

**Submission to the Department of Infrastructure and Planning
Re: State Planning Regulatory Provisions (Regional Plans)**

Appendix A

Supporting Information

This information has been compiled following numerous requests by Rural Landholders to assist them in the preparation of Submissions to the Queensland Department Of Infrastructure and Planning in relation to the State Planning Regulatory Provisions (Regional Plans)

Prepared by a group of concerned landholders.
For further information, contact the groups spokesperson, Garry Hopkins, Consulting Surveyor.
FNQ Property Shop, Innisfail. Ph 4061 8866

v8

Acknowledgement

I/We hereby acknowledge that the information provided in this document is Supporting Information to our submission and furthermore we fully endorse the content and concepts presented in this document in addressing the specific concerns we have identified.

.....
Signature	Date	Signature	Date

Division 3 Subdivision (of the State Planning Regulatory Provisions (Regional Plans))

3.2 “When Subdivision in the Regional Landscape and Rural production Area or in the Investigation Area is prohibited”

Issue: 3.2(1)(a) Minimum Lot Areas of 60ha.

Note: The definition of Subdivision includes the rearranging of boundaries (boundary realignments)

The requirements established under these Regulations provoke the following considerations:

Good Quality Agricultural Land.

The *State Planning Policy 1/92 – Development and Conservation of Agricultural Land* (Gazetted Dec 1992) has been the basis for determining the use of agricultural land under this draft plan.

This policy and its accompanying guidelines assesses **good quality agricultural land** only on its physical characteristics such as soil type, fertility, rainfall etc. to determine the lands suitability for sustainable production.

The 60 hectare minimum size may prevent the fragmentation of good quality agricultural land, but instead of encouraging “best use”, it promotes broad acre farming whilst ignoring agronomical qualities, logistics and water availability. No consideration is given as to whether or not the land in question can be used, by a competent farmer, as the whole or part of viable and sustainable business activities.

While the plan's authors clearly have assessed the need for land to be included in the urban footprint and supporting infrastructure there is no evidence that they have made any assessment of the likely uses for agricultural land relying instead, without question, on the application of a state planning policy and guidelines now 16 years old.

Farming, as much as any other business, is an ever changing dynamic constantly influenced and reshaped by market forces, new technology and community demands.

The four major primary industries in the region, Beef, Dairy, Cane and Horticulture, all face uncertain futures. Cane and Horticulture in particular face enormous challenges to their very survival due to competition on export markets from high volume, low cost labour countries, corrupt international markets, likely banana imports and other heavily subsidized activities.

It is critical that any future agricultural land use criteria included in this plan be determined only after a detailed assessment of the likely uses agricultural land will be put to over the next 20 years (the life of the plan).

To do otherwise would be a glaring example of poor planning and would lock industries into land use constraints no longer relevant to agricultural and pastoral enterprises.

Definition of Living Areas

The FNQ Regional Plan covers a diverse range of land types and forms across the three principal Council areas of the Cassowary Coast Regional Council, the Tableland Regional Council and the Cairns Regional Council (the FNQ Region), along with two much smaller Indigenous Councils.

This FNQ Region supports a very wide range of farming activities, all of which require differing soil characteristics, varying water requirements and vastly different land areas.

The determination of what represents a "sustainable living area" is a complex process, however, not an impossible one. Numerous reports are available setting out the basic requirements for a wide range of land uses.

The Queensland Department of Natural Resources publication "Farm size guidelines for horticultural cropping in North Queensland" by Roderick Strahan establishes recommended minimum farm sizes for a selected group of crops. By way of example, it recommends:

- Dry Tropics
 - Vegetables & cucurbits:
 - Recommended Minimum Farm Size: 60ha
 - Mangoes:
 - Recommended Minimum Farm Size: 34ha
- Wet Tropics Region
 - Bananas:
 - Recommended Minimum Farm Size: 27ha
- Atherton Tableland
 - Tobacco, Mangoes, Avocados, Mixed Crops:
 - Recommended Minimum Farm Size: 30ha

While this is a small range of crops, it illustrates the varying range of land requirements for different land uses and clearly indicates the inadequacies of the establishment of a minimum lot area of 60ha in the Draft Plan.

Other tropical fruits, such as Papaws, Passion fruit and Exotic Tropical Fruits like Lychees, Rambutans, Rollinias etc., have no published information readily available on recommended farm sizes. However, grower

experiences indicate that farm sizes of 5 to 7 ha would likely be adequate for these products, most of which are labour intensive. Tropical fruits are potentially capable of filling high value niche markets in the future.

