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[redacted]
Gasfields Commission Queensland

Dear [redacted]

RE: Review of the *Regional Planning Interests RPI Act 2014* Assessment Process

I am writing to provide APPEA comment on the above consultation paper.

The Australian Petroleum Production & Exploration Association (APPEA) is the peak national body representing upstream oil and gas explorers and producers active in Australia. APPEA's member companies account for more than 90 per cent of Australia's petroleum production and almost all of Queensland's production. Further information about APPEA can be found on our website, at www.appea.com.au.

Clause 3 of the *Regional Planning Interests Act 2014* (**the RPI Act**) states the following purpose:

> (1) The purposes of this Act are to—
> (a) identify areas of Queensland that are of regional interest because they contribute, or are likely to contribute, to Queensland's economic, social and environmental prosperity; and
> (b) give effect to the policies about matters of State interest stated in regional plans; and
> (c) manage, including in ways identified in regional plans—
> (i) the impact of resource activities and other regulated activities on areas of regional interest; and
> (ii) the coexistence, in areas of regional interest, of resource activities and other regulated activities with other activities, including, for example, highly productive agricultural activities.
> (2) To achieve its purposes, this Act provides for a transparent and accountable process for the impact of proposed resource activities and regulated activities on areas of regional interest to be assessed and managed.

APPEA submits that the RPI Act is achieving these objectives and should therefore not be fundamentally changed.

In particular, we would highlight the RPI Act's purpose of managing the coexistence of resource activities with other activities such as agriculture. The RPI Act has been purposely designed to facilitate different activities occurring together as the State has an interest in a range of economic activities taking place. For this reason, the RPI Act does not envisage 'no go' areas and if the proponents of two developments – eg gas and farming – voluntarily agree on how activities should coexist then those activities are exempt from the RPI Act. This is a fundamental and deliberate design feature of the RPI Act that recognises, amongst other things, that landholders

can be trusted to manage their own interests on their own properties. If voluntary agreement is not achieved the RPI Act still provides a pathway for development, but approvals gained via this pathway will not be ideal for either party. In this way the RPI Act provides further incentive for the proponents of different activities to work together and manage coexistence without government intervention.

There are inherent compromises in all legislation and, as detailed in our response to the consultation paper's questions, APPEA does not consider the RPI Act to be ideal in all circumstances. However, we believe the balance struck by the RPI Act is appropriate particularly with regard to how it regulates coexistence between petroleum and agriculture within Priority Agricultural Areas (PAAs) and Strategic Cropping Areas (SCAs). The successful development of Queensland's natural gas industry within PAAs and SCAs alongside a thriving agriculture industry provides strong evidence for this view and we submit the onus is on those arguing for significant change to provide supporting evidence that the RPI Act is failing to meet its objectives.

Our response to the consultation paper's questions are provided in the **attachment** to this letter. I would welcome the opportunity to discuss this submission further.

Yours sincerely

[redacted]

Matthew Paull
Director – Environment and Queensland Policy

ATTACHMENT

Detailed comments on RPI framework

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?
Our members have found the approval process to be discordant with the development cycle and the approval process found in other Queensland legislation, notably the *Environment Protection Act 1994* (**the EP Act**). Specifically, the RPI Act requires the location of activities to be stated with high precision at an early stage of development when such precision may not be available. Further, duplicative approvals are required for the same activity under the RPI and EP Acts, and the values are largely already represented under Environmental Authorities and the EP Act. Aligning the RPI Act's approval processes with EP Act processes and removing the duplication would not compromise the RPI Act's objectives but would offer a significant reduction in regulatory burden. There is also opportunity for the referral process to be streamlined to reflect the State Planning Policy and include statutory timeframes for each stage of the process.
2. Do you think that the assessment criteria associated with PAA's and the SCA adequately reflect the agricultural values that they seek to address?
Whilst the Commission might be able to suggest some practical updates for the basis of the PAA mapping, the current criteria do largely reflect agricultural values. However, it is vital any updates recognise over ten years - including seven years under the RPI Act - of practical co-designed coexistence solutions between CSG and agriculture
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?
There is an opportunity for the Department to improve communication and engagement in the administration of the legislation and assessment processes. Unlike other Queensland approval processes, there is no opportunity for proactive engagement or discussion with RPI Act assessing officers to assist proponents to understand the applicability of the legislation to future projects, application status and issues being raised/identified as part of assessment processes. Industry seeks an open and collaborative approach to approvals under the RPI Act. It also would be useful to establish better guidance on approvals. A system of rulings might be useful, so that regulatory guidance can be sought on the basis of scenarios or hypothetical

