

**Submission to:**

**The Hon. Jeff Seeney MP  
Deputy Premier, Minister for State Development  
Infrastructure and Planning**



**Department of State Development, Infrastructure and Planning  
via email [DDRRegionalPlan@dndip.qld.gov.au](mailto:DDRRegionalPlan@dndip.qld.gov.au)**

**Submitted by: Basin Sustainability Alliance**

**Date: 20 September 2013**

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## **Feedback on Draft Darling Downs Regional Plan from Basin Sustainability Alliance**

The Basin Sustainability Alliance welcomes the opportunity to provide feedback and comment on the Draft Darling Downs Regional Plan (DDRP).

### **About BSA**

The Basin Sustainability Alliance (BSA) is a Queensland-based group representing the concerns of landholders and rural communities in relation to the unprecedented scale and pace of development underway in the coal seam gas (CSG) industry in Queensland.

BSA's charter is focused on ensuring the sustainability of land and water resources for future generations - particularly highlighting the risk CSG development poses to the Great Artesian Basin. It also plays role as an advocate for landholders who are facing uncertainty and frustration in relation to CSG development on their land and in their communities.

BSA members feel strongly that the Coal Seam Gas industry is steaming ahead in Queensland with an alarming lack of monitoring and research. Under the current systems, there is a real danger that CSG development will impact on health and communities and damage vital natural resources, and food and fibre production for future generations.

More information about BSA and its official charter can be found at:

[www.notatanycost.com.au](http://www.notatanycost.com.au).

## Summary of BSA's concerns with draft DDRP

**Lack of Overall Explanation as to Interplay** – In order for the community, and not-for-profit organisations groups such as ours to have meaningful input, we find it very difficult to have overall context within which to appraise this Plan and how it is said to fit into overall impacts on our community, what relevance it has to us moving forward, and how it will realise the many media-release stated aims it is said to be designed to achieve.

As at the 24th July 2012 the Honourable Minister's press release suggested that the plans would be tied in with a roll back of strategic cropping land and would *"help resolve conflict between the agriculture and resource sectors"*. That is certainly what many landholders in affected areas have been looking for.

In a media release in June of 2013, the Honourable Minister likewise said *"the strategic cropping land legislation will be reviewed and amended to facilitate the implementation of a new Regional Plan and processes will be streamlined to remove unintended consequences for landholders"*. Again, this raised hope of balance being achieved.

Clearly others within government expect it to attain a similar outcome. Member for Toowoomba North Trevor Watts commented in a press release:

*"The draft plan safeguards the Toowoomba districts most productive agricultural assets through mapped Priority Agricultural Areas ("PAA"), while ensuring the state can benefit from the abundance of coal, natural gas and other resource deposits"*. Again, many landholders felt buoyed.

However, the Department of State Development Infrastructure and Planning on its website, in introducing the Regional Plan said:

*"While land use planning to primarily be the responsibility of local government (sic), the State has an interest in ensuring that broader regional outcomes are achieved through the application of state policy in local planning"*.

That, and our subsequent reading, suggests that the plan is really only about Town Planning procedures and nothing to do with planning resource activities in the usual sense of that expression. Certainly the current information provided lacks any reason at all to think this is anything about resource and agriculture "co-existing" but is simply about town planning.

Without proper insight into the interconnection between these amendments and any overarching plan to amend the Strategic Cropping Land Act in a way that could meaningfully address the Honourable Minister's clear desire to ensure co-existence between agricultural and the resource industry, we can only be persuaded that the Regional Plan will have very little relevance to doing so. On our current reading it only relates, and can only impact, on the very limited power of local government to influence "resource development". Local authorities (and therefore the DDRP) has absolutely no say in the environmental Impact assessment and approvals process applicable to "resource development" so to a large extent the stated aims

are simply cannot be attained for anything other than some very limited type of infrastructure resource developments where town planning is relevant.

