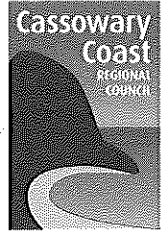


YOUR REFERENCE:

OUR REFERENCE: AN1111031123

ENQUIRIES TO: Aletta Nugent - Manager Strategic Planning



4 November 2011

The Research Director  
Environment, Agriculture, Environment, Resources and Energy Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Sir/Madam

### **Submission - Strategic Cropping Land Bill 2011**

Thank you for the opportunity to make a submission on the Strategic Cropping Land Bill 2011 (**Bill**). I note however the short timeframe provided for making a submission.

Due to the short timeframe within which Council had to make a submission, Council officers have only been able to undertake a brief review and are only able to make general comments.

It should be noted that large portions of the Cassowary Coast Region are mapped as being potential SCL. Almost all of the Region's rural areas are shown as being potential SCL.

Our comments in relation to the Bill are as follows:

- The legislation will add an additional layer of complex regulation around the development assessment system. The requirement for multiple decisions to be made outside and around the IDAS system adds complexity and cost to applicants.
- The legislation requires a range of decisions to be made by the Department in relation to the land's Strategic Cropping Land (**SCL**) status. The decision process and the process applying to the range of sub-decisions (decision on "required cropping history", criteria decision, etc) is confusing and hard to follow.
- The provisions in Chapter 3, Part 3 of the Bill relating to development approvals are of concern:
  - The requirement for an applicant to either obtain a validation decision or instead have to elect to treat the land as SCL is incredibly onerous and almost every application relating to land outside the urban footprint in the Cassowary Coast Region will be affected. It means that an applicant either has to accept the consequences of having their land classified as actual SCL, or instead go through a costly and complicated process to seek a

determination on the SCL status of their land before being able to make an application.

- The requirement for the provisions of Division 2 to be complied with or the application is not properly made is onerous and will significantly increase the cost and complexity involved in making an application.
- If the provisions in this Part are considered necessary, they should be incorporated in the *Sustainable Planning Act 2009*, as they will become part of the development assessment process. It will cause confusion to leave these provisions in separate legislation.
- The slope and drainage criterion for the Wet Tropics Zone (Schedule 1) would appear to exclude a large amount of cropping land in the area from being SCL. Substantial areas of cropping land, especially that used for growing sugar cane and bananas, is located in flood plains with poor drainage and located on slopes greater than 5%.

In summary, the Bill is unnecessarily complex and adds an additional layer of complexity to the already complex regulatory regimes relating to development assessment, resource applications and applications for environmental authority. A much simpler way of approaching the matter would appear to be amending the *Sustainable Planning Act 2009*, the *Environmental Protection Act 1994* and the relevant resource legislation.

For example, the *Sustainable Planning Regulation 2009* could be amended so that certain development on land identified as potential SCL is code assessable development. The decision as to whether the land is actual SCL could be made as part of the assessment process. The criteria for making the decision could be included in an IDAS code, such as those that exist for prescribed tidal work and vegetation clearing. Similar amendments could be made to the *Environmental Protection Act 1994* and resources legislation, allowing for the eventual Strategic Cropping Act to be much simpler and less detailed.

We reiterate that this submission has been prepared in haste due to the timeframes allowed for making a submission. Therefore, we have not had time to properly consider all the implications of the Bill and make a detailed submission on the proposed contents of each section of the Bill.

Should you have any further queries regarding this matter, please contact Council's Manager Strategic Planning Ms Aletta Nugent on Ph: (07) 4030 2265.

Yours faithfully



**John Pettigrew**  
**DIRECTOR, PLANNING & ENVIRONMENTAL SERVICES**