

South Australian Government

A Report on the
ALIENATION OF RURAL LANDS

By
A Working Party
of

The Natural Resources Management
Standing Committee

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1. SUMMARY

A Working Party with members representing six government agencies, Agriculture, Engineering and Water Supply, Environment and Planning, Lands, Mines and Energy and Woods and Forests has examined the causes, extent and implications of the permanent loss of rural lands from commercial primary production to other uses.

From its investigations the Working Party has been led to believe that if rural lands continue to be alienated at the rate and in the manner permitted in the past, the State will be faced with serious conflict between commercial farmers and other land users and, ultimately, significant losses in primary production are likely.

There is evidence to show that the alienation of land is contributing to increased production costs through higher land values (with associated higher interest costs), increased operational expenses (additional fire, weed and vermin problems) and inefficiencies caused by the need to reduce spraying, noise and other nuisance activities to conform to restrictions in environmental legislation generally associated with urban living.

Currently the pressures from urbanisation and other alienating influences are leading to production cost pressures which are making sustainable agriculture more difficult to achieve. In an effort to counteract these cost pressures, some farmers are using their land beyond its capability.

This report outlines the causes of alienation and attempts to detail its extent in South Australia although this has proved difficult because of the lack of accessible data.

An in-depth study has been completed of national and international attempts to deal with this issue, particularly experiences with the so called Right to Farm legislation, the need for which was the main reason for the establishment of the Working Party. The report draws the conclusion that such legislation would have little benefit in South Australia.

After exploring the issues, including those raised by the thirty organisations and interested individuals who responded to the Working Party's background paper, it became evident that while the community was very concerned about the alienation of agricultural lands, there was no general agreement about the best means of resolving the issue.

The Working Party has concluded that if the current provisions in the Development Plan were reinforced and consistently implemented (a stance which some local government authorities have recently adopted because of the concern in their communities) and if basic data was readily available to professional rural planners and to the communities involved, then alienation of productive rural land could be greatly restricted.

The Working Party has selected this as its preferred option rather than seek the introduction of Right to Farm legislation or extensive prohibitions which would restrict farming flexibility and possibly prevent primary industries from adapting their land use to changing markets and technologies.

The Working Party's recommendations, which will enable its preferred option to be effected, are set out in Section 8 of this report.

2. INTRODUCTION

2.1 Background

The loss of land for primary production is of concern to organisations involved in or representing primary production.

This concern is not confined to South Australia. Other Australian States and some overseas countries have examined this issue and have developed a range of countervailing measures which have had varying degrees of success.

For example, this has led to the development of Right to Farm legislation in many States in the U.S.A.

In Australia, the Legislative Assembly of the Parliament of Western Australia has established an enquiry into the Right to Farm. The issue has also been examined in Queensland and New South Wales.

In South Australia, the United Farmers and Stockowners has expressed concern to the Government about the loss of primary production land.

Awareness of the issue has been further stimulated by recent planning reviews such as the Mount Lofty Ranges Review.

Consequently, the Government requested that this issue be examined and a Working Party was established by the Natural Resources Management Standing Committee.

2.2 Working Party Structure

In August, 1990, an interdepartmental Working Party, convened by the Department of Agriculture, was appointed.

Membership included representatives from the following departments:

Department of Agriculture;
 Engineering and Water Supply Department;
 Department of Environment and Planning;
 Department of Lands;
 Woods and Forests Department; and
 Department of Mines and Energy.

(See Appendix 1 - for further details)

2.3 Terms of Reference

The Working Party adopted the following terms of reference:

- 2.3.1 Taking into account previous reviews, locate and describe South Australian areas of primary production lost to other uses.
- 2.3.2 Determine the causes of alienation
- 2.3.3 Establish the extent of any conflict between commercial primary production operations and other land uses.

- 2.3.4 Review the Right to Farm legislation and other alternatives in place in other countries and identify the perceived advantages and disadvantages after enactment.
- 2.3.5 Examine the effectiveness of current zoning and supplementary development planning in protecting agricultural lands and recommend, if necessary, additional measures.

2.4 Processes Adopted

The Working Party met on eleven occasions. The following processes were also adopted:

Presentations

Presentations were made by representatives of the United Farmers and Stockowners, the Premier's Planning Review and planning consultants.

Inspections

Inspection of the Land Evaluation Unit, Department of Agriculture.

Field Inspections

Field inspections were made in the following areas where the organisations listed were consulted:

Barossa Valley

- Department of Agriculture

Central Hills and the Fleurieu Peninsula

- Department of Agriculture (Mount Barker and Victor Harbor)
- District Council of Port Elliot and Goolwa

Riverland

- Department of Agriculture
- Department of Lands
- Engineering and Water Supply Department
- Renmark Irrigation Trust
- Corporation of the Town of Renmark
- District Council of Berri

Literature Survey

A literature survey to ascertain interstate and overseas experience.

Comments from Interested Organisations

A discussion paper was prepared and circulated to ascertain the views of interested organisations. These included committees and Government agencies concerned with land management and planning, local government, conservation organisations, the Real Estate Institute of South Australia, the United Farmers and Stockowners Association and a range of financial institutions.

Respondents are listed, with summaries of their responses, in Appendix 3.

3. THE IMPORTANCE OF PRIMARY PRODUCTION TO SOUTH AUSTRALIA

The value of primary production to South Australia is approximately 5% of the State's Gross National Product.

Commercial farming production has a gross value of \$2 184.5 million (1988/89), contributes about 12 percent of the gross value of Australian agriculture and is a major source of export income for the State, with a gross value of \$1 225.8 million (1988/89) (9).

For commercial forestry the value of roundwood production is in the range of \$80 to 130 million annually, which is almost exclusively processed within South Australia for either import replacement or exporting from the State. The gross value of processed forest products produced within the State is \$1 332 million (1987/88).

The number of agricultural establishments in SA in 1988/89 was 14 386 (1).

Employment in agriculture, forestry and fishing etc in SA in 1988 was 44 000 or 7.3% of the work-force (2).

Only some 20% of South Australia receives more than 250 mm of rainfall annually. Less than 1% of the State receives more than 600 mm annually. It is in the higher rainfall and irrigated areas that the issue of rural land alienation is of most concern and where the productive capacity of the land is generally high.

A number of productive crops have specific soil, climate and water requirements and hence the alienation of land suitable for such products will have a high economic cost to the State. For example, the gross value to the State in 1988/89 for vegetable crops was \$147.2 million, fruits was \$129 million and grapes \$170 million.

TABLE 1 : VALUE OF PRODUCTION PER HECTARE FOR
SELECTED ENTERPRISES

<u>Enterprise</u>	<u>Indicative Gross Annual Value; Dollars Per Hectare</u>	
Citrus	7 893	(3)
Peaches (canning)	9 200	(4)
Grapes	7 431	(3)
Potatoes	11 048	(3)
Onions	35 631	(3)
Tomatoes	27 561	(3)
Carrots	27 561	(3)
Apples	17 808	(3)
Dairying	358	(5)
Sheep (fat lambs)	139	(7)
Beef Cattle	157	(6)
Wheat	276	(8)
Barley	242	(6)
Oats	192	(6)
Oaten hay	425	(7)
Lupins	238	(6)
Field beans	313	(7)

It is important, therefore, from both economic and resource management points of view that prime agricultural land is not alienated unnecessarily by the loss of land to uses other than commercial primary production or by restrictions and high costs imposed as a result of encroaching urban and other non-commercial primary production uses.

This is particularly so for productive land in irrigation areas or higher rainfall areas.

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- (1) Source: ABS Publication, Catalogue No 7102.0
"Agricultural Industries, Structure of Operating Units in Australia"
 - (2) Source: SA Year Book, 1989
 - (3) Source: ABS Publication, Catalogue No. 7503.4
"Value of Agricultural Commodities Produced, South Australia 1988-89" Table 9.
Average Value per Hectare of Principal Crops.
 - (4) Source: Riverland Horticultural Costs and Returns - A Budget Guide for 1990. Case Study, pp 14-15.
 - (5) Source: Department of Agriculture, Gross Margins, Milang/Langhorne Creek (1991 prices)
 - (6) Source: Department of Agriculture, Gross Margins, South East Region, 1991.
 - (7) Source: Department of Agriculture, Gross Margins, Lower, Mid and Upper North, 425-500mm. rainfall areas, 1991.
 - (8) Source: Department of Agriculture, Gross Margins, Lower Eyre Peninsula, 1991.
 - (9) Source: ABS Publication, Catalogue No. 7502.0
"Value of Selected Agricultural Commodities Produced, South Australia 1988-89".

4. INFLUENCES AND ISSUES CONTRIBUTING TO ALIENATION

4.1 The Working Party has identified numerous factors which can influence and contribute to changes in land use and hence to the alienation of rural land. These include:

4.1.1 Urban Expansion

This reflects urban population increase resulting from net increase of the settled population, net migration from interstate and overseas and relocation from country areas to urban centres. Decisions regarding which rural land should be rezoned for urban expansion have often been based on minimising urban infrastructure costs. Considerations of land capability and minimising the loss of prime agricultural land have been largely ignored.

4.1.2 Rural Living/Country Living Zoning

Rural land close to existing population centres gains an added value due to its desirability as a home site with a rural outlook. Smaller parcels attract the greatest value per hectare. These two factors (proximity to a major population centre and small size of allotments) are the two major factors increasing the value of rural land in the Mt Lofty Ranges.

