

Review of the *Regional Planning Interests Act 2014* Assessment Process

Consultation Paper

GasFields Commission Queensland
February 2021



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Have your say

The GasFields Commission Queensland is seeking community, industry, government and key stakeholder feedback regarding the effectiveness of the assessment process identified under the [Regional Planning Interests Act 2014](#) to adequately manage coal seam gas activities in areas of regional interest.

How to make a submission

The Commission requests that you send your written submission by either clicking the below **link** (*to provide your submission via an online survey platform*), or by sending your written submission to the below **postal address**:

Online Survey: <http://bit.ly/RPI-Act-Review>

Post: **Review of the Regional Planning Interests Act 2014**
GasFields Commission Queensland
PO Box 15266
City East Qld 4002

Please indicate whether you would prefer any elements of your feedback to remain confidential. Submissions that are *not marked as confidential* may be published in full or quoted in public documents or may be available to applicants under the [Right to Information Act 2009](#).

For more information call +61 7 3067 9400.

SUBMISSIONS CLOSE 5:00PM WEDNESDAY 17 MARCH 2021.

List of Acronyms

CSG – Coal Seam Gas

DAF – Department of Agriculture and Forestry

DES – Department of Environment and Science

DOR – Department of Resources

DSDILGP – Department of State Development, Infrastructure, Local Government and Planning

PAA – Priority Agricultural Area

PALU – Priority Agricultural Land Use

QAO – Queensland Audit Office

QFF – Queensland Farmers' Federation

RIDA – Regional Interests Development Approval

RPI Act – *Regional Planning Interests Act 2014*

SCA – Strategic Cropping Area

SCL – Strategic Cropping Land

SPP – State Planning Policy

Context and Purpose of Review

The GasFields Commission Queensland (the Commission) came into effect on 1 July 2013 as an independent statutory body. The objective and purpose of the Commission is to manage and improve sustainable coexistence between landholders, regional communities, and Queensland's onshore gas industry.

Under the [*Gasfields Commission Act 2013*](#), the Commission has 14 functions which are summarised as:

- facilitate better relationships between landholders, regional communities and the onshore gas industry through effective stakeholder relationships, collaborations, and partnerships to support education and information sharing
- review the effectiveness of government entities in implementing regulatory frameworks that relate to the onshore gas industry
- advise agriculture and gas industry peak bodies, government ministers and regulators, and both landholders and regional community groups on matters relating to sustainable coexistence, leading practice, and management of the onshore gas industry.

The Commission is undertaking this review in accordance with its statutory review and advisory functions under sections 7(b) and 7(e) of the *Gasfields Commission Act 2013*.

In the context of this review and consultation paper, the Commission is a statutory body and has no legislative powers to amend the regulatory framework that manages the onshore gas industry. However, through its review functions afforded under the Act, the Commission has the power to review the effectiveness of regulatory frameworks and makes recommendations to government about changes to policy and regulatory framework and recommend leading practice.

The review will be informed by targeted consultation with key stakeholders and Queensland Government agencies. At the conclusion of the consultation, a report on the findings of the review will be prepared and provided to the relevant Government Ministers for consideration. The report may make recommendations to amend the regulatory framework and policy settings. It will then be the responsibility of the Queensland Government to consider the recommendations.

Background

The Queensland Audit Office's (QAO) performance audit report No. 12: 2019–20, titled "[Managing coal seam gas activities](#)" ([Audit Report](#)) found that stakeholders have concerns with the complexity of Queensland's planning and development framework and whether the Regional Planning Interests Act 2014 (RPI Act) effectively manages the coexistence between coal seam gas (CSG) exploration and development and agricultural interests ([see Audit Report pg. 16](#)).

Specifically, the QAO identified stakeholders were concerned about:

- the inconsistency of land classifications across the different Acts under the framework
- the exemptions and limitations on the requirement for assessments under the framework.

The QAO explained that the assessment framework under the RPI Act regulates a limited range of activities and only applies to 'areas of regional interest' and the Department of Agriculture and Forestry (DAF) is involved in assessing those applications if the priority agricultural areas are currently used for a priority agricultural land use. DAF is also responsible for assessing whether the land subject to a regional interest development approval (RIDA) application is not used for a priority agricultural land use.

The QAO went on to explain that the current classifications of land also limit the regulators' ability to effectively consider contemporary concerns for these priority lands. Although not within the scope of this audit, stakeholders raised concerns that the current approach has not kept pace with new types of activity (e.g. use of high-quality agricultural land for solar farms is not subject to this framework). The Queensland Farmers Federation (QFF) and DAF have separately proposed options for providing greater consistency of land classifications across the legislation and improving the identification and protection of agricultural interests from non-agricultural development. To date their proposals have not been adopted.

The QAO found it was an opportune time for the Commission to evaluate the effectiveness of the RPI Act in meeting the intent of the government's coexistence policy and to review how agricultural lands are defined and classified in Queensland to ensure priority agricultural interests are protected from non-agricultural development ([see Audit Report pg. 6](#)).

Scope of Review

The scope of this review is to evaluate:

- the assessment process and the assessment criteria used to manage the impacts of CSG activities in Priority Agricultural Areas (PAA) and the Strategic Cropping Areas (SCA) as prescribed under Part 3 of the RPI Act and Schedule 2 of the [Regional Planning Interest Regulation 2014](#) (the RPI Regulation);
- the effectiveness of the implementation of the assessment framework under Part 3, Division 5 of the RPI Act;
- the exemptions to the assessment process as prescribed under Part 2, Division 2 of the RPI Act; and
- the definitions and classification of agricultural land in Queensland.

The following items are not within the scope of this review:

- Strategic Environmental Areas (SEA) – this is out of scope because SEAs are already subject to a broader review of the Lake Eyre Basin protections
- Priority Living Areas (PLA) – this is out of scope as there were no concerns raised by stakeholders about the impacts of CSG activities in a PLA during the QAO audit
- other types of resource development activities (e.g. mineral exploration and mining) – this is out of scope because these activities fall outside the Commission's legislative responsibility
- other forms of non-agricultural activities (e.g. solar farms and wind farms) – this is out of scope because these activities fall outside the Commission's legislated responsibility.

Introduction

Managing the interaction between CSG exploration and development activity and areas of high value agricultural land has been a significant issue raised by regional communities and responded to by the state and local governments for over a decade. In Queensland, the framework that has been established to manage this interaction includes both the land access framework (established under the [*Mineral and Energy Resources \(Common Provisions\) Act 2014*](#)) and the regional planning interests framework (established under the RPI Act).

The RPI Act forms one of the legislative components of Queensland's land use planning framework. According to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) (<https://www.statedevelopment.qld.gov.au/>) the framework seeks to identify and protect areas of Queensland that are of regional interest. In doing this, the RPI Act seeks to manage the impact and support the coexistence of resource activities and other regulated activities in areas of regional interest. The RPI Act is supported by the RPI Regulation.

The RPI Act gives statutory force to the State's regional planning policies and outcomes contained in the State's Planning Policy (SPP) and regional plans. The RPI Act and the RPI Regulation seek to strike an appropriate balance between protecting agricultural lands and maximising opportunities for coexistence with resource development.

The RPI Act requires resource activities authorised under the [*Geothermal Energy Act 2010*](#), [*Greenhouse Gas Storage Act 2009*](#), [*Mineral Resources Act 1989*](#), [*Petroleum Act 1923*](#), and the [*Petroleum and Gas \(Production and Safety\) Act 2004*](#) (resource Acts) and other regulated activities, to align with the regional land use policies identified in regional plans as well as any other areas of regional interest that are prescribed under the RPI Act. To achieve this alignment, the RPI Act establishes an assessment framework to manage the impact of resource activities on areas of the State has identified as areas of regional interest.

