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Department of State Development: Mineral Resources
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Re: Leading Practice Mining Acts Review of South Australia's Mining Laws

From a family (of 4 generations) who are concerned about this matter.....

The Discussion paper Leading Practice Mining Acts Review Mining Act 1971 and Regulations is "glowing" in its stance on Mining in this state and we acknowledge that SA needs a "fair balance between the rights of landowners and our collective rights as South Australians to the minerals" 1

Our concern is how this "fair balance" appears to be interpreted within the Mining Act and therefore we appreciate the opportunity to comment in this review process.

We are landowners, farming for over 50 years in the Hundred of Stokes and Hd of Cummins. Within the acknowledged "arable land" identified in the map RESTRICTED EXPLORATION AND MINING AREAS on page 22 of the Discussion paper we submit that food production/ agriculture must take precedence over mineral exploration, mining and extraction. This area covers less than a third of our state so how can it be acceptable to dismiss the importance of our "clean, green food production industry" in favour of mineral production within this limited area of arable and very productive land in SA? Protection is afforded within other sectors of the State –namely National Parks and Reserves and Aboriginal. Surely this sets a precedence to include protection/ Restricted status for Arable land.

Exempt land is stated in the Mining Act as

"a) land that is lawfully and genuinely used— a. as a yard, garden, cultivated field, plantation, orchard or vineyard; b. as an airfield, railway or tramway; c. as the grounds of a church, chapel, school, hospital or institution; or b) land that constitutes any parklands or recreation grounds under the control of a council; or c) land— a. that is dedicated or reserved, pursuant to statute, for the purpose of waterworks; or b. that is vested in the Minister for Water and the River Murray for the purpose of waterworks; or c. that is comprised within an easement in favour of the Minister for Water and the River Murray; or d) land that constitutes a forest reserve under the Forestry Act 1950; or e) any separate parcel of land of less than 2 000 square metres within any city, town or township; or f) land that is situated— a. within 400 metres of a building or structure used as a place of residence (except a building or structure of a class excluded by regulation from the ambit of this paragraph); or b. within 150 metres of— a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or – a spring, well, reservoir or dam." 2.

It should be considered important to identify land that has been used for any food production purpose over a time period (minimum of at least a decade) that has annually supported a

sustainable food production operation supporting the economic reputation of this state, and is a family owned and operated business. This land should be quarantined and not have the "threat" of being taken away from the landowner, and from the industry which also has a significant role in our state's economy.

While "exempt land" definition states "cultivated field" and "400m of a building or structure used as a place of residence" and "within 150 metres of a building or structure, with a value of \$200 or more, used for an industrial or commercial purpose; or – a spring, well, reservoir or dam" the practice by mining operators in acknowledging this exempt land appears to scorn this criteria.

Few people would choose to have a mine within 400m of their home in otherwise undulating farm land. We submit that in this review, defining "exempt land" should be at least within 1000m from a home, and also include when a transport corridor would pass within 1 km of a place of residence. In more closely settled farm land this would provide greater security for landowners, and help to mitigate the issue of social displacement that many primary producers are now facing with decisions about mineral exploration reaching into areas of arable land and the impending effect on their road network with movement of heavy vehicles and machinery.

The Department of State Development identifies Principles to direct the amendments being considered and we submit that if the mining industry is replaced with the term agriculture/ primary production, then the same weight should be given in the "balancing act" underway! ie

- " bring forward the economic and social benefits of the State's (mineral) agricultural/food production wealth for citizens, landowners, traditional owners, (mining) agriculture communities and (miners) farmers
- grow South Australian businesses and drive increased investment and employment by abolishing obsolete and cumbersome legislative processes in concert with the Premier's Simplify redtape reduction initiative
- strengthen the South Australian 'one-window-to-government' model for assessment of (mineral) food production resource developments
- promote more efficient and innovative (mining) agricultural/food production operations in South Australia by providing clear pathways for mid-project changes to operations
- establish South Australia as a leading e-business practitioner in the world's rapidly evolving digital economy
- further improve transparency and land access engagement, negotiation and court resolution processes to ensure mining does not overtake the food production opportunities in this State.
- implement flexible financial assurance models that increase community confidence in mine closure and environmental rehabilitation performance and outcomes
- reinforce the existing leading practice environmental protections offered under the Mining Act 1971 (SA)." 3

It is accepted that processes are now becoming more widely known for what mineral exploration must do to gain access to farming land, but the "threat" for primary producers is creating a significant impact on family businesses in the food production industry as well as communities in Regional SA. There is a need to acknowledge that an assessment of the social impact on communities must be critical to any licensing agreement, and that this is done BEFORE any exploration occurs. A Mining lease holds land to ransom and the landowner no longer has any surety over their tenure and their livelihood. We see land as actually being de-

valued long term because of mining, where it has a brighter future continuing as sustainable agricultural production land.

It is interesting to note that "The officers who have been delegated powers under the Mining Act and Regulations are experienced and competent specialists. For example, the assessment of mining lease application proposals is undertaken by teams of qualified environmental scientists, geologists, mining engineers, environmental engineers, geomechanics, and geophysical engineers." 4

It is a commendable list of experts but unfortunately does not recognise any "specialist" in the human engagement necessary to recognise the impact on community and the individual's needs in such an enterprise being imposed through mining on their lifestyle. It is also "weighted" in favour of mineral exploration and not balanced by any consideration of existing land use and their custodians other than the environment.

Over our 50 years of land stewardship, our family has conducted active Landcare operations: planting trees and reclaiming salt affected areas in our endeavour to restore these areas to natural pristine areas. Many others in our region also follow farming practices to ensure the health of our productive land.

We perceive that any mining activities in our district will destroy our prime agricultural land. As SA has limited sustainable, arable land for food production we cannot understand the government stance on supporting mining to the detriment of food production.

Sustainable Agriculture has provided economic benefit this State for more than 100 years and we expect the government to perceive agriculture to be as important to our economy as mining which we consider destroys the landscape for the long term.

Sincerely



For Geoffrey, Wendy, James, Jenna, Indy, Oakey and Haidee Holman

Footnote :

1. Page 23: Department of State Development 2016. Mining Act 1971 and Regulations Discussion Paper. Report Book 2016/00034, Department of State Development, South Australia, Adelaide.
2. Page 30: Department of State Development 2016. Mining Act 1971 and Regulations Discussion Paper. Report Book 2016/00034, Department of State Development, South Australia, Adelaide.
3. Page 8: Department of State Development 2016. Mining Act 1971 and Regulations Discussion Paper. Report Book 2016/00034, Department of State Development, South Australia, Adelaide.
4. Page 11: Department of State Development 2016. Mining Act 1971 and Regulations Discussion Paper. Report Book 2016/00034, Department of State Development, South Australia, Adelaide.