The difference between rural value and home site value is so great that land is sold for between 1.8 and 4.5 times its value for agricultural purposes. Land prices are usually close to their true agricultural values for allotments greater than 60 hectares.

There are currently 149 rural living zones and 33 country living zones designated in the Development Plan.

Decisions about which land should be rezoned for rural living (1-4 ha allotments) and country living (0.4-1 ha allotments) development have not been based on land capability and hence such zones have not related to land with low commercial farming value.

4.1.3 Fragmentation of Rural Land

Despite the advisory policies in the Development Plan, many councils have been approving applications to divide existing commercial farming properties into small parcels. Such allotments throughout general farming and horticultural zones are often sold to people for rural living purposes and thus the land is alienated from commercial farming production. Such land has been divided in order to provide:

Capital funds;

Retirement funds;

House sites for members of the family or employees;

A house site for the retired farmer in order to comply with the asset test requirements of the aged pension scheme.

Local government in the Riverland area is currently experiencing considerable pressure from retiring irrigation farmers to excise small urban sized allotments containing their houses from their irrigation blocks.

There is concern that subsequent owners of these houses (rural living) may object to normal agricultural production practices (e.g. spraying, bird scarers, night time mechanical harvesting, etc.) and that surrounding land will become alienated from rural production.

A comparison of the value of houses and vacant land in towns with rural properties in the same district shows why this pressure for alienation is occurring in the Riverland. Table 2 shows the change in average sale prices between 1986 and 1990.

TABLE 2 : COMPARISON OF RURAL AND URBAN PROPERTY VALUES IN SELECTED AREAS. (Average sale prices during the year)

Local Government Area	Townland with House (\$)		Vacant Townland (\$)		Rural Properties (\$)	
	1986	1990	1986	1990	1986	1990
Lacepede	45 000	51 000	10 600	12 700	184 000	429 000
Minlaton	55 000	65 000	12 000	14 300	176 000	316 000
Millicent	45 000	59 000	11 000	23 000	215 000	365 000
Loxton	47 000	64 000	12 000	16 700	76 000	179 000
Renmark	45 700	56 600	10 400	32 200	36 000	83 000
Berri	58 000	65 000	16 000	20 200	43 000	130 000
Barmera	53 000	63 000	13 000	27 000	43 000	74 000
Waikerie	54 000	66 000	16 000	20 600	45 000	119 000

For local government areas (LGA's) outside the Riverland there is a significant difference between property values and house values in nearby towns. In general, these farmers could sell their farms and buy a house in a nearby town and still have a reasonable amount of money available to finance their retirement.

The situation is not nearly so attractive in the Riverland. In Renmark and Barmera in particular, irrigation block owners stand to make very little (in comparison to broadacre farmers elsewhere) by selling their property and purchasing a property in town. Their preferred option is to keep their house on a small urban style allotment excised from their block, continue to live there during retirement and to sell the remainder of the property to raise money for living expenses.

4.1.4 Conflicting Land Uses

When urban, rural living and country living development is established in or adjacent to commercial farming areas, residents often complain about the noise (machinery and bird scarers), smell, chemical spraying and hours of harvesting. The Noise Control Act and Clean Air Act require that restrictions be placed on commercial farming uses when complaints arise in "mixed use" areas.

This can have the effect of inhibiting commercial farming practices in these areas leading to reduced profitability and reduced intensity of farming (low cost farming) or the desire to sell and move to an area free of such conflict.

To put the situation into perspective, the Department of Agriculture has investigated 105 complaints relating to "off-target" pesticide damage since 1978.

Twenty three complaints have been received by the Department of Environment and Planning about noise resulting from the use of bird scarers in the twelve months to April 1991. There have of course, been many other day to day concerns expressed to departmental officers in regional centres which have not been lodged as formal complaints.

Regardless of where the commercial farming/residential boundary is drawn it is likely that conflict at the interface will continue to occur, but limiting the extent of the boundary area should reduce the frequency of disputes.

4.1.5 High Land Prices

Land purchased for urban development or rural/country living purposes is usually sold at prices which are substantially higher than commercial farmers could justify paying, based on the returns which the land could be expected to provide. The sale price of an allotment which could be used for rural living purposes is often two to four times that of the same land if it were valued on its agricultural production potential. These inflated prices mean that commercial farmers cannot profitably buy additional land in areas near townships solely for the purpose of agricultural production.

4.1.6 Land Degradation

Soil erosion, salination of soils, weed infestations and other forms of land degradation resulting from excessive or inappropriate land use seriously reduce productivity but probably contribute little to the alienation of land from commercial farming use per se. However, while land degradation is being addressed through the soil conservation program and the promotion of tree planting, the fact remains that very large areas of agricultural and pastoral land have been seriously degraded by wind and water erosion and soil salinity which has effectively alienated these areas from commercial primary production.

4.1.7 Changing Agricultural Demand

Rapidly changing markets for agricultural and horticultural commodities can present at least short term financial difficulties for farmers and increase pressures for the land to be used for non-agricultural purposes. Ideally, properties should be large enough to allow flexible management and to be sufficiently profitable to attract competent managers.

4.1.8 Single Purpose Assistance Schemes

From time to time, government assistance schemes have been established to alleviate particular commercial farming problems. Where these schemes only address short term problems and do not provide for conversion to other agricultural activities, they can lead to the alienation of the subject land from commercial farming use. The "vine pull" scheme was an example. There is evidence that following the vine pull scheme, the number of new allotments significantly increased. (The Working Party acknowledges that in some cases, alienation of this land and, where applicable, transfer of irrigation rights to more productive land probably improves productivity in the long term).

4.1.9 Disregard of Planning Policies

Since 1972, the policies in the authorised Development Plan have advised against the fragmentation of commercial farming land. In most instances however, the

division of rural land is a 'consent' use rather than a 'prohibited' use. This allows councils discretion to approve such land division, sometimes contrary to the policies of the Development Plan.

4.1.10 Bank Policy

Although bank policy and finance costs contribute to the present financial problems of farmers, as influences on rural land alienation they have probably been overstated. Even the extent of their influence on rural adjustment is unclear.

For example, an ANOP (Australian National Opinion Polls) Research Services survey commissioned by the National Farmers Federation at the beginning of 1991 showed average farm debt in South Australia as greater than \$207,000. On the other hand the Bureau of Agricultural and Resource Economics recently estimated that a quarter of the State's broadacre farmers still have negligible debts (less than \$3,500) and 50% have debts less than \$70,000. In addition, foreclosures by banks to date have been less numerous than media reports would have us believe.

However, while commodity prices remain low the level of indebtedness will continue to increase with attendant increasing debt servicing difficulty especially in situations where accumulated interest is already a problem. This difficulty will be aggravated by the present "tougher" stance of banks e.g. in requiring quarterly payment in advance (with its consequent immediate reduction in the amount borrowed) and in the reluctance or refusal to extend carry-on borrowings. At least 95 farmer applications for carry-on finance have been refused so far this year - some have been forced to sell part of their property to neighbours and others have been offered finance provided they put their properties on the market. Variation in "toughness" between banking groups and individual managers and in its application to different customers by individual bank managers will further confuse farmer borrowers and allegations of injustices are likely to arise.

Farmers are not automatically excluded from Home Loans and these have been obtained by a few farmers who meet bank requirements and eligibility criteria. However, because these loans are aimed primarily at urban home-buyers they are never likely to be an important part of bank rural lending.

4.1.11 Welfare Assistance

Farmers are not excluded from Unemployment Benefits but conditions applying to this assistance (e.g. availability and willingness for full time off-farm work, restrictions on members of partnerships, assessment of normal income and its variability) mean that the majority of farmers will be ineligible. In addition means testing (particularly the assets test) denies still more farmers this and other forms of welfare assistance such as Pensions, Sickness Benefits and the Family Allowance Supplement. (Means testing for education assistance through Austudy or the School Card Scheme imposes similar restrictions).

Because of these barriers to welfare assistance, farmers approaching retirement or those choosing to opt out of farming whose property value precludes eligibility for the Age Pension or other assistance, tend to take one of the following actions.

- Transfer the property to another generation.

Historically this is probably the most common result but to achieve social welfare eligibility while not saddling successors with substantial lump sum transfer costs (and possible additional debt) requires early estate planning and

transfer with its perceived risk of the successors losing the property (e.g. through divorce settlement).

Reduction of property size is unlikely, except where a portion of the property is sold to defray transfer costs and/or to pay for the retiree's accommodation elsewhere or where a home and curtilage is split off to provide housing for the retiree.

In broadacre farming areas minor transfers such as those in the latter case are likely to make increasingly insignificant contributions to rural land alienation (as farm numbers dwindle).

- Sell the property.

This is frequently the case if there are no heirs or the property is too small to support successors. If it is distant from urban development it will probably be bought by other farmers with no alienation from agriculture occurring. If near urban development, subdivision will be attractive and alienation from farming more likely.

Despite their contribution to the hardship farmers experience during difficult times, the barriers to welfare measures are not considered to be major causes of rural land alienation. That is, while they may contribute to people having to leave farming, land is not necessarily alienated from agriculture as a consequence.

4.1.12 Taxation

The major potential tax influences on farm operations are income tax, excise on fuel and local government taxes (rates).

The introduction in recent years of Fringe Benefits Tax, Capital Gains Tax and Prescribed Payments Tax and removal of the 20 percent prime cost depreciation rate for plant have reduced the tax benefits enjoyed by farmers. However, farmers still enjoy some tax benefits e.g. income splitting (those in partnerships), a depreciation rate loading for plant and deduction of capital costs for treating land degradation.

