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From: Ken Harris
To: Environment, Agriculture, Resources and Energy Committee
Subject: FW: Review of the Strategic Cropping Land Bill 2011 to be conducted by the Environment, Agriculture, Resources and Energy Committee (EAREC) of the Queensland Parliament.
Importance: Normal

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

Further to my discussions with Rob Hansen yesterday, I make the following submission and would be happy to explain this submission if appropriate to members of EAREC.

A.

The primary concern in not with the legislation itself, but rather how the Act would be implemented by DERM through the Draft State Planning Policy (SPP). While the purpose and intent of the proposed Act has considerable merit, strong concern is raised on the significant impacts the SPP will have on farming activities and the ability of farmers to diversify so as to ensure that Strategic Cropping Land (SCL) continues to be used for agricultural purposes rather than have the land become unused with subsequent pressure to use it for non rural purposes.

Annex 1 of the draft SPP includes a list of the development and activities that the SPP does not apply to. This list is very short and does not include a wide range of activities that would commonly be seen as a suitable and compatible with rural activity subject to normal planning considerations. Under the SPP all other uses cannot permanently alienate SCL and cannot be located on land mapped as SCL. These provision are unreasonable and preclude many appropriate activities without any consideration of the size or level of impact of the use. Experience in the Southern Downs Regional Council (SDRC) area has shown that farm diversification is critical for the continued use of rural properties for rural production. Many of the uses prohibited by the SPP are essential parts of rural activity in today's world.

As an example the SPP prohibits:

1. The construction of a second dwelling on land defined as SCL even if the dwelling is needed for farm workers/ managers or family members who are needed to help run the farm.
2. A rural industry with an area over 750m2, even though this activity may be needed for the rural use of the land. For example in SDRC there are many examples of on farm packing, cold rooms and processing buildings that would be directly associated with the rural production on the land, but exceed the 750 m2 limit. Buildings would include wineries, packing and cold rooms for vegetable growing, processing and packing buildings for stone fruit and citrus orchards, grain storage facilities and the like.
3. Restaurants and tourist accommodation which are integral parts of the 70 wineries on the Granite Belt.
4. Buildings for farmers who need to carry on secondary businesses to ensure they are able to remain on the land, e.g. small farm machinery repair workshops, small shops selling farm produced crafts, local produce stores, small scale tourist accommodation in the form of cabins and freestanding B&Bs.

SDRC is concerned that the full impact of these restrictions has not been properly considered and will result in strong public opposition to the provisions of the proposed Act and will only become apparent after the Act is implemented. I am concerned that the very important objectives the Act is trying to achieve may be damaged by adverse public opinion resulting from the unreasonable restrictions under the related SPP.

B.

Concern is also expressed at the very high application fees proposed by DERM in the SPP Overview for the processing of applications required under the Act for the validation of SCL or to use SCL. These fees are unreasonable and would put a rural landowner into a position that the fees payable may preclude applications for otherwise appropriate uses.

The fee for validation of SCL is proposed at $3998. If the validation process determines that some part of land is not SCL and the landowner wishes to use the land that is not SCL they must still pay a fee of $27,245 to DERM as part of the application process even though the owner is not using SCL. In the case of SDRC this fee is 10 to 20 times higher than the applicable application fee required by Council if the owner requires a planning approval. DERM's role in the planning process on land that has already been determined by DERM as not being SCL is minor, however the fees proposed are excessive and have no regard to the cost of DERM's involvement in the application process.

Similarly the fee proposed by DERM for the use of SCL under "exceptional circumstances" is $46,253. This fees is so high that it will restrict applications for uses that are not permitted under the Act, but may be an integral part of the continued rural use of a particular part of a property.

In conclusion, I am concerned that this very important piece of legislation may be subject to strong community concern and criticism, once the unreasonable requirements associated with the on ground implementation of the Act as contained in the draft SPP and associated DERM requirements comes into effect..

Ken Harris
DIRECTOR OF PLANNING AND ENVIRONMENT
Southern Downs Regional Council
t 07 4661 0334 f 07 4661 0333
m 0417 649 367
ken.harris@southerndowns.qld.gov.au
www.southerndowns.qld.gov.au