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Department of
**State Development, Infrastructure,
Local Government and Planning**

14 OCT 2021

Mr Chris Whiting MP
Chair
State Development and Regional Industries Committee
sdric@parliament.qld.gov.au

Dear Mr Whiting

Thank you for your letter of 21 September 2021 requesting a written briefing to develop the State Development and Regional Industries Committee's understanding of matters relevant to the sugar industry in Queensland from a land use planning perspective.

Queensland's land use planning framework is established under the *Planning Act 2016* (the Planning Act) and provides the foundations for plan-making, development assessment and dispute resolution. State and local governments share the responsibility for delivery and operation of the planning system.

The Planning Act provides for a performance-based approach to planning in Queensland. Performance-based planning seeks to assess development by focusing on the outcomes to be achieved and providing certainty about one or more ways to achieve these outcomes, while expressly providing for flexibility and innovation in achieving the outcomes by other means.

State planning instruments set out what the Planning Minister has identified as planning matters of key state and regional interest. There are two types of state planning instruments: the State Planning Policy and regional plans.

The state interests are also given effect through local planning schemes. Each local government is responsible for preparing a planning scheme that sets out integrated state, regional and local planning and development assessment policies for an entire local government area.

The Regional Planning Interests Act 2014 is also relevant to the consideration of activities that may impact upon land identified as important to agricultural production and protects areas of regional interest throughout Queensland.

A summary of the state planning instruments, policies, other relevant materials and links to on-line information sources is enclosed for your further consideration.

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone 13 QGOV (13 74 68)
Website www.statedevelopment.qld.gov.au
ABN 29 230 178 530

For further information on specific policy drivers and initiatives being carried out within the Department of Agriculture and Fisheries, please contact Mr Robert Gee, Director-General, by email at robert.gee@daf.qld.gov.au.

If you require any further information about planning matters, please contact Mr Christopher Aston, Executive Director, Policy and Statutory Planning, in the Department of State Development, Infrastructure, Local Government and Planning, by telephone on (07) 3452 6822 or by email at christopher.aston@dsdilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely



Damien Walker
Director-General

Enc

Supporting information

State Planning Policy (the SPP)

The SPP sets out matters of state interest applicable when making or amending a local planning instrument or a regional plan, and when designating premises for infrastructure. In some circumstances, the SPP is also applicable in the assessment of development applications. The SPP identifies 17 state interests grouped into five broad themes:

- liveable communities and housing
- economic growth
- environment and heritage
- safety and resilience to hazards and
- infrastructure.

The SPP outcomes are primarily delivered through local government planning schemes. Local governments need to consider how the relevant parts of the SPP apply in their area when making or amending a planning scheme and must appropriately integrate those parts of the SPP.

The Department of State Development, Infrastructure, Local Government and Planning (the department) does not mandate how local government must address a state interest, because no two local government areas are the same. Instead, the department works with local government through the plan-making process to ensure the state interests are adequately reflected in their planning schemes.

The SPP also informs the making or amending of regional plans. Regional plans support economic growth, development and liveable communities while protecting natural resources and balancing state interests outlined in the SPP. Some state interests also contain 'assessment benchmarks' that may need to be used by applicants when making, and state and local government when assessing, development applications.

Agriculture has been identified as a state interest under the 'Economic growth' theme of the SPP. The agricultural state interest in the SPP includes policies to protect and promote the long-term viability and growth of the agricultural sector. This includes promoting and optimising agricultural development, limiting fragmentation and increasing production in key areas, including but not limited to important agricultural areas and land classified as agricultural land classification Class A and Class B.

Growth in agricultural production and a strong agriculture industry is facilitated by promoting and protecting hard to locate intensive agricultural land uses from encroachments by incompatible development and locating new development such as sensitive land uses or land uses that present biosecurity risks in areas that avoid or minimise potential conflicts.

The energy and water supply state interest in the SPP includes a policy that local government is to enable the development and supply of renewable energy (such as solar farms) at the regional, local and individual scale in appropriate locations.

The SPP does not prioritise one state interest over another. This prioritisation occurs at the local level through local government plan-making, enabling it to be more fine-grained and specific to differing communities. Through the planning framework, these agricultural policies must be balanced with a broad range of other state interests including the provision of land for urban uses and infrastructure, biodiversity outcomes, resource activities, and renewable energy facilities.

The SPP is a statutory instrument under the Planning Act, and the process for making or amending the SPP is prescribed in Chapter 2, Part 2, of the Act.

Further information on the State Planning Policy is available at:

<https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/state-planning/state-planning-policy>

The State Planning Policy is available at:

<https://dsdmipprd.blob.core.windows.net/general/spp-july-2017.pdf>

Regional Plans

A regional plan is a long-term strategic plan that provides the regional context for the state interest policies. The relevant regional plan may provide further considerations to inform a local government in balancing state interests in the local context.