To expand:

1. The DDRP is only relevant in Town Planning approvals;
2. The only Town Planning approvals required by resource companies are things such as permanent accommodation, airports, or other infrastructure that is not considered either an “authorised activity” or an “incidental activity” to a resource tenure (ie. A Mining Lease, a Petroleum Lease, etc);
3. Recent amendments to the Sustainable Planning Act removed SCL application to those kind of activities anyway;
4. The SCL legislation does not apply to any of the currently approved CSG projects (APLNG, QCLNG, and GLNG) nor even to Arrow’s as yet unapproved SGP project and nor does the DDRP because it is only part of the Sustainable Planning Act process and town planning – and they just don’t apply to resource tenures save in very limited circumstances;
5. There seems precious little infrastructure left that the DDRP can protect PAA land from, short of the very limited exceptions to points 2 and 4 above. On the other hand all landholders and non-resource development now face the potential restrictions the DDRP will place on them.

We certainly applaud the aims and concepts as expressed by the government and the Honourable Minister and would be more than happy to be corrected in our understanding of the relevance of the DDRP beyond town planning issues and to have clear direction as to what existing and future resource infrastructure the DDRP may capture . There are glimmers of potential relevance to broader resource development in the document but they are more in the nature of “teasers” than having any substance . For instance, whilst the Appendix 1 to the DDRP makes mention of “resource development “ potentially being captured and might therefore give some hope for perhaps broader application coming in the future , it is clearly stated not to be part of the DDRP and, in any event, it is difficult to see how it can overcome the approvals already given. Further, the draft clearly says “Appendix 1 will not form part of the final Regional Plan and provides further information on the regulatory instruments being considered to assist in the implementation of the regional policies”. Again , the DDRP is apparently only ever to be talking about town planning issues – which are simply largely irrelevant to resource development overall, let alone those already approved. Are we to embrace this process full of hope only to find later that it means very little to the protection of PAA and PALs really?

We proceed to respond to the draft in the earnest hope we are mistaken as to it’s overall utility – and to address whatever relevance it may have generally. The stated aims make it important that we do.

**Lack of focus and support for agricultural industry** - On face-value it might seem like the draft DDRP has a goal of protecting and sustaining agricultural development in our region, but upon closer inspection, BSA is extremely concerned that this plan does the opposite. The plan seems more like a tool to facilitate resource activities at the expense of farming.

**Too much grey:** Its lack of detail in terms of definition concerns BSA as we believe that if this plan proceeds many of the definitions will be unclear until tested by the courts.

**Timing:** We query the timing of developing this regional plan when the State Plan is still be developed. As we understand, the state plan will provide overarching policy and direction to regional plans, so in our view, this regional plan puts the cart before the horse.

**Leaving significant areas of productive agricultural and grazing country from the Priority Agricultural Areas:** We are concerned to the point of alarm, that by designating some areas PAAs, the Government is in effect creating even less protection for farmers in non-PAA areas. We are fearful that this will see a “free for all” of mining and CSG development in non-PAA areas – some farming areas which have been in families for generations, are planning growth and development for future production will be significantly impacted by a lack of any kind of protection.

**Creating a greater city vs country divide:** While we see the importance of placing a buffer around townships, we feel that people who choose to live in smaller communities and more isolated areas – often because this is an intergenerational property – are granted less protection than those in larger towns. Why are rural people considered less worthy of such protection?

**Definition of Coexistence:** We are disappointed with the attempting to define coexistence in a way that leaves so many grey areas for interpretation. The definition appears to heavily favour coal seam gas development. BSA believes coexistence is a jointly agreed situation where both parties come to the table willingly and on even ground. The way the DDRP reads - coexistence is about primary producers finding a way to adapt their businesses to accommodate the CSG activities.

