

Reframing planning regulation: from ‘red tape’ to strategic safeguard

Planning regulations are often mischaracterised as red tape. In reality, they are essential safeguards that protect communities and ensure land supply for housing and employment uses that is coordinated with infrastructure provision. Nonetheless, the planning system must evolve to become more transparent and data-driven, moving beyond prescriptive, one-size-fits-all rules toward a framework that assesses proposals based on their ability to deliver clear, measurable outcomes in a site-specific context.

Queensland has the bones of an agile and responsive planning system. However, to unlock its full potential, planners and governments at all levels must be properly trained, empowered, and resourced to use it effectively. This submission outlines key reforms to improve regulatory effectiveness, particularly in housing supply, by embedding flexibility, accountability, and evidence-based evaluation into the planning system.

1. Clarify the role of planning and building regulation

Planning and building codes serve distinct but complementary purposes. Planning manages land use, infrastructure capacity, and balances competing needs (e.g. agriculture, environment, industry, residential). Building codes ensure safety, accessibility, and construction standards.

The interaction between these systems is under-researched, yet critical, especially in how they affect affordability and safety. Duplication between systems should be removed, but not at the expense of public safety.

Recommendation: Currently, planning and building regulation are siloed across different departments, leading to duplication, inefficiencies, and misaligned outcomes. To improve coordination and reduce regulatory burden, these functions should be consolidated within a single department. This would enable a unified approach to managing development impacts, where:

- building codes address internal safety, structure and building integrity;
- planning focuses on cumulative impacts and negative externalities like hazard prevention related to location, such as avoiding development in flood-prone or bushfire-risk areas, and in protecting land for critical uses that the market undervalues, such as prime agricultural land, industrial precincts, and ecologically significant habitats. It also ensures space for essential infrastructure like transport corridors, utilities, and waste management, functions that are foundational to the functioning of cities but often overlooked in market-driven development.

This recommendation therefore suggests that the objectives of both building and planning laws be revised.

2. Regulations must have clear objectives that can be audited

Planning regulations serve a critical role in shaping how land is used and developed to support orderly, efficient, and safe communities. Beyond protecting people from hazards such as coastal inundation, flooding or bushfire risk, planning ensures that land uses are appropriately located to minimise conflict and optimise functionality. Effective planning coordinates development with infrastructure capacity, helping to manage demand on transport, water, and energy systems. Planning protects heritage and facilitates economic activity by providing certainty for investment. Importantly, planning provides mechanisms for community input and dispute resolution, helping to balance competing interests in a (hopefully) transparent and accountable way. However, many planning rules lack clear, measurable objectives, which can undermine the entire system.

Planning system performance is often measured through simplistic indicators like development approval speeds, which overlook the broader social, economic and environmental objectives that regulations seek to achieve.¹ Terms such as “liveable,” “sustainable,” and “resilient” are widely used in planning discourse, yet they lack consistent definitions and measurable parameters. These concepts are inherently qualitative, and while they reflect important aspirations, their vagueness often leads to inconsistent interpretation across jurisdictions and can produce perverse outcomes that undermine their original intent. For example, one local government may interpret “liveability” as preserving character houses and limiting development, while another may define it through access to public transport and housing diversity. Similarly, “sustainability” might be used to justify both environmental protection and exclusionary zoning, depending on the political and social context. This semantic flexibility allows these terms to be co-opted to support conflicting agendas, often without empirical justification.

Recommendation: Existing planning regulations should be reviewed to ensure they have clearly defined objectives and remain relevant considering contemporary environmental, health, and operational standards that now address many of the risks these rules were originally designed to manage.

- Minimum lot sizes and setback requirements evolved in the nineteenth century to respond to the (then) very real risk of urban fires and cholera, and so the nightsoil

¹ Gurran, N., & Phibbs, P. (2011). Measuring planning system performance: the case of housing supply and affordability. In Proceedings of the Fifth State of Australian Cities Conference, 29 November – 2 December, Melbourne, Australia Australian Cities and Regions Network.

man could access the backyard lavatory. Today, we have building standards and sewerage systems. Yet, these restrictions remain, with many cited under amorphous rationales like ‘character’.²

- Planning regulations that were originally developed over a century ago to separate industrial and residential uses may no longer be fit for purpose, given the evolution of environmental and public health controls that now manage many of the risks those regulations were designed to address.³
- Car parking requirements attempted to reduce traffic and car parking on public streets, and yet, are ineffective at achieving their stated goals.⁴ If the goal was to remove cars parked on the street, yellow lines or parking meters would achieve this more effectively than mandating garages.

