Affordable Housing, Urban Governance and Special Purpose Authorities in a Fast Growing Region

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Introduction

South East Queensland is one of the fastest growing metropolitan regions in Australia. Its 2004 population of 2.7 million people is expected reach 3.97 million by 2026. By 2031 some 754,000 extra dwellings will be needed to house the growing population (DIP 2009, p. 8). This high speed growth has led to a huge challenge in terms of the provision of appropriate and affordable housing. Housing in the region is rapidly becoming unaffordable. According to the Demographia International Housing Affordability Study 2012 (Demographia 2012) the two coastal areas north and south of Brisbane (the Sunshine Coast and the Gold Coast) were the third and fourth most unaffordable metropolitan markets in the world, with Brisbane ranking 22nd least affordable in the world. Together these three areas make up the majority of the populated area of South East Queensland (See Figure 1).



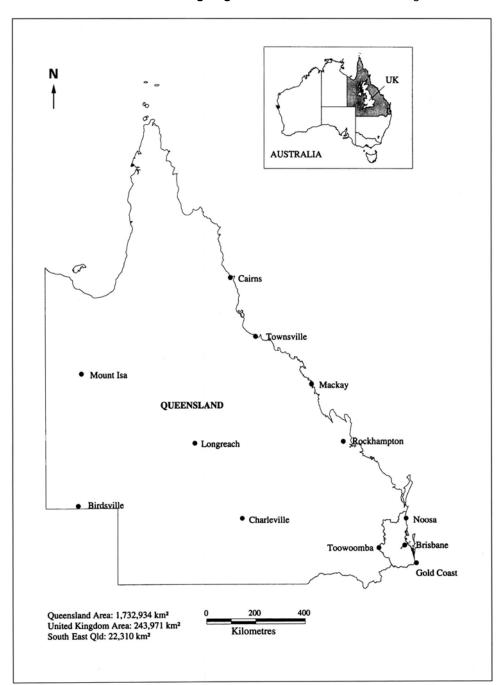


Figure 1: Queensland and the South East Queensland region (Source: Minnery 2000)

The planning system in the region underwent a fundamental transformation in 2005. Before this the eighteen relevant local authorities produced town plans that controlled land uses, as they were empowered to do under State government legislation, but there was only voluntary coordination of these plans in terms of a collaborative Regional Framework for Growth Management (RPAG 1994; RCC 1995). Growing dissatisfaction with the impacts of this poorly coordinated planning led to the creation of a special Office of Urban Management in 2005 that was tasked with the production of the first statutory regional plan (OUM 2005; Minnery 2010). The over-riding concern in this regional plan was catering for population growth and for the increasing housing demand that stemmed from the combined impacts of the growth in the population and the decline in average household sizes (OUM 2005, pp. 7-

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8). In 2005 the concern was housing this growing population and matching housing growth to infrastructure provision whilst trying to bring urban sprawl to a halt. Perhaps the major single new initiative in the regional plan was the definition of an 'urban footprint', beyond which no new land subdivision of lots less than 100ha was permitted. This was a form of growth boundary, designed to force intensification of residential development within the existing built up area, although the plan made it clear that the planners thought there was sufficient developable land available within this growth boundary until at least 2030 (i.e. the following 25 years). The regional plan intended to stop the outward sprawl of South East Queensland's cities and towns through more compact residential development (See Figure 2).



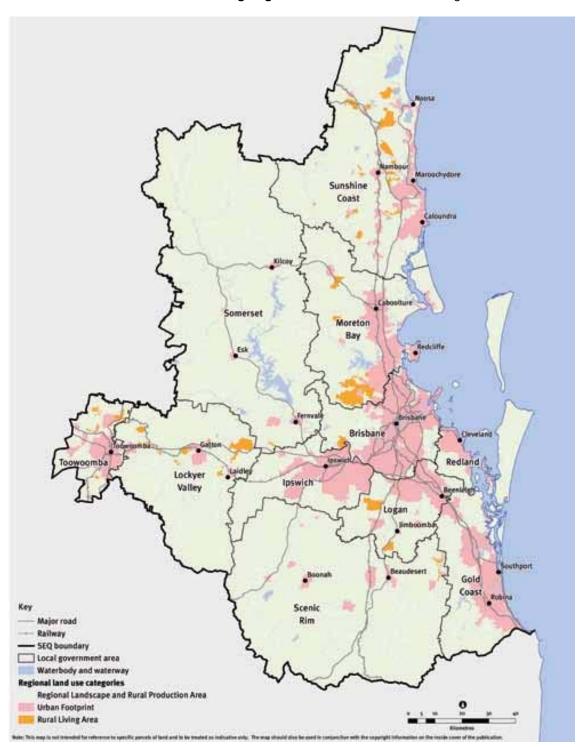


Figure 2: South East Queensland and the 'urban footprint' (Source: Department of Infrastructure and Planning, 2009).

