

Resource activities in the Strategic Cropping Area and Priority Agricultural Area

FACTSHEET

Regional Planning Interests Act 2014

The *Regional Planning Interests Act 2014* (RPI Act) identifies certain areas of Queensland that are of regional interest and seeks to manage the impact and coexistence of resource activities and other regulated activities in those areas. The RPI Act is supported by the Regional Planning Interests Regulation 2014 (RPI Regulation).

What is the Strategic Cropping Area?

The strategic cropping area (SCA) is an area of regional interest under the RPI Act. Strategic cropping land – usually identified as ‘SCL’ – 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. SCL is identified on the SCL trigger map which is approved and published through the Department of Natural Resources, Mines and Energy (DNRME). The SCA is the area mapped as SCL on the trigger map.

What is the Priority Agricultural Area?

A priority agricultural area (PAA) is an area of regional interest under the RPI Act. It is shown on a map in a regional plan or prescribed under the RPI Regulation as a PAA.

PAAs are strategic areas, identified on a regional scale, that contain significant clusters of the region’s high-value intensive agricultural land uses. Within a PAA, high-value intensive agricultural land uses are recognised as the priority land use over other proposed land uses. These uses are termed priority agricultural land uses (PALUs) because they will be given priority when considering applications for resource activities and regulated activities to ensure existing PALUs are not threatened.

How to identify if land is in the SCA or PAA?

Maps of the SCA and the PAA are available in a searchable spatial format on the Development Assessment Mapping System located on the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) website at <https://planning.dsdmip.qld.gov.au/maps>.

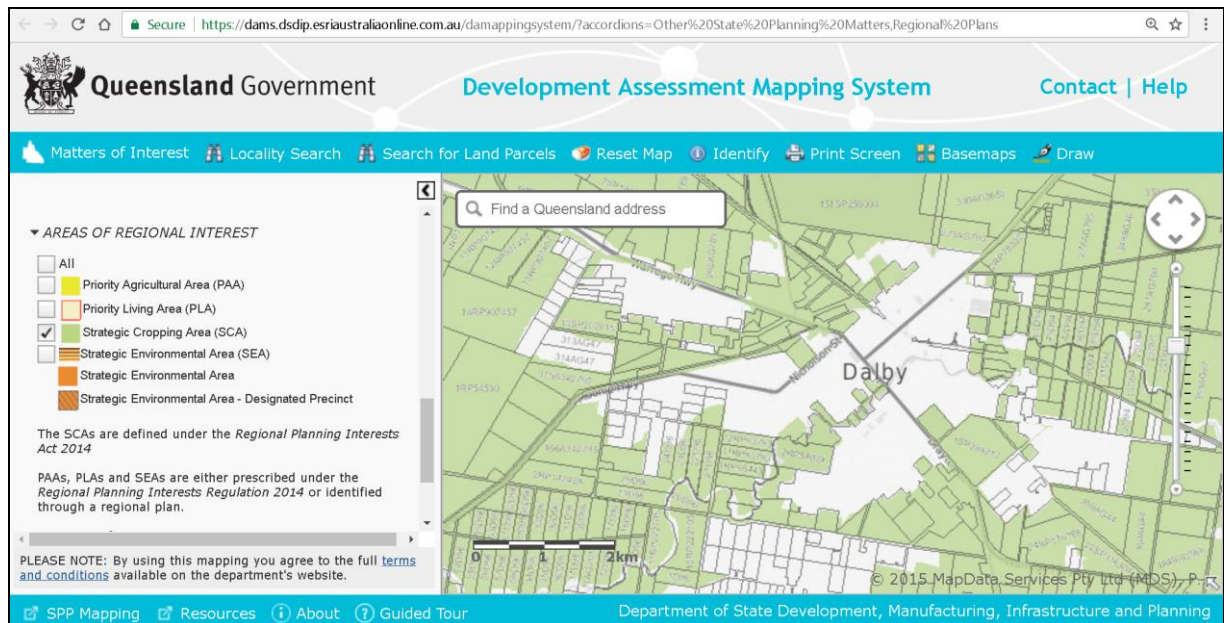


Figure 1: Excerpt from Development Assessment Mapping System, showing the Strategic Cropping Area mapping (in green), March 2018.