Speaking of garages, the garage exemplifies how planning regulations, despite being underpinned by commendable urban design principles, can result in unintended and peculiar outcomes when implemented on the ground.

Brisbane City Council’s planning scheme states that “developed for a garage does not dominate the street frontage or gardens and complements the traditional setting of residential buildings constructed in 1946 or earlier nearby in the street” (Brisbane City Plan 2014, 8.2.22). These types of developments are typically classified as accepted development and therefore do not require assessment by a planner, instead being signed off by private building certifiers. In practice (see Figure 1), these regulations are often overlooked or loosely applied, typically justified by material compatibility with the dwelling, with garages dominating the narrow street frontages common in the character suburbs where they apply. The question then becomes, why are they maintained?

² Gallagher, R., Sigler, T. J., & Liu, Y. (2023). Character contradiction: The exclusionary nature of preservationist planning restrictions. *Urban Studies*, 61(6), 1013-1030. <https://doi.org/10.1177/00420980231195218> (Original work published 2024)

³ Hurley, J., Grodach, C., Martin, D., & Taylor, E. (2023). Do Industrial Firms Follow Zoning? Changing Firm Location and the Introduction of Metropolitan Zoning. *Urban Policy and Research*, 41(4), 387–404. <https://doi.org/10.1080/08111146.2023.2236133>

⁴ Shoup, Donald (2011). *The High Cost of Free Car Parking*. Routledge.



Figure 1 Garages and car ports of inner Brisbane.

Additionally, Brisbane's high density residential zone code (6.2.1.4) requires "Development provides extensive, quality, private and communal open space and landscaping, including deep planting, that soften the dominance of buildings, provide breathing space and encourage outdoor living."

Planning regulations are only applied and assessed at the time of approval. Local government planning officers are not funded to conduct regular monitoring to ensure that 'deep planting' areas are maintained and not cemented over. These regulations are also inconsistently applied, as seen in Figures 2 through 4.



Figure 2 Minimal space for deep planting in West End.



Figure 3 Deep planting in East Brisbane.



Figure 4 No deep planting in Mount Gravatt.

The only sure way to guarantee publicly accessible greenspace is in public parks and within the road reserve. Apartments with high amenity exist across Queensland demonstrate how public greenspace can be successfully integrated with high density development.

Queensland *needs* to use its road reserves, one of the largest public assets, for more than just cars. We do not need roads with capacity for two lanes of parked cars and two lanes of traffic in every suburban street.



Figure 5 Apartments adjacent to parkland in Tennyson.

These are just two examples of the many planning regulations that are challenging and subjective to apply. Fully identifying them would require a comprehensive review of every planning scheme in Queensland, along with the Queensland Development Code.

Recommendations: To ensure the planning system is achieving its intended outcomes, the Queensland Government should consider a comprehensive review. A practical approach would be to develop a simplified, statewide planning scheme with streamlined zoning codes, allowing local governments to retain control over spatial mapping. In addition:

- Planning regulations should have clear objectives, with quantifiable indicators to measure progress. If planning regulations are regularly ignored or deviated from, they should be removed or amended.
- Planning schemes are not the appropriate location for regulations that require ongoing monitoring, and such provisions should be removed, with public goods like greenspace provided on public land. Local governments should be funded to acquire and maintain such public land in areas targeted for high density development. Alternatively, local governments should be funded to substantially increase compliance activity to ensure private open space is maintained throughout the life of the development.
- Regular audits of planning regulations are required to assess whether they meet their original intent. This is standard in other sectors but rare in planning.

- Planning should adopt measurable indicators for strategic goals such as dwelling supply targets, commute times, access to public open space within walking distance, rental affordability, infrastructure access and provision, and hectares of vegetated or agricultural land.

3. Improve data integration and transparency

Most new dwellings in Queensland are detached houses, and most are approved as accepted development, meaning they do not require development applications to local government and are instead assessed by a private certifier. This point should not be lost on the QPC, as the thousands of dwelling approvals not articulating into construction would indicate that planning approvals may not be the key constraint on housing supply.⁵ There is also no consistent or centralised data collection across local governments to track these approvals.

In many cases, councils still rely on manual processes, including scanning hardcopy forms and storing them as static PDFs, which are not integrated into searchable or geospatial databases. This fragmented approach severely limits the ability of state and local governments to monitor housing supply in real time, evaluate the effectiveness of planning strategies, or respond to emerging demand. Without a coordinated system for tracking dwelling construction, especially for accepted development, the planning system lacks the evidentiary foundation needed for planning reform.

Development applications also generate valuable data (e.g. traffic, flood, environmental reports), which is stored on local government databases. However, this information is rarely integrated into an accessible format, and, as a result, cumulative impacts are lost.

