

Murray & Sheree Lyons and Prue Lovell  


12 October 2012

State Development, Infrastructure and Industry Committee  
Queensland Parliament  
[SDIIC@parliament.qld.gov.au](mailto:SDIIC@parliament.qld.gov.au)

**Submission on the *Sustainable Planning and Other Legislation Amendment Bill 2012***

We wish to make a brief submission to the committee regarding the proposed changes to the *Sustainable Planning Act 2009*.

In his media release announcing the legislation (13 September 2012), the Deputy Premier and Minister for State Development, Infrastructure and planning stated that the government's aim was to empower local government and hand back control to local communities. We applaud this approach, which contrasts the previous state government's intervention in local planning, for example the enforced fast-tracking of greenfield development on the Sunshine Coast.

Our comments relate to Part 7 of the *SPOLA Bill 2012*, specifically the amendments that remove master planning and structure planning provisions (Chapter 4 of SPA), amendment of Section 20 and the changes to Section 242 (preliminary approvals).

We believe it is essential that structure plans finalised under the existing master planning provisions continue to have full effect under the transitional provisions of the Bill. Further, any preliminary approval applications made under s.242 for development covered by a structure plan should be assessed according to that structure plan.

It would be a tragedy for Queensland communities if the removal of master planning and structure planning provisions of SPA led to a return to ad hoc development and its associated problems.

Our own community, the Chancellor Park estate at Sippy Downs is a good example. After being refused by the council, the development was court-approved. Chancellor Park is home to around 8,000 residents but has no public sporting, recreation or community facilities other than park land. The poor design of the lake system created by the developer has required council to spend millions of ratepayers' dollars on rehabilitation works over the past two years. There are inherent infrastructure issues, including location of the only state primary school campus in a cul-de-sac, with resulting traffic problems.

To illustrate why we believe it is so important for existing structure plans to be preserved in the amendments to the Act, we use the example of the Palmview greenfield development, which will be the neighbouring community to Sippy Downs. The previous state government required the Sunshine Coast Regional Council to fast-track plans for development at

Palmview to accommodate 17,000 residents, as well as the much larger greenfield development at Caloundra South.

As members of the executive of the Sippy Downs & District Community Association from its inception in 2003 until 2011, we were engaged with council and other stakeholders, including major landholders/developers and the previous state government, in the planning for Palmview.

We have never been opposed to the development, but wanted to ensure that it was done in a way that would be sustainable and provide the best outcomes for both new residents and the existing community. Our emphasis was on the necessity for appropriate infrastructure to support the new development.

Of particular concern was the impact of an additional 17,000 residents on the local Sippy Downs road network, which was never designed to accommodate the extra traffic. The only existing road access to Palmview are through Sippy Downs and one of them, Springhill Drive, connects to University Way which is already operating at capacity. The structure plan clearly identifies a new linkage as the first road in the development sequence (extension of Claymore Road).

The structure plan also provides for two future roads to be constructed from Palmview to the south and south-east. However, these will not resolve the issue of traffic travelling north to the key employment and commercial centres of the Sunshine Coast. Access via underpass to the western service road proposed as part of the Bruce Highway upgrade has also been incorporated, but this will not be possible until the highway work is undertaken which will not occur for some years.

While the community does not agree with council's public transport solution (the 'Greenlink' dedicated bus/cycle pedestrian corridor along the Energex easement from Palmview to the University of the Sunshine Coast, through the Chancellor Park estate), we are in full support of the sequencing of development stipulated in the structure plan. Over 1,200 people made submissions to the council in support of this.

The agreed sequencing will see development of Palmview proceed using Claymore Road as the first access road, with construction of the additional road links to occur progressively. Access to Springhill Drive/University Way will be the final road link, by which stage it is hoped that the Bruce Highway upgrade will have taken place, providing an additional option for Palmview residents travelling north to the Sunshine Motorway.

The master plan approach to Palmview also provides for important community infrastructure to be implemented at appropriate stages of development. For example, the Palmview structure plan provides for both primary and secondary state schools. It is worth noting that currently the only state school available to children from Palmview is Chancellor State College, which would not be able to accommodate significant extra numbers of students.

The finalised Palmview structure plan reflected an enormous amount of work, consultation and negotiation. It was agreed and signed off by all parties, including the state government and the landowners/developers. The key benefit of the Palmview Structure Plan to the Sunshine Coast community is the certainty it provides in terms of provision of infrastructure, sequencing of development and environmental measures such as flood mitigation.

In the event of a renegotiation of Infrastructure Agreements for Palmview, we believe that the north-south greenlink transport corridor should be relocated to Claymore Road, with the funds for the greenlink reallocated to upgrading Claymore Rd. We believe that the sequencing of development and road network is non-negotiable.