Almost immediately there was an outcry. A number of land developers whose properties now lay outside the urban footprint saw the value of their land holdings plummet. The development industry expressed its concerns that the 'artificial' restriction of land supply would lead to increased house and land prices. Their main concerns were expressed through a report from the Urban Development Industry Association Queensland (UDIAQ 2006b)

which claimed it had found an underestimation of the rate of population growth on which the regional plan was based, coupled with an overestimation of the amount of developable land within the urban footprint. Both of these, the industry felt, would lead to increased land and house prices. Because 'the cost of vacant land is directly related to the availability of other vacant land in its vicinity [It is essential, therefore], that authorities avoid artificial restrictions on land supplies and ensure they make enough land available for future growth needs' (UDIAQ 2006a, p. 4). The UDIAQ (2006a, b) recommended, amongst other things, an Urban Land Monitoring Authority to provide an accurate and authoritative monitoring of the supply and take-up of vacant land within the urban footprint.

Local authorities, on the other hand, felt that although land costs were escalating this was mainly because of actions taken by the development industry or by State government rather than through local government planning action or inaction. A report by the Local Government Association of Queensland (LGAQ 2008) pointed to major companies controlling land release in certain areas, to land banking to slow the release of lots and so increase prices, and to the level of profits being made by developers. The report identified an imbalance between supply of lots and future demand for lots across the region, with greater supply in the western parts and greater demand in the northern and southern parts. This imbalance reflected the preferences of private land developers.

Both organisations agreed with the State government that there was a growing and problematic housing affordability crisis in Queensland and especially in the rapidly growing South East region.

The Urban Land Development Authority

State government's reaction to this concern about housing affordability was to produce a State Housing Affordability Strategy (Colleen Coyne Property Research 2007; Department of Infrastructure and Planning 2007). The strategy was to 'ensure that the State's land and housing is on the market quickly and at the lowest cost. The actions will provide for a more competitive and responsive land and housing market by significantly reducing the timelines and associated holding costs of bringing new housing to the market' (DIP 2007, p. 1). In other words it was aimed at addressing the housing affordability problems identified by the development industry rather than those seen by local government. In fact, the strategy was launched at a seminar organised jointly by the Queensland Department of Infrastructure and the Urban Development Institute of Australia (Queensland) (Colleen Coyne Property Research 2007). An example of the additional costs imposed by increased holding charges brought about by delays in gaining development approval was given at the launch by the Deputy Premier, Treasurer and Minister for Infrastructure (Colleen Coyne Property Research 2007). The major plank of the strategy was the creation, by the end of 2007, of a new Urban Land Development Authority (ULDA). Other parts of the strategy focused on reforming the mainstream planning system and the system of local government charging for trunk infrastructure. State government did not reduce its own taxes (including Stamp Duties) nor did it offer to subsidise infrastructure costs – both ways of reducing land and house prices.

The powers and responsibilities of the ULDA are set out in the Urban Land Development Authority Act 2007. Basically the ULDA can 'plan, carry out, promote or coordinate and control, the development of land [in areas defined by the Minister as] urban development areas' (ULDA Act 2007, Section 3(a)). The Minister can declare any part of the State to be an urban development area. The purpose of the Act is to facilitate in these areas (Section 2):

- (a) the availability of land for urban purposes;
- (b) the provision of a range of housing options to address diverse community needs;
- (c) the provision of infrastructure for urban purposes;
- (d) planning principles that give effect to ecological sustainability and best practice urban



design; and

(e) the provision of an ongoing availability of affordable housing options for low to moderate income households.

The ULDA is then required to prepare a development scheme for the area (normally within 12 months of the area's declaration) and this scheme has the force of law. The scheme must include both land use and infrastructure planning. The ULDA 'must consult, in the way it considers appropriate, with the relevant local government' (Section 24(2)(a)) as well as with other agencies it sees as appropriate. The ULDA chooses how it will consult and with whom it will consult. Draft development schemes must be advertised for 30 days for public comment and the ULDA is required to report to the Minister about its evaluations of objector's comments. When a scheme has been finished and approved by the Minister, the ULDA then becomes the development assessor. It can impose conditions on approvals and the conditions go with the land, thus binding later land owners.