The assessment process under the RPI Act is a separate process from any other approval that may be required to carry out a resource activity or a regulated activity in Queensland. It is not bound or dependent on any other approval process, including:

- the petroleum resource authority (tenure) approval under the [*Petroleum and Gas \(Production and Safety\) Act 2004*](#), which authorises the exploration, testing, storage and production of petroleum;
- the approval of an environmental authority under [*Environmental Protection Act 1994*](#), which imposes conditions on the activities to ensure they are conducted in a manner that manages, minimises and offsets environmental impacts; and
- the recommendations made by the Coordinator-General under the [*State Development and Public Works Organisation Act 1971*](#) for coordinated projects that have complex approval requirements from multiple levels of government, significant environmental effects, strategic significance to the locality, region or state, or significant infrastructure requirements.

Overview of the land use planning framework in Queensland

The [Planning Act 2016](#) (Planning Act) establishes the land use planning and development framework in Queensland today. Of relevance to this review, the Planning Act establishes the following State planning instruments to deliver on the government's planning and development objectives:

- the SPP, which addresses specific matters of State Interest for the whole or part of the State; and
- regional plans, which are developed to balance and integrate government policies for each region.

The SPP expresses the State's interests in planning and development that must be addressed through local government planning schemes and regional plans. Plan making processes and development decisions in Queensland need to align with the following five guiding principles - outcomes focussed, integrated, efficient, positive and accountable.

The SPP recognises Queensland's agricultural resources as finite resources of State and national importance that should be protected from incompatible uses to support the long-term viability and growth of the agricultural sector.

The SPP acknowledges that the resources sector is a key driver of the Queensland economy, with the sector supporting the needs of other industries and the community through the supply of valuable commodities including petroleum and gas resources. Ongoing resource exploration and development is vital to the delivery of increased levels of employment, infrastructure, skills and prosperity.

The SPP also recognises that planning schemes should consider the location of petroleum and gas reserves to ensure that the issues and opportunities generated by resource development are considered as part of the planning process. The SPP states this will strengthen opportunities for coexistence and avoid the sterilisation of valued resources.

Under the Planning Act, the State Government is responsible for developing Regional Plans. Regional Plans recognise the diversity of the climatic, demographic, and economic regions of Queensland and identify matters that are important and specific to each individual region. These plans support growth and development in the regions, whilst protecting each region's natural resources together with the interests of the State.

Regional Plans identify and map areas of regional interest and provide specific land use policies for these areas. These are given force by the RPI Act and RPI Regulation.

Application of Regional Planning Interests

For the purpose of this review, the two areas of regional interests to be examined are PAAs and SCAs.

PAAs are strategic areas, identified on a regional scale, that contain significant clusters of the region's high value, intensive agricultural land uses. PAAs include one or more areas that are being used for a priority agricultural land use (PALU) and is either identified on a map in a regional plan as a PAA or is prescribed as a PAA under the RPI regulation. Not all land within a PAA is used as a PALU. A PAA may also include other areas or features such as a regionally significant water source (e.g. the Condamine Alluvium).

PAAs have been identified by the State based on:

- the land is a proven highly productive agricultural area, or
- the current agricultural land uses required a significant infrastructure investment, or
- the current agricultural land uses have the potential to be significantly impacted by resource activity and have limited scope to modify their practices in response to impacts.

Within a PAA, agriculture is identified as the priority land use. Any resource activity that seeks to operate in a PAA must coexist with the agriculture use for which the land is being used. Resource activities that seek to operate in a PAA are not to unreasonably constrain, restrict or prevent on-going agricultural operations. The assessment criteria, contained in the RPI Regulation for PAAs allow for resource activities to coexist with high value agricultural land uses, however, the resource activity must not result in a material impact to the PAA.

An SCA is where the land is, or is likely to be, highly suitable for cropping because of a combination of the land's soil, climate, and landscape features (e.g. aspect and elevation). Areas zoned as SCA, along with their associated policy objectives, were established under the now repealed [Strategic Cropping Land Act 2011](#) (SCL Act) through the creation of a strategic cropping land (SCL) trigger map. The SCL trigger map survived the repeal process and was brought in under the RPI Act to identify the SCA as an area of regional interest.

How the Assessment Process works

The assessment process under the RPI Act is referred to as a Regional Interests Development Approval (RIDA) assessment process. A RIDA is defined under section 16 of the RPI Act as “an approval that approves the carrying out of a resource activity or a regulated activity in an area of regional interest following an assessment of the extent of the expected impact of the activity on the area”.

All resource activities proposed in an SCA or PAA must obtain a RIDA unless the activities are exempt under sections 22-25 of the RPI Act (further explanation of exemptions are contained later in this consultation paper). The RPI Act provides an assessment process to assess and decide each proposed resource activity on its own merits.

A RIDA application can be made at any time prior to the commencement of a resource activity. However, the ability to make an application for a RIDA will depend on when the appropriate level of information is known about the nature and extent of the surface impact of the activity on the existing land use and attributes of the PAA and SCA. A detailed description of the proposed resource activity is required when applying for a RIDA, e.g. the location of well pads, laydown areas and pipeline rights of way in relation to areas mapped as PAA and SCA, as a RIDA provides for the conditional undertaking of approved activities at specific locations for a defined period of time.

Reference materials to support the RIDA application and assessment process

DSDILGP currently administer the RPI Act and the RIDA processes. DSDILGP has developed a total of 11 Statutory Guidelines to assist resource authority holders in understanding their legislative responsibilities under the RPI Act and to explain the principles that underpin the provisions of the RPI Act. These guidelines describe in detail how to make a RIDA application and what information the applicant needs to consider in the process. Eight of these guidelines speak to the components of the RIDA assessment process that are within the scope of this review. They are:

- [RPI Act Guideline 01/14 – How to make an assessment application under the RPI Act](#)
- [RPI Act Guideline 02/14 – Carrying out resource activities in a priority agricultural area](#)
- [RPI Act Guideline 03/14 – Carrying out resource activities in the strategic cropping area](#)
- [RPI Act Guideline 06/14 – Notification requirements under the RPI Act](#)
- [RPI Act Guideline 07/14 – How to identify a priority agricultural land use](#)
- [RPI Act Guideline 08/14 – How to demonstrate that land in the strategic cropping area does not meet the criteria for strategic cropping land](#)
- [RPI Act Guideline 09/14 – How to determine if an activity has a permanent impact on strategic cropping land](#)
- [RPI Act Guideline 10/14 – Changes to the SCL Trigger Map: Implications for activities in the Strategic Cropping Area.](#)

Who can apply for a RIDA to carry out a CSG resource activity in a PAA or the SCA?

Section 28 of the RPI Act describes who may apply for a RIDA and who an eligible person is. An eligible person is a person who is; acting on behalf of a resource company, holds, or has applied or may apply for, an environmental authority or resource authority to carry out a CSG resource activity in a PAA or the SCA. For the purpose of clarity, a landowner who is not the eligible person under the RPI Act cannot apply for a RIDA.

How the Assessment Process works (cont.)

What must a RIDA application include?

A RIDA application must be in the form approved by government and it must contain a report that assesses the resource activity's proposed impact on the PAA or SCA and identify any constraints on the configuration or operation of the resource activity. A RIDA application must also be accompanied by the appropriate application fee that is prescribed under regulation.

When is a RIDA application in a PAA and SCA “notifiable” and what does that mean?

