

*Proposed amendments to the
Regional Planning Interests Act 2014
Discussion Paper*

Draft – For Consultation

The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Part 1 – Overview

1.1 About this paper

This discussion paper provides information about proposed amendments to the *Regional Planning Interests Act 2014* (RPI Act) and Regional Planning Interests Regulation 2014 (RPI Regulation).

The proposed amendments are primarily in response to the recommendations from the GasFields Commission Queensland's (the Commission) "*Review of Regional Planning Interests Act 2014 Assessment Process Report*" (the report).

This discussion paper is intended to provide an opportunity for all stakeholders – including land owners, local governments, the agriculture sector, the resource industry and the community – to provide feedback on the proposed amendments.

Feedback will help to inform the government's implementation of the Commission's recommendations.

When reading through this consultation paper, it is important to acknowledge that we all experience situations and circumstances differently. During and following a stressful and challenging experience, it is natural for people to have a range of responses including intense stress reactions. These reactions are not necessarily a sign of a lasting mental health concern. While most people get back to their usual functioning over time, some people will experience a decline in their mental health and wellbeing, or experience mental health problems in the months or even years after the initial event. Strategies for help seeking need to be matched with the individual's level of need and preferences. People may find reaching out to existing connections, building stronger connections, and applying other self-care strategies help to adjust and recover. Others may require support from health care professionals. If you or someone you know is struggling and needing additional support here are some local options for you to consider:

- **Start with your Doctor** (also called a General Practitioner or "GP"). Your Doctor will talk with you about what is happening. They will be able to provide you with treatment options, or refer you on to other services or health care professionals who have the specialised knowledge to support you.
- **Local support services:** Many other services offer counselling and other support to assist with concerns about thoughts, feelings and coping. They can be accessed either online, by telephone or face-to-face. To find local services, click on the links below:
 - <https://supportfinder.org.au/>
 - <https://www.ddwmpnh.com.au/headtohealth>
- **General Community Supports:** Here are a range of free services
 - **Lifeline** offers 24/7 counselling.
 - Phone **13 11 14**,
 - text **0477 131 114** or
 - access [web chat](#).
 - **Beyond Blue** provides information, counselling and support
 - a support service 24/7 via **1300 224 636**
 - as well as online [chat](#), [email](#) and [forums](#).
 - **Wellways** helpline provides support from people with a lived experience of mental health
 - Phone **1300 111 500** Monday to Friday 9:00am to 9:00pm (except public holidays).

If you think it is an emergency or someone's life is in danger, call Triple Zero (000) for an ambulance, or go straight to the closest emergency department.

1.2 Background

The purpose of the RPI Act is to manage the impacts of resource activities and other regulated activities on areas of the State that contribute, or are likely to contribute, to Queensland's economic, social and environmental prosperity.

It is one of a number of Acts that regulate resource activities in Queensland, including (but not limited to):

- *Environmental Protection Act 1994*
- *Mineral Resources Act 1989*
- *Mineral and Energy Resources (Common Provisions Act) 2014* (including the Land Access Code)
- *Petroleum Act 1923*
- *Petroleum and Gas (Production and Safety Act) 2004*
- *Geothermal Energy Act 2010*
- *Greenhouse Gas Storage Act 2009*
- *Water Act 2000*.

Under the RPI Act, resource activities, such as mining or petroleum and gas activities (but excluding key resource areas under the planning framework, such as sand, gravel, some quarries etc) require a Regional Interests Development Approval (RIDA), unless they are identified as exempt. The areas of regional interest under the RPI Act are:

- priority agricultural area (PAA)
- priority living area (PLA)
- strategic cropping area (SCA)
- strategic environmental areas (SEA).

These areas are all defined under the RPI Act; however, they can also be viewed on the Department of State Development, Infrastructure and Planning's (DSDILGP) website via <https://planning.statedevelopment.qld.gov.au/planning-framework/mapping> (on the Development Assessment Mapping System, under 'Other State Planning Matters', then 'Areas of Regional Interest').

The Regional Planning Interests Regulation 2014 (RPI Regulation) sets out matters that support the RPI Act, including:

- fees and statutory timeframes
- key assessment agency functions
- criteria for assessment or decision of Regional Interest Development Approval (RIDA) applications
- definitions.

1.3 GasFields Commission Queensland review

In 2020, the Queensland Audit Office (QAO) published a performance audit report titled "Managing coal seam gas activities". The QAO identified that some stakeholders have concerns with the complexity of Queensland's planning and development framework. In particular, the QAO also found that stakeholders have concerns with whether the RPI Act effectively manages the coexistence between coal seam gas (CSG) activities and agricultural interests.

As part of this report, the QAO recommended that the Commission review the assessment processes associated with the RPI Act. In subsequently carrying out its review, the Commission consulted with representatives from the community, land owners, local government, the agriculture sector and the resource industry.

On 18 October 2021, the Commission provided the "Review of Regional Planning Interests Act 2014 Assessment Process Report" (the report) to the government. The report included seven recommendations, being to:

1. replace the current section 22 exemption under the RPI Act (for resource activities in a priority agricultural area (PAA) or a strategic cropping area (SCA)) that applies where there is landholder agreement, with a self-assessment process.

- This process should be informed by a new code, and require the entity to notify the State when the self-assessable process has been utilised, with the notification to be placed on a publicly accessible register
- 2. require the resource authority holder to provide a declaration to the State, confirming that the resource authority holder has consulted with all relevant land owners and notified neighbouring land owners as part of the self-assessment process
- 3. ensure the 'required outcomes' provisions for PAA and SCA (currently identified in the RPI Regulation) and the provisions in the new self-assessable code to align (i.e. address the same risks), including where there are multiple interests (i.e. where the property is mapped as both PAA and SCA)
- 4. review and update regional plans that have PAAs or SCAs, to articulate the specific risks associated with those regional areas
- 5. change current practice to allow for earlier lodgement of Regional Interests Development Approval (RIDA) assessment applications
- 6. have a lead State agency undertake a review of agricultural land use classifications, in the context of coexistence with other development
- 7. develop RPI Act guidelines for all stakeholders (in particular, land owners).