The Urban Land Development Authority is (or as is explained below, was) a very powerful agency. It does not have the power to resume land but it does have the power to create a development plan for a defined area and see that plan through to the development assessment stage and beyond. The ability for the community or local government to comment on ULDA proposals is far more restricted that the opportunities presented in the standard planning system. There is no room for an appeal against a ULDA decision.

At the time of the ULDA's creation in 2007 five urban development areas had been defined by State government. Two of these (Bowen Hills and Woolloongabba) are inner city redevelopment sites. A third (Fitzgibbon) is a suburban infill site with flooding and other environmental constraints. The fourth (Northshore Hamilton) is an old portside area that is being redeveloped for housing and commercial activities. The fifth is the old showgrounds site in the central Queensland town of Mackay. In the Brisbane areas the ULDA worked closely with the City Council and the Brisbane Housing Company (a joint State government and Brisbane City Council affordable rental housing provider) (ULDA 2011).

In these areas the ULDA was seen as both powerful and successful. It could short-circuit the normal planning and approval processes, it could combine land use planning with infrastructure planning, it could work with other relevant bodies (including local government), and it could impose development conditions that could ensure that affordable housing remained affordable. It also tried to lead by example in the creation of innovative low cost housing (ULDA 2012).

The ULDA and Urban Governance Part I

There was considerable support for the work and the focus of the ULDA, especially in its role as a major arm of a State government housing affordability strategy that was actually getting development to happen. The five early development areas were also principally on government-owned land or in areas where much of the land was in government ownership. By mid-2012, however, some seventeen urban development areas had declared across Queensland and plans were in place for them. Some of these projects were in towns affected by the mineral resources boom in Queensland, where small local governments were finding themselves overwhelmed by the housing and infrastructure demands of rapidly increasing populations serving the expanding mines (as well as the uncertain and controversial impacts of mining companies flying-in and flying-out their workers from coastal towns). These projects can be found in the towns of Blackwater, Moranbah and Roma as well as two areas of Gladstone.

A more controversial set of urban development areas were those where large private developers had had proposals for master-planned estates on the urban fringe in the



development pipeline for some time but then the land was declared to be an urban development area and so became the responsibility of the ULDA. This happened to Yarrabilba, owned by Delfin Lend Lease (declared in December, 2010), Caloundra South, owned by Stocklands (declared in October 2010), Greater Flagstone, owned by a number of companies (declared in October 2010) and the Ripley Valley, also in multiple ownership (declared in October, 2010). Some of these areas had been flagged for the attention of the ULDA at its launch but in terms of exploring the possibilities of bringing forward the development from the timeframes then slated for them. For example, Caloundra South was, in 2007, scheduled to start in 2018, Yarrabilba after 2016 and Ripley Valley post-2016 (Collen Coyle Property Research 2007).

With these declarations and what appeared to be State government's overt support for the development ambitions of a number of large property development companies, the ULDA's image became quite tarnished. Support from local governments, including the Brisbane City Council, had been conditional on joint agreement on desired outcomes. In the cases of Yarrabilba and Caloundra South there was active opposition. The Sunshine Coast Regional Authority was concerned that its on-going negotiations with Stocklands about infrastructure provision at Caloundra South would be negated; in fact, the Council took the State government and the ULDA to court arguing the declaration was unconstitutional but later withdrew the case. Logan City has had similar concerns about infrastructure agreements with Delfin Lend Lease over Yarrabilba and has lodged proceedings in the Supreme Court of Queensland against the ULDA and the developer (Sunshine Coast Daily 7 July 2012). It has claimed that a senior official of the ULDA made inappropriate changes to the approval conditions and that he had a potential conflict of interest because he used to be a project manager for Lend Lease (Robertson, 2012).

The controversy over the role and power of the ULDA came to a head with the recent Queensland State government elections in March 2012. The ULDA was set up under the former Labor Party administration. The election was won with a landslide victory by the Liberal National Party, led by a former Lord Mayor of Brisbane who was well known to have little time for the ULDA based on his relationships with the Authority from within the City Council. Premier (and former Lord Mayor) Campbell Newman has wasted little time in effectively dismantling it. In a letter setting out the Ministerial Deliverables expected of the new LNP Minster for Local Government (Mr David Crisafulli) dated 12 June, 2012, the Premier listed one as "Fix the Sustainable Planning Act, wind back the Urban Land Development Authority (ULDA), and identify appropriate planning powers and efficiencies with a view to mainstreaming them to Local Governments" (Premier of Queensland 2012). The ULDA Act allows for the Authority to delegate powers to local governments so the State government is delegating development assessment powers back to the relevant local governments within whose areas the seventeen declared urban development areas are located. Much of the staff of the ULDA has been retrenched or reabsorbed back into the Department of State Development, Infrastructure and Planning. The CEO is now a Deputy Director in that Department. As of July 2012 the ULDA has almost ceased to exist.

