

Your AgForce guide to farming in Reef regions

ADVANCING SUSTAINABLE AGRIBUSINESS

Version 2: March 2021

There are many layers of government legislation and regulations affecting farmers and graziers in the Great Barrier Reef catchment. This AgForce summary guide along with the Reef GeoPDF property mapping package provide awareness of current (October 2020) regulatory requirements and links to more detailed information from government sources.

AgForce does not support mandatory Reef or vegetation management regulations and continues to advocate for fair government policies. The intent of this guide is a situation awareness of the complex layers of regulations that may impact on your farming activities and legal obligations.

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For further information,

AgForce Queensland Farmers
PO Box 13186, Northbank Plaza, George St, Brisbane QLD 4003
Phone 07 3236 3100
Email: agforce@agforceqld.org.au
www.agforceqld.org.au

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Reef Protection Regulations 2019

The Queensland Labor Government won the Parliamentary vote on the 19 September 2019 to strengthen Reef Regulations for commercial farming activities across five Reef catchments. These regulations affect broadacre cropping, cane and beef cattle grazing in the Burdekin, Fitzroy, Wet Tropics, Mackay Whitsunday and Burnett Mary catchments. The only farming activity in eastern Cape York to be regulated is new or expanded cropping and horticulture.

'Commercial' farmer is defined as carrying out farming for a fee or reward.

Record-keeping of fertiliser and agricultural chemical use on beef cattle grazing land and cane farms in ALL Reef regions (excluding Cape York).

Effective from 1 December 2019, general records detailing the date, location and application rate of **any** agricultural chemical, mill mud or fertiliser used on grazing or cane land needs to be made within three days of application. **Records are to be kept for six years** and made available for inspection by an authorised compliance officer, if requested. Any associated purchase invoices need to be kept. Record-keeping is required by all commercial beef-cattle graziers and cane farmers across five Reef catchments, excluding Cape York

General records must include:

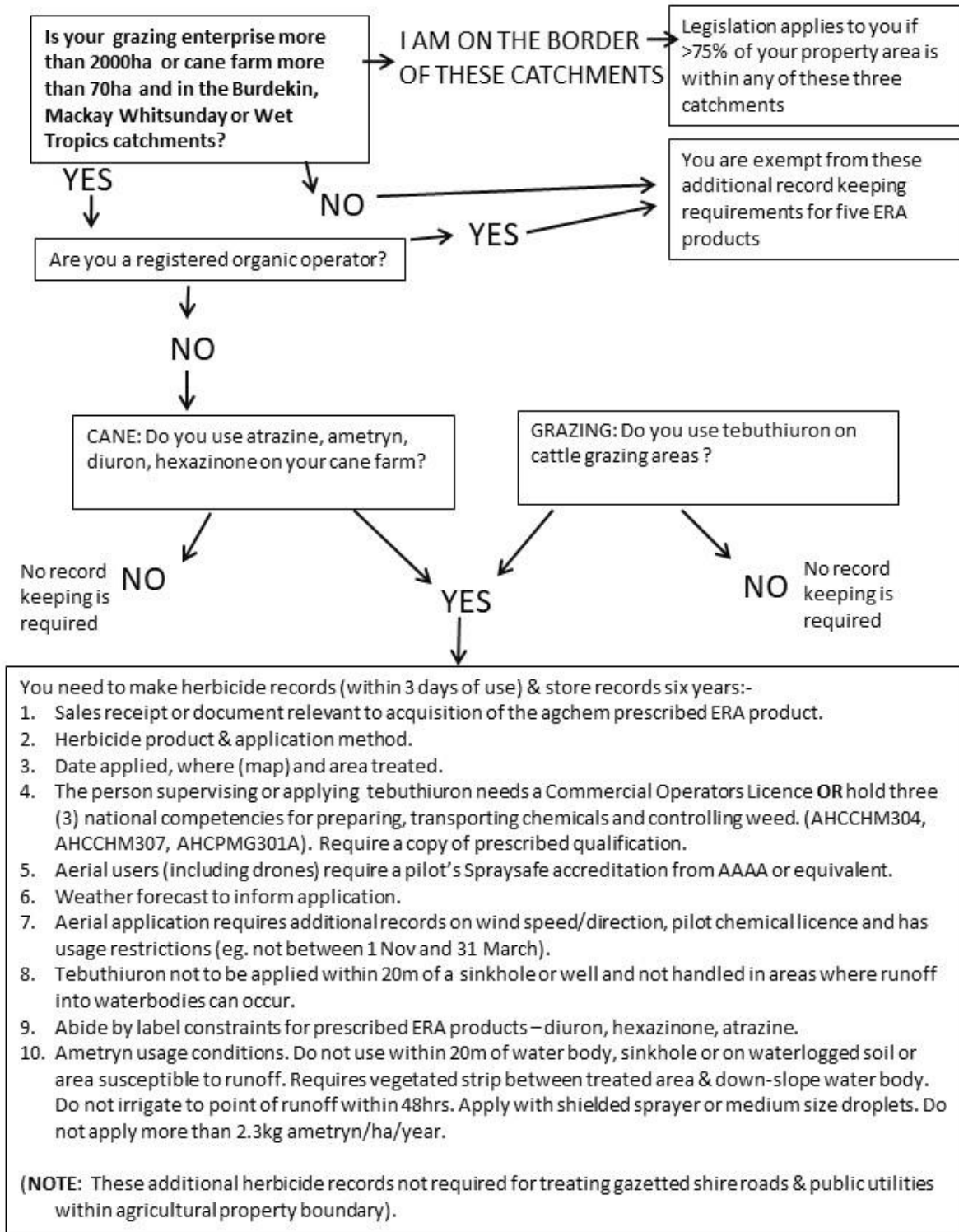
- name of the producer (i.e. the person(s) carrying out the activity)
- name of person making the record
- company name (if applicable)
- property address/es
- postal address
- farm identification number/s (if applicable)
- a list of the cadastral lots included in all the farms within the agricultural enterprise
- records of agricultural chemicals (any pesticide, herbicide or fungicide applied to land or crops), fertiliser and mill mud/mill ash applied and specifically:
 - location of each application (e.g. farm number with block name or management zone)
 - date of each application
 - agricultural chemical (any pesticide, herbicide or fungicide applied to land or crops) and/or fertiliser product (including mill mud/mill ash) applied to each location with product name, application rate (kg/ha, L/ha or tonnes/ha for mill mud/mill ash) and for fertiliser products, the percentage of nitrogen and phosphorus.

