

5 June 2020

The Committee Secretary
State Development, Tourism, Innovation and Manufacturing Committee
Parliament House
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BRISBANE QLD 4000

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Forest Wind Farm Development Bill 2020 (Bill): Submission to the State Development, Tourism, Innovation and Manufacturing Committee

This submission is made by Springfield City Group Pty Ltd in support of Part 8 Division 4 of the Bill, which has the effect of amending the Springfield Structure Plan (**SSP**). The SSP is a unique planning instrument which has governed the planning framework in Greater Springfield for over 20 years and today forms part of the Ipswich planning scheme.

In the view of Springfield City Group, the Bill represents a responsible and proportionate response to the uncertainty surrounding the integrated planning and infrastructure framework for Greater Springfield, which arose as a result of conflicting court decisions in 2017-2018. Springfield City Group acknowledges the Government's achievement in resolving this uncertainty in a fair and transparent way, and applauds the decisive steps taken by the Government to do this.

The introduction of the Bill follows a tradition of bilateral political support for the Greater Springfield residents and businesses over several decades, with previous planning legislation assisting the Greater Springfield community and the Western Corridor enjoying unanimous support from all members of Parliament.

The Bill is a vote of confidence in the residents, businesses and jobs of Greater Springfield, and in the city of Ipswich and its important role in accommodating growth in South East Queensland.

Greater Springfield

Greater Springfield is an innovative master planned community located on 2860 ha of former forestry land in the Ipswich local government area, established in the early 1990s in a region which previously enjoyed little growth and development. Part of the Western Corridor, this unique community of six suburbs is now home to 43,000 residents, supporting more than 20,000 jobs, and a student population in excess of approximately 10,000, with 11 schools.

Greater Springfield play an important part in accommodating necessary sustainable development in South-East Queensland, and is acknowledged as a principal regional activity centre under Shaping SEQ, the South East Queensland Regional Plan. The community has attracted over \$17 billion of investment over the past three decades, including from companies and organisations such as Lendlease, Mirvac, Aveo, the Mater Hospital, the University of Southern Queensland, R&F Properties and GE. State, Commonwealth and local governments have all made valuable contributions to Greater Springfield,

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including the duplication of the Centenary Highway, the extension of the passenger rail line to Springfield and development of Robelle Domain parkland, and various educational institutions and facilities.

The success of the Greater Springfield community has been acknowledged many times as a nation-building project, including by winning the FIABCI Prix D'Excellence Award for World's Best Master Planned Community in 2010, and most recently by The Urban Development Institute of Australia last year when they awarded Greater Springfield the title of the best urban development project in Queensland over the past 25 years.

Planning and infrastructure certainty

One of the many unusual aspects of Greater Springfield is that it has been delivered by a small private company, Springfield City Group. Acting as master developer, Springfield City Group has partnered with both public and private sector entities to develop the community as it is today and to make a lasting and positive contribution to the Ipswich local government area and to South East Queensland more generally.

Planning and infrastructure certainty is critical to these partnerships, as this economic development and community building project is still in a comparatively early stage, with an eventual predicted equivalent population of 143,000 people. Springfield City Group estimates that the development of Greater Springfield is only approximately 18% complete, with the further more intensive development of the 392 ha town centre that will accommodate 60,000 plus jobs proposed to occur over the next twenty plus years.

For over 23 years, the SSP (formerly the Springfield Development Control Plan) and associated Springfield Infrastructure Agreement have represented a unique integrated land use planning and infrastructure framework that has served to guide the efficient and effective implementation of the vision for Greater Springfield since the Springfield Development Control Plan came into operation on 24 January, 1997 and the Springfield Infrastructure Agreement (SIA) was signed on 26 March, 1998.

The integrated Springfield planning and infrastructure framework is a testament to the benefits of what can be achieved to both stimulate the development of, and uplift, a region and manage sustainable growth, when long term planning is combined with the certainty associated with the provision of supporting infrastructure. This can only become more important to Queensland in the post COVID-19 landscape. Under the SSP - SIA framework, Springfield City Group committed to provide much of the infrastructure for Greater Springfield, and was required under the SSP, as master developer, to produce a series of holistic plans for the various precincts within Greater Springfield, in parallel with Springfield City Group's staged provision of infrastructure under the SIA. For nearly three decades, Springfield City Group and the Ipswich City Council, together with Queensland Urban Utilities (more recently), have worked cooperatively under the Springfield Structure Plan to ensure that appropriate infrastructure has been provided for the growing community.

A key success factor in the implementation of the Springfield Structure Plan has been the plan making hierarchy, which has developed as the community has grown. Two recent and completely different decisions of Queensland's Planning and Environment Court and the Court of Appeal respectively caused some uncertainty about how this hierarchy operated in practice, and potentially caused the link between the orderly planning of the growth of Greater Springfield and its infrastructure development to be compromised.

The effect of the Bill

The Bill clarifies the plan making hierarchy, confirming the implementation of an orderly planning process consistent with what has been undertaken in practice since 1998. Looking to the future, the Bill provides for a new, mature evolution of the older plan making processes, acknowledging and rebuilding the important link between planning and infrastructure, with new consultation between Springfield City Group, as provider of most of the infrastructure, and Ipswich City Council.

