QUT Centre for Justice

Housing Supply Regulation

Submission to the Australian Productivity Commission

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Acknowledgement of Traditional Owners

QUT acknowledge the Turrbal and Yugara, as the First Nations owners of the lands where we work.

We pay respect to their Elders, lores, customs and creation spirits. We recognise that these lands have always been places of teaching, research and learning. We acknowledge the important role Aboriginal and Torres Strait Islander people play within the community.

About the Authors / QUT Centre for Justice

The QUT Centre for Justice conducts applied, policy-focused research on housing systems, regulation and social equity. This submission draws on work from the Centre's Housing Security Research Group, which examines planning, construction, infrastructure and regulatory settings affecting housing supply. The authors regularly contribute research to government inquiries and sector-wide reform processes.

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Executive summary

Australia's housing shortage is the result of cumulative regulatory settings that, in combination, have made housing delivery slower, more expensive and less responsive to demand. This submission identifies the key regulatory constraints that limit the efficient supply of new housing and proposes reforms to improve the functioning of the housing supply pipeline.

First, **zoning rules and land-use controls** continue to restrict development in well-located areas with existing infrastructure. While zoning reform is necessary, evidence shows that increased zoned capacity does not automatically translate into new dwellings. Downstream constraints including developer capacity, financing, holding costs and system complexity, limit the conversion of zoned potential into actual supply.

Second, **infrastructure availability** acts as a de facto regulatory constraint. Where transport, water, sewerage and social infrastructure are insufficient or poorly sequenced, development is delayed or rendered unviable. Historical evidence from the Better Cities Program demonstrates that targeted catalytic investment can unlock substantial private-sector housing delivery.

Third, **underutilised housing stock** represents a significant but overlooked supply opportunity. Policy settings relating to taxation, pension treatment and regulatory uncertainty discourage older Australians from participating in home-sharing arrangements that could increase access to well-located, low-cost latent rental stock.

Fourth, **regulatory barriers to Modern Methods of Construction (MMC)** limit the industry's ability to adopt faster, more efficient and scalable building techniques. Fragmented licensing, certification and compliance frameworks increase costs, reduce investment confidence and constrain the potential productivity gains MMC can deliver.

Fifth, **developer infrastructure charges** increase the cost of new housing and are capitalised into land values and house prices. Evidence indicates that these charges raise prices by multiples of the charge itself, undermining affordability and acting as an effective tax on new supply.

Finally, **the interaction between insolvency law and builder licensing regulation** creates structural fragility in the residential construction sector. In several jurisdictions, entering a restructuring process triggers licence suspension or cancellation, preventing viable firms from continuing to trade and discouraging directors from pursuing rescue mechanisms. This contributes to high insolvency rates and disrupts housing supply.

Addressing Australia's housing shortage requires coordinated pipeline-aligned reform across these regulatory domains. Improving the efficiency of the housing supply pipeline will depend on aligning land-use regulation, infrastructure provision, construction regulation and insolvency settings to support timely, cost-effective and scalable housing delivery.

Introduction

Australia is facing a significant and sustained housing shortage. While population growth and macroeconomic conditions contribute to demand pressures, the central drivers of undersupply lie in the regulatory settings that shape where, how and at what cost housing can be delivered. These settings operate across multiple points in the housing supply pipeline, from land-use regulation and infrastructure provision to construction regulation, financing conditions and insolvency frameworks. Individually, each regulatory layer imposes friction; collectively, they have produced a system that is too slow, too expensive and insufficiently responsive to changing housing needs.

This submission responds to the Productivity Commission's Inquiry into Housing Supply Regulation. Drawing on research undertaken by the QUT Centre for Justice, it examines the regulatory barriers that impede the efficient delivery of new housing and identifies reforms that would improve the functioning of the supply pipeline. The analysis focuses on two broad categories of regulatory constraint:

- **Regulations that restrict how land can be used for housing**, including zoning rules, infrastructure sequencing, and policy settings that limit the utilisation of existing housing stock; and
- **Regulations that increase the cost of building new housing**, including developer infrastructure charges, construction insolvency settings, and regulatory barriers to Modern Methods of Construction (MMC).