In February 2022, the Queensland Government provided its response to the report. The Queensland Government supported four recommendations 'in full' and supported the remaining three recommendations 'in principle'. The Queensland Government response is available at <https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/areas-of-regional-interest>.

1.4 Scope of the proposed amendments

Amendments are proposed to the RPI Act and RPI Regulation in order to implement recommendations 1-3 from the Commission. Amendments are also proposed to improve the overall transparency, clarity and usability of the RPI Act.

Notably, the proposed RPI amendments do not specifically capture work the Department of Resources (DoR) is undertaking to introduce a coal seam gas (CSG) induced subsidence framework into the *Mineral and Energy Resources (Common Provisions) Act 2014* (MERCPC). DoR are undertaking consultation on the proposed CSG-induced subsidence framework at the same time as the proposed amendments to the RPI Act, to allow stakeholders to view this work together. Questions and/or feedback can then be jointly directed to both departments, as well as the Department for Agriculture and Fisheries, such that the government agencies responsible for relevant regional agricultural and resource interests are available.

Further amendments to the RPI Act may need to be considered as the development of the new subsidence management framework progresses. The proposed amendments also do not include any potential amendments to the RPI Act that may arise from the government commitment to establish a Lake Eyre Basin (Qld) Stakeholder Advisory Group. This group – which is to inform the development of a consultation Regulatory Impact Statement for the proposed Lake Eyre Basin Framework – includes Traditional Owners, industry bodies, environment groups, local government, scientific experts and government departments.

1.5 Summary of proposed amendments

The proposed amendments set out in this paper seek to:

- introduce eligibility criteria to replace the current section 22 exemption that applies in cases where:
 - there is land owner approval; and
 - the activity is not likely to have significant impact on PAA or SCA; and
 - the activity is not likely to have an impact on land owned by a person other than the land owner.Resource activities that meet the eligibility criteria will not be required to obtain a Regional Interests Development Approval (RIDA)
- introduce a requirement for the resource authority holder to provide information on a public facing register of activities utilising an exemption under the RPI Act or the new eligibility criteria pathway (register of exemption)

- introduce a new consultation framework for activities using the eligibility criteria or existing exemption pathways (requirement for a resource authority holder to consult with a land owner and adjoining land owners prior to undertaking the proposed activity)
- introduce a requirement for the resource authority holder to provide the State with a declaration that appropriate consultation with land owners and adjoining land owners has been undertaken
- introduce compliance and enforcement provisions to support the provisions above
- introduce measures to facilitate allow for a more effective and practical compliance and enforcement framework to support the implementation of an eligibility criteria
- expand the requirements for notification of RIDA applications to include notification of adjoining land owners
- establish a single point in the RIDA application process at which the land owner is notified of the application This would replace the existing process, which differs depending on whether the application undergoes public notification
- provide greater clarity on the application of the section 24 exemption (where there is a pre-existing activity)
- include a definition of 'business day' to align with the definition under the *Planning Act 2016*.

1.6 Key terms

The terms used in this document will generally have the same meaning as under the RPI Act. For ease of use, some of the more common terms used in this document are defined below.

A '**resource authority holder**' referenced throughout this document is an '**authority holder**' as defined in s15 of the RPI Act, which is:

"An authority holder, for a provision about a resource activity, is the person who holds a resource authority or an environmental authority for the resource activity."

An '**assessing agency**' is:

- The Department of Agriculture and Fisheries (DAF)
- The Department of Environment and Science (DES)
- The Department of Resources (DOR)
- The Department of Regional Development, Manufacturing and Water (DRDMW)
- A local government (where an activity is proposed in a priority living area (PLA)).

Note: assessing agency may be referred to as 'the State' in this document.

Part 2 – Have your say

2.1 Making a submission

We welcome your feedback on the proposed amendments.

Please provide your submission by **Friday 8 December 2023** via the have your say website <https://haveyoursay.dsdlgp.qld.gov.au/proposed-amendments-to-the-regional-planning-interests-act-2014>.

You may use the stimulus questions included in this paper to prompt matters to include in your submission, noting these questions are not designed to limit the scope of your submission.

Matters to include in your submission

In addition to your feedback on the proposed amendments, feedback is sought on the likely impact of the proposed changes, for example:

- What is your current experience with the relevant provisions?
- In what way do you feel that the amendments will affect your experience or understanding?
- What are the current monetary and time costs associated with complying with the current provisions and how might you expect these to change with the amendments?

2.2 What happens after I make my submission?

Once you have made your submission via the 'have your say' webpage, you will receive an automated email acknowledging receipt of your submission.

Please note: your submission may be forwarded to other Queensland Government agencies, to allow for fulsome consideration of the matters raised.

2.3 Next steps

All submissions received will be reviewed to inform recommendations for the proposed amendments.

From here the department will work to prepare final updates to the legislation for the consideration of government.

Government will also consider feedback and submissions on the proposed amendments being consulted on by Department of Resources (subsidence framework and coexistence institutions) in relation to the RPI Act, noting that the subsidence management framework is proposed to be self-contained within the MERCP Act. Details on this work are available at <https://www.resources.qld.gov.au/qridp/have-your-say>

Part 3 – Proposed amendments

The proposed amendments to the RPI Act fall under two categories:

1. amendments to address the Recommendation 1 – 3 (refer items 3.1 – 3.3)
2. amendments to improve overall transparency, clarity and usability of the RPI Act (refer items 3.4 – 3.10).

