

4 November 2011

The Research Director
Environment, Agriculture, Resources and Energy Committee
Parliament House
George Street
BRISBANE QLD 4000

RE: Jimbour Action Group's submission to EAREC's inquiry into the Strategic Cropping Land Bill 2011

To whom it concerns,

Jimbour Action Group (JAG) is happy to see the Strategic Cropping Land (SCL) Bill tabled and going through parliamentary review. Once again, we applaud the intent of the policy and are hoping the legislation will be governed to this.

Due to the short time limit from notification to submission end date for this inquiry, JAG has not been able to review the tabled legislation. It is disappointing after such effort on our part that a four day turnaround is all we get to review this very important bill, especially in the middle of a very busy harvesting & planting season. Not only in the length of turnaround, but also the lack of feedback since the original submission was submitted to know whether changes requested were accepted. Secondly, it came to our notice after the submission period of further information regarding mitigation which we weren't able to comment about.

I have attached our submission dated 30/09/11 for the draft SCL policy as reference for this letter and as a part of our submission for the EAREC inquiry. This submission covers nearly all points from the draft SCL, however as changes to legislation from this are unknown, some of these issues may have addressed. I would ask you to refer the draft SCL policy (dated 05/08/11) released by Department of Environment and Resource Management (DERM) when reading this.

Two major points that must be considered further, due to the relevant minister's (Minister Nolan) comments are:

1. Underground mining will have an impact on SCL where it is done directly underneath. There is clear evidence in Central Queensland (Gordon Downs) that longwall mining creates subsidence and it changes the landscape. There has been court cases around this many years ago, and in the end the mining company had to buy the property above ground as it could not be rehabilitated. **Any subsidence on a floodplain is unacceptable**, and as most SCL especially in the SCL Protection Areas is floodplain, this would like to massive impacts on environmental and production values. This is absolutely against the intent of the legislation.
2. The mitigation strategy put forward by DERM, does not give confidence that 'exceptional circumstances', 'overriding need' and 'transitional arrangements' will be enforced to the intent of the legislation. Although it says offsetting is not considered a proper mitigation strategy, Bandanna's recent announcements would suggest strongly otherwise, and against the principles of the mitigation strategy, is based for private gain. The valuation give must include present and future losses of productivity, productive efficiencies and land values. The person(s) involved in determining the mitigation fund and measures must have agricultural experience. The 'Community Advisory Group' must have some local farming knowledge as well, as monies moved from an area to broader research might not be deemed acceptable.

Lastly, JAG would like to also refer to and agree with Haystack Road Coal Committee's submission and as they have been able to make comment on the legislation as it is tabled. Their points are very valid and we are in total agreement.

Thank you for the opportunity to submit to the Queensland Parliament's EAREC inquiry. We see the SCL as a first step to the protection of high value agricultural land from non-agricultural or value-add developments, and we hope that fears of loopholes in the detail are unfounded.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'John Alexander', with a long horizontal flourish extending to the right.

JOHN ALEXANDER
Chair – Jimbour Action Group

Phone: 0428 182 759

Email: jimbour.action.group@bigpond.com

30 September 2011

Strategic cropping land draft SPP
Land Planning
Land and Indigenous Services
Department of Environment and Resource Management
GPO Box 2454
Brisbane Qld 4001

RE: Jimbour Action Group Strategic Cropping Land draft policy comments

To whom it concerns,

Jimbour Action Group (JAG) are pleased to see the draft Strategic Cropping Land (SCL) SPP released and out for comment. We applaud the intent of the policy and are hoping the policy will be governed to this.

Unfortunately tempering our optimism are the following issues that have devalued the policy's intent in our eyes:

- The separation of SCL Management Areas (MA) and Protection Areas (PA)
- Recent developments in the Golden Triangle area with Bandanna Energy's application receiving transitional arrangement status, and ongoing exploration by other coal companies.
- Minister Nolan's recent comments to the above project "...is one-fifth of one percent of all land that's being affected"¹, is within a SCLPA, will be acceptable to have up to one metre subsidence as part of the "...very strong standards around rehabilitation"²
- Underground/ Long wall mining does have impacts on the land above, and any subsidence incompatible to the land topography will have long lasting effects.
- Recent developments within the Coal Seam Gas (CSG) Industry to suggest that wells will be producing gas for up to 40 years and possibly longer, instead of 20 to 30.
- Past rulings by the Co-ordinator General on what constitutes exceptional circumstance with the previous Good Agricultural Land SPP 1/92. This is especially pertinent in viewing the term 'overriding need' in SCLMA areas.

JAG's main comments on the SCL draft policy revolve around:

- Policy timeframe should be set for 30 years not 50 years.
- Restoration techniques should be shown physically to work prior to project approval, and independently verified.
- If a project is approved because it will be restored within 50 years then is not, what is the mechanism to penalise project and proponent for misleading legislation?
- If a project is considered an 'exceptional circumstance' and mitigation is determined as the best outcome, What is considered mitigation? Is compensation the only form of this? Who is paid the mitigation? Monies to the state for this purpose should be put back in to cropping research and development.
- The policy should allow for landholders to build further houses/accommodation on one lot if the purpose is either for family settlement, workers or seasonal workers involved with Annex 1.
- Annex 1 should also include bores, dams and pipelines for domestic water supply for landholders, where they are able to built in agricultural areas under existing water legislation.

