

Dear Neighbours/Concerned Citizens,

I'm writing to you because you very kindly assisted in the campaign in late 2011 to stop an open farm on Harvest Rd being made into an 'igloo' or 'protected horticulture' farm. Now Logan Council is suggesting amending the parts of the old Beaudesert Shire Planning scheme which will, among other things, allow farms to be set up on lots as small as 2 acres, and with buffer areas as small as 10 metres. This in the face of our 58+ objection letters last time citing negative impacts to neighbouring properties! Please help by again making a submission to protect our lifestyles from unsafe farming practices.

Logan City Council's new proposed *'Amendment 1C Open Field Market Gardens'*, will be on display from June 26th to August 9th. Public Responses must be received before the end date. Their 'Display Material' has been organised in the usual Planning Guide speak which renders it undecipherable unless you have the old 2007 Beaudesert Plan in front of you to compare. Even then, the average person's eyes glaze over as soon as they venture into that wonderland. I've studied the relevant documents at length myself over many hours and what I've tried to do here is save everyone else the trouble and just get to the nub of the matter. If you can't be bothered trying to go down the rabbithole with me just skip to the last 2 pages where I've laid lay out for you the most important objections I feel need to be addressed. Thankyou all for your wonderful letters of support in the past.

This particular 'round' is one of the most important ever in which the Planning Guide, itself, will be set in granite and will persist for years. I sincerely hope you can find the time to respond.

Okay, strap in and hang on. The Display Material included a 2 page 'Explanatory Document' - which is gilding the lily, as it seems to stir up as much mud as it clears. It begins by trying to define its terms. To quote:

' "Agriculture" is a defined term in the Beaudesert Planning Scheme 2007 and it includes intensive outdoor horticultural production'.

It seems to me that whoever wrote that line appears to be making up a new term, the phrase 'intensive outdoor horticultural production'. This term could easily be confused with most people's ideas of an igloo-style farm, but this isn't what is meant. In parenthesis just after the quoted sentence, it reads: 'For the

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purpose of this planning scheme amendment, intensive outdoor horticultural production is referred to as 'open field market gardens'.

So, this new term (which as far as I can tell never appeared in the original BSPS2007) has been concocted to refer to 'open field market gardens'. Why? What was wrong with the old definitions? I went to the online version of BSPS2007 and found their definitions. Originally, this Planning Scheme had two distinct dictionary definitions for 'Agriculture' and 'Intensive Agriculture'. So why borrow the word 'intensive' and create a new phrase which actually means an open field style market but sounds like an igloo farm? To me, this smacks of purposeful obfuscation and is completely unnecessary. Below, the original 'defined terms' from BPS2007 :

'Agriculture means the growing of crops, flowers, fruit, vegetables, or any plants or trees which—

- (a) are not produced within a building or roofed structure;
- (b) do not use artificial light to promote plant growth; and
- (c) do not involve hydroponic methods.

The term includes—

- (a) the storage, processing or packing of produce grown on the same land and the preparation of such produce for consignment to market or sale elsewhere; and
- (b) the clearing of non-significant vegetation, the installation and use of any dam, bore, pump, tank, channel, pipe or other measure for the supply and use of water for irrigation and drainage works and any other minor physical improvements required to facilitate agricultural activity; and ...etc

What follows just describes typical farming activity. This definition of 'agriculture' is clear enough and obviously means open field farms.

Below is their (BSPS 2007's) definition of "Intensive Agriculture":

'Intensive Agriculture means the growing of plants or plant material within a building or structure (or outdoors, if under artificial light), mushroom farming (including on-site composting), turf farming or hydroponic farming. The term also includes—

- (a) a wholesale plant nursery; and
- (b) the display and retail sale of products grown or produced on the same site where undertaken from a roadside stall with a footprint area of 5m² or less...

Clearly, BSPS 2007 is referring to igloo style – what I would label – Industrial/intensive type farming.

I've seen it confirmed by LCC in writing that the amendment 1C is concerned with open field market gardens – what our mysterious writer now wants to call 'intensive outdoor horticultural production' but not 'Intensive Agriculture' or igloo-style farms. Supposedly any new applications for Intensive Agriculture are already considered to be 'impact assessable – inconsistent' and already require a planning application.

Hmmm. Confused yet? I know I am. Being a cynical type I think LCC is trying to manipulate the language (applying 'intensive' to describe both open field and igloo-style farms) and ingraining it in the language of the new guide to muddy the water in any future litigation where these matter might appear in court. Hey, but that's just me.

After that inauspicious start the 'Explanatory Document' tells us that the proposed amendment will:

'Change the assessment level for Agriculture from "exempt" to "code assessable" on lots 8,000 m² or more in the Park Living and Residential Precincts in the Mt. Lindesay Corridor Zone.'

