



Strategic cropping land

Policy and planning framework Discussion paper

A discussion paper about the policy and planning framework for conserving and managing Queensland's strategic cropping land.

February 2010





Introduction

The Queensland Government considers that the best cropping land, defined as strategic cropping land, is a finite resource that must be conserved and managed for the longer term. As a general aim, planning and approval powers should be used to protect such land from those developments that would lead to its permanent alienation or diminished productivity.

Agricultural land resources are important to Queensland. They support economic growth in regional areas, they provide a resource base for growing food in the context of increasing world food demand and they are finite in nature.

The Queensland Government is committed to the sustainable development of Queensland's land resources, including managing competing land uses to ensure balanced outcomes. Loss of Queensland's highest value agricultural land has the potential to reduce the state's future capacity to grow crops with associated economic, environmental and social implications.

The government is committed to ensuring that the state's interest in agricultural land is given due consideration in land use planning and development decisions.

Purpose

The government has announced a new policy direction for strategic cropping land and is developing a comprehensive planning framework to implement this policy direction.

This document includes a definition of strategic cropping land, a map showing candidate areas for strategic cropping land, a description of the government's policy, the proposed planning framework and also poses questions for consideration.

The government is seeking feedback from interested parties in relation to the planning framework. Submissions will be accepted until 1 March 2010.

Land use competition

There are a number of different industries competing for land resources in Queensland including mining, agriculture and urban development. This is being driven by increased global demand for energy, food and fibre products and strong population growth in Queensland. Carbon forestry is an emerging land use that may also compete for agricultural land and has the potential to become a permanent land use once carbon credits are assigned (distinct from timber plantations that are harvested for wood products on an ongoing basis).

Land-based industries often have specific requirements, for example access to a particular natural resource (coal, gas, soil or water) as well as access to infrastructure and conditions that enable them to efficiently meet market and community needs.

For the cropping industry this means having access to fertile soils and water, as well as transportation and communication infrastructure, service centres and markets. Areas which meet all of these criteria are scarce—just 2.2% of Queensland's land area is currently cropped. The amount of cropping that occurs on land considered to be good quality cropping land (Class A land¹) is even smaller, approximately 1.5% (see Figure 1), with about one third of this land being irrigated. Due to the scarcity of this resource, the focus of this policy is on cropping lands.

¹ Agricultural Land Classification. *Planning Guidelines - the Identification of Good quality Agricultural Land*. Queensland Department of Housing, Local Government and Planning 1993.



High impact development on cropping land such as open cut coal mining, has potential to permanently impact on the availability and productive capacity of the land due to the intensive nature of the activity and the impacts on the soil. Similarly, urban development can also permanently impact on the availability and productive capacity of the land due to its permanent nature. However, petroleum and gas production generally has a smaller footprint and less permanent impact on land and has shown a greater ability to coexist with agricultural development.

The Queensland Government recognises that land use competition on cropping land is currently occurring across some of the state's most important economic sectors, including the resources sector.

Development of the resources sector is vital and generates significant economic benefits in rural and regional Queensland. Mining and petroleum industries continue to be the engine room of Queensland's prosperity, contributing \$26.36 billion to the state's economy in 2006-07. During that period Queensland also benefited from the \$1.33 billion paid in royalties to the state which help in funding essential services.

Cropping land and the industries it supports are also key components of the Queensland economy. The agriculture and agri-food system generated \$22.7 billion dollars in 2006-07, and employed 272 471 Queenslanders. Availability of the base land resource is critical in allowing the agricultural sector and associated regional and rural communities to adapt and respond to shifts in markets driven by changing global forces.

The Queensland Government recognises the need to ensure that land use competition is managed in a way that enables both of these industries, which are important to Queensland's economy, to co-exist over the longer term.

To ensure Queensland's capacity to support cropping and associated industries is retained, the Queensland Government has a strong interest in ensuring that the best land that underpins the agricultural sector is given appropriate consideration in development decisions. The new policy extends beyond the land use competition between mining and agricultural industries. The new policy and proposed planning framework represent a comprehensive, state-wide approach that will ensure that Queensland's best cropping land resources are given the same consideration against all types of development that may permanently alienate the land resource. Improved land use planning and development approval processes will be developed to balance competing land uses.

Existing policy and planning framework

The Queensland Government has a long-standing interest in the protection of cropping land, which is expressed through State Planning Policy 1/92 (Development and the Conservation of Agricultural Land) under the *Sustainable Planning Act 2009* (SPA). However, it is important to note that mining development is exempt from regulation under SPA.

