

## Submission

22 March 2018

Committee Secretary  
State Development, Natural Resources and Agricultural Industry Development Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Via email: [sdnraidc@parliament.qld.gov.au](mailto:sdnraidc@parliament.qld.gov.au)

Dear Committee

### **Re: Vegetation Management and Other Legislation Amendment Bill 2018**

Growcom is the peak industry body for the Queensland Horticulture Sector representing growers from across Queensland and from all fruit, vegetable and nut commodities. This submission also has the support of the Queensland Horticulture Council representing the key regional horticulture organisations within Queensland. Collectively, Growcom and the other QHC members represent around 80% of the area under horticultural production in Queensland.

Growcom welcomes the opportunity to provide comment on the Vegetation Management and Other Legislation Amendment Bill 2018 (the Bill).

### **About Horticulture**

Horticulture is the commodity of the future and represents one of the most high value land uses in agriculture. According to the AgTrends report, it has been one of the most consistent performers over many years with the highest potential for growth. Horticulture has extremely high labour needs and is the engine room of many regional areas with a strong symbiotic relationship with the tourism sector. Horticulture is the largest employer in agriculture and it has been estimated that a full time equivalent (1 FTE) position is generated for every hectare under horticulture production. High value horticulture enterprises operate on often very small parcels of land. For example, a 1.5ha mushroom farm has an annual turnover of \$6 million and the value of a macadamia plantation is estimated at \$13,000/ha

Queensland is the largest horticulture producing state in Australia responsible for producing one third of Australia's fresh fruit and vegetables and is particularly important for many tropical fruit commodities. Horticulture contributes \$2.8 billion annually to Queensland's GDP.

As well as its existing contribution, the Farmland Index recently identified that the strong demand for permanent horticulture cropping properties – notably avocado, citrus and nut orchards – fuelled an 11.3



per cent jump in land values monitored by the Australian Farmland Index in 2017. Of note is that the report said appreciating land values across the index, which charts a portfolio of properties worth almost \$1.1 billion, were evident after strong demand for both developed assets and suitable greenfield planting sites in the horticultural sector.

Horticulture is also vitally important to the nutritional wellbeing of all Queenslanders and the Queensland government is investing in programs to increase consumption of fresh fruit and vegetables. It should be noted that if all Australian's were to eat their recommended daily intake of fruit and vegetables we would be unable to meet the demand with current domestic production. It should also be noted that if demand for organic production increases, the land area under horticulture production would have to increase by at least one third of its current levels.

## Response to the Bill

In line with our umbrella organisation the Queensland Farmers' Federation (QFF) we have been deeply disappointed by the lack of consultation with the intensive agriculture sector during the development of this Bill and its previous iterations. As a sector we pride ourselves on environmentally sustainable development and are seeking a responsible vegetation management framework that meets clearly articulated policy objectives with actions based on science rather than emotion. We would like to work with the Queensland government in the development of a rational policy that will withstand the vagaries of the political pendulum and not prevent our sector from reaching its full potential.

Accordingly, Growcom submits to the Committee that it recommends to the Parliament that:

1. The Bill be rejected outright.
2. The government engage in an objective, transparent and evidence-based consultation process with all key stakeholders to realise a long-term, vegetation management framework that delivers triple bottom line sustainability for all Queenslanders.
3. An independent consultant be appointed to lead this consultation process and provide considered recommendations to government.

If the Committee decides not to reject the Bill outright and conduct a proper consultation process, Growcom submits that:

1. The clearing provision for IHVA, or the inclusion of a similar mechanism, be retained to allow vegetation clearing where there is a demonstrated economic and social outcome.
2. A Regulatory Impact Statement (RIS) process be undertaken given stakeholders have not been consulted on the proposed changes and the Bill will clearly have significant adverse impacts.
3. A compensation scheme for land lost to production as a consequence of mandatory buffer zones be considered.

Key concerns:

- ***Removing clearing provisions for IHVA***

The HVA and IHVA provisions are already the most regulated part of the *Vegetation Management Act 1999*. Clearing under these provisions can only occur with expressed approval, following a detailed application process. Vegetation can only be cleared for cropping or irrigated pasture, where it can be demonstrated that landholders have suitable land, and sufficient water (licence or allocation) in the case of IHVA, available and they have met clearing performance outcomes. These provisions do not allow clearing for lower value agriculture such as grazing activities or plantation forestry.

