

Draft State Planning Policy: *Protecting Queensland's Strategic Cropping Land*

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Thanks for the introduction, Troy, and to QELA for the opportunity to speak this evening.

INTRODUCTION

It is undeniable that Queensland faces a major planning challenge in balancing two critical objectives:

- (1) protecting our primary industries and ongoing food security; and
- (2) accommodating strong growth in our population and resource sector.

To its credit, the Queensland Government has recognised and taken up this challenge, having spent the last two years rolling out a new policy framework in response.

The *Draft State Planning Policy for Protecting Queensland's Cropping Land (SPP)* was released for public consultation in August 2011¹. I understand it is slated for commencement in early 2012.

The SPP will be relevant to the work that most of us do. It will take the form of a statutory planning instrument and apply to around 25% of Queensland. I will endeavour to outline the SPP and provide something of a practical guide to working with it. It's pretty dry stuff, but I'll try to keep it interesting.

Before I continue, be aware that I will be using some terminology which might differ from that used by Andrew and Peter. That might be confusing but it's not our fault. It is a consequence of the Draft SPP being released for public consultation *before* the Bill was introduced to Parliament, and the Bill subsequently changing some key terminology. Such a process is unhelpful and symptomatic of some other concerns I will speak to later. But my task is to outline the Draft SPP so I will use the terminology that it contains.

THE PURPOSE OF THE SPP

The purpose of the SPP is to protect the best cropping land from development that would lead to its permanent alienation or diminished productivity.

It is obvious that the ubiquitous debate that continues between rural communities and the resource sector has provided much of the impetus for the new policy framework. The State's principal response to those issues is the introduction of the Bill and the amendments it proposes to the resources legislation². Because the assessment, development and regulation of mining, gas and petroleum projects is carried out under the resources legislation (and not the *Sustainable Planning Act 2009*) the SPP will not apply to resource development projects. The SPP will therefore have no bearing on the principal objective of the policy framework; to balance the competitive tensions between resource exploration and development projects and the ongoing protection and

¹ After the following components of the new policy had been progressively developed:

- The *Strategic Cropping Land Draft Policy and Planning Framework Discussion Paper*, released in February 2010;
- The *Consultation Report on the Strategic Cropping Land Draft Policy and Planning Framework Discussion Paper*, released in July 2010;
- The *Protecting Queensland's Strategic Cropping Land: Policy Framework*, released in August 2010; and
- The *Protecting Queensland's Strategic Cropping Land: Regulatory Assessment Statement*, released in May 2011.

² For the purposes of this paper, the *Mineral Resources Act 1989*, *Petroleum and Gas (Production and Safety Act) 2004*, *Petroleum Act 1923*, *Greenhouse Gas Storage Act 2009*, *Geothermal Exploration Act 2004*, *State Development and Public Works Organisation Act 1971* and the *Environmental Protection Act 1994* are collectively referred to as the "resources legislation".

productive use of high value cropping land. Against that background, the introduction of the SPP is curious. But, it also inevitable so let me outline what it all means.

Strategic Cropping Land

The SPP will apply to all land identified as Strategic Cropping Land in Queensland. The definition of Strategic Cropping Land is one of the foundations of the SPP. When the draft SPP was released for public consultation, it included this definition of Strategic Cropping Land:

“Land identified as SCL: Land that is defined as SCL in the proposed SCL legislation (e.g. land that is confirmed as SCL against the SCL criteria or land shown on the SCL trigger map” (my emphasis).

This definition was unwieldy and very broad in its scope. It defined land as Strategic Cropping Land when it had been confirmed as such against the SCL Criteria *regardless* of whether the land was shown on the Trigger Map. It would have obligated each applicant to carry out an assessment of the subject land against the SCL Criteria, regardless of whether the land was identified on the Trigger Map, simply to determine whether the land was SCL. The Trigger Map stood to be rendered useless.

I am happy to say that it this issue appears as though it will be resolved by the Bill, which proposes alternative definitions. The Bill proposes to define:

***Strategic Cropping Land** as “land recorded in the decision register as being SCL”; and*
***Potential Strategic Cropping Land** as “land shown on the trigger map as being potential SCL”.*

Presumably the Draft SPP will be amended to incorporate the alternative definitions of Strategic Cropping Land and Potential Strategic Cropping Land proposed by the Bill.

The Trigger Map

The Trigger Map will be the starting point for determining whether land is Strategic Cropping Land or Potential Strategic Cropping Land and therefore affected by the SPP. Although it is included in the SPP for reference, the Bill separately legislates for the preparation of the Trigger Map. It is available on the website³ of the Department of Environment and Resource Management (**DERM**). It is provided at state, regional and property scales.

The Trigger Map enables the identification of four designations which are central to the operation of the SPP:

- (1) areas where Potential Strategic Cropping Land exists;
- (2) the Strategic Cropping Land Zones across the state;
- (3) the Strategic Cropping Protection Areas; and
- (4) the Strategic Cropping Management Area.

A property-scale Trigger Map can be generated to confirm the designation of land under the SPP.

The requirements imposed by the SPP vary dependent on the particular designations which apply to an individual site.

The Strategic Cropping Protection Area

The SPP affords the highest level of protection to Strategic Cropping Land within Strategic Cropping Protection Area (**Protection Area**). Two Protection Areas have been designated on the Trigger Map:

³ <http://www.derm.qld.gov.au/land/planning/strategic-cropping/mapping.html>

- (1) the Central Protection Area, comprising the areas of Isaac Regional Council and the Central Highlands Regional Council in central Queensland; and
- (2) the Southern Protection Area, comprising the areas of Cherbourg Aboriginal and Gympie, Lockyer Valley, Scenic Rim, Southern Downs, Western Downs, South Burnett and Toowoomba Regional Councils.

The Strategic Cropping Management Area

The balance land is designated as the Strategic Cropping Management Area (**Management Area**). Whilst it is afforded a lower level of protection than the Protection Areas, the SPP still seeks that Strategic Cropping Land is protected in the Management Area as far as possible.