Furthermore, diesel fuel directly used for primary production is exempt from excise.

On the other hand, local government rates have increased markedly in the recent past. This reflects local government's need for increased revenue to meet increasing costs of existing activities and to provide the additional services assigned to and/or demanded of it.

Councils determine their rate in the dollar by dividing their total revenue requirement (less any revenue from fixed charges) by the total rateable value of property in their area. Thus, increased rate revenue is derived from either increased property values or rises in the rate per dollar or a combination of both.

Therefore, in an LGA with a predominantly rural population (no significant urban development) the total local government rate burden on farmers is unlikely to change regardless of changes in land values. (Obviously, the rates load will be more onerous in low income periods than in boom times.)

Where there is a mix of urban and rural property in an LGA and urban

development has led to demand for rural/country living allotments and hence to inflated rural land values, some of the rate burden may move from urban to rural ratepayers. (Depending on variation of any rate differential between these classes of ratepayers.) While use of notional valuations may lessen the change in rural land values, rates on farm properties may remain high because of council rating policies (particularly in the application of rate differentials). In these circumstances, local government rates add to the pressure for rural adjustment and in near-urban areas may be a direct influence on the alienation of rural land.

State Government legislation can also have a marked impact on rate values for certain primary production sectors. With respect to forest production, both the land and the value of the tree crop are now assessed for rating purposes following the recent change to the Valuation of Land Act. As a result of this amendment, rateable values of commercial forest holdings have increased approximately fourfold compared with previous valuations. This places pressure on this form of land use and alienation may be an attractive option where the possibility of land division for urban or rural/country living exists.

4.1.13 Rural Adjustment

Because of their dependence on seasonal conditions and, to a large extent, export prices on which Australian farmers have little influence, farm incomes typically fluctuate widely from year to year. In addition farm businesses have been subjected to a continuing cost-price squeeze.

The combination of these factors has exerted continuing pressure on farmers to improve their performance. Strategies pursued by those who have succeeded include:

- altering enterprise mixes to best adapt to changing market conditions
- improving productivity through,
 - increasing farm size where economies of scale could be realised
 - increasing the intensity of one or more enterprises
 - adopting new technology
 - reducing labour

Those unable to cope have sold up and adjusted out of farming. Between these extremes, others have continued farming by various means including deferring capital expenditure, increasing borrowings and augmenting farm income with off-farm income.

This rural adjustment process is not a recent phenomenon but is likely to intensify under existing rural conditions. In this regard the factors discussed earlier (namely, bank policy and its effect on financial costs, the disadvantage farmers face in obtaining welfare assistance and the effect of local government rates) will contribute to the acceleration of rural adjustment - particularly in forcing people to adjust out of agriculture.

However, as contributory influences on farm profitability, rural adjustment and alienation of near-urban land, these factors are relatively insignificant compared with the reduction of income resulting from commodity price falls such as those currently being experienced.

In terms of rural adjustment, stringent zoning controls and incentives to amalgamate land titles could be counterproductive. The sale at high prices of land located near large urban centres helps to facilitate adjustment of non-viable farmers

in these areas. (It is not suggested that selling their farms piece by piece over time is a feasible option for farmers to remain viable). It may enable them to adjust out of farming (while still having some equity) or to transfer their farming operations to larger, more remote properties. Closing off this adjustment avenue without providing compensating measures, carries the risk of adding to the numbers of non-viable farmers, locked into a situation of increasing poverty.

Similarly, amalgamation of land titles would have a counter-adjustment effect in that adding to an existing farm by buying a large (perhaps equal) area is more difficult and financially more risky than buying several smaller parcels over a period of time.

4.1.14 Federal Government Actions

Recent Federal Government policies have contributed greatly to the uncertainty under which Australian farmers operate. Floating the Australian dollar and deregulating the banking industry have helped to destabilise export prices and increased the volatility of interest rates. (The latter, combined with the very liberal lending policies of banks in their pursuit of market share following deregulation, has made it increasingly difficult for many farmers to manage their finances.)

More recently, reduction of protection to primary products (notably tariffs on citrus imports) and exposure of wheat and wool to world market prices without the cushions of the Wheat Stabilisation Scheme and the Reserve Wool Price has added enormously to the price (and hence income) uncertainty facing farmers and to the adverse terms of trade facing broadacre farmers, particularly in the short term.

The effects of these policies have exerted great pressure on many farmers to sell part or all of their properties, especially where subdivision and sale of allotments is feasible. Until commodity prices recover and farmers come to terms with and learn to manage (or at least to cope with) the added uncertainty, the pressure to sell will continue as will the likelihood of alienation of land from rural use in near-urban areas.

4.2 While the above issues affect land use to varying degrees, they indicate that the main direct causes of rural land alienation are:

- 4.2.1 Relatively low farm incomes combined with the disparity in the value of land used for commercial farming and that used for other purposes.
- 4.2.2 Conflict between commercial farmers and occupants of adjacent residential properties leading to sub-optimal commercial farming intensity and frequently to the desire by the disaffected farmers to (divide and) sell their properties.

5. EXTENT AND SERIOUSNESS OF ALIENATION IN SOUTH AUSTRALIA

5.1 The Working Party considers that in-depth research and mapping to establish the exact areas lost through land fragmentation and non-agricultural use, and the rate of loss, is essential. However, the difficulty of aggregating basic data has precluded precise assessment of these factors. Consequently, the Working Party has been unable to accurately determine the extent and seriousness of alienation in South Australia. Nevertheless, there are some key indicators that provide a general picture of the problem.

5.1.1 Between July 1987 and January 1991, more than 4500 allotments of less than 5 hectares have been granted planning approval by councils, even though the land is zoned for some form of commercial primary production.

5.1.2 Since July 1987, of almost 700 rural land division applications across the State which contained proposals contrary to the policies in the Development Plan, 64% were approved by councils without the policies in the Development Plan having been amended.

5.1.3 Brief analysis of the Development Plan suggests that there are now some 400 zones or policy areas which are relevant in some way to the various kinds of rural development across the State. Of these zones, over 180 are designated as either rural living or country living zones.

5.1.4 Data provided by the SA Department of Lands for vacant agricultural land and rural living properties across the State (see Appendix 5 for definitions and map) indicate that the highest concentrations of these types of properties occur adjacent to the major population centres of Adelaide and Mount Gambier. Significant numbers also occur adjacent to Outer Metropolitan Adelaide and in the Lower South East, Riverland, Yorke Peninsula and the Mid North.

5.1.5 Over the past three years considerable concern has been expressed throughout Australia that prime agricultural land is rapidly disappearing under pressure from other forms of development. That this concern is evident in South Australia is indicated by its inclusion as a key factor in major planning studies currently being undertaken for the Mt Lofty Ranges and the Barossa Valley.

5.1.6 The submissions received during the consultation process undertaken in the preparation of this report did not dispute that agricultural lands are being alienated from commercial primary production.

5.2 An indication of the extent of rural land alienation could be achieved by the Department of ENvironment and Planning more effectively monitoring both rural supplementary development plans (SDP's) and land division applications.

In preparing SDP's, councils could provide more detailed information on rezonings being undertaken (i.e. the amount of rural land being rezoned for another purpose). This would enable the composition of a register detailing changes to the quantity of rural land in each council area.

The current variety of zone names within the Development Plan and the method of recording them from land division applications makes it difficult to collect statistics from these applications. A simplified coding system, indicating the nature of the division and whether it was occurring in a "generic" rural, rural living or urban zone would enable easier determination of the effects of division on rural lands.

Failure to implement such procedures and maintain them over the long term will mean that collation of data will continue to be very time consuming and consequently, obtaining a clear picture of rural land alienation quickly will remain virtually unachievable.

6. CURRENT CONTROLS AND RESTRICTIONS ON ALIENATION

6.1 Introduction

Fragmentation of rural land is considered to be one of the prime factors contributing to the alienation of rural land.

Despite the policies in the Development Plan, some councils have been approving applications to divide existing commercial farming properties. The creation of smaller allotments can often lead to the alienation of this land from commercial farming production.

6.2 Background

Prior to 1972, the Planning and Development Act provided only limited control over the creation of allotments in rural areas. Concern about the rate at which farms were being subdivided into 4 and 8 hectare allotments led the Government to decide that greater control was necessary if problems such as the removal of land from primary production, undue strain on servicing authorities, undesirable raising of land values, and degradation of the rural landscape, were to be minimised.

As a result, a number of amendments were made to the Planning and Development Act in the period 1972 to 1979 in an attempt to 'freeze' the creation of additional allotments in rural areas until planning policies could be developed for each council area of the State.

In March 1979, a new Regulation 70(A) under the Planning and Development Act was introduced, providing that the minimum size of any allotment on a plan of division of rural land was to be 40 hectares, except where:

1. no additional allotment was created;
2. the allotment was in an area proposed by a development plan or a regulation as suitable for allotments of less than 40 hectares; or
3. separate titles were required for houses existing prior to 1st December, 1972.

This form of land division policy is still evident in some council portions of the Development Plan.

6.3 Current

In 1982, with the introduction of the Planning Act, all policy matter contained in the various Planning Area Development Plans and accompanying regulations was translated into a format suitable for the current Development Plan.

Since this time, a number of councils have reviewed their planning provisions and amended them through the SDP process.

(A brief analysis of all portions of the Development Plan suggests that there are now some 400 zones or policy areas which are relevant in some way to the various kinds of rural development across the State.

In order to gain an appreciation of the extent and variety of provisions affecting rural activities, the Eyre and South East Regions of the Development Plan have been looked at in more detail in relation to land division.