situations. If these decisions were made widely available, that would help all stakeholders understand how the guidelines have been applied.
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? 5. Are there any other aspects of the assessment framework that you wish to raise or comment on?
Yes. The current process, while cumbersome in respects, has allowed the sustained development of resources whilst protecting agricultural land uses and productivity.
Exemptions from RIDAs and application
6. Do you believe that the current exemptions from the RPI Act that apply for PAA's and the SCA are appropriate?
It is appropriate that activities that have been agreed between the landholder and proponent are exempt. This is a fundamental feature of the RPI Act that is designed to foster coexistence and recognises that landholders can be trusted to manage their own interests. It is essential that this exemption be maintained. It is also essential that the exemption be maintained for activities under environmental authorities and resources authorities that were in effect prior to the area being declared an area of regional interest. Major investment decisions were made prior to the introduction of the RPI Act and the removal of this exemption would significantly impact those investments. We further note the temporary impacts exemption (less than one year) is severely limiting. For example, a landholder may want the proponent to build an access track through SCA to get to a well not located in the SCA/PAA, and therefore the access track would not be temporary. There could be multiple locations across the property in this case which would place the development above the 2% threshold, however in this example the landholder wants the access tracks there as it may follow an existing track and the proposed track would be an improvement to their property and property value but would potentially require a RIDA. In this regard, there should be broader ability for the landholder to accept more if they concur through the agreement i.e. Remove the "and" from the Landholder Agreement exemption which requires the resource activity to not have a significant impact. If the landholder is willing to agree to have those activities on their land, and heavily influence the location of the infrastructure, then it should be up to the landholder. These are activities that a landholder could carry out on their own property mapped as RPI without the need for a RIDA, so they should be able to agree for us to do the same without the need to go through an assessment. However, more so we believe there is more merit in changing the legislation to allow the exemption to apply where "it can be agreed between the two parties" through a CCA. There shouldn't be a need to meet the other criteria (ie slope, cropping history, not a significant impact etc) if the landholder is happy about

the infrastructure and location. As noted, this is often beneficial to the landholder and can increase the value of the property through improvements etc, ie all weather access tracks which are not temporary but the landholder has requested it as it may upgrade an existing unformed track.
7. Do you believe that there is sufficient supporting information to provide advice to stakeholder on the application of the exemptions (i.e. guidance on significant impact, guidance on how the 'pre-existing approvals' aspects apply)?
Generally yes, however there is potential for clearer advice as to what constitutes a significant impact.
8. Do you believe that self-assessment is appropriate in terms of the use of the exemptions to RIDA requirements?
Yes. There is a very limited and narrow scope for self-assessment and significant consequences for breach of the Act and improper use of exemptions including fines and criminal offences. We are not aware of any evidence that the self-assessment system has been abused.
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?
While we recognise the difficulty in establishing objective and widely agreed land definitions, there is a significant opportunity for improvement in the mapping that is used to inform the need for approval processes under the RPI Act. Improvement in transparency for the basis for the mapping as well as clarity, scale and accuracy are required to ensure the legislation is focussed on the matters that are of interest under the legislation and that the right values are being protected. Accurate/reliable mapping is fundamental to operating an approval system that all parties respect. Industry's coexistence with agriculture has resulted in the growing body of knowledge of the subsurface hydrogeological science that never previously existed which has been shared with landholders, government and statutory agencies, and research institutions. Likewise, industry's coexistence has been instrumental in increasing the state's knowledge of where agricultural land intersects with other land uses. The current classification and definition of land uses the Act enshrines provides a level of certainty and consistency upon which future planning can be based for all parties. Should these definitions be amended as part of a move to a modern classification system of agricultural lands in Queensland, these should be done with a view to include, not exclude land uses that have a strong history of coexistence.

10. Do you believe the multiple agricultural land use classification systems in Queensland are necessary to effectively manage agricultural lands across the state?
As stated above, should these definitions be amended, these should be done with a view to include, not exclude land uses that can or have a strong history of coexistence
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?
A simplified, updated and modern classification of agricultural lands in Queensland would greatly improve the effectiveness and clarity of how agricultural land is identified, managed and protected. A clear definition of what makes the agricultural land valued is an essential part of being able to manage impacts (positive and negative) on those values. However, it is vital that any modernisation of the classification of agricultural lands embodies coexisting land uses to ensure the significant strides the gas and agricultural industries have made together in identifying, managing, and protecting agricultural land can be applied to other industries. A modernised classification system needs to still take into account the huge leaps in knowledge and practice that has occurred in the last decade – scientific knowledge and knowledge gained through demonstrable and practical co-designed coexistence solutions that enshrine the State's interest in agricultural productivity while also enabling the state's interest in resource development and ultimately synergistic benefit to Queenslanders.