



Review of the Strategic Cropping Land Framework Report

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Executive Summary

Background

Significant community concerns continue to be expressed regarding the impact of resource activities on the state's agricultural land assets. This concern is compounded by continued strong growth in the resource sector across Queensland, particularly coal seam gas (CSG) exploration and development in the Surat and Bowen basins.

In January 2012, the former government enacted the Strategic Cropping Land (SCL) Framework, to protect SCL from developments that lead to permanent impacts or diminished agricultural productivity.

Since its introduction, a number of policy commitments have been made in relation to the agricultural and resources sector, particularly ones that address the interaction between the two sectors through statutory regional planning processes. As a result of this changing policy and planning environment, the government has undertaken a review of the SCL Framework with a view to reforming the framework. The reformed SCL Framework will contribute to a coordinated and holistic policy framework for protecting and managing Queensland's best agricultural land.

This paper outlines the key issues raised by stakeholders during the consultation phase of the review, explores these issues within the government policy context and provides recommendations on ways to improve and reform the framework for further consideration by government.

Input from key stakeholders and the general public was a fundamental input to this review process. On 31 July 2013, the Department of Natural Resources and Mines (DNRM) released a discussion paper to generate discussion and ideas around the SCL review process for a period of six weeks. The department received over 960 submissions from interested stakeholders.

Summary of stakeholder views

Agricultural sector: generally supportive of the intent but felt that whilst the SCL Framework is a step in the right direction, a higher level of protection for SCL across the state should be implemented providing for protection of a greater area of SCL.

Resource sector: whilst supportive of the intent of the framework generally, they believe it has not resulted in additional protection of SCL and has added unnecessary and duplicative regulatory processes.

Local government: generally supportive of the intent of the framework, but raised concern about potential for unintended consequences (i.e. prevention of rural development and community infrastructure) and potential for SCL development assessment to be delegated to local government.

Development industry: similar views to the resource sector (i.e. are generally supportive of the intent but expressed concern about the level of additional regulatory burden and impact on economic development).

Summary of recommendations

Recommendation 1: SCL policy intent and objects

It is recommended that:

- the policy intent of the SCL Framework be retained to clearly articulate the state's interest in protecting high-value agricultural resources and that this intent is reflected in regional planning policy and regulation.

Recommendation 2: trigger map

It is recommended that:

- the accuracy of the trigger map be refined by utilising available and updated data (e.g. updated Queensland land use mapping data, digital elevation model and agricultural land audit information)
- a simple, low cost process be introduced to fix mapping errors and that the trigger map be regularly updated.

Recommendation 3: SCL zonal criteria and validation assessment process

It is recommended that:

- the eight biophysical SCL zonal criteria be retained in their current form
- the history of cropping test be removed as a mechanism to validate SCL
- the validation process be retained and a review of the SCL validation guidelines be undertaken to provide greater certainty as to acceptable methodologies and to streamline the process
- the public notification requirement associated with the validation process be removed but retain the landholder notification process
- fees associated with validation be reviewed and a tiered system introduced for validation applications.

Recommendation 4: Protection and Management Areas

It is recommended that:

- the current level of protection within SCL Protection and Management Areas be retained
- the relevant statutory regional plans incorporate the same level of protection currently afforded for development on SCL or potential SCL in protection areas (i.e. no permanent impact unless in exceptional circumstances).

Recommendation 5: development impact definitions

It is recommended that:

- the definition of 'pre-development condition' and 'permanent impact' be amended to provide greater flexibility
- the definition of 'permanent impact' be amended to remove reference to the 50-year time frame and place emphasis on rehabilitation standards
- a new category of 'low impact activity' (impact for 12 months or less) be introduced that is exempt from SCL assessment with strong general restoration requirements.

Recommendation 6: exceptional circumstances

It is recommended that:

- a form of ministerial ‘test’ remain available for developments that present conflict with the policy intent yet also provide a significant community benefit. This ‘test’ should operate in the same manner as exceptional circumstances, but provide greater flexibility and discretion.

Recommendation 7: mitigation

It is recommended that:

- existing mitigation arrangements be retained where permanent impacts on SCL are authorised to ensure that any mitigation contributes to regional outcomes of increasing agricultural production and research and development programs.

Recommendation 8: development assessment for resources activities

In relation to the SCL Standard Conditions Code (the code), it is recommended that:

- Part 1 of the code be removed
- the code be reviewed and amended to be more outcomes focused, performance-based and consistent with recommended development impact definitions
- remake the code to provide for self assessment for low risk/impacts activities
- retain linkage with the Environmental Authority and SCL decision and conditions.

More generally, it is recommended the protection decision assessment process moves towards a more outcomes/performance based conditioning framework consistent with government policy.

Recommendation 9: development assessment under the *Sustainable Planning Act 2011*

It is recommended that:

- in line with the government’s planning reform agenda, the agricultural state interest be facilitated in plan making and development assessment through the single State Planning Policy and associated planning instruments
- the state development assessment triggers for SCL be removed and the state no longer undertakes development assessment in relation to SCL.

Recommendation 10: financial assurance

It is recommended that:

- financial assurance arrangements are reviewed to ensure a single, integrated approach to financial assurance for environmental authorities and SCL.

Recommendation 11: SCL Science and Technical Implementation Committee (STIC)

It is recommended that:

- the provision related to the STIC be removed from the legislation and the group be disbanded.

Recommendation 12: links to Statutory Regional Planning

It is recommended that:

- the SCL Act be repealed and that the soil resource based mechanisms contained in the SCL Framework (as amended per the review findings) be incorporated in stand-alone legislation that addresses regional planning interests.

1.0 Introduction

Significant community concerns continue to be expressed about the impact of resource activities on the state's agricultural land assets. This concern is compounded by continued strong growth in the resource sector across Queensland, particularly CSG exploration and development in the Surat and Bowen basins.

In January 2012, the previous government enacted the Strategic Cropping Land (SCL) Framework, with the commencement of:

- the *Strategic Cropping Land Act 2011* (SCL Act)
- the *Strategic Cropping Land Regulation 2011* (SCL Regulation)
- *State Planning Policy 1/12: Protection of Queensland's strategic cropping land* (SPP 1/12).

The SCL Framework is intended to protect SCL from developments that lead to permanent impacts or diminished agricultural productivity.

Since the introduction of the SCL Framework, a number of commitments have been made by the Queensland Government which influences agricultural land policy and planning processes. This includes:

- building a four pillar economy
- doubling agricultural production by 2040 and undertaking an agricultural land audit
- streamlining assessment and approval processes
- providing regulatory certainty for stakeholders
- facilitating co-existence of the agricultural and resource sectors
- empowering local governments to plan for their communities.