[Source: Qld Govt Reef protection regulations for producers

<https://www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations>]

Effective since 2009, when initial Reef Protection regulations were introduced.
 Only applies to Wet Tropics, Burdekin and Mackay Whitsunday catchments.

Additional record keeping for five prescribed ERA agchem products in Reef regions



[Source: Qld Govt – Managing agricultural chemicals

<https://www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/agricultural-chemicals>

Chemical Usage (Agricultural and Veterinary) Control Act 1988 – Section 13C prescribed agricultural ERA products.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1988-103#pt.2-div.3-sdiv.3>

Chemical Usage (Agricultural and Veterinary) Control Regulation 2017- Division 3

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2017-0136#pt.3-div.3>

Commercial cropping (cane, grain, hay, fodder, pasture seed which is harvested and sold off-farm for a fee or reward)

New or expanded cropping and horticulture in all six Reef regions

From 1 June 2021, new or expanded commercial cropping and horticultural areas on five hectares or more will need to apply for an Environmental Authority (permit), **prior to commencing operational works**, regardless if land has been previously cleared. The permit applies to any undeveloped cropping land use, including Category X and cleared areas locked into a Property Map of Assessable Vegetation PMAV and greenfield sites such as Rookwood Weir. An environmental authority (permit) does not apply to closed system cropping (eg. hydroponics); forage crops grazed in-situ, such as forage oats, forage sorghum and Leucaena or crops or fodder used on-farm and not sold commercially. Land with a development approval issued prior to 1 June 2020 for High Value Agriculture or Irrigated High Value Agriculture is also exempt of the permit requirement.

Cropping history test: new cropping requirements applies to land not cropped more than three times in the last 10 years. Commercial cropping is any planted cane, grain, hay, fodder or pasture seed crop from cultivated land and carried out for a fee or reward. This includes any new agricultural or biofuel crop developments.

Current revised draft, farm design standards for new cropping require measures to avoid loss of soil, nutrient and surface water run-off and minimal loss of irrigation water into receiving waters. Standards for new commercial cropping and horticulture (ERA13A) will be finalised and implemented by 1 June 2021. <https://www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/cropping>. The proposed fee for a standard application is \$670. A site-specific or variation application is \$870. Developing new cropping areas greater than 100 hectares is considered 'high-risk' and will require a site-specific Reef water quality assessment application with details on how environmental values will be protected and water quality risks minimised.