I will outline the specific requirements for development in both the Protection Area and the Management Area in further detail later.

DEVELOPMENT TO WHICH THE SPP APPLIES

The SPP only applies to particular categories of assessable development proposed on Strategic Cropping Land:

- (1) a Material Change of Use of premises on a lot that is at least 5 hectares in size;
- (2) Reconfiguration of a Lot that is at least 5 hectares in size; and
- (3) On a lot that is at least 5 hectares in size, Operational Work that is excavating or filling an area of Strategic Cropping Land that is at least 150m².

At first blush, the generality of these categories of development coupled with the breadth of Potential Strategic Cropping Land mapped on the Trigger Map suggests that the SPP will frequently apply to development applications. But that is somewhat misleading. The applicability of the SPP will be narrowed by the operation of a number of exclusions.

Annex 1 to the SPP lists these types of development that are considered compatible with the protection and utilisation of Strategic Cropping Land:

- Advertising device;
- Animal Husbandry;
- Animal Keeping;
- Cropping;
- Free Range Production Systems;
- Infrastructure required for Cropping on SCL;
- Intensive Animal Feedlotting;
- Intensive Horticulture;
- Landing;
- Outdoor Lighting;
- Roadside Stalls;
- particular Rural Industry development
- Small-scale Permanent Environmental Plantings;
- A single dwelling on a lot that does not contain an existing dwelling (where no new lot has been created); and
- Winery.

The Bill suggests⁴ that the SPP may also make development in a Key Resource Area may exempt.

The SPP will not apply to land identified as SCL if that land is in the Urban Footprint under a Regional Plan⁵. Nor will it apply to land identified as SCL that is zoned for an Urban Purpose within a planning scheme⁶.

The SPP will not apply to a Development Commitment. A Development Commitment is defined to include development either with a valid development permit or that is necessary to give effect to a valid development approval. It also includes proposed development where that development is:

- (1) consistent with an applicable statutory Regional Plan;
- (2) consistent with any applicable State Planning Regulatory Provision;
- (3) explicitly anticipated by, and consistent with, the planning scheme zone in which it is proposed; and
- (4) explicitly anticipated by and consistent with all applicable codes and any other requirements of a relevant planning scheme.

A Development Commitment does not include a development application that is made, but not approved, before the commencement of the SPP. It also does not include any development that, under a regional plan or planning scheme, requires a further planning assessment or environmental assessment before the development can proceed.

For land in the Management Area, the SPP will not apply to land identified as SCL if there is no Demonstrated Cropping History⁷. Demonstrated Cropping History is defined to be land that has been cropped at least three out of the ten⁸ years between 1 January 1999 and 31 December 2010. Those three years need not be consecutive. It therefore seems to me that the SPP will affect far fewer development proposals than one might first assume.

THE REQUIREMENTS FOR PLANNING AND DEVELOPMENT

So, what will it all actually mean for plan-making and development applications?

Making or amending Regional Plans

Section 3 of the SPP prescribes requirements for the making or amending of planning instruments (both Regional Plans and local government planning schemes). In general terms, the requirements for the making of future regional plans are that:

- (1) Strategic Cropping Land is not included in, or within one kilometre, of the Urban Footprint⁹; and
- (2) the Regional Plan contains policies that both protect Strategic Cropping Land and expressly encourage higher density urban infill and redevelopment.

These are unsurprising and, I suggest, relatively uncontroversial.

⁴ The Bill proposes amendments to the *Sustainable Planning Regulation 2009* that include the insertion of a new Schedule 13A to prescribe "excluded matters for SCL or Potential SCL Concurrence Agency jurisdiction. The prescribed exemptions include development in a Key Resource Area. Although Schedule 13A concerns only the scope of the SCL Concurrence Agency jurisdiction, it is presumed that the Draft SPP will be amended to similarly exclude development in a Key Resource Area. Confirmation will be provided when the final SPP is released and implemented.

⁵ Clause 2.10(i)

⁶ Clause 2.10(i). The Draft SPP defines land zoned for an urban purpose to include land in the following zones in a planning scheme that has been prepared to be compliant with the standardised planning scheme requirements of the *Queensland Planning Provisions*: General Residential Zone, Residential Living Zone, Residential Choice Zone, Apartment Residential Zone, Character Residential Zone, Centre Zone, Principal Centre Zone, Major Centre Zone, District Centre Zone, Local Centre Zone, Neighbourhood Centre Zone, Recreation and Open Space Zone, Industry Zone, Low-impact Industry Zone, Medium-impact Industry Zone, High-impact Industry Zone, Noxious and Hazardous Industry Zone, High-technology Industry Zone, Community Purpose Zone, Mixed Use Zone, Township Zone (and the equivalent zones in cases where a local government has not yet adopted a *Queensland Planning Provisions*-compliant planning scheme).

⁷ Despite the definition of Demonstrated Cropping History in the SPP, the Bill has introduced an alternative term; *Required Cropping History*. It is expected that the final SPP will be updated to incorporate the terminology of the Bill and any subsequent Act.

⁸ Although the definition of *Demonstrated Cropping History* refers to there being 10 years between 01 January 1999 and 31 December 2010, that period actually spans 12 years.

⁹ The SPP provides an exception in instances where it can be demonstrated that there is no alternative land suitable for urban purposes that is not Strategic Cropping Land and that a Significant Community Benefit can be demonstrated. Both of these requirements represent high tests that will not easily be satisfied.

Making or amending local planning instruments

The requirements for making local planning instruments will apply to new or amended planning schemes, structure plans or master plans made under the *Sustainable Planning Act*. The requirements mirror those for the making of future regional plans. In summary:

- (1) Strategic Cropping Land is not to be zoned for urban purposes, rural residential purposes, Permanent Plantations or extractive industries under a planning scheme¹⁰.

I have three brief observations on this requirement.