The ULDA and Urban Governance Part II

The story of the rise and fall of Queensland's Urban Land Development Authority contains many lessons of importance about models of and approaches to urban governance. It is now widely accepted that 'urban governance' is a far wider concept than 'urban government' and that 'urban governance' extends beyond the role of the various levels of government to include the roles of the private sector and the community as well as government in the making and implementation of urban policy (Minnery 2007). As Harding, Wilks-Heeg and Hutchins (2000, p. 975) note about urban governance in the UK: 'a system of local policy-making ostensibly dominated by elected local authorities has been refashioned into one in



which local government shares powers, responsibilities and resources with a wide range of non-elected statutory bodies and others operating in non-statutory sectors'. The authors also draw attention to the increased role of the private sector both in open public-private partnerships and in business leadership in a number of other ways (p. 975). The story of the ULDA both supports and challenges this view. Its creation as a statutory non-elected body was part of a State-wide housing affordability strategy but the Queensland government, in creating the ULDA, seemed to accept the causes of a housing affordability crisis as defined by the private land development industry rather than by local government. The ULDA was tasked with speeding planning and development assessment processes by taking planning and development assessment for designated urban development areas out of the standard. local-government dominated planning system. The overall planning system was seen to be too cumbersome, slow and uncertain, even though it had been totally reformed through new legislation (the Integrated Planning Act) in 1997 and was then reformed again with a new Sustainable Planning Act that was implemented in 2009, during the early years of the ULDA's existence. The ULDA's Board, although appointed by State government, had a mix of local government, State government and private sector experience (see Appendix 1). Its Chief Executive Officer had considerable local government and private sector land development experience. So as Harding et al. (2000) describe, local government was forcibly required to 'share' decision-making with a statutory non-elected body and this body's existence was predicated on views about housing affordability with a distinctly private sector flavour. The more controversial projects dealt with by the ULDA from 2010 were clearly supporting major players in the private land development industry.

Yet within a month of a landslide State government victory the new State Premier, the former Lord Mayor of the City of Brisbane, put winding back the ULDA as one of the specified new policy directives for his new Minister of Local Government (Premier of Queensland 2012), an action that at the time of writing (July 2012) is almost fully implemented. Given the experience of Logan City and the Sunshine Coast Regional Council identified above, there was considerable local government antipathy towards the ULDA outside of Brisbane as well. This antipathy seemed to be related to two main factors: first the removal of local government powers by a special-purpose, non-elected agency; and second, the fact that decisions by this agency would impact on the infrastructure costs burden faced by the councils in future.

The ULDA had similarities to the Urban Development Projects in Europe studied by Swyngedouw, Moulaert and Rodriguez (2002, p. 542) in that it was used 'as a vehicle to establish exceptionality measures in planning and policy procedures ... [which] ... is associated with new forms of "governing" urban interventions, characterized by less democratic and more elite-driven priorities.' Yet it differs from the projects they analysed because it was not driven by elite priorities. After all the ULDA was one component of a Queensland-wide housing affordability strategy. So like these other projects it established exceptionality measures in planning and policy procedures, because it was set up as a special-purpose instrument to work outside the standard planning and policy system. But unlike them it was not part of a drive to regenerate depressed areas or to insert neoliberal business values into urban redevelopment; it was intended to work outside the standard planning system as a way of making more housing available to low and middle-income households.

Other States in Australia have created similar special agencies outside the standard planning system for housing and urban growth purposes. For example, NSW created its Land Commission in 1976 which then became Landcom and more recently was amalgamated with the Sydney Metropolitan Development Authority to become Urbangrowth NSW which will 'continue the Government's 10,000 housing lots program; coordinate and deliver lead-in infrastructure and service provision to development areas; plan and fast-track urban renewal projects to unlock further private sector investment - providing more housing choice and



affordability.' (NSW Government 2012; Hurley 2012). In Victoria, Places Victoria replaced VicUrban in 2011 and, for example, shares the planning and development of Melbourne's Docklands with the City of Melbourne and well as developing land and housing across Victoria (Places Victoria 2012).

There are also some parallels to be drawn between the work and demise of the ULDA on the one hand and the federal Department of Urban and Regional Development and the Cities Commission created by the Whitlam Labor government between 1972 and 1975. Both were virtually unprecedented new agencies created to address urban problems by a reformist national government. But they were both abolished soon after Labor lost power in 1976 (Lloyd and Troy 1981; Oakley 2004, Neutze 1978).