NOTE! New commercial cropping or preparation work commencing prior to 1st June 2021 will not require this Environmental Authority (permit), as long as ongoing cropping occurs for at least three out of 10 years.

☞ AgForce estimates **2.7million ha of undeveloped cropping land use** may be subject to this requirement for a Reef Environmental Authority permit, commencing in June 2021 (under the current Qld Govt regulations).

Check your property Reef GeoPDF map layer titled "*Cat X undeveloped cropping land – requires Reef permit for new cropping/horticulture after 1 June 2021*", depicted as pink diagonal stripes. If there is no existing cropping or less than three years of cropping over the last 10 years AND you are planning future cropping or horticulture development, AgForce recommends investigating your best options to minimise regulatory burden.



All existing cropping areas

By December 2022, minimum practice cropping standards and record keeping requirements will be developed and implemented for all existing commercial crop producers in Reef regions, except eastern Cape York. Depending on risk to Reef water quality, the standards may limit fertiliser inputs, application methods and require erosion control measures.

Beef cattle grazing minimum practice standards in Reef

No further regulatory action is required for grazing land with greater than 50 per cent ground cover assessed on the 30th September each year.

Beef cattle graziers with poor (less than 50 per cent ground cover) or degraded (less than 20 per cent ground cover) land condition require measures to halt or improve land condition and keep a written record of implemented measures, date and location. Measures to minimise runoff include adjusting stocking rates, wet season spelling, managing preferential grazing, managing erosion risk along linear infrastructure, minimising gullies and preventing stock access to erodible areas.

Grazing practice standards and associated written records of measures commence:

- **1 December 2020 - Burdekin**
- 1 December 2021 – Fitzroy
- 1 December 2022 - Wet Tropics, Mackay Whitsunday and Burnett Mary.
- Not applicable to eastern Cape York.

Ground cover, at the end of September, can be estimated by visual paddock records, Long Paddock FORAGE ground cover reports <https://www.longpaddock.qld.gov.au/forage/report-information/ground-cover/>, Veg Machine <https://vegmachine.net/> or other methods. More details available in the Reef Water Quality Grazing Guide or from grazing extension officers.

There is no minimum area to trigger required measures and records for minimising erosion and runoff. Focus on priority areas:-

- paddocks with consistently low ground cover in September (i.e. below 50 per cent) compared to similar regional grazing land types.
- paddocks with large areas of bare ground between patches of ground cover.
- areas with steep slopes, actively eroding soils, or highly erodible or dispersive soils.
- paddocks in poor or degraded condition closely connected to a gully, river, creek or other watercourse.
- large and actively eroding gullies. Full remediation of large gullies is not expected, where it is not practical or prohibitively costly to do so. Take measures to stop further erosion (eg. stock exclusion).

Note: Drought-declared properties or areas affected by a natural disaster will be given special consideration by compliance officers.

[Source:

Beef cattle grazing ERA Standard https://www.qld.gov.au/data/assets/pdf_file/0014/113144/grazing-agricultural-era-standard.pdf

Reef Water Quality Program – Grazing Guide

https://www.qld.gov.au/data/assets/pdf_file/0013/115141/grazing-guide.pdf . Page 19 outlines grazing land types with inherent low ground cover. You need verifiable property records (eg. land type report) that these low-cover grazing land types are present on your property.]

Cane minimum practice standards in Reef regions

Cane minimum practice standards and associated written records commenced:

- **1 December 2019 – Wet Tropics, Burdekin, Mackay Whitsunday**
 - 1 December 2022 – Fitzroy and Burnett Mary
-
- Use a prescribed soil test method (within 12 months prior) to calculate the amount of nitrogen and phosphorus to be applied to each block annually. Record the test date, mapped location and dominant soil type sampled. This includes a soil map of dominant soil types sampled across the block or zone.
 - Do not apply more than the calculated amount of fertiliser, using the prescribed method. Record application date and a map of block or zone.
 - No broadcast fertiliser application of nitrogen, except in fallow when no nitrogen is applied.
 - No broadcast application of phosphorus, unless fertiliser is incorporated into soil within three days.
 - Have appropriate sediment control and water runoff measures (eg. recycle pits, spoon drains, constructed wetlands, vegetated buffers, contour banks, etc).
 - Fallow blocks must have a cover crop or trash.
 - Prepare a farm nitrogen and phosphorus budget using the prescribed methodology for cane (e.g. Six Easy Steps). Within the previous 12 months, conduct soil tests and calculate the amount of nitrogen and phosphorus for each block. Record kg/ha for each block.
 - Fertiliser application rate to not exceed calculated amount or whole of farm budget.
 - Records to be made within three days and kept for six years, including fertiliser invoices, contractor reports and soil tests.