'Introduce a Use Code for "Agriculture'

To the uninitiated these two desired outcomes seem like a win. But now that we're re-writing the BSPS2007 why not take the bull by the horns and make some decisive useful changes? I live on nearly 10 acres and know from experience that if I tried to squeeze an igloo farm on my own property and create a proper heavily vegetated 40 metre buffer area around the perimeter to offset adverse impacts on my neighbours, I'd end up with a skinny 50 metre by 300 metres strip in the middle that was useable. Forget 8,000m² as the arbitrary number picked out of a hat by some bureaucrat six years ago in a defunct shire. I propose a minimum of 10 acres be required for an application for an igloo-style farm and minimum 20 acres for an open field farm. That would at least afford the opportunity to farm successfully and minimise impact on neighbours.

Still on the Explanatory Document, the last part on page 1 under 'First Part – changes to Assessment Levels' has a number of bullet points. The first two are reiterations of previous statements. Then, referring to the fact that the new code will be the rules by which development applications are assessed (obviously) bullet point number 3 has this gem for us: 'This means that an application will

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not need to be publicly notified.’ Presumably because as bullet point 4 reassures us ‘The required application will be assessed against the proposed Agricultural Code’.

WTF? Do they seriously think we’re that stupid that they could slip that past us? No more public notifications of development applications for open field farms? Yeah, like that’s going to fly with the general public!

Finally, the ‘Second part – Introduction of Agricultural Code’ is a laundry list of the desired outcomes this new amendment is trying to address. This is a very helpful part of the document for us as it gives us the precise issues that they need to be seen to be addressing to keep us happy. They are:

Land Suitability (Topography, nearness to creeks, nearness to ‘sensitive Receptors’ – that’s you – environmental impacts etc)

Amenity/Character (How does it fit in with the uses of surrounding lots, Visual impact, nuisance factors)

Mitigation of noise/odour/dust/and light nuisances

Provision of adequate screening (They aren’t talking buffer areas here but Visual screening)

Environmental concerns including stormwater runoff, wastewater, soil Conditions and disposal of wastes

The points just above are literally the categories that the law and the Planning Guide are bound to address and have been already historically defined as the problem areas in this whole debacle. So it is extremely important that you tailor your letters to pound those specific points so that they ‘tick a box’ that has to be acknowledged rather than being able to be dismissed as a generalised complaint.

Okay, that concludes my take on LCC’s ‘Explanatory Document’. I’m as pissed off, frustrated, and angry as the next person over this issue (maybe more) but I do see positives in this process too. After the last letter blitz over the material change of use at 51-63 Harvest Road last year, it became clear to me that we had few friends amongst the Councillors (including our own) but we had faceless unknown friends in the planning department. Their Decision Notice to knock back the application was very strongly worded and absolutely corroborated and vindicated our worse fears. This is useful fodder for us as they are statements in our favour emanating from within a powerful department of

the very body who are trying to obstruct us. I have supplied useful quotes from them on the last page. Please feel free to remind LCC what their own planning department has to say about agricultural practices adjacent to rural residential properties.

Now, to the nuts and bolts of what they want to change: I'll skip the changes that aren't directly relevant to us. However, in passing I'd like to note that the Guide recognizes sundry 'precincts' such as the 'Active Recreation Precinct' and the 'Park Living Precinct' as well as our own 'Rural Residential Precinct'. There are others for which these new rules will not apply such as the 'Countryside Precincts' and the 'Future Investigation Precincts'. This begs the question why not? If you're trying to legislate for farms to happily co-exist with other uses why let them still operate largely unsupervised in some areas with the idea of making them conform at some indefinite period in the future? I'm just saying.

I will now be referring to the document entitled the 'Amendment Instrument' which contains the specifics of the proposed changes. They are numbered and it is useful to quote the numbers in your complaints.

Below is a list of the 'Overall Outcomes' they are trying to achieve and, again, this is a list to cherry pick from because these are the points they are forced to defend. Quote:

5.2.3 Overall Outcomes For Agriculture

- (1) Agriculture is to produce food and fibre whilst protecting or enhancing the amenity and character of the area.
- (2) Agriculture --
 - a) Is consistent with the character of the area; and
 - b) Maintains the amenity of the surrounding area; and
 - c) Protects the personal health and safety of the community; and
 - d) Protects or enhances environmental values; and
 - e) Does not hinder the continued operation of other existing lawful uses in the area.

There you have it. If you believe that open field farms impact adversely on any of the above, you have a complaint that they are forced to address.

The next part is difficult to cover in a short space and this is already not a short space. I guess I'll just cherry pick out the worst offenders and leave you to peruse the rest online if you are so inclined.