While council-wide provisions and specific zone objectives and principles of development control must be taken into account in determining appropriate development in a zone, land division principles can provide a reasonable indication of the land uses intended in the zone.

6.3.1 *Eyre Region*

The Eyre Region is comprised of the District Councils of Murat Bay, Streaky Bay, Le Hunte, Elliston, Lower Eyre Peninsula, Tumby Bay, Cleve, Franklin Harbor and Kimba, the City of Port Lincoln and an area 'out of councils'.

Within the region there are some 32 zones/areas with provisions relating to rural/agricultural uses of some sort. Zone/area names vary greatly and range from rural areas to coastal policy areas, rural living zones, water protection zones, fringe zones, etc. It is therefore not always possible to tell immediately from a zone name whether that zone is concerned with rural/agricultural activities or not. Land division principles vary greatly between regions and within a region according to the particular zone (see Appendixes 6 & 7).

6.3.2 *South East Region*

The South East Region is comprised of the District Councils of Beachport, Lacepede, Lucindale, Millicent, Mount Gambier, Naracoorte, Penola, Port MacDonnell and Robe, the City of Mount Gambier and the Corporate Town of Naracoorte.

Within the region there are some 43 zones/areas with provisions relating to rural/agricultural uses. As in the case of the Eyre Region, zone/area names vary greatly and range from lakes area to rural living area, fringe zone, general farming zone, horticulture zone, farming and forestry zone, etc. Once again, land division principles vary greatly according to the particular zone.

6.4 Observations

Of the 75 rural zones/areas considered in the Eyre and South East Regions in relation to land division principles, only one zone has a mandatory prohibition of land division, and this is qualified in that it only applies to the creation of additional allotments.

All other land division principles are of an advisory nature only, which means that they are less certain in their effect and more subject to challenge.

6.5 Recent Trends

Since July 1989, some 22 SDP's affecting rural land in some way have been authorized under Sections 41 or 43 of the Planning Act (excluding the Mt Lofty Ranges and Barossa Valley Area SDP's which have interim effect over a number of councils on a regional basis).

Of the 75 rural related zones introduced or amended in these plans, 26 have some form of prohibition applying to land division, with 19 of these applying to broadacre rural land. The prohibitions range in effect from outright prohibition on further division to specifying ranges of exemptions (See Appendix 8).

This trend towards introducing more restrictive controls on rural land division in an attempt to prevent alienation of rural land has arisen from the increased emphasis being placed on such policies by the Advisory Committee on Planning, and in some cases by

councils which have recognised the need for more restrictive policies. Other councils however, have resisted such moves.

6.6 Conclusions

The current policies in the Development Plan relating to land division for rural lands are largely of an advisory nature. While this allows discretion in decision making for planning authorities, information on land division applications since 1987 suggests that a substantial number of proposals contrary to the policies in the Development Plan have been approved without attempting to amend those policies through the SDP process.

The Advisory Committee on Planning is placing *increasing emphasis on the* formulation of more relevant rural land division policies in council SDP's including, where appropriate, mandatory prohibitions on some forms of rural division. While this approach has been supported, and in some instances initiated by councils, others have opposed such moves.

The need for special legislation to minimise alienation of rural lands is not readily apparent, and it is considered that refinement and amendment of policies in the Development Plan is a more acceptable and appropriate means of overcoming the issue.

In this regard, it is considered that the Minister for Environment and Planning could initiate a number of regional policies relating to alienation of rural land for inclusion in the Development Plan, thus providing a more detailed framework for subsequent SDP's prepared by individual councils.

7. RURAL LAND PROTECTION - INTERNATIONAL AND AUSTRALIAN PERSPECTIVE

7.1 Introduction

The Working Party has examined documented assessments and the available legislation which clearly indicate that there is widespread concern in Western countries about the retention of capacity to meet future requirements for foodlands and food. Much has been written and many laws enacted endeavouring to ensure that productive agricultural land is kept available for farming and that those genuinely involved in agricultural activities can do so with minimum disruption.

Internationally these aims are being addressed in three ways consistent with current thinking in Australia, namely by addressing the issues of allocation (planning), land management and conflict.

7.2 The United States Experience

Estimates as high as 3 million acres of agricultural land lost to other uses annually have been quoted for the United States and used as the basis of national concern. However, a loss of one million acres annually is now considered a more realistic estimate.

More meaningful statistics show that in the 100 most productive agricultural counties population growth is double the national average because people find these places more attractive to live in, and urban development on the flatter prime agricultural soils is cheaper.

These trends have alarmed U.S. governments at both federal and state levels, particularly as they estimate that their growth in demand for food will require between 85 million and 140 million additional acres to be brought into cultivation by the year 2000.

Because of this pressure the U.S. people are widely recognising that "land-use controls" are a very necessary evil and should be rigidly enforced. Action has come largely at the state level by local communities and is administered by departments of agriculture within States, not by the federal agricultural department (the USDA).

However, strong policy statements, issued by federal agencies such as the Environmental Protection Agency over the past decade, have considerably strengthened the hands of the local authorities. These policies have basically identified agricultural land as playing an important role in environmental quality.

Congress in 1987 passed the Federal Farmland Protection Policy Act which has increased the sensitivity of federal agencies to the impact of their programmes on farmland and to the need to minimise the unnecessary conversion of such lands to non-agricultural uses.

This Act has also provided federal resources to identify prime agricultural land through the USDA Soil Conservation Service which has made available its Agricultural Land Evaluation and Site Assessment System (land capability mapping) to state and local authorities.

To minimise alienation of agricultural lands, all the States have developed their own policies to counter pressures for non-agricultural development. These vary from State to State and include:

- Rate relief, allowing taxes to be paid at the agricultural use value rather than the market value. In return for these preferential assessments the landowner makes a long

term binding commitment to continue to farm. Local councils frequently receive State Government compensation for lost revenue,

- Concentration on extension services and land capability planning,
- Strict enforcement of urban boundaries,
- The purchase and transfer of development rights,
- Agricultural zoning, of which five different forms have been developed based in some cases on allotment size and in others on farm building densities, and
- Right to Farm legislation.

Some individual States have required whole districts of farmers to make a commitment to continued agricultural production before any of the above protective policies are enacted.

7.3 Canada

The Canadians have been equally concerned about the consumption of agricultural lands for urban and other uses and have likewise introduced planning restrictions.

Right to Farm legislation has been introduced in five Provinces. That experience is well documented and has been carefully considered by the Working Party.

Initially, Canadian legislatures gave considerable emphasis to Right to Farm legislation because there was genuine concern that there were so few defences in law open to genuine farmers against nuisance once it had been established against them. For example:

- No weight is attached to the fact that farming is useful to society.
- No consideration is given to the skill and care employed in attempting to contain the nuisance.
- The cumulative effects of the activities of several farms are attributed to individual farmers. That is, all are regarded as being equally guilty of the total nuisance.
- It is no defence that the plaintiff came to the nuisance.

A critical review of the effects of the varied Right to Farm legislation developed to protect farming operations (no legislation has given farmers carte blanche to create nuisance) indicates, after more or less a decade of use, that it is only a "band-aid" solution dealing with specific issues. It only gives protection from errors of commission and omission in past and present planning and land management in rural areas but does not prevent conflict between commercial farmers and residential land users. It has created, at public expense, the impression that farmers are free to do whatever they wish. At best the legislation can be judged to have improved the perception of the importance of agriculture to the economy.

7.4 The Australian Experience

Over the past three years considerable concern has been expressed throughout Australia that prime agricultural land is rapidly disappearing under pressure from other forms of development. Aided by a number of studies, planning to halt these developments or at least to contain them is slowly evolving.

There are distinct differences between rural planning and town planning which are slowly being studied and defined by the professionals who are finding as many dimensions and facets to planning in rural areas (practical and technical realities of farming, resource management, infrastructure and social issues) as have been traditionally encountered in urban planning. In short there is a gradual realisation by professional planners that rural lands can no longer be considered as "space awaiting development" or as Mr Peter Houston, lecturer in planning at the University of South Australia says, "It (rural planning) can no longer be considered simply as a non-urban form of planning endeavour".

As a result of this awakening there are now a handful of notable examples and studies which offer directions for South Australia. These include development associated with the Upper Yarra Valley and Dandenong Ranges Authority in Victoria and the activities of the N.S.W. Conservation Service in providing valuable land capability information for planners along the north coast of that State.

The Working Party has also had access to additional studies in Queensland, Western Australia and most recently Victoria which have all considered aspects of rural land alienation in those States and the relevance of Right to Farm legislation. At the national level, investigations by the Standing Committee on Agriculture and the Agricultural Sector Working Party for Ecologically Sustainable Development also have relevant statements about issues covered by our terms of reference.

In brief, these reports make the following common statements:

- Alienation of high quality agricultural land is a factor which must be urgently considered if sustainable development is to be achieved. Loss of such land around the major urban centres throughout Australia causes the greatest concern.
- Methodologies and data bases need to be developed specifically for rural planning. Educational programmes are badly needed to develop people with adequate rural planning skills.
- Rural planning should be based on land capability assessments.
- Rural land management needs specific guidelines which are related to planning procedures and accepted by the whole community.
- Extension services to up-grade farming skills (for example, through provision of land use guidelines for specific enterprises on particular land classes) need urgent attention.
- Right to Farm legislation has a very limited role and will not prevent future conflict at the urban-rural interface. This can only be achieved by informed planning based on land capability and community involvement to establish and enforce its suitability for particular uses or preservation as food land.