Amendments to address the Commission's recommendations

3.1 Eligibility criteria for the land owner agreement exemption

This section responds to Recommendations 1 and 3 of the Commission's report.

Replace the 'current exemption' in section 22 of the RPI Act with new eligibility criteria. An authority holder will undertake self-assessment against these criteria.

Commission recommendation:

Recommendation 1 (page 12 of report)

Remove the exemption – agreement with land owner. Replace with a self-assessment process informed by a code that clearly articulates acceptable development outcomes.

Further to this, The Commission noted in their report:

"As the exemption currently stands there is little to no visibility of how resource authority holders have considered whether the activity is likely to have a significant impact on the PAA, SCA, or land owned by another person.

The current process lacks transparency as is not possible to ascertain the extent of activities being undertaken on PAA or SCA, whether the resources authority holder follows all the requirements under the exemption, or if the land owner was aware that the CCA related to a matter of regional interest".

Queensland Government response to Commission:

Support.

The Queensland Government will work to replace the s22 exemption (exemption-agreement of land owner) under the *Regional Planning Interests Act 2014* (RPI Act) with a compliance-assessment process informed by a code.

Rather than referring to a self-assessment process, it is proposed that the process be referred to as a compliance-assessment process. This is in order to distinguish it from a typical self-assessment process.

The proposed compliance-assessment process is different from a self-assessment process in two regards. Firstly, there will be a requirement for the authority holder to notify the administering authority (being the Department of State Development, Infrastructure, Local Government and Planning) of compliance with the code. Second, there will be a requirement for the authority holder to provide details of compliance to the administering authority. These are not a typical requirement of self-assessment processes.

Commission recommendation:

Recommendation 3 (page 16 of report)

Required outcomes for a regional interest and any related self-assessment code conditions should address the same risks (with the code conditions clear and prescriptive and required outcomes appropriately flexible).

Queensland Government response to Commission:

Support.

The Queensland Government will work to ensure that the new compliance-assessment code and required outcomes (with their prescribed solutions) address the same interests/risks.

Under the RPI Act, an authority holder may not need to obtain a RIDA if the resource activity is exempt from requiring a RIDA.

Currently, under s22 of the RPI Act, a resource activity is exempt where:

- the activity is in the priority agricultural area (PAA) or strategic cropping area (SCA); and
- there is a voluntary agreement with the land owner; and
- the activity is not likely to have a significant impact on the PAA or area that is in the SCA; and
- the activity is not likely to have an impact on PAA or SCA on land owned by a person other than the land owner (i.e. land beyond the site in which the activity is proposed).

The authority holder is responsible for determining whether the resource activity is exempt.

Amendments are proposed to replace some requirements of the s22 exemption with 'eligibility criteria', with the draft 'eligibility criteria' prepared through workshops across state agencies. The requirements that will be replaced are:

- the activity is not likely to have a significant impact on the PAA or area that is in the SCA

- the activity is not likely to have an impact on land owned by a person other than the land owner.

Under the proposed arrangements, an authority holder will assess their proposed activity against the new eligibility criteria.

If the eligibility criteria cannot be met (and the activity is unable to satisfy another exemption under the RPI Act⁰, then the authority holder will need to obtain a RIDA. It will remain an offence to operate without a relevant exemption or RIDA.

The eligibility criteria are intended to:

- be clear and transparent to improve certainty and clarity for all stakeholders
- apply to resource activities that have not yet commenced (where a section 24 exemption does not apply)
- provide clear requirements for the land owner agreement (section 22) exemption only
- be prescribed in the RPI Regulation
- not replace the need to obtain any other approvals, including
 - the resource tenure – obtained under the relevant resource Act
 - an environmental authority – approval obtained under the *Environmental Protection Act 1994*
 - any other relevant approval (i.e. under the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)*, the *Water Act 2000* or the *Nature Conversation Act 1992*).

While the Commission identifies that subsidence is one of the impacts caused by coal seam gas (CSG) activities, the draft criteria do not consider the impact of CSG-induced subsidence. As identified in part 1.4 of this paper, the Department of Resources (DoR) are currently developing a CSG-induced subsidence framework in the *Mineral and Energy Resources (Common Provisions) Act 2014 (MERCPC)*.

Draft eligibility criteria

Draft eligibility criteria are provided below. Please note that the final wording of any criteria may change during drafting.

To carry out a resource activity under the proposed changes to the s22 exemption, resource authority holders must comply with all applicable eligibility criteria as follows:

- activities in a PAA must comply with all criteria under the PAA heading; or
- activities in a SCA must comply with all criteria under the SCA heading; or
- activities in both a PAA and SCA must comply with all criteria.