The submission is structured to address each area in turn. Each section outlines the relevant regulatory mechanisms, summarises the evidence on their impacts, and identifies opportunities for reform. The final section synthesises these findings through 22 recommendations and highlights the need for coordinated, pipeline-aligned reform to restore the system's capacity to deliver housing at scale.

Regulations that restrict the use of land for housing

Zoning Rules

The first point of friction in the housing supply pipeline arises at the land-use stage, where zoning rules determine whether well-located land can be used efficiently for housing.

Restrictive zoning rules are among the most significant regulatory impediments to housing supply in Australian cities. Research by the authors examined the operation of zoning rules within the Brisbane City Council context and found that planning controls routinely prevent housing development in locations where demand is strong and infrastructure already exists (Bryant, 2026a; Murray & Limb, 2023a; 2023b).

Minimum lot sizes, limits on dwelling density, and restrictive height controls constrain the supply of infill housing in established suburbs and systematically underutilise well-located land. These rules were largely designed for an earlier era of urban development and no longer reflect contemporary household structures, demographic patterns or infrastructure availability (Bryant, 2026a).

A further challenge is the misalignment between state planning policy objectives which support increased density, and local government planning schemes, which reflect the preferences of existing residents over prospective ones. This political economy dynamic is well-documented in the planning literature and contributes to zoning rules that are difficult to reform through ordinary political processes.

However, the same evidence also demonstrates that zoning reform alone is insufficient to deliver the scale of housing supply increases expected of it. Between 1996 and 2016 planned residential development capacity in the study area more than doubled, yet actual housing stock grew by only 33% over the same period (Bryant, 2026a). Of more than 23,000 sites with development capacity, only 1,270 were developed over a five-year period, a rate of just 5.5% (Bryant, 2026a). Long-term analysis shows 71% of sites with development potential at the start of the study period remained underdeveloped twenty years later (Bryant, 2026a). Doubling zoning capacity was associated with only a 0.3% reduction in housing prices over five years – an effect that is economically negligible (Bryant, 2026a).

It's important to note that these findings do not undermine the case for zoning reform but highlight it. The gap between zoned capacity and actual housing delivery reveals that restrictive zoning is a necessary but not sufficient explanation for undersupply. The planning approval stage accounts for only approximately 20-38% of total development time; the remaining 62-80% is consumed elsewhere in the timeline. Developer capacity, financing constraints, holding costs, and the complexity of the system are all contributing constraints that sit downstream of the planning system, and they prevent zoned capacity from being converted into dwellings.

Effective zoning reform must therefore be accompanied by pipeline-aligned reform that addresses these downstream constraints. Without such coordination, increases in zoned capacity will continue to fall short of translating into new housing supply.

Catalytic Infrastructure and Urban Investment

Even where zoning allows additional housing, the next constraint in the pipeline emerges: the availability and sequencing of enabling infrastructure.

Infrastructure availability—and its absence—functions as a de facto regulatory constraint on housing supply. Even where land is zoned for higher density, development cannot proceed at scale without adequate transport, water, sewerage and social infrastructure. In practice, infrastructure sequencing often determines whether housing can be delivered, the cost at which it can be delivered, and the timeframe in which it becomes feasible.

Historical evidence from Australia's Better Cities Program (BCP) illustrates the importance of catalytic, well-targeted infrastructure investment (Bryant, 2016). The BCP, initiated in the early 1990s, sought to improve urban development processes and the quality of urban life through coordinated Commonwealth–state action. In Brisbane's New Farm precinct, federal and state investment in the main S1 sewer line removed a critical infrastructure bottleneck that had constrained redevelopment (URTF, 1996; Duncan, 2004; BCC, 2011). This single intervention unlocked significant private sector activity, shifting focus from public sector investment to the private sector. With an initial investment of $86.6 million from the Federal and Queensland State governments, private investment quickly followed with over $300 million invested by the end of the five-year BCP program. Importantly, the Brisbane urban renewal process also supported a range of housing types and tenures. $12 million of BCP funding delivered demonstration affordable housing projects including the multi-award-winning Church Street Public Housing Project. Today, more than 700 new affordable dwelling units in the area provide homes at below-market rates to low-income earners (BCC, 2011).

