



25 November 2011

RNA

THE ROYAL NATIONAL  
AGRICULTURAL AND  
INDUSTRIAL ASSOCIATION  
OF QUEENSLAND

The Research Director  
Transport, Local Government and Infrastructure Committee  
Parliament House  
George Street  
BRISBANE QLD 4000



Dear Sir

**The Royal National Agricultural and Industrial Association of Queensland:  
Submission on the *Sustainable Planning and Other Legislation Amendment Bill*  
2011**

## 1. Introduction

The Royal National Agricultural and Industrial Association of Queensland (RNA) owns and operates the RNA Showground at Bowen Hills, Brisbane, and stages the Royal Queensland Show, the 'Ekka', each year.

The RNA Showgrounds is currently undergoing a \$2.9 billion redevelopment project, to be delivered over a period of 15-25 years. The redevelopment project is being undertaken under the *Urban Land Development Authority Act 2007* (Qld) (ULDA Act) and in accordance with the RNA Showgrounds Master Plan approved by the Urban Land Development Authority (ULDA) on 9 July 2010.<sup>1</sup> The Master Plan is a development approval issued by ULDA under the ULDA Act.

The RNA is supportive of the Government's intent to introduce a state-wide urban encroachment policy designed to protect certain existing uses against future urban encroachment, but has identified a number of issues regarding the practical application of the proposed provisions in relation to the RNA Showgrounds.

## 2. Overview of submission

The RNA submits that amendments should be made to the *Sustainable Planning and Other Legislation Amendment Bill 2011* (Bill) to address the following issues:

- The proposed urban encroachment provisions do not apply to protect existing uses of premises against new developments in Urban Development Areas (UDAs) under the ULDA Act, effectively excluding the RNA, which is located in an UDA, from the benefit of statutory protection against urban encroachment.
- The scope of the protections offered by the proposed urban encroachment provisions should be expanded.

<sup>1</sup> UDA Development Approval DEV2010/047

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- The imposition of conditions on registrations is an unnecessary regulatory burden on registered premises and the ability of the Minister to unilaterally amend them is not fair.
- Some information requirements are not practical for all registered premises types.

### 3. What is the RNA Showgrounds redevelopment project?

The RNA Showgrounds redevelopment project represents the largest brownfield development of its kind in Australia. It is projected to deliver more than 2,000 jobs and \$300 million a year in economic benefits to Queensland.

In partnership with Lend Lease, the RNA's Showgrounds redevelopment project involves:

- (a) 340,000m<sup>2</sup> of new residential, commercial and retail development located on 5.5 hectares around the extremities of the RNA Showgrounds, together with 76,000m<sup>2</sup> within the RNA Showgrounds;
- (b) new large animal pavilions;
- (c) upgrading the pavilions, ovals and stands;
- (d) linking neighbouring precincts and suburbs with cycle and walking paths;
- (e) providing a hotel to accommodate Brisbane's business and tourist visitors; and
- (f) a vibrant urban community consisting of commercial, retail and residential buildings.

### 4. Why does the Bill need to be amended?

#### 4.1 The proposed urban encroachment provisions do not apply to developments within a UDA, excluding the RNA from the benefit of statutory protection against urban encroachment

- (a) A 'relevant development application' does not include a development application made under the ULDA Act

The prohibition on bringing certain legal proceedings applies to 'relevant development applications' made after the commencement of the urban encroachment provisions. The Bill in its current form defines a 'relevant development application' as a development application made under the *Sustainable Planning Act 2009* (SPA) or repealed *Integrated Planning Act 1997* (IPA).



A UDA development **application** is not a 'development application' under SPA or IPA because the development application is made to ULDA and assessed under the ULDA Act. Likewise a UDA development **approval** is not a 'development approval' under SPA or IPA. References to a local government's planning scheme would not include a ULDA development scheme.

**(b) Effect on RNA**

As the land surrounding the RNA Showground forms part of the Bowen Hills UDA, urban developments in this area will not have a 'relevant development application' or 'development approval' under SPA or IPA and hence will not be captured by the urban encroachment provisions.

In addition the prohibition applies only to the extent that the registered premises is complying with its development approval or any code of environmental compliance applying to the relevant act. RNA cannot comply with a development approval as defined under SPA or IPA, as it will not hold a development approval under SPA or IPA. Registration is only permitted where the premises complies with the development approval for the premises, which might preclude premises which are not required to have development approval.