The government is currently undertaking major reform of the land use planning framework in Queensland. Already underway is the draft State Planning Policy (SPP) to replace all existing SPPs and the statutory regional plans for Central Queensland and Darling Downs, which have been prepared by the Department of State Development Infrastructure and Planning (DSDIP). Both processes seek to provide policy direction on the state's interest in agricultural land and its interaction with other forms of development, including resource development.

As a result of this changing policy and planning environment, the government has undertaken a review of the SCL Framework with a view to reforming the framework. The reformed SCL Framework will contribute to a coordinated and holistic policy framework for protecting and managing Queensland's agricultural land.

This paper outlines the key issues raised by stakeholders during the consultation phase of the review, explores these issues within the government policy context and provides recommendations on ways to improve and reform the framework.

1.1 Terms of reference

The overall purpose of the SCL Framework review is to:

- evaluate the effectiveness of the SCL Framework in achieving its stated intent and the success or otherwise of individual components of the SCL Framework
- develop and analyse options to improve the SCL Framework to:
 - provide an appropriate framework for agricultural land protection across Queensland
 - implement outcomes from statutory regional plans that apply to agricultural land.

The review focuses on achieving the following government goals:

- provide a streamlined regulatory framework and regulatory certainty to stakeholders
- balance the development needs and rights of landholders, the resource sector, local government and other land users.

1.2 Consultation process

Input from key stakeholders and the general public was a fundamental input to this review process. On 31 July 2013, DNRM released a discussion paper to generate discussion and ideas around the SCL review process for a period of six weeks. The department received 964 submissions from interested stakeholders.

In addition to written submissions, the department also undertook targeted meetings with a range of key stakeholders across the state. This included sessions with local government, landholders, resource companies, peak bodies and other interested parties.

2.0 SCL Framework Review

2.1 Overview

In undertaking the review, DNRM has explored a range of issues associated with the SCL Framework, including consideration of the feedback received from stakeholders. This report outlines the key findings, views of stakeholders and recommendations around the key components of the SCL Framework.

This paper examines the high level relationship between the SCL Framework and draft statutory regional plans and makes some policy recommendations about the key linkages and opportunities for alignment.

A discussion on the findings is presented within the following sections of this paper along with recommendations to government on improvements and reforms.

2.2 Intent and purpose of the SCL Framework and SCL Act

The SCL Framework aims to protect the state's best cropping land by managing impacts of development on agricultural productivity. The policy intent of the SCL Framework is as follows:

“The best cropping land, defined as strategic cropping land, is a finite resource that must be conserved and managed for the longer term. As a general aim, planning and approval powers should be used to protect such land from those developments that lead to its permanent alienation or diminished productivity.”

The purposes of the SCL Act are to:

- protect land that is highly suitable for cropping
- manage the impacts of development on that land
- preserve the productive capacity of that land for future generations.

In order to achieve its intent and purposes, the SCL Act sets out the following principles for development on SCL or potential SCL:

- **protection** – to protect SCL
- **avoidance** – if it is reasonably practicable to do so, development must avoid SCL
- **minimisation** – wherever possible minimise development impacts on SCL and if impacts are temporary fully restore the area back to its predevelopment condition
- **mitigation** – if land is permanently impacted, then mitigation measures must be provided that have a positive and enduring effect on the future productivity of cropping in the state.

The introduction of the concept of ‘co-existence’ in the statutory regional plans for Central Queensland and Darling Downs means that there is a new frame cast on the interaction between the resource and agriculture sector – one that seeks to promote multiple land uses (particularly mutually beneficial outcomes), as opposed to a framework based solely on protecting a land resource.

Under the current SCL Framework, SCL is a ‘state interest’ managed across the state and not a protection at the property level.

Stakeholder feedback

Consultation on the SCL Framework identified that stakeholders were in agreement that the present policy intent of the framework is appropriate. However, there were differences in whether the intent of the Act has actually been achieved in practice.

In general, the agricultural sector believes that the SCL Act's implementation has not achieved its intent to 'protect' the state's best cropping land. The common view being that providing the ability for government to authorise developments with a permanent impact, providing mitigation is paid, does not achieve the objectives of the Act. Stakeholders were of the view that the resource industry has used mitigation as a levy or tax on development and therefore does not achieve protection of SCL.

Further, there was a strong view from the agricultural sector that all high quality agricultural land, of which SCL is a component, should be protected from non-agricultural impacts. In many instances protection was seen as a complete prohibition of non-agricultural activities (particularly resource activities) on SCL. This view was particularly prevalent in submissions from landholders from the agricultural sector.

The resource sector generally did not think the SCL Act has achieved its objectives and argued that it has introduced regulatory and cost burden without significant benefit to the agricultural industry. The resource sector expressed a desire for greater flexibility in the framework, particularly as it relates to promoting co-existence and encouraging innovation.

Local government had mixed views on SCL. Local government representatives were generally supportive of the intent of the SCL Framework to manage the interaction between resource activities and agriculture. However, they raised a range of concerns around urban and other forms of development that SCL constrains (particularly development such as urban expansion around existing centres, rural activities and community infrastructure).

There is limited data on the extent of development that the SCL Act has prevented, however anecdotal advice suggests that the implementation of the framework has resulted in significant changes in resource company behaviour and planning responses as they relate to SCL. For example, many CSG companies have changed practice to avoid areas of SCL in the location of CSG infrastructure based on the significant cost of approvals, thus minimising impacts on SCL.

Recommendation 1

It is recommended that:

- the policy intent of the SCL Framework be retained to clearly articulate the state's interest in protecting high-value agricultural resources and that this intent is reflected in regional planning policy and regulation.

This will ensure that the state's interest in agricultural land is clearly articulated, whilst recognising the changing policy context associated with co-existence and providing for integration into the regional planning framework. This recommendation is likely to be supported by all stakeholders; however some segments of the agricultural sector will continue to assert that co-existence is not achievable.

2.3 Trigger map

The SCL Act provides for the application of a trigger map, which spatially identifies SCL, or potential SCL based on the best available soil, land, land use and climate information and data.

Development activity, where proposed within the trigger map area, is required to address the provisions of the SCL Act. A validation process is available for a landholder or proponent to confirm that land is or is not SCL.

Since the commencement of the SCL Framework, the department has identified a number of ways in which the accuracy of the map can be improved. On 21 December 2012, an initial review of the trigger map was undertaken to correct inaccuracies in the mapping. This included removing from the map areas that were unlikely to be SCL (i.e. mine pits, urban areas in local government planning schemes and urban footprints in regional plans, etc.).

The Department of Agriculture, Fisheries and Forestry (DAFF) has recently completed the Agricultural Land Audit and produced updated spatial information on the potential areas for broadacre cropping, sugarcane and annual and potential horticulture at a regional scale. DAFF has also updated the same spatial datasets that were used to produce the SCL trigger map for SCL.