Recommendation: Create a state-wide accessible planning data platform to support evidence-based decision-making.

4. Planning must be empowered to address market distortions

One of the initial rationales for the introduction of land use regulations was the stabilisation of property prices, which had historically experienced significant highs and lows.⁶ Today, one of the greatest distortions to the housing market are tax incentives for investors and infrastructure subsidies that favour low-density greenfield development. The market distortion in favour of residential development, driven by higher land values and

⁵ <https://www.theguardian.com/australia-news/article/2024/may/28/house-construction-lagging-behind-planning-approval-australia-interest-rates-building-costs>

⁶ Taylor, E. J., Grodach, C., & Hurley, J. (2025). Industrial land in the planning imaginary – the role and place of industry in strategic plans for Melbourne, 1929–2017. *Planning Perspectives*, 1–22.
<https://doi.org/10.1080/02665433.2025.2470176>

faster returns, means that, without deliberate planning protections, land would overwhelmingly be allocated to housing. This would come at the expense of other critical urban functions. Employment land, utilities, and essential services such as sewerage treatment, waste management, and logistics hubs are not as profitable and therefore cannot compete in an unregulated land market.⁷

Planning plays a vital role in correcting this market failure by reserving land for uses that are essential to the functioning of cities but undervalued by the market. Without these protections, cities risk becoming spatially dysfunctional, with insufficient land for jobs, infrastructure, and public services. For example, industrial land supply in South East Queensland has been constrained by residential encroachment, despite high demand and low vacancy rates, highlighting the need for strategic intervention.⁸

Recommendation: Planning should be empowered to reserve land for critical non-residential uses, such as employment, infrastructure, and utilities, that the market undervalues. Without intervention, residential development dominates, risking cities that lack space for jobs, services, and essential systems. Legislative and policy support is needed to ensure planning can actively balance land use in the public interest.

5. Upzoning must be designed to work

Upzoning alone does not guarantee new housing supply.⁹ Studies of Auckland¹⁰ and Portland¹¹ suggests limited impacts of upzoning on housing supply in low demand areas. Upzoning can also have inflationary impacts, causing upzoned properties to increase in value, without delivering new housing supply.¹² Other barriers prevent development after upzoning, including the existing urban layout and economic feasibility. Many suburbs in

⁷ Gallagher, R., Sigler, T., & Liu, Y. (2022). Urban “Blandscapes”: How the Practical Implementation of Planning Policy Reduces Land Use Diversity. *Urban Policy and Research*, 41(3), 295–313.

<https://doi.org/10.1080/08111146.2022.2122427>; Grodach, C. (2022). The Institutional Dynamics of Land Use Planning: Urban Industrial Lands in San Francisco. *Journal of the American Planning Association*, 88(4), 537–549. <https://doi.org/10.1080/01944363.2021.2006756>

⁸ <https://www.propertycouncil.com.au/event/no-room-to-grow-seqs-industrial-shortfall>

⁹ Limb, M., Grodach, C., Donehue, P., & Mayere, S. (2020). When plans are used to no effect: Considering implementation performance of greater Brisbane’s compact activity centre policies. *Environment and Planning B: Urban Analytics and City Science*, 48(7), 1860–1875. <https://doi.org/10.1177/2399808320951583>;

¹⁰ Greenaway-McGrevy, R., & Phillips, P. C. B. (2023). The impact of upzoning on housing construction in Auckland. *Journal of Urban Economics*, 136, 103555. <https://doi.org/https://doi.org/10.1016/j.jue.2023.103555>

¹¹ Dong, H. (2021). Exploring the Impacts of Zoning and Upzoning on Housing Development: A Quasi-experimental Analysis at the Parcel Level. *Journal of Planning Education and Research*, 44(1), 403–415. <https://doi.org/10.1177/0739456X21990728>

¹² Rodríguez-Pose, A., & Storper, M. (2020). Housing, urban growth and inequalities The limits to deregulation and upzoning in reducing economic and spatial inequality. *Urban Studies*, 57(2), 223–248. <https://www.jstor.org/stable/26958664>

SEQ have been upzoned for decades but have not been redeveloped at higher density because demand for apartments in these locations is low or developers cannot obtain sufficient land to build apartments.¹³

Where is demand high? See Figure 6.

Most expensive suburbs in Greater Brisbane

In Brisbane, New Farm leads as the most expensive suburb for houses, with median values nearing \$2.8 million. The list continues with Ascot and Chandler, showing Brisbane's competitive luxury market.