To be “notifiable” means that the applicant must publish a notice about the assessment application in a local newspaper in the approved form stating the way in which submissions must be lodged and the date by which submissions about the application must be received by the assessing agency. The notification period for a notifiable RIDA application is 15 business days after the day the notice is first published (section 13(3) of the RPI Regulation).

RIDA applications in a PAA and SCA are not automatically notifiable. DSDILGP has the discretion to require a RIDA application in a PAA and SCA to be notifiable if DSDILGP believe it is in the public interest. If DSDILGP determines a RIDA application to be notifiable, they will issue the applicant a ‘requirement notice’ under section 34(4) of the RPI Act to publish a notice about the application in a newspaper circulating in the area the resource activity is being proposed (section 13(2) of the RPI Regulation).

How is the owner of the land or community member able to get a copy of the RIDA application?

A landowner under the RPI Act includes:

- a. the person for the time being entitled to receive the rent for the land or who would be entitled to receive the rent for it if it were let to a tenant at a rent, or
- b. the lessee of a lease issued under the [Land Act 1994](#) for agricultural, grazing or pastoral purposes.

The definition of landowner under the RPI Act is not as broad as the definition of landholder which is a commonly used term under the Land Access Framework. The Land Access Code defines “landholder” as meaning an owner or occupier of private or public land in the area of, or access land for, a resource authority.

The owner of the land must be given a copy of the RIDA application by the applicant if the application is not notifiable (section 30 of the RPI Act). However, if the application is notifiable the applicant is only required to provide the owner of the land a notice about the application (section 35(1)(b) of the RPI Act) and not a copy of the application itself. As a standard of practice, DSDILGP posts all RIDA applications (both notifiable and non-notifiable) to their website.

Who must receive a notice of the RIDA application?

If the RIDA application is not notifiable, then the applicant must give the owner of the land a copy of the application within 5 business days after the application is made (section 30 of the RPI Act), and Schedule 5 of the RPI Regulation). The same notification and timeframes apply for amending or withdrawing an application. If the application is determined to be notifiable the applicant must give the owner of the land a notice about the application (section 35(1)(b) of the RPI Act).

How the Assessment Process works (cont.)

Who can make a submission in response to a RIDA application?

If the RIDA application is notifiable, anyone, including the owner of the land and a member of the regional community, may make a “properly made submission” (section 37 of the RPI Act) about the application. All properly made submissions must be published on the assessor’s website or made available at the assessor’s office for inspection.

When a RIDA application is not notifiable, there is no explicit way identified in the RPI Act by which the owner of the land or community member can make a submission. However, if a submission in any form were received by DSDILGP, the chief executive may consider it when making a decision about the RIDA application, if it is deemed relevant (section 49 (2) of the RPI Act).

What happens if the application area is overlapping a PALU and the SCA?

Where a RIDA application has been made to carry out a resource activity on land used for a PALU in a PAA that is also within the SCA, the assessor only needs to be satisfied that the activity meets the criteria for the PAA (section 14(4) of the Regulation).

Who assesses a RIDA application in a PAA and the SCA?

Once a RIDA application has been made, several government agencies have a role to play in assessing the application. DSDILGP is responsible for receiving, assessing and making the final decision on all RIDA applications. However, DSDILGP relies heavily on the advice and recommendations from other assessing agencies and referral agencies when making its decision.

The assessing agencies have the technical knowledge and understanding of the potential impacts a resource activity may have on the attributes and values of agricultural land plus any measures or conditions that would be appropriate to mitigate those impacts. In the case of a RIDA application for CSG development within a PAA or the SCA, the assessing agencies and their respective functions are described in Schedule 1 of the RPI Regulation (see Table 1).

Table 1: Assessing agency functions when assessing RIDA applications in a PAA or SCA (source: Schedule 1 of the RPI Regulation)

Area of regional interest	Assessing agency	Functions
Priority Agricultural Area	Department of Agriculture and Fisheries	the expected impact of the activity on land used for a PALU in the PAA
Priority Agricultural Area that includes one or more regionally significant water sources*	Department of Resources	the expected impact of the activity on land used for a PALU because of the activity’s impact on a regionally significant water source in the PAA
Strategic Cropping Area	Department of Resources	the expected impact of the activity on strategic cropping land in the area

* the Upper Condamine Alluvium is prescribed as a regionally significant water source under Part 2, Section 3 of the RPI Regulation.

How the Assessment Process works (cont.)

The assessing agencies may provide a response to DSDILGP regarding a RIDA application that is within the limits of the assessing agency's functions, and may include any or all of the following (section 42(2) of the RPI Act):

- recommended conditions to form part of the approval (including reasons for the conditions);
- recommendation to refuse all or part of the application (including reasons for the refusal);
- advice about the application; or
- advising the chief executive that they have no recommendations or advice relating to the application.

The response must be given to the chief executive within the prescribed time frame (section 43(3) of the RPI Act) that is defined under Schedule 5 of the RPI Regulation, which is five (5) business days. The assessing agency must also give the applicant a copy of the response within 5 business days after giving the response to the chief executive (section 42(6) of the RPI Act).

In addition to the advice and recommendations received from assessing agencies, DSDILGP must also seek advice from the Commission about a RIDA application for an activity in a PAA and the SCA, but only if the application is notifiable or if the expected surface impacts of the proposed CSG resource activity are significant. DSDILGP, DAF or the Department of Resources (DOR) may also ask any other person for advice or comment about a RIDA application through the assessment process. This may include the owner of the land subject to the application.

An assessing agency may also require a site visit to ground-truth information provided in a RIDA application or to provide context to a matter considered during the assessment process.

What are the assessment criteria applied to a CSG activity to be carried out within a PAA and the SCA?

Schedule 2 of the RPI Regulation outlines the "required outcomes" and "prescribed solutions" for PAAs and the SCA. The assessment criteria must be addressed when an applicant is proposing to locate resource activities in a PAA or SCA. The prescribed solutions are the only way an applicant may meet the required outcome. The assessment criteria are the key consideration of assessing agencies and the decision maker in deciding applications and the appropriate conditions to attach to an approval.

Statutory Guidelines 02/14 and 03/14 provide detailed guidance to prospective applicants on how to meet the prescribed solutions.

PAA Required Outcomes and Prescribed Solutions

There are two required outcomes for PAA, each of which has defined prescribed solutions:

- Required Outcome 1** requires that the *"activity will not result in a material impact on the use of the property for a priority agricultural land use."* This outcome applies if the activity is to be carried out on a property in a priority agricultural area.
- Required Outcome 2** for PAA requires that *"the activity will not result in a material impact on the region because of the activity's impact on the use of land in the priority agricultural area for 1 or more priority agricultural land use"*. This outcome applies if the activity is to be carried out on 2 or more properties in a priority agricultural area in a region.

How the Assessment Process works (cont.)

Prescribed solutions for **Required Outcome 1** include that the applicant demonstrates:

- a. the activity will not be located on land that has been used for a PALU for at least 3 years during the 10;
- b. the applicant has taken all reasonable steps to consult and negotiate with the owner about the expected impact of the activity on PAA land;
- c. the activity will not result in a loss of more than 2% of the property used for PALU and the productive capacity of any PALU;
- d. the activity cannot be carried out on other land that is not used for a PALU;
- e. the construction and operation footprint of the activity on the property used for a PALU is minimised to the greatest extent possible;
- f. the activity will not constrain, restrict or prevent the ongoing conduct on the property of a PALU, including, for example, everyday farm practices or infrastructure essential to the farming operations;
- g. the activity is not likely to have a significant impact on the PAA;
- h. the activity is not likely to have an impact on land owned by another person.