BSA wishes to convey its position that true coexistence cannot be achieved in all instances. For example:

- in areas where broad areas and large scale machinery are the lynchpin of efficiency, having to reduce either or both of these to accommodate either of these will cause a permanent decrease in efficiency.
- where irrigation entitlements to aquifers have been reduced and will be reduced in future often resulting in loss of crops, the notion that resources companies can have unimpeded access to that water is abhorrent .
- CSG wells, roadways, pipeline and other associated infrastructure on alluvial flood plains that are cropped.

Furthermore the use of the word coexistence or the alternative sustainable coexistence has never been satisfactorily defined. The reality is that the “measures” for coexistence are opening doors for exploration and resource extraction. Landowners have never felt any comfort that any such arrangement would allow for full farming production and efficiency.

There is also concern that the use of this term could lessen legal or compensable protection for landowners. That is, coexistence infers some kind of mutually beneficially arrangement. However, the members and farmers that communicate with BSA are not experiencing the joy of a mutually beneficial arrangement, rather they are facing stress, heartache, loss of time, loss of amenity, impacts on land, business, lifestyle, and fear for the future of underground water impacts, from an industry thrust upon them.

***The following outlines specific comment and questions in relation to the content of the DDRP.***

**Name of the Plan**

Traditionally the ‘Darling Downs’ region has been known as the districts close to Toowoomba like Dalby, Pittsworth and Chinchilla. However the State Government’s draft Darling Downs Regional Plan affects a much broader geographical region. BSA is concerned that people living in and around St George, Dirranbandi, Westmar, Moonie, Goondiwindi, Warwick and Roma may not be aware that their future is being mapped out on this new region plan. We feel that the misnaming of the document may have resulted in a flawed consultation process as people who are directly impacted may not be aware they have the opportunity to make a submission.

**Foreword by The Honourable Jeff Seeney MP**

*“This plan aims to identify Priority Agricultural Areas (PAA’s), which are strategic areas of the most regionally significant agricultural production. Within these areas, agriculture is the priority land use. Any other land use that seeks to operate in those areas must co-exist with agriculture.”*

*“PAA co-existence criteria are being developed to ensure that any resource development seeking to operate within a PAA meets four important criteria. These include: no material loss of land; no threat to continuation of agricultural land use; no material impact on overland flow; and no material impact on irrigation aquifers.”*

**Chapter 2 – Application and effect: Interpretation** states that *the terms used in this plan*

*(a) have the meaning given in schedule 2, or*

*(b) if not defined in schedule 2, have the meaning given in the Sustainable Planning Act 2009.*

The words ‘co-exist’ and ‘material’ are not found in either schedule 2 or the Sustainable Planning Act (SPA). It is therefore extremely difficult to comment on the draft plan in a meaningful way without knowing what the government’s interpretation of these words are. We are therefore forced to adopt our own definitions.

BSA assumes the definition of ‘coexistence’ is something that is stable or beneficial, but not detrimental, since the four co-existence criteria being developed describe situations where resource development does not negatively impact on land, land use, overland flow and irrigation aquifers.

BSA assumes ‘material’ definition is as according to the dictionary definition of this adjective, as ‘physical’.

### **Executive Summary**

*“The Darling Downs Regional Plan (the plan) is one of the Queensland Government’s statutory regional plans providing strategic direction and policies to deliver regional outcomes which align with the state’s interests in planning and development.*

*The state interests in planning and development are identified in the draft State Planning Policy (draft SPP) which closed for public consultation on 12 June 2013 and is currently being finalised.”*

According to the draft SPP, the state interests in planning and development include housing and liveable communities, economic growth (through the 4 pillars including agriculture and mining), environment and heritage, hazards and safety, and transport and infrastructure.

Page 20 of the draft SPP clearly states that mining and petroleum activities are not regulated under the SPA. How then, can the regional plan when finalised, determine coexistence criteria for resource authorities in PAA’s?

From our understanding there is a hierarchy of planning documents whereby the State Planning document- the Queensland Plan (yet to be finalised) is superior to the Statutory Regional Plan. A mining or resource company does not need to make application for development under the SPA, therefore in its current form the Draft DDRP does not constrain a resource company’s development on any land it merely constrains the landowner.

