

Eveline Fennelly

Infrastructure Planning and Resources Committee
Queensland Government
George Street
Brisbane Qld 4000

13 January 2015

BY EMAIL: ipnrc@parliament.qld.gov.au

Dear Sir / Madam

**SUBMISSION TO THE INFRASTRUCTURE PLANNING AND RESOURCES COMMITTEE
RE: COMMITTEE REVIEW AND PUBLIC BRIEFING PLANNING BILLS 2015**

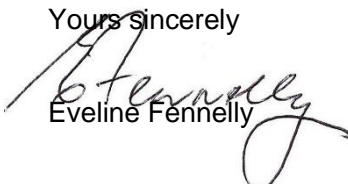
I appreciate and welcome the opportunity to make a submission to the Committee review of the Planning Bills 2015. My comments relate specifically to the Planning Bill (Bill) 2015. I am a member of the public who has owned property in south east Queensland for thirty years. I am motivated to make a submission to the committee as a result of specific, erroneous planning circumstances which have affected me and my property, as well as that of others, directly and detrimentally for many years. These circumstances have prevented the delivery of identified state interests as defined under the South East Queensland Regional Plan (SEQRP) 2009-26 and have impacted on the integrity of the local government planning authority.

As a consequence of these circumstances, and my efforts to have the planning matters addressed, I have become familiar with some aspects of the Integrated Planning Act (IPA)1997, the Sustainable Planning Act (SPA) 2009 and now the Planning Bill 2015 as well as some other planning processes. My comments on the Planning Bill 2015 are founded upon specific issues of which I have practical experience. I have previously made a brief submission to the Planning Bill 2015 as a follow up to a 'meet the planner" session under the consultation process of the state government planning review process for the legislation.

As background to my comments and suggestions, I have attached two reports written by me which substantiate and describe the factual erroneous planning history which forms the basis of this submission. These reports demonstrate my direct practical experience of planning issues I describe. They demonstrate how, under a specific planning scheme, over a specific period of time, accountability and the integrity of planning processes have been undermined at significant cost to state interests, regional, community and individual interests, because state directives have not been followed.

My recommendations, contained in the attached submission, attempt to suggest how further consideration of some aspects of the Planning Bill 2015 could, through the legislation, prevent a repeat of similar problematic planning circumstances and provide clear planning outcomes for development.

Yours sincerely


Eveline Fennelly

1. INTRODUCTION

The legislative intent of the Bill to deliver state interests and land use outcomes needs to be supported by clear, strong, clauses which leave no doubt about the primacy of state interests as expressed under the regional plan and how these are delivered by local authorities. The importance and status of the Queensland Planning Provisions (QPP) in delivering these interests should also be strongly confirmed under section 3 of the new act.

Using the case study as described in the attached reports, this submission suggests that the legislation should include stronger incentive, plicing and accountability measures to ensure the delivery of state interests as they are expressed under the regional plan.

Stronger accountability measures will ensure the smoother, more coordinated and timely delivery of outcomes and will prevent the possibility of a repeat of the problematic planning circumstance described in the attached reports.

2. ECOLOGICAL SUSTAINABILITY

While the stated purpose of the Bill is to facilitate ecological sustainability, the Bill's purpose, in practical terms, includes a wide range of planning and land use interests.

To that end, while the Bill perpetuates the power of planning authorities to, "not approve" planning applications for a higher use and allows the retention of a current zoning, the legislation should nevertheless ensure that refusals are grounded in sound and legitimate planning principles, that planning principles only are applied to planning processes and that planning process are not used to enforce a single purpose.

One such principle should be to ensure that owners of unrealised but tangible land use rights are not dispossessed of those rights in the absence of a clear legislative intent to protect such rights. The planning situation described in the attached reports demonstrates precisely planning circumstances which can and have occurred, so the comments and recommendations in this submission essentially go to how the legislation can and should protect the rights of property which is not directly the subject of a development application.

The planning circumstances described in the attached reports demonstrate how a non-compliant gazetted Rural Non Urban zoning has been maintained, for over a decade, over an area proven to have a higher and better use under the regional plan. Since 2009, a range of other planning mechanisms such as habitat overlays have been overlaid over the freehold land which already carries the impost of a non compliant zoning history, in order to achieve and maintain a single aspect of ecological sustainability.

The case in point specifically demonstrates how:

- a planning scheme has failed to align with the regional plan regardless of the mandated supremacy of the regional plan and gazetted a non compliant planning scheme
- planning mechanisms can, and have, imposed and maintained a non-compliant zoning to achieve only one aspect of ecological sustainability, that is conservation of freehold land without compensation.
- a planning scheme has failed to rectify a non-compliant planning scheme at the expense of considerable state and other interests
- a non compliant planning scheme zoning has impacted on the delivery of state and regional interests, compromised property rights, disempowered a small section of the electorate by

compromising land value and development rights and has used incorrect conservation constraints to prevent development

The Bill's statement of purpose in S3 should therefore clearly demonstrate that personal, philosophical, political planning preferences are overridden by a mandated requirement to deliver the full range of state interests under local government planning schemes in a coordinated manner. Accordingly, the Bill's reference to indigenous customs and traditions, heritage conservation, housing affordability, community resilience and encouraging investment in economic resilience, is a welcome positive change to the scope of the legislation although this passage could perhaps contain a stronger clause to provide:

- reinforcement of the objective to achieve the coordinated range of ecologically sustainable factors
- accountability mechanisms where the full range of ecologically sustainable factors are not delivered under a planning scheme

The Bill should attempt to ensure that the long term, erroneous imposition of a non compliant zoning blight such as occurred in the area described in the reports, in order to achieve a single and specific ecological public purpose without compensation, does not reoccur.

To this end the Bill should allow for compensation to be paid to affected owners of premises, regardless of whether a development application is in place, by the planning authority which imposes or deliberately maintains a non compliant zoning.

The Bill should also consider including a clause, perhaps in S57, which clearly states that the application of planning processes should not be used to predetermine market viability or direction.

The Bill should make it clear that planning processes do not give authority to planning authorities such as local government to assume the role of economic advisors and that the market itself will determine the scope and viability of development.

3. STATE INTERESTS

The Bill logically focuses on planning issues and state interests as they occur under development applications. To this end, page 10 of the Public Briefing refers to state interests including an "interest in maintaining the integrity of the system".

The attached reports describe how, for a period of over ten years both significant state interests and the integrity of a specific planning systems have been severely compromised by the failure of the planning legislation to anticipate planning circumstances such as those which have occurred in the area described in attached reports.

It therefore follows that, consideration should be given to the legislation to protect land which is not the subject of a development application but which has been proven to have the capacity to deliver state interests and has been identified as such by legitimate planning processes. I make this recommendation because I and others, have used all of the processes available over many years try to achieve a fair and reasonable review of planning errors which have occurred in regards to the area described in the attached reports to no avail, simply because some of the area, while under option, was not the subject of a development application and was therefore not regulated by planning law in the same manner that land which is the subject of a development application is regulated.

On the other hand, the gazettal of the non compliant planning scheme also directly affected development applications which did exist on some land in the area. One development application, which did existed over some of the area, made a commercial decision not to

progress the development application in 2009. Another development application, lodged in 2008 has recently come to a downgraded negotiated approval with the local government authority, while another development application lodged in 2007 remains unresolved.

In the interim, realisation of proven state interests through the investment of private sector market uptake has been terminated by the serious, erroneous planning circumstances as described in the attached reports.

While Bill reinforces the supremacy of state interests as expressed under the regional plan and the statute, the attached reports demonstrate how statutory obligations to the regional plan and the state interests described therein were not met and as a consequence how a non-compliant planning scheme has operated for ten years without accountability but at severe cost to a range of interests.

I therefore suggest that the Bill should contain a clear statement as to the supremacy of the regional plan and also include a clear, enforceable, practical accountability and enforcement mechanism for a situation when a local planning scheme fails to align with the regional plan, however rare that situation might be.

4. REGIONAL PLAN

Given that the regional plan is the legislative instrument which expresses state interest regarding land use, and taking into account the circumstances described in the attached reports as regards a specific land area, this statutory instrument needs to include much stronger legislative force as regards the supremacy of the regional plan. While planning legislation does need to allow for flexibility, such flexibility needs to be mandated in such a way that state interests, and others, are protected and enforced.

Section 7 (4) (a) states that, to the extent of uncertainty, a regional plan applies instead of a local planning instrument. The case described in the attached reports, demonstrates that while included under the Urban Footprint of the regional plan from 2006 to 2009 the area carried an obviously non compliant zoning which was gazetted by the local government. When the area was then removed from the Urban Footprint in 2009, the local government then used the overriding authority of the regional plan to avoid having to make representation regarding the area to the state government. This case demonstrates that inconsistency can, and has, occurred between the regional plan and a local planning instrument without any redress at all over a long time frame.

The Bill should therefore include strong accountability measures, such as compensation to affected stakeholders, by the planning authority which is in default of the legislation, for instances where the regional plan is not reflected under planning schemes.

While planning provisions and strategic plans have statutory force and are the legislative and procedural link between state interests as expressed under the regional plan and local government planning schemes, the case described in the attached documents demonstrates that, while admittedly an unusual event, it is possible for a non compliant planning scheme to be gazetted: that it is possible for an area blighted by such an imposition to be forced to carry this impost for a very long period of time under a legislative framework which has not anticipated that such a situation could occur.

Such an imposition on freehold land, apart from offending the principles of natural justice as well as sound planning principles, undermines the integrity of planning process, terminates the delivery of state and other interests and generates uncertainty in the private sector which requires clear and concise land use descriptions to encourage investment which delivers state interests. Accordingly, S28 (5) (b) could be further considered to capture circumstances where a planning authority fails to act in good faith.

5. QUEENSLAND PLANNING PROVISIONS

Decision rules under the Queensland Planning Provisions (QPP) mean that all areas of the QPP are considered as part of any development decision, either code or impact assessment, so it is critical that everything described in the mandated strategic framework can be achieved in a timely manner under a planning scheme. Under IPA, strategic intent was described under a statutory local government management strategy, but as attached documents demonstrate, it is possible for:

- a planning scheme not to fulfil the statutory obligation to reflect the regional plan, and therefore planning provisions
- for the same scheme also not to complete a mandated process, such as a local growth management strategy, or under this legislation, planning provisions, leaving an area in a no man's land of accountability.

It therefore follows that legislation should be strongly mandated that all provisions accord with the strategic framework of a planning scheme. Further, the Bill should describe the significance of this interconnection between QPPS and the strategic framework of a planning scheme.

The QPP description of zones includes an investigation zone, with the investigation zone having the same legislative force as an area which carries one of the industry zones. This is important legislative support for areas under investigation, which is the current status of the area which is the case study of this submission. Given that the QPP no longer describes a general investigation zone, perhaps some consideration should be given to QPP residential and commercial zonings to include a residential investigation zone.

This recommendation is made so that land use outcomes can be delivered in a timely manner and so that land areas which have been investigated for urban uses and deemed suited to urban uses, can achieve those outcomes without being endlessly tied up under ongoing and possibly subjective investigative processes.

6. STRATEGIC PLANS

The Bill carries over the requirement for planning schemes to identify strategic outcomes so as to provide a strong mandated, clear and concise template for future planning.

In order to achieve strategic outcomes, the Bill should more strongly enforce delivery of state interests as they are described under strategic outcomes and should describe mandated time frames under which strategic outcomes are to be delivered. Section 15 should also describe how facilitation of outcomes stated under the strategic framework will be measured.

The documented case described in the attached reports demonstrates the conflict which has existed between the regional plan and a planning scheme from 2006 to 2016 in that the area was:

- included within the Urban Footprint of the SEQRP 2005-26
- gazetted under the planning scheme as Rural Non Urban in 2006 while included under the regional plan urban footprint
- not supported by an approved local growth management strategy
- removed from the Urban Footprint in 2009 but from 2006 to 2015 consistently identified under the strategic planning framework and mapping, under the gazetted local area planning scheme for the urban use of integrated employment / enterprise, while zoned Rural Non Urban

Needless to say, this planning conundrum has:

- sterilized the development rights of the land
- prevented realisation of state, and other interests in area proven to suited for urban uses
- compromised private sector uptake of the land
- compromised the integrity of the planning scheme

While such a circumstance may be extremely rare, the Bill should provide both accountability and incentive measures to ensure that if, or when, such an obvious disconnect occurs between planning instruments, that regulatory measures exist for rectification of the issue in the best interests all stakeholders.

7. PUBLIC PURPOSE

The new act should include a definition of “public purpose”.

8. ADVERSE PLANNING CHANGE

Adverse planning change matters described under the Bill relate to premises, which includes land, which are the subject of development applications.

Matters described in the attached reports, and in this submission, demonstrate that adverse planning change can impact on land and premises which are not the subject of development applications. The reports demonstrate that adverse planning change can occur, can be maintained by the inaction of maintaining a non compliant zoning and that superimposed overlays can be used to entrench the non compliant zoning.

The Bill should therefore include a clause which states that where land, which is not the subject of a development application, is also protected from adverse change. This clause should include protection against the imposition of overlays such as conservation overlays aimed at forcing cleared, freehold land to revegetate habitat without compensation. An adverse change clause should capture any other legislative impacts which would affect the development rights and land value of freehold land.

Also, as has been demonstrated in the attached reports, land use strategies and zonings can be used to apply adverse planning change to premises without compensation so the Bill should include a clause which would prevent such an unfair and unreasonable planning situation occurring again.

9. TEMPORARY LOCAL PLANNING INSTRUMENTS

Once a Temporary Local Planning Instrument (TLPI) has been declared by the Minister, the legislation should include a directive for a local government to undertake an economic and infrastructure assessment of the proclaimed area in accordance with the intention of the proclamation.

Also, during the two year imposition of a TLPI, a local government should be required to inform the Minister with progress reports on its economic and infrastructure investigation of the area in question. The same progress reports should also be provided to the state government planning authority and the Planning and Environment Court, especially where development applications have been lodged over the area.

10. MINISTERIAL DIRECTIONS

Section S92 of the Bill states that planning, " ...*must comply with a ministerial directive*", and section 93 states that the Minister, "...*may consider failure to comply*". The Bill should describe within what time frame a ministerial directive must be complied with and should describe a process under which the Minister could be advised that a directive has not been followed.

To that end the legislation should include the requirement for local authorities to supply staged progress reports to the Minister in order to demonstrate how a Ministerial directive is being delivered.

Further, the Bill should describe within what time frame a Minister may consider a failure to comply with a ministerial directive, how the minister should be informed of such a failure to comply as well as how the Minister would enforce a directive.

The Bill should also include a clause which prevents ministerial directions being modified or conditioned when they are included within a strategic framework, as has recently occurred with the area in question.

11. COMPENSATION

One of the considerations of the Bill is not to allow the planning process to become a de-facto means of acquisition (or partial acquisition) of private land holdings for *public purposes*.