Conclusions

Catering for the rapid population growth in the South East Queensland region has been a major concern for the State government since at least the 1990s. The need to better coordinate local and State government policies to cater for housing growth and the supporting physical and social infrastructure led to a major change in 2005 in the shape of a statutory regional plan which contained a legislated urban footprint or growth boundary. Possibly triggered by this restriction on unconstrained outward urban growth the focus after 2005 changed to recognise a growing crisis of housing affordability for low and moderate income households. It is clear, however, that there are many possible explanations for increasing housing costs. Put simply, local governments saw a major role for the development industry's practices in controlling the release of land and its profit levels in increasing land prices, whilst the development industry blamed local government delays and red tape, as well as the complexity of the land use planning system. In 2007 the Queensland State government initiated a Queensland Housing Affordability Strategy, the justification for which lay closer to industry interpretations of land price increases than to local government interpretations. A major component of this strategy was the creation of the Urban Land Development Authority, a powerful, non-elected statutory agency tasked with working outside the mainstream planning system as both a planning and a development assessment agency. The idea of such agencies is not new. The literature on recent approaches to urban governance identifies many such special purpose agencies. Examples can also be found in the other States of Australia.

The Queensland Urban Land Development Authority may be unique, however. Whilst it played an important role in increasing the supply of housing in the State (some of it classified as 'affordable') it also fast-tracked a number of master-planned estate applications by private developers. In doing so it raised the ire of a number of local authorities. This, and its exercise it substantial planning power within Brisbane, led to its demise in the hands of the recently-elected Premier of Queensland, Campbell Newman, who was Lord Mayor of Brisbane before he became State Premier.

There are several lessons about urban governance in the story of the ULDA. First, the substantial importance of the roles of the exercise of power and the impact of particular personalities within structural governance arrangements. For example, the role of the former Lord Mayor of Brisbane, the largest and richest local authority in Australia who then became the Premier of the State, was pivotal in the effective demise of the ULDA. Second, the complexity of the problems of dealing with affordable housing given the many competing explanations for increasing housing and land prices. There was a clear dichotomy between the explanations given by the private land development industry and local governments for the increasing prices of land and housing. No special-purpose agency would be able to address the whole range of possible causes; the nature of its powers and tasks would depend on the cluster of potential causes chosen by policy-makers as underpinning the



problems of housing affordability. In this case the cause was seen to be the cumbersome mainstream planning system and local governments' role in the planning and approval process. It needs also to be said that part of the delay in processing applications lay in the problems of getting the relevant State government departments to comment within the required timeframe and the ULDA was given the role of acting as a coordinating development assessment manager. And third, there is the potential vulnerability of any special purpose agency created outside the mainstream policy system to deal with a specialised problem. The story of the ULDA illustrates some of the issues that face European local governments and planning systems within a changing climate of urban governance, but it also shows how important local circumstances are in understanding that story and its outcomes.

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Appendix 1: Board of the Urban Land Development Authority

Chair: Ms Julie Boyd. Former Councillor and Mayor of Mackay. Queensland Trade's Special Representative in Africa.

Mr Michael Black, Senior Partner at Freehills (an international commercial law firm providing advice on corporate legal matters) and advisor on property projects and infrastructure.

Ms Renaye Peters, an architect and project manager who is the Brisbane Airport Corporation's General Manager Property.

Mr Drew Ellem, a senior public servant, currently the Director of the Transport, Infrastructure and Government Services Branch in Queensland Treasury.

Ms Margaret Strelow, former Councillor and Mayor of Rockhampton

Mr John Corbett, Managing Principal - Queensland for Coffey Commercial Advisory (a leading infrastructure advisory consultancy), a Director of Hassad Australia Pty Ltd and the Chair of the Infrastructure Association of Queensland.

Mr Matthew Miller, Director of Property Economics with Urbis (an Australia-based international property, planning and architecture consultancy) with wide experience in commercial agency, property development and property advisory roles.

Ms Allison Quinn, Chief Executive Officer of Growth Management Queensland within the Department of State Development, Infrastructure and Planning.

The ULDA's Chief Executive Officer was Mr Paul Eagles, who before joining the ULDA held senior positions with national development companies working on large master planned communities in south-east Queensland. He also spent 15 years in local government, including positions with Cairns City Council, Logan City Council and Albert Shire Council.

Source: 'About us' http://www.ulda.qld.gov.au/01_cms/details.asp?ID=7 (Accessed 14 July 2012)

