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Research Director

Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane QLD 4000

By Post & by Email: [ipnrc@parliament.qld.gov.au](mailto:ipnrc@parliament.qld.gov.au)

Dear Dr Dewar

Thank you for the opportunity to provide a submission on the Planning Bills being considered by the Infrastructure, Planning and Natural Resources Committee (the Committee).

AgForce is the peak lobby group representing the majority of beef, sheep and wool and grain producers in Queensland. AgForce exists to ensure the long term growth, viability, competitiveness and profitability of these broad-acre industries. Our members provide high-quality food and fibre products to Australian and overseas consumers, manage more than half of the Queensland landscape, and contribute significantly to the social fabric of rural and remote communities.

AgForce has an interest in the planning of land use in the State, particularly as it relates to broadacre agriculture and ensuring that our landholder members have their property rights protected and that they are appropriately consulted about planning decisions that affect them.

We are supportive of the Government's intention to reform the *Sustainable Planning Act 2009* (SPA) to deliver better strategic planning outcomes and transparency. AgForce has been involved and provided input into the legislative review process for the past two years, including on the draft Planning and Development Bill 2014 of the previous Government.

We understand that the Planning Bill 2015 does not entail any significant policy changes relating to agriculturally-relevant development assessment. As a general principle, AgForce does not support any further extension of regulation to include agricultural activities currently excluded from the SPA or any increase in requirements for activities that are currently assessable. We also do not support any reduction in consultation with rural landholders in relation to planning and development that affects their interests, with the Planning Bill 2015 providing a greater focus on such consultation.

***Purpose Statements – s3***

Within the purpose statements concerning achieving ecological sustainability, when it comes to managing development AgForce would like to highlight the importance of protecting natural resources, including agriculturally-productive soils and water resources, from incompatible development in order to maintain the ability of future generations to meet their needs, including for food and fibre.

Given its limited extent, the protection of good quality agricultural land and strategic cropping lands for future generations is vitally important and should be prioritised within land use planning decisions at both state and local levels. While the State Planning Policy identifies important agricultural areas and ALC Class A and B agricultural land as a State interest for consideration by Local Government in their plan schemes, the repeal of the *Strategic Cropping Land Act 2011* resulted in the removal of triggers to undertake a development assessment process under SPA for some forms of alienating development that were not subsequently covered by the *Regional Planning Interests Act 2014* (RPI Act).

AgForce would like the new Act to make clear reference to the protection of natural resources, including irreplaceable agricultural land and water assets, in advancing the Act's purpose and to improve the alignment between agricultural land classes and their protection from incompatible development within the SPA and the RPI Act. We also support a focus on at least maintaining the economic and social wellbeing of communities, as many rural and remote communities are in decline and this urgently needs addressing by governments, including within planning decisions and policies<sup>1</sup>.

The Queensland Farmers' Federation has produced a set of planning principles and guides relevant to agricultural land uses<sup>2</sup> and the Committee is encouraged to review these in the process of considering the Bills. Much of the effectiveness of a reformed SPA when considering and protecting agricultural land uses will depend on local governments' application of the State Planning Policies within their plan making and development management processes.

#### ***Flood Margin Licenses and Application of the Reconfiguring of a Lot Definition***

AgForce wrote to the Deputy Premier and Minister for Infrastructure, Local Government and Planning, Jackie Trad, on 2 April 2015 in relation to a concern about how the Reconfiguring of a Lot (ROL) definition under the SPA applies to flood margin grazing license lands surrounding water storages across the state, and specifically those owned by SunWater.

AgForce has been working with SunWater on providing terms for their flood margin licence agreements of 30 years or longer, as SunWater currently grants only 10-year licences due to their concerns about the application of the ROL definition under SPA. AgForce has been advised that SunWater *'will not agree to grant a flood margin licence for a term of greater than 10 years as there is still uncertainty around the application of the legislation and therefore risk to SunWater's executive officers if SunWater were to breach the legislation. SunWater has carefully considered this issue and sought external legal advice on this specific point.'*

AgForce would request that the Committee consider an amendment to the current ROL definition within Schedule 2 of the Planning Bills to include a specific exclusion that applies to flood margin lands used for grazing or other agricultural purposes. This will provide SunWater the certainty they require and our members with the longer terms required to give them the confidence they need to make the capital improvements necessary to sustainably manage those margin lands.

#### ***Broader Definitions of Land Owners***

Further, the current definition of 'owner' in Schedule 2 of the Planning Bills includes only *'the person who is entitled to receive rent for the [land,] premises [or place] or who would be entitled to receive rent for the [land,] premises [or place] if the [land,] premises [or place] were let to a tenant at a rent'*. Leasehold land covers 66% of the State and many agricultural leaseholders have long-term investment interests (eg, under perpetual leases and free-holding leases) in that land and have legitimate interests in any planning and development impacts upon it.

Currently SPA identifies the responsible state agency as the provider of the owner's consent. The *Regional Planning Interests Act 2014* acknowledged this wider interest by including the following

<sup>1</sup> E.g. <http://www.canberra.edu.au/research/faculty-research-centres/ceraph/regional-wellbeing>, accessed 22/10/2015

<sup>2</sup> <http://www.qff.org.au/policy-projects/our-work/planning/>, accessed 22/10/2015

addition to the definition of an owner ‘; or (b) the lessee of a lease issued under the Land Act 1994 for agricultural, grazing or pastoral purposes’. AgForce requests that this expanded definition also be included in the Bill.

### **Conclusions**

While generally supportive of the proposed reforms to streamline and improve the SPA, this paper has highlighted a number of issues within the Bills for further consideration. These include:

- Strengthening how agricultural soil and water assets are considered in the purpose of the Bills
- Addressing the application of ROL definitions to flood margin license lands
- Broadening out the definition of owner to include leasehold landholders.

Given their importance to the success of a reformed SPA in protecting and promoting agricultural land uses within the State, AgForce will also be reviewing the planning instruments supporting the new Act and will be providing our views to the Department of Infrastructure, Local Government and Planning.

If the Committee has any questions relating to the contents of this submission or would like further input please contact either myself or Dr Dale Miller, Senior Policy Advisor.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Charles Burke', is positioned above the typed name and title.

Charles Burke  
Chief Executive Officer