



*Regional Planning Interests Act 2014*

# **Regional Planning Interests Regulation 2014**

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Queensland

# Regional Planning Interests Regulation 2014

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# Regional Planning Interests Regulation 2014

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Regional Planning Interests Regulation 2014*.

### 2 Definitions

The dictionary in schedule 6 defines particular words used in this regulation.

## Part 2 Priority agricultural areas

### 3 Regionally significant water source

- (1) For the Act, section 8(3), the Condamine Alluvium is prescribed as a regionally significant water source.
- (2) In this section—

*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](http://www.comlaw.gov.au/Details/F2012L02240).

## Part 3 Strategic environmental areas

### 4 Strategic environmental areas

- (1) For the Act, section 11(1)(b)(ii), each of the following is prescribed as a strategic environmental area—
  - (a) the part of the Channel Country identified on the SEA map for the area (the *Channel Country strategic environmental area*);
  - (b) the part of the Gulf Country identified on the SEA map for the area (the *Gulf Rivers strategic environmental area*);
  - (c) the part of Hinchinbrook Island identified on the SEA map for the area (the *Hinchinbrook Island strategic environmental area*).
- (2) The *SEA map* for a strategic environmental area is the map identifying the area, that is held by the department and published on its website.

### 5 Environmental attributes

For the Act, section 11(2), definition *environmental attribute*, sections 7 to 10 identify the environmental attributes for the strategic environmental areas mentioned in section 4(1).

### 7 Environmental attributes for the Channel Country strategic environmental area

The following are the environmental attributes for the Channel Country strategic environmental area—

- (a) the natural hydrologic processes of the area characterised by—
  - (i) natural, unrestricted flows in and along watercourse channels and the channel network in the area; and

- 
- (ii) overflow from watercourse channels and the channel network onto the flood plains of the area, or the other way; and
  - (iii) natural flow paths of water across flood plains connecting waterholes, lakes and wetlands in the area; and
  - (iv) groundwater sources, including the Great Artesian Basin and springs, that support waterhole persistence and ecosystems in the area;
- (b) the natural geomorphic processes of the area characterised by—
    - (i) natural erosion; and
    - (ii) the transport and deposit of sediment by water throughout the catchments and along the watercourse systems;
  - (c) the functioning riparian processes of the area characterised by native riparian vegetation associated with watercourses, lakes, flood plains and wetlands;
  - (d) the functioning wildlife corridors of the area characterised by—
    - (i) natural habitat in the watercourse systems; and
    - (ii) permanent waterholes and springs;
  - (e) the natural water quality in the watercourse channels and aquifers and on flood plains in the area characterised by physical, chemical and biological attributes that support and maintain natural aquatic and terrestrial ecosystems;
  - (f) the beneficial flooding of land that supports flood plain grazing and ecological processes in the area.

## **9 Environmental attributes for Gulf Rivers strategic environmental area**

The following are the environmental attributes for the Gulf Rivers strategic environmental area—

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- (a) the natural hydrologic processes of the area characterised by—
  - (i) natural, unrestricted flows in and along watercourses and estuaries; and
  - (ii) overflow from watercourses onto the flood plains of the area, or the other way; and
  - (iii) natural flow paths of water across flood plains connecting waterholes, lakes and wetlands in the area; and
  - (iv) natural flow in and from groundwater and springs;
- (b) the natural geomorphic processes of the area characterised by—
  - (i) natural erosion; and
  - (ii) the transport and deposit of sediment by water throughout the catchments and along the watercourse systems and estuaries;
- (c) the functioning riparian processes of the area characterised by native riparian vegetation associated with watercourses, estuaries, lakes, floodplains and wetlands;
- (d) the functioning wildlife corridors of the area characterised by—
  - (i) natural habitat in the watercourse systems; and
  - (ii) permanent waterholes and springs;
- (e) the natural water quality in the watercourse channels and aquifers and on flood plains in the area characterised by physical, chemical and biological attributes that support and maintain natural aquatic and terrestrial ecosystems.