This objective can only be achieved by legislation which enforces accountability through compensation. Affected owners of premises, whether or not the subject of a development application, should be compensated when:

- planning offenses occur under the legislation
- loss of value or development rights occur as a result of non-compliant planning actions

Under the Bill as it exists, it appears to require all rights under the appeal processes of a development application to have to been exhausted before compensation is payable. Perhaps under section 50, the Bill should allow changes to be made to a development application which are not minor changes, allowing the application to be assessed under the original assessment provisions, so that the application would be assessed as if the original application had included the change, rather than requiring a new development application to be made. This should particularly be allowed under the Bill in a circumstance where a development application has been refused under a non compliant planning scheme.

As described in the attached reports erroneous application of planning mechanisms were forced on land, some of which was not the subject of development applications but some of which was, forcing land to carry a planning blight for an extended period of time for non statutory conservation purposes without compensation.

The Bill should therefore describe compensation which would be payable to an affected property owner under the planning statutes for diminution in value brought about by the provisions in a planning scheme where the scheme terminates or restricts development potential.

The Bill should describe how the authority that is imposing and /or maintaining the planning restriction as a result of the application of a non-compliant or downgraded zoning, should be responsible for compensation. The Bill should also describe how such a compensation claim should be made, by whom and how it would be payable.

The alternative would be to strongly mandate and describe a process whereby a planning default would be recognised and addressed through the powers of a chief executive officer.

12. FALSE AND MISLEADING INFORMATION

The history of the area described in attached reports demonstrates that on two separate occasions, two separate Ministers may not have been fully informed of the complete planning facts of the area described in the reports, resulting in the area's state interests not being realised and the area carrying a planning blight over a long term.

The Bill should include a very strong clause which would discourage anyone providing false and misleading information, especially false information which would result in, a removal of or reduced freehold property rights and the diminution of freehold land value.

13. EXECUTIVE OFFICER POWER

While the chief executive officer has a range of powers under S225, those powers do not include investigation of issues in local government which are an issue to the community.

The attached reports demonstrate only some of the various available avenues used by members of the community to try to have the very serious planning matters described in the reports brought to the attention of the local planning authority over many years, to no avail. Fear of compensation may have been one reason for not amending the planning scheme to correct the non compliant zoning, but if adverse planning change legislation had protected land which was not the subject of a development application, the non compliant zoning would not have occurred in the first instance.

The range of issues which could be investigated by the chief executive officer should include the power to examine and act on clear planning errors which occur under a local authority, such as the non compliant zoning described in the report. The Bill should mandate how such a matter could be brought to the attention of the chief executive officer, how the investigation should proceed, a reporting mechanism for any such investigation and the process for rectifying a proven planning default of process.

14. RECOMMENDATIONS

1. Planning legislation should ensure that the full range of ecological factors are delivered in a coordinated manner and should include accountability measures to ensure planning decisions cannot be biased towards one single factor, and so that decisions cannot use planning processes to create gains at the expense of freehold landowners without compensation.
2. The Bill should state that the legislation aims to facilitate, not hinder, future development and that the processes contained within the Bill should not be used by a local government authority to try to predict, control or predetermine market uptake of land.
3. The legislation should enforce the supremacy of the regional plan to ensure the delivery of state interests and should include accountability measures to ensure that planning schemes align with the regional plan.
4. Legislation should make a clear statement regarding the significance role of the QPP in ensuring that planning schemes deliver the full range of state interests expresses under the regional plan.
5. Section 50 should allow changes, which are not minor, to be made to a development application which has been impacted by a non compliant planning scheme.

6. Adverse change legislation should protect the development rights and land value of all land whether or not it is the subject of a development application and should include compensation for adverse change that affects development rights or land values even when land is not subject to a development application.
7. The Bill should include a definition of “public purpose”.
8. The Bill should include incentives and accountability measures to ensure that the adverse change brought about by erroneous planning is corrected or compensated by the authority imposing and maintaining the adverse change.
9. The legislation should mandate time frames under which intended outcomes expressed under the strategic plan are delivered, including accountability measures for non delivery of outcomes within that time frame.
10. The legislation could include a timeframe for a local planning authority to provide a Progress Report to the Minister regarding land use investigations, particularly when those investigations are the result of a Ministerial directive or a transitional planning instrument.
11. Where a TLPI is declared, local government should provide reports on economic and infrastructure investigations for the area to the Minister, the state government planning authority and the Planning and Environment Court where development applications are being heard.
12. Stronger accountability measures should be included to prevent the provision of false and misleading information especially under circumstances where the misinformation deprived landowners of development rights and land value.
13. The legislation should include accountability measures to ensure ministerial directives are enforced without conditioning under a planning scheme and should require a progress reports as which describe how directives will be delivered under a mandated timeframe.
14. The Bill should describe a time frame under which land designated for urban purposes by the Minister for development is delivered under a planning scheme.
15. The Bill should consider including an investigation zone under residential and commercial zones.
16. Chief executive power should be extended to include the power to investigate and amend planning errors.

**ATTACHMENTS
TO
SUBMISSION NO. 49**

Eveline Fennelly

23.4.2015

SUBMISSION TO THE DRAFT CORPORATE PLAN 2015 (by email)

I appreciate the opportunity of making a submission to the Draft Corporate Plan 2015.

INTRODUCTION

Although community plans are no longer a statutory requirement under the Local Government Act (LGA), the Draft Corporate Plan 2015 continues to rely on Redland 2030, a non statutory document.

Coordination Meeting Minutes 27 March 2013 state that operational plans, financial forecasts and plans, the budget, policies, strategies and “planning instruments such as the Redlands Planning Scheme, structure plans, master plans and management plans” are informed by this document.

It is arguable as to whether a philosophical, lifestyle oriented document, which is not evidence based should continue to inform the “key strategic plan”, that is the Corporate Plan 2015. Corporate performance, economic development and financial sustainability are measurable, so the Corporate Plan 2015 should be informed by high quality, quantitative and qualitative information, including business case needs analysis, which can deliver measureable services, programs and facilities.

The Corporate Plan 2015 should be an organic, bipartisan, evidence based document which responds quickly to changing circumstances. Sole reliance on Redland 2030 suggests that the strategic direction of the Corporate Plan 2015 will be stuck in the past, and only relevant to a small, unrepresentative sector of the community.

While this submission recognises that there is a trend towards local governments providing “well being” plans and services, corporate performance are be driven by legislative requirements based on first principles of efficiency and equity.

This submission will demonstrate that under previous corporate plans, corporate performance and responsibilities did not apply first principles to ensure that natural justice, democratic rights and efficient and equitable outcomes were delivered for all sectors of the community.

Review of the Corporate plan 2015 should assess whether these failures were the result of poor corporate performance or whether over reliance on the political philosophy of a non statutory community plan has influenced corporate responsibilities, objectives and outcomes in the past. If

this is the case, serious consideration needs to be given as to whether such a document should continue to inform the Corporate Plan 2015.

The matters raised in this submission can, and should be, addressed at no cost. This requires quality leadership, and efficient and equitable decision making under the review of the Corporate Plan 2015, and others.

REDLANDS 2030

Redlands 2030 claims to be the “incubator of creativity and community spirit” and the guardian of community attitudes such as honesty. At the same time the document states it will undertake the specialist role of informing “planning instruments” and will “guide every decision, action, strategies and services delivered by council”.

While Redlands 2030 may reflect the needs, ambitions and opinions of some sections of the community, it is not representative of the varied demographic of the entire population. Overreliance on this community plan will result in outcomes which are not a realistic or pragmatic representation of the true needs of the demographic of the City.

If the strategic direction of the Corporate Plan 2015 continues to be informed by Redlands 2030, the dormitory suburb status of the Redlands will be entrenched by the philosophy of the community plan, and the question will become why rates roads, rubbish and “well being” cannot be administered from Brisbane.

This submission argues that Redlands 2030 is:

- no longer mandated by legislation
- essentially a cultural, social and politically motivated document focused on social engineering to deliver “well being”
- focused on outcomes which are often not measurable or deliverable such as Redland “values” and “mental and spiritual well being”
- ignores the role of the market in the economy
- based on restricting economic development by restricting development to “using natural assets to guide business development” so as to create “the right businesses”
- appears to have influenced decision making which has curtailed the delivery of a major economic project for the Redlands and curtailed the rights of a specific section of the community

Redlands 2030 states that the strategic direction of Redland Planning Scheme (RPS) should be based on:

- “respectful planning” and careful planning
- sensitive decisions about developments
- capping population growth
- managing growth and development
- restricting the amount of land to be used for rural and agricultural purposes
- no expansion of the urban footprint

This submission argues that legislative processes manage planning outcomes. This is not the role of Redlands 2030. Redlands 2030 should not have the authority to bias and influence strategic planning, land use and planning scheme decisions towards maintaining the “rural feel” which it sees as being a “part of our heritage” to the exclusion economic development which does not align with the document’s narrow objectives.

The Redlands 2030 Plan has informed a council which failed to meet its statutory obligations and key performance indicators in regards to the delivery of legislative requirements, economic development, operational plan objectives and the democratic property rights of a particular section of the community.

Inevitably the question becomes, what role did, and does, Redlands 2030 play in influencing outcomes for the City and to what degree should the community plan have that influence?

CORPORATE PERFORMANCE

Corporate responsibility is ongoing and corporate performance is, and should be, measurable.

This submission will demonstrate that quality leadership and corporate performance have not delivered:

- accountability
- strategic and operational planning objectives
- efficient decision making
- financial sustainability
- resource delivery capacity
- economic development over a ten year period in regards to a significant, proven economic development deliverable
- security of property rights of ratepayers.

This submission argues that ongoing corporate responsibility requires the matters contained in this submission to be given genuine consideration. Where possible this responsibility requires matters to be resolved by the application of first principles and the precautionary principle of decision making. Review of the Corporate Plan 2015 and the City Plan 2015 provide an opportunity to apply these principles of good governance to resolve the matters raised in this submission for the good of the entire Redland community

Matters raised in this submission can and should be addressed regardless of the position reflected by Redlands 2030.

OPERATIONAL PLAN OBJECTIVE

Policies supported by the corporate plan are delivered as operational plan objectives.

An area known under the planning scheme as the Thornlands Integrated Employment/Enterprise Area (TIEA) was:

- included in the Urban Footprint under the South East Queensland Regional Plan (SEQRP) 2005-26

- included under the Draft Local Growth Management Strategy (LGMS) 2007-2008
- has been identified for urban development under the planning scheme 2006-16
- identified as the highest ranking operational plan objective 2008-9

However, corporate performance which failed to meet legislative requirements between 2005 and 2009 failed to deliver this significant operational plan objective. From 2009 to 2015, a “do nothing” approach this operational plan objective has resulted in the abandonment of this economic deliverable.

If reliance on, or affiliation to, Redlands 2030 in any way influenced policy or decision making regarding the matters raised in this submission, then Redlands 2030 should no longer be relied on to influence the Corporate Plan 2015.

The Integrated Planning Act (IPA) 1997, mandated corporate responsibilities under the regional plan. However, it is quite clear that the legislative requirements were not applied in delivering the TIEA when:

- the gazetted version of the RPS 2006 retained a Rural Non Urban zoning
- council failed to meet its statutory obligation to complete an approved LGMS between 2005 and 2009
- council chose to remain silent when the TIEA was removed from the Urban Footprint under the SEQRP 2009-31
- council chose to abandon the most significant economic development opportunity in the Redlands
- council chose to ignore the strong recommendations made by PSA Consulting in its Positioning Paper 2009, that council should approach the Minister to reconsider removal of the area from the Footprint
- council chose to ignore representations made regarding the TIEA
- council chose to remain silent when a KPA 1 overlay was applied
- council chose, against the background of its failure to amend the zoning of the area and its failure to complete an LGMS, to remain silent regarding the impact the removal of the area from the Footprint would have on the economic development of the City
- council chose to remain silent on the impact the removal from the Footprint and the KPA1 overlay would have on property rights
- council failed to use mechanisms available under the planning scheme from 2009 onwards to prevent entrenchment of loss of economic opportunity and development rights
- council failed to provide a letter, requested by the Minister, indicating support for reinstatement of the area into the Urban Footprint
- council chose to identify the TIEA as a koala management area under local laws and other planning instruments based on non statutory mapping
- council accepted environmental policies which entrenched the failure to deliver a proven and significant resource opportunity, deemed suitable and able to deliver Corporate Plan objectives, and which denied property rights to a section of the community

The Corporate Plan 2015 should now ensure that the highest standards of planning decision making are exercised regarding this area so that council's resource capacity is not compromised. Strategic and operational planning should re-examine the benefits of the Thornlands area so that resource capacity is supported by the contribution that the area can deliver for the economic benefit of the state.

The economic benefits the Thornlands area can deliver will require re-zoning under the City Plan 2015 guided by the strategic direction of the Corporate Plan 2015. Re-zoning will acknowledge and reflect corporate responsibilities regarding what remains the proven, most significant broad acre site for economic development in the region.

Until such time as the City Plan 2015, informed by the Corporate Plan 2015, fairly, equably and accountably reassesses the poor corporate performance which has blighted the Thornlands area, both the Corporate Plan 2015 and the City Plan 2015 will remain blighted in the same way by the current "do nothing" approach to the matters raised in this submission.

STRATEGIC PLANNING MATTERS

1 Redlands Planning Scheme 2006

The history of corporate responsibility as it applied to the TIEA is inevitably connected to state government legislation and planning mechanisms.

The Corporate Plan 2015 should ensure that the potential economic benefit of the area is delivered to the Redlands, regardless of the preferences of the community plan. The Corporate Plan should also ensure that the blight over land at Thornlands is removed.

The area has historically been zoned Rural Non Urban under the Redlands Town Plan 1998 which states that this zoning includes land which will be required for urban development. The area was included in the Urban Footprint of the SEQRP 2005-26. Council minutes confirm that on officers' recommendations between 2005 and 2006, council ratified a decision to amend the zoning of this area to Emerging Urban Community (EUC) so as to meet the statutory obligation for the planning scheme to align with the regional plan.

Under state interest review, the Minister directed that the RNU zoning of the area should be retained because the exhibited draft of the planning scheme identified the area with the RNU zoning.

A media statement at the time suggests that the Minister may not have been fully informed of the Urban Footprint status of the area. Correspondence from the Minister to council shows that the Minister directed that zoning for the area could be addressed under the LGMS which was due to be completed mid 2007.

Council had several options at this time which included:

- to inform the Minister of the need to align the area with the regional plan and that a RNU zoning would not meet that obligation
- to take a revised draft planning scheme, which indicated zoning of the area as EUC, back to public consultation

- to accept the Minister’s direction regarding the RNU zoning over the subject area but ensuring that an approved LGMS properly aligned the area with the regional plan
- to use the planning scheme amendment process at some time before 2009, or indeed after, to amend the RNU zoning of the area
- to request the new Minister at some time before 2009, to make the planning scheme

Council chose to gazette the RPS 2006, which failed to meet the statutory obligation to align the planning scheme with the regional plan by retaining the RNU zoning for the area, and also never completed an approved LGMS.