The Bill also makes some changes to the dispute resolution processes which will make the hearing of disputes more efficient, plus clarifies the relationship between certain aspects of *Planning Act 2016* (Qld) processes and the SSP. Queensland Urban Utilities, as the provider of water supply and wastewater services, will also be able to be involved in the resolution of issues related to its infrastructure.

Why does Springfield City Group support the Bill?

As the master developer and community builder (in partnership with others) of Greater Springfield, Springfield City Group has always taken its responsibilities under the SIA and the SSP very seriously, and has expended considerable resources on the plan making process under the SSP to ensure the appropriate curation of the community, with a strong focus on innovation and the generation of employment. With the Bill's proposed changes to the SSP, Springfield City Group will be able to continue that process, and continue to live up to the public trust placed in it to deliver a community, and an economic centre for the creation of jobs for the region, not just a residential estate.

There are a number of particular issues which Springfield City Group considers are of particular importance:

- The Bill clarifies that the finely calibrated system of plans, increasing in levels of detail, is compulsory, and that consistency between levels of plans is essential. This accords with the understanding of businesses and residents in Greater Springfield, and preserves orderly planning in Greater Springfield, allowing for the fine-grained planning of new areas to be undertaken at the appropriate time.
- The changes made by the Bill permit persons other than Springfield City Group to make applications for certain plans in the plan making hierarchy, with Springfield City Group being given rights to comment on applications and for these comments to be addressed and considered. This is a change to the original SSP, but is entirely appropriate given the maturity of the development of the community in 2020.
- By having Springfield City Group comment on plan applications, the Bill recognises Springfield City Group's master developer role and responsibilities, and its critical commitments, both past and future, to the provision of infrastructure under the SIA, and demonstrates a clear appreciation of the links between orderly planning and the provision of infrastructure.
- The protection of the plan making hierarchy also protects the residents and businesses whose investments in Greater Springfield have been made based on an understanding of an orderly plan making and infrastructure delivery process.
- The Council's important role as local government in the development of Greater Springfield has been preserved, with the Council playing a critical assessment role in the approvals of the various plans.
- The Bill clarifies the interaction of aspects of the SSP processes and the *Planning Act 2016* (Qld) processes, and also removes some duplication in the SSP (which has been amended many times since 1997). This will allow for a more uniform and streamlined plan making process.
- The changes to the dispute resolution process protect the roles of both the Council and Springfield City Group, while making the processes clearer and more streamlined and providing appropriate expansion of certain types of disputes.
- Appropriate transitional provisions have been provided in the Bill.

Additional minor changes

A number of minor technical issues have arisen from Springfield City Group's review of the Bill, and these are noted in Attachment 1. We draw these issues to the Committee's attention and request that the Committee consider some minor changes to the Bill in order to remedy some unintended consequences and practical issues.

I would be very happy to provide further information on these matters to the Committee in person at the Committee's public hearing on 15 June 2020.

Yours sincerely

SPRINGFIELD CITY GROUP

A handwritten signature in black ink, appearing to read 'R Sharpless', written over a horizontal line.

BOB SHARPLESS

Deputy Chairman

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Attachment 1: proposed minor changes to the Bill

Bill reference	Heading	Proposed change
EN page 4	Application of Planning Act 2016 (Qld) Chapter 2 Part 4 Div 1 and Div 2 (superseded planning schemes and compensation)	<p>The EN indicates that the Bill may have been intended to ensure that these provisions did not apply to the changes to the SSP made by the Bill. However, provisions to this effect do not appear in the Bill. SCG appreciates that the application of these provisions to the SSP's operation in any case is unclear, particularly if the SSP is not actually amended in the usual sense by the Bill, but would support the introduction of provisions of this kind, to ensure clarity in the administration of the SSP and the Ipswich planning scheme going forwards. If provisions of this kind were introduced, they would have the effect that from the commencement of the Bill, it would be clear that it would not be possible:</p> <ul style="list-style-type: none"> • to make a claim for compensation due to the practical effects of the Bill on the SSP; and • to make an application under the pre-commencement planning scheme.
Proposed section 275W	Restrictions on approving plan applications	<p>The proposed section states that the local government may approve a plan application only if satisfied that the premises to which the application relates are serviced by adequate infrastructure or will, within a reasonable period, be serviced by adequate infrastructure. SCG is concerned that a 'one size fits all' approach may in this respect limit flexibility for the local government in approving some plans.</p> <p>At present section 2.2.4.1 of the SSP provides the following in relation to Area Development Plans (only):</p> <p><i>Council cannot approve an Area Development Plan unless transport, water supply, sewerage, drainage and other utility and community service infrastructure is or will be available to service the area contained within the plan as provided for in the Infrastructure Agreements, or where approved by Council adequate interim infrastructure which does not frustrate the provision of infrastructure under the Infrastructure Agreements, is or will be available.</i></p> <p>SCG notes the following issues:</p> <ul style="list-style-type: none"> • Assessment under section 275W should not be an opportunity to revisit any timing provided in existing approvals or infrastructure agreements because a different view of 'reasonable' is proposed. Current section 2.2.4.1 captures this concept in relation to infrastructure agreements but the proposed new section does not. • The concept of 'interim infrastructure' is used often in Greater Springfield, with cost-effective interim measures used to open up areas for development and the final state