Prescribed solutions for **Required Outcome 2** include that the applicant demonstrates:

- a. if the activity is to be carried out in a PAA identified in a regional plan—the activity will contribute to the regional outcomes, and be consistent with the regional policies;
- b. the activity cannot be carried out on other land in the region that is not used for a PALU;
- c. the construction and operation footprint of the activity on the area in the region used for a PALU is minimised to the greatest extent possible;
- d. the activity will not result in widespread or irreversible impacts on the future use of an area in the region for 1 or more PALUs;
- e. the activity will not constrain, restrict or prevent the ongoing use of an area in the region for 1 or more PALUs, including, for example, infrastructure essential to the operation of a PALU.

For **Required Outcome 2**, the application must demonstrate the applicant has in place a strategy or plan for managing the CSG water or associated water that provides for the net replenishment of the regionally significant water source. The net replenishment of a regionally significant water source is the replacement to the water source of all water that is no longer available for a PALU because it has been produced as CSG associated water.

Also, the relevant prescribed solutions for **Required Outcome 1** apply to **Required Outcome 2** for each property on which an activity is proposed if the applicant is not the owner of the land.

SCA Require Outcome and Prescribed Solutions

The SCA assessment criteria are made of required outcomes and prescribed solutions. The applicable required outcome and prescribed solution is dependent on the type and location of the activity – refer to the table on the following page:

How the Assessment Process works (cont.)

Proposed Activity	Required outcome to be address
The activity will not impact on SCL because it is confirmed that the land is not SCL	Required Outcome 1 – the activity will not result in any impact on SCL in the SCA.
The activity will, or is likely to, impact on SCL on a property in the SCA	Required Outcome 2 – the activity will not result in a material impact on SCL on the property; and Required Outcome 3 – the activity will not result in a material impact on SCL in an area in the SCA
The activity will, or is likely to, impact SCL, over more than one property	Required Outcome 3 – the activity will not result in a material impact on SCL in an area in the SCA

Prescribed solution for **Required Outcome 1**: the application demonstrates the activity will not be carried out on strategic cropping land that meets the criteria stated in schedule 3, part 2 of the RPI Regulation.

Prescribed solution for **Required Outcome 2** require the applicant to demonstrate all of the following:

- all reasonable steps to consult and negotiate with the owner of the land about the impact of the activity on SCL have been taken;
- the activity cannot be carried out on land that is not SCL, including, for example, land elsewhere on the property (SCL), on adjacent land or at another nearby location;
- the activity on SCL on the property is minimised to the greatest extent possible;
- if the activity will have a permanent impact on SCL on a property—no more than 2% of the SCL will be impacted.

Prescribed solution for **Required Outcome 3** require the applicant to demonstrate all of the following:

- the activity cannot be carried out on other land in the area that is not SCL, including, for example, land elsewhere on the property, on adjacent land or at another nearby location;
- if there is a regional plan for the area in which the activity is to be carried out—the activity will contribute to the regional outcomes, and be consistent with the regional policies, stated in the regional plan;
- the construction and operation footprint of the activity on SCL is minimised to the greatest extent possible;
- either – (i) the activity will not have a permanent impact on the strategic cropping land in the area; or (ii) the mitigation measures proposed to be carried out if the chief executive decides to grant the approval and impose an SCL mitigation condition.

How the Assessment Process works (cont.)

Deciding a RIDA application

The chief executive of DSDILGP must make a decision on a RIDA application within 20 business days after the day the assessing agency(s) is required to give the chief executive a response to the application or a longer period decided by the chief executive for which prior notice has been given to the applicant (Schedule 5 of the RPI Regulation).

In deciding a RIDA application, the chief executive must consider all the following (section 49 of the RPI Act):

1. the extent of the expected impact of the CSG resource activity on the PAA and SCA
2. any criteria for the decision prescribed under a regulation;
3. if the decision is for a notifiable assessment application—all properly made submissions received by the chief executive about the application;
4. if the decision is for a referable assessment application—any advice about the application included in an assessing agency's response; and
5. any advice about the application given by the Commission
6. any other matter the chief executive considers relevant.

Subject to section 48 of the RPI Act, after considering all the above, the chief executive must decide to either:

1. approve all or part of the application and grant a RIDA approval containing any conditions the chief executive deems appropriate; or
2. refuse the application.

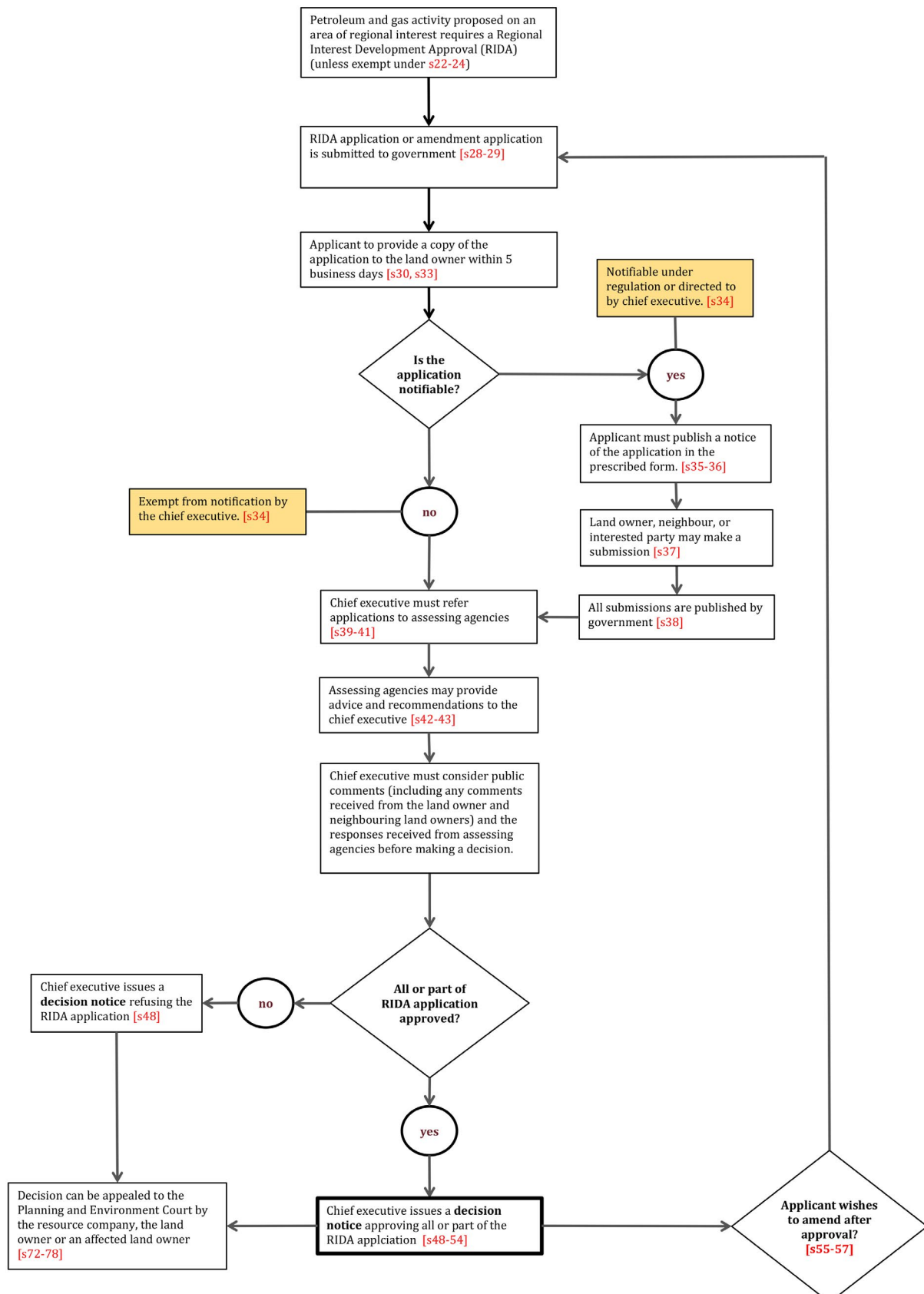
The decision can be appealed to the Planning and Environment Court by the resource company, the landowner or an affected landowner (section 72-78 of the RPI Act).