### Only small amounts of land are responsibly cleared and generate significant value

From 2 December 2013 to 5 February 2018 (4 years 3 months), there were 67 agricultural development approvals under these provisions – 35 HVA and 32 IHVA<sup>1</sup>. Of those, there were 19 applications for horticulture production totalling **277.3 ha altogether** (roughly 56 ha/year). Since 1999 it has been estimated through the Queensland Land Use Mapping Program that 104,000 hectares has been lost to agriculture through urban encroachment (roughly 5,777 ha/ year a 100 fold difference). Please see Appendix A for the full list of IHVA approvals for horticulture

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<sup>1</sup> Department of Natural Resources, Mines and Energy

It should be noted that none of the applications were for more than 30 ha and one of the largest applications was from the Queensland Department of Agriculture and Fisheries. The applications covered commodities ranging from avocados through to limes, passionfruit, mangoes, vegetables and bananas amongst others. To fully reach its well documented potential, the horticulture industry needs to be able to clear small parcels of land to develop new high value enterprises or better utilise existing properties. There does not seem to be any rational basis for removing the capacity of our growers to clear such small parcels of land under a clear permitting system. Forcing growers to undertake a full development assessment is onerous and unworkable and will effectively put the brakes on any further expansion and with the current rate of urban expansion, it is not impossible to suggest that horticulture production will actually decline in some regions.

Any possible environmental benefit of this restriction is far outweighed by the detrimental economic and social impacts and seems like poorly thought through over-reach to meet political rather than environmental imperatives.

Many rural and regional communities rely on the considerable returns for these high-value commodities for their economic wellbeing. These irrigated agriculture industries provide relatively high direct and indirect employment for their small environmental footprint – something that is much needed in regional Queensland.

#### Ability to adjust the provisions

We strongly recommend that the current application requirements be reviewed to ensure that they meet the objectives of the Queensland government but we do not support their removal altogether.

Along with the other members of QFF, Growcom suggests that more prescriptive application conditions could include the mandatory use of industry Best Management Practice (BMP) programs or the use of reasonable environmental offsets. We are keen to work with the Queensland government to develop a sufficiently robust but workable set of conditions as opposed to the current model whereby clearing is effectively prohibited in all circumstances.

#### Flexibility in the agricultural footprint

Small-scale clearing is essential to maintain the current footprint of our member industries. Urban encroachment, infrastructure, the recent rapid growth of large scale solar facilities, and landscape change due to climate change are always imposing on the footprint of agriculture across the state. As previously stated, the Queensland Land Use Mapping Program established that over 104,000 hectares of class A & B agricultural land had been lost to non-agricultural development since 1999, demonstrating the critical need for sensible provisions to open up new agricultural land or modify existing enterprises under the right conditions for the right reasons.

- ***Extending category R to include regrowth vegetation in watercourse and drainage feature areas in three additional GBR catchments—Eastern Cape York, Fitzroy and Burnett-Mary***

Growcom recognises and fully supports a vegetation management framework that will protect the Great Barrier Reef and has long been a champion of responsible farming in the reef catchments. To do this, the different ecosystems, waterways, soil types and vegetation across the catchments need to be considered to determine effective catchment specific riparian zones – not by applying an arbitrary 50 metre buffer zone.

Legislation must clearly define the different riparian zones and the buffer zones must be determined based on the size and significance of the relevant watercourse. A broad-brush approach to riparian

zones will not achieve the desired environmental outcomes and will have a negative impact on farm businesses. There is a body of scientific evidence that indicates that other factors such as the type of vegetation and type of waterway have a significant impact on the effectiveness of buffer zones for water quality outcomes and as such there might be arguments for smaller buffer zones in some areas and larger buffers in others. 50 metres is arbitrary and not based on science and the potential impact of this broad brush approach is significant. For example, on a small-scale horticulture property a 50 metre buffer significantly reduces the amount of available land for cropping as some properties are only 100 metres wide. If the ability to clear land under the IHVA provision is also removed, farm flexibility, profitability and maybe viability will become an issue. An offset approach or a compensation model could be appropriate in this context to ensure that the farmer has no net loss of viable land.

- ***Impact on land values***

The Bill proposes to extend the protection of high value regrowth vegetation to align with high conservation values by: increasing the land types on which high value regrowth is regulated (as category C) to include freehold land, indigenous land and occupation alliences; and amending the definition of high value regrowth to be vegetation that has not been cleared for 15 years. However, it is not clear what impact these changes will have on property prices, nor have we seen a RIS, even though the explanatory notes (p. 7) identify that the proposed Bill may adversely affect landholders rights in this regard.