The following data has been identified as having potential to improve the accuracy of the SCL trigger map:

- Updated Queensland Land Use Mapping (QLUMP) data (2009 – 2012)
- Digital elevation model (DEM) data
- Agricultural Land Audit.

Stakeholder feedback

The accuracy of the trigger map was an area of significant issue raised by all stakeholders. A range of agricultural and resource sector stakeholders raised significant concerns about the inaccuracies contained in the map.

The resource sector noted that the inclusion of land that is obviously not SCL in the SCL trigger map requires companies to go through an unnecessary costly and time consuming validation process, with little benefit in terms of the protection of SCL.

A number of stakeholders suggested that a simple, free or low cost process to allow the trigger map to be amended be incorporated into the SCL Framework to reduce cost and administrative burden.

A number of stakeholders also noted that a range of updated data is already available that could be used to improve the accuracy of the mapping. Reference was made particularly to the revised spatial data on potential cropping land produced by the Agricultural Land Audit and the availability of updated QLUMP data.

It was seen as important that there is a single set of baseline spatial soil and land data that is used by all government agencies for planning purposes (e.g. SCL, statutory regional plans, single SPP).

A range of stakeholders also believed that the SCL trigger map should be consistent with the soil and land mapping that is used to define priority agricultural areas in regional plans and the state's interest in agriculture in the new single State Planning Policy. The aim is to reduce

confusion over which level of government is responsible for assessing development proposals on SCL and other forms of agricultural land.

Recommendation 2

It is recommended that the accuracy of the trigger map be refined. This could be achieved by potentially utilising the following data:

- Updated Queensland Land Use Mapping data (2009 – 2012)
- Digital elevation model (DEM) data
- Agricultural Land Audit (DAFF, 2013) data.

It is further recommended that:

- a simple and no/low cost process be introduced that allows for the identification and fixing of clear mapping areas
- the trigger map be regularly updated and a process be included in the legislation that facilitates this updating process.

Implementation of this recommendation will ensure that the amount of validation applications required will be minimised and the administrative burden to the resource and development industries significantly reduced, without any reduction in the area of land protect as SCL.

This recommendation is likely to be strongly supported by all sectors.

2.4 SCL zonal criteria and validation process

SCL zonal criteria

Since the SCL legislation commenced, stakeholders have expressed their concern about the appropriateness of the individual SCL zonal criteria. The review has provided an opportunity for stakeholders to provide feedback on the eight zonal criteria that identify strategic cropping land.

The SCL trigger map is the starting point for determining whether an area is SCL by identifying where SCL may exist based on best available data. The maps show land within the five SCL zones of likely SCL which reflect regional differences in climate, land forms and cropping systems in the eastern part of Queensland. The SCL criteria only apply within these zones.

While the maps identify likely SCL, an on-ground assessment against criteria will allow the extent of SCL to be confirmed. The criteria are consistent across the five SCL cropping areas although different threshold values define specific soil and landscape features within each zone.

There are eight criteria that identify SCL—slope, rockiness, gilgai microrelief, soil depth, drainage, soil pH, salinity and soil water storage. These criteria are inclusionary and have clear threshold levels i.e. when one criterion is not met, then the site area is not SCL and further assessment at that site ceases.

A guideline describes the assessment process for the criteria, ordered from the most easily determined above ground measures such as slope and rockiness to more complex measures such as salinity and soil water storage. This order is designed to reduce the assessment burden and costs; however it is not essential that the assessment proceed in this order. If the land fails a particular criterion, there is no need to assess the other criterion.

The first three criteria of slope, rockiness and gilgai microrelief can generally be assessed without technical expertise. Specialists are often required to assess the more complex criteria of soil drainage, soil pH, salinity and soil water storage. Engaging consultants with competency in land and soil resources assessment is an issue in terms of availability, timeframe, costs and quality assurance. The costs in engaging consultants and laboratory tests in assessing SCL criteria can be in excess of \$100 000.

The SCL Framework provides for a validation process whereby applicants can apply to confirm land to be SCL or non-SCL. Concern has been expressed by stakeholders about the purpose of the current process and its associated time delays and costs.

Validation

The validation process in a Protection Area requires the applicant to undertake an on-ground assessment against eight zonal criteria. In a Management Area, it involves an on-ground assessment against eight zonal criteria and undertaking a history of cropping assessment.

The process requirements for an on-ground assessment of the zonal criteria are prescriptive and costly and there are limited soil scientists qualified to undertake this work. Once the soils assessment is complete, it is submitted to the DNRM with a completed application form for assessment and decision.

The validation process also includes a component on the history of cropping on the land. This can be undertaken in relation to SCL or potential SCL in a Management Area only. Within the Management Area, land needs to demonstrate the required cropping history and meet the zonal criteria to be validated as SCL. That is, if land in the Management Area does not meet one of these assessments then it cannot be validated as SCL, and the other assessment is not required.

A history of cropping assessment is based on land use, particularly whether the land has been cropped or cultivated over a period of time (1 January 1999 to 31 December 2010) or whether perennial crops or timber plantations existed on a property during a certain period (for three years or more between 1 January 1999 and 31 December 2010). The cropping history assessment applies at a property level - that is the entire property is assessed to determine whether a crop was grown somewhere on a property.

Demonstrating evidence of cropping or cultivation requires a reasonable level of proof. Aerial photography or satellite imagery such as LANDSAT, SPOT or MODIS or free online imagery such as Google earth and Nearmap can be used as sufficient evidence to demonstrate that cropping did not occur in a particular year.

Similar to the soils assessment against the zonal criteria, once a history of cropping has been undertaken by an applicant, it is submitted to the DNRM for their assessment and decision. A guideline has been developed that outlines the process for history of cropping test.

It is important to note that the identification of priority agricultural land uses (PALUs) under the Darling Downs and Central Queensland Statutory Regional Plans is based around a similar notion of land use history.

Once a validation application is accepted by DNRM, the application undergoes a public notice and submissions stage.

The applicant must publish an application notice in a newspaper that generally circulates in each of the local government areas that may be affected by the application. This gives the public an opportunity to review and provide comment on the technical details of the application. The applicant is required to provide all owners of the land with notification that their land is subject to a validation assessment.

The application is assessed, along with any submissions. DNRM then makes a validation decision as to whether the land subject to the application is SCL or non-SCL.

DNRM has produced a guideline which provides detailed advice on assessing SCL in relation to validation applications and how to undertake an assessment of the criteria to define or otherwise the extent of SCL. This guideline was produced prior to the introduction of the SCL Framework and has not been finalised.

Stakeholder views

SCL criteria

In general, stakeholders felt that the zonal criteria are considered appropriate, although individual criteria could be reviewed and amended in some instances. The minimum size test was considered by some agricultural stakeholders to move the validation process further away from a scientific or technical assessment of the resource.

