



Basin Sustainability Alliance
PO Box 180 Dalby Qld 4405
07 46623722
www.notatanycost.com.au
info@basinsustainabilityalliance.org

19 August 2014

Ms Erin Pasley
The Research Director
State Development, Infrastructure and Industry Committee
Parliament House
George Street
BRISBANE QLD 4000

[via email: sdiic@parliament.qld.gov.au]

Submitted by: Basin Sustainability Alliance

Date: 19 August 2014

Dear Ms Pasley,

Regional Planning Interests Bill – Regulations 2014

Thank you to the State Development, Infrastructure and Industry Committee for the opportunity to provide submissions on the above mentioned Regulations, and for allowing our volunteer committee an extension to make this submission.

Basin Sustainability Alliance BSA is a Queensland-based group representing the concerns of landholders and rural communities in relation to coal seam gas (SCG) development.

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 a role as an advocate for landholders who are facing uncertainty and frustration in relation to CSG development on their land and in their communities.

More information about BSA and its official charter can be found at:
www.notatanycost.com.au.

BSA supports the intent of the RPI Bill and regulations to empower landholders and give more certainty. It is vital that we protect our ability to produce food and fiber in our State, by ensuring sustainable agricultural production. This is especially important given the Government's goal to double agricultural production by 2040. However, there are areas in this regulation that are of concern to us.

It will be very important that the regulations do not become a road map for facilitating or fast tracking the CSG industry. We do not want to see the by-product of protecting prime agricultural land be a resource industry 'free for all' on other agricultural land that may be still of high economic and social value to our State. The opportunity for landholders apply to have their land characterised as a Strategic Cropping Area must be retained in the regulation.

We also must ensure that regulation provides flexibility for new ideas and innovation to be embraced. If we limit activities on the land to what is pre-existing, we may miss opportunities to allow for advancements in production techniques (and potential for greater agricultural productivity) to be introduced.

It is important that in administering this regulation we never forget that we are not just talking about land. The RPI bill and its regulations should never be only concerned with the economic value of a piece of dirt, but also consider the impact on people of Queensland – their livelihoods, homes, business viability, mental health, family history and future legacy.

In preparing this document, BSA has consulted various members and also reviewed the submission prepared by Property Rights of Australia (PRA). Where we concur with the PRA submission we have included similar and/or identical points within our submission.

BSA's key areas for consideration are as follows:

NOTIFIABLE ASSESSMENT APPLICATION (Part 5, Section 13)

BSA believes this section is too narrow in its application.

The regulation reads that applications are only notifiable in a regional interest area if a resource activity is proposed to be carried out in a Priority Living Area (PLA). Strategic Cropping Areas (SCLs) and Priority Agricultural Areas (PAAs) are not mentioned at all. Therefore, it appears public notification will **not** be required where resource activities are proposed in these areas. This means that an owner of land in a SCL or PAA area will receive a copy of the application, but no other potentially affected party will know of its existence or have rights to make submissions in relation to the potential impacts on strategic cropping land or a priority agricultural area.

BSA **strongly recommends** that public notification be retained for applications to PLA's, PAA's and SCA's.

ASSESSING AGENCIES (Schedule 1)

The assessing agencies for the SCA and PAA should be the same. BSA strongly recommends that the lead assessing agency for SCAs be the Department of Agriculture (DAFF). We recognize the limited human resources within the Departments and therefore suggest that DAFF be supported by DNRM as appropriate.

VOLUNTARY AGREEMENTS (Schedule 2 Part 2 Section 3 (3) (a))

BSA is concerned about the use of term **voluntary agreement** and fear that such agreements may become a way to overcome a number of the criteria in priority agricultural areas and strategic cropping areas. We cannot find a clear definition in the Act or the Regulation that explains what a “voluntary agreement” is.

If part of the intent of the Regional Planning Interests Act is to recognize strategic cropping and priority agricultural areas as a resource of the State we are concerned that allowed that to be circumvented by “voluntary agreements” may be contrary to this intent.

We have been made aware in the past of landholders entering into agreements without being fully informed of the implications, and in some cases, pressured by CSG companies to enter agreements. If voluntary agreements are to be included there should be protections in place that ensure landholders are properly informed and all potential impacts are disclosed.

