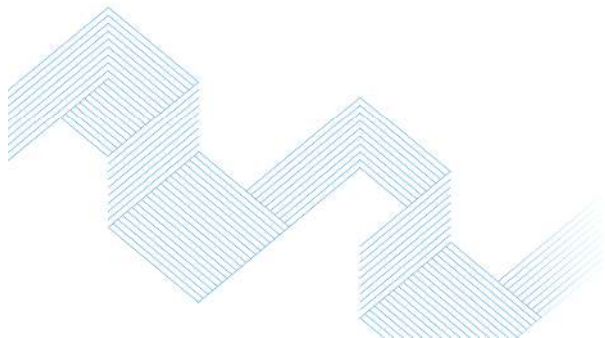




# Combined Submission into the *Proposed amendments to the Regional Planning Interest Act 2014 Discussion Paper and Coexistence Institutions & CSG Induced Subsidence Management Frameworks Consultation paper*

15 December 2023



**COTTON AUSTRALIA LIMITED**

**Head Office** Suite 4.01, 247 Coward St, Mascot NSW 2020 Australia

**Phone** + 61 2 9669 5222

**Brisbane** Level 3, 183 North Quay, Brisbane QLD 4000

**Toowoomba** Unit 3, 6 Rutledge St, Toowoomba QLD 4350

**Narrabri** Level 2, 2 Lloyd St, Narrabri NSW 2390

ABN 24 054 122 879

[www.cottonaustralia.com.au](http://www.cottonaustralia.com.au)

## Introduction

Cotton Australia is the national peak body representing the interest of Australia's 1,500 cotton growers. Cotton Australia is very proud of the continuous journey our industry is on to improve its sustainability and is particularly proud of its 95% reduction in insecticide applied since 1994 and its 52% improvement in Water Use Efficiency since 1997.

In Queensland, our growers normally produce approximately one third of the national crop, and depending on the season it can contribute in excess of \$1 billion (farmgate to the Queensland economy).

Many of our growers either interact with resource companies or face the potential of having to interact with resource companies in the foreseeable future.

Our key growing areas are the Darling Downs, including the land overlaying the Condamine Alluvium, the Lower Balone, the McIntyre Valley, the Dawson Valley, and the Central Highlands.

In 2012, after an extensive process Cotton Australia endorsed its Coal Seam Gas Extraction policy, and a copy has been attached to this submission. The policy has three key principles:

### *Cotton Australia's CSG Extraction Policy seeks to:*

- *Protect the sustainability of aquifers that underlie irrigated and dry land cotton production and their communities.*
- *Protect high value agricultural land from CSG extraction activities.*
- *Enhance landholder rights, to ensure land access agreements are fair and equitable.*

Cotton Australia is very aware that among our growers there is a wide diversity of views, from those that openly embrace co-existence with the CSG industry, to those that hold very strong concerns about the environmental impact and are firmly opposed to the industry in their district. In between there are growers who may not be enthusiastic but can see a pathway to co-existence.

While the Cotton Australia policy is now over a decade old, the core principles still apply. However, one very key thing that has changed, is that there is now irreversible proof that landscape wide subsidence is and will occur from the extraction of Coal Seam Gas. What is not absolutely known at this stage is whether this subsidence will cause economic impact to the productive capacity of the land.

Some landholders report no economic impact, while others are reporting economic impact.

Further, in some areas, landholders are expressing increasing concerns around issues such as:

- Connectivity between the CSG aquifers and the Condamine Alluvium.
- Gassy bores
- Significant corrosion of wells.

These range of views and concerns are dividing the cotton community across the Darlings Downs, and for some producers the stresses associated with interaction with the Coal Seam Gas industry is putting severe pressure on their mental health.

Cotton Australia has always been a strong supporter of the Office of Groundwater Impact Assessment (OGIA), and intuitively supports its work and findings. It supports the expansion of OGIA's responsibility to model and measure subsidence impacts and acknowledges the evolving nature of this science.

However, Cotton Australia would be less than honest if it asserted that it was able to impartially judge the scientific accuracy of OGIA work, and around it's the more recent work in measuring and modelling the extent of subsidence.

