

Written Submission for ACT Rural Landholders Association of Farmers Assembly Enquiry into Planning Bill 6th Dec 2023

Executive summary

- The ACT Rural Landholders Association of Farmers (ACT Farmers) supports the intent of the Planning Bill 2022 and changes to the Territory Plan but requests modifications and inclusions.
- Farmers are stewards for around 15% of the Territory, and their lands provide benefits such as the conservation of nature, food and fibre, cultural landscape setting, tourism, management of natural resources, and protection from fire, flood, and poor air quality.
- Best use of land needs to guide decision-making about land use zones and not just revenue raised from land sales. Agriculture and food production must inform planning policies for Canberra to be a vibrant, liveable, and sustainable city.
- Existing farming land in the ACT should be preserved as primary production land and as the setting of the Bush Capital, conservation, and risk management.
- The ACT requires 99-year leases for all rural landholders to have viable rural sector businesses and to support farming families. Anything else is unjust and undermines Canberra's agricultural and environmental outcomes.
- Taking farmland for nature reserves with the offsets policy is flawed and should be abolished. Land with environmental significance needs to stay under farmers' management with the resources and passion that have led to the current positive land outcomes and supported by stewardship payments.
- The Territory Plan has failed to acknowledge rural land, now defined as “non-urban”, and has increased red tape in farming innovation. This contradicts the outcomes of the agriculture strategy.
- The language of the planning system reform does not prioritise agricultural production, food security, or food tourism opportunities in peri-urban areas.
- Further work is required to identify and protect high-quality agricultural land with defined metropolitan boundaries and land security.
- Most short-term leases are in prime agricultural areas and the Eastern Broadacre Strategic Assessment (EBSA) area and are at risk of resumption. There are currently 179 rural leases in the ACT, including Pialligo. Of these, 23 are short-term leases.
- The EBSA strategic assessment prioritises development and offset without considering the current land use of agriculture. The investigation area excludes Fairburn Pine Plantation (298 hectares) and South Pialligo Commonwealth land (244 hectares) which are more suitable for conversion into general industrial/ support of the airport freight than Majura West.

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Issue: what is in the Bill that we want modified and why, and what is missing that we want to be included. [Planning Bill 2022 | Bills \(act.gov.au\)](#)

The ACT's Rural Landholders Association of Farmers (ACT Farmers) has existed in different forms as the peak body for over 110 years to serve the interests of farmers, particularly in negotiations with Governments.

The ACT Farmers broadly support the intent of the Planning Bill 2022 and changes to the Territory Plan and acknowledge these cannot solve all issues. However, the concepts stated as essential to increase "liveability, prosperity and well-being" as guidance for planning decisions are satisfactory, but they don't sufficiently address:

- A. **Best use of land** - this principle needs to guide decision-making about land use zones, and 'best use' is not just revenue raised from land sales. As currently applied by ACT Revenue Office, it only considers immediate economic return to Treasury, not the broader considerations, such as the depleting quantity of class 1 and 2 high-quality agricultural land remaining in the Territory for food production.
- B. **Agriculture and food production** - must inform planning policies for Canberra to be a vibrant, liveable and sustainable city.

We advocate for the existing farming land in the ACT to be preserved as primary production land and as the setting to the Bush Capital, conservation and risk management. The ACT Farmers advocate for a cohesive agricultural policy linked to planning that recognises the need for food production and the management of 'natural disaster risks'. Unfortunately, the lessons from our past are not sufficiently applied in the Planning Bill or changes to the Territory Plan.