INCLUSIONS IN THE LOSS OF NO MORE THAN 2% (Schedule 2 Section 3 (3) (a) (ii))

BSA seeks further clarification on how the assessing agency for a priority agricultural area will determine what is “*a loss of no more than 2%*” of the land on the property used for a priority agricultural land use, or the productive capacity of any priority agricultural land use on the property.

What activities have been included in the activities that will have no more than a sum total of 2% impact? Does the activity footprint covers just the well heads connecting roads, pipelines and field infrastructure or does it also includes access roads, vehicle movements, cumulative impacts such as dust, noise, impacts to the community and loss of amenity?

BSA would like to see a clearer definition included in the regulation or explanatory notes.

MANAGEMENT OF CSG WATER (Schedule 2 Part 2 Section 5 subsections 2 to 7)

In subsection 3, the applicant has to have in place a strategy or plan for managing CSG water. No mention is made of a strategy in place for by-product or waste from associated water.

Currently the strategy for dealing with salt in associate water is to allowing an ever increasing strength brine solution to accumulate in very large holding dams. Government and industry have also failed to recognize any other waste product from CSG activity other than salt.

Subsection 4 should include requirements for the quality of the water used in the net replenishment of a regional significant water source.

STRATEGIC CROPPING AREA (Schedule 2 Part 4)

BSA holds concerns for those landholders on productive agricultural lands outside of the mapped priority agricultural areas.

We are aware that Deputy Premier Jeff Seeney has raised a possibility that prime grazing country could also be included in the area that is regulated.

BSA strongly supports the inclusion of productive grazing lands. This is the land outside the PAA's that is productive mixed farming country. It has the ability to fatten cattle for the new premium markets opening up for grass fed beef. Much of this country has grown crops in the past and will again in the future if grain prices return to a more profitable proposition.

BSA would also encourage the regulation to recognise the use of techniques such as 'rotational ley pasture phase' whereby crops are rotated with grass pastures to improve soil structure and fertility and to disrupt pest and disease lifecycles. Productive farms that are put to pasture for a number of years may not strictly fit the regulation's definition of "used" (ie. used for a priority agricultural land use for at least 3 years during the 10 years) but may still be considered high productive land or SCA.

Strategic Cropping Land trigger map – Essential landholder protections

The integrity of trigger map is very important for the protection of the productive mixed farming country in the strategic cropping areas.

BSA would like to support the opportunity for a landholder whose land is not identified as likely SCA to demonstrate that they have land that meets the SCA criteria and apply to have the land defined as SCL.

BSA would also like to ensure that the regulations protection landholders from having their land struck off or added to the trigger maps without a ground truthing process. The trigger maps must continue to be available to a landholder for their property free of charge.

In the case of a resource company applying to strike off SCL status, it must be remembered that it is they who are imposing their activity over the top of a property with a preexisting agricultural land use. It has become standard practice under the Resource Acts for the resource company to pay for professional costs. This should also be the case when the landholder has to defend their property's SCL status, which could result in a lower status, lesser protection from resource activity and thereby lesser value. SCL status has now become a property right because of protection it offers and likely higher land value and should not be removed without a robust investigation at no cost to the landholder.

Schedule 3 Criteria for land

BSA argues the SCL criteria could be restrictive.

Criteria 1 - Slope

We believe modern farming techniques, such as controlled traffic and zero till farming combined with contour banks, allow for farmers to managing steeper country in a productive way. If it can be demonstrated, by using such technologies, that land in the Western areas with a slope greater than 3% can otherwise meet SCL criteria, this should be considered.

Criteria 7 - Soil

Increased water infiltration rates from improved technology and farming techniques has greatly improved the ability to moves salts deeper in the profile. Therefore high production is possible on soils with chloride levels greater than the threshold levels under the SCL regulations. Modern regulations need to be based on modern science, not science formulated under tillage based scenarios.

Conclusion

In support of the Government's vision to increase agricultural productivity, we believe the suggestions and observations we have made may help Government provide some more certainty for landholders.

Basin Sustainability Alliance committee members are available to be contacted to discuss any matters raised in this submission. We can be reached by contacting our secretariat office at the BMO Business Centre on 4662 3722.

Submission made this day 19th August 2014.

Sincerely,



.....
David Hamilton
BSA Chairman