*Before directly addressing the issues raised in the two discussion papers, Cotton Australia recommends that the Queensland Government initiate an independent scientific inquiry into matters of concerned raised by landholders on the Darling Downs.*

The inquiry should be led by a panel of independent scientific experts, with recognised experience in assessing impacts from the extraction of Coal Seam Gas including experience with landscapes that have both similar characteristics and potential accumulation of impacts over time, as to the Darling Downs, where the Coal Seams are overlaid by the Condamine Alluvium.

The Inquiry would (in part but not limited to) need to review and assesses:

- Any work that has been carried out to establish the level of connectivity between the Coal Seams and the Condamine Alluvium.
- Any work that has been carried out to determine the extent, nature and longevity of Coal Seam Gas induced subsidence.
- The practicality of repairing any Coal Seam Gas induced subsidence should it cause an economic loss.
- The long-term integrity of coal seam gas wells, and any risk they pose to the landscape.
- Any other matters brought to the attention of the Inquiry, which it deems worthy of further investigation.

The Inquiry would be required to seek first-hand input from landholders, through written submissions, hearings and site visits.

It is envisaged by Cotton Australia that the Inquiry would run for between six and 12 months and provide key recommendations to the Queensland Government on: the long-term landscape impacts of the Coal Seam Gas industry, the adequacy of any protections, and whether the industry can be managed in a manner that is compatible with the long-term protection of the agricultural production capacity of the Darling Downs and the Condamine Alluvium.

The other major issue, which both the papers open for submission are silent on is the lack of any process to identify and act on any critical subsidence impacts that may either be predicted (ideally) or occur.

For many landholders there cannot be confidence in the Government's approach to managing the Coal Seam Gas industry's impacts on land and water resources, unless there is a regulated process that recognises critical impacts and has steps to prevent them occurring.

It is essential that the Queensland Government develop a critical impact mechanism.

## REGIONAL PLANNING INTEREST ACT

Cotton Australia was very involved in the development of the [Regional Planning Interest Act 2014](#) (RPI Act), associated regulations, and the Darling Downs Regional Plan prepared under this Act.

Cotton Australia submitted at the time, that the Act and Plan did not go far enough to protect Strategic Cropping Land (SCL) and Priority Agricultural Areas (PAA) on behalf of the State, but it did provide some power and protection to the landholder, if the land holder did not wish to enter into a voluntary agreement.

### Section 22

It is clear that the proposed changes will weaken those landholder rights, and on that basis, Cotton Australia is strongly opposed to the proposed changes to Section 22 of the Act as they stand.

For clarity, Cotton Australia has highlighted some key wording in the current Act.

#### Division 2 Exempt resource activities

##### 22 Exemption—agreement of land owner

(1) *This section applies if the authority holder for a resource activity is not the owner of the land (the land owner).*

(2) *The resource activity is an exempt resource activity for a priority agricultural area or area that is in the strategic cropping area if—*

(a) *either—*

(i) *if a conduct and compensation agreement requirement applies to the authority holder under a resource Act—*

(A) *the land owner and the authority holder are parties to a conduct and compensation agreement under the resource Act, other than because of the order of a court; and*

(B) *the authority holder has complied with the requirement; or*

(ii) *the land owner has voluntarily entered into a written agreement with the authority holder and the carrying out of the activity is consistent with the agreement; and*

b) *the activity is not likely to have a significant impact on the priority agricultural area or area that is in the strategic cropping area; and*

(c) *the activity is not likely to have an impact on land owned by a person other than the land owner.*

(3) *For subsection (2)(c), a resource activity has an impact on land if the activity has an impact on—*

(a) *for land in a priority agricultural area—the suitability of the land to be used for a priority agricultural land use for the area; or*

(b) *for land in an area that is in the strategic cropping area—the land's soil, climate and landscape features that make that area highly suitable, or likely to be highly suitable, for cropping.*

It is clear from the sections highlighted above; the current Act provides some power to the landholder. Also, that it requires a Regional Interests Development Approval (RIDA) application if there is likely to be a significant impact on either on the landholder's land or someone else's land.