The way the Draft DDRP is written implies there is extra protection for agricultural areas and for priority living areas. However, without a mineral and resource development making

application under the SPA, this is not the case as the DDRP does not apply.

BSA is concerned that the Draft DDRP gives the impression that certain agricultural areas and living areas are protected yet it is designed to allow mineral and petroleum resource developments.

It is stated within the DDRP that there will be other legislative changes for the DDRP to apply (to the Mineral Resources Act, Petroleum and Gas Act and Environmental Protection Act) yet without knowledge of these other legislative changes, it is difficult to have meaningful consultation on the DDRP.

### **Protect Priority Agricultural Land Uses while supporting co-existence opportunities for the resources sector**

*“PAA Co-existence Criteria are being developed to enable compatible resource activities to co-exist with high value agricultural land uses within PAA’s.”*

The draft DDRP does not consider that regardless of the development of co-existence criteria, resource activities may not be able to co-exist with certain agricultural land uses. There is no provision in the draft DDRP for the potential for co-existence to not be possible, merely that the development of co-existence criteria will somehow enable co-existence to occur. This is especially concerning since resource activities are not regulated under the SPA.

## **Chapter 1 – Introduction**

### **Key drivers for preparing the plan**

*“The key drivers for preparing the plan are the Queensland Government’s intention to:*

- *protect areas of regionally significant agricultural production from incompatible resource activities while maximising opportunities for co-existence of resource and agricultural land uses*

BSA is seeking further explanation and clarification on how the Queensland Government proposes to protect areas of regionally significant agricultural production from incompatible resource activities when (1) resource activities are not regulated under the SPA and (2) the draft DDRP does not account for the potential for areas of significant agricultural production to be incompatible with resource activities, regardless of the identification of co-existence criteria?

We are concerned that the plan does not clearly define when/how an activity is deemed “incompatible” and we are unsure of the intent of the word co-existence in this context.

## Chapter 2 – Application and effect

### The Queensland Plan

*“The Queensland Plan is currently being prepared and will set a 30 year vision for Queensland. Views and feedback received as part of developing the Queensland Plan will inform the final Darling Downs Regional Plan.”*

If the Queensland Plan is to inform the DDRP, and since state plans are superior instruments to regional plans, then why is the Queensland Government undertaking this regional planning process before the state planning process has been finalised?

### State Assessment Provisions

#### Editor’s note

*“It is proposed that the following provisions will apply to state government assessment processes for resource activities where a proposal relates to land located within a PAA or a PLA:”*

The draft DDRP does not indicate which state government assessment processes will be affected, or the relevant legislative amendments that will be required for resource activities within PAA’s or PLA’s.

#### Effect

*“Appendix 1 will not form part of the final regional plan, and provides further information on the regulatory instruments being considered to assist in the implementation of the regional policies.”*

A significant focus of the draft DD regional planning process is the development of co-existence criteria. If Appendix 1 is not to form part of the regional plan, then the state government must make it clear how the co-existence criteria will inform regulatory instruments, which regulatory instruments are being considered, and how this will ultimately assist in the implementation of regional policies.

## Chapter 4 – Regional outcomes and policies

#### Editor’s note

*“Regional policies 1 and 2 are implemented by:*

- *defining PALU’s*
- *mapping the region’s PAA’s*
- *developing PAA Co-existence Criteria which protects PALU’s within a PAA from the impacts*



*of incompatible resource activities while maximising opportunities for the co-existence of resource and agricultural land uses*

- *local planning instruments incorporating planning and development provisions that reflect Regional Planning Policy 1: protecting PALU's within PAA's.*

Unfortunately, Regional policy 1 is not implemented through the above. Agricultural land and agricultural land uses are not protected by identification, mapping, developing co-existence criteria or through local planning instruments.