As the identification and definition of SCL is limited to biophysical criteria, it was noted by the agricultural sector that some highly productive agricultural land would not be identified as SCL as it did not fit the zonal criteria. It was suggested that any broadening of the criteria could result in additional areas to be categorised as potential SCL. Factors that could be considered in a revised assessment methodology could include, proximity to supporting infrastructure, access to water for irrigation, access to profitable markets and appropriate labour, suitable climatic conditions, and historical land use production figures.

Validation assessment process

The validation process has received criticism from all sectors for the time delays and costs associated with validating non-SCL and the fact that the responsibility falls with the applicant to undertake the assessment of whether or not an area is SCL. There is a general view that the cost should be borne by government as the test is based upon inaccurate mapping.

The agricultural sector noted that the significant cost associated with the application fees and technical assessment is prohibitive for landholders, and pointed to this as the reason for individual landholders not applying to have their land determined as SCL.

Whilst the resource industry raised some concerns around the history of cropping tests in relation to time delays and associated costs, it was expressed that it should be extended to

apply to validating non-SCL in the Protection Areas. The resource industry further suggested the following changes to the history of cropping tests:

- aerial photography that is required to demonstrate a history of cropping should be readily available to applicants, therefore reducing the costs associated with obtaining such data
- applications should be made directly to the State Government who should be responsible for undertaking the assessment on behalf of the applicant i.e. no consultant required to undertake assessment first
- reduction in application fees.

Overall the resource industry believes that with some minor modifications to the current history of cropping test and greater application across both Management Areas and Protection Areas, a more time and cost efficient process can be achieved (in comparison to undertaking soils testing/field work and testing compliance against the zonal criteria).

The resource sector have had issues with the application of the history of cropping test at the property scale and have stated that this results in significant areas being wrongly identified as having a history of cropping. This is seen as an additional cost and administrative burden that does protect areas that do not meet the SCL criteria in a management area.

The agricultural industry, on the other hand, has expressed that the history of cropping test should be removed from the SCL Framework as it allows applicants to demonstrate land is not SCL based on land use rather than land resource resulting in some of the state's best land resources being lost.

The Management Area includes major intensive farming areas used by the cotton, sugarcane and horticulture industries as well as broadacre farming in the Western Downs and northern Central Highlands. All of these areas have growth potential in areas of potential SCL that is not currently under cultivation. Agricultural stakeholders have quoted the purpose of the Act "to protect land that is highly suitable for cropping", and the Queensland Government's goal of doubling agricultural production by 2040 as justification for the removal of the history of cropping test.

Agricultural stakeholders point out the imbalance in the process of validating potential SCL in favour of ruling it out, as only one criteria can be used to rule land out but all criteria need to be met to rule it in.

The agricultural industry considered it appropriate for development and resource proponents to bear the costs of on-ground investigation and data collection to support an application for validation of SCL, based on the principle that the potential beneficiary of an application to exclude land from the SCL trigger map should pay the costs of proving their case.

Consistent with this approach, it was suggested that a reduced or refunded application fee may be appropriate for an applicant wishing to prove that land not identified on the SCL trigger map is in fact SCL, as there is no likely benefit to the successful applicant.

The resource sector identified issues with the validation guidelines in particular. It was noted that the SCL validation guidelines were never finalised and released prior to the commencement of the legislation. There was also concern expressed that interpretation of some of the guidelines has varied over time and that there was a lack of clarity around the use of certain technologies that have emerged that were not considered during the development of the guidelines.

Recommendation 3

It is recommended that:

- the eight biophysical SCL zonal criteria be retained in their current form
- the history of cropping test be removed as a mechanism to validate SCL
- the validation process be retained and a review of the SCL validation guidelines be undertaken to provide greater certainty as to acceptable methodologies and to streamline the process
- the public notification requirement associated with the validation process be removed but retain the landholder notification process
- fees associated with validation be reviewed and a tiered system introduced for validation applications.

These recommendations will retain the current level of SCL protection and maintain the ability for parties to validate in, or out, of SCL if they believe the land does, or does not, meet the criteria. This is an important part of the framework supported by all stakeholders.

These recommendations will likely not be supported by the resource sector as it will increase the area of land potentially indefinable as SCL (due to the removal of the cropping history test). The agricultural sector will strongly support this recommendation on the basis they wish to have the history of cropping test removed.

Any reform of the validation process will need to be undertaken in the context of linkages to the Statutory Regional Planning process, particularly in relation to the history of cropping test, which links closely to the history of land use test for Priority Agricultural Land Uses (PALUs) in a Priority Agricultural Area (PAA).

2.5 Protection and management areas

Under the SCL Framework agricultural land is protected through designation of SCL and potential SCL in Protection Areas and Management Areas. A higher level of protection is afforded to SCL and potential SCL within Protection Areas and development that will have a permanent impact on SCL or potential SCL cannot be approved unless deemed 'exceptional circumstances'. In the Management Areas, however, developments that have a permanent impact on SCL or potential SCL can proceed albeit with mitigation requirements.

There are a number of processes for different types of development in each area which are broadly categorised as having either a permanent or temporary impact.

Potential processes applying to a permanent or temporary resource activity on SCL or potential SCL in a Protection Area or Management Area include validation, development assessment (compliance certificate or protection decision), exceptional circumstances test, mitigation, financial assurance and assessment and application fees.

Development cannot occur on SCL or potential SCL in a Protection Area unless it is determined 'exceptional circumstances' by the Minister. Where a development is 'exceptional circumstances', it is still required to avoid and minimise impacts and mitigate. Development can occur on SCL or potential SCL in a Management Area but must first be avoided and then minimised to the maximum extent possible. Where development cannot be avoided or minimised in the Management Area, mitigation is applied.

Table 1: Development permitted under current SCL Framework

Development	Is development possible?	
	SCL Act Protection Area	SCL Act Management Area
Open cut mining (permanent impact)	No (exceptional circumstances)	Yes Conditional, Mitigation (\$)
Underground mining (permanent impact)	No (exceptional circumstances)	Yes Conditional, Mitigation (\$)
Underground mining (temporary impact)	Yes Conditional	Yes Conditional
CSG – major infrastructure (permanent impact)	No (exceptional circumstances)	Yes Conditional, Mitigation (\$)
CSG – pipelines, wells, roads etc (temporary impact)	Yes Conditional	Yes Conditional
Exploration (temporary impact)	Yes Conditional	Yes Conditional

It is important to note that the Protection Areas contained in the SCL Framework very closely align with two of the PAAs contained in the draft regional plans for Central Queensland and Darling Downs. However, there are parts of the protection area that are outside of the PAAs and regional planning areas i.e. those in South East Queensland (SEQ) and Wide Bay Burnett.