It is now known that subsidence will occur, and therefore a landholder should be able to demand an assessment of that impact to determine whether it is significant or not. It appears almost nonsensical to remove from consideration an assessment of subsidence when it is known it will occur, not only on the landholder's land but also other land.

Based on OGIA's published work, the impacts will vary across the region, and they should be subject to independent assessment. It is not acceptable to simply remove subsidence from the assessment process and rely on the proposed CSG-Induced Subsidence framework as part of the [Minerals and Energy Resource \(Common Provisions\) Act 2014](#) (MERCPC).

To be clear Cotton Australia [completely opposes the proposed changes to Section 22](#). Notwithstanding that opposition, Cotton Australia notes further erosion of landholder rights in the proposed Draft Eligibility Criteria.

The draft only refers to the activity having a physical impact of greater than 2% on priority agricultural land, while the current regulations stipulate a 2% footprint, or a 2% impact in productive capacity.

While EC2 is a continuation of the current provisions, the exclusion of subsidence impacts is a significant reduction in landholder rights.

EC3 is a positive development and should be included in the existing impact assessments.

EC4 is an unacceptable reduction in the current rights and coverage of RPI Act, limiting the requirement for a RIDA to only activities that relate to a mining lease or a mineral development licence, that leads to the production of associated water. This can be seen as nothing more than a blatant attempt to remove any assessment of the impact on the Condamine Alluvium from Coal seam Gas production.

EC5&6 fall under the same negative, backward steps in rights discussed earlier, because the assessment of subsidence impacts is not going to be covered.

### [Self-Assessment Process](#)

As previously stated, Cotton Australia is opposed the proposed changes to Section 22 as the changes represent a significant loss of existing Landholder rights.

Furthermore, if an authority holder should have a lawful exemption, then it should be required to report the details to the State, including the activities being carried out. This is very much separate to Cotton Australia endorsing the proposed compliance assessment process as a replacement to Section 22.

For clarity, Cotton Australia supports the requirement for Authority holders to [report all their activities on land that they hold a lawful exemption for](#).

### [Landholder Consultation](#)

Cotton Australia supports in principle the proposed notification requirements, except there remains the need for a public register of notifications. Landholders should have the right to challenge notifications if they feel the declarations are not accurate, just as they should have been consulted with in the first place. The Government must have the right to take action against Authority Holders if they are found not to have followed the notification

requirements. Cotton Australia's support for this type of notification in no way represents support for the proposed changes to Section 22.

#### *Compliance and Enforcement Provisions*

Cotton Australia is unclear about what is being proposed here. If there is a case for a "Show Cause Notice", shouldn't it include a requirement for the Authority holder to immediately cease the activity, until it is assessed whether an enforcement notice is the appropriate response.

Cotton Australia is not sure whether there is a mistake in the paper or if it is the government's intention, where it states towards the end of this section – "*The purpose of an enforcement notice* (should this be a Show Cause notice) could require a person to refrain from committing an offence under the RPI Act ..."

#### *Landholder notification*

Cotton Australia supports in principle.

#### *Expand notification*

Cotton Australia supports in principle.

#### *Definition of Business Day*

Cotton Australia supports in principle.

#### *Public Notification*

Cotton Australia supports in principle; however, the chief executive officer should still take every step to ensure notification is in a manner that is likely to reach the target audience. This may be through directing social media posts, or provisions to key industry or community organisations.

#### *RIDA Applications to address all Applicable Areas of Regional Interest*

Cotton Australia supports in principle.

#### *Clarification of the Exemption for pre-existing Activities*

Cotton Australia supports in principle.

## COEXISTENCE INSTITUTIONS

Cotton Australia supports the expanded role for OGIA to model, measure and make risk assessments of the impacts of subsidence, including cumulative assessments.

Cotton Australia notes the requirement for OGIA to publicly consult and seek an independent review of core elements of its Subsidence Impact Reports. This requirement for independent review is supported. However it does not replace the call earlier in this submission for an urgent independent inquiry into the science currently relied on to manage coal-seam gas impacts in Queensland.

It is essential that the work of OGIA covers both farm scale, sub-regional and regional assessments, at a density to ensure [all significant impacts](#) are modelled and/or identified in a timely manner.