Most expensive suburbs for houses - Greater Brisbane

Rank	Suburb	Number Sold (12m to Sep 23)	Median Value
1	New Farm	52	\$2,795,456
2	Ascot	56	\$2,462,657
3	Chandler	17	\$2,382,958
4	Hamilton	67	\$2,296,135
5	Teneriffe	28	\$2,167,338
6	Hawthorne	63	\$2,020,014
7	Bulimba	107	\$1,973,404
8	Brookfield	54	\$1,838,101
9	St Lucia	64	\$1,808,418
10	Pullenvale	35	\$1,801,767

Source: CoreLogic Best of the Best Report Dec 2023

Most expensive suburbs for units - Greater Brisbane

Rank	Suburb	Number Sold (12m to Sep 23)	Median Value
1	Kenmore	30	\$941,189
2	Point Lookout	21	\$921,510
3	Bardon	30	\$868,490
4	Bulimba	148	\$854,710
5	Teneriffe	210	\$846,224
6	The Gap	24	\$835,124
7	New Farm	253	\$832,818
8	Seven Hills	17	\$803,549
9	Carindale	30	\$783,580
10	Scarborough	82	\$780,387

Source: CoreLogic Best of the Best Report Dec 2023

Figure 6 Brisbane's most expensive suburbs. Source: [Little Real Estate | The top 10 most expensive and most affordable...](#)

Upzoned areas must be capable of facilitating densification within existing lots, as authorities cannot rely on developers amalgamating adjacent lots to form larger parcels.¹⁴

Recommendations:

¹³ Gallagher, R., Sigler, T., & Liu, Y. (2023). How path dependent urban morphology restricts the effectiveness of rezoning for urban consolidation: Lessons from Brisbane, Australia. *Journal of Urban Affairs*, 47(4), 1208–1228. <https://doi.org/10.1080/07352166.2023.2211770>

¹⁴ McFarlane, N., Hurley, J., & Sun, Q. (2023). Private-led land assembly and urban consolidation: The relative influence of regulatory zoning mechanisms. *Land Use Policy*, 134, 106904. <https://doi.org/10.1016/j.landusepol.2023.106904>

- Upzoning must apply to high demand areas (i.e. existing lower density suburbs with high property values). Authorities should consider widespread upzoning (i.e. the complete removal of density restrictions) to avoid inflationary impacts on upzoned properties.
- Upzoned sites must be capable of being redeveloped at higher density. Minimum lot sizes and setback requirements are redundant and should be removed so that densification can occur without costly amalgamation.

6. Governments must recognise the limits of the private market to deliver public goods

Compelling the private sector to provide affordable housing, parkland, and infrastructure through planning regulation (e.g. inclusionary zoning) is the latest iteration of attempts to provide public goods at no cost to government. Public goods are defined in economic theory as non-excludable and non-rivalrous services that benefit society collectively. Time and again research shows that the provision of public goods cannot be efficiently managed by private markets due to the absence of profit incentives for equitable access. For example:

- Attempts to substitute public provision with privately owned public spaces (POPS) have been shown to compromise transparency, accessibility, and democratic accountability. These spaces often impose surveillance, exclusionary practices, and management strategies that undermine their public function.¹⁵
- Inclusionary zoning requires substantial government resources and oversight to implement and has mixed results (at best). Time and again, research shows that the direct provision of public housing is the most successful solution to improving long-term housing affordability.¹⁶

Planning inherently regulates private sector activity. It certainly plays a role in housing supply, but as a system is ill equipped to ensure housing is affordable.¹⁷ Relying on private

¹⁵ Miller, K. F. 2007. *Designs on the Public: The Private Lives of New York's Public Spaces*. Minneapolis: University of Minnesota Press; Smithson, G. 2008. "Dispersing the Crowd: Bonus Plazas and the Creation of Public Space." *Urban Affairs Review* 43 (3): 325–351. 10.1177/1078087407306325; Huang, T. S., & Franck, K. A. (2018). Let's meet at Citicorp: can privately owned public spaces be inclusive? *Journal of Urban Design*, 23(4), 499–517. <https://doi.org/10.1080/13574809.2018.1429214>

¹⁶ Gurran, N., Rowley, S., Milligan, V., Randolph, B., Phibbs, P., Gilbert, C., James, A., Troy, L. and van den Nouwelant, R. (2018) Inquiry into increasing affordable housing supply: Evidence-based principles and strategies for Australian policy and practice, AHURI Final Report 300, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/300>, doi: 10.18408/ahuri-7313001

¹⁷ Mukhija, V., Regus, L., Slovin, S., & Das, A. (2010). Can Inclusionary Zoning Be an Effective and Efficient Housing Policy? Evidence from Los Angeles and Orange Counties. *Journal of Urban Affairs*, 32(2), 229–252.

actors to deliver public goods leads to fragmented outcomes and inequitable service distribution.