In the South Australian context, the Working Party considers that there is a need for a general review of policies related to planning, resource management, land use and development throughout the rural parts of the State, much in the manner of the Planning Review for Metropolitan Adelaide. The issue of rural land alienation is perhaps the most manifest of the concerns that such a review should address. It is certainly one of the most pressing because it clearly suggests a good deal of confusion and misunderstanding in the community about the use of rural land resources. It also points to the fact that for a long time, planning policy has not been attuned to the real interests of rural land uses and activities.

Such a review would not need to be of the same magnitude as the metropolitan Planning

Review, but would permit this and other important contemporary rural policy topics (e.g. regional development and sustainability, human services provision, economic opportunities in a time of decline) to be considered in a timely manner. It should not duplicate the various regional reviews established over the past few years in the Flinders Ranges, Murray Valley and Adelaide Hills.

8. RECOMMENDATIONS

8.1 During the course of its investigations the Working Party identified four possible options to deal with the issues of alienation of rural lands in South Australia.

8.1.1 Do Nothing

The Working Party believes that maintaining the status quo and just relying on the present restrictions and controls is not an acceptable option considering the present rate of rural land alienation and the community's wish to preserve that land not only for expected future agricultural production requirements, but also for the associated landscape and amenity benefits. The current restrictions and controls appear adequate on paper but are not working in practice.

8.1.2 De-regulate

In the current political climate de-regulation was another option which the Working Party carefully considered. This would mean reducing restrictions and allowing the market more influence in determining the scope of land division and development. Then if the community, through its elected Government, wished to oppose the direction of the market it should be willing to match the market price to retain land in agricultural production.

This option was discarded for two reasons. The Working Party believes that the 'open market' is not sensitive to the total environment and therefore not the best arbiter for the allocation and use of a scarce resource, namely, prime agricultural land. Secondly, the Working Party believes the outlay required to keep land in agriculture would be unacceptable to Government.

8.1.3 New Restrictive Legislation

The Working Party considered proposing legislation to freeze further division of prime agricultural land and legislation to enforce amalgamation of existing small allotments. Relative to this option an in-depth study was also made of Right to Farm legislation.

Again, this option was discarded because of the cost of implementation and with the knowledge that draconian measures are unacceptable in our society and therefore unworkable. Moreover, the prevention of all land division in agricultural areas will very likely create problems for bona fide farm restructuring and lead to land management problems as a result of rural living and hobby farming aspirants having to purchase more land than they are able to manage.

Right to Farm legislation, the perceived need for which provided the stimulus for this investigation, has been dealt with in detail in Section 7. While such legislation is less restrictive and draconian it has been discarded by the Working Party, as explained in more detail in the text, because in practice it has proved to be only partially effective.

8.1.4 A Combination of Strengthening Existing Controls & Supplementary Measures

The Working Party believes that if current planning legislation and development policies were thoroughly and uniformly implemented then a great deal of protection for prime agricultural land could be achieved. The current legislation would be further strengthened and the policies would be more firmly and consistently applied

if rural planners were provided with land capability assessments, if better rural planning education was provided at both professional and community levels and if there was better co-operation and co-ordination between State agencies and local government bodies when policies for particular environments are developed.

Relief for commercial farmers from nuisance laws would also assist the retention of valuable agricultural lands.

The Working Party has therefore developed the following recommendations in accordance with this preferred option.

- 8.2 The Working Party recommends that:
- 8.2.1 Right to Farm legislation not be introduced in South Australia, but instead, land use planning and land resource management measures be implemented so as to prevent land use conflict arising in rural areas and allow primary producers to invest confidently
 - 8.2.2 the Department of Agriculture be allocated the resources necessary to ensure that land capability maps for all local government areas are completed within the next four years. Attention should be drawn by the Natural Resources Management Standing Committee to the urgent need for this planning aid in those areas close to the metropolitan area and the major regional centres.
 - 8.2.3 the Department of Environment and Planning and the Local Government Association in conjunction with the Lands Department monitor, on a permanent basis, approvals for the division of rural lands, trends in land values, the development of relevant supplementary development plans and other information to enable more relevant policies to be developed to protect agricultural lands. That is, a report similar to the Land Monitoring Report currently produced by the Strategy Branch of the Department of Environment and Planning regarding residential land division, be compiled for rural areas.
 - 8.2.4 the Department of Environment and Planning prepare and distribute for the attention of all councillors and planners a series of planning practice circulars stating the required elements of adequate rural planning. This information package should be developed in conjunction with the Local Government Association and it should also indicate the investigations that are appropriate to adequately support supplementary development plans aimed at avoiding rural/urban land-use conflict.
 - 8.2.5 the Department of Environment and Planning prepare regional policies relating to rural development for inclusion in the Development Plan which will provide a more detailed framework for supplementary development plan preparation by individual councils while still allowing for the inclusion of measures specific to particular local government areas
 - 8.2.6 policies in the Development Plan and other legislatively based controls with an impact on rural land use (e.g. soil conservation, water resources, pest control, agricultural chemicals requirements) be reviewed to ensure rural planning is given the emphasis required to prevent indiscriminate development (including land division) that would lead to alienation of rural lands and conflict between land uses
 - 8.2.7 further to Recommendation 8.2.5, local governments in similar agricultural areas within a region be encouraged to co-operate in the employment of professional planning expertise to enhance uniformity of approach to land division policies in their supplementary development plans.

- 8.2.8 the concepts of regional planning and community involvement developed for the protection of the environment and water catchments in the Mt Lofty Ranges and the Barossa Valley (regardless of whether or not authorities are ultimately established to manage these areas) be extended to other agricultural regions that are under land division pressure including Mt Gambier and surrounding districts, the Mid-North and the Riverland
- 8.2.9 the Local Government Association be invited to comment further on taxing/rating based measures to discourage small rural allotments and to reflect the true cost of servicing rural/country living properties.
- 8.2.10 existing legislation, particularly any relating to nuisance activities, be reviewed and amended where necessary to make it more relevant to the needs of commercial farmers (but without jeopardising the present protection against adverse environmental impacts arising from harmful farming practices)
- 8.2.11 discussions be held between the Department of Environment and Planning and appropriate tertiary education institutions (e.g. the School of Built Environment, University of SA and the Roseworthy Campus of the University of Adelaide) with respect to upgrading tertiary training in rural planning.
- 8.2.12 notwithstanding Recommendations 8.2.6 and 8.2.10, a general review of policies relating to planning, resource management, land use and development throughout the rural areas of the State (similar to but of lesser magnitude than the Planning Review of Metropolitan Adelaide) be undertaken.

9. APPENDIXES

- Appendix 1. Rural Lands Alienation Working Party Membership
- Appendix 2. References
- Appendix 3. Summary of Comments Received on Discussion Paper
- Appendix 4. Land Capability Assessment
- Appendix 5. Density of Vacant Agricultural Land and Rural Living Properties in South Australia
- Appendix 6. Examples of Land Division Principles of Development Control for Rural Land in the Eyre Region
- Appendix 7. Examples of Land Division Principles of Development Control for Rural Land in the South East Region
- Appendix 8. Examples of Prohibited Land Division Principles of Development Control for Rural Lands in Recent Supplementary Development Plans.

MEMBERSHIP

of the

Rural Lands Alienation Working Party

- A. Tideman, Director, Department of Agriculture - Chairman
- P. Johnston, Regional Forest Manager, Woods and Forests Department
- J. Reynolds, Regional Manager, Department of Lands
- E. Dwyer, Senior Environmental Officer, Department of Mines and Energy
- B. Teague, Manager, Country Branch, Department of Environment and Planning
- S. West, Planning Engineer, Engineering and Water Supply Department

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SUMMARY
OF COMMENTS RECEIVED
ON DISCUSSION PAPER

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
1	State Bank of South Australia	Brief submission stating major concern	(a) Sales values 4 to 5 times higher than the value of the agricultural productivity (b) Hobby farming	Right-to-Farm legislation
2	Commonwealth Bank	"No issues to raise".		
3	Commonwealth Development Bank of Australia	"No comments to make".		
4	Department of Mines & Energy	Concerned. Supporting the Working Party	Agree with the statement of causes in the background paper.	
5	Department of Lands	Agricultural lands in the broader scale are not being alienated	(a) The submission denies that the 'freeholding' policy of the Government is a significant cause. (b) Capital gains. (c) Financially secure buyers seeking alternative lifestyles.	Adopt land suitability and capability to control alienation around townships.
6	South Australian Government Financing Authority	No specific knowledge or concern		Solutions must be mindful of the extremely difficult financial situation of the SA Government.
7	Western Australian Department of Agriculture	Does not reveal its degree of concern. The submission helpfully deals with the arguments for & against Right to Farm legislation		