Firstly, Permanent Plantations are defined by the *Queensland Planning Provisions* to be premises that are used for the growing of plants which are not intended for harvest (for example, plantations used for carbon sequestration, biodiversity or natural resources management). The SPP requires that planning schemes do not provide for the establishment of a Permanent Plantation on Strategic Cropping Land if those plantations are subject to a legal impediment to the clearing of vegetation for 50 years or more. Presumably, this requirement could be applied to prevent the use of Strategic Cropping Land as an environmental offset provided as part of a development proposal. That could make the task of finding and securing land that is suitable for an environmental offset even more difficult for development proponents.

Secondly, when the SPP was released for public consultation, it referred broadly to extractive industries and required that future planning schemes did not zone Strategic Cropping Land for extractive industry purposes. Since that time, the release of the subsequent Bill indicates that those extractive resources which are designated as Key Resource Areas under *State Planning Policy 2/07* may be exempt from the SPP. In that case, local governments will not be prevented from zoning Strategic Cropping Land to include Key Resource Areas in the extractive industry zone under planning schemes¹¹. This seems sensible as Key Resource Areas, like Strategic Cropping Land, are a naturally-occurring and finite resource that are significant at the state, regional and local level.

- (2) The SPP requires that, as far as possible, land within one kilometre of Strategic Cropping Land is not to be zoned for these¹² Sensitive Land Uses.

Those in the resource sector should be aware that this limitation on Accommodation Activities would prevent a local government from using its planning scheme to zone land that is on, or within one kilometre of, Strategic Cropping Land as suitable for mining camps and temporary workers' accommodation. Therefore, although resource development projects themselves will be separately addressed under the resources legislation, the SPP could have a significant effect on the ongoing availability of land for the workers' accommodation facilities associated with those projects.

- (3) Finally, the SPP requires that planning scheme and other local planning instruments include policies and development requirements that both protect Strategic Cropping Land and expressly encourage higher density urban redevelopment in appropriate areas.

¹⁰ In the case of urban purposes, the SPP provides an exception in instances where it can be demonstrated that there is no alternative land suitable for urban purposes that is not Strategic Cropping Land and that a Significant Community Benefit can be demonstrated. Both of these requirements represent high tests that will not easily be satisfied. Not even those exceptions are available insofar as extractive industries and permanent plantations are involved.

¹¹ The benefit of this exemption will not extend to local-scale extractive industries which have not been identified as Key Resource Areas under *State Planning Policy 2/07 – Protection of Extractive Resources*.

¹² Accommodation Activities, Educational Establishment; Shopping Centre; Healthcare Services; Hospital; Childcare Centre; and Places of Worship.

REQUIREMENTS FOR PARTICULAR DEVELOPMENT APPLICATIONS

The section of the SPP which I expect is of most interest to this audience is Section 4. It prescribes requirements for particular development applications on Strategic Cropping Land. Section 4 expresses the higher level development assessment outcomes that are sought by the SPP. It is supported by a series of four development assessment codes. It is intended that the development assessment codes are reflected in local government planning schemes.

Code A and Code B apply to development in *both* the Protection Area and the Management Area. Their shared purpose is to ensure that development does not permanently alienate Strategic Cropping Land.

Code A

Development must be assessed against Code A first. The Acceptable Outcomes, Performance Outcomes and Purpose of Code A require simply that development is not located on Strategic Cropping Land.

Code A goes on to require that, where development that is a Sensitive Land Use is proposed, that development is buffered from Strategic Cropping Land to prevent land use conflicts. The Acceptable Outcome¹³ nominates the buffer widths identified in the *Planning Guideline: Separating agricultural and residential land uses* as appropriate. It is interesting to note that the *Planning Guideline* called up by Code A were prepared in August 1997 and already functions in our planning and development assessment system as one of the guidelines to SPP 1/92.

The balance of the provisions in Code A require that the impacts of development in terms of erosion and sediment control, flooding and soil hydrology do not adversely impact the characteristics and productivity of Strategic Cropping Land.

Code B

In circumstances where development does not comply with Code A (because it is proposed on Strategic Cropping Land) it is necessary to defer to assessment against Code B. Code B seeks to ensure that the only development which does occur on Strategic Cropping Land is temporary and that its impacts are minimised and rehabilitated. To this end, the provisions of Code B require:

- (1) that Temporary development does not occur on Strategic Cropping Land for longer than 50 years from the date its approval takes effect;
- (2) that Temporary development is located and designed so as to minimise encroachment onto Strategic Cropping Land;
- (3) that, at the cessation of the temporary development, any Strategic Cropping Land is rehabilitated to either its previous condition or a condition that is consistent with surrounding cropping land; and
- (4) that for the duration of the temporary development, any adverse impacts on the characteristics and productivity of Strategic Cropping Land are minimised or avoided.

Code C

Code C and Code D provide two exceptions.

Code C only applies to the Protection Area. It provides for development to proceed on Strategic Cropping Land if that development has been designated by the Minister or the Coordinator-General as an Exceptional Circumstance.

The circumstances in which an Exceptional Circumstances designation will be available should not be overestimated; they are indeed exceptional. Peter will speak to this in

¹³ AO2.1

more detail¹⁴. In what I expect to be the very rare occasion of a project being designated as an Exceptional Circumstance, the development will be assessed against Code C, rather than Code A and Code B. The provisions of Code C require that, even in the case of Exceptional Circumstances:

- (1) the development is located and designed to minimise encroachment onto Strategic Cropping Land to the greatest extent practicable;
- (2) where the development also constitutes a Sensitive Land Use, it is buffered from Strategic Cropping Land to prevent land use conflicts;
- (3) any temporary impacts of the development on Strategic Cropping Land are restored at the completion of the development;
- (4) the development minimises adverse impacts on surrounding Strategic Cropping Land; and
- (5) if the permanent alienation of Strategic Cropping Land cannot be avoided, those permanent impacts are mitigated.