Development of the Queensland resources sector is primarily regulated through the *Mineral Resources Act 1992*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *Petroleum Act 1923* and the *Environment Protection Act 1994*. These acts provide for grant of tenure and issuing of environmental authorities. The mining sector currently provides compensation to landholders for the loss of production resulting from mining development but there is currently no uniform approach to explicitly consider the impact of mining activity on cropping land through tenure grant or environmental assessment processes.



Current governance arrangements

<ul style="list-style-type: none">• Resource development	<ul style="list-style-type: none">• <i>Mineral Resources Act 1989</i>• <i>Petroleum and Gas (Production and Safety) Act 2004</i>• <i>Petroleum Act 1923</i>• <i>Environment Protection Act 1994</i>
<ul style="list-style-type: none">• Urban and other development	<ul style="list-style-type: none">• <i>Sustainable Planning Act 2009</i><ul style="list-style-type: none">○ State Planning Policy 1/92: Development and the Conservation of Agricultural Land○ Statutory regional plans○ Local planning schemes
<ul style="list-style-type: none">• Major projects and significant development	<ul style="list-style-type: none">• <i>State Development and Public Works Organisation Act 1971</i>

A new policy for strategic cropping land

The Queensland Government's policy position on strategic cropping land is as follows:

The government considers that the best cropping land, defined as strategic cropping land, is a finite resource that must be conserved and managed for the longer term. As a general aim, planning and approval powers should be used to protect such land from those developments that lead to its permanent alienation or diminished productivity.

This position will be achieved by ensuring that government can identify areas of strategic cropping land and consider, assess, manage and mitigate the impacts of mining, urban development and other land uses on Queensland's strategic cropping land.

The policy principles that underpin how this will be achieved are:

1. Planning and development decisions will aim to conserve strategic cropping land for agricultural production.
2. Development proposals, which government considers are in the overwhelming long term public interest, will only be approved where detailed assessment of the impact of the development on strategic cropping land values has been undertaken.

Planning framework

The proposed planning framework will consist of four elements:

1. **strategic cropping land**—criteria and mapping of strategic cropping land across the state will be used as a trigger for the assessment of proposed developments within identified (mapped) areas.



2. **a new statutory planning instrument**—a new statutory planning instrument will guide planning for strategic cropping land under the *Sustainable Planning Act 2009* (to subsume the existing State Planning Policy 1/92: Development and the Conservation of Agricultural Land. The new instrument will ensure local government planning schemes and statutory regional plans recognise areas of strategic cropping land.
3. **amend resources sector legislation**—amendments to resources legislation (including the *Mineral Resources Act 1989* and the *Petroleum and Gas (Production and Safety) Act 2004*) will ensure that strategic cropping land is considered in mining and related applications.
4. **guidelines for development assessment**—guidelines for assessing mining, urban development and other competing land uses will establish processes and criteria for the assessment of development proposals on strategic cropping land.

1. Strategic cropping land

Strategic cropping land is land that is suitable and available for current and potential future cropping with limitations to production that range from moderate to none.

A preliminary map of candidate areas for strategic cropping land has been developed using the best available agricultural soil and land use data (Figure 1). The map shows land with the following attributes:

- **soil properties** that support sustainable crop production, including soil depth and drainage that does not limit production and/or machinery operation²
- **landscape properties** including slopes not exceeding certain parameters and limited erosion potential²
- **land use** has included cropping or the current use does not preclude the land being used for cropping.

Other criteria that will be used to define strategic cropping land include:

- **water availability** from rainfall or irrigation is sufficient to match crop requirements
- **infrastructure** necessary for transport or processing of primary produce is in place or can be provided
- **legal constraints** including conservation and vegetation clearing controls and land tenure, do not preclude the land from being used for cropping.

Specific criteria to differentiate between classes of strategic cropping land to ensure that standards of development assessment can be matched to the significance of the resource are proposed. The following classification criteria have been developed for consideration.³

- **Class 1 Strategic Cropping Land**—suitable for cropping with negligible limitations
- **Class 2 Strategic Cropping Land**—suitable for cropping with minor limitations that either reduce production or require more than the simple management practices of Class 1 land to maintain economic production
- **Class 3 Strategic Cropping Land**—suitable for cropping with moderate limitations that either reduce production or require more than the simple management practices of Class 2 land to maintain economic production.

The identification of strategic cropping land will need to be accurate, supported by measurable data and will need to be able to be applied consistently to cropping areas across the state. Mapping of strategic cropping land will indicate the location and extent of relevant land resources across the state. This mapping will be based on the above criteria.