Defining and mapping PALUs and PAAs merely serves to identify these areas and nothing more. This draft RP has already stated that the Co-existence Criteria will not form part of the final plan, and no definitive information has been provided to properly explain how the developed co-existence criteria will be included within the state regulatory framework. Further, the development of co-existence criteria does not in itself provide protection for PALUs and PAAs from resources development and there is no consideration for situations where co-existence between agriculture and resource activities is not possible. Local planning instruments will be ineffective in achieving Regional policy 1 since these are subordinate legislations to the already existing superior legislations which allow resource activities unfettered interference to agricultural resources (e.g, P&G Act s185, SCL Act s78).

### **Map 1: Priority Agricultural Areas**

In the executive summary, Priority Agricultural Areas are defined as follows:-

*“Priority Agricultural Areas (PAA) are identified in the plan and comprise the region’s strategic areas containing highly productive agricultural land uses.”*

The draft DDRP does not explain the methods used to identify PAAs. The draft DDRP does not define what “the region’s strategic areas” means. When one looks at the map, no obvious pattern emerges to inform the criteria used to determine PAAs. Clearly, the irrigation cropping communities around St George and Goondiwindi have been included, but there are also areas on the map not part of an irrigation scheme.

Whilst some areas of productive dry land cropping have been included, other extensive areas of equally productive dry land cropping right across the mapped area (with a proven history of cropping) have been excluded.

Whilst the Draft DDRP is silent on the fate for land not deemed PAA, it follows that if areas deemed PAA are ostensibly afforded protection under the regional outcomes and regional policies, then areas not deemed PAA's are not afforded such protection. Specifically without any ostensible protection, vast areas of dryland cropping not deemed PAA's will potentially have the following impact from resource activity:

- a material loss of land
- a threat to continuation of agricultural land use
- a material impact on overland flow

- a material impact on aquifers

Further, many of these dryland cropping areas are located outside the traditional “Darling Downs” region. Those stakeholders in these areas have not been adequately consulted in the Draft DDRP process because they have traditionally thought of themselves as not residing in the Darling Downs Region and therefore the Draft DDRP not applicable to them. The lack of direction (silence) of the Draft DDRP for land not deemed PAA also restricts consultation with potentially affected stakeholders.

The draft coexistence criteria are extrinsic material and are not part of the regional plan. They are supposedly to be introduced under different legislation. There is no opportunity to determine their application in this void.

The state government has given the commitment to doubling agricultural production by 2040. By reducing the cropping area in Queensland via the current PAA mapping, the government is compromising its capacity to meet this target and further it is constraining future productivity gains to certain areas. Past experience has shown that a wider geographical base of agricultural production in Queensland is an important risk management tool against severe weather events. The Draft DDRP p16; states that one of the goals of the Queensland Government for the growth of the agricultural sector within the Darling Downs region is to protect resources on which agriculture depends. However the Draft DDRP excludes both critical and water resources on which agriculture depends and fails to recognise the supply chain and ecological implications of failing to protect these resources.

The state government must clearly articulate the methodologies employed to determine the priority agricultural areas included in the map, and explain why other comparable areas have been excluded. Further, consideration must be given to incorporating other dryland cropping areas which meet the PAA criteria.

## Chapter 5 – Infrastructure

### Introduction

*“This section outlines the priority outcomes sought for infrastructure in the region. Delivery of the priority outcomes is not intended to be assigned to State or local government.”*

Who then is to deliver the priority outcomes relating to infrastructure, if not the State or local government?

### Schedule 2. Glossary and abbreviations

*“Priority Agricultural Land Use (PALU) means a land use included in class 3.3, 3.4, 3.5, 4 or 5.1 under the Australian Land Use and Management Classification Version 7, May 2010.”*

BSA is concerned at the omission of intensive animal husbandry (class 5.2) from the PALU

definition. Priority Agricultural Areas are defined in this draft DDRP as containing “highly productive land uses”. Intensive animal husbandry land uses are highly capital intensive and highly productive, both in terms of the quantity of produce and the value of the produce per unit area. In fact, the productivity of intensive animal husbandry land uses within the Darling Downs region would outstrip that of some of the other PALUs included under the definition. Intensive animal husbandry land uses also have the potential to be significantly impacted by resource activities and have limited scope to modify their agricultural practices in response to these impacts. Intensive animal husbandry land uses must therefore be included in the definition of PALUs for the purposes of this draft plan. Additionally the groundwater resources on which feedlots and other intensive livestocking industries rely should be afforded the same protection as the shallow aquifers for irrigation.