DRAFT Eligibility Criteria	
All activities in a Priority Agricultural Area (PAA)	
On the property	
EC1	The activity does not exceed a 2% footprint of the land used for a priority agricultural land use on the property . <i>Note: there is to be no more than 2% total loss of the priority agricultural land use (PALU) on the property, including the cumulative footprint from any other activities being carried out under other exemptions or approvals under the Regional Planning Interests Act 2014.</i>
On another property	
EC2	Carrying out the activity will not have an impact on an existing or potential priority agricultural land use on land owned by a person other than the land owner.
On all properties	
EC3	The activity is to be undertaken in accordance with a hydrological report prepared by a suitably qualified expert that: <ol style="list-style-type: none"> documents the existing: <ol style="list-style-type: none"> overland flow and drainage characteristics catchment for and distribution of water from an irrigation dam; and demonstrates: <ol style="list-style-type: none"> no impact from the activity or associated works on the overland flow and drainage characteristics on: <ol style="list-style-type: none"> the priority agricultural land use on the property the priority agricultural land use on land owned by a person other than the land owner; and carrying out the activity does not alter the catchment and collection for and distribution of water from an irrigation dam. <i>Note: the hydrological report is to be prepared to undertake compliance-assessment against this eligibility criteria and future non-compliance with the report may require an activity to undertake a Regional Interests Development Approval (RIDA) application process. The hydrological report is to be provided to land owners (including adjoining land owners) on request.</i>
EC4	The following activities do not occur in a regionally significant water source area: <ol style="list-style-type: none"> an activity to be carried out under a mineral development licence or a mining lease under the <i>Mineral Resources Act 1989</i>; and

- b. likely to produce associated water.

Note: these activities will be required to obtain a Regional Interests Development Approval.

All activities in a Strategic Cropping Area (SCA)

On the property

EC5 The activity will not have a **significant impact** on the **strategic cropping land** in the strategic cropping area on the **property (SCL)**.

On another property

EC6 Carrying out the activity will not have any **impact** on **strategic cropping land** on land owned by a person other than the land owner.

Draft eligibility criteria dictionary

Access track - Route of passage for machinery, vehicles or other plant equipment.

Appropriate soil moisture – Appropriate soil moisture is identified by using the plastic limit test (the test that identifies the moisture content at which soil begins to act as a plastic). If a 3mm diameter rod of a clay soil can be rolled out, then the soil is too wet for cultivation or traffic).

Buried linear infrastructure - Linear infrastructure installed underground - includes buried pipelines (water, gas and transmission), power lines and communication cables.

Drill pad - The discrete area set aside for all activities associated with the drilling of an exploratory drill hole for coal and minerals. This includes the area required for sumps.

Formed - An area that has been constructed using earthworks, including grading, surface levelling, compaction, adding drains etc, without the addition of gravel, road base or similar material. Formed does not include the slashing of grass.

Geotechnical pit - A pit excavated for the purposes of geotechnical testing.

Gravelled - An area that has been constructed with the use of gravel, road base or similar material.

Impact - see section 10 of the *Regional Planning Interests Act 2014*

Note: an activity has an impact if the impact:

- a. affects-
 - (i) a feature, quality, characteristic or other attribute of the area; or
 - (ii) the suitability of land in the area to be used for a particular purpose; and
- b. relates to a matter mentioned in the following –
 - (i) for a priority agricultural area – section 8(1)(a) (which reads: includes 1 or more areas used for a priority agricultural land use, whether it also includes other areas of features, including, for example, a regionally significant water source);
 - (ii) for a priority living area – section 9(b);
 - (iii) for the strategic cropping area – section 10(1) (which reads: the strategic cropping area consists of areas shown on the SCL trigger map as strategic cropping land);
 - (iv) for a strategic environmental area – section 11(1)(a).

Lay down area - An area of land that is used to temporarily store materials and equipment such as pipes, during construction.

Mine surface infrastructure and mine-surface facilities - Surface structures and/or facilities intended for or to support mining-related activities, including but not limited to:

- a. Mine portals, drifts, shafts and adits;
- b. Ventilation shafts, degassing and dewatering bores;
- c. Hardstand and laydown areas;
- d. Buildings, and other fixed structures and machinery;
- e. Sediment, erosion and run-off control structures and works.

Petroleum well - see schedule 2 of the *Petroleum and Gas (Productions and Safety) Act 2004*.

Note:

- a. A petroleum well is a hole in the ground made or being made by drilling, boring or any other means—
 - (i) to explore for or produce petroleum; or
 - (ii) to inject petroleum or a prescribed storage gas into a natural underground reservoir; or
 - (iii) through which petroleum or a prescribed storage gas may be produced.
- b. For item 1, a prescribed storage gas is produced when it is recovered or released to ground level from a natural underground reservoir in which it has been contained or from which it is extracted.
- c. A petroleum well includes the casing for the well and any wellhead for the well attached to it.
- d. To remove any doubt, it is declared that a petroleum well does not include any of the following—
 - (i) a water injection bore;
 - (ii) a water observation bore;
 - (iii) a water supply bore;
 - (iv) an existing Water Act bore;
 - (v) a seismic shot hole or shallow hole drilled to work out a geological structure.

Priority agricultural land use - see section 8 of the *Regional Planning Interests Act 2014*.

Note: a priority agricultural land use is highly productive agriculture—

- a. of a type identified in a regional plan for an area of regional interest; or
- b. of a type prescribed under a regulation for an area of regional interest.

Property - see schedule 1 the *Regional Planning Interests Act 2014*.

Note: Property means —

- a. if an area managed as a single agricultural enterprise consists of one lot—the lot; or
- b. otherwise—all the lots that—
 - (i) are owned by the same person or have one or more common owners; and
 - (ii) are managed as a single agricultural enterprise; and
 - (iii) form a single discrete area because one lot is adjacent, in whole or part, to another lot in that single discrete area (other than for any road or watercourse between any of the lots).

Property (SCL) - see schedule 2 the *Regional Planning Interests Regulation 2014*.

Note: Property (SCL), in the strategic cropping area, means—

- a. a single lot; or
- b. otherwise—all the lots that are owned by the same person or have one or more common owners and—
 - (i) are managed as a single agricultural enterprise; or
 - (ii) form a single discrete area because one lot is adjacent, in whole or part, to another lot in that single discrete area (other than for any road or watercourse between any of the lots).

Regionally significant water source - see section 3 of the *Regional Planning Interests Regulation 2014*.

