

From: [REDACTED]
To: [State Development Infrastructure and Industry Committee](#)
Subject: Re: Invitation to make a supplementary submission on the Regional Planning Interests Bill 2013
Date: Monday, 24 February 2014 12:59:55 PM

Thank you for this opportunity and my apologies for the late reply. SDPG would reiterate and emphasise the analysis of loopholes that is included in the Lock the Gate Alliance submission. Viz:

Loopholes

This Bill does not prevent mining activity in the three areas of regional interest: priority agricultural areas, priority living areas and strategic environmental areas. Rather, it makes it an offence to undertake mining activity in one of these areas without a regional authority. This is an important distinction. Despite the Government's very prominent agenda to remove "green tape" and reckless legislative actions so far in pursuit of that agenda, this Bill is nothing more than an additional bureaucratic hurdle that mining companies will need to clear in order to mine wherever they like. And it is not a very onerous hurdle, at that.

Even this very poor proposal, that mining can occur in any area of regional interest with a regional planning authority, is subject to numerous loopholes.

For example, section 17 (3) makes clear that regional planning authorities need only be obtained by those seeking to amend existing environmental authorities if the amendment is "major" – though there is no indication about who determines what constitutes a "major" amendment.

The core offences in sections 18 (1) and 18 (2) do not apply to "an exempt resource activity" thanks to section 18 (4). Exempt resource activities include any activity for which there is a conduct and compensation agreement in place that has not been breached, and the activity "is not likely to have a significant impact on the priority agricultural area" or another property, owned by another person. Section 10 (1) of Schedule 1 of the *Mineral Resources Act 1989* makes conduct and compensation agreements a mandatory requirement for any person seeking to enter private land in an exploration tenement area to carry out an advanced activity and section 500 of the *Petroleum and Gas (Production and Safety) Act 2004* makes the same provision for petroleum authorities. Any company that is intending to enter property they do not own for the purposes of mining would have to undertake negotiations for one of these agreements, so it seems extraordinary that securing one of these agreements would make them exempt from the need to obtain a regional planning authority. There is no explanation as to how obtaining an agreement with a landholder for access and use of their land would have any bearing on the impact of mining activities on strategic environmental areas, priority agricultural areas or priority living areas, as these are regional values, not within the power of a landholder to represent or act for. There is no description for a process to determine significant impact on neighbouring properties, or identify and assess the other properties that are likely to be affected.

Section 23 creates a loophole for activities carried out within 12 months of the issue of a resource authority where the impact of that activity is restored within 12 months. There is no indication of the decision-making process for applying this exemption, who monitors the restoration to ensure that it has occurred, or what penalty there would be for a resource activity authority holder that fails to comply with the 12 month deadline for restoration. The only provision to ensure

this loophole is met is a notice requirement under section 26.

Section 24 creates a loophole for resource authority holders to damage priority agricultural areas if they are doing it "in accordance with a resource activity work plan" that took effect before the land in question was in an area of regional interest, though limits this so that it is not available for activities that damage water resources. These work plans include:

- a work program for activities under a prospecting authority under section 23 of the *Petroleum and Gas (Production and Safety) Act 2004*
- a work program for the activities under an authority to prospect under section 2 of the *Petroleum Act 1923*
- a plan of operations under s287 of the *Environmental Protection Act* given to someone with a mining lease under the *Mineral Resources Act* or a petroleum lease under the *Petroleum and Gas (Production and Safety) Act 2004*
- A work program under Schedule 2 for a holder of a mining claim *Mineral Resources Act 1989*
- for a mineral development licence under the *Mineral Resources Act 1989*, a statement about the activities to be carried out under the licence approved by the Minister under that Act, section 186(3)(b).

Small-scale mining, as defined by the Environment Protection Act is also made exempt under section 25.

Kind regards
Sarah Moles
President,
Southern Downs Protection Group.

On Tue, Feb 18, 2014 at 4:10 PM, State Development Infrastructure and Industry Committee <sdiic@parliament.qld.gov.au> wrote:

Dear subscriber and submitter

The State Development, Infrastructure and Industry Committee is seeking supplementary written submissions on the Regional Planning Interests Bill 2013. This process is aimed at providing stakeholders with an additional opportunity to respond to the evidence that has been presented to the committee during the course of its inquiry.

The committee is accepting supplementary submissions up until 5.00pm on Tuesday 25 February 2014. Please send your submission via email to sdiic@parliament.qld.gov.au or post.

The committee is required to report to Parliament by Monday, 17 March 2014.

The evidence presented to the committee to date, along with the guidelines for making a submission are available from the committee's website - www.parliament.qld.gov.au/SDIIC.

The archive broadcast of the committee's last public hearing held in Brisbane is available from the Parliament's website via this link - <http://www.parliament.qld.gov.au/work-of->

[committees/broadcast-committee/archive.](#)

Should you have any questions about this process, please contact the committee's secretariat via email, sdic@parliament.qld.gov.au or phone, 3406 7230.

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State Development, Infrastructure and Industry Committee

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