***Case in point – Darling Downs Feedlot Industry***  
***[Information courtesy of Australian Lot Feeders Association – ALFA]***

There are approximately 400 accredited feedlots in Australia located in areas that are in close proximity to cattle, grain, water and processing facilities. Queensland is the largest feedlot state representing around 63% of lot feeders, 60% of feedlot cattle numbers and 53% of potential feedlot infrastructure capacity in Australia. The Darling Downs region contains more feedlots, feedlot cattle and feedlot capacity than any other area in Australia. In fact the region contains 45% of the feedlots in the state and 31% of the feedlots in Australia. It also accounts for 67% of the feedlot capacity in the state and 35% of the capacity in Australia. This is undoubtedly a reflection of the ability for lot feeders in the region to access;

- A consistent supply of cattle from grass fed producers and saleyards;
- Grain and other crops due to the fertile soils and reliable rainfall which enables the production of high yielding winter and summer crops;
- High quality above and below ground water;
- A number of beef processing facilities. (ALFA, 2013)

There is a significant infrastructure investment in feedlots with a feedlot typically costing \$1.2-1.6 million per 1,000 head (excluding land).

Further, a typical 15,000 head feedlot is estimated to generate \$7.3 million each year and 91 direct and indirect jobs for the regional economy (Yates, WJ et al (2003), Regional Impact of Feedlot Development). Given that there are 262 feedlots on the Darling Downs with 10 exceeding 10,000 head, this means that the cattle feedlot sector in the region generates in the vicinity of \$200 million each year and employs around 2,700 people in direct and indirect jobs.

## **Appendix 1. Supporting information**

*“The information contained in this appendix does not form part of the regional plan.”*

A significant focus of the draft DD regional planning process is the development of co-existence criteria. If Appendix 1 is not to form part of the regional plan, then the state

government must make it clear how the co-existence criteria will inform regulatory instruments, which regulatory instruments are being considered, and how this will ultimately assist in the implementation of regional policies.

#### **A) Priority Agricultural Areas / Priority Agricultural Land Uses**

*“Within these PAAs high value, intensive agricultural land uses identified in the plan as PALUs will be recognised as the primary land use and given priority over any other proposed land use.”*

*“PAAs have been identified in the plan to give land use priority to:*

- *proven highly productive agricultural areas, or*
- *agricultural land uses with significant infrastructure investment, or*
- *agricultural land uses that have the potential to be significantly impacted by resource activities and have limited scope to modify their agricultural practices in response to these impacts.”*

BSA is concerned at the omission of intensive animal husbandry (class 5.2) from the PALU definition. Priority Agricultural Areas are defined in this draft DDRP as containing “highly productive land uses”. Intensive animal husbandry land uses are highly capital intensive and highly productive, both in terms of the quantity of produce and the value of the produce per unit area. In fact, the productivity of intensive animal husbandry land uses within the Darling Downs region would outstrip that of some of the other PALUs included under the definition. Intensive animal husbandry land uses also have the potential to be significantly impacted by resource activities and have limited scope to modify their agricultural practices in response to these impacts. Intensive animal husbandry land uses must therefore be included in the definition of PALUs for the purposes of this draft plan.