Note: the Condamine Alluvium is a regionally significant water source. Condamine Alluvium means the groundwater SDL resource units referred to as the Upper Condamine Alluvium (Central Condamine Alluvium) and the Upper Condamine Alluvium (Tributaries) under the *Basin Plan 2012* (Cwlth).

Note: *The Basin Plan 2012* (Cwlth) is made under the *Water Act 2007* (Cwlth) and is available at www.comlaw.gov.au/Details/F2012L02240.

Sample pit - A pit excavated for the purposes of soil sampling.

Sealed - Bitumen, concrete or similar material applied to a surface.

Sewage treatment - Refer to environmentally relevant activity under the *Environmental Protection Regulation 2019*.

Significant impact - means:

1. Activities associated with a resource activity considered to result in significant impacts are as follows:
 - a. Open cut / open pit mining
 - b. Underground mining
 - c. Coal handling and preparation plants and related surface infrastructure
 - d. Rigid surface pipelines (not including lay flat pipes and pipelines associated with maintaining or providing water supplies to the property)
 - e. Rail lines
 - f. Haul roads
 - g. Levee banks
 - h. Watercourse diversions
 - i. Waste disposal and waste landfill
 - j. Compressor stations
 - k. Water and sewage treatment plants
 - l. Spreading or backfilling with residual drilling mud
2. Activities associated with a resource activity which are not considered to result in significant impacts are as follows:
 - a. Surface-level hand mining
 - b. **Sample pits** and **geotechnical pits** (where not exceeding 10m² in area)
 - c. Stockpiling soil (excavated topsoil and subsoil must be stockpiled separately. Stockpiles must be constructed and maintained in a way that preserves the biological, structural and chemical viability of the topsoil and subsoil. Stockpiles must not impact on natural runoff or overland flow and must have erosion and sediment control structures installed/maintained during and after rainfall events). Ripping of soils to repair **soil compaction** must occur at the appropriate soil moisture to avoid further compaction.

Note: The erosion and sediment control structures should be part of an Erosion and Sediment Control Plan (ESCP) addressing Soil Erosion and Sediment Control, prepared by a Certified Professional in Erosion and Sediment Control (CPESC) and developed in accordance with the International Erosion Control Association's 'Best Practice Erosion and Sediment Control' document (IECA 2008).
 - d. **Access tracks**
 - e. **Well leases** (where not exceeding one hectare each and remaining unsealed)
 - f. **Drill pads** (where not exceeding one hectare each and remaining unsealed)
 - g. Excavation or borrow pits (where not exceeding one hectare each)
 - h. Dams and ponds for water supply or erosion and sediment control purposes (where not exceeding 1 hectare each)
 - i. **Temporary camps** (where not exceeding one hectare each)
 - j. Exploratory drilling and core holes (where not exceeding one hectare each)
 - k. Drilling vertical and deviated gas wells
 - l. **Maintaining** and upgrading existing roads, culverts or drains
 - m. Dust suppression
 - n. Surveying not involving site preparation (aerial, electrical, geophysical and environmental surveys, pegging)
 - o. Water monitoring activities, including water bores and wells
 - p. Environmental monitoring activities

- q. Surface powerlines and telecommunication infrastructure
 - r. **Buried linear infrastructure** including gathering lines, power lines. (Any material (other than topsoil or subsoil) such as gravel, concrete or sand encasing the infrastructure, must be located deeper than 900 mm from the land surface and not change the land surface level, i.e. a trench or bank). All soil horizons are to be returned in the same order as extraction.
 - s. **Lay down areas** (where unsealed)
 - t. Chemical and fuel storage (where not exceeding 10m² in area)
 - u. Geophysical and aerial surveying
3. Activities listed below, associated with a resource activity are not considered to result in a significant impact, if the combined footprint of all the listed activities (in this category) is no more than 2% of the strategic cropping area on a property:
- a. Excavation or borrow pits (greater than one hectare each)
 - b. Dams and ponds for water supply or erosion and sediment control purposes (greater than one hectare each)
 - c. **Temporary camps** (greater than one hectare each)
 - d. **Well leases** (greater than one hectare each and where unsealed)
 - e. **Drill pads** (greater than one hectare each and where unsealed)
 - f. Any other uses or activities not identified in category 1 or 2.

Statutory note: there is to be no more than 2% total impact on the strategic cropping land on the property (SCL), including any activities being carried out under other exemptions and applications.

Soil compaction – Soil compaction is the process of decreasing total porosity (causing a reduction in the volume of air), with a consequent increase in bulk density and soil penetration resistance and decrease in water infiltration. Compaction results in changes to soil structure and available soil water, leading to reduced crop yield through reduced water and nutrient uptake. Compaction occurs when force is applied to the soil at a moisture content equal to or above the plastic limit.

Soil horizon - As defined in as defined in The National Committee on Soil and Terrain (2009) *Australian Soil and Land Survey Field Handbook*, Third Edition. CSIRO Publishing.

Strategic cropping land - see section 10 of the *Regional Planning Interests Act 2014*

Note: strategic cropping land means land that is, or is likely to be, highly suitable for cropping because of a combination of the land's soil, climate and landscape features.

Subsoil - Soil material from below the 'A' horizons of a soil profile but above bedrock, weathered rock, a hard pan or continuous gravel layer as defined in The National Committee on Soil and Terrain (2009) *Australian Soil and Land Survey Field Handbook*, Third Edition. CSIRO Publishing.

Sump - See definition for void.

Temporary camps - An area of land that is used temporarily to host a collection of buildings, accommodation and associated infrastructure. This includes (but is not limited to) temporary sewerage treatment plants, potable water, access tracks and power connection.