The concept of mitigating the permanent alienation of Strategic Cropping Land is central to the SPP and to the Bill. The particular mitigation measures which are considered acceptable are not outlined in the SPP but have been subsequently detailed in the bill. Those measures include either entering into a mitigation deed or making a payment to the Mitigation Fund. Peter will discuss these mitigation measures and the associated procedures during his presentation. But, from a planning perspective, the concept of mitigating the permanent loss of a finite natural resource by way of a financial contribution could be seen as incongruous with the purpose of the SPP and its policy framework.

Code D

Code D applies only to development on Strategic Cropping Land within the Management Area and addresses the limited circumstances in which exceptions will be made for development on SCL within the Management Area.

The key requirements of Code D will be familiar from our time spent working with SPP 1/92. They are:

- (1) that there is an overriding need for the development in terms of public benefit;
- (2) that there is no alternative site; and
- (3) that any encroachment onto Strategic Cropping Land is minimised to the greatest extent practicable.

In addition to those familiar requirements, the provisions of Code D require that:

- (4) where the development also constitutes a Sensitive Land Use, it is buffered from Strategic Cropping Land to prevent land use conflicts;
- (5) the development minimises adverse impacts on surrounding Strategic Cropping Land;
- (6) any temporary impacts of the development on Strategic Cropping Land are restored at the completion of the development; and
- (7) if the permanent alienation of Strategic Cropping Land cannot be avoided, those permanent impacts are mitigated at the conclusion of the development.

¹⁴ In summary, the Bill¹⁴ proposes a process for obtaining an Exceptional Circumstances designation which sits outside the development assessment process. That process involves the proponent making an Exceptional Circumstances Application to the Minister or the Coordinator-General. That application must address, and be decided on the basis of only two criteria:

- (1) that there is no alternative site in the region or locality of the proposal; and
- (2) that the development will have a Significant Community Benefit to the State as a whole.

The opportunities for development on SCL that Code C and Code D provide will be difficult to secure. The development assessment codes offer a high level of protection to Strategic Cropping Land.

THE SPP IN PRACTICE

The introduction of the SPP will give rise to a few practical matters that are noteworthy.

Referral Agency Jurisdiction

As with all State Planning Policies, the implementation of the SPP will largely become the responsibility of local government. However, the State will remain involved through new concurrence agency jurisdictions for the DERM, the Minister and the Coordinator-General for particular applications.

Properly Made Requirements

Although not addressed by the SPP, the Bill¹⁵ proposes additional requirements for making a development application where SCL is involved. Failure to comply with those requirements will result in the application being a not properly made application for the purposes of the Sustainable Planning Act.

Decision Rules

Despite the prescriptive provisions of the SPP, the decision rules set down by the *Sustainable Planning Act 2009*¹⁶ will continue to allow an assessment manager (or the Court) to decide a development application in a way that conflicts with the SPP in limited circumstances. Whilst these decision rules may introduce a degree of uncertainty in outcome, the discretion that they provide is an important pillar of our planning system.

CONCLUDING OBSERVATIONS

In concluding, I would like to take the opportunity to make a few observations:

- (1) Balancing the protection of our best cropping land with the pressures of strong population and economic growth is a major and urgent planning challenge. Credit is due to the Queensland Government for its commitment to developing a response.
- (2) Having offered that compliment, I get to have a quick whinge. Although the policy framework has been subject to broader consultation over its development, the proposed SPP itself has not. The draft SPP was released for consultation with the definition of at least 12 of its key terms and concepts unconfirmed. The definition of most of those terms has since been changed by the Bill which was introduced to Parliament two months after consultation on the SPP closed. The property-scale mapping was also not available until very late in the consultation period. I appreciate that there are time constraints and other pressures, but releasing statutory planning instruments for public consultation before stakeholders can fully understand the potential implications, undermines the integrity and value of the consultation.
- (3) And finally, I think we need to step back a little and ask ourselves whether the preparation of a new SPP, one that regulates only urban development, is warranted as part of the response to this challenge?

Since 1992, *State Planning Policy 1/92 – Development and Conservation of Agricultural Land* has sought to “*protect good quality Agricultural land from those*

¹⁵ Part 3, Division 2

¹⁶ Section 326

*developments that lead to its alienation or diminished productivity*¹⁷; a purpose that it now shares with the new SPP.

The new SPP will operate in tandem with the existing SPP 1/92, but the new SPP will prevail to the extent of any inconsistency. The State has acknowledged¹⁸ that the protection provided by SPP 1/92 already applies to those areas which will now also be protected under the new SPP.

There is one stark difference between the new SPP and SPP 1/92 though: the prescriptiveness of the provisions. The requirements that will be imposed by the new SPP are far more prescriptive and absolute in their terms than those in the existing SPP 1/92. Whether that amounts to a positive or a negative will depend on your perspective and interests. But isn't there a touch of irony about the requirements of SPP 1/92 being far less prescriptive than those of the new SPP? I thought the *Integrated Planning Act* of 1997 ushered in an era of performance-based planning?

Nevertheless, the existing framework of regional plans and local government planning schemes provides good opportunities to limit urban growth. In those areas where regional plans are not currently in force, perhaps the introduction of a regional plan provides better, stronger opportunities to control urban growth?

And given that the amended resources legislation, not the SPP, is the only way to address the tension between strategic cropping land and resource projects, is the SPP really going to help us respond to the key challenge? Or could the existing framework be better utilised to achieve the same outcomes with greater simplicity and economy?

It's all food for thought.

¹⁷ Extract from the Position Statement contained in SPP 1/92: *Development and Conservation of Agricultural Land*,

¹⁸ in the Protection of Strategic Cropping Land: Policy Framework, at page 14

Draft State Planning Policy:

Protecting Queensland's Strategic Cropping Land

21 NOVEMBER 2011

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The Challenge

Queensland faces a major planning challenge in balancing:

- The protection of our primary industries and ongoing food security;
- Accommodating strong growth in our population and the resource sector.