#### **A) Priority Agricultural Areas / Priority Agricultural Land Uses**

*“The continuation of the existing PALUs will be ensured through the development of PAA Co-existence Criteria which will need to be met by potential resource industry land users wherever a PALU exists within a PAA*

*The intention is to achieve co-existence within the PAA between the existing agricultural land uses and any potential resource industry proposal wherever it is possible to do so.*

*To achieve co-existence within the PAA, the PAA Co-existence Criteria will need to be met as a condition of approval by resource industry proposals within areas where agriculture has been identified as the priority land use.”*

If the co-existence criteria are not to form part of the DD regional plan, then under what instrument will the co-existence criteria sit in order for resource industry land users to give regard to them wherever the resource industry encounters a PALU?

Will the DDRP and the co-existence criteria have retrospective powers, or will only future resource activities need to meet the co-existence criteria?

The intention is to achieve co-existence, however it is likely that co-existence is not possible between all resource activities and all agricultural land uses. Will the DDRP and the co-existence criteria allow for the situation where co-existence is not achievable, and therefore resource activities are unable to proceed in these areas?

#### **A) Priority Agricultural Areas / Priority Agricultural Land Uses**

*“For the Darling Downs region, the agricultural land uses that have been determined to be PALUs are defined in the glossary to the plan, but generally include the following:*

- 1. Continual cropping*
- 2. Horticulture*
- 3. Irrigated agriculture”*

The definition of PALUs above, does not correspond to the area defined as Priority Agricultural Areas as per Map 1. There are areas of continual cropping not identified as PAA in Map 1. If the definition of a PALU includes areas which are cropped every season, then the mapping process must be revisited, and all areas of continual cropping included as PAAs.

#### **A) Priority Agricultural Areas / Priority Agricultural Land Uses**

*“It is anticipated that the PAA policy position presented in the draft plan will be implemented through a range of measures including amendments to the Strategic Cropping Land Act 2011 to ensure a single streamlined process for resource proponents and mirrored through approval processes such as environmental authority, development assessment, environmental impact assessments and conduct and compensation agreements.”*

The four major resource proponents in the DDRP area enjoy complete and/or significant exemptions from the SCL Act. It is highly likely therefore, that any amendment to the SCL Act to implement the PAA policy position will have little or no bearing on any of these four resource proponents. BSA is concerned that in streamlining the process for resource proponents, the result will actually be a further erosion of land owner and current land users rights under law.

#### **C) Priority Living Areas**

*“To ensure the protection of PLAs from encroaching resource activities, amendments will be required to existing legislative frameworks and associated processes, including:*

- various resource acts*
- Environmental Protection Act 1994*
- Sustainable Planning Act 2009”*

BSA is concerned that amendments to the above acts have been identified to ensure the protection of PLAs from encroaching resource activities, however, there was no mention of amending these acts with regard to ensuring the protection of Priority Agricultural Areas from resource activities. People residing in the major towns described in schedule 1 of the DDRP as “priority living areas” are apparently worthy of having a 2klm buffer zone around their residences in which no mining or CSG infrastructure is allowed to be built. However farming and grazing dwellings and rural residential communities outside the listed “priority living areas” are not afforded the same consideration or protection.

## **Conclusion**

In conclusion, if anything, farmers rights appear to have been further eroded by the DDRP. Because the government has not yet enacted State legislation to which the DDRP will be subordinate we see the possibility of even further erosion of farmers rights in the future - which sadly does not seem to be consistent with State Government’s vision to double agricultural production.

## **PAAs/PALUs**

BSA is disappointed in the lack of detail provided generally in the draft DDRP for consultation. It is unclear how the Priority Agricultural Areas in Map 1 were identified.

There is an inconsistency between the definition of PALUs, which includes continual cropping, and the area identified as Priority Agricultural Area in Map 1. In reality, there are more areas under continual cropping than those identified in the Map.

BSA is concerned that some high value, capitally intensive land uses with a significant infrastructure investment have been omitted from the definition of PALUs as per the Australian Land Use and Management Classification Version 7, most notably, intensive animal husbandry.

## **Legislative Framework**

BSA is concerned with the lack of clarity around how the DDRP will relate to other relevant legislations and how the plan and co-existence criteria will be enacted, given the very subordinate position the plan has within the legislative framework.