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**10 Environmental attributes for Hinchinbrook Island strategic environmental area**

The following are the environmental attributes for the Hinchinbrook Island strategic environmental area—

- (a) the natural hydrologic processes of the area characterised by—
  - (i) natural, unrestricted flows in and along watercourse channels, riparian areas and estuaries; and
  - (ii) overflow from watercourse channels onto the riparian zones and off-stream water bodies, or the other way; and
  - (iii) natural flow paths of water across wetlands connecting waterholes and lakes in the area; and
  - (iv) natural flow in and from permanent and temporary swamps, coastal wetlands and mangrove communities;
- (b) the natural geomorphic processes of the area characterised by—
  - (i) natural erosion; and
  - (ii) the transport and deposit of sediment by water throughout the catchments and along the watercourse systems to their respective estuaries;
- (c) the functioning riparian processes of the area characterised by native riparian vegetation associated with watercourses, estuaries, lakes, flood plains and wetlands;
- (d) the functioning wildlife corridors of the area characterised by—
  - (i) natural habitat in the watercourse systems; and
  - (ii) areas of highly diverse coastal wetlands, mangrove communities and other areas of fish habitat;

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- (e) the natural water quality in the watercourse channels and aquifers and on flood plains in the area characterised by physical, chemical and biological attributes that support and maintain natural aquatic and terrestrial ecosystems.

## Part 4 Regulated activities

### 11 Regulated activities

- (1) For the Act, section 17(1)(b), each of the following is a regulated activity for a strategic environmental area—
  - (a) broadacre cropping;
  - (b) water storage (dam).
- (2) ***Broadacre cropping*** is the cultivation of extensive parcels of land under dryland or irrigated management for cropping.
- (3) ***Water storage (dam)*** is storing water using a dam, other than storing water on land to be used only for any or all of the following purposes—
  - (a) to meet the domestic water needs of the occupants of the land;
  - (b) to water the stock that is usually grazed on the land;
  - (c) to water stock that is travelling on a stock route on or near the land.

## Part 5 Regional interests development approvals

### 12 Referable assessment applications, assessing agencies and their functions

- (1) For the Act, sections 26(1) and 40—

- 
- (a) schedule 1, column 2 states the assessing agency or agencies for an assessment application for the area of regional interest mentioned opposite in column 1; and
  - (b) schedule 1, column 3 states the functions of the assessing agency mentioned opposite in column 2 for the area of regional interested mentioned opposite in column 1.
- (2) For the Act, section 39(2), an assessment application is referable if the activity is proposed to be carried out in an area of regional interest mentioned in schedule 1, column 1.

*Note—*

A reference to the activity in a provision about an assessment application is a reference to the activity the subject of the application. See the Act, section 18(4)(c).

### **13 Notifiable assessment application**

- (1) For the Act, section 34(2)(a), an assessment application is notifiable if the area of regional interest in which the resource activity is proposed to be carried out is a priority living area.
- (2) For the Act, section 35(1)(a), the way in which an applicant must publish a notice about a notifiable assessment application is at least once in a newspaper circulating generally in the area of the land.
- (3) For the Act, section 35(4), the notification period for a notifiable assessment application is 15 business days after the notice about the application is first published under subsection (2).

### **14 Criteria for assessor for assessment application**

- (1) This section prescribes the criteria for an assessor's assessment or decision on an assessment application as mentioned in the Act, sections 41(2)(b) and 49(1)(b).
- (2) The assessor must be satisfied the activity meets the applicable required outcome stated in schedule 2 for the area of regional interest to which the application relates.

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- (3) The activity meets a required outcome for the area of regional interest only if the application demonstrates the matters listed in a prescribed solution stated in schedule 2 for the required outcome.

*Note—*

Schedule 2, parts 1 to 4 include 1 or more prescribed solutions for each required outcome for an area of regional interest.

- (4) However, if an activity is proposed to be carried out on land used for a priority agricultural land use in a priority agricultural area that is in the strategic cropping area, the assessor only need be satisfied the activity meets the applicable required outcome stated in schedule 2 for the priority agricultural area.

## **Part 6 Mitigation**

### **15 References to zone and sub-zone**

- (1) This section applies for a provision of this regulation about the strategic cropping area or strategic cropping land.
- (2) A reference to a particular zone or sub-zone is a reference to the zone or sub-zone as shown on the map titled ‘Sub-zones for strategic cropping land mitigation rates’ held by the natural resources department and published on its website.