They list what they are trying to achieve with attendant solutions. It is the 'solutions' that we focus on. S2.1 – for example – suggests that developments be located on a lot that has slopes less than 10 percent (1 in 10). This is to mitigate the 'specific outcome': 'Development is consistent with the land capability including topography and infrastructure services'

The specific Outcome 'SO3 is 'the development ensures building height, bulk and setback is consistent with a rural residential character. Solution S3.3, to address this particular issue is that all structures, buildings storage, dam, and activity are set back a minimum of 20 metres from a side or rear boundary, 30 metres from the frontage, and where 'the development incorporates a vegetated buffer, a minimum of 10 metres from a side or rear boundary.

There you go. That's LCC's vision of a buffer zone. So if your house is within 5-10 metres of a side boundary, LCC is proposing that an open field farm can set up and operate legally within 15-20 metres of your house.

As if that isn't enough of an insult, SO5, addressing the 'specific outcome': 'Development is designed and carried out to ensure that chemical spray drift does not reach adjoining premises' offers the solution S5.1: '**No solution prescribed**'. Okay. I'll leave you to ponder that one.

This next one is a beauty too. The Outcome they are after is: 'Development provides that wastewater does not adversely impact on soil conditions or the quality of the receiving environments.' And their solution, S8.1: 'Best management farming practices are utilised to ensure that waste water is not discharged into a waterway, wetland or receiving environment within or external to the premises other than from overland flow from extreme rainfall events.'

Right, you mean the dozen or so 'extreme rainfall events' we experience every summer? So it's not okay to discharge toxic chemicals into our seasonal creeks, streams, or ponds – except when we have to. What bullshit.

Okay, that's all you need to know about this initial proposal from LCC and remember it *is just a proposal* at this stage. It is up to us to bend them to our will to make satisfactory changes that we can accept. Also remember, with all of this, we have their word that these changes only apply to Development Applications for open field farms. Igloo- style farms supposedly are already ~~code~~ assessable and covered and we have their own planning department's harsh assessment of them.

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Points to Address in response to Amendment 1c

(Below are my personal choice of specific points which some of you may not agree with. Fine. Concentrate on the ones that you do agree with and go for the throat. Also, this is the community's first opportunity to respond. LCC will have to come back to us again and it also has to be sent to the State Govt., for perusal, changes, then it comes back, goes up for consultation one last time and so on. It is a long boxing match and this is just one round – though a crucial one. Be measured and specific and use their own terminology and quote their words and numbers. I've provided a copy of LCC's planning department's own grounds for refusal in allowing a new igloo-style farm. Their quotes, though directed towards intensive farms, overlap with concerns with any new type of farm and are good ammo to throw back at them. Good luck. KD)

- 1) Under no circumstances must LCC be allowed to do away with the Public Notice component of Development Applications for open field farms. (This proposal was contained in the 'Explanatory Document') This is not negotiable. They have to back down.
- 2) Clean up the language and drop the term 'intensive outdoor horticultural production' to refer to open field farms. The old terms 'Agriculture' and 'Intensive Agriculture' suffice to distinguish the two types. This is unnecessary and confusing.
- 3) No new developments for Intensive Agriculture on lots smaller than 10 acres.
- 4) No new developments for Open Field Gardens on lots smaller than 20 acres.
- 5) Buffer zones, as outlined in SP/92 to be adopted. That is, no farming to commence unless a vegetated buffer zone of 40 metres is established around the entire operation. All sides. Across open ground, the buffer area must be 300 metres wide. These are empirically derived figures and would solve the problems.
- 6) No farm of any description within 2km of a seasonal creek, waterway, natural pond etc.
- 7) LCC to set up a Community Liaison Committee consisting of spokespersons from farming groups, council environmental officers, planning department personnel, health and safety officers, and so on to deal with disputes between existing farms and residences. Mitigating outcomes might include erecting fences where insufficient buffer areas already exist; engaging in new reticulation works to take the pressure off adjoining properties which already experience water flow issues; helping foreign speaking farmers communicate better with angry residents etc.

8) Farms established as open field gardens should not be allowed to apply for material change of use to convert to igloo style intensive farms down the road. We have seen one open farm in Harvest Rd erect igloos right up to their fencelines virtually overnight, and then apply for retrospective approval from council years later. Despite complaints from neighbours about the impacts of this type of intensive farming close to homes, this approval was granted. This is not good enough to ensure residents' health and safety and should never be allowed to happen again.

Send your objections to:

Re: Amendment 1C

Planning department

Logan City Council

PO Box 3226

Logan City DC QLD 4114

Or email to: council@logan.qld.gov.au

Keep up to date with this issue by visiting The Greenbank Mozzie blog at safegreenbanknow.wordpress.com.