



QMDC's Comments on the Review of the Strategic Cropping Land Framework Discussion Paper

9 September 2013

Submission to:

SCL Review
Land and Mines Policy
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These comments are presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

1.0 Background

QMDC was a member of the Strategic Cropping Land (SCL) Stakeholders' Advisory Group. The following comments represent ongoing issues QMDC has with the SCL framework. These issues were raised in QMDC's discussions and submissions on earlier proposed SCL legislation, policy and regulatory mechanisms.

QMDC's current comments are informed by ongoing consultation on SCL issues over a period of 3 years with the agricultural and resources industries, local government and the region's rural landholders and communities. However, it must also be recognised that SCL is a relatively new political invention and, as an organisation, we are worried by the progressive reduction in area protected resulting from this process. We are of the view that State Planning Policy 1/92 protected both 'good quality' grazing and cropping lands, involved a much more rigorous scientific process of investigation and assessment and avoided piecemeal or 'swiss cheese' development through the protection of larger more discrete agricultural areas.

QMDC's knowledge base on agriculture in the region is informed by and includes the practical on ground experience, research and wisdom of many farmers, soil and water scientists, extension officers, researchers, industry representatives, NRM managers, conservationists etc gathered over 30 years.



2.0 General comments

- 2.1 QMDC recognises the attempts to anticipate challenges associated with determining SCL. However, QMDC believes conflicting scientific and/or technical assessments are occurring as a result of the current legislation, negating attempts to provide a high level of certainty. The SCL Act has not provided certainty to all parties and has certainly not resulted in community confidence that agricultural land in the QMDB has been afforded essential protection.
- 2.2 Acknowledging the global context of food security is critical to the process of identifying and protecting SCL. QMDC remains concerned that the Act continues to fail to adequately recognise a growing world population with rising demands for food and the worldwide loss of arable land. This is reflected by the Act's lack of vision with regards to the need to acknowledge changing climate patterns, increasing climate variability and their implications for future food production. These climate impacts suggest SCL needs to be identified and protected in all climatic zones.
- 2.3 QMDC is strongly of the view that agricultural systems need functional landscapes and ecological systems, at a catchment and regional level. SCL legislation and policy therefore needs to be applied in a manner that retains agricultural uses across larger contiguous areas of land, preserves groundwater aquifers, avoids land use conflicts with all forms of development, and achieves habitat protection and weeds management so there is a landscape coordinated approach to implementing the policy.
- 2.4 QMDC asserts that the SCL Act results in a piecemeal development pattern with SCL interspersed with non-SCL. For this reason QMDC supports implementing agriculture policy with a level of planning required across a landscape or district/regional scale to differentiate and separate areas of industrial development from agriculture (agriculture on a range of soil qualities).
- 2.5 QMDC argues, that the environmental performance and ethical social practices of the mining sector need to be assessed in terms of the burdens this sector place on regional communities, and the natural resources and ecosystems they rely on to sustain themselves.
- 2.6 QMDC argues that because an assessment of the GDP offers a limited economic picture, the review needs to expand its parameters for assessment to include broader social factors such as the quality of life, mental health of farmers, effect on farm operations and consequent farm values, resilience of communities and related mining companies' social license to operate. GDP, for example, considers negative events such as car crashes, and floods etc as economically positive when clearly they are not! Environmental and social impacts including cultural heritage, sustainability indicators such as community well-being, and cultural preservation are missing from profit calculations.