- **Food:** we all eat many times a day, and the security of fresh food for a growing population is increasingly important, particularly as where we get our foods from is increasingly affected by climate change disasters and expanding urbanisation. This is why the Australian government is making an enquiry into food security, and why we welcome and are collaborating with the ACT Government to develop its new agriculture policy, the *Canberra Region Local Food Strategy*.
- **Land:** Today, farmers own or manage around 15% of the territory, with 60% in parks, while the city has 25% and is growing. Farms have been the 'land bank' for Canberra and the parks system, but the territory's boundaries are finite, and urban sprawl has to stop somewhere. We need a level of certainty about the future of farming to have viable rural sector businesses and to support our farming families. The ACT requires 99-year leases for all rural landholders just like urban leasees; anything else is unjust and undermines any agricultural prospects for our city.
- **Stewardship:** Farmers are custodians of the landscape setting for the National Capital, the 'bush capital' (as the parliamentarian King O'Malley meant in the 1920s). Our family farms are businesses producing food and fibre, plus having 40% of the ACT's endangered Yellow Box-Red Gum Grassy Woodland ecosystem, and farmers are managers of natural resources and conservers of nature. Taking farmland for nature reserves with the offsets policy is flawed and should be rescinded.
- **Protection:** Farmlands surround the city, and our actions enhance liveability and well-being for the citizens of Canberra and are the buffer between the city and the bush. Farmers protect urban people and property from harm by managing fire and flood as best we can. The issue is how much high-quality farmland will be lost and what triple bottom line impacts us all into the future.

Points about the five key intentions of the reforms:

1. Easy to use – The new District Strategies may have clarified urban areas but failed to do so for farmland. Reclassifying farmland as non-urban and imposing the same development requirements as the city has made farming more complex and increased red tape. The changes hinder farm innovation and lead to high production costs, contradicting the outcomes of the agriculture strategy.
2. Certainty – Fair warning and fair compensation for rural land acquisitions and adequate notice to allow rural landholders to mentally, physically and financially prepare. Farmers understand the gamble of living near a capital city but deserve adequately compensated with the appropriate national market value paid if the land is resumed.
3. Flexibility – It is concerning that the implications for rural lands are unclear, particularly outside district strategies.
4. Transparency – Planners and consultants have not engaged with farmers despite our offers for engagement.
5. Outcomes focussed – these are not described for farmlands, the language of the planning system reform does not put any priority on agricultural production, food security or food tourism opportunities.

We believe further work is required to:

1. **Identify and protect high-quality agricultural land, with defined metropolitan boundaries, and growth areas planned to reduce risks.**

The Territory Plan is a guideline that directs the assessment and approval of development projects. However, unless there is a clear understanding of the intended land use and the application of the principle of 'best use of land', it is difficult to make informed decisions about what should or should not happen on rural lands.

There are examples right now of maladministration of leases and illegal uses of farming land, and are the subject of an investigation by the Office of the Commissioner for the Environment.

Sufficiently mitigating risks for the security of people, property and the environment is a fundamental outcome of good planning. Farmlands can and have played important roles this century in reducing the risks from droughts, fires and floods. To continue to do this, farmers need certainty of tenure. We seek openness and transparency about the future of farming in the Eastern Broadacre, the Western Edge Investigation Area and west of the Murrumbidgee River.

Business needs certainty, and farmers need it too. To actively manage and care for the land while producing food needs time, skills, knowledge and money. None of this is possible without the certainty of a lease, with a viable lease length. This was the finding of the Glenn Report back in 1999; subsequently, long-term leases were offered to some farmers, but not all. There are currently 179 rural leases in the ACT (including Pialligo). Out of the 179 rural leases, 23 are short-term leases. Most of these leases are located in prime agricultural areas.

The ACT Farmers calls for the basic conditions provided to residents and businesses in the Territory to be given to all farmers, that is longer lease tenure to fix the entrenched inequality and unfairness for peri-urban lands. Anything else is unfair and undermines agricultural and biodiversity prospects for our city.

2. Ensure the Territory Plan is compatible with the National Capital Plan, with their inclusion of rural land use zones and focus on sustainable agriculture as the setting for the city.

Planning outcomes should not come at the expense of agricultural land. Farmers are custodians of the lands that are the landscape setting for the National Capital, the managers of natural resources and conservers of nature, and businesses producing food and fibre.

