

**Infrastructure, Planning and Natural Resources Committee**

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**From:** Glenfields GWPCA  
**Sent:** Tuesday, 5 January 2016 1:56 PM  
**To:** Infrastructure, Planning and Natural Resources Committee  
**Cc:**  
**Subject:** Planning & Environment Court Bill 2015 / Planning Bill 2015 / Glenfields Estate Sunshine Coast -

Issue: P&E Court Order Jurisdiction vs. Local Council Jurisdiction over planning local roads

As a former president of a local community association (Glenfields Waterbury Park Community Association), I would like to make the following submission:

a) that a State Planning & Environment Court Order for the development of a residential housing estate, has jurisdiction over Local Government's planning of infrastructure of that ***total estate development, including final stage of development of that estate, if that same Court Order so states conditions of development to current and future stages of development to same estate.***

b) That Local Government cannot in any way make decisions that ***change the number of allotments of a final stage of residential development below the current planning policy (Maroochy 2000), with the subsequent effect of making the P&E Court Order conditions of sub-divisional layout non-applicable. (according to the Qld Ombudsman)***

c) The P&E Court decision, or order, means the decision or order (and conditions of development set therein)

1) is final and conclusive in the Local Government planning process of each and every stage of Development of an residential estate.

2) may not be challenged by Local Council, appealed against, reviewed, quashed, set aside or called into question in any Court by Local Council, when common sense in planning policy insists that development applications of residential estates of more than 100 allotments has a second connector road for residential and property safety.

d) that, as a result of the Planning & Environment Court Bill 2015, ***Local Council government must transparently publish / table all documents*** related to any Planning and Environment Court Order relative to the same residential housing estate, ***in all Council reports and investigations, to the local community for each and every stage of Development and each and every development application received by local Government.***

e) Community Groups must have access to have a pathway which allows infrastructure decisions and reporting processes of Local Government to be investigated where a Planning and Environment Court Order has been "overruled" or "dismissed" or not even "tabled" by Council, where community groups are "unaware" of the actual content of State P&E Court Orders before Local Council decisions. ***The Ombudsman is not the answer, having stated there is nothing to investigate and therefore condones the behaviour and actions of Local Government..***

f) Local Government decisions, for ***final stage residential development***, should be based on the ***Planning Scheme at the time of the Final Stage Development Application, not 15 years prior.***

In our particular case, Sunshine Council has reported that no document exists which says Council has to construct the road (the local community has petitioned for twice), yet there are certain sub-divisional layout conditions from the P&E Court Order) which have not been reported by successive Councils (Maroochy and Sunshine Coast).

The Council maintains that ALL stages development come under Maroochy Town Plan 1985, which is short sighted and "convenient" for Council to vote down the construction of a second connector road to our very large 985 home estate. The development application for final stage 10 - Glenfields was received by Council in June 2000, when the Maroochy 2000 Plan came into existence. Final stage 10 was approved in 2003, well within the Maroochy 2000 Planning Scheme.

I have copied the Deputy Premier - Jackie Trad MP - because if the above submission suggestions are not included in your Bills, then the community groups across Queensland will:

a) continue to be trampled on by power driven local politicians, with the effect of nil progress in ***"community"*** planning and development assessment processing. There is no "proper regulation" to enforce

Local Governments to report ALL THE FACTS about a residential development, with subsequent Council decisions and reports which are inaccurate and misleading.

b) be forced to accept Council decisions which increase safety risk of residents for each and every future residential development, even though the Planning & Environment Court Order makes provision for a second connector road - which is currently on the map for Glenfields Estate, issued by the Lands and Mines Department. Confused? So are WE.

A reply would be appreciated at your earliest convenience.

Regards,

Frank Catorall