If there is any inconsistency between the conditions of a RIDA for a PAA or a SCA and a condition of an environmental authority or a resource authority, the conditions of the RIDA prevail to the extent of the inconsistency regardless of when the approval, authority or conditions were granted or imposed in relation to each other (section 59 of the RPI Act).

Figure 1 summarises the steps of the assessment process under the RPI Act, from when a RIDA application is submitted to when a decision is made. At each step of the way the corresponding sections of the RPI Act are referenced.

How the Assessment Process works (cont.)

Figure 1: Flowchart of the regional interest development approval (RIDA) application, review and approval process under the RPI Act



How the Assessment Process works (cont.)

RIDA Decisions to date

Table 2 provide a summary of the total number of RIDA applications for CSG activities in relevant areas of regional interest that have been submitted to government since the RPI Act came into force in 2014, and for which a decision has been made. It is noted that all RIDA applications submitted to government for CSG activity in a PAA or a SCA have been made on land owned by a petroleum and gas company.

Table 2: Number of RIDA applications that government has made a decision on in a PAA and SCA since the RPI Act came into effect in 2014

Area of regional interest	No. of applications on lands owned by the P&G company (the applicant)	No. of applications on lands not owned by the applicant	TOTAL
Priority Agricultural Area (PAA)	2	0	2
Strategic Cropping Area (SCA)	6	1*	7
Both PAA & SCA	4	0	4
TOTAL	12	1	13

* this application was required to pass-through State-owned road right-of-way reserves, not freehold property.

It is noted that even though no RIDA applications have been submitted on privately owned lands within a PAA and the SCA that are not owned by a petroleum and gas company, the Commission is aware that there has been extensive CSG development on privately owned lands within a PAA and SCA that are not owned by a petroleum and gas company. It is assumed that all such activities have been exempt from the assessment process under the RPI Act because in each case the landholder and the petroleum and gas company have been able to negotiate an appropriate Conduct and Compensation Agreement (CCA).

The extent of potential impacts to PALU in a PAA are therefore unknown to government, and government has no way to directly measure the success of the RPI Act in achieving its purpose to manage coexistence on high value agricultural lands.

Exemptions to the Assessment Process

There are a number of situations where a CSG resource activity is exempt from requiring a RIDA under the RPI Act. In these situations, a CSG resource activity can proceed in an area of regional interest without requiring a RIDA from the government under the RPI Act.

The situations in which a CSG resource activity is exempt from the requirements under the RPI Act (sections 22-25 of the RPI Act) include where there is agreement with the landholders, where the activity is a temporary activity, and when the activity is a pre-existing activity that was approved before the RPI Act came into effect.

Landholder Agreement

CSG resource activities on PAA and SCA land are exempt from the requirement of a RIDA under the RPI Act if:

1. the authority holder has voluntarily entered into a written agreement or CCA with the landowner (other than because of the order of the court); and
2. the resource activity is not likely to have a significant impact on the PAA or SCA; and
3. the resource activity is not likely to have an impact on land owned by a person other than the landowner.

The intent of this section was to incentivise agreements being reached between the resource company and the landholder. Importantly, to be eligible for this exemption, voluntary agreements must be achieved between the landholder and the company, and the activity must not have a significant impact on the PAA or SCA or another landowner.

For the purpose of exemption 2 above, the RPI Act Statutory Guidelines 02/14 and 03/14 define a significant impact on a PAA and SCA as:

“An impact which is important, notable or of consequence, having regard to its context or intensity. Whether or not an activity is likely to have a significant impact on the PAA/SCA depends on the scale and the effect of the impact on the PAA/SCA.

One example of where an activity may be considered not likely to have a significant impact on a PAA may be where the activity will not:

- *result in a decrease in a particular agricultural product supplied from the PAA or region, or*
- *result in a decrease in the PAA or region’s ability to undertake a particular PALU in the future.*

One example of where a resource activity may be considered not likely to have a significant impact on an area of the SCA may be where the proponent, could demonstrate that the land and soil over which the activity is proposed to occur will be returned to its pre-activity condition as soon as possible following completion of the activity.”

For the purpose of exemption 3 above, the RPI Act Statutory Guideline 02/14 defines what constitutes an impact on land owned by a person other than a landowner as:

“An impact on land owned by a person, other than the land owner, may occur where the activity will affect or influence the suitability of the land in a PAA to be used for a PALU. For example, reduced overland flow which supplies water storage facilities and which is used in connection with a PALU.”

Exemptions to the Assessment Process (cont.)

Temporary Impacts

Resource activities are also exempt if they are deemed to be temporary in nature. Under the RPI Act, activities are exempt if:

- the area will be restored to the condition it was before the activity was carried out within the period of one year.

This recognises that a range of resource activities are low impact and short term in nature, particularly those associated with early exploration stages of development.

Pre-Existing activities and approvals

Resource activities on a PAA and the SCA land are exempt from the requirement of a RIDA under the RPI Act if:

- a pre-existing resource activity that immediately before the land became land in an area of regional interest under the RPI Act, it was allowed to be carried out lawfully on the land.

Importantly, for this section a resource activity is able to be carried out lawfully if the activity may be carried out under resource authority or an environmental authority that had been granted prior to the commencement of the RPI Act and without the need for any other further approvals relating to the location, nature or extent of the activity under another Act or a condition of an authority.