Bill reference	Heading	Proposed change
		<p>infrastructure being provided later. Ideally, this concept would be expressly captured in the proposed section.</p> <ul style="list-style-type: none"> The concept of 'adequate' infrastructure is appropriate for assessment of Area Development Plans (the last plan in the hierarchy for development to actually commence), but the meaning of 'adequate' and a 'reasonable period' may be quite different for the higher order, more conceptual, plans, and this could be made clearer in the section. For example, amendments to the Town Centre Concept Plan may be made to describe development in very broad terms in a particular development area under that plan. This may be many years before development commences (for example, the Town Centre Concept Plan was first approved in 2002 but large parts of the 392 ha area are still undeveloped), and the infrastructure servicing plans for that area might not yet provide sufficient detail for the local government to be satisfied in a legal sense that all adequate infrastructure would be available. In practice, subsequent plan approvals and development approvals, together with infrastructure agreements, will provide that certainty over time. <p>SCG requests that minor modifications be made to address these issues.</p>
<p>Proposed section 275ZB</p>	<p>Restrictions on starting development in structure plan area</p>	<p>Management lot subdivisions</p> <p>The SSP currently provides in section 2.2.4.1:</p> <p><i>Area Development Plans function as reconfiguration or land use proposals to produce an integrated plan for the development of the particular area covered by the plan. Specifically, development of any land included within the Structure Plan area cannot take place within any of the five Structure Plan designations unless—</i></p> <p>(i) <i>there is an Area Development Plan over the land to be developed which has been approved by Council; and</i></p> <p>(ii) <i>the development is shown on or consistent with the approved Area Development Plan.</i></p> <p>[...]</p> <p><i>However application for an Area Development Plan marked "For Reconfiguration Purposes Only" may be approved to allow the reconfiguration of land subject to a condition that the land the subject of such application may not be used or developed (for any purpose) until approval of a subsequent Area Development Plan which provides for the use or development of such land. [emphasis added]</i></p>

Bill reference	Heading	Proposed change
		<p>The qualification in the last paragraph (and similar references in section 2.2.4.9 of the SSP) is extremely important to all landowners and developers in Greater Springfield, including Lendlease, Mirvac and SCG, as it permits 'superlots' to be subdivided and sold before the higher order plans have been prepared for the subdivided sites (management lots). There is no risk that changes of use can occur on these lots before the planning hierarchy has been completed, as it is only Area Development Plans for reconfiguration that can be approved without the higher order plans being approved.</p> <p>SCG suggests that an appropriate amendment be made to address this critical issue.</p>
		<p>Similarly, there are two other important minor works/interim use exemptions in the SSP which provide flexibility for all developers in Greater Springfield, which may be impacted by proposed section 275ZB in its current form.</p> <ul style="list-style-type: none"> Under section 2.6 of the SSP provides that <i>'Notwithstanding anything else contained in this Structure Plan, a person may make an application for approval of the Council by way of the code assessment process to use land, or erect, or use a building'</i> for certain interim purposes. The reference to 'code assessment' means that development of this nature would probably be caught by section 275ZB, so the plan hierarchy would need to be complete before the development could proceed. As the new prohibition is imposed by the amended Planning Act, rather than actually amending the SSP, the words in section 2.6 'Notwithstanding anything else contained in this Structure Plan' will not preserve this flexibility. It should be noted that the local government still provides approval under the SSP for interim uses of this type, so appropriate checks and balances are applied. Similarly, section 10.2.1 of the SSP provides that earthworks including vegetation removal can be carried out only in areas which have an approved Area Development Plan over the land or as authorised by the Springfield Infrastructure Agreement. The SSP area has an exemption from the <i>Planning Regulation 2017 (Qld)</i> triggers for vegetation clearing, but it is possible that some other operational works would be made assessable development by that regulation and hence could be caught by the section 275ZB prohibition. This would similarly reduce flexibility. It should be noted that the local government generally still provides approval under the SSP for works under section 10.2.1 of the SSP, so appropriate checks and balances are applied.

Bill reference	Heading	Proposed change
		SCG requests clarification of the ability to undertake interim uses under section 2.6 of the SSP and the works contemplated by section 10.2.1 of the SSP without the need for the plan hierarchy to be complete, be expressly made in the Bill.
Section 231 Planning Act	Judicial review	SCG notes that the effect of this section is to remove various types of review of decisions made under the Planning Act. At present this section may not operate to remove review of decisions under the SSP. However, if the Bill is passed, decisions of the local government under the proposed new sections of the Planning Act introduced by the Bill will then be removed from review by section 231, which appears to be an unintended consequence. SCG requests that decisions under the new proposed sections be excluded from the operation of section 231.