It is confusing that the regional plans are being developed prior to the state plan, given the recent proposed amendments under the Local Government and Other Legislation Amendment Bill which elevates state plans and policies above regional plans. It would have made more sense to finalise the State plan prior to developing the regional plan.

BSA is concerned at the mention of excluding the co-existence criteria for resource activities from the regional plan, without indicating where in the regulatory framework the co-existence criteria will in fact operate. Only vague references are made about the co-existence criteria

needing to be met by resource proponents seeking to operate within PAAs.

Amendments to the SCL Act are indicated in order to streamline approval processes for the resource proponents. Historically, such streamlining which favours resource proponents, usually has a negative impact on land owners and current users of the land. The most recent amendment to the Strategic Cropping Land Regulation now provides an exemption to the location of so-called community infrastructure on Strategic Cropping Land. This will have very grave consequences for PAAs and PALUs.

It is concerning that amendments to the resource acts, the Environmental Protection Act and the Sustainable Planning Act were indicated as necessary to protect PLAs, but similar language was not used in the draft plan regarding PAAs.

### **Co-existence Criteria**

The word “coexistence” is being used increasingly by industry and government with regard to the interaction between resource activities and agriculture. However, “coexistence” is not readily defined. Even the newly created Gas Fields Commission, whose objective is to facilitate “sustainable coexistence” is unable or unwilling to define the term. BSA has defined coexistence as either a beneficial or stable interaction between resource proponents and the current land and agricultural resource users.

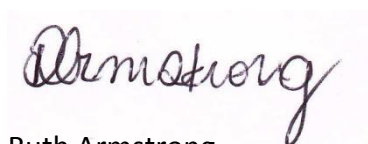
BSA is concerned that there is an implicit assumption in the draft plan that since co-existence criteria are to be developed, then co-existence will be achieved, even though it is made clear that the co-existence criteria will not form part of the final plan. Moreover, it is not stated in the draft plan how or where within the regulatory framework, the co-existence criteria will be applied.

As stated in the introduction, there appears to be no allowance for the fact that co-existence may not in all circumstances be achievable. BSA has therefore refrained from commenting on the co-existence criteria for fear that doing so will erode any rights land owners and occupiers might currently enjoy under s121, s804 and s805 of the Petroleum and Gas (Production and Safety) Act 2004.

## **Recommendations**

1. That the Draft Darling Downs Regional Plan consultation process be suspended until the State Plan is finalised;
2. That the Queensland government provide a clear, concise definition of co-existence;
3. That the Queensland government clearly state whether this regional planning process allows for the possibility that co-existence cannot be achieved in all circumstances;
4. That the Queensland government clearly identify how the co-existence criteria will be implemented within the regulatory framework and properly explain what existing legislative frameworks will require amendment to implement the regional plan;
5. That the Queensland government provide detail about the creation of a single streamlined process for resource proponents (what are the limitations of the current system? How does the DDRP affect the current process for resource proponents under the SCL Act?);
6. That the Queensland government provide the information used to identify Priority Agricultural Areas in Map 1 of this draft for consultation;
7. That Map 1: Priority Agricultural Areas is amended to include **all** PAAs which meet the PAA criteria as specified on p57 of Draft DDRP (proven highly productive agricultural areas, or agricultural land uses with significant infrastructure investment, or agricultural land uses that have the potential to be significantly impacted by resource activities and have limited scope to modify their agricultural practises in response to these impacts).
8. That all land uses that fulfil the criteria as a PALU according to this draft for consultation be identified as PALUs, for example Intensive Animal Husbandry 5.2;
9. That a second draft DDRP be prepared for consultation after the State Plan is finalised, incorporating the necessary changes as recommended above.

### **Submitted by**



Ruth Armstrong

BSA Secretary

On behalf of the Basin Sustainability Alliance (BSA)

Date: 20 September 2013