Application of the Exemption

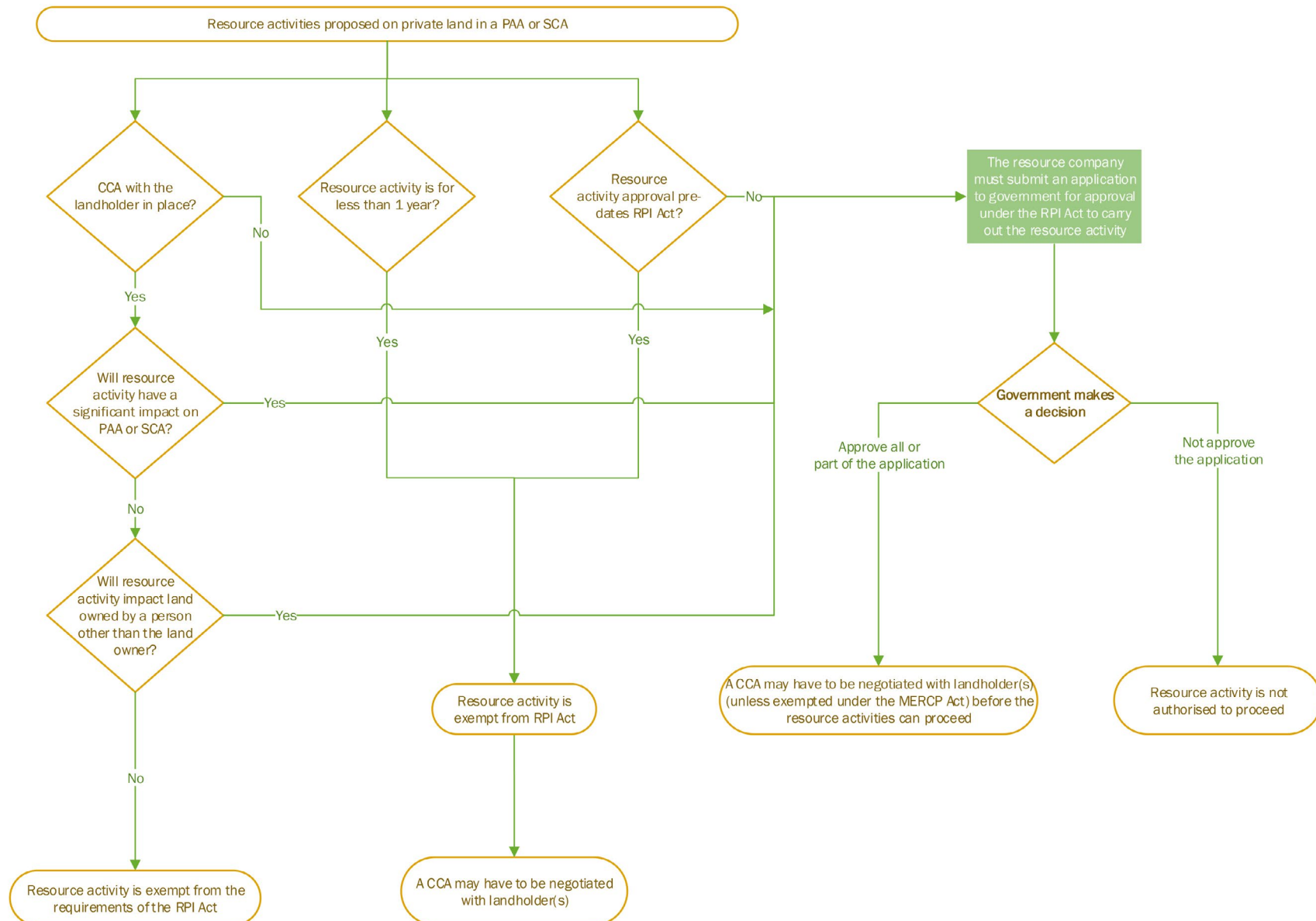
A resource authority holder is responsible for carrying out a self-assessment to determine whether or not their proposed CSG resource activity is an exempt activity under the RPI Act. If the resource authority holder believes that their proposed CSG activities meet any of the exemption conditions, they are not required to submit a RIDA application to get the approval of government to carry out those activities.

It is important to note that DSDILGP will not provide formal advice in relation to whether a CSG resource activity qualifies for an exemption or not. Any applicant or inquirer has two choices, they can either lodge a RIDA application as a default or seek a declaration from the Planning and Environment Court as to whether or not their proposed activities meets one or more of the exemption criteria.

Figure 2 on the following page illustrates how the exemptions are applied under the assessment process of the RPI Act. Note that these exemptions only apply to PAA and SCA lands.

Exemptions to the Assessment Process (cont.)

Figure 2: Flowchart of the exemptions to the assessment process under the RPI Act



The Definition and Classification of Agricultural Lands in Queensland

In Queensland, 84% of the land area is used for agricultural production of one form or another and because it is so extensive, lands used for agricultural purposes intersect several other important land uses of State and regional significance.

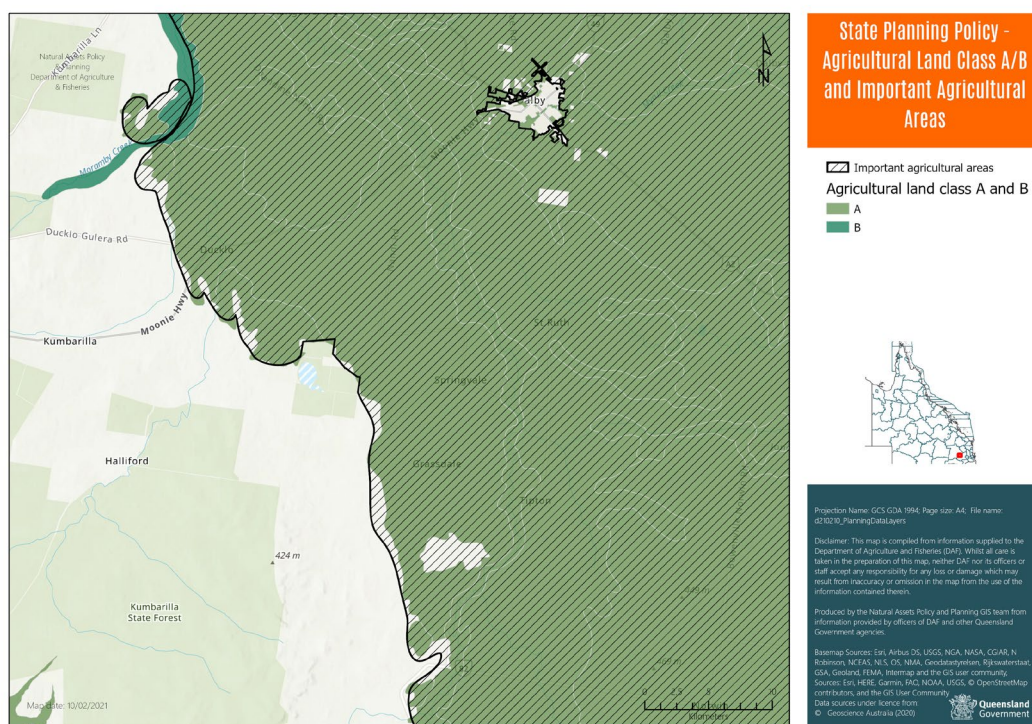
High quality agricultural land is a much smaller percentage of the total land area used for agricultural production. It is a finite resource and is not easily restored once disturbed or degraded. However, Queensland's land use planning and development framework is very complex with several different approaches that are taken to assess what development activities can and cannot occur on these agricultural lands and, in particular, how these lands are classified.

Figure 3 to Figure 5 provide a visual representation of the complexity of the different agricultural land classifications that currently exist under the SPP framework and the RPI Act framework.

While the SPP implies there are extensive agricultural lands that are significant to the state, it requires local governments to consider these interests and to put them into effect through their local planning schemes. The RPI Act is used to put the State's agricultural interests into effect directly for resource activities, however the RPI Act applies only to lands classified as PAA (including PALU) and SCA. The impacts on agricultural lands from other types of development are addressed under the Planning Act and the SPP.

In the case of PAA lands, the RPI Act framework only applies to regions in Queensland where regional plans have been approved and which identify PAA lands. For the purpose of this review, all areas of Queensland where there are current or planned CSG resource activities there is an approved regional plan in place that identifies PAA lands. These include the areas covered by the [Darling Downs Regional Plan](#) and the [Central Queensland Regional Plan](#).

Figure 3: Map of Important Agricultural Areas (IAA) and Class A and B Agricultural Lands around Dalby and Cecil Plains



[CLICK MAPS TO ENLARGE]

The Definition and Classification of Agricultural Lands in Queensland (cont.)