The lessons from this experience are clear. Where infrastructure is insufficient or poorly sequenced, development is delayed, rendered unviable, or shifted to less efficient locations. Conversely, when enabling infrastructure is delivered early and strategically, it can unlock large volumes of housing supply that would not otherwise proceed. Infrastructure investment therefore operates as a regulatory lever: it shapes the feasibility, timing and distribution of new housing.

Despite this, Australia currently lacks mechanisms that systematically link infrastructure provision to housing supply objectives. Responsibility is fragmented across levels of government, and funding models often rely on developer contributions that can increase costs and delay delivery. Without coordinated, pipeline-aligned infrastructure planning, zoning reform alone will continue to fall short of producing the expected supply outcomes.

Underutilised Housing Stock

Beyond land and infrastructure, the pipeline is further constrained by how efficiently existing housing stock is used, particularly in established suburbs where new supply is slow to deliver.

A significant share of Australia's existing housing stock is underutilised, with older Australians occupying a large proportion of dwellings that contain surplus bedrooms while younger people face increasing difficulty accessing appropriate, well-located and affordable housing (Newcomb et al, 2026; Bryant et al, 2026b). This mismatch is not simply the result of individual preferences; it reflects structural inefficiencies created and reinforced by current policy settings. These inefficiencies contribute to scarcity in the rental market, intensify competition for smaller dwellings and reduce the overall responsiveness of the housing system.

Recent research from QUT identifies several policy-created barriers that discourage older Australians from participating in home-sharing arrangements that could increase the utilisation of existing housing stock. These include uncertainty about the impact of rental income on the Age Pension, inconsistent tax treatment across different types of arrangements, and a lack of clear regulatory guidance regarding rights, responsibilities and consumer protections (Bryant et al., 2026b). Together, these settings create risk and complexity for older homeowners, reducing their willingness to rent out spare rooms even when doing so would improve their financial security and support ageing in place.

Unlocking underutilised housing stock represents a practical, low-cost and counter-cyclical lever for increasing supply. Unlike new construction, which requires long lead times and substantial capital investment, home-sharing can expand access to well-located housing within months. It offers immediate benefits for younger cohorts—particularly students, early-career workers and recent migrants—who face acute affordability pressures in the private rental market. At the same time, it supports older Australians to remain connected to their communities, supplement their income and make more efficient use of existing dwellings.

Despite these advantages, Australia lacks a coherent national framework to support safe, consistent and scalable home-sharing. Current policy settings inadvertently suppress a supply source that could relieve pressure on the rental market and improve intergenerational housing outcomes. Aligning tax, pension and regulatory frameworks with contemporary demographic realities would enable more efficient use of existing stock and support broader pipeline-aligned reform.

Regulations that make it more expensive to build housing

Modern Methods of Construction

Even when land is zoned, infrastructure is in place, and existing stock is better utilised, the construction phase introduces its own regulatory frictions that shape the speed, cost and feasibility of new housing delivery.

Australia's housing shortage has highlighted the need for faster, more efficient and scalable housing delivery methods. At the same time, the residential construction industry continues to face longstanding challenges relating to productivity, labour shortages, project delays, cost escalation and environmental performance (Wang et al., 2025). Modern Methods of Construction (MMC), offer a significant opportunity to address these challenges and support increased housing supply (Saad et al, 2023).

MMC refers to a range of construction approaches that are different from traditional onsite construction. MMC includes approaches such as volumetric modular construction, panelised systems, prefabricated components, and even advanced manufacturing methods such as 3D printing.

MMC enables construction activities to be transferred from traditional building sites into controlled manufacturing environments. Research has shown that MMC can improve the speed, efficiency and predictability of housing delivery, while creating opportunities for improved cost outcomes, reduced material waste and enhanced quality performance. Prefabricated and modular housing, for instance, can support faster housing delivery while improving programme certainty, quality outcomes and workforce efficiency.

Despite these benefits, there remains significant opportunity to increase the uptake of MMC across Australia. A key reason is that many regulatory, approval and compliance frameworks were developed around traditional onsite construction methods and do not adequately support modern manufacturing-based approaches. Fragmented regulations across states and territories create additional complexity for manufacturers seeking to operate nationally and limit opportunities to achieve economies of scale.