Regional plans continue to evolve. The next generation of regional plans link long-term economic strategy with land use and infrastructure planning. These plans will continue to be outcome focused and supported by implementation actions to advance the purpose, goals and regional policies. There are currently 12 regional plans across Queensland, with the Wide Bay Burnett Regional Plan currently under review.

The North Queensland Regional Plan, released in February 2020, has a strong focus on the future of cropping (and agriculture more broadly) and includes policies and actions that identify opportunities for both increased production and diversified value-added revenue streams.

Shaped through engagement with the industry (Canegrowers through the Queensland Farmers' Federation), key policies include:

- Strengthening protections for existing agricultural production areas from fragmentation and incompatible non-agricultural uses, including commercial solar farms. This included the introduction of assessment benchmarks requiring development to demonstrate no net loss on agricultural production or potential long-lasting impact to future agricultural uses.
- Supporting the establishment and on-going operation of new biofuel production facilities and biomass energy generation adjacent to existing processing facilities.

These policies acknowledged current and emerging industry trends including existing infrastructure/logistic networks, market factors, farm size, technological advances and secondary/downstream economic opportunities.

A number of specific implementation actions are included in the North Queensland Regional Plan such as:

- helping identify expansion opportunities in the upper Burdekin catchment for sustainable agricultural expansion (linked to potential bulk water projects) and
- investigating new market opportunities in the Asia-Pacific for new and/or higher value crops.

These actions were developed in partnership with Department of Agriculture and Fisheries (DAF) and represent existing and emerging focus areas for the agency within the North Queensland region.

There is a clear line of sight between the implementation actions and current investigations for the Burdekin Dam wall, Hell's Gate project and Big Rocks Weir proposals.

The department are also working with the Department of Energy and Public Works to align opportunities for new and expanded biofuel and bioenergy production in line with the Queensland Renewable Energy Zones, including potential future funding for regional network and infrastructure upgrades linked to economic development.

The department will be continuing to work with DAF in coordinating implementation actions across government and would welcome ongoing engagement with canegrowers and the Australian Sugar Milling Council on the application of the North Queensland Regional Plan 2020 and emerging industry opportunities.

Copies of Regional Plans are available at:

<https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/regional-planning>

Regional Planning Interests Act 2014

The Regional Planning Interests Act 2014 (RPI Act) identifies and protects areas of regional interest throughout Queensland.

Its aim is to:

- manage the impact of resource and regulated activities on areas of regional interest
- support these activities with other activities, such as highly productive agricultural activities
- assist in resolving land use conflict between activities which contribute to the state's economy.

The RPI Act has relevance to the planning management of agricultural land by identifying areas of regional interest including Priority Agricultural Areas and Strategic Cropping Areas. A Regional Interests Development Approval is required for certain resource activities and other regulated activities.

Further information on the RPI Act is available at:

<https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/areas-of-regional-interest>

Other relevant materials

Solar farm guidance for local government in plan making

The Queensland Government is committed to a target of growing renewable energy generation to 50 per cent by 2030 under the Powering Queensland Plan. Queensland recognises the part it needs to play in the national and international effort to reduce emissions.

Solar farm development locations are limited primarily by their access to transmission and distribution networks. There are a number of other relevant locational considerations for determining a suitable solar farm site including: land characteristics, distance to and capacity of the grid, land use constraints (including whether the land is Agricultural Land Classification (ALC) Class A and Class B land, Important Agricultural Areas, and irrigated agricultural land each of which has differing needs, priorities within the community and constraints), climatic conditions and proximity to centres of population.

The Queensland Government has prepared the Queensland Solar Farm Guidelines to help achieve positive outcomes as the large-scale solar sector develops. Large-scale solar farm refers to a solar photovoltaic (PV) facility that generates over five megawatts (MW) of electricity for supply to an electricity grid. Solar PV is the type of technology typically used by solar farms in Queensland.

The guidelines have been developed in two parts, for different target audiences:

- Part 1: Guidance for local governments intended to provide local governments with information on plan-making and development assessment to assist their role as assessment manager for large-scale solar farm developments. <https://dsdmipprd.blob.core.windows.net/general/solar-farm-guideline-part-1-local-government.pdf>
- Part 2: Practical guidance for communities, landowners and project proponents intended to assist communities, landowners and project proponents by providing information about the legislative framework which governs solar farm developments in Queensland, the planning and development process, and practical guidance for effective community engagement practices. It provides further advice for solar farm proponents and communities. https://www.epw.qld.gov.au/_data/assets/pdf_file/0012/16122/solar-farm-guidelines-communities.pdf

Sugar Industry Revitalisation Strategy

The Australian Sugar Milling Council and CANEGROWERS Queensland are currently leading the development of a vision, revitalisation strategy and roadmap for the sugar industry. The adequacy of state planning policies to protect sugarcane land has been identified by industry as a matter requiring further investigation to inform the strategy.

The Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities is coordinating the Queensland Government's input into the strategy through the Department of Agriculture and Fisheries. The department is a member of the Queensland Government steering committee overseeing efforts to inform the strategy and will lead work in relation to any planning issues.