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- 2.7 It is claimed by exploration companies that the long-term viability of mining and energy resources sector is dependent on the discovery of “large, commercial quality deposits”. QMDC asserts the contrary - it depends on the condition of, and the capacity of, natural resources to support human populations and their exploitation of the natural environment.
- 2.8 Mineral and energy deposits, because they are public resources may in many circumstances be best left in the ground. This is because the public good and interest is best met by promoting renewable energy resources especially if the condition of natural resources means any exploration and potential extraction will push that natural resource beyond its threshold limit. QMDC argue that a public resource should be managed for public good. The review should therefore focus on this, instead of being primarily concerned with company profit and regulatory obligation.
- 2.9 QMDC argues that the Queensland Government needs to slow the mining and energy industry down and protect public resources for future Australian generations. The faster it is mined, the faster it goes to other countries. International market driven CSG operations have had a huge cost and social impact on - the social cohesion of rural communities, the agricultural industry and rural landholders in Queensland.
- 2.10 QMDC believes the review needs to provide a robust economic analysis on “international demand” and “market failure”, and provide research data that analyses the manner that market forces influence decisions, both in a negative and positive way, on CSG production at a local, regional, and national level. QMDC argues the term ‘market failure’ should include economists’ failure to value agricultural development and environmental and ecosystem services in their measurement of GDP and business profits. What impact on the region’s communities and natural resource assets does placing more importance on the economy than the natural or social capital have? Without a considered response to the above issues what we have is policy failure and not market failure, where governance is defective/deficient.
- 2.11 Current research reports that total emissions for coal seam gas are very similar to coal if whole of life cycle emissions including fugitive emissions are accounted for. The review must address the protection of SCL in relation to carbon emissions and carbon offsets based on CSG mining life-cycle emissions (including direct, fugitive and downstream) when considering energy production and environmental sustainability. An assessment of carbon emissions and the carbon offsets required need to ensure that interactions between terrestrial carbon disturbance and coal seam gas production can be managed or mitigated for example by:
- reduction in the rate of deforestation and land degradation;
 - development of carbon sequestration projects in forestry and agriculture;
 - promoting energy efficiency;
 - development of alternative and renewable energy sources;
 - reduction in solid and liquid waste;
 - shifting to low emission transportation modes;

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- adopting optimal mining surface disturbance practices;
- soil and biomass storage, and
- advancing reclamation best practices.

2.12 QMDC asserts that by examining gas resources and reserves growth without examining the other natural resources associated with that gas is “navel gazing”. It paints a biased picture that promotes science in a silo ignoring the principles and values associated with ecological sustainable development. QMDC acknowledges that agriculture has led to significant modification of the environment. This should not be relied upon to justify further modification by the mining industry. QMDC believes because of the historical impact agriculture has had on the region’s physical and natural environment, precaution should be encouraged with regards to further modification and impact by new developments and industry to ensure the cumulative impacts do not push ecosystems and natural resources over their threshold limits.

3.0 Specific comments

3.1 *Question 1: Do you believe that the SCL framework and Act have achieved the stated policy intent and purposes?*

The failure to look at complete landscapes within which farming enterprises flourish, as well as a whole farm approach renders SCL legislation, policy and regulation as a token gesture towards protecting agricultural land. The result is a “spotted dog” map, spots of SCL interspersed with non SCL.

QMDC is concerned that because of the number of resource activities allowed to proceed that either involve major soil movement, long term storage dams or facilities or have inherent contamination risks then that land associated with these projects deemed strategic cropping land will not be able to be reinstated or fully restored to strategic cropping land condition. The development therefore permanently alienates rather than temporarily diminishes productivity.

QMDC argues that thorough and detailed rehabilitation research programmes have not yet demonstrated that mining prime agricultural land is only a temporary cessation to agricultural production and that disturbed landscapes and soils can be reconstructed to pre-mine capability and productivity. In order to return the soil close to its original state (and cropping potential), entire soil profiles would have to be cut into layers and then stockpiled separately and replaced, in order, after mining. Mixing of the soil profile is likely to result in depression of crop yields due to the increased salinity and exchangeable sodium percentage in the upper layers. Additionally, the stockpiling of soil, which would be necessitated because of the restraints of the mining process, would result in organic matter breakdown in the surface layer and in the dispersion and erosion of the subsoil layers. If the projects stockpiled a pile of topsoil for 10 years, most of it would be anaerobic. It would lose its biology and structure. Additionally infrastructure and activities situated in flood prone areas will mean that flooding poses the risk of further damage to stockpiles.