Recent industry research has identified several regulatory challenges affecting MMC adoption including:

- inconsistent licensing requirements across jurisdictions,
- uncertainty regarding certification and compliance pathways,

- limited acceptance of existing certification schemes,
- concerns regarding warranties and consumer protection, and
- a lack of nationally consistent quality assurance frameworks for multi trade off-site products (Forsythe et al., 2025).

In many cases, factory-manufactured components are assessed using processes designed for onsite construction, resulting in duplication, delays and increased compliance costs. These regulatory frictions reduce investment confidence and discourage broader industry adoption, limiting the potential contribution of MMC to housing supply (Forsythe et al., 2025).

Several reforms are currently underway to address these challenges. The Australian Government has tasked the Australian Building Codes Board (ABCB), as part of the National Competition Policy reforms, with developing nationally consistent definitions for prefabricated construction and implementing a National Voluntary Certification Scheme for manufacturers of prefabricated construction, expected to commence in mid-2028 (Australian Building Codes Board, n.d.). Together, these initiatives aim to provide a consistent national regulatory framework, improve compliance certainty under the National Construction Code (NCC), and make it easier for manufacturers to operate across jurisdictions. This has the potential to reduce approval delays, encourage investment in manufacturing capacity, and support faster housing delivery. However, as the Scheme is voluntary, its effectiveness will depend on consistent recognition and adoption by regulators, certifiers, financiers, insurers, and state and territory governments.

To fully realise the housing supply benefits of MMC, broader pipeline-aligned reforms to planning, approval, procurement and financing frameworks may be required. Without these complementary changes, MMC will continue to face structural barriers that limit its capacity to contribute to faster, more efficient and more resilient housing delivery.

Developer Infrastructure Charges

Alongside construction-phase constraints, the cost structure of development, particularly the way infrastructure charges are levied, affects whether projects proceed and at what price.

Developer-paid infrastructure charges are one of the most direct regulatory mechanisms by which government increases the cost of new housing. While these charges are intended to ensure that "growth pays for growth," empirical evidence shows that they are capitalised into land values and house prices, meaning the cost is ultimately borne by homebuyers rather than developers.

Research by Bryant (2015) using an econometric model of the Brisbane housing market, demonstrates that infrastructure charges significantly increased the price of both new and existing houses during the period 2005–2011, even after controlling for macroeconomic conditions and other supply and demand factors. The research found that developer infrastructure charges are capitalised into land values and house prices – that is, they are ultimately borne by homeowners, not developers (Bryant, 2015). The analysis found that charges were capitalised into prices at a rate between three and four times the value of the charge itself. This multiplier effect has direct implications for affordability: a finding which challenges the frequently stated policy rationale that charges are a way of having 'growth' pay for itself in a manner that is neutral to affordability. In practice, they function as an effective tax on new housing supply and on the buyers of new homes.

The price impacts arise because infrastructure charges increase the marginal cost of development, which is then reflected in the price developers are willing to pay for land. Landowners adjust their expectations accordingly, embedding the charge into land values. In tight markets, where supply responsiveness is already constrained by zoning, infrastructure sequencing and construction capacity, these costs are passed through to buyers with limited offsetting effects on supply.

This dynamic also has broader implications for the housing supply pipeline. Higher land and dwelling prices reduce the feasibility of marginal projects, particularly in infill locations where development costs are already elevated (Bryant, 2015). Charges can therefore delay or prevent projects from proceeding, reducing the volume of new housing delivered and exacerbating affordability pressures.

While infrastructure provision is essential to support growth, the current structure of developer charges can undermine the very supply outcomes they are intended to facilitate. Alternative funding models—such as broad-based rates, value capture mechanisms or staged contribution frameworks—may achieve more efficient and equitable outcomes while reducing the price impacts on new housing.

Reform of infrastructure charging frameworks is therefore an important component of pipeline-aligned reform to improve the efficiency and responsiveness of Australia's housing supply system.

Construction Insolvency Regulation

Finally, the stability of the construction sector itself is a critical determinant of supply, with insolvency and licensing settings shaping whether builders can continue operating through financial stress.