What happens when resource activities are proposed in the SCA or PAA?

What is a resource activity?

Resource activities include any activity for which a resource authority is required. 'Resource authority' is defined in section 13 of the RPI Act, and includes the following examples:

- a mining tenement under the *Mineral Resources Act 1989*
- an authority to prospect, petroleum lease, pipeline licence or petroleum facility licence under the *Petroleum and Gas (Production and Safety) Act 2004*.

Resource activities do not include the following:

- a prospecting permit under the *Mineral Resources Act 1989*
- a petroleum survey licence, a data acquisition authority, or a water monitoring authority under the *Petroleum and Gas (Production and Safety) Act 2004*.

Resource activities that require approval

All resource activities proposed in the SCA or the PAA must obtain a regional interests development approval, unless they are exempt. The RPI Act provides an assessment process to assess each proposed resource activity on its merits.

Assessment process

All applications are made to and decided by the Chief Executive, DSDMIP.

Applications for resource activities in the SCA are referred to DNRME for advice.

Applications for resource activities in the PAA are referred to the Department of Agriculture and Fisheries for advice.

Detailed assessment criteria are contained in schedule 2 of the Regional Planning Interests Regulation 2014. The PAA and SCA Assessment Criteria are made up of required outcomes and prescribed solutions. The prescribed solution is the only way to meet the required outcome.

The Chief Executive must also request advice from the Gasfields Commission regarding coexistence in relation to applications in the SCA or the PAA if: the application requires public notification; or in the Chief Executive's opinion, the expected surface impacts of the resource activity are significant.

Having your say

The Chief Executive may require public notification of an application. In determining the need for public notification of applications, the Chief Executive will consider the possible impacts of the activity on an area of regional interest as well as the impact/s on individual properties within the area of regional interest.

If public notification is required, the applicant must:

- publish a notice about the application at least once in a newspaper circulating generally in the area of the land and
- if the applicant is not the owner of the land, give the owner a notice about the application.

The notification period is at least 15 business days.

If the application is not subject to public notification, the applicant must give a copy of the application to the owner of the land.

Any person may make a submission about an application. A submission must:

- be made in writing
- state the name of each person who made the submission
- state an address for service for at least one of the persons who made the submission
- be received by the closing day for making submissions.

All submissions will be published on the DSDMIP's website.

Deciding the application

In deciding the application, the Chief Executive must consider all properly made submissions. The decision may approve all or part of the application and grant a regional interests development approval, may include conditions on the approval, or may refuse the application.

Appeals

Decisions may be appealed to the Planning and Environment Court.

Exempt activities

Resource activities that meet the requirements of an exemption may proceed without obtaining a regional interests development approval. These activities are still required to obtain all other necessary authorities such as a resource authority or environmental authority.

There are three exemptions in the RPI Act which may be relevant for activities in the SCA or PAA:

1. Activities carried out with the agreement of the land owner (refer Section 22 of RPI Act). This exemption provides for resource activities in a SCA or PAA where:
 - (a) the applicant is not the owner of the land and
 - (b) the applicant has entered into a voluntary agreement with the land owner about the resource activity and
 - (c) the resource activity is not likely to have a significant impact on the land and
 - (d) the resource activity is not likely to have an impact on land owned by a person other than the land owner.
2. A resource activity carried out for less than one year (Section 23 of RPI Act).
3. A pre-existing resource activity (Section 24 of RPI Act).

A land owner 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.

Note: the definition of land owner under the RPI Act is not as broad as the definition of landholder which is a commonly used term under other frameworks, including 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.

Further information

Visit: <https://planning.dsdmip.qld.gov.au/planning/regional-planning-interests-act>

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