Stakeholder feedback

The agricultural sector has expressed a strong view that the split between the Protection and Management areas be removed and protection area provisions be extended to include Management Areas. This would create one base level of protection for all SCL across the state. It is further recommended that there is no history of cropping test and all development proposals on SCL to be subject to either the exceptional circumstances test for resource development or the overriding need test for SPA development.

The resource industry agree that the split between the Protection and Management Areas be removed, however believe the management area provisions be extended to include the Protection Areas. This is on the basis that no land use should be ruled out (i.e. currently no open cut mining allowed in a protection area unless deemed exceptional circumstances by the Minister) and it should be assessed on a case-by-case basis and whether land can be returned to its pre-development condition.

There are new and overlapping planning and implementation tools being used to describe agricultural land for the purpose of preserving and protecting it. The Agricultural Land Audit and regional plans have identified areas for important agricultural land that are closely aligned with SCL.

Some submitters from the resource sector have suggested that the Management Area provisions of the SCL Framework be removed on the basis that the new regional plans

express the state's interest in protection of agricultural land and in this context the Management Areas are not relevant.

Recommendation 4

It is recommended that:

- the current level of protection within SCL Protection and Management Areas be retained
- the relevant statutory regional plans incorporate the same level of protection currently afforded for development on SCL or potential SCL in protection areas (i.e. no permanent impact unless in exceptional circumstances).

This recommendation would generally not be supported by the agricultural sector on the basis that it has requested that the protection area provisions (including prohibitions) be expanded across the state.

However, it will likely be supported by the resource sector as it maintains the status quo for protection of SCL and provides for integration into the regional planning framework.

2.6 Definition of development impacts

The SCL Act defines development as either temporary or permanent; determined by the impacts on the land and the ability for such land to be returned to its pre-development condition following development.

Permanent impact is defined under the SCL Act as:

- a) the carrying out impedes the land from being cropped for at least 50 years; or*
- b) because of the carrying out, the land can not be restored to its pre-development condition; or*
- c) the activity is or involves—*
 - o open-cut mining; or*
 - o storing hazardous mine wastes, including, for example, tailings dams, overburden or waste rock dumps.*

A development is temporary if it is not permanent.

Pre-development condition is defined in Schedule 2 of the SCL Act as meaning *that the land is restored to—*

- a) its condition before the development started; or*
- b) if the condition can not be worked out—a condition consistent with contiguous SCL for the land.*

The application of these definitions is unclear as the impacts of development, and the ability to return land to its pre-development condition are uncertain (e.g. for an underground mine – the level of subsidence).

Whilst there are good examples from around the world of how impacts from development have been well managed (e.g. the United States of America) the soil characteristics in Australia are different and therefore do not necessarily translate. There are currently no projects in Australia that are advanced enough to provide good examples of methods that could be used to return developed land back to its pre-development condition (particularly using open cut and underground mining techniques).

Under the current interpretation of the SCL Act by DNRM, land is successfully returned to its pre-development condition if the following remain the same:

- soil profile characteristics
- soil properties (chemical, physical, biological)
- topography
- pre-development landform (surface or subsurface drainage).

There is a common misperception that pre-development condition does not relate to soils and landform but rather land use and its yield/productivity.

Stakeholder feedback

There were a range of views expressed by stakeholders on development definition.

Some segments of the agricultural industry believe that no land used for a resource development can be returned to its pre-developed condition, particularly in relation to open cut mining.

The SCL Act currently defines temporary impact as 50 years which is seen as too long for cropping land to be removed from agricultural production by many parts of the agricultural sector. This is on the basis that this time period represents over two generations of typical farm business ownership and far exceeds a standard farm planning and investment cycle.

The resource industry raised concerns about the use of a timeframe to determine whether a development will result in a permanent impact. They commented that impacts should be based on whether land can be returned to its pre-developed condition being based on land use/yield and productivity rather than land form. This could be aligned with the environmental impact assessment (EIA) process which identifies impacts based on the action causing the impact, the unmitigated impact and the residual impact.

The resource sector believe the current definitions of temporary and permanent impact are very prescriptive. As a whole, they do not like the term permanent impact as it presents a number of implementation challenges and implies a negative outcome. Generally, the resource sector have sought to amend the definitions to be more flexible.

Another key concern of the resource sector was a large range of low impact exploration related activities are caught up in the SCL framework, that present a very low risk of impact and are already governed by strong make good arrangements.

The agriculture industry recommended that the permanent and temporary definitions are benchmarked against underlying resource activities, and recognise that some impacts to land will not be able to be rehabilitated. The agricultural sector also called for greater clarity on what type of activities and impacts are considered to have a permanent and temporary impact on SCL. For example some parts of the agricultural sector have called for underground mining to be prescribed as a permanent impact.

Recommendation 5

It is recommended that:

- the definition of 'pre-development condition' and 'permanent impact' be amended to provide greater flexibility to conditionally approve development that will have a 'permanent impact' on SCL where there is evidence that rehabilitation will enable maintenance of productivity based on the same level of inputs
- the definition of 'permanent impact' be amended to remove reference to the 50-year timeframe and place emphasis on ability to rehabilitate to an acceptable level
- a new category of 'low impact activity' (impact for 12 months or less) be introduced that is exempt from SCL assessment with strong make good requirements.

It is recommended that a single set of impact definitions be introduced (SCL and regional planning) as follows:

- 'low impact' - less than 12 months (exempt from assessment)
- 'temporary impact' - greater than 12 months but able to be rehabilitated back to 'pre-development condition'
- 'permanent impact' - greater than 12 months but unable to be rehabilitated back to pre-development condition.

It is further recommended that 'pre-development condition' be redefined to include the following criteria (all of which must be met):

- to restore disturbed land to its pre-development landform i.e. slope, soil profile
- to restore disturbed land to equivalent or higher levels of yield as land prior to development based on the same management techniques and inputs.

This approach would align well with principles provided in the regional plans for Central Queensland and Darling Downs which include the protection of land use (i.e. agricultural yield/productivity) within PAAs. Further, the regional plans only focus on developments that will have an impact of greater than 12 months. It would result in maintaining the level of protection of SCL whilst streamlining administrative and approval processes.

It is likely that the agricultural sector may have concerns with this recommendation as it would allow greater flexibility to approve development that may have a landform impact on SCL (such as underground mining). It would however, be strongly supported by the resources sector as it would result in a significantly lower assessment of low risk activities.

2.7 Exceptional circumstances

The SCL Framework provides that development activities that have a permanent impact in a Protection Area cannot occur unless deemed 'exceptional circumstances' by the Minister. The 'exceptional circumstances' test exists to provide an avenue of approval despite the inconsistency with the policy intent of the SCL Act. Developments considered to be an exceptional circumstance will be rare and uncommon.