Australia's construction sector accounts for a disproportionate and growing share of national insolvencies. Recent Building 4.0 CRC funded research by Bryant, O'Neill, Bull, Streten, Cheung and Thiel (the 'CRC Research') found that construction represented 26% of all national insolvencies in FY2024, an increase of 118% over the preceding three years (Bryant et al., 2025). High insolvency rates in the residential construction sector directly impede housing supply by disrupting projects mid-delivery, eroding consumer and investor confidence, and reducing capacity and willingness of builders to take on new work. These dynamics directly impede the housing supply pipeline.

A critical but under-examined driver of this problem is the interaction between insolvency and restructuring law and builder licensing regulation. In Australia, a builder's license is personal, attached to an individual not a company. When a company enters insolvency, the licensed builder(s) associated with the company will often lose their license due to the probity and "fit and proper person" requirements of licensing regimes (Bryant et al., 2025). There are inconsistent approaches to licensing which mean that in some States the licensed builder(s) may also have their license suspended or cancelled in the undertaking of restructuring mechanisms which are designed to restore viable but distressed construction businesses to financial stability, including with respect to the Small Business Restructuring (SBR) regime.

The SBR was introduced in January 2021 to give small businesses a low-cost, accessible pathway to restructure their debts. Directors retain control of the business while a restructuring practitioner helps develop a debt repayment plan. If creditors approve the plan, the business continues and fiscal viability can be effectively restored. The regime has grown significantly: there were 1,425 SBR appointments across all industries in 2023–24, up from 448 the year before, with construction companies accounting for a significant share (Australian Securities & Investments Commission, 2025, pp. 3–4). However, recent CRC research identified serious structural problems that limit the SBR regime's effectiveness specifically for residential construction operators (Bryant et al, 2025). In some Australian jurisdictions, the appointment of a restructuring practitioner under the SBR regime triggers the suspension or cancellation of the builder's licence (Bull, 2025, pp. 151–152; Queensland Building and Construction Commission Act 1991 (Qld), s49A; Building Act 1993 (Vic) s 180(a)). Without a licence, the company cannot legally carry out building work, cannot trade, and housing supply is negatively impacted.

In contrast, other jurisdictions — including Western Australia and the Australian Capital Territory — where there is a more narrowly drafted licensing legislation, SBR does not trigger license suspension or cancellation (Building Services (Registration) Act 2011 (WA) s63A; Construction Occupations (Licensing) Act 2004 (ACT) s 55(1)(e); Home Building Act 1989 (NSW) s22(1)(d), (e)). The same financially distressed builder, facing the same circumstances, may therefore have access to SBR without license consequences in some States but not in others.

This geographic arbitrage creates uncertainty and inconsistency which undermines the success of SBR and construction business rescue. When combined with director obligations under s588G of the *Corporations Act 2001* (Cth), to prevent a company from incurring new debts when it is insolvent, there is a strong deterrent to directors seeking rescue of viable but distressed construction companies. This risks viable companies unnecessarily being wound up, rather than rescued, and risks cascading consequences negatively impacting on productivity and housing supply (Bryant et al., 2026). A director who allows an insolvent company to keep trading can be personally liable for the debts incurred during that period, and in serious cases, may face serious criminal penalties. While a "safe harbour" provision introduced in 2017 allows a director to continue trading if they are genuinely pursuing a course of action that is reasonably likely to lead to a better outcome – the harbour is limited to specified legislated circumstances including timely advice from an appropriately qualified professional. For a builder in financial distress, the uncertainty as to possible licence suspension or cancellation, and risks with respect to insolvent trading, discourages ongoing construction productivity. This is because entering into a formal insolvency or restructuring mechanism (including SBR) may trigger licence suspension or cancellation, effectively preventing ongoing trading and reducing the likely success of any restructuring plan. But continuing to trade without entering a formal proceeding exposes the director to insolvent trading liability. Further, seeking professional advice, which the safe harbour provision requires, costs money the business may not have, and requires overcoming strong cultural norms against admitting financial difficulty.

Reform is needed to ensure that the undertaking of rescue mechanisms such as SBR do not unnecessarily result in the suspension or cancellation of licenses while a viable company is formally pursuing rescue options. The current inconsistent responses to formal restructuring undermine the success of those mechanisms, and the ongoing viability of fiscally distressed but salvageable construction companies. It also discourages directors of construction companies from taking active steps to rescue viable construction companies and to facilitate their ongoing productivity and delivery of housing supply.