Figure 4: Map of PAA (in yellow) and PALU (dark brown for irrigation and light brown for cropping) around Dalby and Cecil Plains

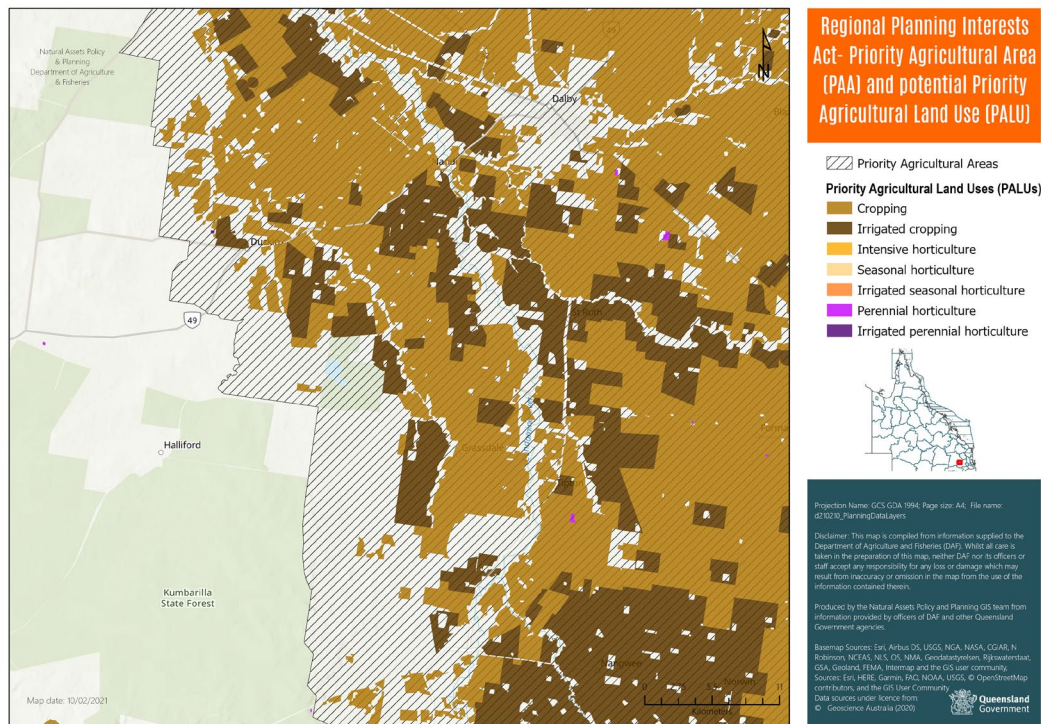
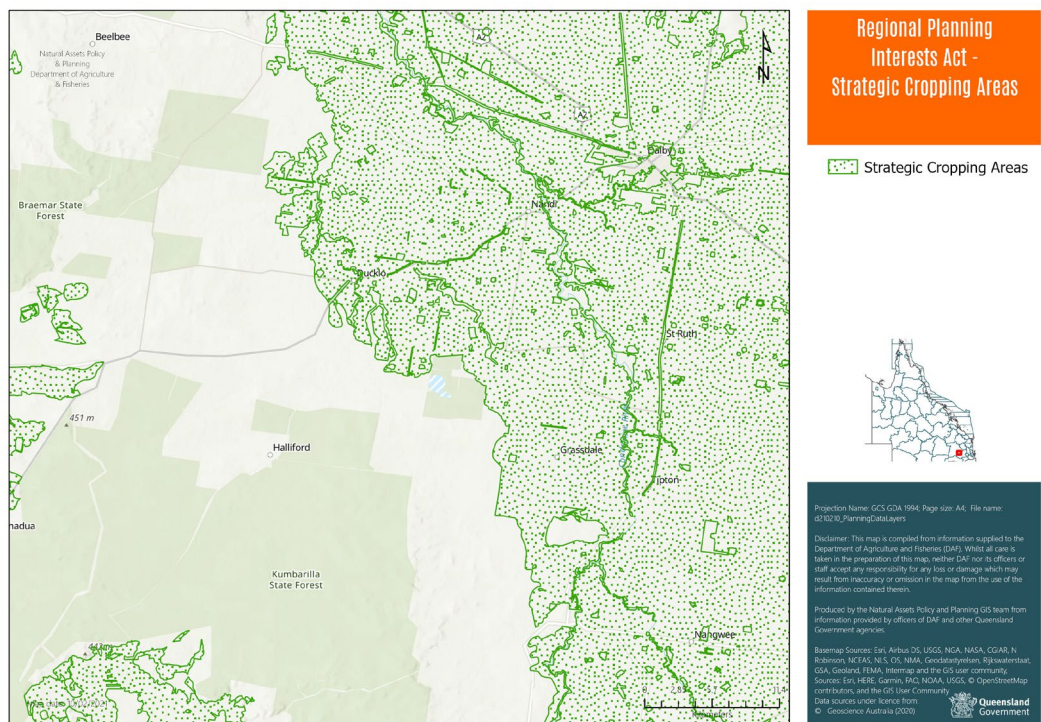


Figure 5: Map of the SCA around Dalby and Cecil Plains



The Definition and Classification of Agricultural Lands in Queensland (cont.)

Agricultural Land Classification (ALC) System – Classes A & B

One way in which the SPP framework seeks to protect agricultural interests is through the application of the Agricultural Land Classification (ALC) system. The ALC classification system is a hierarchy of land that applies across the state. It ranges from Class A (arable crop land) through to Class D (land unsuitable for agriculture). The protection of ALC Class A and B land is a matter of State Interest in land use planning and development assessments under the SPP. The SPP seeks to protect Class A and B land for sustainable agricultural uses by avoiding its fragmentation and making sure any development would not have an irreversible impact on or adjacent to it.

This agricultural land use classification does not apply to resource activities (as they are exempt from the Planning Act), however forms an important part of agricultural land classification system. However, ALC Class A and B lands might be considered in a RIDA application in instances where mitigation conditions are included to offsets impacts to PALU.

State Planning Policy - Important Agricultural Areas (IAAs)

Important Agricultural Areas (IAAs) are critical masses of agricultural land with similar characteristics and are strategically significant to different regions of the state. IAAs are also a key component of the State's agriculture interest, which seeks to ensure that agriculture and agricultural development opportunities are promoted and enhanced in IAAs. IAAs cover approximately 30,630,755 hectares or approximately 18% of Queensland. The overlap between ALC A and B class land and IAAs covers approximately 12,179,421 hectares or 7% of Queensland.

The Department of Environment and Science (DES) is the custodian of the ALC data and DAF is the custodian of the IAA data layer. IAAs are indicative only of broad areas which contain land important to agriculture. They are used as one of the inputs for determining priority agricultural areas through the regional planning process.

Strategic Cropping Area (SCA)

The SCA are areas where the land is, or is likely to be, highly suitable for cropping because of a combination of the land's soil, climate and landscape features.

SCAs and their associated policy objectives were established under the now repealed SCL Act through the creation of a strategic cropping land (SCL) trigger map. The SCL trigger map survived the repeal of the SCL Act and is still the tool that is used to classify SCAs as areas of regional interest under the RPI Act. DOR is the custodian for the SCL trigger map and data layer. The SCL trigger map can be amended (by submitting an application to DOR) if a resource development proponent has site specific information that shows the map is inaccurate.

DOR periodically updates the [SCL trigger map](#) to reflect the removal of SCL lands resulting from development permit approvals and from approved amendments where lands have been proven to not to have the appropriate combination of soil, climate and landscape features to qualify as strategic cropping land. The SCA currently covers approximately 10,001,464 hectares or 6% of Queensland.

The Definition and Classification of Agricultural Lands in Queensland (cont.)

