

1 July 2022

Hon Dr Steven Miles MP
Deputy Premier, Minister for State Development, Infrastructure, Local Government and
Planning and Minister Assisting the Premier on Olympics Infrastructure
State Member for Murrumba
PO Box 15009
City East Qld 4002

Via email: deputy.premier@ministerial.qld.gov.au

CC: alyssa.vanbutzelaar@ministerial.qld.gov.au

Dear Deputy Premier,

Proposed amendments to development application forms

I am writing to express the Property Council's concerns regarding proposed changes to the development application forms made under the *Planning Act 2016*. Namely, the proposed addition to DA Forms 1 and 2 in Parts 7 and Part 3 respectively, that ask the applicant to declare whether any electoral gifts or donations have been made to the associated local government.

As per our previous submissions in relation to the 'Belcarra Legislation', we again wish to highlight that the addition of requirements such as these single out the property sector for inequitable treatment under electoral laws.

It is questionable why a proponent lodging a development application would require disclosure of previous donations, while a company seeking to benefit from a government tender, such as a waste contract, would not.

There are many industries and entities that benefit from the decisions of government, and the Property Council continues to stress the importance of equality before the law, regardless of occupation or industry.

The currency of this proposed requirement is also questionable, given that donations from developers to local governments have been banned in Queensland for several years now. The perceived influence a developer may have accrued due to a donation is likely no longer relevant, given the passage of time.

In reality, disclosure of donations made at a State level on applications being referred to or assessed by the State Government, would be more relevant.

In a practical sense, professionals such as town planners- who regularly lodge planning applications on behalf of clients, but do not have an interest in the corporation that is developing the land- should not be put in a position where they are legally obliged to declare donation information on behalf of their clients.

These entities provide professional advice to developers, similar to lawyers, financial advisors, marketing and advertising specialists and many other consultants used in the development process. The addition of this new requirement places an unnecessary burden on these professionals, who in their normal course of business would not know, nor be required to know, their clients' donation history.

There are also potential legal ramifications for planners who, in good faith, may have omitted to declare previous donations of their clients through the application process. It is unrealistic to expect planners to take responsibility for this declaration. The onus for keeping records of political donations should lie with the local government in question, and not rely on declarations made through the development assessment process.

It is unclear what the implications for the development assessment process will be, should the applicant fail to complete this declaration, or should there be inaccuracies in the information submitted.

Finally, there are concerns that the forms will be leveraged by the media, to draw inappropriate conclusions around development decisions ultimately eroding the confidence in the decisions made. This approach seems counterintuitive to the State's community education program which seeks to build the communities confidence in the industry.

Given the uncertainties associated with the practical implementation of these proposed requirements and the continued inequitable treatment of the development industry, it is the Property Council's preference that these proposed amendments do not proceed.

If you would like to discuss this further, please don't hesitate to contact me on 0448 432 936 or jwilliams@propertycouncil.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Jen W". The signature is written in a cursive, flowing style.

Jen Williams
Queensland Executive Director