The benefits may include a social or community service, or an economic benefit to the state that overrides the need to protect SCL resources from permanent impacts. To be considered an exceptional circumstance, the development proposed must not result in significant adverse economic, environmental or social impacts and must demonstrate that:

- for resource development, the resource is not found at an alternative site in Queensland which is not on SCL (e.g. a rare mineral only found in certain parts of the state)
- for development assessed under the *Sustainable Planning Act 2009*, the development cannot occur anywhere else other than on SCL
- the development provides a significant community benefit to the state (e.g. a hospital or school).

Developments that are assessed as exceptional circumstances are required to make all efforts to avoid and minimise any impacts on SCL, and mitigate any permanent impacts.

As yet no applications for development in exceptional circumstances have been lodged. A number of factors have been identified for this, including:

- high cost of the application process (\$45,000 application fee)
- lack of flexibility in the exceptional circumstances test
- lack of certainty around decision making.

Stakeholder feedback

In the context of resource developments, the exceptional circumstance test has been criticised as it does not provide for any discretion to be used in the decision making process. For example, a coal mining proposal must be assessed on the basis of the availability of the resource across the state, irrelevant of the quality or type of resource. This effectively means that no coal mining project could be deemed an exceptional circumstance as an alternative coal resource could be accessed somewhere else in the state.

However, feedback from the agricultural sector and other community responses indicate that the exceptional circumstances test needs to be inflexible otherwise it will be used as a loop-hole to allow further SCL to be permanently impacted.

Recommendation 6

It is recommended that:

- a form of ministerial ‘test’ remain available for developments that present conflict with the policy intent yet also provide a significant community benefit
- this ‘test’ operate in the same manner as exceptional circumstances (but should provide greater flexibility and discretion).

This recommendation will not be supported by the agricultural sector as representatives have expressed a desire to retain the existing constraints of the test. Any further discretion is likely to be viewed as a loop-hole. The resource and development sectors will likely support strongly.

2.8 Mitigation

Under the current SCL Framework mitigation applies to development that government has authorised to occur on SCL, that will have a permanent impact on SCL and is in a Protection Area or in a Management Area. The value of mitigation is calculated by multiplying the number of hectares of SCL that will be permanently impacted by the rate prescribed in the SCL Regulation. Mitigation requirements may be met by payment into the Mitigation Fund and/or entering into a Mitigation Deed whereby the proponent supports or conducts activities that enhance cropping productivity.

Under the SCL Act there is no statutory timeframe for a proponent to meet their mitigation requirements, provided it is in place prior to the development commencing on SCL. It is not uncommon for there to be a significant time lapse between when a mitigation requirement is placed on a development and the commencement of the development.

To date approximately \$80 000 has been paid in mitigation payments to government for authorised activities, however up to \$1 million in mitigation has been conditioned by government through approvals, though not yet commenced.

The Queensland Government is also in the process of reviewing its Biodiversity Offsets Policy. Whilst not strictly an environmental value, mitigation payments can be considered an offset in a financial sense – their purpose is to offset productivity loss associated with authorisation of the permanent loss of SCL. It is important to investigate options to integrate the administration of mitigation through this process and streamline the process where possible.

Stakeholder feedback

Whilst mitigation was strongly supported by the resources sector during the development of the SCL Framework, currently there is a perception by some parts of the resource industry that they are paying for development impacts three times: through royalties; through payment to the landholders in access agreements; and through mitigation for the loss of productive land.

Some parts of the resource sector have suggested that mitigation could go further and that the SCL framework should provide for ‘SCL offsets’. The suggestion is that further land that is currently not cropped (but has the capacity to be) could be developed on the back of resource activities (i.e. CSG). This could include access to resources such as water, or improvement to infrastructure.

The agricultural sector has noted concern about the ability to achieve productivity gains through the use of mitigation payments. The lack of utilisation of the existing payments is viewed by some in the sector as a concern about government’s ability to achieve productivity benefits to offset permanent impacts. The Department of Agriculture, Fisheries and Forestry (DAFF) supports the need for mitigation arrangements to contribute to regional outcomes of increasing agricultural production however consider that the onus be placed on proponents to require them to undertake mitigation directly.

Recommendation 7

It is recommended that the existing mitigation arrangements be retained where permanent impacts on SCL are authorised to ensure that any mitigation contributes to regional outcomes of increasing agricultural production and research and development programs.

2.9 Development assessment for resource activities

The development assessment process for resource activities under the SCL Act on SCL or potential SCL requires one of the following to be obtained prior to the issuing of an Environmental Authority (EA) by the Department of Environment and Heritage Protection (EHP):

- compliance certificate
- protection decision
- exceptional circumstances decision.

A compliance certificate can be applied where the proposed resource activity demonstrates compliance with the Standard Conditions Code (in its entirety). Exceptional circumstances can be applied for where the proposed resource activity is in a Protection Area and will result in a permanent impact. A protection decision is required in all other circumstances.

A compliance certificate is issued when the government is satisfied the proposed resource activity complies with the Standard Conditions Code.

There are three parts to the Standard Conditions Code – each for different types of resource activities:

- Part 1: applicable where amending an existing EA and there are no changes to the resource activity's footprint size, or impacts generated from the resource activity.
- Part 2: applicable for activities such as hand mining and excavation, sample pits and geotechnical pits, stockpiling soils, access tracks, dust suppression, surveying, exploratory drilling and water monitoring activities.
- Part 3: applicable for activities such as excavation, buried linear infrastructure, sample pits and geotechnical pits, stockpiling soil, well leases, lay down areas, chemical and fuel storage, sumps, access tracks, geophysical surveying, exploratory drilling and core holes, water monitoring bores, temporary camps and accommodation.

To comply with the Standard Conditions Code, an applicant must demonstrate compliance with or a commitment to comply with all aspects of the relevant part of the Code. The Standard Conditions Code attaches to the EA.

A protection decision is issued by the government when it is satisfied that the impacts on SCL or potential SCL from the proposed resource activity are, in the first instance, avoided to the greatest extent and in the second instance, minimised.

In order to assist the government in making a decision, an application for a protection decision, among other things, must be accompanied by a Development Impact Report. A Development Impact Report should include information on the resource activity including its location, construction and operation methodology including timeframes, potential impacts and how impacts will be avoided, minimised and mitigated or restored.

If the proposed resource activity requires an Environmental Impact Statement (EIS) under the *State Development and Public Works Organisation Act 1971* or the EP Act, the Land Resources chapter of the EIS would effectively form the Development Impact Report and limited additional work would be required for the Protection Decision application. The Land Resources chapter of an EIS generally has to include information on the proposed resource activity's impact on the land including its impact on soil and how such impact(s) would be avoided, minimised and mitigated.