As a consequence of council failing to meet its statutory obligation to the area, economic opportunity was not delivered, land values were severely compromised, development rights were denied and the integrity of the planning scheme has been compromised.

An opportunity exists for reassessment of the matters raised. Such assessment should also examine the role the community plan had, if any, in influencing the decision making process regarding the area at Thornlands, particularly the influence the community plan may have had in the decision not request the Minister to reconsider his decision to remove the area from the Footprint.

2 Local Growth Management Strategy

Under IPA, an approved LGMS was the primary planning tool which ensured that local governments amended local government planning schemes to align with the regional plan. The draft 2007-2008 LGMS clearly supported the TIEA as a high order deliverable.

Completing an LGMS became the second opportunity for the planning scheme to align the Thornlands area with the regional plan. However, between 2005 and 2009 council failed to meet its statutory obligation to complete an approved LGMS.

Consequently, between 2006 and 2009 the area was blighted on two counts with:

- a RNU zoning which did not reflect the area’s Urban Footprint designation under the SEQRP 2005-9
- the absence of an approved LGMS which should have reflected the Urban Footprint designation of the area under the regional plan

Inefficient decision making by council provided the context within which the area could be removed from the Footprint. Council accepted the decision to remove the area from the Footprint and its consequences without question.

As local governments are no longer required to complete an LGMS, there is now an opportunity for strategic planning to guide planning scheme processes to recognise and deliver the economic development opportunities proven to exist in the area.

3 South East Queensland Regional Plan 2009-31

This submission has already described how corporate responsibilities under the IPA and the SEQRP, in regards to a significant economic development opportunity for the Redlands. It has also described

the consequences this failure has had on the wider community as well as a specific section of the community.

Under IPA, the regional plan was the pre-emptive planning instrument for the state. The legislation is quite clear as to the fact that where planning schemes do not align, the regional plan prevails.

Under the Draft SEQRP 2009-31, gazetted in December 2008, the Thornlands area remained identified as Urban Footprint, while identified under the RPS 2006 as RNU.

However, under the final gazetted version of the SEQRP 2009-31, the area was removed from the Footprint without a right of review, appeal or compensation. It was identified as a Regional Landscape Rural Production Area and given a KPA1 overlay.

Having not met its statutory obligation to align the area with the regional plan between 2005 and 2009, council also chose to remain silent regarding the removal of the area from the Footprint and the impact this would have on the community and the region.

As a consequence, the City and the region lost what PSA Consulting described as the most significant broad acre economic development opportunity in SE Queensland.

A further consequence of council's decision to remain silent on the decision to remove the area from the Footprint, was that land values in the TIEA values were severely impacted and development rights downgraded. Minutes 19 September 2012 confirm awareness of the damage that occurred to property values as a consequence of the history of the TIEA. These minutes confirm attempts to acquire land in the area for a regional sporting complex based on RNU land prices.

Council's unquestioning acceptance of the removal of the TIEA from the Footprint together with planning decisions made between 2009 to 2015 have entrenched the consequences of the removal of the area from the Footprint into planning tools and mechanisms.

The Corporate Plan 2015 therefore has the opportunity to ensure that strategic and operational planning and decision making:

- support the economic benefits of the area as identified under the planning scheme between 2006 and 2015.
- restores property rights
- restores the integrity of the planning scheme process and other mechanisms

Historical review of corporate responsibilities and good governance, together with the application of first planning principles would suggest that the matters raised in this submission are legitimate and deserve genuine and fair reassessment under the review of the Corporate Plan 2015 and other instruments.

Decision making regarding this area should not be influenced by allegiance to Redland 2030.

4 Koala Mapping

Efficient decision making would suggest that the Corporate Plan 2015 should not support the continued use of inaccurate koala habitat and conservation mapping for koala habitat in the

Thornlands area. Koala mapping over the area has not been accurate for many years and seems to have been used to enforce the philosophy of Redlands 2030 and to impose a public purpose on freehold land.

Council's interest in acquiring some of the area for a sporting complex raises the question as to how much this interest contributed to council taking no action to request the Minister to reinstate the area into the Footprint, given that land outside the Footprint could be acquired more cheaply. This interest also raises the question as to whether incorrect koala mapping has been maintained over the area for the same purpose and to reinforce the RNU zoning.

Corporate responsibilities recognise that efficient and equitable decision making should rely only on legislation, and this includes statutory mapping. Current koala mapping for the area conflicts with Map 7, State Planning Policy 1/05 Conservation of Koalas in SE Queensland, Koala Management Areas for Redland Shire. Council should be required to justify the methodology used to apply blanket koala mapping over an area which state government mapping did not include in a koala area.

The current mapping for the Thornlands area also ignores all the expert studies undertaken at considerable expense to the ratepayer and others, which confirmed the TIEA as suitable for inclusion into the Urban Footprint in 2005, the LGMS 2007-2008 and operational plans.

To this end, corporate responsibility should correct mapping which informs Local law No 2 and mapping under mechanisms such as the Rural Futures Strategy as a matter of urgency given that these inform policy decision making.

These circumstances raise the following questions:

- Why, despite much representation regarding incorrect mapping over the Thornlands area, does such mapping remain in place to inform planning decision making?
- Is such mapping being used to deny legitimate development rights?
- Is such mapping being used to prevent development in the area?
- Was the RNU zoning over the area retained after 2009 as a strategy to deliver Redlands 2030 objectives as described under the community plan?

Opportunity now exists under the review of the City Plan 2015 to recognise corporate responsibility by:

- engaging professional ground truthing over the area
- acknowledging the numerous expert reports conducted over the area between 2005-9 which deemed the area suited to urban development
- ensuring that all policies and decision making instruments are based on accurate koala mapping

On the other hand, choosing not to act on koala mapping issues would reinforce a strongly held view in the wider community that koala mapping is being used to:

- deliver the desired goals of a specific section of the community
- "take" land without compensation
- prevent development

- deny development rights
- entrench poor decision making

Decisions and policies made under the Corporate Plan have legislative consequences and must be accurately informed.

Koala mapping has legislative consequences. Incorrect mapping should not be accepted under any circumstances whatsoever.

URBAN INTENT

Against the planning history of the area as described above, between 2006 and 2015, the RPS has however clearly identified urban intent for the area. During this time, the area has been continuously identified as an integrated employment/enterprise area. This continuous identification of the area under the planning scheme for urban purposes over ten years, confirms the area's recognised strategic importance which should be supported by the Corporate Plan 2015, policies, planning mechanisms and instruments and any documents which inform the Corporate Plan.

This urban intent for the area is further confirmed by:

- the intent of the RPS 2006 to zone the area as EUC
- identification of the area as TIEA under the draft LGMS 2007
- correspondence to Minister in 2007 and 2008 requesting the area to be declared a Major Development Area
- identification of the of the delivery of the TIEA as the highest priority under the Operational Plan 2008-9
- engagement of PSA Consulting in May 2009 to conduct a Masterplan and Infrastructure Delivery Plan for the TIEA

These facts, and others, combined with the community plan objectives and inaccurate koala mapping, confirm conflict regarding the planning position in regard to the Thornlands area.

Strategic policy decision making under the Corporate Plan 2015 can and should resolve such conflict.

RESOLUTION

The review of the Corporate Plan 2015 should welcome review of the problems of the past which can assist in ensuring that good governance is ensured in the future.

Reviews of the Corporate Plan 2015, the City Plan 2015 and the SEQRP 2015-41 offer the opportunity to apply good governance and sound and ethical decision making to the Thornlands area.

The principles of good governance would suggest that an important aspect of such a review would be to ensure that all current councillors are accurately informed of the historical planning facts regarding the TIEA, so that under the current review of the instruments mentioned above, informed decisions based on first principles of efficiency and equity can be made regarding the area.

The matters discussed in this submission can be resolved by:

- Corporate Plan 2015 recognition of the strategic significance of the Thornlands area for economic development
- City Plan 2015 support for reinstating the area into the Urban Footprint under the regional plan review.
- the City Plan 2015 zoning the area as EUC as per council's demonstrated intent under the review of the RPS 2006
- amending mapping which identifies the entire area for koala habitat

Until the governance and planning matters raised in this submission are resolved, the Corporate Plan 2015, and others, will remain blighted in the same manner properties in the area have been, and continue to be blighted.

Should the Thornlands area continue to be entrenched with a RNU zoning, ratepayers and those whose land has been treated as a political football for over ten years are entitled to a precise justification of such a decision, based on first principles of planning and good governance.

SUMMARY

An opportunity exists under the review of the Corporate Plan 2015, the City Plan 2015 and the SEQRP 2015-41 to resolve the matters discussed in this submission to the benefit of all stakeholders.

The review of the Corporate Plan 2015 is an opportunity to demonstrate leadership in resolving matters which include:

- corporate performance including transparency and accountability
- strategic and operational planning
- resource delivery capacity
- economic development opportunity for the Redlands
- efficiency and equity
- natural justice
- property rights matters

A review of corporate responsibilities and good governance under the Corporate Plan 2015 will recognise that there are significant accountability issues in regards to the failure of the RPS to meet its statutory obligations between 2005 and 2009. Such a review would also recognise that planning decisions made between 2009 and 2015, informed by Redlands 2030, have entrenched matters which can and should be addressed.

The Corporate Plan 2015 should recognise and facilitate the delivery of urban development in the Thornlands area, given continuous planning scheme support from 2006 to 2015.

Ongoing corporate responsibility regarding the Thornlands area can be achieved by:

- including the area as an operational plan objective
- correcting the zoning of the area
- support for reinstatement of the area into the Urban Footprint
- correcting the koala mapping of the area as it exists under Local Law, Rural Futures Strategy and other mechanisms

- conducting a workshop for councillors so that they can be made familiar with the true facts of the Thornlands area

The degree to which the Corporate Plan 2015 and planning decision making relies on Redlands 2030 should also be assessed.

On the other hand, if a decision is made not to resolve to the matters raised in this submission, I would appreciate precise justification, in writing, as to why such a decision has been made.

Thank you

Eveline Fennelly

A handwritten signature in cursive script, appearing to read 'Eveline Fennelly', written in black ink.

Submission to the Draft Redlands City Plan 2015

Prepared by
Eveline Fennelly
September 2015

1 EXECUTIVE SUMMARY

The purpose of this submission is to make the case for giving the area at Thornlands as described by the Minister's directive an Emerging Urban Community zoning without qualification.

Consideration of the matters described by this submission will demonstrate that an urban zoning for the area should be the only option under consideration for the area.

The need for change the zoning of the area from Rural Non Urban to Emerging community is demonstrated by the following matters:

- The red star notation superimposed by a red star to identify "future urban growth" occurs once in the document, has no planning force, is not referenced in the definitions section and allows for misinterpretation in the future
- Under the regional plan 2005-26 the area was given Urban Footprint status.
- Under the gazetted Redlands Planning Scheme March 2006, the area was given a non compliant Rural Non Urban zoning despite council having ratified an Emerging Urban Community zoning for the area in 2005
- Under the Draft SEQRP 2009-31 the area was included in the Urban Footprint.
- The draft Local Growth Management Strategy strongly supported the area as the Thornlands Integrated Enterprise Area despite the Rural Non Urban Zoning
- From 2006-2015 the area has been identified for urban purposes regardless of the rural zoning carried as a blight by the area.
- The area was identified as the highest priority operational plan objective 2008-9.
- The area was the subject of structure planning May 2009.
- The area has previously been empirically proven to satisfy all DROs and SPPs and nothing in the area has changed.
- The current rural zoning, accompanied by inaccurate koala habitat overlays, is an imposition which prevents the realization of significant local, regional and state interests in the area.
- Koala habitat mapping is generic, incorrect and unfounded over much of the area.
- Urban growth modeling demonstrates that, at a minimum, the area can deliver revenue generation of around \$3.5 billion and around 9,700 jobs.
- Land supply analysis demonstrates the area is best suited to delivering urban growth opportunity for the city.
- The area consists of willing sellers and the private sector has historically demonstrated an appetite for investment in the area.
- The few planning constraints that may be deemed to exist can be managed in a sustainable manner.
- The area to the west of Woodlands Drive consists of cleared land.
- The area is well located and demonstrates many unique advantages including the capacity to deliver sequential, orderly and timely urban growth under masterplanning.
- Corporate responsibility suggests the planning scheme should now resolve the controversial planning background suffered by the area by supporting the area for urban uses without qualification.

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2 INTRODUCTION

This submission argues that the Draft City Plan (DCP) 2015, should unequivocally support urban growth for the area between Taylor Road and Springacre Road as described under the directive of the Deputy Premier, Minister for Trade and Transport, Minister for Local Government and Minister for Infrastructure and Planning, the Honourable Jackie Trad under the First State Interest Review 20 August 2015.

This submission argues that this support should be demonstrated with an Emerging Urban Community (EUC) zoning which allows the investigation of the area for future urban growth to proceed with legislative authority for the reasons outlined below.

The area described by the Minister has consistently been identified under the Redlands Planning Scheme (RPS) for urban uses from 2006-2015 as the Thornlands Integrated Enterprise / Employment Area (TIEA). Under the Draft RPS V1 adopted 24 August 2005 the area was described as EUC sub area EUC1.

The area has been blighted since 2006 by two statutory, procedural failures, and, since 2009 by a planning scheme which has not taken advantage of planning scheme processes to resolve competing local, regional and state interests in the area.

It has historically been proven that the area is suited to urban uses and for inclusion into the Urban Footprint of the South East Queensland Regional Plan (SEQRP) 2005-21. Application of first planning principles should confirm that nothing has changed from a planning perspective and that the area is still the best located, sequential land resource in the Redlands, if not south east Queensland, able to achieve and deliver the full range of urban uses.

These interests can only be realized under a planning scheme which provides a clear strategic planning direction and which empowers the local government to deliver definitive, good land use outcomes in the area.

Ongoing corporate responsibility suggests the matters contained in this submission should finally be given genuine, fair and reasonable consideration so as to appropriately resolve the matters raised for the good of the entire Redland community, the region and the state.

Growth produces jobs, which in turn provides community well being. This submission therefore argues that there is an urgent, overriding need in the public interest for the DCP 2015 to entrench and confirm the area as an urban growth area within the planning scheme

3 FIRST STATE INTEREST REVIEW

3.1 Ministerial Directive

Under the First State Interest Review of the DCP 2015, council received direction from the Deputy Premier, Minister for Trade and Transport and Minister for Infrastructure, Local Government and Planning, the Honourable Jackie Trad, dated 20 August 2015. This written direction was attached to the agenda of a Special Meeting held 3 September 2015.

The directive stated that the draft version of the planning scheme should:

- "...amend zoning maps...to identify the rural residential zone area within the rural zone"
- "remove all parts and references of the proposed planning scheme to remove all parts and references related to the rural residential zone"
- amend Part 3 Strategic Framework section 3.3.1.4 to identify the area bounded by Taylor Road, Woodlands Drive and Springacre Road within the Thornlands area as a possible option for longer term, future urban growth"
- amend Strategic Framework map (SSM-001 to identify the area bounded by Taylor Road, Woodlands Drive and Springacre Road within the Thornlands area as future urban growth investigation..."

