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**Submission to:**
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The Queensland Regional NRM Groups Collective (RGC) is made up of the 14 NRM Regions in Queensland which in turn work with community and industry to sustainably manage Queensland's natural resources.

The RGC agrees with the need for ongoing reform of State and local government planning powers and seeks to play a constructive role in the continuous improvement of planning legislation and regulation. This submission:

- proposes NRM regional plans can add value to State and local government land use plans; and
- raises some specific concerns with proposed reforms.

Given the very considerable implications of the proposed changes, the RGC has struggled to meet the given time for consultation as it is important that we go through due process with our own members in regard to engagement.

There has been a growing alignment of statutory land use plans and regional NRM plans, beginning with the SEQ plan and subsequently emerging in others.

NRM Plans provide an understanding of the agricultural and natural landscape in which urban, industrial, mining and infrastructure developments all occur. This understanding is:

- informed by science and extensive collaboration with scientific community;
- developed in partnership with community, industry and government; and
- founded on the ethic of healthy landscapes that are sustainably used.

The RGC is working with professional planners through the Planning Institute and research organisations to explore how NRM and land use plans are better aligned. Regional Bodies in Queensland are all embarking on a major review of their plans funded by the Australian Government and seek, among other things, a better alignment and contribution to regional and local land use plans. To better inform the process and outcome, the RGC has:

- convened a workshop of academic, commercial and government planners;
- formed an NRM State Planning Committee; and

- has worked with the Queensland NRM Roundtable partners (QFF, Agforce, QCC, QRC, Tourism Queensland and LGAQ) to find agreement on what constitutes current best practice in land use planning.

Regional NRM Bodies coordinate NRM planning, monitor resource capability and condition, provide extension and knowledge brokering services and facilitate on-ground works and operations. They actively traverse disciplinary boundaries between science, policy, planning and operations in the themes of land, water, biodiversity and vegetation, energy and waste, cultural heritage, institutional assets and community capacity.

Regional NRM Plans are therefore invaluable tools to improve the standard and effective delivery of regional land use plans. They help protect the public interest against poorly informed or careless development on both natural resource assets and social capital and are proactive in promoting and delivering landscape health.

***It is proposed NRM Bodies are actively engaged in the Bill's review and that the role and function of NRM plans is defined in legislation.***

## Concerns

The RGC believes some of the proposed changes do not demonstrate a comprehensive understanding of the impacts these amendments will have on due legal process, the value of regional planning instruments and the rights of community to equitable access to legal remedies through the Queensland Planning and Environment Court (QEPC). It is our understanding that in conjunction with the legislative changes the State Planning Regulatory Provisions are also to be repealed.

### 1. The State Planning Regulatory Provisions.

In conjunction with this legislative review, it is our understanding that the Statutory Planning Regulatory Provisions (SPRPs) in SEQ and FNQ should be reviewed and anomalies addressed but not repealed as proposed. The removal of SPRPs and discontinuance of their use:

- Removes planning protection to agricultural and environmental assets outside the urban footprint.
- Will expose Councils to unsustainable legal costs (currently an application outside the urban footprint cannot be accepted).
- Will expose regions to parochial Council decision making which is what led to the chaos of SEQ urban and rural residential development that evolved with little relationship to transport and access to jobs, education and health.
- Risks a return to scattered rural and urban development (that regional plans were brought in to fix) and would then become a major cost burden to Councils and the State as services cannot be supplied efficiently or at all.
- It will hand back powers to Councils – regardless of capacity - who will be able to approve developments in tidal and flood plain hazard zones.
- The coastal protection act will become toothless as it relies on the regulatory provisions of statutory regional plans.
- Lifestyles and amenity will be lost with unmanaged or poorly managed development.
- 25% of Australian agriculture occurs in the peri-urban zones because cities and towns are invariably on the best land, on fertile flood plans, with ready access to water and are close to markets.

- Agriculture cannot co-exist with urban development when the two are interspersed or when primary production is exposed to land development prices.
- These changes will therefore undermine the State target of doubling agricultural production by 2040.
- There was extensive engagement behind regional plans and the only engagement that came with their removal was a letter to Mayors.

The RGC notes this issue was not raised in the in the standard format questionnaire and consultation was limited to a letter to Mayors. However given Regional Bodies primary role is about food security (one of the four pillars) in healthy landscapes, this is an issue of prime concern to NRM regions.

At the same time as land use planning regulatory powers are being handed back to local government, the State's input has been condensed to one agency by the transfer of authority to the Chief Executive as the single State assessment manager and referral agency. The RGC acknowledges the need for better efficiency in development assessment but is concerned the transfer may reduce transparency, adequate assessment and community input.

The RGC believes the State's role in regional planning and development approval should be clear, efficient, thorough, transparent of process, open to scrutiny and will need to undergo continuous improvement to achieve best practice.

***The RGC proposes, as a matter of principle, regional land use plans should be amended regularly through due process as they are found to be wanting rather than overridden by the discretionary powers of either local government or the State planning agency. Such certainty or security is important for community, business and landscape health.***

**2. Costs and Access to Justice.**

The RGC proposes that the 'own costs rule' be continued because it reflects the court's obligation to advance the purposes of the SPA, which include "*providing opportunities for community involvement in decision making*".

Proposed changes will effectively remove the ability of individuals, community groups and Councils to challenge planning decisions because the risk of paying costs will be too high.

Unlike other kinds of court actions, community groups (as well as Councils and individuals) are acting for the public good and gain no direct financial benefit for initiating proceedings in the QPEC. In fact costs are incurred by community groups when they act to ensure State or local planning laws and environmental laws are properly applied and enforced. Proceedings in the QPEC often seek to uphold, interpret or enforce provisions of local or State law that protect broader community or other public interests.

Current court rules prevent abuse by vexatious and frivolous litigants and commercial competitors. On the rare occasion that a party's appeal does lack reasonable merit or is brought to the court for surreptitious motives, the current legislation gives the QPEC sufficient power to award costs.

***RGC proposes current "own cost rule" remains unchanged***