Topsoil - Soil from the 'A' horizons of a soil profile as defined in The National Committee on Soil and Terrain (2009) *Australian Soil and Land Survey Field Handbook*, Third Edition. CSIRO Publishing.

Used - see schedule 2 the Regional Planning Interests Regulation 2014.

Note: for land or property in relation to a priority agricultural land use, means the land or property has been used for a priority agricultural land use for at least three years during the 10 years immediately before an assessment application is made in relation to the land.

Void - Any human-made open excavation in the ground. Includes sumps and pits but not the excavation hole associated with a well or drill hole (which have specific conditions for restoration).

Well lease - The discrete area set aside for all activities associated with the drilling and operation of a petroleum or gas well. This includes the area required for sumps and voids (e.g. for the temporary storage of drilling muds) and flare pits.

Stimulus questions for the s22 exemption

- 3.1.1 What is your current experience with the s22 (land owner agreement) exemption, for example:
 - a. What is your understanding of the impacts on PAA or SCA from activities occurring under the current exemption?
 - b. If you use the current exemption:
 - I. How frequently do you use the exemption?
 - II. How are you satisfying the current criteria in the s22 exemption?
 - c. Do the current provisions affect you when negotiating a conduct and compensation agreement?
 - d. What is the time and monetary cost associated with complying with the current s22 exemption?
- 3.1.2 What do you anticipate the impact from the proposed amendment to be for your property/business/activity?

3.2 Register of exemption

This section responds to Recommendation 1 of the Commission's report.

Introduce a new requirement for authority holders to provide information to the assessing authority about activities being carried out under an exemption (including the new eligibility criteria). This information will be available on a publicly accessible register.

Commission recommendation:

Recommendation 1 (page 12 of report)

Remove the exemption – agreement with land owner. Replace with a self-assessment process informed by a code that clearly articulates acceptable development outcomes.

The self-assessment process is recommended to require notification to the administering authority where activity is to be undertaken in compliance with the code. Notifications should function and be equivalent to a RIDA with relevant information placed on a publicly accessible register.

Queensland Government response to Commission:

Support.

The Queensland Government will work to replace the s22 exemption (exemption-agreement of land owner) under the *Regional Planning Interests Act 2014* (RPI Act) with a compliance-assessment process informed by a code.

Rather than referring to a self-assessment process, it is proposed that the process be referred to as a compliance-assessment process. This will serve to distinguish it from a typical self-assessment process.

Firstly, there will be a requirement for the holder of the resource authority to notify the administering authority (Department of State Development, Infrastructure, Local Government and Planning) of compliance with the code. Second, the authority holder will provide details of assessed compliance to the administering authority. This is not a typical requirement of self-assessment processes.

The RPI Act does not currently require authority holders to advise the administering authority (the State) when they are carrying out activities under an exemption.

To improve transparency and usability, the introduction of a new provision is proposed which will require an authority holder to provide information to the administering authority to include in a register of activities being carried out under any of the following:

- s22 exemption – agreement of land owner
- s23 exemption – activity carried out for less than one year
- s24 exemption – pre-existing resource activity.

The provision of information by an authority holder is for the purpose of creating a public facing/searchable register. The administering authority is not intended to have an audit function for this register (or assess or review the information). Notwithstanding, the administering authority may use the information provided in the register as part of undertaking compliance and enforcement functions.

The register of exemption is proposed to include the following information:

- details of the resource authority holder
- the details of the resource authority under which the activities are being carried out
- the land on which the activities will be carried out (Real Property Description)
- the exemption under which the activities will be carried out and the activities that would occur on the land
- when the works are scheduled to commence onsite and the anticipated completion date.

The information for the register of exemption must be provided to the administering authority within five business days prior to the commencement of works onsite for new activities.

The administering authority will publish the register on its website.

The introduction of the public facing register of exemption is intended to improve the accountability and transparency of activities occurring under an exemption.

Stimulus questions on the register of exemption

- 3.2.1 What is your current experience with understanding the activities that are occurring on your property or in proximity to your property?
- 3.2.2 Do you expect to actively use this register to look up potential activities in your area?
- 3.2.3 What are your anticipated administrative impacts in providing details of activities operating under exemption on the proposed register?
- 3.2.4 What are your views on making this apply voluntarily to tenure holders detailing existing RPI exemptions of all their activities undertaken in areas of regional interest?

3.3 Land owner consultation for activities carried out under exemptions

This section responds to Recommendation 2 of the Commission's report.

Introduce new requirements for the authority holder acting under an exemption to:

- consult with land owners regarding the new eligibility criteria
- notify land owners and adjoining land owners for activities using s22, s23 and s24 exemptions.

Introduce a new requirement for authority holders carrying out activities under an exemption to make a declaration to the administering authority that the relevant consultation or notification with land owners has been carried out.

Commission recommendation:

Recommendation 2 (page 14 of report):

When providing a notification for using the proposed self-assessment option, a resource authority holder should be required to make a declaration that they have consulted with all relevant land owners about:

- the range of activities that would occur on the land;
- the associated risks and impacts of those activities, including how these might affect activities the land owner is, and may in the future, undertake; and
- how those activities meet any relevant code conditions.

In addition, the declaration should also reflect that resource authority holders have notified any neighbouring land owners they are utilising the self-assessment process.

No assessment by the administering authority is proposed in relation to this declaration (or any other part of the notification).

Queensland Government response to Commission:

Support.

The Queensland Government will work to establish a framework for the resource authority holder to make a declaration that they have consulted with the relevant land owners and adjoining properties, when using the new compliance-assessment process.

Requirement to consult land owners

The RPI Act does not currently require an authority holder to undertake consultation with a land owner when they are operating under an exemption.