3.2 Qualification of the Directive

The DCP 2015 has added qualifications to the Minister's directive, in Part 3 s3.3.1.4(10) namely that:

The area bounded by Taylor Road, Woodlands Drive and Springacre Road within the Thornlands area has been identified as a possible option for longer term, future urban growth. Substantial investigations will be required of physical constraints and values, including koala habitat, ecological functions, natural hazards, scenic quality and infrastructure requirements and costs and alternative growth strategies before the suitability of this area for development can be determined.

These qualifications appear to pre-empt and pre condition the instructions given by the Minister.

A single map using a red star which denotes future urban growth acknowledges the Minister's directive. The red star is not noted under the Definitions section and has no legislative force.

3.3 Investigation Zone

The Investigation Zone as it exists under the current planning scheme has been removed from the DCP 2015.

The "integrated employment / enterprise" designation which the area has carried consistently to denote urban uses from 2006 onwards under the current planning scheme has also been removed from the area.

This raises several questions including:

- what legislative process under the Strategic Framework will be used by council to ensure delivery the urban growth potential of the area given that the Investigation Zone has been deleted from the draft planning scheme?
- does the red star identified on Strategic Framework Map SC 2.2 have any legislative force?

- if the red star has no legislative force then what zoning should be applied to the area to ensure delivery of growth opportunity?
- could the red star over the area be removed in the future on the basis that it has no legislative force, again leaving the area with a RNU zoning which inhibits and prevents urban growth?
- does the removal of the “integrated employment /area designation” present the opportunity for a discussion as to whether this removal constitutes a backzoning?
- is the delivery of future urban growth opportunity for the area best served by how the area is described under the DCP 2015?

3.4 Red Star Notation

Figure 1.1.1 Local planning scheme area and context in the Introduction of Part 1 of the DCP 2015 shows the area described by the Minister as Rural Non Urban (RNU) without any notation of any potential for urban growth or investigation.

The red star used in Strategic Framework Map SC2.2 has no standing under the planning scheme. Nor is it referenced anywhere else in the DCP 2015, including the definitions section. Also, the term “future urban growth” is not defined under the definitions section, or anywhere else under the draft planning scheme..

If the area was to be gazetted with a RNU zoning under the City Plan 2015, overlaid with a red star which appears to have no planning force, investigation of the area for urban uses could be compromised under the life of the next planning scheme, simply with the removal of the red star.

Such a situation would then be a repeat of the planning circumstances which occurred and compromised the area under the gazettal of the planning scheme in 2006 whereby the RNU zoning inhibits the achievement of the proven highest and best use of the area. Instead of facilitating urban growth potential, the red star superimposed over a RNU zoning could be used to again inhibit the area from delivering substantial opportunity for the city and the region.

As described under the draft planning scheme the area:

- carries a RNU zoning
- cannot be included in an Investigation Zone as this has been deleted
- carries a red star on one single embedded document to accommodate the Minister’s directive
- carries preemptive qualification of the Minister’s directive

The combined RNU zoning and red star the area carries threatens to provide the opportunity for misinterpretation as regards land use in the area in the future. This submission suggests that the final City Plan 2015 needs to provide stronger and clearer planning support so urban growth outcomes can be delivered.

That support can only, and should be reflected, with an EUC zoning.

3.5 Proven Urban Growth Capacity

Genuine consideration of the planning facts of the area noted by the Minister and described in this submission, will confirm that the area’s suitability for urban growth has been proven by extensive empirical studies as described in section 10.

Extensive investigations by both the state and local government have previously confirmed the area’s suitability for urban uses under both the regional plan and the local area planning scheme. From a planning perspective nothing has occurred in the area which would prevent the area from delivering local, state and regional interests in a timely manner.

Under the final City Plan 2015, the area should at least be zoned the area as EUC, as previously ratified in 2005 because empirical work has already proven the area capable of achieving the full range of urban uses.

3.6 Timeliness

All interests, including the public interest, are best served if the City Plan 2015 is delivered in a timely manner under the term of the current council.

Operational Plan timelines 2008 and 2009 clearly noted the area as the highest priority operational plan objective at that time, with the delivery of outcomes intended for 2011. That milestone has passed, and a RNU zone remains over the area.

Lead times for private sector investment are considerable, so the City Plan 2015 should ensure that strategic urban growth objectives are facilitated and achieved to the benefit of all stakeholders by identifying the area with an urban zoning.

4 HIGHEST AND BEST USE

4.1 Legal Use of Land

Highest and best use of land is determined according to the uses legally permitted under a planning scheme, which has the force of law. This is why a red star acknowledgement of the future urban growth potential of the area, is so significant and needs to be more legitimately confirmed under the planning scheme.

The red star notation over the area under map Strategic Framework Map SC2.2, is not referenced anywhere else in the document. This raises the question as to whether this notation reflects legally permitted land use under a planning scheme which has the force of law. If it does not, the area should be designated with a zoning which is supported by the force of law so that urban growth outcomes can be delivered.

Historically, although the RPS strongly supported a higher and better use than rural activity in the area, the higher and better use the area is able to achieve has not been realized specifically because the planning scheme which is under review has failed to meet the statutory requirements which would have confirmed the higher and better use under statute. These circumstances will be described further below.

A rural zoning, RNU, or indeed a Rural Residential zoning, perpetuates a significant planning wrong which occurred in the area. The planning scheme review process should ensure that the realization of proven higher and better use under the planning scheme is facilitated and consolidated. Under the DCP 2015, the RNU zone combined with the red star notation does not properly facilitate higher and best uses for the area, that were previously determined by the exact same planning scheme currently under review.

The qualification of the Minister's directive suggests that koala habitat and infrastructure requirements are anticipated as being the major impediments which will inhibit urban growth opportunities for the area. This inference has the potential to present compensation issues, should this become the primary reason for the restrictive RNU zoning. Regarding the latter, there is no justification under the draft plan to justify the area as being inferior in any way to others in terms of cost, accessibility to road corridors, water, sewage or infrastructure.

4.2 Rural Use Imposition

The area now falls between urban, and what was, in the past, a rural area. Rural activity, exemplified by the poultry industry, is no longer viable due to economies of scale.

Various small scale commercial activity already exists in the area.

The RNU zoning the area has carried since 2006, but particularly since 2009, has entrenched only the possibility of very limited rural activities and extinguished the opportunity to realize any proven higher and better use.

The Minister's directive, empirical evidence, planning facts and council's own minutes have proven that the area has a higher and better use than rural pursuits, rural residential development or indeed sporting fields.

No justification is given under the current planning scheme or the DCP 2015 as to why a rural zoning imposition should remain over the area.

4.3 Willing Sellers

On 18 February 2014 Council conducted a community meeting to which all 170 landowners in the area were invited. Over 140 landowners attended.

The purpose of the meeting was for landowners to provide feedback to the local area councilor and various planning officers.

On requesting a copy of the record of the meeting landowners were informed the outcome of the meeting was being used to inform the planning scheme review. Draft notes of the meeting were compiled but a final report of the meeting was never produced.

In a show of hands all but two landowners indicated support for the area to be developed, confirming that the area consists almost entirely of willing sellers.

This meeting clearly demonstrated that the area consists of landowners who are willing to sell. Developers active in the area prior to the area being removed from the Urban Footprint demonstrated a willingness to purchase land by taking out options on multiple land holdings. These two facts confirm the potential use of the land. The planning scheme, which dictates the lawful use of the land, has prevented realization of highest and best use of the area.

On 21 February 2014 the *Redland Times* reported the unanimous support provided by landowners for urban development of the area.

Large significant properties are held by a few willing sellers who are in favor of development. Developers have indicated a willingness to invest in the area but need certainty which only an EUC zoning under the planning scheme can provide.

5 RURAL RESIDENTIAL ZONING

5.1 Zoning As De Facto Resumption

Correspondence from the Minister under First State Interest Review directs the DCP 2015 to remove all references to Rural Residential and to note the area surrounded by Taylor Road,

The correspondence confirms that intent for the area under the DCP 2015 had been a Rural Residential zoning. Such a zoning would have continued to hold extensive tracts of freehold land hostage to rural uses without any demonstrated planning justification. Against the indisputable planning facts of this area, imposition of a rural zoning could be interpreted as de facto resumption over land which has been proven to have a much higher use by both the planning scheme and the regional plan.

Rural residential is a low yielding residential option that will not assist in the need for urban growth in the region, particularly considering the proven capacity of the area to support urban activity, and the community assets already located adjacent to the site. Rural residential provides a lower yield and generates lower rates, although the zoning still requires significant infrastructure upgrades with little investment back into the community.

5.2 Negatives of Rural Residential Zoning

Many local government councils now no longer encourage Rural Residential as a land use, due to the poor return in investment this achieves. Rural residential lots are not large enough to produce a return on rural activity, and fragment ownership of land that reduces the ability to allow future development to occur on the land.

Larger master planned communities, such as can be realized in this area, provide opportunity for both housing affordability and choice, often difficult to achieve in infill urban renewal and regeneration projects.

Using land of low environmental values, such as constitutes much of the area, for low yielding uses, or lifestyle oriented hobby farms, places ongoing pressure on land which does contain significant environmental qualities. Urban uses and densities identified for unconstrained land can relieve pressure on land that has higher values.

Rural Residential is not considered to be a sustainable land use practice, and is not generally offered as a preferred land use, typically driven by land subdivision without needing to invest in water and sewer infrastructure or driven by the politics of using the planning scheme to prevent development.

Rural Residential should not be considered a good land use outcome in the area, particularly in the unconstrained area west of Woodlands Drive.

6 SENSITIVITIES

6.1 Planning Scheme Sensitivities

The planning scheme should :

- identify strategic outcomes for the local government area
- ensure first planning principles and planning law is applied with procedural fairness to deliver strategic outcomes for both local and state benefits
- ensure adequate sequential broadacre land is available into the future
- ensure that the scheme coordinates and facilitates potential growth for strategic outcomes

Planning schemes which fail to meet statutory obligations compromise planning integrity and the delivery of strategic outcomes. A non compliant planning scheme, such as the scheme gazette in 2006, is counterproductive to the entire community and state interest.

Further, it is not the role or function of planning schemes to predict, control or direct market uptake. Market forces will determine development timeframes.

In regards to the Thornlands area these fundamentals have not been achieved under the current planning scheme and so the review of the scheme is the appropriate mechanism to ensure the area is assessed on first planning principles to deliver strategic outcomes.

In 2009, PSA Consulting, as a result of having been engaged by council to deliver a Masterplan Infrastructure Delivery Plan for the area, stated in its *Thornlands Integrated Employment Area Project Positioning Paper 2009*, 1.1 that, "In accordance with...(the) LGMS, the TIEA is defined as the most significant land resource supporting future economic growth in Redland City", and in south east Queensland. As a result of council not accepting commissioned professional advice, considerable urban growth opportunity has been lost.

At a time when the national state and local economic climate is constrained, the role of the planning scheme from 2015 onwards will be to facilitate economic and social interests through considered broadacre land release as a matter of strategic importance. This significant, strategically located broadacre area has been proven suited to urban growth so the new City Plan 2015 should expedite delivery of land proven to be suited to urban growth by recognizing the area with an EUC zoning.

The red star notation as previously described will not ensure delivery of the best use of the land area. It should be replaced with an appropriate urban zoning to ensure strategic outcomes are delivered for the area. The red star notation should not be allowed to compromise outcomes for the area, as occurred when the area was compromised by the non compliant zoning of the gazette scheme in 2006.

6.1.1 Indisputable Facts of the Thornlands Area

- in mid 2005 council ratified an EUC zoning over the area
- in 2006, the RPS failed to meet its statutory obligation to align the area with the regional plan and gazetted the area with a non compliant RNU zoning over the area
- between 2005 and 2009 council never completed a Local Growth Management Strategy (LGMS) which would have provided statutory confirmation of council's urban intent for the area

- from 2006 to 2009 the planning scheme maintained the non compliant Rural Non Urban Zoning thereby entrenching rural uses in the area
- between 2006 and 2015 the planning scheme failed to amend the RNU zoning, During this time, the area had been removed from the Urban Footprint, however the planning scheme clearly and consistently identified the area for urban uses regardless of the RNU zoning
- from 2009 to 2015 the area maintained the RNU zoning overlaid with an integrated employment / enterprise identification, together with generic inaccurate koala habitat mapping as described in Attachment 6. Since 2009, other conservation and environmental overlays, planning mechanisms, strategies and reports, have continued to sterilize the proven opportunity for urban growth in the area

6.2 Historical Options

Over many years there have been several actions which could have been undertaken by any one of three successive councils to address the planning problems presented by the area.

These options have included:

:

- informing the Minister, between 2005 and 2006, of the planning facts of the area, of the need to align the area with the regional plan and that a RNU zoning would not meet that obligation
- taking a revised draft planning scheme, which indicated the ratified zoning of the area as EUC, back to public consultation
- ensuring that an approved LGMS properly aligned the area with the regional plan so that statutory certainty was provided for the area
- using the planning scheme amendment process at some time before between 2006 and 2009, or indeed after, to amend the RNU zoning of the area
- requesting the new Minister at some time before 2009, to make the planning scheme secure and supportive of the urban intent for the area
- using planning scheme mechanisms to reassess zoning of the area
- ensuring that planning scheme mechanisms did not continue to impost the area

Over three consecutive council terms none of these options have been undertaken. As a consequence, the area has remained blighted and unable to deliver urban growth opportunity

6.3 Zoning As De Facto Resumption

Planning legislation exists to ensure that planning process deliver good planning outcomes in good faith, and that public interest, such as landowner rights are protected.

Historically, strategic outcomes and public interest have been compromised in the area regardless of the significant amount of taxpayer money used to obtain professional studies which confirmed the area as suited to urban growth. A long term “do nothing” approach, the ongoing use of tools, mechanisms, studies and reports to maintain a rural zoning over this area together with a clear intention to acquire a strategically located tract of the area for a public purpose sporting complex between 2007 and 2012, suggests that careful application of planning legislation and process were applied with less than full planning rigour as regards this area.

Council minutes of 19 September 2012 clearly confirm that from 2007 onwards there was an intention to acquire prime land in the area for a regional sporting complex. These minutes confirm an awareness, that the 2006 non alignment of the planning scheme with the regional plan devalued land, extinguished development rights and extinguished private sector investment

in the area. The minutes also confirm an awareness that there was a significant risk to council in pursuing a regional sporting complex outcome for the area.

The above raises the question as to whether under, three successive council terms, a RNU zoning was maintained over the area, either as a step towards the compulsory acquisition of land for public purposes without the need for compensation, or with the intention of restricting development of the area.

Given that planning schemes have legislative force, both a RNU or Rural Residential zoning are detrimental to future urban growth opportunity in areas which carry these zonings. Further, the Rural Residential zoning creates land fragmentation and ensures that higher density can only occur in a haphazard, piecemeal manner, contrary to orderly development.

