



**Written submission to the Environment,  
Agriculture, Resources and Energy Committee**

**Strategic Cropping Land Bill 2011**

**Local Government Association of Queensland Ltd  
4 November 2011**

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individuals' needs. LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

## Introduction

The Local Government Association of Queensland welcomes the opportunity to provide feedback on the Strategic Cropping Land Bill 2011 (the Bill). Overall, the Association is supportive of the protection of strategic cropping land and the intent of the legislation to strike a balance between competing land uses such as development and resource exploration with primary production.

## Detailed Comments related to the Strategic Cropping Land Bill 2011

### Chapter 1, Part 3, Division 2, Subdivision 2, section 14(4)

This section identifies the meaning of development which is considered to have a *temporary impact* on land. Specifically in section 14(4)(b) of the Bill, it is development prescribed under a regulation. The Association assumes underground pipelines will be identified in any associated regulations as having a temporary impact on Strategic Cropping Land, based on the information previously provided through the Strategic Cropping Land Stakeholder Advisory Committee. However, the LGAQ considers this type of development not to be temporary in nature as pipelines are not considered to have an asset life less than fifty years nor are they considered to be able to be constructed without “permanently alienating” the soil in which they are built. The LGAQ supports a conservative approach taken by the State when pipelines are proposed until such time as clear evidence is available to demonstrate the full scope of their impacts. Further, it is suggested that where ever possible, existing pipelines and their associated easements should be utilised for the transport of gas and petroleum as opposed to the construction of new pipelines.

### Chapter 8, Part 1, sections 227- 231

These sections outline the establishment, function, and role of a Science and Technical Implementation Committee. The LGAQ, particularly in light of the significant debate about the validity of the Strategic Cropping Land selection criteria, is pleased that such a committee has been considered to evaluate the effectiveness of the policy and legislation. It is recommended that:

- a) The wording of section 227 is amended so that the Minister **must**, rather than may, establish the committee.
- b) Advice provided at the Stakeholder Advisory Committee Meeting, held on 27 October 2011, identified that the Science and Technical Implementation Committee would be required to perform a review after two years of the legislation being in effect. A specific review timeframe should be identified in the legislation.

These two changes will provide a greater assurance that the legislation is meeting the intent of protecting of strategic cropping land.

### **Chapter 10, Part 2, section 290**

The Association fully supports the intention of the Strategic Cropping Land Policy **not** to capture small-scale developments, low impact developments, or those developments associated with / ancillary to primary production and considered necessary to achieve financial viability. The concept of *clustered* development, raised at the Stakeholder Advisory Committee Meeting, held on 27 September 2011, is also supported. Specifically, section 290 of the Bill identifies the type and scale of development under the Sustainable Planning Regulation 2009 that will require assessment under the strategic cropping land principles i.e. development *triggers*. The LGAQ suggests that the development triggers as proposed are appropriate; however given the current government move toward regulatory reform suggests that these triggers be reviewed either by the Science and Technical Implementation Committee or at the same time as the Minister requests advice about the administration of the Strategic Cropping Land Act.

## **General Comments about the Development of the Strategic Cropping Land Legislation and associated Policy**

### **Cost of Validation and Development Assessment on Strategic Cropping Land**

The LGAQ understands that the proposed application fees associated with validation, development assessment and assessment of exceptional circumstances related to strategic cropping land are based on a model of full-cost recovery by the State Government. However, the Association welcomes a review of all of the proposed assessment fees to ensure that local land owners are not disadvantaged. As indicated by Minister Nolan at the Stakeholder Advisory Committee Meeting held on 27 September 2011, at a minimum a review of the \$27,000 development assessment fee may occur, which could see the introduction of one or two tiers of lower fees that will better reflect smaller development scales.

Similarly, property identified in one of the two Strategic Cropping Protection Areas is considered to be land “under intense and imminent development pressure”; where as land in the Strategic Cropping Management Area is considered “important to Queensland’s cropping and horticultural industries”. Given this wording, it can be concluded that the Protection Areas are of greater significance and intended for greater protection. Unfortunately, as a result of the determination of application fees for strategic cropping land validation and the way in which the policy has been drafted, it is more expensive and requires more evidence to determine if there is strategic cropping land associated with a property in a Management Area than in a Protection Area. The LGAQ suggests that this is an inconsistent application of policy and requires further consideration in its implementation.

### **Urban Footprint**

The Association fully supports the identified “excluded matters” in Chapter 10, Part 2, section 291 – Schedule 13A. Nonetheless, the LGAQ has received concerned comments from its local government members affected by the strategic cropping land policy. In particular, there are a number of communities that have been identified as completely surrounded by *potential strategic cropping land* in the trigger map and fear that development and/or expansion will be impeded. Despite the intent of the policy and the need protect strategic cropping land, it is suggested that to maintain economic viability in some rural or remote communities, development associated with both the agricultural and resource industries will be necessary.

Albeit not part of this legislation, the process to determine an urban boundary or *footprint* will have significant implications on the implementation of the strategic cropping land legislation. The LGAQ strongly recommends that engagement occurs along with the appropriate provision of guidance to local government in the development of urban boundaries, whether that be through the existing planning scheme development process, regional plan-making process, or a newly developed process related to a permanent halt on resource exploration in urban areas.

### **Further Consultation**

The Association welcomes further State government engagement with local governments throughout the development and implementation of the Strategic Cropping Land policy and legislation. Additionally, the LGAQ is pleased that the Stakeholder Advisory Committee is expected to be maintained and welcomes the opportunity to continue to participate.

The Association would like to extend its appreciation for the commitment shown by the Department of Environment and Resource Management officers involved throughout the development of the Strategic Cropping Land Policy and Bill.