Where no EIS is required for the proposed resource activity, this information is likely to be required during the application process for an Environmental Authority under the EP Act (e.g. a variation application and a site specific application require, at a minimum, an assessment of risks and impacts and information on management practices and rehabilitation).

The government can issue protection decision conditions which attach to the EA. Protection decision conditions issued to date have included matters relating to: location of activities, mitigation, financial assurance, soils disturbance and stockpiling, restoration and monitoring.

Stakeholder feedback

The resource sector have been critical of the prescriptive nature of development decisions and the standard conditions code associated with SCL. Generally, the resource sector are keen for the department to adopt a more outcomes focused approach to development assessment, consistent with the type of approach adopted by the EHP in relation to EA assessment and codes.

The resource sector have been highly critical of SCL standard conditions code. It is claimed that the prescriptive nature of the code stifles innovation and has had the perverse outcome of requiring resource companies to remove or prevent development of infrastructure that would be gladly accepted by landholders and provide a benefit from a productivity perspective (for example all weather tracks and dams).

Recommendation 8

In relation to the SCL Standard Conditions Code it is recommended that:

- Part 1 of the Code be removed as it does not involve the assessment of additional impacts on SCL
- the Standard Conditions Code be reviewed and amended to be more outcomes focused and performance based and consistent with proposed development impact definitions
- remake the Code as a self assessable code for low impact / risk activities
- retain the linkage with the Environmental Authority and better integrate the SCL and EA development assessment process.

More generally it is recommended that the protection decision assessment process move towards a more outcomes/performance based conditioning framework consistent with government policy.

Review of the SCL Standard Conditions should be undertaken concurrently with the development of the Regional Plan Coexistence Conditions, with a view to a single instrument regulating impacts on soil and land use.

It is likely that the resources sector will strongly support this recommendation on the basis that it provides a streamlined and performance based approach to resource sector SCL assessments. Conversely the agricultural sector may see this as a weakening of the SCL protection due to prescriptive assessment processes.

This recommendation is strongly in line with government policy of reducing red tape.

2.10 SCL development assessment under the *Sustainable Planning Act 2009*

Development captured under the *Sustainable Planning Act 2009* (SPA) (i.e. urban development) located on SCL or potential SCL requires approval as per the SCL Act. The component of the SCL Framework that deals with SPA development assessment has recently transitioned from the SCL SPP to the State Development and Assessment Provisions. The component of the SCL SPP dealing with identifying SCL in local government planning schemes is still in force until the SPP is introduced (proposed for November 2013).

SPP 1/12 sets out development assessment criteria for a Material Change of Use (MCU) and Reconfiguration of a Lot (RoL). The criteria are now reflected in the State Development

Assessment Provisions (SDAP) introduced by the Department of Infrastructure and Planning (DSDIP) on 1 July 2013 – specifically Module 6, particular development on SCL state code. Any development application for a MCU or RoL on SCL or potential SCL must address the SDAP. This trigger means all types of MCUs and RoLs are captured, regardless of scale and nature.

However, recent amendments to the *Sustainable Planning Regulation 2009* (SP Regulation) have resulted in the following exemptions:

- intensive animal industries (feedlots, piggeries and poultry)
- aquaculture
- stock saleyards
- community infrastructure (listed in Schedule 2 of SP Regulation).

Other exemptions introduced under the SP Regulation include development for: domestic housing activity; development in an urban area; development in the urban footprint under a regional plan; and development in a key resource area (if consistent with the KRA).

In addition, there has also been scrutiny placed on the role of the state assessment process for reconfiguration applications (e.g. boundary realignments) on SCL and it has been suggested that this is an area where further exemptions may be appropriate.

DSDIP is currently developing a single State Planning Policy (SPP). The draft SPP provides for the long-term growth of the agricultural sector by supporting and facilitating industry development and protecting resources on which agriculture depends. The draft SPP does not currently include any criteria for protection of SCL but deals with a broader state interest for agriculture.

Stakeholder feedback

Generally it was agreed that there is a need to protect SCL from any non-agricultural impact including developments under SPA (e.g. residential subdivisions and urban development).

There were no concerns raised with the recent changes to allow agriculture activities to impact on SCL, however there were issues with the community infrastructure exemption as it is seen to allow industry to impact SCL. Stakeholders did comment that the present assessment process could be streamlined.

Local government expressed a need for the state to continue its role in the assessment of development applications and to have a simple and effective process articulated in the SPP to enable local governments to identify important agricultural land.

There were suggestions from stakeholders that further exemptions should be included for existing uses, and agricultural uses such as packing sheds and cold rooms, and development with improving on farm sustainability and profitability. In addition, there was feedback that the SCL process for boundary re-alignments was too onerous and that these forms of development should be exempt from state assessment for SCL.

Recommendation 9

It is recommended that:

- i. the agricultural state interest be articulated in the SPP as it is currently drafted (i.e. Class A and B land) and that local government be responsible for implementing the interest through local government planning schemes
- ii. the state development assessment triggers for SCL (i.e. remove SCL SP Regulation triggers and SDAP provisions) and the State no longer undertake development assessment in relation to SCL.

This recommendation would likely not be supported by local government as it will be seen as delegating responsibility for managing the agricultural state interest. The agricultural sector may also not support this recommendation on the basis that it could be viewed as a reduction in the protection for SCL.

This recommendation is however, consistent with the government's policy to empower local government in planning and decision making.

2.11 Appeals, offences and enforcement

The SCL Act provides for appeals, offences and enforcement in relation to development approvals, conditions and breaches.

Appeals can be made against decisions made under the SCL Act. No appeals or enforcement activity have occurred to date.

Enforcement powers have been established under the SCL Act with provision provided for authorised officers to enter property without consent or warrant in limited circumstances. The offences and penalties established by the SCL Act are consistent with the level and types of penalties for environmental harm already enforceable under the EP Act.

Stakeholder feedback

Limited feedback was received around this issue.

Concern was raised by landholders that appeals, offences and enforcements will be reviewed to assess if the provisions can be streamlined in line with streamlining processes occurring in other legislation.

Agricultural stakeholders noted concern about a perceived lack of compliance in relation to SCL. There was also some concern expressed by landholders about the quality of rehabilitation post exploration or mining, however many of these comments were general and did not link directly to rehabilitation standards on SCL.

Recommendation

Nil recommendations in relation appeals, offences and enforcement.

2.12 Financial assurance

Financial assurance is a security (monetary bond/deposit) set by the chief executive under the SCL Act to ensure compliance with secure matters, being the SCL Act, payment of any compliance action expenses and SCL protection conditions imposed. Resource activities are commonly subject to financial assurance across Australia and international jurisdictions as they can cause broadacre land disturbance and/or impacts upon systems for a long period of time post closure.

In the Queensland context financial assurance may be held under two legislative areas; the SCL Act and the EP Act. A security may also be required under resource-related Acts.