The planning scheme review process should therefore ensure the area is given an urban zoning. Anything other than an urban zoning would enforce existing rural use rights over an area that has been proven to have a higher and better use.

6.4 Corporate Responsibility and Accountability

The Integrated Planning Act 1997 (IPA) S 2.1.23, under which the area was included in the Urban Footprint describes local planning schemes as having the force of law. Both IPA 1997 and the Sustainable Planning Act (SPA) 2009, require planning schemes to be amended to reflect the regional plan. Both instruments describe the regional plan as taking precedence over all other planning schemes where there is inconsistency. Both instruments require planning schemes to reflect the designations of the regional plan.

As a result of representations made between 2009 the present time, the local government organisation is now well aware that the legislative requirement to align the area with the regional plan was not applied in regards to this area, under the gazettal of the planning scheme in 2006, with wide ranging and long term detrimental consequences..

Further, it is difficult to understand why the planning scheme from 2009 to 2015 has not acted to remove the blight which has restricted opportunity in the area under the same planning scheme, regardless of the area having been removed from the Urban Footprint.

The current red star approach of the DCP 2015 needs to be replaced with an EUC zoning which releases the area from the planning blight it has carried for almost ten years.

In regards to this area, over a ten year period, corporate performance has not delivered, protected or provided:

- facilitation of strategic and operational planning objectives
- coordination with the superior planning instrument
- statutory based, efficient decision making
- revenue sustainability
- resource delivery capacity
- security of property rights of ratepayers
- economic development for a significant, proven development area

Specifically under IPA 1997 and SPA 2009, planning scheme responsibilities under the regional plan, were not met when:

- the gazetted version of the RPS March 2006 retained a RNU zoning over the area contrary to the area's Urban Footprint status

- council failed to meet its statutory obligation to complete an approved LGMS between 2005 and 2009
- despite representations council chose to remain silent when the Thornlands area was removed from the Urban Footprint under the SEQRP 2009-31,
- council chose to ignore the advice of PSA Consulting, engaged to deliver a Masterplan and Infrastructure Delivery Plan in May 2009, whose Positioning Paper 2009 strongly recommended that council make representation for a review of the decision to remove the area from the Footprint.
- council chose to abandon the most significant economic development opportunity in the Redlands, noted as such under the Operational Plan 2008 - 2009 and chose to adopt, at best, a “do nothing” approach to planning in the area
- council chose, against the background of its failure to amend the zoning of the area and its failure to complete an LGMS, to remain silent regarding the impact the removal of the area from the Footprint would have on the economic development objectives of the city and state
- council chose to remain silent when a KPA 1 overlay was applied, knowing that the area had been, chosen for a sporting complex specifically because it was not included in a Koala Conservation Area.
- council chose to ignore the impact the removal from the Footprint and continued to apply subsequent planning scheme overlays, particularly koala overlays, would have strategic outcomes and property rights diminished
- council failed to use mechanisms available under the planning scheme from 2006 and 2009 onwards to prevent entrenchment of loss of economic opportunity and development rights
- council failed to provide a written indication, as requested by the Minister, indicating support for reinstatement of the area into the Urban Footprint
- council chose to identify the area as a koala management area under Local Law No 2, as per Attachment 6, and other planning processes such as the intended Rural Futures Strategy, based on non statutory, erroneous mapping
- council applied environmental policies which entrenched inability of the area to deliver a proven and significant resource opportunity

The review of the planning scheme provides the opportunity to appropriately, equably and accountably reassess planning facts of the area.

6.5 Regional Sporting Precinct

The minutes 19 September 2012 note that on 28 May 2008, Council resolved to meet a city wide shortfall of sporting land through a 2008 Redlands Regional Sport and Recreation Precinct Project. The precinct was to be located in the Taylor Road, Woodlands Drive area, the preferred site for the project, because the area was located within the Urban Footprint.

Further, the minutes note that the significance of this was that at the time of choosing the preferred site in 2008, development of a sports and recreational precinct on land within the Regional Landscape and Rural protection Area (RLRPA) “was unlikely to be supported by the state government”.

In other words, the Taylor Road, Woodlands Drive area was chosen as the preferred site because the area was:

- located in the Urban Footprint though under the RNU zoning of the planning scheme
- not considered to be within the Koala Conservation area

- chosen because as a result of state government policy and regulations at the time funding would not be given to such a project located outside the Urban Footprint

The minutes note that other possible sites, “were situated outside the Urban Footprint and were within the Koala Conservation Area”, and that this was posed as the main constraint, “to locating a sporting precinct within those areas”.

In other words, the preferred site, the Taylor Road, Woodlands Drive area, was not considered to be within the Koala Conservation zone.

The minutes comment that the project, “has been complicated by a number of issues including Court appeals” and “uncertainty in land valuations”.

The minutes note that although removed from the Urban Footprint mid way during the sports field acquisition process, regional plan regulations had also changed to accommodate sport and recreation outside the Urban Footprint. Therefore, the preferred site remained the preferred site.

In order to facilitate acquisition of land for the sports precinct, Council endorsed valuations of the preferred area on 26 May 2010 and 4 May 2011.

Craven Ovenden were commissioned by Legal Services to determine the statutory planning issues affecting the highest and best use of certain parcels of land in the preferred site. A second report by Urbis 5 December 2011 identified a “potential liability for Council” should a Court determine the land could be used for residential purposes, which was the subject of two appeals in the area.

The minutes note the substantial difference in land valuations should this occur and the significant liability to council should a blow out to acquisition costs occur.

The minutes also note a “temporary suspension” of the intention to acquire land in the area for a sporting complex in March 2012. In August 2015, discussion again occurred in the council chamber around the need to establish sporting fields in the same area previously identified by council for sporting fields.

The intention to develop a public purpose sporting field precinct in the Taylor Road, Woodlands Drive area is a significant factor in the convoluted planning history of the area. An additional complexity is the fact, that in 2007 and 2008 two development applications were taken out over land council chose as the preferred site for the sports complex.

Throughout, the disconnect between the area’s inclusion within the Urban Footprint and the non compliant RNU zoning which dates from the gazettal of the planning scheme in 2006, remains the primary erroneous planning fact regarding governance of the area.

The DCP 2015 should now embrace the opportunity to address the complex planning matters surrounding the area.

7 URBAN GROWTH MODELLING

7.1 Revenue Delivery and Jobs Growth Using Low Density Modelling

The area has been proven to be suited to achieving the full range of urban growth potential.

Under low density modeling alone, development over the entire 550 hectares area, previously supported by the Urban Footprint of the South East Queensland Regional Plan (SEQRP) 2005-21, the RPS LGMS 2007 - 2008 and the RPS 2006-2015, provides the opportunity to generate approximately \$3.5 billion in direct and flow on revenue to the economy together with the creation of approximately 10,000 jobs.

Under a EUC zoning, higher use such as commercial, would generate both more revenue and more job creation opportunity.

7.2 Deliverable Land Area

The 550 hectare area is divided into two catchments areas to the east and to the west of Woodlands Drive. The area to the west in particular is cleared, unconstrained land.

The area consists of willing sellers, as described in Section 3.3. The private sector has historically confirmed a willingness to invest in the area as testified by options taken out by several developers who were active in the area before it was removed from the Urban Footprint and by two development applications lodged in 2007 and 2008, one of which remains on appeal.

7.3 Open Space Contribution

Of the 550 hectare area, there would be an open space contribution of around 10%, that is 55 hectares, which would leave a balance of 495 hectares available for development. Least Return Option – Low Density Residential Assumption The area has been proven to be able to provide the full range of development prescribed under an Urban Footprint designation under the regional plan

7.4 Low Density Deliverable area

Development over and above low density residential will produce an even higher return than that demonstrated under low density residential modeling which demonstrates the lowest return achievable in the area.

For the purposes of this submission, the financial benefits which can be achieved in the area, are based on the assumption that the area is developed for low density residential purposes. Higher density will obviously produce a higher return.

Using the low density residential model over the entire area after the open space contribution is deducted and achieves 6,600 Res A blocks, each 750 square meters in size within the 495 hectare land area

7.5 Stamp Duty

Stamp duty of 3% achievable from 6,600 blocks sold at \$250,000 per block can achieve a direct return to the state government of \$49,500,000

7.6 Tax on Wages

Wages paid in the development of raw land will amount to approximately \$198,000,000 on which tax will have to be paid,

Wages paid during the construction of dwellings of will generate \$435,6000,000 and will have a flow on effect to the area.

7.7 Civil Works

In developing the raw land, civil works will generate approximately \$660,000,000 and materials \$297,000,000.

7.8 Construction of Dwellings

Construction of 6,600 homes, each at a cost of \$220,000, will generate \$1,452,000,000 in materials and wages into the economy.

Constructed households will generate approximately \$140,000,000 in retail expenditure.

Wages to contractors will inject a further \$435,600,000 into the economy.

7.9 Job Creation

Low density residential development over the 495 hectare area will create approximately 9,700 jobs over approximately a ten year period.

Of the householders who would live in the area approximately 3,800 would work in the Redlands and Logan area.

The number of people working from home, in schools and in business located in the area and would number approximately 1,000.

7.10 Overview

In summary, low density residential modeling provides figures which indicate the lowest return achievable in the area. The area has the capacity to deliver an even higher return depending on the zoning of the area.

Based on the assumption that the area is developed as low density residential, the 550 hectare area can deliver approximately:

- \$3.5 billion dollars of direct and flow on revenue
- Approximately 9,700 jobs
- \$140 million dollars in retail expenditure

8 REPORTS INFORMING THE REVIEW

8.1 Redlands 2030

Although community plans are no longer a statutory requirement, the DCP 2015 continues to be informed by *Redlands 2030*, a community plan adopted under the previous council as a statutory requirement.

Redlands 2030 also informed the second council term which failed to meet its statutory obligations to complete an approved LGMS.

Redlands 2030 states it will undertake the specialist role of informing “planning instruments” and will “guide every decision, action, strategies and services delivered by council, including operational plan objectives.

It is arguable as to whether a philosophical, lifestyle oriented document, which is not evidence based or in any way measureable, should continue to inform the “key strategic plan”, that is the DCP 2015 and City Plan 2015. These should be informed by high quality, quantitative and qualitative information, including business case needs analysis, which can deliver measureable services, programs and facilities.

While there is a trend towards local governments providing “well being” plans and services, corporate performance is driven by legislative requirements based on first planning principles of efficiency and equity so while *Redlands 2030* may reflect the needs, ambitions and opinions of some sections of the community, it is not representative of the varied demographic of the entire population. Overreliance on this community plan will, and may have, resulted in planning scheme outcomes which are not a realistic, pragmatic or a reasonable representation of the true needs of the demographic of the City.

Redlands 2030 as it has previously informed the planning scheme, may have influenced past decision making in the Thornlands area that stopped the delivery of a major economic project for the Redlands and downgraded the rights of a specific section of the community in the interests of another section of the community.

This submission argues that a planning scheme has legislative force and legislative consequences. *Redlands 2030* should therefore not have the authority to bias and influence strategic planning, land use and planning scheme decisions towards maintaining the “rural feel”, which it sees as being a “part of our heritage” to the exclusion economic development.

8.2 Rural Futures Strategy

The draft planning scheme identifies the *Rural Futures Strategy* as informing the planning scheme. While this document has been noted under motion in minutes, it has consistently been described as not forming policy or informing the planning scheme. This document is an aspirational document which is not supported by any empirical evidence whatsoever.

Comments in the *Strategy* do not accurately reflect community comments made regarding the area, at a Rural Futures workshop conducted by council and recorded in the *Round Table Briefing Paper 2013*. The comments and mapping in the *Rural Futures Strategy* entrench the area as rural.

Redlands 2030 and the Rural Futures Strategy promote restricting growth so as to limit land release and to maintain a “rural feel” to the city, in itself a contradiction. Other constraints include economies of scale, market demands and civil law restrictions.

8.3 Other Reports

Other reports which are noted as informing the draft planning scheme, reflect and enforce a strategy of restricting the opportunity for growth and maintaining a rural feel to the city. The *Economic Development Strategy 2014*, *Land use Study 2014* and *Open Space Strategy* have all been used to inform the intended Rural Residential zone for the area under the current planning scheme review and to support the argument that there is no need to release broadacre land.

These reports should not be relied upon to assess the urban growth potential of the Thornlands area. On the other hand, the indisputable planning facts of the area should be used to inform any planning decisions regarding the area.

9 CONTEXT

9.1 Local Context

The area consists of 550 cadastrally confined hectares of land located in the heart of Redland City. The area was included in the SEQRP 2005-21 Urban Footprint under the IPA 1997, and included in the Urban Footprint of the regional plan under the Draft SEQRP 2009-31, gazetted December 2008.

PSA Consulting in its *Thornlands Integrated Employment Area Project Positioning Paper 2009*, 1.1, notes, "In accordance with LGMS the TIEA is defined as the most significant land resource supporting future economic growth in Redland City".

Council minutes August 2005 note that council ratified an EUC zoning EUC sub area 1 for the area, which was then included in council's Strategic and Operational Plans. Until 24 July 2009 the area was the subject of a Masterplan Infrastructure Delivery Plan commissioned by council in May 2009, undertaken by PSA Consulting.

In 2007 and 2008 council twice asked the Minister to declare the area a Master planned Development Area (MDA).

In 2008, the newly elected council withdrew the Draft LGMS, which strongly supported urban growth in the area, for reconsideration. Subsequently, no revised LGMS was presented to the state government for approval, with wide ranging consequences.

On 28 July 2009, on the release of the final SEQRP 2009, under circumstances under which the Minister may not have been fully informed of the planning facts of the area, the area was unexpectedly removed from the Urban Footprint for "koala habitat values" and given a Regional Landscape Rural Production Area (RLRPA) designation and a KPA1 overlay. This drove away considerable private sector investment active in the area.

Removal of the area from the Urban Footprint has been the subject of considerable ongoing controversy as demonstrated by a Facebook conversation conducted between the current Mayor and the previous councilor for the area, as seen in Attachment 5.

9.2 Regional Context

The area consists of 550 broadacre, hectares, located twenty seven kilometers from the Brisbane CBD. The area is located a short distance from and to the east of the M1, in the heart of Redland City in south east Queensland. It is a major Greenfield site bounded by Taylor Road, Boundary Road, Springacre Road and Eprapha Creek. The area is dissected by Woodlands Drive, as in Attachment 1.

The zonal mapping of the area is cadastral based for the purpose of assessing development applications.

The area is centrally located between the three Activity Centres of the Redlands, Capalaba, Cleveland and Victoria Point. Consequently, the area provides the opportunity to create a centralized growth region. The area adjoins the Kinross Road MDA and historically was considered suited for inclusion in the Kinross Road MDA. The area is located a short distance from the South East Thornlands MDA

The area contains two separate catchment areas: the Hilliards Creek catchment which carries the overflow from the Redlands waste treatment plant and the Eprapah Creek catchment area. The area is strategically located on major transport routes and is connected

to and serviced by existing infrastructure services such as road networks, water and electricity as well as all major community services. Brisbane airport is easily accessed across the Gateway Bridge.