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
8	Legislative Assembly Western Australia	This Parliament is very concerned about the effectiveness of proposed Right to Farm legislation. Has provided an interim Select Committee Report.	(a) Nuisance at the urban, rural interface (all aspects dealt with in great detail).	Right to Farm legislation deals only with crisis situations. Therefore solutions lie in basic land-use planning.
9	Engineering and Water Supply Department	Greatly concerned. Strongly supports the Working Party. Is rigidly following a policy to keep land development compact and close to existing infrastructure.	(a) Low price of rural land. (b) Poor agricultural land-use management.	(a) Stricter development controls (b) Economic incentives (c) Transfer of development rights. (d) Land capability.
10	Real Estate Institute of SA Incorporated	Concerned but has no formal policies. Very brief submission.	No comments	Accept the need for flexible controls to preserve agricultural lands
11	National Australia Bank	Concerned. Brief but useful comments	Diminishing terms of trade of South Australian farmers.	(a) Better financial advice to farmers and better financial management by farmers. (b) Stricter planning
12	Murray Citrus Growers' Co-operative Association (Berri- Barmera Citigroup)	A detailed submission which expresses great concern about rural, horticultural land use conflict and rural living sub-divisions	Agree with all the causes listed in the background paper	(a) Land capability based planning. (b) Buffer zones. (c) Right to Farm legislation but state that this may be a double edged sword.
13	South Australian Rural Advisory Council	This senior rural community advisory committee to the Minister of Agriculture has expressed concern in its submission and strongly supports the concepts in the background paper.	Agree with all the causes listed in the background paper.	(a) Consistent local government planning to remove expectations for capital gain. (b) Land capability (c) Right to Farm legislation

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
14	Lower South East Water Resources Committee	Express "some degree of concern" in a brief submission. Stress the need to use protection of agricultural lands as also means of protecting water resources.	Not stated.	(a) Definition of land suitability but are concerned that the basic capability maps are not available. (b) Specific clearly defined planning zones. (c) Strongly support solutions outlined in 6.3, 6.5 and 6.6 of the background paper.
15	Tourism South Australia	Accepts the need to protect rural land from alienation but not to any degree which would stifle tourism developments.	Not stated.	Support use of land suitability mapping as a useful tool.
16	Country Fire Services of South Australia	Little correlation between land use and effective bushfire prevention practices. CFS's concern stems from subdivision of fire hazardous agricultural areas.	No comment	None stated except that 'suitability' planning would help avoid placing urban areas in fire hazardous situations.
17	South Australian Water Resources Council	Concerned about water quality and do not comment specifically about alienation of rural lands although the Council concedes that broad area agriculture is less damaging to water quality than intense urbanisation.	No comment	Solutions would result from improved land management. Other solutions listed in the background paper have merit.
18	Mr Peter Houston, Senior Lecturer, School of Built Environment - University of South Australia	A detailed and learned submission expressing great concern at the lack of rural planning mechanisms	Stress the fundamental lack of community agreement or understanding of the objectives for rural land in SA as the basic cause of alienation.	Comprehensive planning

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
19	Mr P.J. Smailes Mr D.L. Smith, Senior Lecturers, Department of Geography, University of Adelaide	Regard the transfer of high quality agricultural lands to non-agricultural uses as a major problem. Brief submission gives no detail.	No comment	Need to examine the maintenance of skilled labour resources.
20	United Farmers & Stockowners of SA Incorporated	A detailed submission expressing serious concern	(a) High demand for rural living. (b) Government financial policies. (c) Agree with causes submitted in the background paper.	All the solutions offered in the background paper will be needed particularly clear planning policies and controls. Right to farm legislation is not particularly supported.
21	Local Government Association	Advised that LGA would make a late submission. Concerned at the implied criticism of Councils' planning role and that the LGA was not consulted in the preparation of the background paper. Sought discussion regarding the consultation process and alienation issues.	Not stated	Not stated.
22	District Council of Mount Remarkable	Was concerned prior to 1987 when its Supplementary Development Plan was authorised which it believes has overcome its problems.	Proximity to Pt Pirie & Pt Augusta and high prices paid for land by "Rural livers".	Consider that Council's SDP, by controlling land division and defining Rural Living Zones and areas, has solved its problems
23	Soil Conservation Council	Submitted 'initial' comments which emphasise that rural land alienation issues must be considered in the context of community benefit.	No comment	Rural lands should not be alienated until their land capability has been established.

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
24	Agricultural Bureau of South Australia - Advisory Board of Agriculture	Major concern to the Bureau	Support the causes listed in the background paper.	(a) Land capability. (b) Identify prime agricultural land and plan to conserve it. (c) Insulation of rural lands from high urban induced land values. (d) Firm planning decisions with consistency between Government agencies (e) Right to farm legislation is needed to tie together these preferred solutions. (f) Ongoing consultation with farmers.
25	Woods & Forests Department	Concern to the Forest Industry	Demand for rural living.	(a) Any solutions must also consider the protection of forests. (b) Land capability (c) Strict planning policies.
26	District Council of Light (Mr Fenn - Planning Officer)	Alienation is of concern to this Council.	(a) The need for farmers to maintain adequate incomes. (b) Macro politics and financial trends - not local community decisions.	(a) Land capability but concerned about the availability of maps and data.
27	Animal and Plant Control Commission	Alienation makes the Commission's tasks more difficult and costly. Therefore very concerned.	(a) Land use conflicts including the use of agricultural chemicals.	Not stated
28	Australian Conservation Foundation	Concern emanates from the degree of land degradation caused by urbanisation or other factors such as poor agricultural management.	Not stated	Land capability based on ecological sustainability criteria.

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
29	Department of Environment and Planning	Concerned particularly because of the urban, rural interface problems created.	(a) Rural living (b) Financial policies (eg. pension entitlements and means testing)	(a) Prohibited use planning should be more widely used in conjunction with land capability studies. (b) Right to Farm legislation not seen as a solution. Amend the Noise Control Act. (c) Buffer zones.
30	District Council of Murray Bridge	Claims current Development Plans will adequately control rural land alienation in the future	Not stated	Continued rigid planning
31	Riverland Fruit Industries Liaison Committee	Supports the Murray Citrus Growers Submission (see above)		
32	Barossa Region Residents' Association	Strong concern and a detailed submission forwarded	(a) High prices for farming properties and economic pressures on primary production (b) Tourism & commercial development (c) Poor water resource management. (d) Land degradation. (e) Land division policies in the Development Plan easy to contravene.	(a) Land suitability planning. (b) Right to Farm legislation. (c) Consistent planning policies. (d) Tax credit in exchange for amalgamation of titles.
33	Department of Agriculture	Very high level of concern	Supports those listed in the background paper	(a) Concentrate on planning policies and not Right to Farm legislation. (b) Develop detailed resource inventories

	ORGANISATION	DEGREE OF CONCERN	CAUSES OF ALIENATION	SOLUTIONS PREFERRED
34	Mr M.H. Gillman - Oakbank	Very concerned at the prospect of increased regulatory control over alienation.	Does not disagree with most of those listed in background paper but does not consider alienation a problem.	<p>(a) Alienation is not of concern - should be supported & encouraged</p> <p>(b) Land suitability planning could work & be well accepted as a land use zoning plan criterion - if local groups were involved.</p> <p>(c) Reduce regulatory controls on subdivision & alienation and rely on incentives and education to direct the process.</p>

LAND CAPABILITY ASSESSMENT

Land capability assessment indicates the ability of land to sustain specified uses without incurring irreversible degradation. As such it is an important consideration in the preparation of land use plans. While state-wide land ownership, valuation and tenure details are available and detailed land and/or soil descriptions have been produced for some areas, the absence in South Australia of co-ordinated, comprehensive land capability information has handicapped land use planning.

Beginning in September 1986 the S.A. Department of Agriculture, assisted by National Soil Conservation Program (NSCP) funding, has undertaken a land class mapping program, one result of which will be a significant rectification of this situation.

AIMS

The program aims to identify and describe the main soil types and the main topographic and land surface features of the State's agricultural districts. Another objective is to define areas of land with similar topography, land surface features and soil associations and plot their distributions on maps. Because of their relatively uniform physical features such areas of land have similar productive potential and management requirements and are called "land classes". The program also aims to rank each land class delineated on the maps with regard to a range of physical characteristics.

PURPOSE

The purpose of the program is to assist:

- land management research and extension programs
- Soil Conservation Boards in the preparation of district plans
- land care groups and individuals in the preparation of local and property plans
- local government and other planners to make more informed decisions about new developments, particularly in areas of conflicting land-use interests.

METHODOLOGY

All mapping is based on standard map sheets. The 1:100 000 scale has been selected as providing the best balance between sufficient detail and a realistic completion date. However, in the more intensive use areas (Mount Lofty Ranges, Lower South East and Riverland) where the likelihood of maps being used for land use planning is greater, the scale is enlarged to 1:50 000.

In the mapping procedures, soil profile descriptions are used in conjunction with other physical features to define a range of "soil groups". Soils of a particular group can be assumed to have similar agricultural potential or limitations because of their similar profile characteristics and parent material. Areas of land with similar topography and associations of soil groups, once plotted can be transferred to a base map as mapping units.

Each mapping unit is ranked with respect to the following characteristics:

- Susceptibility to waterlogging
- Salinity
- Rockiness
- Soil physical condition
- Sheet/rill erosion potential
- Wind erosion potential
- Soil moisture holding capacity
- Fertility/toxicity
- Acidity

- Water repellence
- Gully/tunnel/stream bank erosion
- Mass movement
- Flooding

These rankings can be used to allocate a land class code to each mapping unit. While the rankings are generalised and cannot be used to infer conditions at specific sites, they nevertheless provide a broad overview of the distribution and magnitude of various land conditions or problems.

The mapping unit boundaries are stored in a geographic information system which can be used to:

- produce colour plots of the land class map
- overlay additional information on to the land class map
- produce derived maps showing the distribution of specific land or soil conditions (obtained from the mapping unit rankings)

PROGRESS

A land classification system has been devised which can be used in all districts to summarise any physical limitations affecting a parcel of land. The system is equally applicable at district and property level.