### **16 Mitigation value**

- (1) For the Act, section 62(2), the mitigation value of mitigated SCL land is the amount worked out by multiplying each hectare of the land’s area by the following amount—
- (a) for land in the following sub-zones in the Western Cropping zone—
- (i) Balonne—5,752 fee units;
  - (ii) Central Highlands Isaac—5,576 fee units;
  - (iii) Goondiwindi—6,162 fee units;

- 
- (iv) Maranoa—6,749 fee units;
  - (v) Western Downs—7,042 fee units;
  - (b) for land in the Eastern Darling Downs zone—8,803 fee units;
  - (c) for land in the following sub-zones in the Coastal Queensland zone—
    - (i) Burdekin—13,205 fee units;
    - (ii) Burnett North and South—13,205 fee units;
    - (iii) Mackay Whitsunday—13,205 fee units;
    - (iv) Wide Bay Bundaberg—13,205 fee units;
    - (v) Central Queensland Coast—17,604 fee units;
    - (vi) South East Queensland—29,343 fee units;
  - (d) for land in the Granite Belt zone—16,431 fee units;
  - (e) for land in the Wet Tropics zone—23,475 fee units.
- (2) For subsection (1), if the mitigated SCL land is not a whole number of hectares, it must be rounded up to the nearest whole hectare.

## 17 Mitigation deed

- (1) For the Act, section 64(b), subsection (2) prescribes the requirements that a mitigation deed for a regional interests development approval must comply with.
- (2) The mitigation deed must—
  - (a) identify—
    - (i) the approval; and
    - (ii) the approved resource activity or regulated activity; and
    - (iii) the mitigated SCL land to which the approval relates; and

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- (b) provide for mitigation measures for the mitigation value of the mitigated SCL land that—
  - (i) comply with the mitigation criteria; and
  - (ii) are in addition to anything the holder of the approval would, other than for the SCL mitigation condition, have done, incurred or spent in carrying out the activity; and
  - (iii) are at least equal in value to the mitigation value of the land; and
- (c) require the holder to give the chief executive periodic reports about—
  - (i) the progress of the mitigation measures; and
  - (ii) the amounts spent on them.
- (3) A mitigation deed must not provide for, or for carrying out, any authority-related restoration.
- (4) In considering whether a mitigation deed is consistent with the mitigation criteria, the value of any authority-related restoration must be disregarded.
- (5) In this section—

*authority-related restoration* means environmental management, restoration, rehabilitation or remediation required or permitted under the Environmental Protection Act or a resource Act.

## Part 7 Fees

### 18 Assessment application fees

- (1) For the Act, section 29(c), the prescribed fee for an assessment application for a resource activity or a regulated activity to be carried out in an area of regional interest is the fee stated in schedule 4 for the area.

- 
- (2) However, if the assessment application is for a resource activity or a regulated activity to be carried out in 2 or more areas of regional interest, the prescribed fee for the application is the sum of the fees payable under subsection (1) for each area of regional interest.

## 19 Fees for amending assessment application

- (1) A notice given to the chief executive under the Act, section 31(2)(b) to make a permitted amendment to an assessment application must be accompanied by the following fee—
- (a) if the amendment is a minor amendment—a fee that is 5% of the application fee for the assessment application;
  - (b) otherwise—a fee that is 25% of the application fee for the assessment application.
- (2) In this section—
- application fee***, for an assessment application, means the fee payable for the application under section 18.

## 19A Rounding of amounts expressed as numbers of fee units

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded to the nearest dollar (rounding one-half upwards).

*Example—*

If a fee were 3500 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 3500 by \$1.015 would be \$3,552.50. Because \$3,552.50 is halfway between \$3,552 and \$3,553, it is rounded upwards, so the amount of the fee would be \$3,553.

## Part 8 Miscellaneous

### 20 Prescribed time frame

For the Act, schedule 1, definition *prescribed time frame*, the time frame prescribed for a matter mentioned in a provision of the Act stated in schedule 5, column 1 is the time frame stated opposite in schedule 5, column 2.

