# Bendee Farming Pty Ltd

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The Research Director
Environment, Agriculture, Resource and Energy Committee
Parliament House
George Street
Brisbane QLD 4000

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To whom it may concern:

***Re: Comment of Proposed Strategic Cropping Land Policy***

We own and operate a large scale family owned dryland cropping and beef cattle operation in Queensland's central highlands known as The Golden Triangle. Our family has been farming here for over 30 years. This premium farming region - CQ's Golden Triangle is uniquely located in the most northern grain and fiber production area in Qld, which provides a geographic hedge against crop failure in southern regions.

At the heart of Central Queensland's 'Golden Triangle', the Springsure Creek EPC 891 contains 33,646 ha of Strategic Cropping Land, 79% of its area. This comprises greater than 10% of the total Central Protection Area where Strategic Cropping Land may exist within Central Queensland.

We have been heavily involved with Future Food Queensland (FFQ) a lobby group formed in 2008 by a group of farmers to address the loss of prime farming land to the effects of large scale mining in Queensland. FFQ has played an active role in lobbying for, advocating for, and

working with Government for this Strategic Cropping Land Legislation to protect prime farming land for future food production.

Last year when, the Minister for Natural Resources Stephen Robertson, announced the framework for the proposed strategic cropping land policy, the Golden Triangle Community were encouraged by what appeared to be a very positive step by the Queensland State Government. Unfortunately with the release o f the proposed legislation this has been replaced with utter disbelief and bitter disappointment.

## The Springsure Creek Coal Project (EPC 891) should not be excluded from the Strategic Cropping Land legislation and Clauses 282 and 283 should be deleted from the Bill.

There is no justification for the special transitional arrangements given to Bandanna Energy and the inclusion of clauses 282 and 283 in the legislation:

- This is not a project of state or public significance
- This is not a project in an advanced stage of development
- This project did not have a final terms of reference on 31st May 2011
- An application for a Mineral Development Licence was made to the mining registrar on 17th October 2011. As of today 03.11.2011, Bandanna Energy have not received a certificate of application for a Mineral Development Licence under the *Mineral Resources Act 1989 (Qld)*
- Despite public statements to the contrary this always was an underground project - there was no show of commitment to the SCL Policy by Bandanna Energy through a change of plans from open cut to underground.
- This is a decision made by a government who have not once been to visit the area and get an appreciation for what is at stake – despite numerous invitations

**It is unacceptable that an individual company benefits from exclusion to the new legislation. *Especially when Bandanna Energy did not even come close to meeting the "Transitional Arrangements" for SCL having missed the deadline for their TOR and also lacking an application for a MDL. The Transitional Arrangements clearly state that both the TOR <u>and</u> MDL applications had to be in place by the 31st of May.***

***Planning Process***

We believe that there needs for a visionary planning process adopted towards the mining / farming interface in all mining operations.  There are currently Natural Resources Management Groups (NRM groups) throughout Qld for regional plans that are consistent in design to legislated Statutory Regional Plans, and that already have community acceptance.

These plans identify "key" assets in their catchments' that the communities are keen to protect, and for which the Federal and State Governments hold these NRM groups to account for their activities.

How has the mining industry been allowed to operate outside these community plans? Bandanna Energy has not attempted any consultation process with the local  Golden Triangle community.

If mining companies were to "master plan" their mining sites in consultation with the community, NRM groups and Government before operations commenced, I am sure there would be less angst in regional communities.

The legislation also needs to provide for initial landscape planning in consultation with NRM groups, community and Governments to provide for a master plan for the landscape after mining has been completed.

***Subsidence and rehabilitation***

Mining companies and Government officers are of the opinion that if an open-cut mine proposed on deemed SCL can be operated underground, then damage to the SCL will be minimized.

Minister Nolan has also stated on ABC Radio on the 13th July 2011 that a "very significant concession" was extracted from Bandanna Energy when it agreed to change its Springsure Creek project from open-cut to an underground mine.  This project is and was always an underground project and thus that has been no concession made by Bandanna Energy. Bandanna Energy has demonstrated their disregard to existing government legislation through the number of un-rehabilitated exploration holes.

Experience at "Gordon Downs" near Emerald on the Central Highlands has shown that underground mining and SCL are not compatible. The land above the "long wall" mining at Gordon Downs is subsiding to such a degree that it is now only used for grazing.  It has been observed that cattle have broken their legs while walking across the cracks in the ground as the surface subsides. It is a nightmare to ride horses across the "cracked" ground to muster the

cattle. There is no justification for assuming that the subsidence can be overcome and there are no examples of this anywhere in Australia.

“Gordon Downs” was a high profile and controversial situation when it was allowed to be mined. It was the biggest, organic grain farm in the southern hemisphere and there was a community outcry and a large court case to allow the farming country on it to be destroyed. The mining industry has had a really good chance to demonstrate that SCL could be rehabilitated on “Gordon Downs”, but has failed to do so. Claims that “longwall mining can be rehabilitated back to SCL” ring hollow when the mining industry has failed to achieve rehab on such a recent and high profile situation.

The Commercial viability must also come into play when looking at rehabilitation options.

The legislation has to be very clear that if the effect of underground mining does occur on the surface of SCL, the companies will be made liable. Bonds must be held to rehabilitate in future years. It is important to note that subsidence may occur a long time after mining has finished, and there may be no-one left to clean up the mess. A good example of this would be the environmental disaster at Mt Morgan where toxic chemicals leach into the local water system and the state government is left with the problem – the mining company no longer exists. It is not unconceivable to expect that subsidence may still occur even 100 years after the mining has finished. How can the risk of subsidence tens of years later be dealt with?

**Coal Seam Gas Inclusion**

It seems to be a huge over sight to not include CSG from the legislation, as it stands to affect SCL through both ground water and soil toxicity. If CSG is not brought into SCL legislation, how can this type of mining approval demonstrate an open and transparent process? With assessment through the SCL Legislation and mining companies and the community can be at ease that CSG projects that are approved will not damage or destroy SCL.

**Offsets and Mitigation.**

SCL is a finite resource that cannot be replaced. It is clear that future generations of Australians will use this resource for food, jobs and wealth. Allowing offsets and mitigation is only destroying a very limited resource that the SCL Legislation has been created to protect. Surely our children deserve better planning, thought and legacy from our generation, when there are

such vast reserves of coal in low productivity areas of the state. There is no justification to encroach on SCL when we have so many other options.

**The legislation in its current form as introduced to Parliament does not show any commitment to the protection of prime agricultural land.**

We strongly propose that:

- The statutory exclusion, in clauses 282 and 283, of applications arising under EPC 891 be deleted from the bill.
- That there is a consultation process with NRM groups, community and Governments to provide for a master plan for the landscape after mining has been completed.
- Mining companies will be made liable of effect of underground mining that occurs on the surface of SCL, with bonds must be held to rehabilitate.
- Longwall mining is not compatible with SCL and should not occur until it can be proven to be rehabilitated on an existing mine site.
- Mitigation and Offsets should not be allowed in the SCL legislation.
- CSG projects should be assessed under the SCL Legislation.

Thank-you for taking the time to consider our suggestions

Kind Regards

Andrew & Jocie Bate

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