9.3 State Context

Removal of the area from the Urban Footprint 2009 terminated the area's capacity to deliver a range of state interests, including significant revenue flow and job creation.

The decision may have been made without being aware of the complete planning facts of the area, that is the extensive empirical work which had resulted in including the area in the Urban Footprint, as identified in Attachment 2, and without the knowledge that the area was in the process of being structure planning.

The area was not identified under the list of areas to be excluded from the Urban Footprint in the Draft SEQRP 2009 and was not noted as a key change to the Urban Footprint under the Departmental fact sheet, SEQRP: *Key Changes* as in Attachment 3. The area remains capable of delivering the full range of urban uses with regional plan support.

9.4 Historical Context

In 2005 the Thornlands area was:

- historically zoned RNU under the Redland Town Plan 1998
- included in the Urban Footprint of the SEQRP 2005-26
- included in the Urban Footprint of the gazetted draft SEQRP 2009-31 Dec 2008
- identified as a Future Growth Area under the SEQRP 2009-31
- on officer recommendation, ratified by RCC in 2005 as EUC
- maintained RNU under state interest review because the EUC zoning had not been advertised in the draft planning scheme (state interest review recommended that the zoning issue could be given statutory force under the LGMS but an approved LGMS was never completed between 2005 and 2009)
- gazetted with a non compliant RNU under the RPS 2006 regardless of the requirements under the IPA 1997 for local planning schemes to align with the regional plan
- supported under the Draft LGMS 2007-8 as the TIEA
- identified as a proposed MDA in map 55 of the LGMS 2007-8
- 2007 and 2008 the subject of a request by the CEO to the Minister for the area to be declared an MDA
- 2007-2012 the preferred site for a regional sports facility
- the subject of a Masterplan and Infrastructure Delivery Plan by PSA Consulting until 24 June 2009
- historically, consistently identified for urban uses as the integrated employment / enterprise area under the planning scheme between 2006 and 2015 but this intent was never given statutory force because of the non compliant RNU zoning and because an approved LGMS was never completed
- given an RLRPA and KPA1 designation for "koala habitat values" under the final SEQRP 2009 despite the incorrect mapping overlays

The area was not identified under the list of areas to be excluded from the Urban Footprint in the Draft SEQRP 2009 - 31 and was not noted as a key change to the Urban Footprint under the Departmental fact sheet, SEQRP: *Key Changes* as in Attachment 3.

The status of the area under the SEQRP and the RPS from 2005 to the present day is identified in the table below

Table 1 - Land Use Planning History of the Thornlands Integrated Employment/Enterprise Area (TIEA)

Year	Status in SEQRP	Redlands Planning Scheme Classification
2005	Urban Footprint	RNU with an EUC ratification
2006	Urban Footprint	RNU under the newly gazette planning scheme / TIEA
2007	Urban Footprint	RNU / TIEA under LGMS / MDA Request
2008	Urban Footprint	RNU / TIEA under LGMS / MDA Request
2009	Urban Footprint	RNU / Rural Non Urban under LGMS / Masterplan and Infrastructure Delivery Plan
28 July 2009	RLRPA/KPA1	RNU / TIEA under LGMS / Masterplan and Infrastructure Delivery Plan
28 July 2009-2015	RLRPA/KPA1	RNU / TIEA

Throughout, the area has been imposed by inaccurate koala habitat overlays and various other environmental overlays.

Application of first planning principles will confirm that nothing has changed the area's capacity to deliver the full range of urban uses, particularly the area west of Woodlands Drive which consists of cleared pasture. Attachment 2 includes only some of the extensive empirical work which resulted in the area being acknowledged as suited to urban uses and thereby included in the SEQRP 2005-26

The gazettal of a non complaint RNU zoning in 2006 created the circumstances under which the area could be removed from the Urban Footprint under the SEQRP on 28 July 2009, without triggering compensation under the local planning scheme, to the detriment of local, regional and state interests. This also created the circumstances under which the planning scheme maintained a "do nothing" approach to the zoning and overlays between 2009 to 2015 while continuing to identify the area for urban purposes from 2006 to the present day.

The DCP 2015 should fully support an EUC zoning for the area and should not support the continued use of non statutory, generic koala data and mapping which prevent the realisation of the range of urban interests the area is able to deliver.

10 OTHER PLANNING MATTERS

10.1 Strategic Planning Matters

The DCP 2015 should have EUC zoning over the area because of several strategic key issues including:

- the need to restore confidence in the planning certainty of the planning scheme and in the regional plan
- the need to restore integrity into the local planning scheme processes
- the need to rectify the non compliant RNU zoning which has blighted the area since 2006 in spite of continuous urban intent for the area under the planning scheme from 2006 to 2015
- the weight of empirical evidence which has never been challenged and continues to support urban development in the area
- the need to facilitate strategic urban growth objectives

10.2 Koala Habitat Mapping

Koala habitat mapping over the area has not been accurate for many years and has never been based on concise empirical data. Regardless, the mapping has been a cornerstone of planning decision making used to enforce the philosophy of *Redlands 2030* and to impose public purpose on freehold land.

Such non empirical and mostly flawed koala habitat mapping should not be maintained over the area as a way of reinforcing a counterproductive RNU, public purpose zoning over freehold land. The blanket *Koala Management Areas*, as it applies to the area, raises the following questions:

- why does such mapping remain in place to inform planning decision making?
- does such mapping deny legitimate development rights?
- why has no professional ground truthing been conducted over the area?
- why does the blanket koala mapping remain against the evidence of numerous expert reports commissioned by council and conducted over the area between 2005 and 2009 which deemed the area suited to urban development?
- was the RNU zoning combined with blanket koala habitat mapping over the area retained after 2009 used as a strategy to deliver *Redlands 2030* objectives as described under the community plan and to deliver a sporting field complex
- is inaccurate koala mapping a public purpose over freehold land?

First planning principles would conclude that blanket koala habitat mapping over the area, particularly the cleared area to the west of Woodlands Drive is inappropriate and unjustifiable.

Continued blanket koala mapping would reinforce a strongly held view in the wider community that koala mapping is being used to:

- deliver the desired goals of a specific section of the community
- acquire land without compensation
- prevent development
- deny development rights

- entrench poor decision making

Incorrect mapping should not be accepted under any circumstances whatsoever and removed from the area.

10.3 Planning Certainty and Integrity

The planning scheme should support urban uses reflected in an urban zoning in the area because the well documented planning controversy regarding the area has:

- compromised the integrity and certainty of the local area planning scheme as well as the regional plan
- imposed a planning blight over the area
- compromised private sector investment of the area
- created a situation of lost opportunity for a range of stakeholders
- failed to achieve any real environmental gain by the planning scheme consistently maintaining a RNU zoning and koala habitat constraints over the area regardless of representations made regarding the area since 2009
- extinguished a range of proven achievable economic, environmental, and social opportunity development opportunity for the City , the region and the state
- negatively impacted a variety of stakeholders

Stakeholders will respond to a final City Plan 2015 which provides support and certainty for the area. Only unequivocal support, clearly described under the final City Plan 2015 will encourage investment capital, the majority of which relocated to other locations away from Redlands when the area was removed from the Urban Footprint.

Only an EUC zoning will ensure competitive pricing and therefore more affordability, a healthy real estate sector, an active construction and retail sector and a wider revenue base for service delivery for the city and the region.

11 EMPIRICAL EVIDENCE

An extensive body of empirical work commissioned by council has proven that the area does not contain significant environmental constraints and that those values that the area does contain can be successfully and sustainably managed so that the area can be developed for urban purposes.

The area continues to comply with all the proven evidence and information criteria that are critical planning requirements for urban purposes and inclusion in the Urban Footprint. The area satisfied all Desired Regional Outcomes (DROs) between 2005 and 2009 as well as all Sustainable Planning Policies (SPPs). The area can meet all current SPPs, as outlined in Attachment 5, as well as requirements under Queensland Planning Provisions (QPP) 2014.

All DROs and SPPs for the area were assessed by the State and local government and consequently the area was deemed suitable for inclusion of the *SEQRP 2005-26* and the *SEQRP 2009-31*.

State Planning Policy 2005 did not include the area in the koala conservation area yet, four years later the area was removed from the Urban Footprint for “koala habitat values” and given a blanket KPA1 overlay and the planning scheme continues to impose blanket koala overlays. This does not accord with the *State Planning Policy 1/05 Map 7* as shown in Attachment 6, and conflicts with the extensive empirical work which deemed the area suitable urban purposes. This also conflicts with the rationale as to why the area was chosen for a sporting field complex, namely that the area was not considered to be located in a Koala Conservation Area.

The planning scheme has continuously identified the area for urban intent from 2006 to 2015. From a planning perspective, nothing has changed in the area

11.1 Empirical Studies

An extensive body of empirical work commissioned by state government, council and private landowners, as evidenced in Attachment 2, has proven that the area, particularly the area to the west of Woodlands Drive, is not constrained by State Planning Policy (SPP) objectives, environmental or otherwise. Those values that the area does contain can be successfully and sustainably managed so that the area can be developed for urban purposes.

The empirical evidence that supported state interest and the initial designation of the area as Urban Footprint has never been empirically rescinded or refuted. It therefore follows that these findings still stand and that the area should be noted for urban growth in order to confirm that planning regulations are firmly based on empirical studies.

The preconditions imposed upon the Minister’s conditions threaten the continuation of the application of unjustifiable planning constraints over the area. Such constraints should be justified on evidence based planning grounds only.

12 LAND USE

12.1 Areas

The City Plan 2015 will accommodate future land use in the Redlands. Indeed, the function of the planning scheme is to facilitate opportunity. The very long lead times involved in the delivery of land use outcomes requires the planning scheme to look to the future in a proactive manner.

There are six areas in the Redlands under review under the RPS.

- Toondah Harbour
- Weinam Creek
- Southern Redland Bay
- Birkdale Investigation area,
- North Stradbroke Island
- Thornlands area.

Toondah harbor and Weinam Creek are Priority Development Areas.

12.2 Thornlands Area

Of the remaining areas, the Thornlands area is the most significant parcel of sequential, well serviced englobo land comprising of willing sellers. The area is best placed to immediately contribute to local, regional and state interests given the area's proven capacity to deliver jobs and revenue in the vicinity of a billion dollars to Queensland's economic development.

An EUC zoning rather than a red star, which has no legislative force, is the appropriate way to identify such a significant land resource under the planning scheme.

The broadacre area in Thornlands, particularly the cleared, unconstrained area bounded by Taylor Road, Woodlands Drive and Boundary Road currently zoned RNU under the planning scheme, could be given priority for urban development under the planning scheme reviews.

A November land court judgment confirms that a rural zoning does not preclude an area from urban uses, particularly when a planning scheme demonstrates intent for urban development. The Thornlands area is an example of this planning judgment given that:

- inclusion of the area in the Urban Footprint in 2005 deemed the area suited to urban development
- although zoned RNU the area has been identified for urban use 2006-2015 under the RPS
- commercial uses already exist in the area
- approximately 3.5 billion dollars in revenue can be generated to assist in economic development in Queensland based on urban residential data alone
- Approximately ten thousand jobs can be created in the area

Given the controversial planning history of this area, documented in the *Thornlands Integrated Enterprise Area, Urban Footprint and Redlands Planning Scheme Report 2014*, and elsewhere, it is essential that the private sector is given a strong and clear signal that the planning systems supports urban development in this area.

12.3 Demand and Data for Residential Dwellings

Using data from council reports the area is capable of supplying land for a variety of urban uses, only one of which is residential which delivers the lowest yield. Nevertheless, urban residential will generate several billion dollars of revenue, stimulate various sectors of the local, regional and state economy as already described

Residential dwellings house a variety of consumers each of which has different housing needs. Data indicates that the most common consumer choice in the Redlands is for detached dwellings, which are primarily built on newly developed estates although some do occur as brownfield development.

Detached houses consume Greenfield, that is, broadacre land.

The following table provided by Urbis in the *Redland land Supply Report 2014* estimates (at the 2011 Census) long term forecasts of population and dwelling numbers to 2041.

Forecasts of Population & Dwelling Nos

	<u>Population</u>	<u>Dwellings</u>		<u>Total</u>
		<u>Detached</u>	<u>Other (Incl Attached)</u>	
2011 Estimates	144020	47934	7405	55339
2041 Projections	202644	62195	19643	

8183

Source: Prepared by QGSO, contained in the Urbis *Redland City Council Land Supply Review 2014* sourced by D Murphy

Housing demand can also consist of attached dwellings which again have different drivers. This type of housing most often occurs on brownfield sites.

The table below forecasts that the demographic changes that will occur in the city between 2011 and 2041 will result in around 54% of new dwellings being detached dwellings.

Projected Change (Numbers & Composition)

	<u>Population</u>	<u>Dwellings</u>		<u>Total</u>
	<u>Growth</u>	<u>Detached</u>	<u>Other (Incl Attached)</u>	
2011-2041	58624	14261	12238	26498
100%		53.8%	46.2%	

Source: Prepared by QGSO, contained in the Urbis, *Redland City Council Land Supply Review 2014*, sourced by D Murphy

Between 2011 and 2041, Urbis states that QGSO estimates and projects, that 12,229 dwellings will be needed apart from detached dwellings. There appears to be sufficient capacity to accommodate this demand over the long term, particularly in the northern part of the city.

Clearly, broadhectare land stock will be required to accommodate 14261 detached dwellings.

12.4 Land Supply

The Thornlands area is a significant area of englobo land, located just twenty seven kilometres from the Brisbane CBD, able to supply land for the full range of urban uses.

Very little land such as the Thornlands land area exists in south east Queensland, to satisfy future demand for land for urban uses. A total area of 587 ha was identified by the Redland City council in 2013 in its *Broadhectare Study 2013*, as suitable for urban residential development.

In this study, only a further 7 ha was considered suitable for rural residential development.

The study estimates broadhectare stock by density category and calculates the expected yields of dwellings as shown below.

Broadhectare stock (hectares)				Theoretical dwelling yield (dwellings)	Expected dwelling yield (dwellings)			
Higher density	Standard urban density	Rural density	Total stock		Higher density	Standard urban density	Rural density	Total stock
126	461	7	595	10,199	4,650	5,448	7	10,105

Source: *Broadhectare Land Study 2013*

The table demonstrates that to 2041, the 594 ha total land stock in the City will not be enough to support the projected demand for detached dwellings, let alone other urban activity, for which additional land will be required.

Urbis recognises the difficulty the region faces in regards to land supply need, as outlined below.