Other impacts on cropping soils undermining any protection afforded by SCL legislation include a reduction in the yield potential of the reinstated soil, loss or reduction of underground water supplies, soil erosion, and dust impacts on surrounding crops.

3.2 *Question 2: Are changes needed to these purposes in light of recent changes in policy?*

Yes.

3.3 *Question 3: Do you have any suggestions or ways to improve the accuracy of the trigger map?*

Remove the need for a trigger map as a means to simplify the process, reduce costs and create certainty. Implement in its place a **SCL map** (called a Priority Agricultural Area (PAA) in the Draft Darling Downs Statutory Regional Plan).

In order to inform potential areas to include on such a SCL map, the natural resources and primary industries departments under many and varied department names have conducted a number of scientifically rich land resource assessments. There is a dated but scientifically rigorous report “Assessment of the agricultural and pastoral potential of Queensland”, by EJ Weston, J Harbison, JK Leslie, KM Rosenthal and RJ Mayer. Agriculture Branch Technical Report No. 29, Queensland DPI, Brisbane (1981). This report includes maps of Queensland showing suitability for different agricultural purposes, albeit presented on the broad Australian Soils Atlas mapping units. There are 1455 units and each has been classified according to its cropping and pastoral potential. Land is classified as being well adapted or marginally adapted for permanent or rotational cropping (and for native pasture or sown pasture). This information is an invaluable resource that should be used to establish the **SCL map**. This report and its associated maps delineate clearly the most productive, and therefore strategic, cropping and pastoral areas. It should be used as a ‘starting position’ for defining where mining and coal seam gas exploration leases should not be permitted. More detailed land resource assessments have been conducted in localised districts, and these data sets should be considered in the preparation of any SCL map. If areas of national parks can be encircled we should surely be able to encircle areas of agricultural land of national significance as well.

Errol Weston and Harbison have a number of other publications see also *Weston et al – 1975 AJAAS special edition - Condamine Maranoa Basin Evaluation of Resources* and CSIRO did a Land Use survey circa 1975 of this area. Most if not all the work has been done – just forgotten – the Department did a lot of good enduring work in the old days – why has it been forgotten?



If land is released for coal seam gas or coal mining exploration and operational activities then the land classifications should be mapped and it should be shown from previous research that the land can be rehabilitated to its original productivity after the activities have been completed. There is a very poor industry record in this regard.

In terms of assessment processes, there is no need to re-invent a new process. There are well-established scientifically sound land resource assessment procedures and these established procedures should be utilized. The proposed 'dumbed-down, simplistic' approach developed around adherence to the 9 nominated criteria is not supported when perfectly good established procedures developed by eminent scientist over generations are available. These established procedures should NOT be banished.

- 3.4 *Question 4: Do the eight SCL soil criteria (slope, rockiness, gilgai microrelief, soil depth, drainage, soil pH, salinity and soil water storage) adequately reflect what should be considered Queensland's best cropping land? If not, what changes or additions are required?*

No. Criteria that is not able to be mapped should be removed ie gilgai microrelief, soil water storage and drainage. As indicated above, there is no need to re-invent a new process. There are well-established scientifically sound land resource assessment procedures and these established procedures should be utilized. The proposed 'dumbed-down, simplistic' approach developed around adherence to the 9 nominated criteria is not supported when perfectly good established procedures developed by eminent scientists over generations are available. These established procedures should NOT be banished.

- 3.5 *Question 5: Is the process for identifying and validating SCL effective and can it be improved or streamlined?*

No. Yes it can be improved. Refer to response 3.3 and recommendation of a **SCL map**. The process for identifying and validating is considered to the existing processes for identifying GQAL under SPP1/92. The process is not supported as it is considered to be too narrow and does not account for nearby land uses, other site specific land resource limitations and does not integrate with any water resource (surface water and groundwater) or biodiversity constraints. This wider landscape approach is considered essential to provide a genuine basis for determining areas that should be protected.

