



Hon Paul Lucas MP



Our ref: MC11/3272

Your ref: Petitions

Attorney-General
Minister for Local Government
and Special Minister of State

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Laurie 

Re: Petition No. 1628-11 - Request to make the Urban Land Development Authority (ULDA) more accountable

Thank you for your letter of 24 August 2011.

The Urban Land Development Authority (ULDA) was established under the *Urban Land Development Authority Act 2007* (ULDA Act) in 2007 as a key part of the Queensland Housing Affordability Strategy. The role of the ULDA is to work with Local and State Government, community, local landholders and development industry representatives to help deliver commercially viable developments that include diverse, affordable, sustainable housing, using best practice urban design.

The petition requests the ULDA Act be amended to ensure local authorities, community groups and individual land owners are entitled to have input into the ULDA's decision making processes and that the ULDA fairly consider such input. It also requests that the rights to natural justice, particularly the right to appeal to an appropriate court of law, be provided to anybody or individual who is aggrieved by any decisions made by the ULDA.

In relation to matters of natural justice, I am advised that the plan preparation and development assessment processes undertaken by the ULDA are subject to judicial review. Therefore I am of the understanding that an aggrieved party can appeal a decision by the ULDA to the appropriate court of law under the *Judicial Review Act 1991*.

In relation to the request for the ULDA Act to be amended, I am of the understanding that the ULDA Act includes public consultation processes for the plan preparation and development assessment. I am also informed that the community engagement undertaken by the ULDA has been acknowledged as exemplary, being awarded two Australasian awards by the International Association for Public Participation in 2009 for Northshore Hamilton.

Email AttorneyGeneral@ministerial.qld.gov.au
Level 12 Executive Building
100 George Street Brisbane 4000
GPO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781

ABN 65 959 415 158

The community engagement process undertaken for the preparation of development schemes and assessing and deciding development applications is outlined below.

Making of the development scheme

Community engagement is an important part of the ULDA's process for preparing the Development Schemes for each Urban Development Area (UDA). The ULDA's planning process provides for community consultation in the early stages of development scheme preparation, as outlined in the ULDA's Community Engagement Framework.

The ULDA Act requires a development scheme to undertake a 30 business day public notification period where any person may make a submission to the ULDA on any aspect of a proposed development scheme.

The ULDA must consider any submissions received within the public notification period, and may also consider submissions after the public notification period has ended. After considering submissions, the ULDA may amend the proposed development scheme in any way it considers appropriate. If this involves a major amendment, the proposed development scheme must be re-notified.

I am advised that the ULDA supplements these legislative requirements with additional community engagement. For example, Greater Flagstone included a comprehensive engagement strategy which involved public newsletters, three information sessions, letters to submitters, meetings with key community organisations and a community meeting involving 800 Greenbank residents.

Once finalised, the ULDA must give the Minister responsible for administering the ULDA Act (the Minister) the development scheme and a submissions report that:

- summarises the submissions received;
- considers the merits of the submissions; and
- advises the extent to which the proposed development scheme was amended in response to the submissions.

All submitters are notified when the submitted development scheme has been provided to the Minister, and are advised how to access the submitted development scheme and the submissions report.

In addition to the consultation undertaken by the ULDA, submitters who are considered to be an 'affected owner' (i.e they own land in or adjoining the UDA) can write to the Minister requesting the submitted development scheme be amended to protect their interests within a certain period. Upon consideration, the Minister may also make any amendments considered appropriate to protect an affected owner's interests.

Development Applications

One of the main purposes of the ULDA is to bring land and dwellings to the market quickly, thereby reducing developer holding costs and providing for more affordable housing in Queensland. Development schemes are therefore specifically designed to 'front load' State interests and community concerns in order to clearly set out the planning framework and avoid lengthy referral and appeals processes. This is reflected through the two levels of statutory consultation periods for the making of the development scheme. For this reason, most types of development in a UDA do not require public notification, and are not subject to appeal in the Planning and Environment Court.

However, there are some instances where development will require public notification. If a development application is required to undertake public notification The ULDA Act requires the ULDA to consider all submissions received during the public notification.

Additionally, in certain circumstances there is provision for the Minister to 'call-in' and re-decide a development application if it involves a State interest and I am not satisfied with the ULDA's decision.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a horizontal line.

ANNASTACIA PALASZCZUK MP
Acting Attorney-General, Minister for Local Government
and Special Minister of State