The Draft *State Planning Policy: Protecting Queensland's Strategic Cropping Land* is part of the Queensland Government's response to this challenge



Purpose

- To protect the best cropping land from development that would lead to its permanent alienation or diminished productivity.
- The SPP will apply only to development under the Sustainable Planning Act 2009.
- It will not apply to mining, gas or petroleum projects that are carried out under the *Mineral Resources Act 1989*, *Petroleum and Gas (Production and Safety Act) 2004*, *Petroleum Act 1923*, *Greenhouse Gas Storage Act 2009*, *Geothermal Exploration Act 2004*, *State Development and Public Works Organisation Act 1971* or the *Environmental Protection Act 1994*.

Where the SPP will apply

- The SPP will apply to all Strategic Cropping Land (or “Land identified as SCL”) in Queensland.
- The Draft SPP included the following definition of Strategic Cropping Land:

*“**Land identified as SCL:** Land that is defined as SCL in the proposed SCL legislation (e.g. land that is confirmed as SCL against the SCL criteria or land shown on the SCL trigger map” (my emphasis).*

Where the SPP will apply

- The Bill proposes alternative definitions for Strategic Cropping Land:

*“**Strategic Cropping Land**: is land recorded in the decision register as being SCL”.*

*“**SCL**: is Strategic Cropping Land”.*

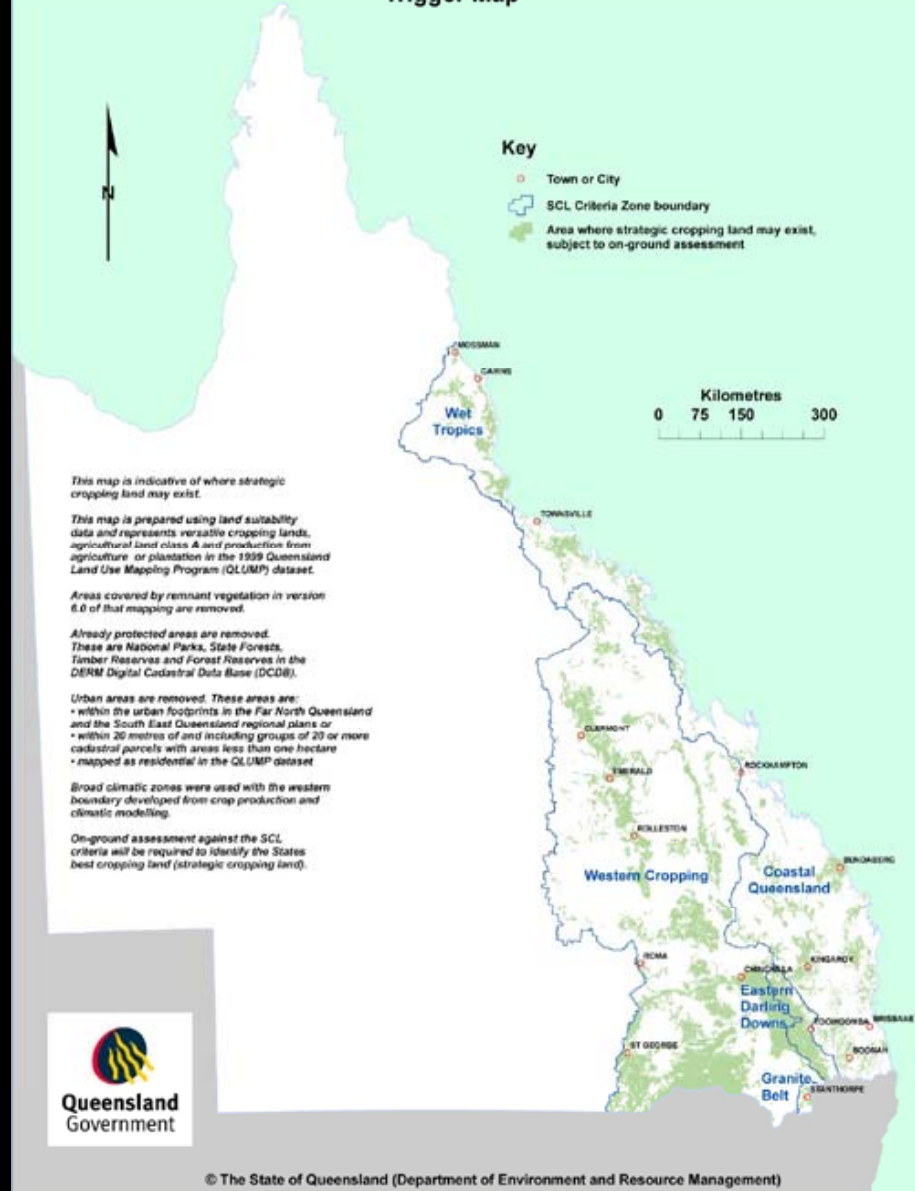
*“**Potential SCL**: is land in an area shown on the trigger map as being potential SCL”.*

- Presumably, the SPP will be amended to include the alternative definitions.
- The SPP will apply to SCL and Potential SCL.

The Trigger Map

- The Trigger Map is the starting point for determining whether land is SCL.
- The Trigger Map is included in the SPP for reference only. Its preparation is separately provided for by the Bill.
- The Trigger Map is available at state, regional and property scales.

Strategic Cropping Land in Queensland Trigger Map



This map is indicative of where strategic cropping land may exist.

This map is prepared using land suitability data and represents versatile cropping lands, agricultural land class & seed production from agriculture or plantation in the 1999 Queensland Land Use Mapping Program (QLUMP) dataset.

Areas covered by remnant vegetation in version 6.0 of that mapping are removed.

Already protected areas are removed. These are National Parks, State Forests, Timber Reserves and Forest Reserves in the DERM Digital Cadastral Data Base (DCCB).