This lack of consideration of farming is a fundamental flaw in the new Territory Plan and needs to address and include the values made clear in the National Capital Plan. The plan focuses on several important matters of national significance, including:

- *Conservation and enhancement of the landscape features which give the National Capital its character and setting, and which contribute to the integration of natural and urban environments.*
- *The development of a city which both respects environmental values and reflects national concerns with the sustainability of Australia's urban areas.*

In December 2022, the ACT Conservation Council estimated that 67% of critically endangered native temperate grassland and 80% of threatened native woodland is outside the public reserve system. Most of these ecosystems are situated on rural land and agricultural land properties¹.

Rural land in the District Strategies and Territory plan with high environmental significance threatened species and ecological communities listed under the EPBC Act should not become public land. Farmers support the blue-green network to identify and project key areas of the natural environment, but this land needs to stay under farmers' management with the recourses and passion that have led to the current positive land outcomes.

The association calls for evidence-based decision-making. Where is the evidence that taking this land out of current farming practices as per the Land Management Agreement, will improve nature conservation or any other outcomes?

3. Develop / amend District Strategies for the Territory (except declared Parks) ASAP, most particularly for peri-urban farmland.

District Strategies are where 'the rubber hits the road' in the new system and are a desirable planning mechanism if done correctly. A number of the current 9 Districts contain rural land, but there has yet to be consultation with farmers, certainly none with ACT Farmers as the peak body.

We accept that the District Strategies's strong focus must be on the growth of urban areas, employment opportunities and transport corridors. But this does not mean farmland and food should be ignored. On the contrary, a thriving agricultural sector would support these outcomes.

Nor does it mean that the outdated and discredited policy of locking up the land to conserve nature (Offset's policy) is the way to continue into the future. But this is precisely what the current District Strategies for Tuggeranong, Belconnen and Canberra East have, with vague terms like 'consideration of current uses'. As a result, agricultural use is overlooked even at the most fundamental level.

¹ ACT Conservation Council, *Building a Biodiversity Network Across the ACT*, (2022)
https://conservationcouncil.org.au/wp-content/uploads/BRIEFING_BIODIVERSITY-NETWORK- Final Version December.pdf

The ACT Farmers seeks to have District Strategies decisively address non-urban lands not just for industrial ribbon development but for food and fibre production, farm tourism, and ag innovation. This is how the ACT's liveability, prosperity and well-being will be enhanced.

Responses to queries:

- Is the zoning sufficient for food production?

Farm businesses are currently constrained to what is specified by their lease or zoning. The lease and zoning restrict what they can grow, how many people can live on-farm, and the ability to get business loans. These impediments are enforced through the Territory Plan's rural and broadacre land use zone development controls, leases with inequitable varying lease tenure terms, inconsistent lease purpose clauses and restrictions on residential dwellings.

Change of lease purpose charges should be reconsidered for farms in the ACT. These charges, which should primarily target developers, are applied to farms that seek to diversify on-farm activity and income. As it stands, a lease purpose charge applies to many farms wishing to generate other forms of income such as horticulture, or agri-tourism. Farm diversification benefits the community through access to fresh and local produce, the farmer by stabilising income, and can offer services and experiences to the community such as in the case of agri-tourism.

Many farms do not have the financial backing to afford the lease purpose charge, particularly when combined with the risk of starting and financing a new venture. Given the obvious benefits of farm diversification, it is suggested that the application of change-of-use charges are reconsidered for the rural sector in the ACT.

- Do most landholders want to stay in the Majura Valley and manage the land in a sustainable way?