New technology, disease incursions and climate change all have the potential to impact on future cropping, production areas and regions. Landowners need the elasticity to be able to make good business decisions in a timely manner.

Existing Settlement

An examination of the Cadastre across the FNQ Region reveals that the vast majority of land parcels are well below the 60ha minimum prescribed by the Draft Plan. The exception is the western area of the Tableland Regional Council's area, but this is clearly due to soil types, and particularly, the availability of water. Settlement and development of the Tropical Coast was facilitated by the establishment of the sugar industry where harvesting by hand allowed the growing of cane on small parcels where slope and shape were of no consequence. The desire in those early days to maintain straight boundaries meant that many small severances were created by meandering creeks and other physical barriers that were of little consequence in those times. The natural growth of cane farms in these times was achieved by the acquisition of adjoining parcels which generally were maintained as separate Titles rather than being amalgamated in larger lots.

Historically smaller parcels of land have maintained a flexibility that has enabled amalgamations to respond to changing needs.

Viability of Farms

With the introduction of mechanical harvesting, these smaller, sloping blocks became less efficient to farm for sugar cane, and with falling prices for sugar, much of this land has been, or is being, converted to more suitable crops such as bananas, pawpaws, passionfruit and a wide range of tropical fruits.

All of these more recent uses require much less land to constitute a living area and therefore have proved very successful.

Changing Demands

Additionally, the demand for "life style block" has skyrocketed in recent times. The Draft Plan is heavily based on the determination that the population of the FNQ Region will grow by an estimated 100,000 people in the next 20 years. Current evidence suggests that the driving force for this migration is to get away from the crowded cities with their inherent problems and to enjoy a more relaxed style of living with space to move and a better environment to raise their families. While a small percentage are retirees seeking the "tree change", most are families still requiring an income who seek to own a parcel of income producing land with some form of off farm supplementary income. Real Estate Agents in the region report heavy demand and ongoing enquiry for rural land in the 2ha to 20ha range from "southerners" seeking to migrate north.

Family Units

The farming communities across the FNQ Region have been established on the practice of maintaining the family unit around the farm. In the past, the excision of small "family lots" enable a farming family to provide a separate title for each of their children enabling them to participate in the farming operations and at the same time benefit from owning their own home close by to parents and grand parents. This allowed for two-way support with the older generation being able to provide support to the younger families in raising young ones and with the younger generation being close by to support their parents, as they grow older and less capable.

Security

Security of farm assets is becoming an increasingly important aspect of farming operations across the region. The maintaining of the family unit on farm is now as important for security issues as it is for social issues. With more than one residence within view of the farm shed/s and valuable assets, the ability to provide appropriate levels of surveillance is enhanced.

Superannuation

The majority of farming families do not contribute towards any formal superannuation plan. Because of the continued investment into the farm, their land holdings are considered their superannuation, giving them an asset to sell to provide the necessary money to fund their retirement.

The introduction of legislation to prevent them from realising the maximum potential from their land holdings is nothing short of devastating. Selling a farm is always a difficult proposition simply because of the quantum of the asset. The sale of the property is most often facilitated by the ability to sell off smaller parcels, often to an adjoining farmer. This often requires subdivision (including boundary realignments) to be able to present saleable portions to buyers.

Having legislation thrust upon them when they are most vulnerable is best described by comparison with the superannuation of wages and salary earners.

Consider the scenario:

A wage or salary earner works his/her whole life in the knowledge that his employer is contributing to the Compulsory Superannuation Guarantee – currently 9% of the wage or salary. This amount will more than adequately fund his/her retirement. However, as retirement approaches, the Government amends the legislation, effectively preventing him/her from accessing his funds.

This would be devastating for the average worker.

The reality is that this is exactly what the State Planning Regulatory Provisions (Regional Plans) is doing to rural land holders, and in particular, farming families.

Services

The rural community in this region is generally not reliant on services provided by local authorities.

Reticulated water supply is not available, neither is it wanted. Adequate water is obtainable from streams, underground reserves and rainwater, for which most of this region is adequately blessed.

Similarly, sewerage reticulation is not available, and is also not wanted, or needed. Septic systems generally provide the alternative, with bio-cycle units being utilised where septic systems are not viable.

Telecommunications are readily available, with landline services now being superseded by satellite and wireless technologies.