## Part 9 Transitional provision for Regional Planning Interests (Lake Eyre Basin) Amendment Regulation 2024

### 21 Existing assessment applications

- (1) This section applies in relation to an assessment application made, but not decided, before the commencement.
- (2) New schedule 2, section 15 applies in relation to the assessment application.
- (3) In this section—  
*new schedule 2, section 15* means schedule 2, section 15 as in force from the commencement.

# Schedule 1      Assessing agencies and their functions

## section 12

| <b>Column 1<br/>Area of regional interest</b>   | <b>Column 2<br/>Assessing agency</b>               | <b>Column 3<br/>Functions</b>   |
|---|--|---|
| priority agricultural area  | the agriculture department                         | the expected impact of the activity on land used for a priority agricultural land use in the priority agricultural area   |
| priority agricultural area that includes 1 or more regionally significant water sources | the natural resources department                   | the expected impact of the activity on land used for a priority agricultural land use because of the activity's impact on a regionally significant water source in the priority agricultural area |
| priority living area that includes all or a part of 1 local government area             | the local government for the local government area | the expected impact of the activity on—<br>(a) the opportunity to protect and enhance the land for urban development; and<br>(b) the amenity of, and the community in, the priority living area   |

Schedule 1

| <b>Column 1<br/>Area of regional interest</b>                                      | <b>Column 2<br/>Assessing agency</b>   | <b>Column 3<br/>Functions</b>  |
|--|--|--|
| priority living area that includes all or part of 2 or more local government areas | the local government for the existing settled area in the priority living area that is closest to where the activity is proposed to be carried out | the expected impact of the activity on—<br>(a) the opportunity to protect and enhance the land for urban development; and<br>(b) the amenity of, and the community in, the priority living area        |
| an area in the strategic cropping area   | the natural resources department   | the expected impact of the activity on strategic cropping land in the area   |
| a strategic environmental area   | the environment department   | the expected impact of the activity on the ecological integrity of the environmental attributes for the area that relate to riparian processes, wildlife corridors or water quality                    |
| a strategic environmental area   | the natural resources department   | the expected impact of the activity on the hydrodynamics of, and interactions with, the environmental attributes for the area that relate to hydrologic or geomorphic processes or beneficial flooding |

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## Schedule 2      Criteria for assessment or decision

section 14

### Part 1              Preliminary

#### 1      Definitions for sch 2

(1) In this schedule—

*pre-activity condition*, for land in the strategic cropping area, means the condition of the land's soil as identified and analysed within 1 year before the making of an assessment application for a resource activity or regulated activity to be carried out on the land.

*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 1 or more common owners and—
  - (i) are managed as a single agricultural enterprise; or
  - (ii) form a single discrete area because 1 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).

*used*, 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 3 years during the 10 years immediately before an assessment application is made in relation to the land.

(2) A resource activity or regulated activity has a *permanent impact* on strategic cropping land if, because of carrying out the activity, the land can not be restored to its pre-activity condition.



- 
- (c) the construction and operation footprint of the activity on the part of the property used for a priority agricultural land use is minimised to the greatest extent possible;
  - (d) the activity will not constrain, restrict or prevent the ongoing conduct on the property of a priority agricultural land use, including, for example, everyday farm practices and an activity or infrastructure essential to the operation of a priority agricultural land use on the property;
  - (e) the activity is not likely to have a significant impact on the priority agricultural area;
  - (f) the activity is not likely to have an impact on land owned by a person other than the applicant or the land owner mentioned in paragraph (a).

#### **4 Required outcome 2—managing impacts on a region in relation to use of an area in the region for a priority agricultural land use**

- (1) This section applies if the activity is to be carried out on 2 or more properties in a priority agricultural area in a region.
- (2) 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 uses.

