

Submission No. 11  
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Mr David Gibson MP  
Chair  
State Development, Infrastructure and Industry Committee  
Parliament House, George Street  
BRISBANE QLD 4000  
via email: [sdiic@parliament.qld.gov.au](mailto:sdiic@parliament.qld.gov.au)

Dear David,

Thank you for the opportunity to make a submission on the *Regional Planning Interests Regulation 2104, (the Regulation)*.

As you know, the Queensland Resources Council (QRC) is the peak representative organisation of the Queensland minerals and energy sector. QRC's membership encompasses minerals and energy exploration, production, and processing companies, and associated service companies. The QRC works on behalf of members to ensure Queensland's resources are developed profitably and competitively, in a socially and environmentally sustainable way.

All QRC's coal seam gas (CSG) members are also currently members of their peak national body, the Australian Petroleum Production & Exploration Association (APPEA) and have also contributed to the APPEA submission. In addition to presenting a broader perspective from the whole of Queensland's resource sector in this submission, QRC also supports the approach adopted by our CSG members under APPEA's national banner.

QRC would like to congratulate the Committee on making a substantial contribution to the successful development of regional planning policy in Queensland.

There was intense interest in the development of the *Regional Planning Interests Act 2014* (RPI Act) throughout the inquiry from a broad range of stakeholders. QRC members would like to acknowledge the important role that the Committee played in providing a vehicle for all stakeholders to present their concerns.

The fact that the Government adopted all 22 recommendations made in the Committee's report (report number 35) was testament to the careful and balanced manner in which the Committee conducted this inquiry and distilled a disparate set of community concerns into a set of practical recommendations.

QRC believes that the process of public hearings, the Committee's questions and the Deputy Premier's personal participation in the hearings were all essential ingredients in fine-tuning the draft Bill's successful translation into black letter law.

QRC's submissions to the Committee were amongst many to emphasise that as the RPI Bill was drafted as framework legislation, many of the important policy details were contained in the Regulation. Indeed, even with the Regulation subsequently in place, further operational details were required from guidelines and administrative policies. Now that this regulatory scaffolding around the Act is nearly all in place, QRC appreciates the opportunity to comment on the Regulation.

QRC's comments on the Regulation need to be understood in the context of three critical changes since the original QRC submissions were lodged on the Bill as initially tabled in the house.

- The Bill was amended to include section 108, a *transitional regulation-making power*, in the Act when it commenced;
- Amendments clarified the Act's recognition of resource activities which had been approved before the Act commenced to reduce the risk of the Act applying retrospectively; and
- The manner of administration of the Regional Planning Interests Act has been very pragmatic, with a clear focus on outcomes. QRC members continue to report that the Department of State Development, Infrastructure and Planning takes a close interest in how the Regulations are administered and applied.

While these are useful changes, the QRC believes that some further adjustments could significantly improve the operation of the new framework. QRC members have flagged the following issues as remaining areas of concern:

1. Providing a formal process for amending the mapping - and notifying stakeholders of such changes;
2. Allowing more flexibility in relation to the criteria relevant to an assessor's decision; and
3. Consultation on establishing strategic environmental areas (SEAs).

Although it is early days, it appears that the administration of the Regulation has been 'light-touch' rather than dogmatic, which in many instances has seen agencies work with proponents to identify ways to minimise impacts on areas of regional interest. However, as detailed below, there is still scope for improving the operation of this new framework.

### **Issue 1 - mapping**

QRC believes that it would be useful for the Regulation to include a process for reviewing and amending the areas of regional interest, as well as notifying stakeholders of changes to the relevant mapping.

One of the salutary lessons of land use planning in Queensland, whether it be from vegetation management, Wild Rivers or Strategic Cropping Land is that the land use maps are never as accurate as you would like. As such, an accountable, transparent process for:

- (a) amending, reviewing and updating maps of areas of regional interest; and
- (b) notifying relevant stakeholders (such as resource tenement holders in the area) when such changes are effected,

would seem like a useful addition to the Regulation.

### **Issue 2 – criteria**

The Regulation specifies the criteria for an assessor's assessment or decision on an application. Essentially, the proposed activity:

- (a) must satisfy the applicable "required outcome"; and
- (b) will do so only if the application demonstrates a "prescribed solution".

QRC members have raised concerns that this approach is potentially restrictive, in that it does not allow for alternative solutions to be considered as part of the assessment process. Greater flexibility in assessment of applications – for example, by allowing an assessor to consider alternative "solutions" to meet the "required outcome" – would provide much greater scope for innovation in achieving that outcome.

### **Issue 3 – consultation**

The QRC acknowledges the significant consultation undertaken by the Department in respect of the Cape York and Channel Country strategic environmental areas (SEAs). However, the Department itself has confirmed that no consultation was undertaken in respect of some other areas, such as the Gulf Rivers SEA.

According to QRC members, potential issues with the new framework could have been identified in consultation prior to the commencement of the Regulation. By way of example, one of the key issues identified for the Gulf Rivers SEA is that the Regulation does not "carry over" the wild rivers policy, but imposes a more onerous regime, resulting in an increase in regulatory burden rather than a reduction in red-tape. Consultation prior to the Regulation being finalised would have allowed this matter to be identified and addressed. The QRC would welcome further engagement on this issue.

The QRC contact on this submission is Andrew Barger, who can be contacted on 3316 2502 or alternatively via email at [andrewb@qrc.org.au](mailto:andrewb@qrc.org.au)

Yours sincerely

Michael Roche  
**Chief Executive**