A letter from Sunshine Coast Mayor Mark Jamieson (10 October 2012 – attached) confirms the council's support for the Palmview Structure Plan. Member for Kawana, the Hon Jarrod Bleijie, has always been a strong supporter of the Sippy Downs community in regard to Palmview and he has confirmed his "ongoing support for the provision of appropriate road infrastructure and proper sequencing of the development however it proceeds" (11 October 2012).

We understand from the explanatory notes to the Bill that councils are required to incorporate structure plans in their planning schemes. The community would logically assume that the Palmview Structure Plan has already been incorporated into the new Sunshine Coast Regional planning scheme, but it is not yet available for public comment following its return from ministerial assessment. It is reasonable to expect that the structure plan as originally signed off by all parties would be maintained.

We believe the changes to s.242 must ensure that councils are not forced to consider preliminary approval applications in isolation rather than as part of a whole development. We can envisage a scenario where a developer would apply for development in small stages in order to avoid the requirements of a structure plan, including provision of infrastructure and sequencing of development. This would be a disastrous outcome for the future of entire communities.

For example, an application could be made for initial development at Palmview in the area adjacent to the existing Bellflower estate. The developer could argue this application does not impact the extension of Claymore Road and therefore the relevant infrastructure agreement should not apply. If successful, this would deliver a significant benefit to the developer to the detriment of the community.

While the Palmview structure plan is the one with which we have been directly involved, we contend that preserving existing structure plans and empowering councils to manage local planning are important principles to be enshrined in the legislation. We believe that planning must reflect the economic and social needs of communities and not be dictated by the commercial imperatives of developers. The planning process should continue to be a partnership.

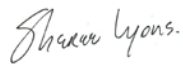
In summary, we ask that the committee ensure that the amendments proposed in the *SPOLA Bill 2012* deliver the following outcomes:

1. Existing structure plans that have been made and agreed under master planning provisions continue to have effect and follow the master plan process under which they were made.
2. Existing structure plans, including infrastructure provisions and sequencing, are preserved in the transitional provisions for phasing out current master planning and structure planning arrangements.

3. All applications for development made under Section 242 (preliminary approvals) are assessed under the relevant structure plan, not in isolation.

We would be happy to provide any further information or clarification the committee requires.

Yours faithfully



Sheree Lyons



Murray Lyons



Prue Lovell

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Direct Telephone: [REDACTED]  
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Our Reference: ECM  
Your Reference:

10 October 2012

M and S Lyons and P Lovell  
[REDACTED]

Dear Sheree, Murray and Prue,

**Submission on Sustainable Planning and Other Legislation Amendment Bill 2012  
(SPOLA)**

Thank you for your letter of 28 September 2012 regarding your submission on the Sustainable Planning and Other Legislation Amendment Bill 2012 (SPOLA).

I would like to acknowledge the extensive input each of you, as part of the Sippy Downs and District Community Association, has had in the development of the Palmview Structure Plan and your continued support for its implementation, particularly with regard to maintaining the agreed sequencing of development/infrastructure and the environmental provisions.

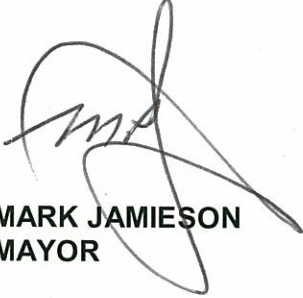
Council officers share similar concerns to those you have raised in your letter particularly in relation to the removal of Chapter 4 – Planning partnerships of the *Sustainable Planning Act 2009*. We have been advised by the State government that the intent of the structure plans will be preserved with this change in legislation, however, Council would like the option to maintain the current master planning provisions to ensure there is no potential for the structure plans to be undermined through the lodgement of Section 242 preliminary approvals.

Council convened a Special Meeting on the 8 October 2012 to consider the SPOLA Bill and the lodgement of a submission to the State Development, Infrastructure and Industry Committee. Your concerns were raised at that Special Meeting. Unfortunately, due to the guidelines for making a submission to a committee of the Queensland Government (refer to attachment) I am not able to provide you with a copy of Council's submission until it has been authorised by the committee.

Your letter sought a response from Council by the 16 October 2012. Please note that the submission period to the State Development, Infrastructure and Industry Committee closes on the 12 October 2012.

If you require further information or clarification of this matter, please contact Leah Bancroft, Planning Coordinator on telephone number 5420 8933.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MJ', with a large, sweeping flourish that loops around the text.

**MARK JAMIESON  
MAYOR**

Encl: Submissions to Parliamentary Committees