Cane Farm Nitrogen and Phosphorus Budget

Commences:

- 1 December 2021 – Wet Tropics, Burdekin, Mackay Whitsunday
 - 1 December 2022 – Fitzroy and Burnett Mary
-
- Must develop a farm nitrogen and phosphorus budget, prior to fertilising.
 - Initial farm fertiliser budget must be developed and verified by an ‘appropriate person.’ Record date, name and contact details of ‘appropriate person’.
 - Annual review of the nitrogen and phosphorus farm budget by the cane farmer, which must include recalculations of fertiliser amounts and updated farm map.
 - Five year review and verification of Farm nitrogen and phosphorus budget by an ‘appropriate person.’ Record name and contact details of ‘appropriate person.’
 - Fertiliser application rate must not exceed whole of farm budget for nitrogen or phosphorus.
 - A farm nitrogen and phosphorus budget must contain:-
 - Farm map with block boundaries and identifiers.
 - Area of each block and whole farm (ha).

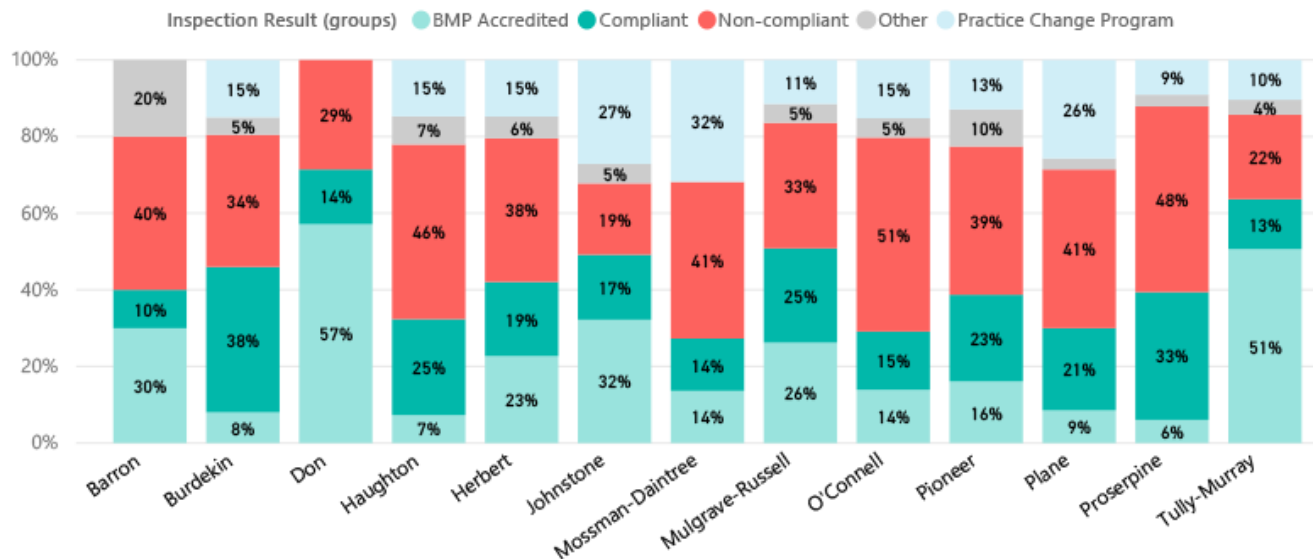
- Crop class (plant, 1st or 2nd ratoon) and fallow areas.
- Management zone boundaries, if defined.
- Any physical or soil chemical constraints to yield per block or zone.
- Soil tests as per prescribed methodology for cane.
- Nitrogen application rates per block each harvest period and annual calculation of whole farm nitrogen amount (kg).
- Phosphorus application rates per block and calculation of whole farm phosphorus amount each annual harvest period or whole crop cycle (kg).
- Actual yield achieved previous harvest (tonnes/cane/ha).
- Historical yields (tonnes/cane/ha).