Mapping unit legends have been developed for the Murray Mallee, Northern Agricultural and Mount Lofty Ranges areas. A standardised system of map unit labelling across a region is essential for compatibility of all component map sheets.

The status of the mapping program is as follows:

TABLE 3 : STATUS OF LAND CAPABILITY MAPPING PROGRAM*

District	Status	Commencement Date	Target Completion Date
Eyre Peninsula (49,000 km ²)	NSCP project	April 1990	March 1995
Northern Agric (16,500 km ²)	50% complete (NSCP) State to fund balance	Part time from Sept 1986	June 1993
Yorke Peninsula (12,000 km ²)	NSCP project	September 1990	December 1992
Kangaroo Island (4,500 km ²)	NSCP project	September 1990	December 1993
Marginal lands (21,500 km ²)	NSCP project	April 1989	March 1992
Mt Lofty Ranges (8,000 km ²)	State funded project	September 1987	December 1991
Northern Mallee (13,500 km ²)	75% complete (NSCP) State to fund balance	July 1987	June 1992
Southern Mallee (18,000 km ²)	NSCP funding applied for: success unknown		
Upper S.E. (6,500 km ²)	60% complete (NSCP) State to fund balance	Part time from September 1988	June 1991
Lower S.E. (15,000 km ²)	NSCP funding applied for: success unknown		

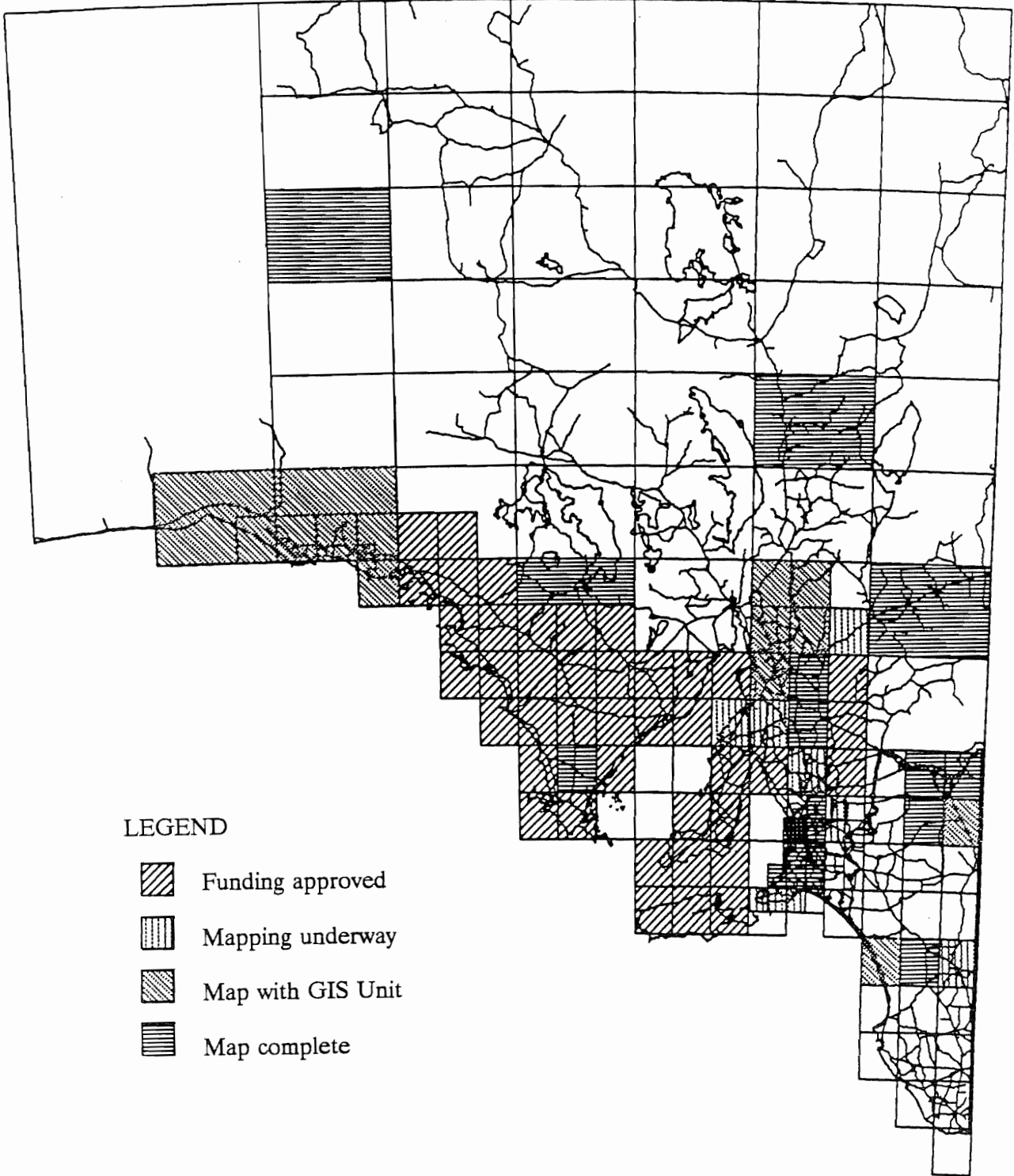
* Refer also to Map 1 on following page.

FORWARD PROGRAM

The mapping program will continue (given continued approval of NSCP funding applications) until all agricultural districts are covered - target date, mid 1995.

While the mapping program will identify the main soils and indicate their distribution, optimum management of the various soils depends on knowledge of their physical and chemical characteristics. To this end a soil characterisation program is proposed as a sequel to the mapping program. A program of soil assessment field days to increase and extend the collective knowledge of soil properties and management approaches is also proposed.

MAP 1: STATE SOIL MAPPING PROGRAM: STATUS AT MAY 1991



DENSITY OF VACANT AGRICULTURAL LAND AND RURAL LIVING PROPERTIES IN SOUTH AUSTRALIA

The following map (Map 2) classifies the numbers of properties in these two categories by local government area using three groupings.

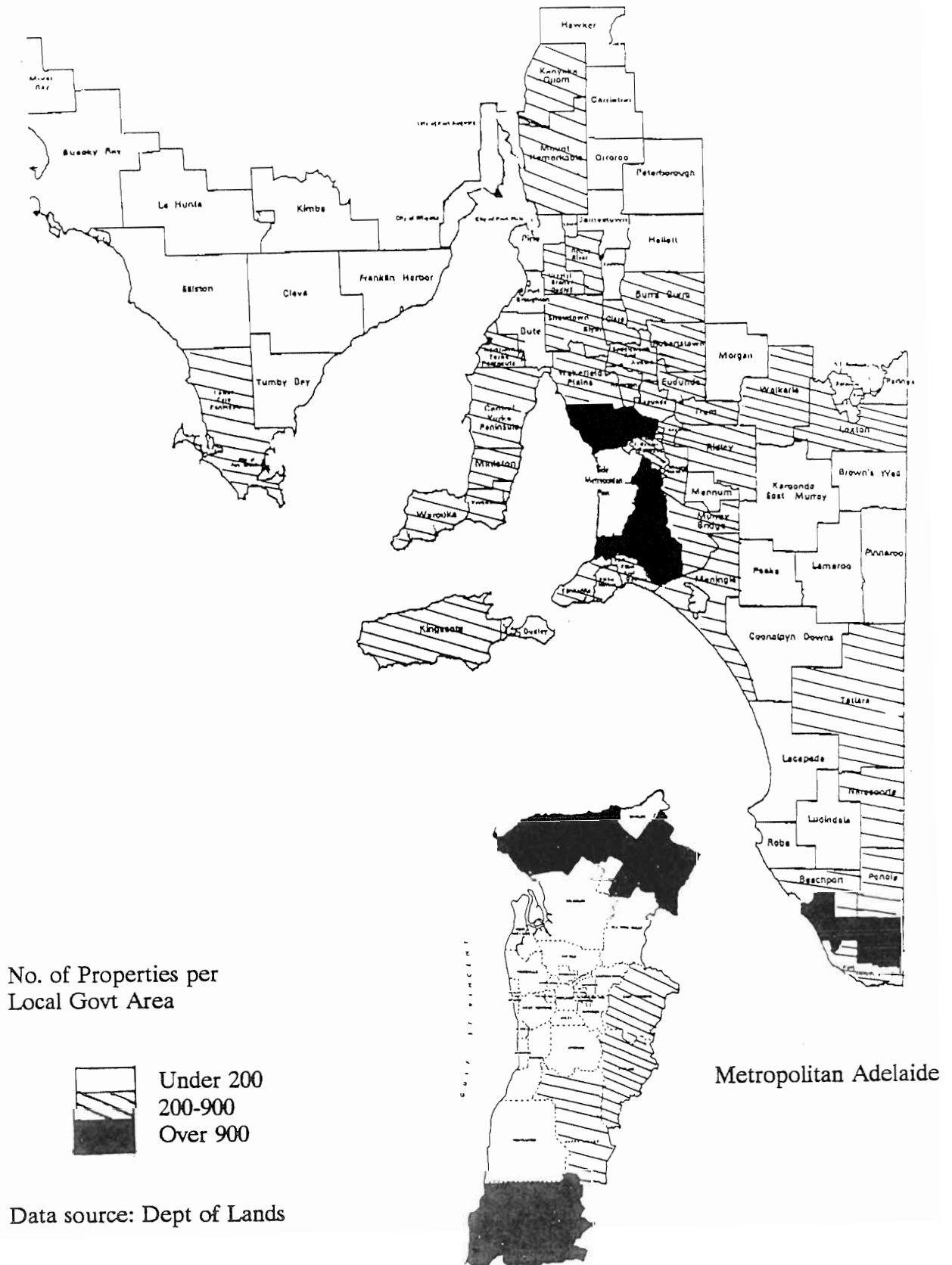
Data used (from the valuation files of the Department of Lands, Land Information System) relate to properties in the two categories of land, not in defined townships, namely:

Vacant agricultural land: land used for some agricultural pursuit, which is not large enough to be a viable agricultural unit and has no dwelling erected thereon.