The provision of roads in rural areas is a requirement of rural industry itself, so even if residential occupations were reduced, there would be no lessening of this requirement. In fact the opposite would prevail. The more people that relocated to live in urban areas, the more vehicle movements would be generated for people travelling to and from work.

Disaster Management

Cyclone Larry provided a huge learning experience for the whole region.

The recovery co-ordinator, Major General Peter Cosgrove, along with many other commentators, were amazed that no person was killed in the event, and made comment that the fact that Innisfail was not more densely settled was a contributing factor.

It was very obvious that those residing in rural areas were better able to cope with the resultant conditions in the weeks following the event.

Their lack of reliance on services such as town water, sewerage, power (most farms have stand by generators), rubbish collection, etc., allowed reasonable standard of living to continue for an extended period.

At the same time, considerable resources and major expense were required to assist in the effort to return the town area to an acceptable level of existence.

Rearranging Boundaries (Boundary Realignment)

To completely disallow boundary relocations places extreme pressure on all aspects of any farming community. Farmers are business operators, and as such they require an extended raft of tools to survive.

Business operators within the CBD of any community need as much flexibility as possible to survive, enabling them to restructure their business wherever challenges confront their viability.

Farmers should not be treated any differently by the legislators.

By way of example, there are numerous situations where boundary realignments are crucial to ongoing management of any business in the Rural area:

Example 1

A prime example is the irrigated areas of the Atherton Tableland. In the past, boundary locations were not an issue to crop production. However, with the introduction of centre-pivot irrigation, historical boundaries become a major constrain, resulting in the need to realign boundaries to better suit the topography to facilitate a more efficient use of this technology.

Example 2

A main stream Industrial or Light Industrial site that has existed (a non conforming fetted use) in a Rural area for an extended period may need to expand its area to facilitate growth. This can only be achieved by purchasing land off adjoining holdings. Generally this will consist of areas of the order of 1 or 2ha.

Example 3

A family farm requires to be split up as a consequence of a break-up of a partnership, often the consequence of a court order. Whether the requirement is to split the farm on a monetary valuation basis, or on a straight area basis, it is often necessary to carry out a boundary realignment to allow the order to be satisfied.

Example 4

In the original subdivision of land, small severances were often created by meandering creeks/river, embankments/escarpment, roads, etc. Back then, these severances were of little, or no consequence. Today, with mechanical farming of land, these small severances present challenges. The ability to realign boundaries presents the opportunity for adjoining landowners to rationalise their holdings to better utilise their farming practises to maximum the yield from their land.

Minimum Lot Areas

The allocation of a single minimum Lot area across the entire FNQ Region defies all logic, given the vastly differing landforms encountered across the Region.

There are adequately qualified consultants in the region with access to the appropriate data to enable the classification of any parcel of land, over which an application is being lodged, to determine its attributes in relation to soil quality, slope, available water, environmental importance, crop requirements etc.

The skills are readily available to develop an analytical matrix covering the varying attributes to come up with a range of minimum lot sizes that will satisfy most, if not all, stakeholders.

Protection of Biodiversity

The Draft Plan places strong emphasis on the protection of the region's Biodiversity. The two greatest threats to our natural vegetation, streams and native flora and fauna come from incursion of pest plants and animals.

Rural land holder, predominantly families, living on their properties and with a commitment to working and caring for their asset are in the best position to control and eradicate these pests. Larger unattended properties quickly become harbours for these pests

Negotiated Outcomes

The former Johnstone Shire Council received many accolades and much acclaim for its innovative introduction of environmental tradeoffs. This Council recognised, that for rural landholders to fully embrace environmental protection principals, there were significant costs, either in dollar value, or in loss of productive land (or potential productive land). An innovative scheme, whereby landowners were offered tradeoffs, was established in return for environmental agreements over areas of significant habitat.

The tradeoffs were in the form of subdivision concessions, allowing the excision of small lots (approx 2ha) in return for the protection of habitat. The loss of the ability of such tradeoffs will ultimately result in the loss of ongoing protection for critical habitat.

Appeal Provisions

While the Draft Plan claims to have been prepared under the provisions of the Integrated Planning Act (IPA) and the Integrated Development Assessment System (IDAS), there is clearly no provision of Appeal Rights, either in the plan, or the regulations. There is no provision for applications designed to meet a special need or that deviate from the plan in any way, regardless of special circumstances. This clearly usurps the authority of both the responsible Minister and the Local Authority. It also denies an Applicant any recourse to arbitration relative to land use restrictions that may be unfair, or even incorrect

In this regard the regulations are apparently based on an assumption of total infallibility on the part of the authors of the Draft Plan and supporting legislation

Possible Solutions

While the problems faced by the legislators are complex, the eventual outcomes must provide a workable solution for all stakeholders, particularly those whose day-to-day existence depends largely on issues being regulated.