Urban areas are removed. These areas are:

- within the urban footprints in the Far North Queensland and the South East Queensland regional plans or*
- within 20 metres of and including groups of 20 or more cadastral parcels with areas less than one hectare*
- mapped as residential in the QLUMP dataset*

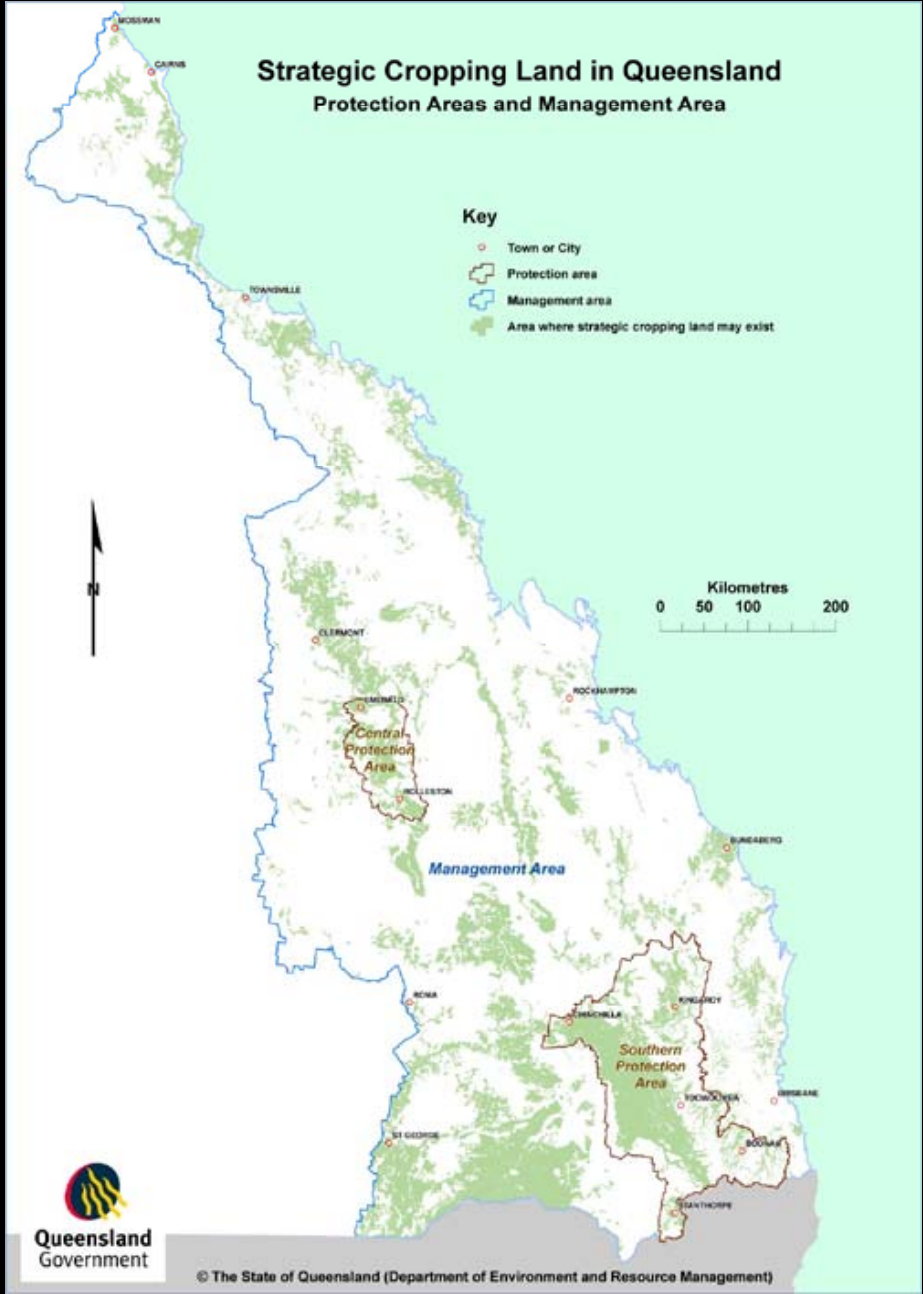
Broad climatic zones were used with the western boundary developed from crop production and climatic modelling.

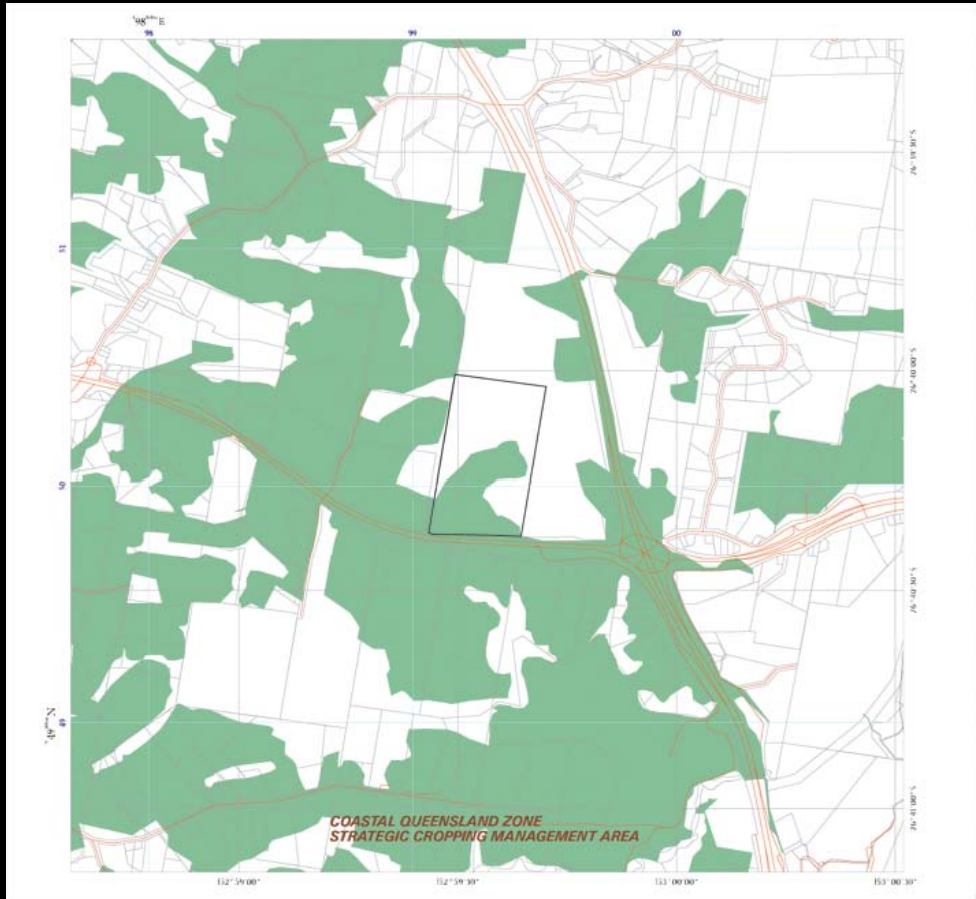
On-ground assessment against the SCL criteria will be required to identify the States best cropping land (strategic cropping land).