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Recommendations

1. Land-Use Regulation

1. Align state and local planning frameworks to ensure zoning and density targets set at the state level are implemented consistently and in a timely manner at the local level.
2. Reform zoning rules that restrict infill development in well-located areas, including minimum lot sizes, height limits and density caps.
3. Improve planning system efficiency by reducing approval complexities and timeframes, and increasing transparency in development assessment processes.
4. Address downstream constraints by coordinating zoning reform with measures that improve developer capacity, financing pathways and system navigation.

2. Catalytic Infrastructure and Urban Investment

5. Establish mechanisms for targeted, sequenced infrastructure investment in areas with high housing potential, drawing on lessons from the Better Cities Program.
6. Strengthen federal–state-local coordination to ensure enabling infrastructure (transport, water, sewerage, social infrastructure) is delivered in line with housing growth targets.
7. Develop infrastructure funding models that support timely delivery without imposing disproportionate costs on new housing.

3. Underutilised Housing Stock

8. Remove policy barriers to home-sharing by setting a threshold under which rent is not considered assessable income under taxation or Age Pension regulations.
9. Support the states to develop a regulatory framework for home-sharing that provides clarity on rights, responsibilities and consumer protections.
10. Support programs that match older homeowners with younger renters, increasing access to well-located, low-cost housing without requiring new construction.

4. Modern Methods of Construction (MMC)

11. Accelerate national harmonisation of MMC regulation, including licensing, certification and compliance pathways.
12. Ensure consistent recognition of the National Voluntary Certification Scheme across states and territories to reduce duplication and approval delays.
13. Review procurement, financing and insurance frameworks to remove barriers to MMC adoption and support investment in manufacturing capacity.

5. Developer Infrastructure Charges

14. Review the structure and application of developer infrastructure charges to ensure they do not disproportionately increase the cost of new housing.

15. Consider alternative funding mechanisms, including value capture, broad-based rates or staged contributions that reduce price impacts while maintaining infrastructure provision.
16. Improve transparency around how charges are calculated, applied and used to support growth.

6. Construction Insolvency and Licensing Regulation

18. Harmonise builder licensing laws to ensure that entering a restructuring process (including SBR) does not automatically trigger licence suspension or cancellation.
19. Clarify the interaction between insolvency law and licensing regimes to support viable business rescue and reduce unnecessary liquidations.
20. Strengthen national consistency in licensing probity requirements to reduce geographic arbitrage and regulatory uncertainty.
21. Support early intervention mechanisms that encourage directors to seek restructuring advice without risking immediate loss of licence or exposure to insolvent trading liability.

7. System-Wide Coordination

21. Adopt a pipeline-aligned reform approach to housing supply regulation, recognising that constraints at multiple points—land use, infrastructure, construction, financing and insolvency—must be addressed collectively.
22. Improve data collection and transparency across planning, construction and insolvency systems to support evidence-based regulation and monitoring of supply outcomes.

Conclusion

Australia’s housing shortage is not the product of a single regulatory failure but of an accumulation of settings that, together, have made the housing supply pipeline slow, costly and difficult to navigate. Land use rules restrict development in well located areas; infrastructure provision is poorly sequenced; underutilised housing stock remains locked away; regulatory frameworks limit the uptake of Modern Methods of Construction; developer charges increase the cost of new housing; and the interaction between insolvency law and builder licensing undermines the stability of the construction sector.

These constraints operate at different points in the pipeline, but their effects are mutually reinforcing. Zoning reform cannot translate into new dwellings without enabling infrastructure. Infrastructure investment cannot deliver supply if construction firms lack the regulatory certainty to operate sustainably. And even where new supply is delivered, policy settings that discourage efficient use of existing stock limit the system’s overall responsiveness.

Improving Australia’s housing supply therefore requires coordinated pipeline-aligned reform across these domains. A pipeline approach that aligns land use regulation, infrastructure planning, construction regulation, and insolvency settings is essential to restoring the system’s capacity to deliver housing at the scale and speed required. Addressing these regulatory barriers will not only increase supply but improve affordability, resilience and productivity across the housing system.

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