The practical effect is that the RNA (if registered) may be excluded from much of the benefit of statutory protection against urban encroachment.

The RNA has been discussing the type of protections this Bill proposes with the State Government since early 2010. In these discussions, the State have indicated they would be supportive of the RNA being afforded the Bills protections, particularly in relation to the Ekka and other major RNA events and hence we believe the current wording, which would exclude the RNA, is a drafting oversight.

**(c) Proposed amendment to Bill**

The RNA submits that the proposed urban encroachment provisions should be varied to include references to UDA development approvals and applications, as well as SPA or IPA development approvals and applications.

**4.2 The protections offered by the proposed urban encroachment provisions should be expanded**

The RNA submits that the overall scope of the provisions should be reconsidered and simplified, in order to provide adequate protection for existing uses such as the RNA, particularly when these form part of a master-planned community which will be developed over a long period of time. In the RNA's view, the protections should apply to all development of the RNA's land, regardless of whether the development falls within the complex and technical definition of 'relevant development application' or proposed section 680D.



As drafted, the proposed urban encroachment protections only apply to certain new developments, and do not apply to, for example, the situation where a new house is built to replace an existing house. They do not apply at all where there is no 'relevant development application' (perhaps because the development is self-assessable or exempt development). The policy reason for the different treatment of developed and undeveloped land, in relation to certain classes of buildings, is unclear and potentially unfair. For example, it is not clear whether the RNA's land is 'undeveloped land' or not. In addition, the references to certificates of classification in proposed section 680D may not be applicable to some developments which are only required, under Chapter 5 Part 1 of the *Building Act 1975* (Qld), to have a final inspection certificate.

The RNA queries why the protection offered to long standing uses such as the RNA is limited in this way. The RNA submits that the protections should extend to situations generally where the use of the registered premises can be shown to pre-date the relevant development, regardless of all other factors.

**4.3 The provisions do not contemplate that some registered premises may operate under a wide spectrum of approvals**

The RNA's functions are conducted under a variety of different approvals other than development approvals, including liquor licences and approvals granted under Brisbane City Council's local laws. Given the issues arising in relation to the concept of 'development approvals', the RNA submits that compliance with these other approvals may be an acceptable substitute for compliance with a development approval.

**4.4 A 10 year registration period is not long enough**

The registration of premises only applies for 10 years. The RNA queries why there is no flexibility in registration timeframes for sites such as the RNA which can demonstrate the need for registration in excess of 10 years. The RNA, for example, has Ekka dates determined until 2050. The RNA submits that a longer registration period should be available for premises able to provide evidence of continuing use.

**4.5 The imposition of conditions on registrations is a further regulatory burden on registered premises**

The proposed urban encroachment provisions allow the Minister to impose conditions on an application for registration and then unilaterally amend the conditions throughout the term of the registration.

The RNA considers this to be an unnecessary regulatory burden on registered premises, already heavily regulated under various planning instruments, local laws and environmental regulations. In particular, the RNA is concerned that the additional layer of regulation increases the risk of inconsistency across the spectrum of regulation and conditions.



In addition, the imposition of conditions undermines the concept of 'existing lawful use'. The very premise of an existing lawful use is that conditions can not be imposed on the lawful use of the premises.

The RNA submits that, at the least, the Minister should ensure that any conditions imposed are not inconsistent with, or more onerous than, regulatory requirements and conditions placed on the premises. The ability for the Minister to unilaterally impose additional conditions without consultation should be removed.

**4.6 Some information requirements are not practical for all registered premises types**

A registered premises is required to publish certain information on its website, including details of levels of emissions. This will not be practical for all registered premises types. The RNA, for example, holds sporadic events throughout the year and levels of emissions will vary considerably in different time periods. This notification requirement is more relevant to consistently emitting premises, such as the brewery.

The RNA submits that these information requirements should be amended to allow flexibility for different premises types.

**5. Public hearing**

Given the important historical, social, cultural and economic value of the RNA Showground and redevelopment project, the RNA requests that it be invited to attend the public hearing on the Bill to be held on 14 December 2011.

Yours faithfully

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Chief Executive

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