Strategic Cropping Land in Queensland Protection Areas and Management Area

- Key**
- Town or City
 - Protection area
 - Management area
 - Area where strategic cropping land may exist





STRATEGIC CROPPING LAND TRIGGER MAP

-  Area where strategic cropping land may exist, subject to on-ground assessment
-  Strategic Cropping Protection Area boundary
-  Strategic Cropping Land zone boundary
-  Subject Lot
-  Roads
© Pitney Bowes Business Insight Pty Ltd 2011
-  Cadastral line
Property boundaries shown are provided as a locational aid only.
-  Towns

Requested By: MATTHEW.SCHNEIDER@HRPPCC.COM.AU
 Date: 17 Nov 11 Time: 22:10:56
 Centred on Lot on Plan:
 197 CG2939



This property is located in the STRATEGIC CROPPING MANAGEMENT AREA
 This property is located in SCL zone:
 COASTAL QUEENSLAND ZONE

This trigger map indicates where strategic cropping land (SCL) may exist for the purposes of the Queensland SCL policy. It was prepared using Class A Agricultural Land and Versatile Cropping Land data and 1989 Queensland Land Use Mapping Program (QLUMP) data identified as production from agriculture or plantations.

Land is excluded from the trigger map where it is remnant vegetation, or is in a national park, state forest, timber reserve or forest reserve. Land is excluded from the trigger map where it is within the urban footprint for Far North Queensland or South East Queensland, or is in a collection of small cadastral parcels. The trigger map extent is limited to those areas within the five SCL zones.

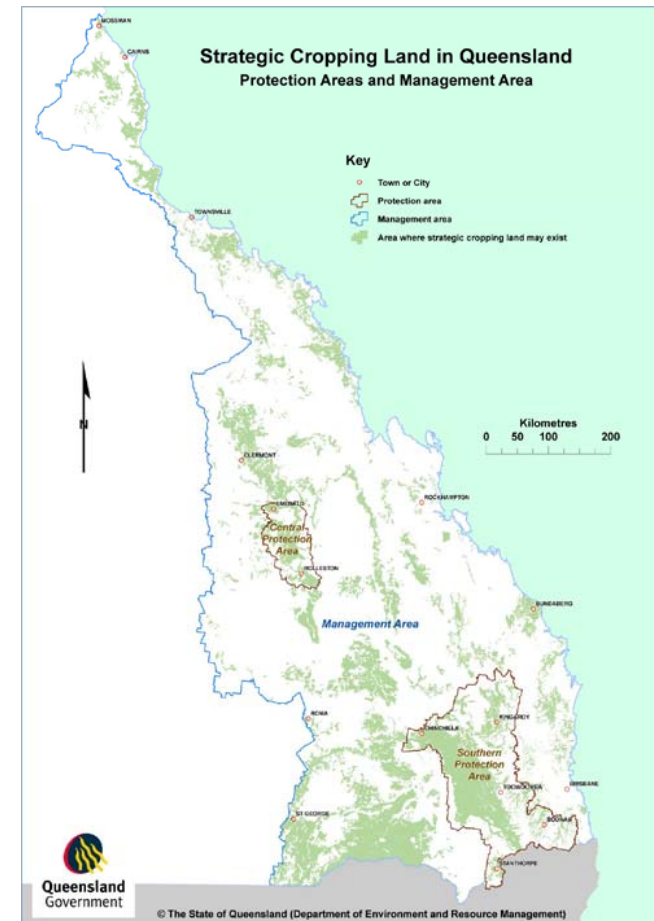
On-ground assessment against the SCL criteria will be required to identify the best cropping land (strategic cropping land).

Strategic Cropping Protection Area

- The Protection Area provides the highest level of protection for SCL.
- There are two Protection Areas:
 - the **Central Protection Area**:
 - Isaac RC;
 - Central Highlands RC.
 - the **Southern Protection Area**:
 - Southern Downs RC;
 - Western Downs RC;
 - South Burnett RC;
 - Toowoomba RC;
 - Cherbourg AC;
 - Gympie RC;
 - Lockyer Valley RC; and
 - Scenic Rim RC.

Strategic Cropping Management Area

- The Management Area comprises the balance area of all SCL Zones outside the Protection Area.
- SCL must still be conserved and managed in the Management Area as far as practicable.



Development to which the SPP applies

Where proposed on SCL:

- a Material Change of Use of premises on a lot that is at least 5 hectares in size;
- Reconfiguration of a Lot that is at least 5 hectares in size; and
- On a lot that is at least 5 hectares in size, Operational Work that is excavating or filling an area of Strategic Cropping Land that is at least 150m².