- 3.6 *Question 6: Are the current definitions of temporary impact and permanent impact on SCL appropriate or should they be refined?*

QMDC has repeatedly asserted a 50 year timeframe is too long and is therefore not an appropriate measure of time for the following reasons:

- The average age of landholders is 59 years however average length of land ownership (as per 2006 census) is 15 years
- A generation is considered 25 years



- Most State Government planning cycles are 5 years – some for example Water Plans are 10 -15 years at the most
- Delbessie Lease renewals are done to 30 years.

A 50 year timeframe therefore does not mirror key factors that address land use impacts and restoration of SCL.

3.7 *Question 7: Should greater clarity be provided about the type of activities that are considered to have a permanent and temporary impact on SCL?*

Yes.

3.8 *Question 8: Do you think the current concepts of protection areas and management areas are appropriate? If not, what changes are required?*

No. Refer to responses 3.3.and 3.5.

3.9 *Question 9: Do you believe that the current exceptional circumstance test is too inflexible?*

No. Discretionary decision making is not necessary or appropriate.

3.10 *Question 10: Is the mitigation process effective in addressing the loss of agricultural productivity to the State that occurs where permanent impacts on SCL are authorised?*

No - this seems to be a contradiction where permanent impacts need to be put through mitigation processes.

An avoidance principle should be clearly articulated so that all development must avoid impact on SCL that diminishes its integrity including the natural resources it is dependent on, agricultural enterprise viability, landholder mental health and capacity, community resilience etc. Legislation must ensure impacts on SCL are firstly avoided, then minimised and managed through appropriate and effective mitigation measures to achieve a net environmental gain.

Mitigation offsets must deliver 'like for like' SCL in context of the agricultural and ecological systems they exist within. This includes the functional landscapes and ecological systems associated with that SCL whilst also providing greater agricultural quality and quantity for the affected region. The size of the offset area should for example be larger than the area to be alienated for development if the SYSTEM is adversely impacted. The offset area must also include the opportunity of increasing the capacity of agricultural systems including associated functional landscapes and ecological systems.

QMDC has seen no assessments undertaken to determine whether mitigation measures proposed would have a "positive and enduring effect". Has this been done, and if so, by whom?



QMDC supports the requirement for financial assurance. QMDC is not confident that this can be accurately assessed at the time of deciding an application, especially if a resource activity is expected to continue over a 50 year timeframe. QMDC recommends that it be more clearly articulated that the amount set at the time of the application will be reviewed at regular intervals and be increased if necessary to reflect the real costs of restoration/rehabilitation or possible non-compliance.

QMDC asserts that the Queensland Government needs to secure a significant bond or proportion of financial assurance to safeguard against risk associated with the collapse/abandonment of companies and/or the resource industry. This security must consider the loss of rates, and increase of costs to local governments for management of infrastructure, resources and services as a direct result of the resource activity or development. The security must also be considerate of the unique issues of smaller rural and residential holdings and the compounded impact to communities and natural resource values of the area.

Additionally a pre-determined percentage of the financial assurance received from the applicant should be invested in natural resource management within the SCL area in order to provide future opportunities to establish new or improved cropping land that is supported and maintained by healthy and viable natural resources.

3.11 *Question 11: Should a more performance-based regulatory approach be adopted for the SCL Act and in particular the SCL Standard Conditions Code?*

No.

3.12 *Question 12: Should the SCL assessment process for resource activities be de-coupled from the Environmental Authority?*

No.

3.13 *Question 13: Are there alternative application and assessment approaches that would reduce public and private sector costs for administration of the SCL framework while achieving the policy intent?*

Yes. Refer to responses 3.3, 3.5, and 3.8

3.14 *Question 14: Are there other forms of development that should be excluded from SCL assessment?*

Need to decrease the number of exclusions and ensure current exclusions can demonstrate the viability of an agricultural enterprise and increase food production.



3.15 *Question 15: Do you think that the fees associated with SCL validation and assessments are too high?*

All fees should be based on actual costs.