In addition, it is imperative that all landholders impacted by subsidence, whether they are within the boundaries of a Petroleum Lease or outside it, are fully recognised and protected by the framework.

It is also essential to note, that while some landholders embrace the concept of co-existence, others remain completely opposed to the coal seam gas industry operating on or below their land, and at the very least any framework must fully compensate them for any economic impact on their land, including fully recognising the time they need to invest, as well as any external expert advice that they require.

For many landholders, negotiating with a resource company will not be their highest priority, as they manage their other commitments including their families and farming operations. Timeframes for responses, must recognise this, and be particularly sensitive to busy periods such as planting, harvesting and picking.

Stakeholders need to be very mindful, that all individuals handle stress differently, and for some landholders the stress of dealing with potential Coal Seam Gas impacts has placed their mental health at risk. Stakeholders need to ensure their actions do not imperil landholder's mental health.

## CSG-INDUCED SUBSIDENCE MANAGEMENT FRAMEWORK

For clarity, Cotton Australia remains absolute in its opposition to removing the consideration of subsidence from the RPI Act and placing all consideration into the MERC Act. If the government proceeds with this change, it is a clear admission that the Government supports CSG extraction regardless of the degree of any impact, and is placing all its response into its management framework, rather than ensuring assessment is required, and then an informed decision can be made.

However, recognising that subsidence has already occurred, and will continue to occur for many decades Cotton Australia supports the development of a government regulated, legally binding CSG-Induced Subsidence Management Framework.

## *Overview of the subsidence management framework*

### *Subsidence Management area declared*

Supported

### *Transitional risk assessment report*

Supported in principle, but more detail is required to ensure any existing CSG Induced Subsidence has been identified and included in cumulative assessments. There also appears to be no consideration at this stage of identifying any impacts on overland flows or catchment drainage. In Cotton Australia's view this omission needs to be reversed.

### *Baseline Data Collection*

Baseline data is clearly very important, and Cotton Australia thinks it is essential that there is a clear, and possibly regulated, understanding of what baseline data is required, plus, how it will be used.

Further, any landholder costs associated with providing the data must be met by the resource company/tenure holder. Further discussion is required as to whether the Tenure Holder is the actual body that should be tasked with collecting this data, or whether the service should be provided by an independent third-party.

It is also essential that the landholder be able to have full access to both the raw data collected, and any outputs from the use of that raw data.

### *Periodic cumulative assessment of subsidence*

Cotton Australia supports this task, but notes the outputs are only going to be as good as the inputs (data) and the systems and tools used to analyse the data. Cotton Australia recommends the periodic independent scientific review of OGIA's work to ensure it always demonstrates the best available science.

### *Regional Risk Assessment*

Supported

### *Subsidence impact management strategy*

Supported in principle, but noting Cotton Australia's position earlier in this submission, that any government management of impacts must include provisions to identify and prevent critical impacts.

Further, in preparing the strategy OGIA must be able to draw on appropriate expertise in a range of disciplines, such as, but not limited to, irrigation and agronomy to ensure the strategy is appropriate and compatible with agricultural land use.

Additionally, the proposed offence provisions in the MERC Act must be significant enough to ensure compliance by the Tenure Holder and regularly reviewed to ensure the assigned penalty points are a sufficient punitive deterrent.



### *Farm Field Assessment*

While Cotton Australia supports the concept of farm field assessments, it is concerned that the work will be carried out by the Tenure Holder. Cotton Australia believes that unless the Tenure Holder has the express permission of the landholder to carry-out the work, the assessment should be carried out by an agreed third-party provider, with the necessary skill sets.

Further, Cotton Australia is concerned, that unless OGIA is resourced to greatly increase its skillset across agriculture, that it may not be the appropriate body to endorse the report, or at least those sections that make assessments of an agronomic nature.

Cotton Australia believes this area requires more consideration, One possibility might be to include appropriately skilled people from the Department of Agriculture to assist with the assessments.

### *Inter-farm drainage assessment*

This section is a little confusing as at times it refers to both Inter-farm drainage and Intra-Farm drainage, however, it appears to have a focus on inter, and the intra maybe a typo.