Amendments are proposed to require land owners and adjoining land owners to be notified of activities that will be carried out under:

- s22 exemption – agreement of land owner
- s23 exemption – activity carried out for less than one year
- s24 exemption – pre-existing resource activity.

This will provide for:

- an exchange of information between parties about the property and its activities
- the authority holder to consider the impacts of the resource activity on agricultural operations
- the opportunity for land owners to engage and negotiate with the authority holder about how resource activities occur on their land.

For all exemptions under sections 22, 23 and 24:

For all exempt resource activities being carried out under s22, s23 and s24, both the land owner and adjoining land owners are to be notified by the authority holder prior to the commencement of the activity. These provisions are not intended to apply for activities that have already commenced (i.e. they are not proposed to be retrospective).

To meet the new requirements, the authority holder must provide documentation to the relevant land owners and adjoining land owners that includes:

- details of the activity and the relevant exemption under the RPI Act
- the location of the activity
- details of the authority holder for the activity (including contact details)
- expected date of commencement and completion.

Activities carried out under the new eligibility criteria (modified section 22):

For the s22 exemption (including the new eligibility criteria), consultation is required with the land owner on all relevant eligibility criteria. This means that a discussion between the authority holder and relevant land owners, including adjoining properties, about:

- the range of activities that would occur on the land
- the associated risks and impacts of those activities, including how these might impact on priority agricultural area (PAA) or strategic cropping area (SCA) values and related agricultural operations
- how the authority holder proposes to meet the eligibility criteria.

This requirement does not replace the need for a Conduct and Compensation Agreement (CCA).

Land owners and adjoining properties must also be 'notified' of the activities to be carried out following completion of this consultation requirement.

Declaration about consultation

Amendments are proposed to introduce a requirement for authority holders carrying out activities under an exemption (s22, s23 and s24 as outlined above) to make a declaration to the administering authority that the relevant consultation or notification with land owners and adjoining land owners has been carried out.

The declaration does not mean the land owner or adjoining land owner has approved or agreed that the authority holder can, will or is complying with any relevant conditions.

No assessment by the State is required in relation to this declaration; however providing a false declaration will invalidate the declaration.

In all cases, the declaration must include:

- details of who notices were sent to
- dates of notices being sent/being provided to land owners or adjoining land owners
- a statement confirming compliance with the notification requirements, including minimum notice requirements and consultation requirements under s22 (where applicable).

The authority holder is to provide the declaration to the administering authority within five business days prior to the commencement of works onsite for new activities.

These provisions are intended to provide:

- clearer expectations for resource authority holders about land owner notification
- a transparent and consistent approach in undertaking notification with land owners and adjoining land owners.

Stimulus questions about land owner consultation

- 3.3.1 What is your current experience with understanding the impacts (from activities occurring under exemptions) on priority agricultural areas or strategic cropping areas for your property or the surrounding area?
- 3.3.2 What is your current experience with engagement with land owners on activities occurring under an exemption (i.e. what is the time and monetary cost associated with your current notification activities)?
- 3.3.3 What do you anticipate the impact from the proposed amendment to be for your property/business/activity?

Amendments to improve the overall transparency, clarity and usability of the RPI Act (items 3.4 - 3.10)

Summary	Proposed amendment
3.4 – Compliance and enforcement provisions	
<p>Provide an effective compliance and enforcement framework which supports the purpose of the RPI Act and ensures appropriate outcomes are achieved in areas of regional interest.</p>	<p>To deliver an effective compliance and enforcement framework, a number of amendments could be contemplated, subject to consultation, including:</p> <ul style="list-style-type: none"> • amendments to investigation powers for authorised persons/inspectors • requiring the provision of information as requested by the State/authorised persons (i.e. how does an activity comply with its exemption or RIDA conditions) • introducing additional compliance measures such as show cause notices and enforcement notices • introducing offences for noncompliance with the new requirements outlined in this document (e.g. failure to provide details on a register of exemption). <p>Currently, the RPI Act ‘calls up’ the investigation powers of authorised officers under other Acts in relation to properties that are the subject of a RIDA. The RPI Act also contains provisions for offence proceedings in Court.</p> <p>However, the RPI Act does not contain the suite of other ‘interim’ provisions that are typically included in a contemporary compliance and enforcement framework. For example, powers to require information be provided by proponents, or show cause and enforcement notices.</p> <p>Such provisions are particularly important to support the enforcement of the abovementioned amendments and to avoid minor offences being addressed via the courts.</p> <p>Subject to feedback, DSDILGP can investigate potential future provisions for show cause notices to be issued. This would include instances where it is reasonably believed that a person has committed, or is committing, an offence (i.e. operating without the relevant approval or exemption); and where giving an enforcement notice for the offence is being considered. Should this approach be pursued, a show cause notice would allow the authority holder to respond to the matters raised in the notice before an enforcement notice is issued/considered.</p> <p>The purpose of an enforcement notice could require a person to refrain from committing an offence under the RPI Act, and/or to remedy the effect of an offence in a stated way.</p> <p>Such measures may provide an opportunity for a more efficient addressing of any non-compliance.</p>
3.5 – Land owner notification of RIDA assessment applications	
<p>Provide a consistent point in the application process (the time of lodgement) at which the land owner is notified of the application.</p> <p>This is in place of the existing process which varies depending on whether the application is required to undergo public notification.</p>	<p>Currently, the owner of the land may receive a copy of the RIDA application at different stages, depending upon whether the application is notifiable. For example:</p> <ul style="list-style-type: none"> • if not notifiable: at the time of lodging the application; or • if notifiable: at the time of public notification. <p>The current RPI provisions require the owner of the land to be given a copy of the RIDA assessment application if the applicant is not the owner of the land and if the application is not notifiable. There are also similar provisions for an amendment or withdrawal of a RIDA application.</p> <p>The amendment aims to simplify the process by requiring the owner of the land (where not the authority holder/applicant) to be given a copy of the application (including an amendment or withdrawal) at the time of lodgement in all cases.</p> <p>For notifiable RIDA applications, it remains necessary for the land owner to know when the consultation period is commencing. Therefore, the applicant will also</p>