<u>Projected Demand with Supply Stock (2011-2014)</u>		
	<u>Detached Dwellings</u>	<u>Hectares (ha)</u>
<u>Growth in Demand</u>	14,261	840 (Equiv)
<u>Supply Stock</u>		
Land Stock Broadhectacre	10,103	595 (Equiv)
Vacant Allotment Stock	<u>1,050</u>	
Total	11,153	
<u>Shortage</u> (interaction of demand with supply)	3,108	183

Source: Prepared by QGSO, contained in the Urbis, *Redland City Council Land Supply Review 2014*, sourced by D Murphy

12.5 Broadacre Shortage

The table above demonstrates that with a yield of 16.98 lots / ha, demand for detached dwellings alone during the forecasted time horizon will exceed the supply capability of the broadacre land stock of the Redlands by 3108 dwellings, or by 183ha of broadacre land currently available.

One of the primary functions of a planning scheme is to ensure a supply of broadacre land into the future and this area provides such an opportunity

12.6 Other Urban Uses

The demand for uses other than residential on broadacre land is less known than the demand for residential, and less quantifiable, but additional broadacre land will be needed to satisfy urban land use demand. Either way, the existing land stock area of the Redlands is inadequate to meet demand, and the area can meet a range of urban land use needs.

The area has been identified under the RPS since 2006 for integrated enterprise/employment purposes. Commercial zoning and activities already exist in the area while rural activities are constrained by urban development and economies of scale.

Insistence on rural activities within the area can only be interpreted as an attempt to prevent realization of the proven higher and better use of the area.

Based on land in the area being developed for a business park for example, statistics from other such projects confirm that for every single area hectare of land developed for this purpose, sixty five permanent jobs will be secured. Across the 210 hectare land area west of Woodlands Drive this equates to between six and a half thousand and seven thousand jobs. If the entire area was to be developed as a business park, this would equate to between thirteen and fourteen thousand permanent jobs.

Statistics such as this confirm that the area has a significant capacity to deliver a strong economy, a wider revenue base and significant jobs growth.

From a planning perspective the area has been proven to be able to accommodate the full range of urban interests. This submission has demonstrated residential need but other urban uses, particularly those that require large areas of land, which can be located here. The area can and should be described as EUC under the DCP 2015 and City Plan 2015. From a planning perspective, it is ready to go.

12.7 Evaluation of the Thornlands area

Of the six areas listed above, only one area, the Thornlands area is:

- proven to be suitable for urban development and therefore ready to go
- already contains commercial activity
- sequential for development
- well located with significant co - locational advantages
- relatively unconstrained
- well serviced
- suitable for reinstatement into the Urban Footprint or for declaration of a PDA or MDA
- able to satisfy a range of state interests

- held by willing sellers who favor development as confirmed by a council run community meeting held on 18 February 2014 at which in excess of 97% of landowners indicated they were willing sellers
- has been the subject of private sector investment activity

It therefore follows that there are no planning impediments for the development of this area and that outcomes can be delivered in a timely manner with clear and secure planning scheme support under an EUC zoning.

13 MASTER PLANNED GROWTH

13.1 Realising Opportunity

The area provides the opportunity to achieve orderly growth. The area is able to provide economic development opportunities across the full range of urban uses and has the proven capacity to be a standalone, integrated development area. The area can make a significant and timely contribution to the government policies and objectives. Specifically, the area is well located and well serviced. It has been, and continues to be, the subject of significant private sector interest.

In 2008, RCC commissioned Pacific Southwest Strategy Group to produce the *Redlands Economic Development Strategy*. In section 2.5, the *Strategy* gave the Master Plan for the TIEA the highest weighting of all RCC committed projects and stated that the Redlands should achieve 80% employment self-containment by 2036.

Historically, feasibility studies by five large developers in the area have all proved that the area was economically viable for a mixed use master planned urban growth area.

The planning scheme should support urban uses and facilitate masterplanning by amending the RNU zoning of one of the last substantial well located and well serviced, greenfield sites in SEQ.

Economic, urban growth opportunity in the area can be realized in various ways. For example, the *Redland Shire Employment Area Investigation 2005* deemed the area suitable to integrated employment uses, including residential, in order to address the City's employment retention rate. This submission has already demonstrated outcomes under a possible residential zoning, however the area has been proven suited to the full range of urban uses.

13.2 Other Local Government Area Problems

The Pacific Southwest Strategy Group survey 2008, found that more than 58% of respondents believed that the supply of economic and industrial land in the Redlands was inadequate. The Group noted that the city suffers detrimentally because of:

:

- a substantial lack of sustainable employment opportunity
- a historical, very low employment self containment rate in the city of approximately 47% which has not increased over recent years
- a skewed demographic as a result of the aged and economically challenged population of the city
- an increasingly transient population
- a constrained revenue base
- traffic problems and gas emissions generated by travel to and from work out the city
- wildlife deaths caused by travel to and from work out of the city
- community health and safety as residents continue to journey out of the Redlands to work.

With an EUC zoning, the area, can assist in resolving these issues.

13.3 Proven Capacity

The area remains capable of:

- delivering orderly diversified master planned urban growth
- providing a significant boost to jobs growth
- providing an infrastructure ready site with Main Roads upgrades of the road network from Mt Gravatt to Victoria Point continuing
- providing an urban growth area that is line with all DROs and SPPs, as per Attachment 3
- providing an urban growth area that can address green issues above and beyond what is mandated under planning regulations
- reducing traffic congestion and therefore fewer carbon emissions and wildlife road kill
- offering a large new revenue base
- adding stimulus to the economy through industry support and retail spending
- providing co-locational benefits from the surrounding activity centres of Capalaba, Cleveland and Victoria Point
- an opportunity to grow the economy and population of the region in an orderly and sustainable manner

Historically, the area has been the central planning response to address Redland City's economic development since 2006. Very little has changed in the area and so the City Plan 2015 should amend the constraint of the RNU zoning of the area to an EUC zoning, and should support the urban uses of the area as consistently identified in the planning scheme, regardless of the historical rural zoning.

14 ASSESSMENT FACTORS

14.1 Koala Habitat As An Assessment Factor

State Planning Policy Conservation of Koalas in South East Queensland 2005, Map 7, as per Attachment 4, clearly confirms that the area is not included in a koala conservation area. Indeed, between 2007 and 2012 the area was the subject of council commissioned valuations so that a regional sporting complex could be located in the area, specifically because the area was not included in the Koala Conservation Area.

Current planning scheme environmental overlays, in particular koala habitat overlays such as that imposed over the area under Local Law No 2 *Koala Management Areas*, are not informed by empirical evidence or the statutory data.

On the other hand, empirical data does however, under pin council support for the area to be included in the Urban Footprint in 2005, does support urban uses under the draft LGMS, does support urban uses for the area under the planning scheme from 2006 to 2015, and supported the commissioning a Masterplan and Infrastructure Delivery Plan in May 2009.

The area west of Woodlands Drive in particular is essentially cleared land and does not carry a koala population, as identified under SPPs 2014 and is acknowledged as such under SPPs 2014.

The *South East Queensland Koala Habitat Assessment and Mapping Project Final Report*, GHD, May 2009 delivered to the Department of Environment and Resource Management (DERM) in 2009 clearly states that, "*any regulatory planning instrument must outline a process of more detailed assessment when making sound planning decisions*". In regards to the Thornlands area no independent, scientifically based assessment of koala habitat values has been initiated.

Redland City Council *Koala Habitat Review Mapping Version 2* conducted by Biodiversity Assessment and Management in 2014 was produced only for the benefit of the client, Redland City Council, to be used in the Redland Planning Scheme 2015. This document also confirms minimal koala habitat for the area.

The *State Planning Policy 1/05 (Conservation of Koala in South East Queensland)* section 5.2 allows for development to be designed to minimize adverse impacts on koala habitat values as far as practicable without reducing existing development rights or removing development rights, by using responsive design. In addition, the draft *Nature Conservation (Koala) Conservation Plan 2005* recommends koala friendly approaches to development through compatible road design, covenants and landscaping with appropriate native species.

While the above regulations acknowledge that it is possible to create sensitive, sustainable development which allows for continuous fauna corridors, planning scheme overlays do not and should therefore be removed because the koala overlay on the area, evident in Local Law No 2 mapping is unfounded, unjust and not based on sound and reasonable planning principles.

The *Draft SEQRP 2009-31 Regional Landscape Management Area Table 1*, makes no reference to land at Thornlands, while the *Draft SEQRP 2009-31, Map 7*, confirms the area is not regionally significant. Planning decisions under the planning scheme review should not be based on the blanket environmental moratorium over the area which effectively reserves freehold land for public purposes, without compensation, so that it cannot achieve proven highest and best use.

The current RNU zoning and habitat overlays fail to acknowledge that development can be environmentally sensitive, can result in positive environmental gains and that landscape amenity includes a mosaic of elements which can and should include sustainable human activity. The landscape values that the area does have can be retained and managed with sensitive, extensive landscaping and open space networks.

Koala habitat overlays, in particular incorrect koala habitat overlays, should not be used by the planning scheme to constrain freehold land for a public purpose.

14.2 Scenic Value and the Regional Plan

The *SEQRP 2005-25* identifies the Gold Coast hinterland, Moreton Bay Islands, Glass House Mountains, Currumbin Valley, Tambourine Mountain, Beechmont, Montville, Blackall Range, Lockyer Valley, Scenic Rim and Logan Wetlands as areas of natural beauty.

The Thornlands area is not included in this list because empirical evidence has confirmed that there are no sound planning reasons for the area to be included.

The current RNU zoning and habitat overlays fail to acknowledge that development can be environmentally sensitive, can result in positive environmental gains and that landscape amenity includes a mosaic of elements which can and should include sustainable human activity. The landscape values that the area does have can be retained and managed with sensitive, extensive landscaping and open space network.

14.3 Natural Hazards

Past assessment of the area under the planning scheme and the regional plan deemed the area as having no natural hazards.

Again, the area to the west of Woodlands Drive is cleared and therefore presents minimal bush fire risk.

14.4 Ecological Functions

Similarly, extensive past assessment of the area under the planning scheme and the regional plan have deemed the area as having no ecological impacts.

Nothing has changed in the area.

14.5 Infrastructure Requirements

Corporate responsibility requires a local government to manage revenue flow and financial expenditure so as to be able to meet infrastructure requirements as they occur.

An attempt to restrict growth on the basis that a local government cannot meet infrastructure charge commitments would suggest an internal financial management problem.

In turn growth, such as the potential for urban growth in this area, improves revenue flow and the delivery of services to the community as a whole.

Local government infrastructure obligations vary according to the type of development, so there is opportunity to apply an urban zone to the area so as to vary infrastructure charges.

14.6 Alternative Growth Strategies

“Alternative growth strategies” referred to in the qualification of the Minister’s directive, can include restricting growth under a planning scheme which adopts a “do nothing approach” to zoning and overlay issues, and can mean using the full range of procedural mechanisms to ensure growth is held hostage under a planning scheme that has the force of law. Such an approach should no longer be favoured when managing the future growth potential of the area.

An infill growth strategy, while having benefits, tends to create ad hoc, non sequential development which does not have the capacity to provide the benefits that a masterplanned growth strategy can deliver.

The Thornlands area provides the opportunity to achieve a range of urban uses, including orderly sequential master planned development.

15 LOCATIONAL ADVANTAGES

15.1 Unique Advantages

The Thornlands area demonstrates several unique advantages including:

- proven compliance with DROs and SPPs
- a empirically proven, master planned urban growth opportunity
- sufficient cleared land to accommodate the pent up demand for land for the full range of prescribed urban uses well into the future
- a sequential, well located position in the centre of the activity centres of Capalaba, Cleveland and Victoria Point
- a location well located to encourage economic agglomeration for mutual gain between activity centres
- a site well located to services such as transport, road networks, town water, sewage and electricity supplies
- a location well located to school, hospitals, tourist and cultural destinations
- an established labour pool for future growth
- co-locational advantages to other support businesses

Continued imposition of the RNU zoning of the area would be an artificial planning constraint which has no logical basis in planning reasoning. The planning scheme review should amend this constraint so that private sector investment in the area can deliver proven local, regional and state interests in an orderly manner under conditions of planning certainty.

The Thornlands area has:

- complied with planning regulations including SPPs
- attracted investor interest
- an unconstrained land mass which can accommodate urban growth
- the capacity to deliver economic, environmental and social outcomes
- enough land mass to be able to provide enhanced habitat connectivity
- a location which can maximize revenue creation and job creation now and into the future
- the capacity to support population growth into the future
- the capacity to contribute to addressing the decline in economic activity in the local area, the region and the state which has been occurring since 2007.

The area provides real opportunity for growth in the Redlands.

The area has previously been supported for urban purposes by:

- the Strategic Plan
- a ratified EUC zoning
- the LGMS 2007-8
- operational plans
- the planning scheme from 2006-15

- requests by council to have the area declared an MDA
- a Masterplan and Infrastructure and Delivery Plan 2009
- private sector investment
- submissions to the State which resulted in the area being included in the Urban Footprint of the SEQRP 2005-26
- inclusion in the Urban Footprint of the Draft SEQRP 2009-31

Economic development of the area needs to be supported by the whole of Council and by all planning processes to ensure the timely delivery of urban growth for the city, the region and the state.

16 RECOMMENDATION

The final City Plan 2015 should clearly demonstrate how the planning scheme intends to respond to, confirm and deliver future urban growth in Thornlands area, as described in ministerial correspondence dated 20 August 2015.

The most definitive way in which to support future urban growth in the area is to give the area an EUC zoning under the final City Plan 2015.

Empirical evidence and inclusion in the Urban Footprint of the regional plan 2005-26 and the Draft SEQRP 2009-3, has previously clearly proven the area to be suited to urban growth, while at a local government level the area has been consistently identified for urban uses under the planning scheme from 2006 to 2015. Empirical evidence which proved the area suited to urban uses never been refuted and nothing has changed in the area to prevent the area from complying with development assessment requirements.

While the indisputable planning facts of the area have not changed, what has changed is an increasing need for economic opportunity and the need to encourage a stronger, more diversified and more cohesive community. This area can deliver sustainable growth opportunities and a consequence, a happier and healthier community.

The area exhibits unique, locational advantages and has historically been proven capable of delivering the full range of local, regional and state interests, including substantial revenue flow and job creation opportunity. It has the capacity to deliver an orderly sequential master planned urban growth area for the city.

Highest and best use of the area has been established in council's own minutes 19 September 2012. These minutes, which record the intention of acquiring land in the area for the public purpose of a regional sporting complex, confirm that the area was not considered to be constrained by koala conservation values or other constraints.

Koala habitat overlays which are a primary constraint, should therefore be removed and the City Plan 2015 should zone the area as EUC so that urban growth objectives can be delivered in a timely manner.

17 REFERENCES

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Redland City Council *Draft Local Growth Management Strategy Schedule of Implementation Activities, July 2008*

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Redland City Broadacre Report 2013

Redland City Council *CEO to Minister, March 2008*

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Redland City Council *Minutes: Adoption of Operational Plan 2009-10, 24 June 2009*

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SEQRP Fact Sheet: *Koalas 2009-10*

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State Planning Policy Draft, April, 2013

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Turner, M, G, *Landscape Ecology: What is the State of the Science?* Online Review in *Advance*, 2001

Urbis, Development and Construction Industry PERFORMANCE Report, March, 2013

Urbis, Redland City Council Land Supply Study 2014

18 Attachment 1 – Map of the TIEA



19 Attachment 2 – Document List

Redland Community Economic Development Annett Consulting Feb., 1996 (RCC approved) referenced retained employment < 40%, 1991 ->44%.