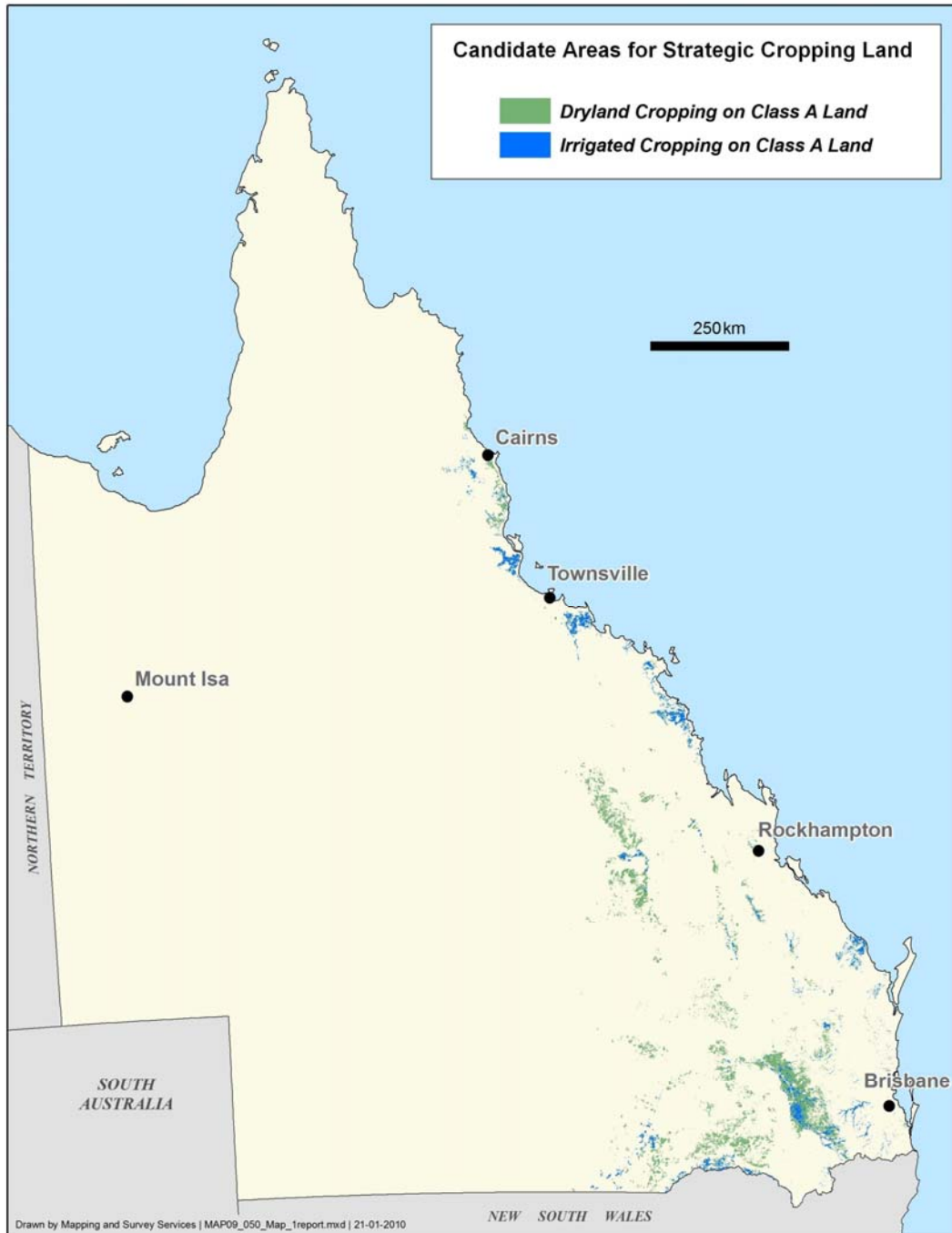
The Queensland Government recognises that this process will require a high level of stakeholder involvement and will be engaging directly with key stakeholders to assist in further refinements of these criteria and their representation on maps.

² Soil and landscape properties are mapped using Class A Agricultural Land data.

³ These classes are based on the current definitions of Class A land in the *Agricultural Land Classification in Planning Guidelines for the Identification of good quality agricultural land*.



Figure 1 – Preliminary map showing candidate areas for strategic cropping land⁴



⁴ Disclaimer – this map is based on best available data however is preliminary in nature and will be further refined. This map has no statutory force and is subject to change during the development of the Strategic Cropping Land Planning Framework.



Q 1. Are the above criteria appropriate for defining strategic cropping land?

2. Developing a new state planning instrument

The state's current instrument for protecting agricultural land, State Planning Policy 1/92: Development and the Conservation of Agricultural Land, has been reviewed.

The Queensland Government will establish a new state planning instrument to ensure that the new policy on strategic cropping land is reflected in the land use planning system and appropriate levels of assessment are outlined. It will also ensure that appropriate criteria are in place to guide assessment processes.