That being said, Cotton Australia is supportive of both Inter and Intra-Farm drainage assessments, but with the same caveats that have been covered in the Farm Field Assessments.

### *Subsidence management action plan*

While landholders will expect the Tenure Holder to meet all costs, including the cost of the landholders' time, to prepare a Subsidence Management Action Plan, many landholders will be uncomfortable in the Tenure Holder preparing that plan.

Cotton Australia suggests the Management Plan is prepared by an independent third-party, mutually agreed upon by the Tenure Holder and the Landholder. Also, the landholder must be able to utilise a wide range of expert services and advice.

The action plan must ensure the agricultural productive and economic capacity of the land is maintained or enhanced.

### *Subsidence agreements*

Supported in principle, provided all the concerns expressed earlier in this submission are actioned.

### *Dispute Resolution*

Cotton Australia supports in principle the dispute resolution framework, provided all land holder cost are met by the Tenure Holder.

### *Reporting Requirements*

Supported in principle.

### *Data Acquisition*

Supported in principle.

## LAND ACCESS RISK ASSESSMENT FRAMEWORK

Firstly, Cotton Australia re-iterates that it strongly opposes any change to RPI Act Section 22, which removes the requirement to assess the impact of subsidence, and any further comments are within that context.

Cotton Australia is generally supportive of this framework in principle but does have a number of other concerns.

It seems ridiculous for the Tenure Holder to be the arbiter as to whether the activity is a Preliminary or Advanced activity. At the very least there should be very clear Departmental guidance on what constitutes and advanced or preliminary activity and this should be subject to genuine landholder consultation.

Further, like our earlier comments the assessment should be conducted by an agreed independent third party. Plus, all costs, including the cost of the landholder providing data and other information must be met by the tenure holder.

Like a number of aspects of the matters open to submission, the intent of this assessment framework appears to seek a genuine improvement, but the detail requires much more work.

## CONCLUSION

Cotton Australia welcomes the opportunity to provide further information on any aspect of this submission by contacting Cotton Australia General Manager Michael Murray – 0427 707 868 or [michaelm@cotton.org.au](mailto:michaelm@cotton.org.au).



# Coal Seam Gas Extraction Policy

Endorsed November 2012

COTTON AUSTRALIA LIMITED - A.B.N. 24 054 122 879  
HEAD OFFICE - SUITE 4.01, 247 COWARD ST, MASCOT NSW 2020 AUSTRALIA  
P: (02) 9669 5222 F: (02) 9669 5511

BRISBANE – LEVEL 6, 183 QUAY ST, BRISBANE QLD 4000A QLD 4350  
NARRABRI – LEVEL 2, 2 LLOYD ST, NARRABRI NSW 2390

1



### **Cotton Australia**

Cotton Australia is the key representative body for the Australian cotton growing industry. It helps the industry to work together to be world competitive and sustainable, and also tell the good news about the industry's achievements. Cotton Australia determines and drives the industry's strategic direction, retaining its strong focus on R&D, promoting the value of the industry, reporting on its environmental credibility, and implementing policy objectives in consultation with its stakeholders.

Cotton Australia works to ensure an environment conducive to efficient and sustainable cotton production. It has a key role in Best Management Practices (*MyBMP*), an environmental management program for growers. This work has seen a significant improvement in the environmental performance of the industry, with huge improvements in water use efficiency, significant reductions in pesticide use, and millions of dollars invested into R&D.

The Australian cotton industry directly employs thousands of Australians and this year will contribute over \$2 billion to the Australian economy.

For further information or to discuss the content of this policy please contact Cotton Australia on (02) 9669 5222 or [www.cottonaustralia.com.au](http://www.cottonaustralia.com.au).

COTTON AUSTRALIA LIMITED - A.B.N. 24 054 122 879  
HEAD OFFICE - SUITE 4.01, 247 COWARD ST, MASCOT NSW 2020 AUSTRALIA  
P: (02) 9669 5222 F: (02) 9669 5511

BRISBANE - LEVEL 6, 183 QUAY ST, BRISBANE QLD 4000A QLD 4350  
NARRABRI - LEVEL 2, 2 LLOYD ST, NARRABRI NSW 2390



Coal Seam Gas (CSG) extraction is a rapidly expanding industry in Queensland (QLD) and New South Wales (NSW). Its activities overlap cotton production in many areas of Central and Southern Queensland and North-West NSW.