#### **5 Prescribed solution for required outcome 2**

- (1) The application demonstrates all of the following—
  - (a) if the activity is to be carried out in a priority agricultural area identified in a regional plan—the activity will contribute to the regional outcomes, and be consistent with the regional policies, stated in the regional plan;
  - (b) the activity can not be carried out on other land in the region that is not used for a priority agricultural land use, including, for example, land elsewhere on a

- property, on an adjacent property or at another nearby location;
- (c) the construction and operation footprint of the activity on the area in the region used for a priority agricultural land use 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 priority agricultural land uses;
  - (e) the activity will not constrain, restrict or prevent the ongoing use of an area in the region for 1 or more priority agricultural land uses, including, for example, infrastructure essential to the operation of a priority agricultural land use.
- (2) Subsection (3) applies if the activity is to be carried out in a priority agricultural area that includes a regionally significant water source and—
- (a) if the activity is to be carried out under an authority to prospect or a petroleum lease under the *Petroleum and Gas (Production and Safety) Act 2004*—the activity is likely to produce CSG water; or
  - (b) if the activity is to be carried out under a mineral development licence or a mining lease under the *Mineral Resources Act 1989*—the activity is likely to produce associated water.
- (3) Also, 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.
- (4) For subsection (3), ***net replenishment*** of a regionally significant water source is the replacement to the water source, whether directly or indirectly, of all water that is no longer available for a priority agricultural land use in a priority agricultural area because carrying out a resource activity in the area produces CSG water or associated water.
- (5) Subsection (6) applies for each property on which the activity is to be carried out if the applicant is not the owner of the land

and has not entered into a voluntary agreement with the owner.

(6) The application must demonstrate the matters listed in this schedule, section 3 for a prescribed solution for required outcome 1 for the property.

(7) In this section—

*associated water* means underground water taken or interfered with, if the taking or interference happens during the course of, or results from, the carrying out of an activity authorised under a mineral development licence or mining lease.

*CSG water* see the *Petroleum and Gas (Production and Safety) Act 2004*, schedule 2.

*overland flow water* see the *Water Act 2000*, schedule 4.

*underground water* see the *Water Act 2000*, schedule 4.

## Part 3 Priority living area

### 6 Required outcome

The location, nature and conduct of the activity is compatible with the planned future for the priority living area stated in a planning instrument under the Planning Act.

### 7 Prescribed solution

The application demonstrates each of the following—

- (a) the activity is unlikely to adversely impact on development certainty—
  - (i) for land in the immediate vicinity of the activity; and
  - (ii) in the priority living area generally;
- (b) carrying out the activity in the priority living area, and in the location stated in the application, is likely to result in

community benefits and opportunities, including, for example, financial and social benefits and opportunities.

## **Part 4 Strategic cropping area**

### **8 Required outcome 1—no impact on strategic cropping land**

The activity will not result in any impact on strategic cropping land in the strategic cropping area.

### **9 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.

### **10 Required outcome 2—managing impacts on strategic cropping land on property (SCL) in the strategic cropping area**

- (1) This section applies if the activity—
  - (a) does not meet required outcome 1; and
  - (b) is being carried out on a property (SCL) in the strategic cropping area.
- (2) The activity will not result in a material impact on strategic cropping land on the property (SCL).

### **11 Prescribed solution for required outcome 2**

The application demonstrates all of the following—

- (a) if the applicant is not the owner of the land and has not entered into a voluntary agreement with the owner—the applicant has taken all reasonable steps to consult and negotiate with the owner of the land about the expected impact of carrying out the activity on strategic cropping land;

- 
- (b) the activity can not be carried out on land that is not strategic cropping land, including, for example, land elsewhere on the property (SCL), on adjacent land or at another nearby location;
  - (c) the construction and operation footprint of the activity on strategic cropping land on the property (SCL) is minimised to the greatest extent possible;
  - (d) if the activity will have a permanent impact on strategic cropping land on a property (SCL)—no more than 2% of the strategic cropping land on the property (SCL) will be impacted.

## **12 Required outcome 3—managing impacts on strategic cropping land for a region**

- (1) This section applies if the activity—
  - (a) does not meet required outcome 1; or
  - (b) is being carried out on 2 or more properties (SCL) in the strategic cropping area.
- (2) The activity will not result in a material impact on strategic cropping land in an area in the strategic cropping area.

## **13 Prescribed solution for required outcome 3**

- (1) The application demonstrates all of the following—
  - (a) the activity can not be carried out on other land in the area that is not strategic cropping land, including, for example, land elsewhere on the property (SCL), on adjacent land or at another nearby location;
  - (b) 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;
  - (c) the construction and operation footprint of the activity on strategic cropping land is minimised to the greatest extent possible;

- (d) 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.
- (2) Subsection (3) applies for each property (SCL) on which the activity is to be carried out if the applicant is not the owner of the land and has not entered into a voluntary agreement with the owner.
- (3) The application must demonstrate the matters listed in this schedule, section 11 for a prescribed solution for required outcome 2 for the property (SCL).