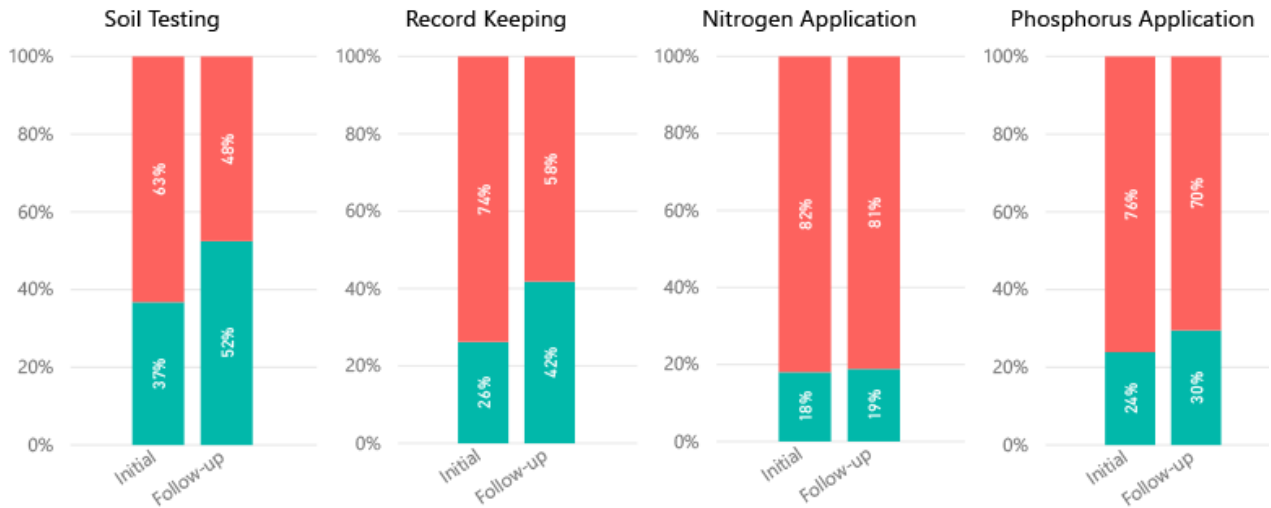
SmartCane BMP accredited producers are compliant with Reef regulations

Agricultural producers accredited under a recognised program (eg. SmartCane BMP) and continue to meet the terms of accreditation will be deemed to have met the minimum practice agricultural standards. Producers accredited against a recognised program will not be the focus of compliance activities.

Compliance with Reef regulations by cane farmers

Nearly 700 cane farmers have been checked for compliance with Reef regulations since 2016. Initially, 55 per cent of cane farmers were not compliant. With subsequent checks, non-compliance dropped to 34 per cent of cane farmers in June 2020. The main reasons for non-compliance were fertiliser application, record-keeping and soil test records.





[Source:

Sugar cane standards <https://www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/sugarcane>

Sugar Cane ERA Standard https://www.qld.gov.au/_data/assets/pdf_file/0017/113147/sugarcane-era-standard.pdf

Qld Govt Reef regulation compliance program

<https://www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/producers/compliance>]

More information:

Reef protection regulations from government sources.

Web: www.qld.gov.au/ReefRegulations

Email: officeoftheGBR@des.qld.gov.au Phone: 13 74 68.

Titles of the Act and Regulations:-

Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019

Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Regulation 2019.

Environmental Protection Regulation 2019.

**Other regulations and legislation
affecting your agricultural business
in Reef regions**



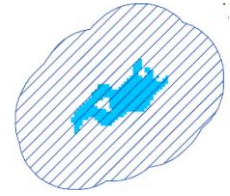
Before launching into routine or essential property management, taking measures to improve land condition, reducing runoff into Reef watercourses or installing new infrastructure, have you checked your activities align with these other regulated requirements?

What?	More details	Relevant to me? Yes / No
Protected plant trigger map	<i>Nature Conservation Act 1992</i> to protect endangered, vulnerable, near-threatened EVNT native plants.	
GBR Wetland Protection Areas	State Planning Policy regulations for high impact works within 200m buffers of wetlands with high ecological significance.	
Activities within watercourses	<i>Water Act 2000</i> – Riverine Protection Permit for clearing vegetation in the bed and banks of watercourses, unless an exemption applies	
Regulated Native Vegetation		
Understanding your regulated vegetation map, including essential habitat for native flora and fauna	What are Category B remnant, Category C and R high value regrowth and Category X non-remnant areas on a Reef GeoPDF property map? What areas are locked in with a Property Map of Assessable Vegetation PMAV?	
Exemptions for clearing in regulated native woody vegetation	What are the exemptions for routine and essential management on agricultural land and for public risk or after a natural disaster?	
Establishing and maintaining infrastructure, fencelines, tracks and firebreaks	When to use an exemption or the Accepted Development Vegetation Clearing Code? What other regulations can impact on these activities?	
Weed management amongst regulated remnant and regrowth vegetation	Are you clearing access tracks or require to clear native woody vegetation while undertaking weed management in regulated native vegetation?	