¹ 7:30 Report 21/9/11 – Queensland to Protect Fertile Agricultural Land

² Landline Report 25/9/11 – Off-Limits

- A review after at least 12 months (up to 24 months) to see if policy meets intent and if there are any unintended consequences.

Attached to this letter are JAG's detailed comments written against the relevant numbering for those items mentioned above.

We thank the government for developing this nation leading legislation, and look forward to seeing the legislation protecting our valuable cropping land to its full intent with due consideration given to our comments.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'John Alexander', with a large, stylized initial 'J'.

JOHN ALEXANDER
Chair – Jimbour Action Group

Phone: 0428 182 759

Email: jimbour.action.group@bigpond.com

Jimbour Action Group's Detailed Submission to Strategic Cropping Land Draft Policy

Please note Jimbour Action Group (JAG), Strategic Cropping Land (SCL), Management Area (SCLMA) and Protection Area (SCLPA) have all been shortened for this document. For reading ease, comments will be made relevant to the numbering within the policy draft.

1. SPP Outcomes

No Comment

2. Application of the SPP

No Change, however there is a little confusion about the SPP being imposed if land is subdivided yet kept as an activity of Annex 1 whether the sub-division would face SCL fees. Example is the subdivision of land due to succession planning or a will for other family members. Further clarification would be appreciated.

3. Making or amending a planning instrument

No Comment

4. Development assessment

No Comment

5. Glossary (new terms to be added with SCL legislation)

Permanent Alienation: Amend '50 years' to 30 years.

Temporary Development: Amend '50 years' to 30 years.

Reasons for these changes is that 50 years is too long. How will the government be able to manage each project to see if it has gone beyond 50 years. 50 years is well beyond the average working lifetime in a job, plus two generations of farmers on the ground. The loss of corporate and local knowledge is an extreme risk. With no personal recollection of previous landscape and soil condition, it will be almost impossible to give confidence when the area is claimed to be fully restored. At least with 30 years there is a higher likelihood that the loss of existing knowledge will be much less. It is also our opinion that once a project moves beyond a generation of ownership, the alienation has already happened within the community.

6. Annex 1

Add xvi) development of extra dwellings on a lot with an extra dwelling where lot is used for activities listed in Annex 1

Add xvii) stock and domestic water bores, storage dams and connecting pipelines

Reasons for these changes are to allow extra residential dwellings to be built on the same lot with an existing dwelling where either family succession planning or worker welfare deems it best to do so. Dwelling's occupants would have to be involved in activities listed in Annex 1. Secondly, where bores, small dams used for domestic purposes and their connecting pipelines are needed to be built and are permitted by the water act, this should be exempted from SCL legislation.

7. Annex 2

No changes but it is unclear whether personal extra-curricular development/buildings such as tennis courts and swimming pools are allowed to be built under this legislation. Further clarification of this would be appreciated.

8. Annex 3

Very confusing and poorly communicated. Can't guarantee that our understanding of this section is correct, it would be better to have some guidance in how this operates.

9. Annexes 4 & 5

No comment

10. General comments

- JAG would like to see a review of SCL legislation, its impacts and any unintended consequences after 12 months and before 24 months of being ratified by parliament.
- When permanent alienation is not triggered by an extractive project, restoration must be shown to be achievable preferably by demonstration, and confirmed by peer reviewed independent science. There is no known full rehabilitation of current SCL land back to existing land condition (without irrigation) anywhere in Australia. JAG is very wary of unfounded claims to restore or rehabilitate SCL without any available evidence to show currently.
- JAG would like some clarification on the protocol for a project approved where permanent alienation would not occur only for either due to the 50 year timeline being triggered or restoration is unable to be completed. It is worrying that some projects impacts and restoration of these may be too ambitious, and there is nothing (except a bond?) that is a disincentive to this. There is also considerable risk due to the timeframes that after a long amount of time (nearing 50 years) the necessary project information will not be available and the company won't exist.
- With the point above, when a project is approved with permanent alienation, mitigation is the next step. Generally mitigation will be considered as compensation. JAG would like to know whether this compensation is only given to the landholder, if that is over the 50 years, and is there a portion that goes to the government due to the permanent loss of the agricultural productive capability. Are there any other forms of mitigation, for example, offsets? What happens when the landholder is the extractive company? Secondly any monies government has raised this way and also by interest from the bond received from the proponent should go back into cropping research (equivalent to the % of cropping land affected).
- Lastly the reason SCL legislation has had to be developed is due to the governments interpretation of exceptional circumstances and overriding need. The lack of consideration to agricultural impacts of these projects for 'the greater good' has led to the existing Good Agricultural Land SPP 1/92 being displaced to a lack of trust. We asked respectfully that this does not happen with the new SCL legislation.

Unfortunately throughout the SCL process, JAG has submitted many times with many questions, suggestions and comments. We are very disappointed by the lack of acceptable feedback from DERM. Cropping is a complex business where time taken to give reasonable comment is not done lightly. It is somewhat annoying with such important legislation, feedback from the government has not been forthcoming which is why we have repeated some points from last year. There are important comments and questions raised within our submission that must be addressed. JAG looks forward to getting this feedback and thank you for including us in the review process.