In developing its CSG policy Cotton Australia recognises that the CSG industry offers potential economic benefits to Australia. However, without proper regulation and enforcement the CSG industry also poses significant risks to the Australian Cotton Industry.

This policy is a broad statement of principles. Cotton Australia, its members and growers reserve the right to implement these principles in a variety of ways, which reflect the different physical, historical and regulatory frameworks which apply across the cotton growing regions.

*As an overriding principle Cotton Australia will not accept any negative impact on the property rights of cotton growers, arising out of the activities of the CSG industry.*

*Any impact intended or unintended must be fully compensated by the CSG industry and guaranteed by government.*

While Cotton Australia will work with both Government and the CSG industry to develop the appropriate industry and regulatory framework, the responsibility to protect growers from negative impacts rests with Government.

*Cotton Australia's CSG Extraction Policy seeks to:*

- *Protect the sustainability of aquifers that underlie irrigated and dry land cotton production and their communities.*
  - There can be no negative impact on the water property right that is currently held by existing users.
  - All decisions related to water resource management and the CSG industry must be made with full access to, and consideration of, independent, high quality, peer reviewed science.
  - Independent and comprehensive water quality and quantity monitoring, evaluation and reporting networks must be funded by CSG companies. The outcome of these monitoring, evaluation and reporting networks must include independent, peer-reviewable reports characterized by the highest scientific standards. These would include the requirement for comprehensive baseline assessments.
  - The "water balance" and "water quality" must be maintained to ensure long term aquifer sustainability.

COTTON AUSTRALIA LIMITED - A.B.N. 24 054 122 879  
HEAD OFFICE - SUITE 4.01, 247 COWARD ST, MASCOT NSW 2020 AUSTRALIA  
P: (02) 9669 5222 F: (02) 9669 5511

BRISBANE – LEVEL 6, 183 QUAY ST, BRISBANE QLD 4000A QLD 4350  
NARRABRI – LEVEL 2, 2 LLOYD ST, NARRABRI NSW 2390



- Where there is no likely impact on aquifers that support the cotton industry or high value agricultural land that could be used for cotton production, any new coal seam gas development should ensure the long term viability of agricultural production.
  - The use of evaporation or release to streams methods for untreated CSG water, are unsatisfactory disposal strategies.
  - A robust water-licensing, measuring and monitoring scheme must be used to account for all CSG related water and form part of a broader state water licencing process, with similar requirements and guidelines as current alluvial water legislation.
  - Industry best practice for all construction, operation and rehabilitation of CSG infrastructure and is overseen by government regulation and ensuring compliance with appropriate infringement penalties and remediation requirements. .
  - Ban the use of hydraulic fracturing or “fracking, unless it can be demonstrated, on a case-by-case basis, by the highest quality science, that it poses no risk to productive aquifers.
- ***Protect high value agricultural land from CSG extraction activities.***
    - That CSG exploration and extraction activities should not occur on land capable of cotton production, unless it can be demonstrated by independent, high quality, peer reviewed science, that the activity does not pose a risk to the agricultural productive capacity of the land.
  - ***Enhance landholder rights, to ensure land access agreements are fair and equitable.***
    - Support the landholder’s right to say no to CSG development.
    - Allow for flexibility in negotiating Access Arrangements of Conduct and Compensation Agreements (herein referred to as “land access agreements”), so that the focus is on minimising the impact of CSG exploration and extraction on the land and landholder.
    - All access terms are not to be inconsistent with requirements stipulated under Cotton Australia’s myBMP program.<sup>1</sup>
    - All land access agreements to recognize case-by-case complexities of each scenario and cannot be addressed using a “one-size-fits-all” approach.
    - Strengthen compensation arrangements in both States to ensure all real losses for landholders are compensated for.
    - Allow compensation arrangements to include an element of “return” on the resource.

**End**

<sup>1</sup> Please see <https://www.mybmp.com.au/home.aspx>



*Advancing Australian Cotton*