The new state planning instrument will inform local government planning schemes and statutory regional plans, ensuring that the policy outcomes are recognised at all levels of the planning system.

Planning principles could include the need for development to demonstrate how it will avoid permanent impacts on the cropping capability of the land and conflicts with other rural activities, and principles to determine when a development is in the overwhelming public interest.

Q 2. What planning principles should be included in a new state planning instrument for strategic cropping land?

3. Amending resources sector legislation

It is critical that the new policy and proposed planning framework achieves the right balance between the needs of the resources sector and the agricultural sector in addressing land use competition.

To support the development of agricultural and resources sectors, the framework will establish clear standards for proposed resources development on strategic cropping land. Clear policy direction will remove uncertainty and support investment in both the agricultural and resources sectors.

Under the new framework, the relevant mining legislation will be amended so that mining development proposals on the highest classes of strategic cropping land are subject to a higher level of assessment. This will require proponents to demonstrate how they will avoid permanent alienation of strategic cropping land. For example, mining development proponents who are able to demonstrate that they can avoid permanent alienation by fully reinstating the land to its previous productive capacity may comply with the policy. If permanent alienation of highest quality land is unavoidable, development may be incompatible with the policy. The amendments will specify at what stage in the approval process these assessments will be triggered.

Stakeholder's input to how these amendments may work will be actively sought, and will help shape this aspect of the framework. Direct consultation with key industry bodies from the relevant sectors will be undertaken to ensure the best outcome for all parties is achieved.

Q 3. What amendments should be made to the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004 to protect strategic cropping land?



Q 4. *Should petroleum and gas activities under the Petroleum and Gas (Production and Safety Act) 2004 be treated in a different manner to other mining development activities?*

4. Developing guidelines for development assessment

Guidelines for assessment of development proposals on strategic cropping land will be a key element of the planning framework. Guidelines will be required to assist state and local government assessment of development under SPA such as urban development, industrial and commercial development and other permanent land uses such as plantations for carbon and biodiversity purposes. Guidelines will also be required for development assessment guidance for development such as open-cut coal mining, coal seam gas or other resources developments under relevant resource legislation.

Common assessment guidelines could be developed based on key criteria that would be used to assess all types of development, regardless of whether it is assessed under the SPA or resources legislation. Alternatively guidelines specific to each type of development or assessment process could be developed. Current best practice is for guidelines to be outcome based, which provides more flexibility in how requirements may be met.

Proposals to develop permanent plantations on strategic cropping land could be assessed under SPA. Permanent plantations could include those for biodiversity offsets or carbon sink purposes, where the land use is likely to be permanent, due to the difficulty of relocating the generated offsets. Where the land use is permanent, these plantations will have the effect of permanently alienating strategic cropping land.

Guidelines will apply to development on land identified as strategic cropping land which will likely result in its permanent alienation. Guidelines will be developed in accordance with the policy principles and will set out a decision-making framework and provide assistance in the interpretation of these principles. For example:

- criteria for assessment of strategic cropping land
- impact of the proposed use
- availability of alternative sites
- assessment of public interest benefits of the proposal
- impacts of proposals on adjacent rural land uses
- potential to offset impacts
- requirements for proponents to demonstrate feasibility of reinstatement.

Q 5. *Should mining proposals be assessed on all classes of strategic cropping land?*

Q 6. *Should all development proposals on strategic cropping land be assessed using common guidelines?*

Q 7. *How should permanent plantations for carbon sequestration on strategic cropping land be assessed?*



Working with industry and the community

The Queensland Government will engage with stakeholders throughout the development and implementation of the framework. Key engagement processes will be:

- public consultation during the development of the new state planning instrument
- consultation with key stakeholders in the agricultural and natural resources sectors to identify strategic cropping land
- consultation with key stakeholders in the mining, agricultural and development sectors on proposed amendments to resource legislation
- consultation with key stakeholders on planning and development assessment guidelines.



How to have your say on the discussion paper

Public submissions are invited on this discussion paper. The questions above, based on each of the four elements of the framework, can be used to focus submission responses. Responses are not limited to these questions.

Submissions should be received at the address below by **12 March 2010**.

The address for submissions is:

Strategic Cropping Land Framework
Strategic Projects Division
Local Government and Planning Group
Department of Infrastructure and Planning
PO Box 15009 City East Qld 4002 Australia
fax: +61 7 3237 1812
email: planning@dip.qld.gov.au

**For further information please phone 1800 070 609
or visit www.dip.qld.gov.au/croppingland**



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Department of **Infrastructure and Planning**
PO Box 15009 City East Qld 4002 Australia
tel +61 7 3227 8548
fax +61 7 3224 4683
info@dip.qld.gov.au

www.dip.qld.gov.au