AgForce has a series of summary factsheets for all the above situations, to help you be aware of current regulatory requirements.

Other legislation that may impact on new land use activities		
Matters of National Environmental Significance MNES	<p>Know when new farm activities may require self-referral to the federal <i>Environmental Protection and Biodiversity Conservation EPBC Act 1999</i> is required for wetlands of international importance, the GBR and nationally threatened species or ecological communities?</p> <p>Threatened ecological communities include brigalow regrowth more than 15 years old, box-gum grassy woodlands in southern Queensland, coastal vine thickets, weeping myall woodlands, broad leaf tea-tree woodlands and mabi forest in coastal north Qld.</p> <p>Information for farmers and protected matters search tool available from https://www.environment.gov.au/epbc/information-for/farmers</p>	
Matters of Local Environmental Significance MLES	<p>Managed through Local Government Planning Scheme and State Planning Policy mapping layers for local biodiversity protection, connectivity and landscape values.</p> <p>Check your local government overlay codes and mapping tool for biodiversity, scenic amenity, steep land and water resource catchment. Offsets are applicable in some situations of residual impact.</p>	
Cultural Heritage	<p>Protection of all indigenous cultural heritage, whether or not previously identified or recorded in the state's database.</p> <p>Before carrying out a new land-use activity with machinery, land users have a duty of care to take all reasonable and practical measures to not harm Aboriginal or Torres Strait Islander cultural heritage. https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage</p>	

Great Barrier Reef GBR Wetland Protection Areas



Queensland Government has statutory protection over GBR wetlands with high ecological significance (HES) from high impact work. Wetland Protection Areas are 200m buffer areas around the wetlands, where certain activities are subject to requirements within the State Planning Act Code 9.

To find out if your property has a GBR wetland, check your AgForce Reef GeoPDF property map for the two layers titled “GBR wetland protection area” or request a map from the government website <https://environment.des.qld.gov.au/wildlife/wetlands/map-referrable-wetlands/request-form> . Wetlands are coloured light blue and the buffers are diagonal blue stripes.

GBR wetland protection areas are subject to the State Planning Act Code 9.

- Any high impact earthworks (excavating or filling) must protect wetland environmental values and be outside the wetland area.
- Any impacts on matters of state environmental significance MSES are avoided, minimised or mitigated.
- Any operational ‘high impact’ work, material change of use or reconfiguration of a lots requires a Development Application that meets Performance Outcomes.

Within the 200m wetland protection buffer:-

- No negative impact on existing surface and ground water.
- No negative impact on water quality in the wetland or buffer.
- Avoid impacts on Category C and R regulated regrowth vegetation outside the buffer.
- Protect movement of wetland native fauna and prevent pest plants, animals and exotic species.
- Offset required if there is residual impact on a Matter of State Environmental Significance MSES.

What is “high impact work”?

- Operational work that changes landform or diverts water away or to a wetland.
- Filling or levelling land.
- Drain construction or excavation to create a channel or water storage.
- Overland flow storage and sediment erosion ponds.
- Construction of levee, farm dam, weir or barrier across a waterway.
- Construction of a road, culvert or causeway.
- Exemptions are listed in Schedule 24 of the Planning Regulation 2017. Exemptions include desilting existing drains, excavating to establish underground infrastructure, wetland restoration.

For wetland regulation advice, phone 13 74 68 or email: planning.support@des.qld.gov.au

[Source:

GBR wetland protection areas <https://environment.des.qld.gov.au/wildlife/wetlands/map-referrable-wetlands>

Assessable State Code 9 & all performance outcomes

<https://www.dlgrma.qld.gov.au/resources/policy/sdap/v2/state-code-9.pdf>

Guideline: State Development Assessment Provisions for State Code 9: GBR wetland protection areas https://environment.des.qld.gov.au/_data/assets/pdf_file/0021/90138/sdap-code9-gbr-wetland-protection-areas-guideline.pdf]

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