Land value and farm business equity tied to the land are two vitally important aspects of property ownership. The government has a responsibility to identify any impacts the Bill will have on property prices and ensure compensatory processes are in place. For example, when the government increased fishing restrictions to safeguard Queensland marine resources, it identified the impacts and set up a trawler buy-back scheme.

- ***Existing prime agricultural land not adequately protected***

The government should not make legislative changes to clearing provisions for prime agricultural land until it can be demonstrated that the current protections for this irreplaceable asset are adequate. The current planning framework does not satisfy this objective and over 104,000 hectares of Agricultural Land Class (ALC) Class A and B land – the best agricultural land in Queensland – has been lost to non-agricultural development since 1999. Horticulture is particularly vulnerable to urban encroachment as it is generally located in coastal regions with proximity to markets and transport infrastructure. Climate change predictions indicated that the areas suitable for horticulture may contract and therefore protection of our growing areas is a vital matter for the ongoing wellbeing of the community. We cannot accept a vegetation management framework that completely hampers our capacity to adapt whilst at the same time being subject to the ongoing march of urbanisation. As a sector we are being pinched, and this framework will exacerbate this serious issue.

Due to the incremental nature of policy development and issue resolution within government, the Queensland policy framework for the protection of agricultural land for productive purposes currently consists of three separate approaches to this issue:

- Protection from development defined in the Planning Act 2016 (Important Agricultural Land; Class A Agricultural Land and Class B Agricultural Land)
- Protection from mining and petroleum activities (Strategic Cropping Area)
- Protection from mining and petroleum activities [Priority Agricultural Area (PAA) and Priority Agricultural Land Uses (PALU)].



QFF believes that this framework should be simplified by the development of a single classification of agricultural land to be protected from development and implemented through existing legislation appropriate to the relevant type of development.

1. A single classification of land to be protected should take the best elements of the current classification systems and should include the following elements:
  - a) A broadscale classification and mapping of agricultural land suitable for strategic planning at the state, regional and local scale.
  - b) A set of biophysical criteria that allows the verification of the land classification at the property scale.
  - c) The current or recent use of the land should not be a criterion.
2. The process for the assessment of the proposed development affecting agricultural land should be consistent regardless of the type of development. Decision outcomes should:
  - a) seek to avoid the loss of agricultural land
  - b) minimise the impact on agricultural land
  - c) include options for requiring the mitigation of the impact of development if impacts cannot be avoided.

### Conclusion

As a sector it is completely unacceptable that this Bill go ahead in its current form and whilst we share the Queensland government's environmental aspirations, we cannot support the removal of the clearing provisions for IHVA or HVA land. We are a very important source of wealth for regional communities, but more importantly we are the nutritional cornerstone for Queensland families. Currently 96% of fresh fruit and vegetables consumed in Australia are grown in Australia but this will not be able to continue if our sector cannot respond to changing conditions in a sensible and small scale manner. Importing food from countries with limited environmental policies does not make economic or environmental sense and we urge you to take a commonsense approach to this issue and reinstate the provisions to enable clearing of HVA and IHVA land under strict conditions.

A handwritten signature in black ink, appearing to read "Pat Hannan", is written over a light grey rectangular background.

**Pat Hannan**

**Chief Executive Officer**

## Appendix

### Appendix A: IHVA approvals for horticulture

HVA	29	Pumpkins, watermelons, zucchini and tomatoes	Bundaberg Regional Council
HVA	18.5	Pineapple	Bundaberg Regional Council
IHVA	19	Passionfruit, sorghum	Mareeba Shire Council
HVA	29.9	Pineapple	Gladstone Regional Council/ Fraser Coast Regional Council
HVA	4.8	Pineapple	Bundaberg Regional Council
IHVA	9.1	Sweet potato, Cow pea	Mareeba Shire Council
IHVA	11 88	Rambutan	Cassowary Coast Regional Council
IHVA	5	Avocado	Bundaberg Regional Council
IHVA	2.3	Bananas	Mareeba Shire Council
IHVA	4.2	Lime, Avocado	Mareeba Shire Council
HVA	16.7	Avocado	Toowoomba Regional Council
IHVA	29.5	Coconuts, Cloves	Mareeba Shire Council
IHVA	30	Bananas	Mareeba Shire Council
HVA	21.7	Macadamias	Bundaberg Regional Council
IHVA	8.4	Avocados	Mareeba Shire Council
IHVA	2	Sweet potatoes, watermelons, melons, zucchini and squash	Bundaberg Regional Council
IHVA	10.7	Capsicums	Whitsundays Regional Council
IHVA	19 62	Mangoes and maize	Tablelands Regional Council
		<b>277.3</b>	
		<b>0.24%</b>	