



30 August 2024

Mr E Fritz  
Manager Strategic Planning  
Bundaberg Regional Council  
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Dear Evan

**Re: Bundaberg Regional Council Planning Scheme Policy for Agricultural Buffers**

Bundaberg Ag-Food & Fibre Alliance (BAFFA) aims to identify, research, consult and solve challenges facing the Bundaberg primary production sector.

Our vision is a united food, fibre, renewable fuel, fishing, forestry and foliage sectors in the Bundaberg Regional Council Area.

The Bundaberg Regional Council area is predominantly rural, land is used largely for intensive irrigated agriculture and horticulture, notably macadamias, sugar cane, fruit and vegetable growing, and some cattle grazing.

This reliance on agribusiness means that any negative impact on our farmers' ability to generate and market the crops and products they produce has a much greater impact on our community than in other areas.

BAFFA welcomes the opportunity to provide comment on the Bundaberg Regional Council Planning Scheme Policy for Agricultural Buffers.

We provide this submission without prejudice to any additional submission/s from our members or individual farmers and are primarily focused on potential impacts to primary producers.

Our comments follow:

1. The intent of this scheme is commendable and the general approach seems logical. I note that the recommendations from QFF, from the 2020 consultation, for the need to better specify situations which trigger the need for a buffer have been taken on board. However, QFF's recommendations for including a process for amending a covenant, and for including a clause that prevents fences being constructed across a buffer, have not been addressed. These were important recommendations that Council should address before the policy revision is finalised.

2. The policy appears to rely heavily on the use of covenants to secure the tenure and responsibility for the retention and maintenance of buffers. Covenants can be problematic in Qld as they rely on a subsequent vendor including them on a contract of sale. While this is often not a problem initially as the property developer will include it on the initial contract, when the property is resold down the track, the subsequent vendor must elect to duplicate that covenant on the subsequent contract or the legal requirement to provide/maintain the buffer can be lost.

Conditions of development approval go with the land and are binding on successors in title, but even then property owners are not always aware of conditions imposed on a previous approval (eg for reconfiguring a lot) originally granted over the land. The buffer requirements need to be in the conditions of development approval, but perhaps in addition to that a better means of securing the buffer in the long term is by an easement (rather than a covenant) which would not only secure the buffer via an encumbrance on title, but could also formalise Council's ability to enter the land and maintain the buffer irrespective of changes in ownership of the underlying property in the subsequent period.

3. The policy would benefit from having a process allowing a proponent to specifically advance a recommended buffer treatment design having regard to the impacts they are trying to mitigate. The design attributes of a buffer might change markedly depending on the impacts sought to be mitigated (be they spray drift, noise, visual screening etc). Different buffer modules could be tailored to different circumstances. The policy could establish a process that a proponent can go through if the standard buffer design attributes in the policy are not fit for purpose in a particular case. Council could insist on a site specific assessment of this kind if they considered the standard designs were unlikely to be adequate.
4. Reconfiguration or realignment of existing on-farm housing lots triggers the requirement to install buffers and there are instances where it may not be possible to fully comply with policy due to current farm layouts and infrastructure. When retrofitting buffers to single, reconfigured lots there needs to be some flexibility to reduce the amount of interference to existing layouts and overall viability of the farming operation.
5. There is a risk that vegetated buffers, of up to 15 metres width, will be expected to largely mitigate impacts such as dust, smoke, ash, noise, smell etc. However the buffer designs will, at best, moderate these impacts. USDA guidance on buffers suggest that widths of between 20 to 100 metres can reduce particulate material in the air by 45 to 70%, with actual impact depending on many factors. We are not recommending an extension to buffer widths although Council and residents will need to realise that buffers will not make them immune from some impacts of living near farmland.
6. 'Right to Farm' relates to the desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. The current Agricultural Buffer policy applies to properties developed after 2020 which leaves many properties adjoining farmland without any protection from farm

activities. Right to Farm guidelines, developed and distributed amongst the community to new and existing residents will assist with an understanding of what it means to live in a rural community, whether you live adjacent to a farm or not. We see the revision of the buffer policy as an opportunity to develop Right to Farm guidelines that provide understanding and guidance beyond buffer development.

BAFFA would like to work closely with Council and other community representatives to formulate and implement Right to Farm guidelines and requests that Council nominate a representative so that this initiative can be developed.

Should you require further explanation or clarification please do not hesitate to contact me.

Yours sincerely

*Tanya Howard*  
Company Secretary