The Final Economic Profile of Redland Shire– An Input Into The Redland Shire Strategic Plan Review Feb 1996 (RCC approved) notes retained employment less than 40%

Redland Shire Council Integrated Employment Area Study GH&D, Sept 2000 (RCC approved) identifies the TIEA as one of eleven sites within the Shire for an integrated employment centre

Redland City Council Policy Report 20 March 2002 (RCC approved) recommends site inspections by officers to identify integrated enterprise areas within the Shire.

Vision 2005 and Beyond June 2001 (RCC approved) notes that the majority of the Redland workforce travel out of the Shire for work and that if this trend continues the quality of life of Redland residents will be impacted upon through increased travel time, air and noise pollution, safety issues and increased congestion.

Redland Shire Industrial Land Study, Urbis, March 2002 (RCC approved), adopted an Employee per Hectare Ratio of between 48 and 65 and forecast a total land requirement of between 125 and 229 hectares

Redlands Planning Scheme, Business Development Position Paper ‘Balancing Growth and Lifestyle in the Redlands Urbis May 2002, (RCC approved) recommended provision for an additional net 100 hectares of industrial land within the Shire which had retained employment < 40%

Draft SEQRP 2004 identified TIEA land as an investigation area for the Urban Footprint with RCC support (PSA Positioning Paper 3.1, p8)

SEQRP 2005-26 TIEA was included in the Urban Footprint with RCC support

2005-2009 RPS did not reflect the Urban Footprint status of the TIEA

Draft Redlands Planning Scheme - Version 1 (adopted by RCC 24th August 2005) officers recommended an Emerging Urban Community Zone sub-area EUC1 for employment and higher education purposes in the Boundary/Taylor Roads area to accommodate future integrated employment needs of the Shire and, that the Structure Planning process assess employment and residential impact on visual amenity and, environmental constraints.

Redlands Planning Scheme - Version 1 15th March 2006 (RCC approved) sets out mapping and economic outcomes

Redland Shire Centres & Employment Review SGS Economics & Planning Pty Ltd April 2007 (RCC approved), recommends the Thornlands IEA as a priority. It notes the RPS identifies and provides for the protection of the land at Thornlands for the establishment of a major integrated employment area, to be reinforced in the LGMS and SEQ Regional Plan through designation of the area as a Major Development Area (MDA), including a District Centre.

Draft Redland Shire Council Local Growth Management Strategy 21 June 2007(RCC approved), supports an Economic Enterprise Area south of Boundary Road, Thornlands as the Shire's most prominent business and enterprise location to 2026

Redland Shire Council Local Growth Management Strategy Schedule of Implementation Activities 21 June 2007(RCC approved), identified the area between Springacre Road and Taylor Road as the proposed TIEA – MDA and notes this would require preparation of a Structure Plan and amendment of the RPS, and that subject to Ministerial designation of MDA, investigations and structure plan for the area were to commence in 2007/2008.

In **June 2007** RCC notes that the Department of Infrastructure and Planning sought RCC confirmation of support for the designation and Structure Planning of the TIEA scheduled to commence mid 2008.

Letter to Minister Lucas from Redland Shire CEO Mrs. Sue Rankin June 25 2007 (RCC approved) requests the Minister to declare the TIEA an MDA with regulatory provision.

Letter to Minister Lucas from Redland Shire CEO Mrs. Sue Rankin 3rd March 2008 (RCC approved) requests the Minister to act with urgency regarding the MDA for the TIEA.

Redland City Council Minutes General Meeting Regional Sports Complex, 24 May 2008 Mayes & Boning (RCC approved), nominates the TIEA for a major sporting precinct. External Town Planners, Bannock & Associates advise that the facility would be best suited to the Urban Footprint as defined by the SEQRP and that the preferred site was located within the proposed TIEA which the LGMS recognized as a future integrated employment area.

Redlands Local Growth Management Strategy Planning Report January 2008 (RCC approved) notes RPS identification of the land at Thornlands as a major integrated employment area to be reinforced in the LGMS and SEQRP, and the designation of the area as a MDA.

Draft Redlands Local Growth Management Strategy Schedule of Implementation Activities July 2008 (RCC approved), notes land south of Boundary Road, between Springacre Road and Taylor Road as the TIEA –Major Development Area, the preparation of a Structure plan, amendment of RPS, inclusion of this area in the SEQRP 2009 review as an Enterprise Precinct and, the TIEA as MDA subject to Ministerial designation with a structure plan to commence in 2008 with timing "Short Term".

Redlands Planning Scheme - Version 2, 27 August 2008 (RCC approved), includes Amendment No.1A effective 2nd July 2008/ Amendment No. 1B adopted 27 August 2008

Redland City Council Economic Development Strategy 2008 – 2012 October 2008 (RCC approved), notes the TIEA as the last available significant area of land in the Urban Footprint strategically located and able to be planned for urban development and structure planning as a committed project. The report notes the TIEA has the capability of providing up to 20% of the new jobs required by 2026 and that the sub-arterial road upgrade project Tingalpa Creek – Taylor Road – Gateway Motorway will provide improved freight and transport services, specifically to the proposed TIEA.

SEQRP DRAFT PLAN 2009-2031, 13th December 2008, TIEA was supported by RCC

SEQRP DRAFT PLAN 2009-2031 Key Changes Fact Sheet notes proposed additions to the Urban Footprint at: Elimbah East, Beachmere, Steiglitz, Purga, Plainland, Gatton North

and Toowoomba and deletions at Bracken Ride, Nudgee, Chapel Hill, Mt Gravatt, Rochedale, Kuraby Plains, Parkinson Bushlands, Springfield Reserve and Southern Moreton Bay Islands.

Minutes Redland City Council Special Meeting: RCC submission SEQRP 2009-2031 10 March 2009 (RCC approved and carried unanimously), resolves to identify the TIEA for economic and enterprise opportunities together with compatible recreational and educational uses subject to a Structure Plan process

Letter to Minister Hinchcliffe from Redland City Council CEO 12 March 2009 (RCC approved), re-iterates Council's preference for the progression of the TIEA.

Redland City Council Submission to 2009- 2031 SEQRP 12 March 2009 (RCC approved), notes that reference to the TIEA is supported with a minor change to remove reference to district – level activity centre, consistent with Council's policy position as set out in the 2008 LGMS, which supported a residential component. The TIEA is noted as a Future Growth Area as per the Draft SEQRP 2009-31.

Koala Habitat Assessment and Mapping Project, GHD, May 2009 stresses that the mapping used is generic and that detailed ground truthing needs to be carried out to inform a statutory instrument.

PSA Consulting Structure Plan Tender to Redland City Council for the Structure Plan for the TIEA (RCC approved 8th May 2009), indicates PSA Consulting will undertake the Master Plan and Infrastructure Delivery Plan at a cost of \$152,750 +GST.

RCC Internal Memorandum from Stephen Hill, Principal Advisor Land Use Planning to Manager LUP, Wayne Dawson re Engagement of PSA Consulting for TIEA (RCC approved) seeks approval to engage PSA Consulting to undertake tasks identified in a project proposal dated 8th May 2009. Item 2.4, Landowner Engagement, as proposed by PSA was deleted from the contract by RCC.

Letter from Mr Wayne Dawson Manager Land Use Planning RCC to Mr. Malcolm Griffin, PSA Consulting, engages PSA Consulting 25th May 2009

Letter from Stephen Hill RCC to Mr Malcolm Griffin PSA Consulting 24th June 2009 confirms a smaller engagement by RCC of PSA Consulting.

Minutes of Redland City Council Meeting adoption of Operational Plan 2009-2010 24th June 2009 page 13, (RCC approved), acknowledges RCC was to "Prepare a Master Planning Study and Infrastructure Delivery Plan for this Enterprise" and that the TIEA was consistent with the recommendations of the *SEQRP 2009-2031* and the LGMS 2009.

Queensland Government Cabinet Minutes July 2009 note that Cabinet endorsed the *SEQRP 2009-31* allowing for "minor editorial and publishing changes".

Final SEQRP 2009-31 released on 28th July 2009

Consultation Report SEQRP 2009-2031 (released on the same morning as the SEQRP 2009-31, 28th July 2009) notes support for the TIEA for employment purposes from 15-18 suburbs and objections to the TIEA from 2 suburbs. There were 549 Redland submissions to the Plan review, with approximately 20 referencing the TIEA.

Project Positioning Paper, PSA Consulting Executive Summary 28 July 2009, states the decision of the State government to reclassify the TIEA as RLRPA raises a range of

immediate and long term planning implications for the Redlands and suggests that RCC negotiate with the State for a review of the decision to reinstate a part or the whole of the TIEA into the Urban Footprint (6.1, p18).

SEQRP 2009 -31 Fact Sheet, Koalas announces the TIEA Development Area has been removed from the Urban Footprint in response to the latest koala mapping and data from the State Government Koala Protection Taskforce.

Redlands City Council Sustainability Study Final Report, Halcrow Pacific, 21 November 2011, (RCC approved), Table 3.3 identifies the Redlands has having an employment retention rate of 40%, which will continue to have significant implications for transport infrastructure, transport congestion, community safety and greenhouse gas emissions as resident workers continue to journey to work outside of Redlands.

15 February 2010 and **15 December 2011** landowners request Mayor Hobson to approach the State to discuss reinstatement of the TIEA area into the Urban Footprint and to discuss accurate koala mapping of the TIEA but Mayor Hobson refuses this request.

20 Attachment 3 – SPP Principles and the TIEA

Housing and Liveable Communities

Land within the TIEA is a strategic asset which, with an urban zoning, can contribute to the land supply required to create healthy, liveable, sustainable communities and the well being of the state as a whole.

Urban land use in the area can contribute to growing the construction industry and contribute to catering for the needs of a growing population. Such development can stimulate employment, as well as benefit from, job creation within the area.

Affordability

With an urban zoning a competitive land supply can be produced and this will assist housing affordability because a major land release is the most effective approach to providing adequate land supply.

The area is well located to provide services because of its location to transport, activity centres and services.

Flood

The area is not flood prone as the most of the land is above the 1% AEP flood level (Humphreys et al, 2008, p91). The majority of land has a gentle slope with drainage directed towards and confined to the riparian corridors of both Hilliards and Eprapha Creeks which could provide ecological buffer zones.

Hard structures within the area would not be affected by flooding.

Environment

A multitude of studies have confirmed that the area does not compromise environmental objectives and that it complies with State planning regulations, particularly in regards to land to the west of Woodlands Drive which is essentially cleared. Conservation strategies can be used in the development of the area so that development is visually sensitive and has a low environmental impact. Flexible, innovative and locally appropriate planning within the TIEA can enhance connectivity of the bushland landscape.

Environmental impacts which do occur within the area can be minimized by planning regulations or by offsets while environmental buffer zones and water catchment areas can be used to maintain and even enhance the visual amenity of the area.

Given that the *State Planning Policy 1/05 Conservation of Koalas in South East Queensland* did not identify the area for koala conservation, development within the area would not create habitat loss.

Amenity and Character

Amenity and character of the area can be protected with extensive appropriately located landscaping and open space networks. Such networks can provide open space to which the public has access.

Transport and Infrastructure

The area is located approximately twenty seven kilometres from the Brisbane CBD. It is centrally located and accessible to a number of high capacity roads. Old Cleveland Road, Capalaba Mt Gravatt and Moreton Roads connect the area to the CBD of Brisbane. The Gold Coast can be easily accessed via Mt Cotton and Logan to the Pacific Highway or via Old Cleveland Road to the Gateway Arterial Motorway which also connects the area to the Port of Brisbane and Brisbane's domestic and international airports.

The area is bounded on the northern side by Boundary Road which is a state carriage way that carries four lanes of traffic. This roadway system has a traffic count of over forty thousand cars travelling out of the area in the morning and returning in the evening. The area is dissected by Woodlands Drive which RCC has identified for upgrade to four lanes in 2016. The Capalaba Mt Gravatt Road is in the process of being upgraded and will connect to Boundary Road.

The three existing activity centres of Capalaba, Cleveland, and Victoria Point which surround the area are linked by an established road network, with a rail network running from Cleveland to Brisbane.

The *Connecting SEQ 2031: An Integrated Regional Transport Plan for South East Queensland 2011, part D*, (2011, p115), notes that development of the TIEA would reduce the number of journeys made out of the Redlands daily to work, ease traffic congestion on Finucane Road, Old Cleveland Road, Redland Bay Road and Moreton Bay Road. The report also notes that wildlife road kill would also be reduced if the number of trips by car made in and out of the Redlands daily to work was reduced. There would be the added benefit of less gas emissions.

Local bus routes run from Redland Bay Victoria Point, Capalaba and Cleveland pass along Boundary Road which defines the area on its northern boundary.

Electricity and town water serve the area.

Development of the area has the advantage of access to established transport networks but also has the potential to minimize current use of that network by providing a jobs precinct which will reduce the number and distance involved in journeys to work in the Redlands.

Waterways

Catchment areas within the area would be protected by planning regulations which could also maximize opportunities for water recycling and or reuse, for example by mandating water tanks.

Mini waste stations could manage sewage discharge and recycle water, while mandatory water tanks could help to create sustainable water use.

Health

Redlands Public Hospital and Mater Private Hospital (Redland) at Weppin Street are located only a few kilometres from the TIEA. A specialist centre is located in this hospital precinct as well as in Cleveland. This precinct has growth potential.

Communities which are able to live work and play without having to travel long distances are healthier and happier communities.

Air, Noise and Water Impacts

There would be no significant air, noise or water impacts under properly regulated development in the area.

Tourism

The area is located close to the car ferry which services Stradbroke Island and Southern Moreton Bay Islands. The area is close to the Venman Bush Reserve, Indidgiscapes, Siromet Winery, the Wellington Point, Victoria Point and Cleveland Point and Raby Bay foreshore precincts, art galleries, three libraries, three regional retail precincts, a museum and Ormiston House.

The area is also located approximately 27 k from the services of Brisbane, an hour's drive to the Gold Cost and its hinterland and Mt Tambourine, and approximately one and a half hours drive from the Sunshine Coast and the glass house Mountains.

Development of the area would not create significant impact on tourism .It would in fact encourage more activity.

Education

Several public and private primary and secondary schools are located a few minutes drive from the AREA.

Nazarene Theological College is located within the TIEA area while the University of the Third Age uses Cleveland high School premises.

The Donald Simpson Centre and the UQ and Mater nursing school are located in Cleveland.

Sheldon College, with an enrollment in excess of one thousand students, is located in Taylor Road

21 Attachment 4 - State Planning Policy Conservation of Koalas in South East Queensland 2005, Map 7



22 Attachment 5

Face book Page 2015



23 Attachment 6 - Local Law No 2 Koala Management Areas

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