Priority Agricultural Area (PAA) and Priority Agricultural Land Use (PALU)

PAAs are regionally significant agricultural areas that are currently being used for agricultural production. PAAs are identified in a regional plan and include one or more areas used for a priority agricultural land use (PALU). PAAs may also include other areas or features, including, for example, a regionally significant water source, and is either shown on a map in a regional plan as a PAA, or prescribed under a regulation. DSDILGP is the custodian of the PAA and regional plan data layers.

In simple terms, a PAA is an area identified as a proven highly productive agricultural area, containing agricultural land uses with significant associated infrastructure investment. These areas have the potential to be significantly impacted by resource activities and have limited scope to modify its agricultural practices in response to these impacts.

Within PAAs, agriculture is identified as the priority land use. Any other land use that seeks to operate in a PAA must coexist with the agriculture use to which it is being used. Resource activities that seek to operate in a PAA are not to unreasonably constrain, restrict or prevent on-going agricultural operation. The assessment criteria for PAAs allow for compatible resource activities to coexist with high value agricultural land uses, however, the resource activity must not result in a material impact on a PALU. There are currently 34 PAAs in the Darling Downs, Central Queensland, Cape York, SEQ and North Queensland statutory regions. PAAs cover approximately 4,619,219 hectares or 3% of Queensland.

PALUs are highly productive agriculture land uses identified in a regional plan or prescribed under a regulation for an area of regional interest. A PALU is a sub-classification within a PAA. A PALU is mapped as land use classes 3.3, 3.4, 3.5, 4 and 5.1 under the Australian Land Use and Management (ALUM) Classification, Version 7. The ALUM classification system is a collaborative effort between the commonwealth and the states and territories to provide an accurate, reliable and cost-effective classification system that makes best use of available databases, satellite imagery and aerial photos.

PALUs include areas used for broadacre cropping, irrigated cropping and horticulture as well as intensive animal husbandry, plantation forestry and terrestrial aquaculture. While the RPI Act only regulates the development of resource activities in the Darling Downs, Central Queensland, Cape York and SEQ statutory regions, the North Queensland Regional Plan now sets out that any non-agricultural use or resource activity seeking to operate in the region's four PAAs will not be supported unless they can coexist with the PALUs. It is estimated that PALUs within PAAs covers approximately 1,723,458 hectares or 1% of Queensland.

Conclusion and Review Questions

The Commission is seeking stakeholder views and input on the function of the RPI Act assessment process, exemptions to the assessment process and the way in which agricultural lands are classified. We are particularly interested in views and experiences of stakeholders on the applications of the framework; aspects of framework where there is lack of clarity; aspects of the framework which are working well; and aspects where stakeholders believe improvements could be made.

Below are a series of questions regarding various aspects of the RPI Act framework that are in the scope of this review. Please consider and answer each of the questions carefully from your perspective, or from the perspective of the group that you represent.

RPI Act Assessment Process – PAAs and the SCAs

1. Do you think the referral processes associated with RIDA applications are effective and efficient in assessing the criteria to manage the impacts of CSG activities on high value agricultural land?

If you agree is there anything you wish to add in regards to why you think the referral processes associated with RIDA applications are effective and efficient in assessing the criteria to manage the impacts of CSG activities on high value agricultural land?

If you don't agree please outline your suggested changes or enhancements in as much detail as possible.

2. Do you think that the assessment criteria associated with PAAs and SCAs adequately reflect the agricultural values that they seek to address?

If you agree is there anything you wish to add in regards to why you think the assessment criteria associated with PAAs and SCAs adequately reflect the agricultural values that they seek to address?

If you don't agree please outline your suggested changes or enhancements in as much detail as possible.

3. Do you think that the operational advice provided via the Statutory Guidelines is sufficient for stakeholders to understand the requirements of the RPI Act and associated RIDA assessment processes?

If you agree is there anything you wish to add in regards to why you think the operational advice provided via the Statutory Guidelines is sufficient for stakeholders to understand the requirements of the RPI Act and associated RIDA assessment processes?

If you don't agree please outline in as much detail as possible what actions you think government should undertake to make the assessment process more effective.

Conclusion and Review Questions (cont.)

4. Do you think the overall RIDA assessment and referral process under the RPI Act (as described above) is effective in managing impacts of CSG activities on high value agricultural land and achieving coexistence?

If you agree is there anything you wish to add in regards to why you think the overall RIDA assessment and referral process under the RPI Act is effective in managing impacts of CSG activities on high value agricultural land and achieving coexistence?

If you don't agree please explain in as much detail as possible what actions you think government should undertake to make the assessment process more effective.

5. Are there any other aspects of the assessment framework that you wish to raise or comment on?

Please outline in as much detail as possible your suggested improvements/changes associated with other issues raised.

Exemptions from RIDAs and application

6. Do you believe the current exemptions from the RPI Act that apply for PAAs and SCAs are appropriate?

If you agree is there anything you wish to add in regards to why you think the current exemptions from the RPI Act that apply for PAAs and SCAs are appropriate?

If you don't agree please advise in as much detail as possible what aspects of the exemptions you think would benefit from refinement.

7. Do you believe that there is sufficient supporting information to provide advice to stakeholders on the use of the exemptions to the RIDA requirements (i.e. guidance on significant impact, guidance on how the 'pre-existing approvals' aspects apply)?

If you agree is there anything you wish to add in regards to why you think there is sufficient supporting information to provide advice to stakeholders on the use of the exemptions to the RIDA requirements?

If you don't agree please advise in as much detail as possible what specific requirements you would like to see clarified or have additional guidance material developed for.

8. Do you believe that self-assessment is appropriate in terms of the use of the exemptions to RIDA requirements?

If you agree is there anything you wish to add in regards to why you think self-assessment is appropriate in terms of the use of the exemptions to RIDA requirements?

If you don't agree please specify in as much detail as possible your alternate views on the application of exemptions.

Conclusion and Review Questions (cont.)

Agricultural Land Classification

9. Do you believe that the definition of PAAs, PALUs and SCAs appropriately reflect the agriculture land/industry values that they seek to protect?

If you agree is there anything you wish to add in regards to why you think the definition of PAAs, PALUs and SCAs appropriately reflect the agriculture land/industry values that they seek to protect?

If you don't agree please explain in as much detail as possible how you think agricultural lands could be better classified.

10. Do you believe the multiple agricultural land use classification systems in Queensland are necessary to effectively manage agricultural lands across the state?

If you agree is there anything you wish to add in regards to why you think the multiple agricultural land use classification systems in Queensland are necessary to effectively manage agricultural lands across the state?

If you don't agree please explain in as much detail as possible how you think agricultural lands could be better classified.

11. In your opinion can the way in which agricultural lands are classified in Queensland be simplified to improve the effectiveness and clarity of how land is identified, managed and protected?

Please provide your suggestions in as much detail as possible.

PROVIDING YOUR RESPONSES:

The Commission requests that you send your responses to these questions, along with any other feedback on items raised in this consultation paper by either clicking the below **link** (*to provide your submission via an online survey platform*), or by sending your written submission to the below **postal address**:

Online Survey: <http://bit.ly/RPI-Act-Review>

Post: **Review of the Regional Planning Interests Act 2014**
GasFields Commission Queensland
PO Box 15266
City East Qld 4002

Next Steps

Once submissions are received, the Commission will review and analyse the feedback received from stakeholders and produce a Report containing its findings and recommendations.

The Commission may then seek further engagement from individual stakeholders to further comment and inform the draft report findings.

It is anticipated that the final report will be presented to the relevant Queensland Government Ministers by 30 June 2021. The Commission will subsequently make the final report available on its [website](#).

