

13 July 2015

Submission No. 038
11.1.13

Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
BRISBANE QLD 4000
BY EMAIL ipnrc@parliament.qld.gov.au

Level 10, Springfield Tower
145 Sinnathamby Boulevard
Springfield, Central QLD 4300
PO Box 4167, Springfield
Central QLD 4300
P +617 3819 9999
F +617 3819 9900
greater.springfield.com.au

Submission to the Infrastructure, Planning and Natural Resources Committee on the Planning and Development (Planning for Prosperity) Bill 2015 – preservation of quarantined DCPs including Springfield Structure Plan

1. Introduction

This is a submission by Springfield Land Corporation Pty Ltd (**Springfield**) to the Infrastructure, Planning and Natural Resources Committee on the *Planning and Development (Planning for Prosperity) Bill 2015* (Qld) (**the Bill**).

Springfield's submission relates to the transitional provisions in the Bill for the Development Control Plans (**DCPs**) originally made under the *Local Government (Planning and Development) Act 1990* (Qld). The validity of these plans was essentially preserved under both the *Integrated Planning Act 1999* (Qld) (**IPA**)¹ and later by the *Sustainable Planning Act 2009* (Qld) (**SPA**).²

This submission relates to quarantined DCPs, including the Springfield Structure Plan (**SSP**), which are currently transitioned as Part 14 of the current Ipswich Planning Scheme under the IPA and SPA provisions.

Springfield submits that the economic development of all important areas of South East Queensland covered by similar planning instruments, such as Springfield, North Lakes and Kawana, would be facilitated if specific legislative provisions were introduced to separate these areas from their local governments' usual planning responsibilities.

2. Background

Springfield as the master developer for the SSP is concerned that the continuing uncertainty about the future status of the SSP and its interaction with the broader Ipswich Planning Scheme and the planning legislation may compromise the timely and efficient development of the land to which it applies, Greater Springfield. This issue also arises in relation to other DCPs for important growth areas for Queensland – North Lakes and Kawana.

The transitional provisions in SPA, carried forward in the Bill³ introduced into the Queensland Parliament in June 2015, have the effect that the local government may (in its discretion) adopt the DCP, whether independently of, or in addition to, the Council's new planning scheme, although not as part of it.

¹ Section 6.1.45A – *Integrated Planning Act 1997*

² Section 86 – *Sustainable Planning Act 2009*

³ Section 266 – *Planning and Development (Planning for Prosperity) Bill 2015*

In effect, the local government is free to implement a different planning strategy for DCP areas, with the potential to frustrate the economic development objectives which have underpinned its development to date; whether by refusing to adopt the DCP for any new planning scheme or, perhaps more likely, varying its effect by incorporating provisions in its planning scheme and policies which are incompatible with achievement of the objectives of the DCP.

Springfield wishes to ensure that the future development of DCP areas like Greater Springfield will be protected under the proposed legislation, so that investment in these key areas may be made with greater certainty and confidence in long term planning strategies.

3. Separate administration of DCPs

Rather than perpetuate the arrangements proposed in the Bill, Springfield submits that the economic development of Greater Springfield – and all other areas covered by similar planning instruments, such as North Lakes and Kawana – would be facilitated if specific provisions which separate out the area to which the DCP applies were introduced, to separate these areas from the local government's usual planning responsibilities.

As there is a demonstrable State interest in advancing and promoting the development of these areas, an approach which results in the State government assuming planning responsibility for the DCP areas does not conflict with fundamental legislative principles.

4. How could this be achieved?

Using Greater Springfield as an example, the outcomes sought through the separate administration of future development of Greater Springfield would best be achieved by providing in the Bill that:

- the SSP is taken to be valid in all respects and becomes a complete code for the development of Greater Springfield – at present the SSP combines with the planning scheme and SPA, creating a complex legal arrangement for development assessment;
- the land to which the SSP relates is treated as a separate planning unit within the planning scheme area, so that the planning scheme (and the usual planning laws) do not apply to Greater Springfield;
- the development approval and dispute resolution processes in the SSP continue to apply, despite any conflicts with the usual planning laws;
- Ipswich City Council remains the assessment manager for all matters relating to administration of the SSP, including all approvals for changes of use, reconfiguration of lots, operational works, building works and other development approvals from time to time provided for in the planning legislation;
- the SSP may be amended by the local government from time to time at the request of the master developer;
- as the current Infrastructure Agreement for Greater Springfield is a critical part of the architecture of the Greater Springfield development and is referred to in the SSP, the future administration of the Infrastructure Agreement by Ipswich City Council will continue; and

- Ipswich City Council would be made responsible for any new infrastructure agreement, determining infrastructure charges for approved development and managing any contributions in a nominated fund so that payment for works is made to the party (including Springfield and the local government) actually undertaking the works.

5. Benefits

The benefits of this approach include:

- the DCPs' original role as the key development blueprint for their areas would be reinstated and preserved;
- the future role of the DCP as the development strategy for its area will be secured in all respects;
- investor and community confidence in the long-term future of Springfield, North Lakes and Kawana will be greatly enhanced; and
- local governments will retain their current important role in development assessment, but the separate scheme would facilitate greater State government involvement at some stage, if this was considered desirable.

6. Legislative drafting and implementation

If this approach is agreed in principle, Springfield would be prepared to assist the legislative drafters with an outline of suggested drafting instructions for government consideration so as to facilitate incorporation of appropriate detailed transitional provisions in the Bill. Similarly, if the legislation as approved by Parliament adopts the approach outlined in the submission, Springfield is prepared to work with both State and local government to ensure that the return of the DCPs from a subordinate part of the current planning scheme to an essentially independent planning instrument for the economic development of their areas can be achieved, avoiding any unforeseen consequences of the new process.

Springfield would be grateful if the Committee would consider this submission in relation to the preparation and finalisation of the proposed legislation.

Please contact me should you wish to discuss Springfield's position further.

Yours sincerely

SPRINGFIELD LAND CORPORATION



RAYNUHA SINNATHAMBY
Managing Director