Rural living properties: non-viable agricultural units with some form of agricultural production (often of a very minor nature) on which is erected a habitable dwelling.

These properties are most concentrated adjacent to the major population centres of Adelaide and Mt Gambier. Significant numbers of such properties also occur in areas adjacent to Outer Metropolitan Adelaide and in the Lower South East, Riverland, Yorke Peninsula and Mid North. It appears that the large number of properties in the LGA's of Kanyaka-Quorn and Mt Remarkable still reflects the early settlement pattern.

MAP 2: DENSITY OF VACANT AGRICULTURAL LAND AND RURAL LIVING PROPERTIES IN SOUTH AUSTRALIA



EXAMPLES OF LAND DIVISION PRINCIPLES OF DEVELOPMENT CONTROL FOR RURAL LANDS IN THE EYRE REGION

- **Rural Area**

Rural land should not be divided into allotments of less than 40 hectares unless:

- (a) no additional allotments are created; or
- (b) an owner of land wishes to create a separate allotment of approximately one hectare in area to contain one of two habitable houses on the land, each of which was built or under construction before 1 December 1972.

- **Rural Coastal Zone**

Existing agricultural land within this zone should not be divided into allotments of less than 100 hectares unless:

- (a) an owner of land wishes to re-adjust the Certificate of Title boundaries to improve agricultural efficiency and productivity of the property and there is no increase in the number of allotments;
- (b) an owner requires a separate Certificate of Title in respect of each house for land on which two houses existed prior to 6 June 1985 provided one allotment is not greater than 1 hectare and the balance of the allotment has been and is likely to continue to be used for primary production; or
- (c) an owner who, as the registered proprietor currently occupying a house on the allotment proposed to be divided, wishes to create one only additional allotment not exceeding 1 hectare in area for the purpose of erecting a dwelling for a relative employed on the property or for the owner's retirement on the property.

Land should not be divided where it may lead to reduced agricultural or farming productivity.

Land should not be divided where it would cause an undesirable increase in the number of rural allotments in any part of the zone.

Land may be divided where:

- (a) no additional allotments are created; or
- (b) an owner of land wishes to create a separate allotment of not greater than one hectare in area to contain one of two habitable houses on the land, each of which was built or under construction before 29 August 1985; or
- (c) one additional allotment not exceeding one hectare in area is being excised from the land held in a Certificate of Title existing prior to 29 August 1985, where the allotment is to provide a separate Title for the erection of a dwelling for a relative of the registered proprietor of the subject land, such person being in employment on the land; or
- (d) it facilitates the establishment of a comprehensive tourist development which conforms with Development Control Principle 3 within the rural coastal zone.

- **Rural Zone**

Land within the zone should not be divided where it may lead to reduced agricultural or farming productivity.

Land should not be divided where it would cause an undesirable increase in the number of small rural allotments in any part of the zone.

Land division should only occur where it is required for improved economic farming or conservation purposes, or where:

- (a) no additional allotments are being created; or
- (b) an owner of land wishes to create a separate allotment of not greater than one hectare in area to contain one of two habitable houses on the land, each of which was built or under construction before 1 December, 1972; or
- (c) one additional allotment not exceeding one hectare in area is being excised from the land held in a Certificate of Title or Crown Lease existing prior to 4 May 1989 where the allotment is to provide a separate Certificate of Title for the erection of a dwelling for a relative of the registered proprietor of the subject land, such person being in employment on the land.

- **Rural Living Zone**

Allotments should have a minimum area of 0.5 hectares and the frontage of any allotment should be at least one quarter of its depth.

- **Water Protection Zone**

No additional allotments should be created within this zone except:

- (a) where an owner requires a separate Certificate of Title in respect of each dwelling for land on which two dwellings existed prior to 2 March 1989 and provided one allotment is not greater than one hectare in area and the balance of the allotment has been and is likely to continue to be used for primary production;
- (b) for the readjustment of allotment boundaries to improve agricultural efficiency and productivity provided there is no increase in the total number of allotments; or
- (c) where an owner, who, as the registered proprietor of a farming property of 100 hectares or more in area, wishes to create an additional allotment not exceeding one hectare in area for the purpose of erecting a dwelling for a relative employed on the property or for the owner's retirement on the property.

EXAMPLES OF LAND DIVISION PRINCIPLES OF DEVELOPMENT CONTROL FOR RURAL LAND IN THE SOUTH EAST REGION

- **Fringe Zone**

Development should not result in the creation of additional allotments.

Land should not be divided unless each new allotment is capable of providing both a site for a dwelling, and suitable access, on land which is not subject to inundation.

- **General Farming Area**

Land division should not create any allotment having an area of less than 40 hectares, except where:

- (a) it is necessary to rationalise the boundaries of existing properties for more efficient farm management without creating any additional allotments; or
- (b) an owner who, as the registered proprietor of a farming property of 40 hectares or more contained in a single Certificate of Title issued prior to 10 May 1984, wishes to create one only, additional allotment not exceeding 4000 square metres for the purpose of erecting a dwelling for a relative, or person employed on the property, or for the owner's retirement on the property.

- **General Farming Zone**

Land division should not occur except where:

- (a) the allotments to be created have a minimum area of 100 hectares; or
- (b) a separate allotment, not exceeding one hectare in area, is required for a dwelling which existed as at 13 October 1983; or
- (c) an allotment is genuinely required for the purposes of horticulture as demonstrated for a period of 12 months prior to the creation of the allotment, and the land has a proven groundwater supply available and the allotment has a minimum area of 40 hectares.

- **Lakes Area**

Development should not result in the creation of new allotments unless each proposed allotment will comprise and be used as an economic unit for the business of primary production over a reasonably long time.

- **Horticulture Zone**

Land division should not take place except where all of the allotments created are of sufficient area, having regard to the figures contained in Table 4, for the uses proposed.

The following kind of development is prohibited in the horticulture zone:

Dwelling on an allotment of less than 40 hectares (excepting those allotments that existed on 1 November 1990).

TABLE 4 : PRIMARY PRODUCTION AREA REQUIREMENTS (Hectares)

Cereals/sheep/beef	40
Dairying	40
Piggery	40
Poultry	4
Glasshouses	0.8
Horticulture	4
Market Gardening	0.8
Nursery	0.8
Horse Stud	10

- **Farming and Forestry Zone**

Land division should not occur except where:

- (a) it is for the purpose of creating a separate allotment from a Certificate of Title existing on or before 1 November 1990, for an existing dwelling occupied for a period of ten years or more by the registered proprietor of the subject land; and
- (b) the balance of the land is of sufficient area, having regard to the figures contained in Table 4, for the existing land use to be continued; or
- (c) no allotment would be created of less than 40 hectares in area: or
- (d) it is for the purpose of the adjustment of the existing allotment boundaries in order to maintain or improve the efficiency of farming, horticulture or intensive animal keeping where no additional allotments are created.

EXAMPLES OF PROHIBITED LAND DIVISION PRINCIPLES OF DEVELOPMENT CONTROL FOR RURAL LANDS IN RECENT SUPPLEMENTARY DEVELOPMENT PLANS

- **Coastal Zone**

The following kind of development is prohibited in the coastal zone:

Land division, except where it is for the purpose of re-adjustment or rationalisation of existing title boundaries to suit the intended use of the land concerned without increasing the total number of allotments.

- **Water Protection Zone**

The following kind of development is prohibited in the water protection zone:

Land division, except where an allotment not greater than one hectare in area is being excised to provide a separate Certificate of Title for one of two houses in existence.

- **Rural Zone**

The following kinds of development, including:

- (a) change of use to the listed use; or
- (b) the erection, conversion, alteration, addition or extension of listed buildings, with the exception of building work to an existing retained building on its existing site;

are prohibited in the whole of the rural zone:

Land division

- (a) which results in a greater number of allotments being created wholly or partly within the zone:
- (b) which results in an allotment less than 40 hectares in area, except where two habitable dwellings existed prior to 1 December 1972, and they still exist, and where the area of land around one of the dwellings is not greater than 1 hectare.

The following kinds of development are prohibited in the rural zone:

Land division which creates allotments less than 40 ha in area, except in accordance with Principle 13 (under the particular council's rural zone) which states that,

Land may be divided if:

- (a) one only, additional allotment containing a habitable dwelling which existed on 6 December, 1990 and not exceeding two hectares in area, plus sufficient land for a roadway to connect the allotment to the nearest existing trafficable public road, is divided from an allotment contained on a separate Certificate of Title existing on 6 December 1990; or
- (b) the division will rationalise existing boundaries without creating any additional allotments and the minimum area of allotments created is 10 hectares.

- **Landscape Zone**

The following kind of development is prohibited in the landscape zone:

Land division (but excluding land division to create allotments for two habitable dwellings, where both allotments have an area of not less than ten hectares).

- **Country Living Zone**

The following kind of development is **prohibited** in the country living zone:

Land division which would result in an additional allotment where any new allotment would have an area of less than 2000 square metres, except where the division would create a new allotment for each of two dwellings originally on one allotment.