Development to which the SPP applies

The following development is exempt from assessment against the SPP:

- Advertising device;
- Animal Husbandry;
- Animal Keeping;
- Cropping;
- Free Range Production Systems;
- Infrastructure required for Cropping on SCL;
- Intensive Animal Feedlotting;
- Intensive Horticulture;
- Landing;
- Outdoor Lighting;
- Roadside Stalls;
- particular Rural Industry development
- Small-scale Permanent Environmental Plantings;
- A single dwelling on a lot that does not contain an existing dwelling (where no new lot has been created); and
- Winery

Development to which the SPP applies

The following development is exempt from assessment against the SPP:

- Development proposed on SCL within the Urban Footprint under a Regional Plan;
- Development proposed on SCL that is also land zoned for an Urban Purposes under a planning scheme;
- Development that is a Development Commitment, that is:
 - Development with a valid development permit;
 - Development that is necessary to give effect to a valid development approval;
 - Development that is explicitly anticipated by, and consistent with, the applicable planning instruments.
 - Current development *applications* are not included.

Development to which the SPP applies

- For land in the Management Area (only) development proposed on land that does not have a *Demonstrated Cropping History* (or *Required Cropping History*) is not assessable against the SPP.
- *Demonstrated Cropping History* is defined by the SPP as “*land that has been cropped at least 3 out of 10 years between 1999 and 2010*”.
- *Cropping* is, in turn, defined by the SPP as “*Cropping activities under the Queensland Planning Provisions, and includes **intensive horticulture** under the Queensland Planning Provisions (version 2.0)*”.
- *Cropping* is defined by the *Queensland Planning Provisions (version 2.0)* as: “*Premises used for growing plants or plant material for commercial purposes and where dependant on the cultivation of soil. The use includes harvesting and the storage and packing of produce and plants grown on the site*”.

That's all lovely, but what does it actually mean for me?



Requirements for regional plans

- No SCL to be included within the Urban Footprint or Rural Living Area;
- Urban Footprint boundary to be 1 kilometre away from SCL;
- SCL can only be included within the Urban Footprint or its 1km buffer if:
 - no suitable alternative land that is not SCL exists; and
 - its inclusion is minimised to the extent possible; and
 - a Significant Community Benefit is demonstrated.
- Policies that protect SCL and expressly encourage higher density infill and redevelopment in appropriate urban areas are included;
- A minimum lot size is adopted for the RLRP Area that protects the productivity of SCL and prevents fragmentation;
- No Permanent Plantations are identified on SCL.

Requirements for planning schemes

- No SCL to be zoned for:
 - Urban Purposes;
 - Rural Residential purposes;
 - Permanent Plantations;
 - Extractive Industries (other than Key Resource Areas under SPP 2/07)
- Planning schemes must include policies and requirements that protect SCL and encourage higher density urban redevelopment in appropriate areas.

Requirements for planning schemes

- Land within 1 kilometre of SCL is not to be zoned for *Sensitive Land Uses* which is defined to include the following:
 - Accommodation Activities (all temporary and permanent housing);
 - Educational Establishment;
 - Shopping Centre;
 - Healthcare Services;
 - Hospital;
 - Childcare Centre; and
 - Places of Worship.

Requirements for development

- The SPP includes four development codes against which development on SCL will be assessed.
- Code A and Code B apply to development in *both* the Protection Area and the Management Area.
- Code C applies *only* to development in the Protection Area and that has been designated as an Exceptional Circumstance.
- Code D applies *only* to the Management Area and provides limited exceptions for particular development.

Code A

- Development must be assessed against Code A first.
- In summary, Code A requires that:
 - no development occurs on SCL;
 - sensitive Land Uses within 1 km of SCL provide adequate buffers;
 - any buffer to Sensitive Land Use is maintained by the landowner; and
 - the impacts of development (erosion and sediment control, flooding and soil hydrology) do not adversely impact the characteristics and productivity of SCL.

Code B

- Applies where development cannot comply with Code A.
- In summary, Code B requires that:
 - any development which does occur on SCL is temporary does not continue for longer than 50 years;
 - temporary development minimises encroachment onto SCL;
 - SCL is restored at the cessation of temporary development; and
 - adverse impacts on the characteristics and productivity of SCL are minimised or avoided throughout the life of the temporary development

Code C

- Applies only to projects designated as an Exceptional Circumstance in the Protection Area.
- Exceptional Circumstances designation process occurs outside IDAS.
- Only 2 criteria relevant to an Exceptional Circumstances designation:
 - no alternative site in the region or locality of the proposal;
 - Significant Community Benefit to the state as a whole.
- In summary, even for a designated project, Code C requires that:
 - encroachment into SCL is minimised as far as practicable;
 - any temporary impacts are restored at the completion of development;
 - development minimises adverse impact on surrounding SCL; and
 - if permanent alienation of SCL cannot be avoided, those impacts are mitigated (by way of Mitigation Deed or payment to Mitigation Fund).

Code D

- Applies only in the Management Area.
- In summary, Code D provides for development to be located on SCL if:
 - there is an overriding need for the development in terms of public benefit;
 - there is no alternative site;
 - encroachment into SCL is minimised as far as practicable;
 - any temporary impacts are restored at the completion of development;
 - development minimises adverse impact on surrounding SCL; and
 - if permanent alienation of SCL cannot be avoided, those impacts are mitigated (by way of Mitigation Deed or payment to Mitigation Fund).

The SPP in practice

- New referral (concurrency) agency jurisdictions for some applications:
 - DERM;
 - Minister;
 - Coordinator-General
- New “properly made” requirements for development applications:
 - new IDAS application form expected;
 - DA must state that the land is SCL or that the applicant elects to treat Potential SCL as confirmed SCL for the purposes of the DA;
 - DA must include a report and figures that assess the impact of the development on SCL.
- Decision rules under the *Sustainable Planning Act 2009* will preserve some discretion in limited circumstances.

Concluding observations

- The SPP seeks to address a major and urgent planning challenge.
- The value and integrity of the public consultation of the Draft SPP was undermined by unresolved detail and access to information.
- Is the new SPP really necessary and is it the best means of responding to the key challenge?
- Could the existing framework be better utilised to achieve the same outcomes with greater simplicity and economy?

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