Some economists argue for deregulation of housing quality (e.g. ventilation, shadowing, minimum floor areas, provision of services and utilities) to allow market-driven affordability, even if that means returning to substandard housing.¹⁸ This is unacceptable. The solution is not deregulation, but fiscal reform. Governments must be empowered through more effective and progressive taxation to plan, fund, and deliver public goods, including affordable housing, directly. This ensures that essential services are universally accessible, resilient, and aligned with long-term public interest.

Recommendation: Regarding public goods including (but not limited to) affordable housing and parkland:

- Affordable housing must be treated as the essential infrastructure that it is. Governments should commit to large-scale, direct investment in housing to ensure long-term stability and equity in the housing system. A universally accessible affordable housing model, without means testing, should be established, allowing all individuals to access a constant stream of government-supported housing (focusing with those at most risk and essential workers first). Under this model, tenants would contribute 30% of their income toward rent, promoting fairness, financial sustainability, and social inclusion.
- As above, if governments want to deliver tree lined streets and parkland, they should ensure there is sufficient funding for local governments to do this within existing road reserves and/or to acquire land.

7. Reform infrastructure charging

The current system subsidises greenfield development and disadvantages infill.¹⁹ A more efficient, user-pays infrastructure charging regime would level the playing field, fund public infrastructure (parks, hospitals, transport) and support strategic planning outcomes.

Recommendation: Reform infrastructure charging to reflect actual costs to provide infrastructure.

8. Simplify and modernise planning tools

<https://doi.org/10.1111/j.1467-9906.2010.00495.x> ; Wang, R., & Fu, X. (2022). Examining the Effects of Policy Design on Affordable Unit Production Under Inclusionary Zoning Policies. *Journal of the American Planning Association*, 88(4), 550–564. <https://doi.org/10.1080/01944363.2022.2027263>

¹⁸ Bertaud, Alain (2018). *Order Without Design : How Markets Shape Cities*, MIT Press.

¹⁹ Infrastructure Victoria (2023). [Our home choices](#)

In Queensland, detached houses are typically accepted development, meaning they do not require a development application, while townhouses and apartments, even when fully compliant with the code, are code assessable and require a development application. This creates a regulatory imbalance that discourages diverse housing forms. To support housing supply, low-risk developments of any use type, particularly those up to 1–3 storeys, should have an accepted development pathway, with planning focused on managing external impacts rather than regulating form or occupancy.

Use-based restrictions that differentiate between dwelling types or commercial activities should be removed. Planning should not concern itself with the internal use of private land, whether a site accommodates a single household in a house, multiple unrelated occupants, terraces, or a small business, provided external impacts are appropriately managed. Regulatory focus should shift to performance-based outcomes, ensuring amenity and safety through controls on measurable externalities. Any removal of planning regulations should be closely monitored to ensure private certifiers are meeting intended goals of accepted development codes, and, if not, consideration should be given to whether these tasks should be resumed by local governments.

Queensland's planning system has reverted to rigid code-based compliance²⁰, where development is assessed against prescriptive standards rather than desired outcomes. While clear code pathways are important for certainty, the system must also support performance-based assessment for developments that meet broader planning objectives. To enable this, planners should be trained in urban design, spatial analysis, and environmental performance, and equipped with the tools, data, and authority to assess impacts such as amenity, access, and resilience. A true dual-pathway system, combining code compliance (which, in future, is likely to be done with the assistance of AI) with flexible, outcome-focused assessment by skilled urban planners, would better reflect the complexity of urban development and support more responsive, context-sensitive planning.

Recommendations:

- Define and fast-track low-risk development using clear, measurable criteria, particularly for ground-level proposals (1–3 storeys) across all use types. It is important to recognise that high-rise apartment developments are inherently complex and never low risk; they involve managing numerous individual owners

²⁰ Gallagher, R., Sigler, T., Wyeth, S., & Liu, Y. (2025). Building to the lowest common denominator: How uncertainty of approval, cost and delays discourage housing diversity in infill development projects. *Cities*, 165, 106095. <https://doi.org/https://doi.org/10.1016/j.cities.2025.106095>

within a framework primarily designed to support long-term mortgage financing, rather than prioritising ease of maintenance or operational simplicity.

- Reorient Queensland's planning system to support performance-based assessment alongside code compliance, ensuring planners are trained in design, spatial analysis, and impact evaluation, and equipped with the tools and data needed to assess outcomes rather than just regulatory conformity.