Summary	Proposed amendment
	be required advise the land owner in writing when public notification commences.
3.6 – Expand notification of RIDA assessment applications to include affected land owners	
Introduce notification requirements to alert affected land owners about RIDA applications.	<p>Currently, the RPI Act does not require an applicant to notify an affected land owner (such as an adjoining land owner) when a RIDA application is lodged.</p> <p>Amended provisions will require authority holders to notify affected land owners about the lodgement of RIDA applications. This will improve transparency and align with the new provisions for notifying affected land owners when authority holders are operating under an exemption.</p> <p>The authority holder will be required to provide affected land owners with a copy of the RIDA assessment application.</p> <p>This amendment ensures affected land owners are notified of activities proposed to be occurring adjacent to their land. Affected land owners will then be aware of the application, and able to make a submission during the submission period.</p> <div data-bbox="571 819 1474 1041"> <p>Stimulus questions on notification of affected land owners for RIDA applications</p> <p>3.6.1 What is your current experience with engagement on proposed activities that are (or will be) the subject of a RIDA application?</p> <p>3.6.2 What do you anticipate the impact from the proposed amendment to be for your property/business/activity?</p> </div>
3.7 – Definition of business day	
Amend the business day definition to align with the <i>Planning Act 2016</i> (removal of December-January holiday period).	<p>Currently the RPI Act relies on the definition of business day in the <i>Acts Interpretation Act 1954</i>, which is:</p> <p><i>“A day that is not –</i></p> <ul style="list-style-type: none"> <i>(a) A Saturday or Sunday; or</i> <i>(b) A public holiday, special holiday or bank holiday in the place in which any relevant act is to be or may be done.”</i> <p>The <i>Planning Act 2016</i> contains a different definition for ‘business day’. That definition excludes the period from 20 December – 5 January to ensure that any public notification period excludes the Christmas holiday period, thereby promoting the opportunity for community input.</p> <p>The amendment to the RPI Act definition of business day would align it with the definition in the <i>Planning Act</i>.</p> <p>The amendment would increase the opportunity for community involvement (and reduce the risk that stakeholders would miss the opportunity to make a submission) in cases where public notification occurs around the Christmas holiday period.</p>
3.8 – Public notification of RIDA applications and decisions in a newspaper	
Remove requirements for newspaper publication of a RIDA decision, as per the requirements under the <i>Financial Accountability Act 2009</i> . Allow chief executive discretion on newspaper publication for notification of RIDA applications.	<p><u>RIDA Decisions</u></p> <p>Section 52 of the RPI Act currently states:</p> <p><i>“(1) The chief executive must, within the prescribed time frame, publish a notice about the decision—</i></p> <ul style="list-style-type: none"> <i>(a) on the department’s website; or</i> <i>(b) in a newspaper circulating generally in the area of the land.”</i>

Summary	Proposed amendment
	<p>Under s88F of the <i>Financial Accountability Act 2009</i> (FAA), the State must not publish notices in newspapers, subject to some exceptions (i.e. regional newspapers where a 'print requirement').</p> <p>Given the RPI Act has the option of online publication <u>or</u> publication in a newspaper (therefore not a 'print requirement'), it is proposed to remove the requirement for newspaper publication to comply with the FAA.</p> <p><u>RIDA Applications</u></p> <p>Currently, where a RIDA application involves notifiable assessment, there is a requirement to publish a notice about the application in a newspaper circulating generally in the area of the land.</p> <p>Having regard to the limited circulation of newspapers in certain regions, there needs to be flexibility to allow for an alternative notification measure.</p> <p>As this action involves an applicant-led process, the amendment should provide for the decision-maker to determine the most appropriate public notification method to be used. This may still be a hard copy newspaper in circumstances where it is available. Therefore, this amendment will allow the chief executive discretion (via the giving of a notice under s34(4) of the RPI Act) to determine the way in which public notification must be given.</p>
3.9 – RIDA applications to address all applicable areas of regional interest	
Require a RIDA application to address all applicable areas of regional interest, where they apply.	<p>The RPI Act is silent on how an application must be structured when there is a resource activity to be undertaken on land in overlapping areas of regional interest. Section 29 of the RPI Act does not specify what is required to be submitted with a Regional Interests Development Application when there is a resource activity to be undertaken on land in overlapping areas of regional interest. To be clear, the RPI Act does not specify whether the application must address all applicable areas of regional interest, or whether separate applications may be submitted for the same activity in each area of regional interest.</p> <p>The amendment will clarify that a RIDA assessment application is required to address all applicable areas of regional interest and their respective criteria for that activity.</p>
3.10 – Clarification of the exemption for pre-existing activities (s24)	
Clarify the s24 exemption for pre-existing activities in line with the intent to allow for lawful activities (prior to RPI Act commencement) to operate without an approval.	<p>The s24 exemption under the RPI Act applies to a 'pre-existing resource activity'. DSDILGP has previously received feedback that interpretation of the provision is challenging, as it is ambiguous.</p> <p>It is intended to redraft the provision to reflect the intent that any activity that was able to lawfully occur prior to the commencement of the RPI Act can operate under the s24 exemption.</p>

Stimulus questions on overall proposed amendments

What do you view to be the overall impact / effect of the proposed amendments?

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