The State Planning Regulatory Provisions (Regional Plans) needs to be amended to give Local Authorities the power to process applications for boundary realignments in accordance with predetermined policies and

requirements specified within (amended) Planning Schemes and with specific emphasis on the circumstances presented.

It is imperative the Department of Infrastructure and Planning completely overhaul this section of the Draft Plan and incorporate a much more workable system of land classification that establishes a model for Local Authorities to apply attributes to varying land forms to enable a systematic appraisal of subdivision (and boundary relocation) applications that reflect the land types being dealt with.

The revised section should include the following provisions –

1. That *the FNQ Regional Plan 2025*, which sits above the Shire Town Plans, provide broad strategic direction only with regard to management and subdivision of Rural Lands and that this function remain the responsibility of individual Shire Councils.
2. That the *Town Plans* to be prepared for the recently amalgamated regional councils include the following elements for guiding the management and subdivision of rural lands –
 - A **Table of Land Classification** to identify and classify various land uses,
 - Provision for continued use of **Boundary Realignments** for specified purposes,
 - Provision for **Negotiated outcomes** between the Shire Councils and a landholder (or group of landholders) for approval to subdivision of rural land in exchange for contributions or concession by the land holder which contribute to the implementation of the Regional Plan. This element would be based on the innovative and effective provision in the previous Johnstone Shire Plan for the protection of remnant rainforest and habitat),
 - Provision for the continuance of the Rural Residential Zoning.

Climate Change and Peak Oil

The Draft FNQ Regional Plan aims to address the threats of climate change and peak oil. By providing protections to the viability of a strong and viable Rural Sector, these aims can be achieved.

The farming section is based on growing things, whether it be broad acre crops, horticultural ventures, pastures, etc., all of which are providing important carbon sinks within our environment. While farmers are responsible for certain carbon emissions, the crops they produce are, in turn, absorbing larger amounts of carbon than they produce.

To facilitate a strong and viable Rural Sector, the people involved require a flexible system of dealing with their most basic commodity – **LAND**.

Those who are wishing to enter the industry should be encouraged to do so by providing a wide range of options in lot sizes to meet their needs.

Those who are wishing to exit the industry should also be provided with as many options as possible to make their property attractive to sell, and to enable them to maximise their “superannuation”.

Those who are seeking the “life style” opportunities should be able to seek out and purchase land parcels that satisfy their requirements. The current scheme being introduced by the Draft Plan will force these “immigrants” (the predicted 100,000) from the south to buy parcels much larger than they require to achieve their dreams, resulting in large areas of productive land being left idle to grow weeds and vermin.

Achieving these results will ensure a healthy rural community with the ability to not only fully offset their own carbon emissions, but also to provide adequate offsets for the excessive carbon emissions produced by those living in urban areas, where high density living leaves no opportunities for providing their own offsets

With changes to legislation, there is a prime opportunity to empower local Authorities to be able to implement subdivision conditions requiring a certain percentage of land to be set aside for tree planting to enhance offsets. These plantings could be either landscape plantings or productive plantings, eg. fruit trees.

In relation to peak oil, rural residents, particularly in this time of high fuel prices, are extremely sensitive to fuel consumption issues. Farmers are far more conscious of these issues and plan their trips to town to ensure they minimise fuel consumption. For example, the use of the school bus has become a priority.

Additionally, the eminent introduction of bio-fuels (ethanol) will provide enormous potential for the rural sector, so its preservation in a healthy state will prove to be a wise move in the future, providing the essential resources for fuel production that is not reliant on oil products.

Conclusion

The Rural Sector across Australia is suffering and is at a precarious crossroad.

The introduction of this Draft Plan in its current state will condemn the Rural Sector of this Region to an untimely end.

The Queensland Department of Infrastructure and Planning has before it an excellent opportunity to put down a blueprint to provide a strong foundation to turn the rural sector around and protect it for decades to come.

The question is whether the Department has the intestinal fortitude to make the hard decisions and provide a pathway to recovery, or will it impose a range of constraints that are based on planning concepts that are foreign to land use practices in the region the Draft FNQ Regional Plan is meant to serve.