Financial assurance is required for any resource activity under Part 3 of the Standard Conditions Code and any activity where a protection decision is required. It is different to mitigation which is required where land cannot be returned to its pre-development condition i.e. from activities that have a permanent impact.

Financial assurance for a protection decision is enforced under a 'financial assurance condition' in the EA for the resource activity.

Financial assurance, if required, must be paid to DNRM prior to the commencement of the resource activity on SCL or potential SCL. Financial assurance may be used by the state to restore temporary impacts on SCL back to pre-development condition, should the proponent default on their obligations.

Financial assurance continues in force and may be used for any of the secured matters despite a change in the holder of any EA or resource authority or an amendment of the authority.

Financial assurance may be kept until the chief executive is satisfied no claim is likely to be made on it. Also, if a claim made on the financial assurance has not been assessed, the state may, until it has been assessed, keep an appropriate amount of the financial assurance to meet the claim.

Schedule 1 of the Standard Condition Code states that where financial assurance has been calculated under the EP Act, the component covering the rehabilitation costs for resource activities on SCL or potential SCL may be deducted from the SCL financial assurance calculated.

An EA for a mining or petroleum lease also requires payment of financial assurance to EHP.

Financial assurance must be paid to cover the likely costs of preventing or minimising environmental harm or rehabilitating or restoring the environment after a proponent has completed the environmentally relevant activity (ERA). Progressive rehabilitation is a way to reduce the amount of financial assurance required by rehabilitating disturbed areas when conducting a resource project.

Financial assurance is calculated differently under the SCL Act and the EP Act.

For a resource activity under Part 3 of the Standard Conditions Code, financial assurance must be calculated in accordance with Schedule 1 of the Standard Conditions Code and is based on the year the impact commences and the period of the impact.

Under the EP Act, financial assurance is calculated on the basis of the 'total rehabilitation liability' estimated by the maximum area and type of 'significant' surface disturbance during a

given time on a given project (typically defined by its plan of operations). The costs must be independently verified by a third party quote. Some proponents may then be eligible for a range of discounts from the estimated 100% rehabilitation liability calculated, based on set performance criteria (Appendix D of the 2013 Guideline). Although the quantum of the financial assurance held is calculated on the area and type of significant land disturbance, financial assurance can be used to rehabilitate environmental harm that is not directly related to the surface disturbance footprint (e.g. to rehabilitate groundwater impact).

Stakeholder feedback

The resource sector expressed a view that there is duplication between financial assurance provided as part of the EA and financial assurance provided for SCL. The resource sector strongly believes the two processes should be streamlined and recommended that a lead agency be nominated for the approval process and management of financial assurance.

Recommendation 10

It is recommended that financial assurance arrangements are reviewed to ensure a single, integrated approach to financial assurance for environmental authorities and SCL.

2.13 SCL Science and Technical Implementation Committee

The Science and Technical Implementation Committee (STIC) has been established under the provisions of the SCL Act and is made up of four professional soil scientists—two put forward by the Australian Society for Soil Science Inc., and one each put forward by the Queensland Resources Council and the Queensland Farmers' Federation.

The committee was established to provide:

- technical advice on the implementation of the criteria for identifying SCL
- periodic scientific and technical advice on implementation of the policy (e.g. advice on restoration of cropping land in Queensland)
- a report on scientific and technical matters associated with the implementation of the policy as part of the announced two-year review of the legislation.

The group has provided advice to the Minister about the SCL validation assessment process and also provided the Minister with a submission about the SCL Framework Review.

Recommendation 11

It is recommended that the provision related to the STIC be removed from legislation and the group be disbanded.

2.14 Links to statutory regional planning

A key commitment of the Queensland Government is to manage the interaction between the agricultural and resource sectors through a new generation of statutory regional plans. Regional plans for Central Queensland and the Darling Downs have recently been gazetted.

The Central Queensland and Darling Downs regional plans provide additional protection for each region's highly productive agricultural uses through providing outcomes and policies to protect Priority Agricultural Land Uses (PALU) while supporting coexistence opportunities for the resource sector.

Each plan has identified Priority Agricultural Areas (PAAs) which are considered to contain significant clusters of the region's high value, intensive agricultural land uses. Within these PAAs, high value and intensive agricultural land uses identified in the regional plan will be recognized as PALUs and given priority over any other proposed land uses.

PAA coexistence criteria will be developed to achieve coexistence between the existing agricultural land uses and any potential resource industry proposal wherever it is possible to do so.

Future regional plans may use similar or different processes to protect priority agricultural land uses, dependent on the land use and development characteristics of the region.

Stakeholder feedback

Most stakeholders groups raised the issue of the relationship between the SCL Framework and the new generation of Statutory Regional Plans for Central Queensland and the Darling Downs. All stakeholders expressed a view that this relationship should be clarified as a priority.

The agricultural sector was generally of the view that SCL should be retained and its protections enhanced. The rural sector also expressed a view that the SCL framework is an appropriate mechanism for implementing regional planning outcomes that relate to agriculture as it provides a comprehensive development assessment framework for development impacts on agricultural land.

Some segments of the resource sector have called for the SCL Act to be repealed on the basis that the regional plans are now the preeminent mechanism for dealing with the interaction between the resource and agricultural sectors. There was also significant concern expressed by the resources sector about the potential for the regional plans to become an additional regulatory requirement to SCL.

There was a view across stakeholders that there is a proliferation of agricultural resource mapping currently out in the public realm (SCL, statutory regional plans, the agriculture audit, single State Planning Policy) and the agriculture sector expressed a keenness for consistent mapping to be applied to limit confusion.

In general, the majority of the stakeholders supported a single, integrated mechanism that deals with both regional planning outcomes for agriculture and SCL.

Recommendation 12

It is recommended that the SCL Act be repealed and that the soil resource based mechanisms contained in the SCL Framework (as amended per the review findings) be incorporated in stand-alone legislation that addresses regional planning interests.

Acronyms

DAFF	Department of Agriculture, Forestry and Fisheries
EHP	Department of Environment and Heritage Protection
DNRM	Department of Natural Resources and Mines
DSDIP	Department of State Development Infrastructure and Planning
EA	Environmental Authority
EP Act	<i>Environmental Protection Act 1994</i>
IDAS	Integrated Development Assessment System
PAA	Priority Agricultural Area
PALU	Priority Agricultural Land Use
SCL	Strategic Cropping Land
SCL Act	<i>Strategic Cropping Land Act 2009</i>
SCL Regulation	<i>Strategic Cropping Land Regulation 2009</i>
SDAP	State Development Assessment Provisions
SEQ	South East Queensland
SP Regulation	<i>Sustainable Planning Regulation 2009</i>
SPA	<i>Sustainable Planning Act 2009</i>
SPP	State Planning Policy

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