The Majura Valley holds great significance for the indigenous people who first inhabited the area and was equally important to Robert Campbell and the development of the region. The Majura Valley has played a significant role in shaping the cultural history of the Australian Capital Territory and is home to critical ecological communities. If you are interested in learning more about the history, you can find a summary at the following link: <https://www.majuravalley.com.au/our-history/>

Of the 179 rural leases, 23 are short-term, and half are in the Majura Valley. That is only including the properties between Fairbairn Ave and the Federal Hwy, with many more short-term leases within the draft [East Canberra District Strategy](#). The Truffle Farm, Mount Majura Winery and Glendale are on long-term leases and include NCA hills and ridges.

The ACT Government has stated that long-term leases will not be provided in the Majura Valley. However, the statistics reveal that landholders in the Majura Valley are worse off than other farmers, and there must be better outcomes.

A short-term lease makes it significantly harder to secure a loan. Even if you are fortunate enough to receive support from the bank, your loan repayments will be for the duration of your short-term lease, which could pose a significant challenge to business planning. Moreover, farmers do not receive the same compensation as those with long-term leases if the government acquires their property despite paying the same rates and land tax.

Despite this, most farmers in the Majura Valley take responsibility for enhancing, restoring and reconnecting priority areas of woodland, grassland and Woolshed Creek. Supporting the current landholders through the security of tenure will enhance nature, retain water and explain the blue-green network connections. The YourSay feedback from the public has supported this vision.

- Your submission on the Draft District Strategy sought significant changes. Were these changes picked or addressed in the final document?

No, see above.

- Has the Eastern Broadacre Study impacted on the usage of the area as a source of food production for the ACT and surrounding region.

The Eastern Broadacre Strategic Assessment will have a profound impact on the lives and livelihoods of many farmers and the farming future across the ACT.

The ACT Planning Strategy (2018) identified Eastern Broadacre as a potential industrial and employment area to address the growing need for industrial land supply. The ACT Government is conducting the Eastern Broadacre Strategic Assessment (EBSA) to evaluate its potential further. The consultation process and its timeline are yet to be finalised, but they will be determined based on several internal government procedures. DCCEW provides [additional information](#) on the strategic assessment process.

A consultant, Umwelt, has been engaged to finalise the Eastern Broadacre Strategic Assessment – see <https://www.tenders.act.gov.au/contract/view?id=206780>. The services in the strategic assessment prioritise development priorities and offset calculations without considering the current land use of agriculture. We are worried that the outcome of the assessment has already been predetermined, and the report by the contractor may be biased towards a specific result.

Our members were actively engaged in the development of several strategic land use plans in East Canberra including the Canberra Spatial Plan in 2004 and the Eastern Broadacre Review in 2009. Since then, however, our members have not been consulted or had any meaningful engagement on the future development of East Canberra that will be facilitated through the Eastern Broadacre Strategic Assessment. So far, 14 years have passed since the release of the Eastern Broadacre Review and our members have no clear understanding of what development is proposed in East Canberra. While the new Territory Plan and East Canberra District Strategy does provide a high-level roadmap, large areas are still identified as being subject to the outcomes of the Eastern Broadacre Strategic Assessment.

The below map from 2017 shows the short and long-term leases in the ACT. Most of the farmland in broadacre areas, like the Majura Valley and East Canberra, is a short-term lease and at threat of industrial development.

There is a significant public area at the Fairbairn Pine Plantation, Pialligo Ave Block 728 (218 Hectares), Block 729 (62 Hectares), Block 601 (18 Hectares). There are some sites of significance in the area, like the air disaster memorial, but these can be handled appropriately.

Fairburn Pine Plantation is 298 hectares, with Majura West (split blocks) 107 hectares. Furthermore, the South Pialligo contaminated block is 244 hectares and would be more suitable for conversion into general industrial/ support of the airport freight than Majura West further down the track. All of these blocks are out of the scope of the Eastern Broadacre Strategic Assessment. Unfortunately, it

appears that planning is identifying the 'easy' options rather than considering the best use of land, agriculture and food production.

SCHEDULE 2 MAXIMUM RURAL LEASE TERM MAP