## **Part 5 Strategic environmental area**

### **14 Required outcome**

The activity will not result in a widespread or irreversible impact on an environmental attribute of a strategic environmental area.

### **15 Prescribed solution**

- (1) The application demonstrates either—
  - (a) the activity will not, and is not likely to, have a direct or indirect impact on an environmental attribute of the strategic environmental area; or
  - (b) all of the following—
    - (i) if the activity is being carried out in a designated precinct in the strategic environmental area—the activity is not an unacceptable use for the precinct;
    - (ii) the construction and operation footprint of the activity on the environmental attribute is minimised to the greatest extent possible;

- 
- (iii) the activity does not compromise the preservation of the environmental attribute within the strategic environmental area;
  - (iv) if the activity is to be carried out in a strategic environmental area identified in a regional plan—the activity will contribute to the regional outcomes, and be consistent with the regional policies, stated in the regional plan.
- (2) The following are unacceptable uses for a designated precinct in a strategic environmental area—
- (a) if the designated precinct is in the Cape York strategic environmental area—a mining resource activity;
  - (b) if the designated precinct is in the North Queensland strategic environmental area—a resource activity;
  - (c) if the designated precinct is in the Channel Country strategic environmental area—a petroleum resource activity;
  - (d) open cut mining, other than open cut mining for a critical mineral in a critical minerals reach in the Channel Country strategic environmental area;
  - (e) broadacre cropping;
  - (f) water storage (dam).
- (2A) However, subsection (2)(c) does not apply in relation to an application to the extent the application relates to—
- (a) a petroleum resource activity to be carried out under an authority to prospect, or a petroleum lease, that—
    - (i) was in effect immediately before 22 December 2023; and
    - (ii) has not been amended, renewed or transferred on or after 22 December 2023; or
  - (b) a petroleum resource activity involving conventional gas or oil only to be carried out under a petroleum lease that—

- (i) was in effect immediately before 22 December 2023; and
    - (ii) has been amended, renewed or transferred on or after 22 December 2023; or
  - (c) a petroleum resource activity involving conventional gas or oil only to be carried out under a petroleum lease granted on or after 22 December 2023 for—
    - (i) an application made under the *Petroleum and Gas (Production and Safety) Act 2004* before 22 December 2023; or
    - (ii) an application made under the *Petroleum and Gas (Production and Safety) Act 2004*, section 117 between 22 December 2023 and 30 August 2024, both dates inclusive; or
    - (iii) a grant application for a replacement tenure mentioned in the *Petroleum and Gas (Production and Safety) Act 2004*, section 908(2).
- (3) In this section—

***authority to prospect*** means an authority to prospect under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*.

***Cape York strategic environmental area*** means the part of Cape York Peninsula that is shown on a map as a strategic environmental area in the regional plan for the region prescribed under the *Planning Regulation 2017*, schedule 1 as the Cape York region.

***coal seam gas*** means a form of natural gas contained in oil shale or coal that is extracted from a coal seam usually at a depth of between 300m to 1,000m.

***conventional gas or oil***—

- (a) means a gas or oil contained in, or extracted from—
  - (i) a natural underground reservoir largely consisting of porous sandstone capped by impermeable rock in which the gas or oil is trapped in discrete accumulations by buoyancy allowing release or

recovery of the gas or oil to ground level from a petroleum well and, for a gas, often without the need for pumping; or

- (ii) a natural underground reservoir that—
  - (A) is below a geological formation or structure largely consisting of sandstone capped by impermeable rock; and
  - (B) has reduced porosity and permeability and may require hydraulic fracturing in certain circumstances to allow the release or recovery of the gas or oil to ground level; but
- (b) does not include unconventional gas or oil.

***critical mineral*** means a mineral mentioned in the *Mineral Resources Regulation 2013*, schedule 4A.

***critical minerals reach*** means an area identified as a critical minerals reach on the SEA map for the Channel Country strategic environmental area.

***deep coal gas*** means a gas that is—

- (a) extracted from a coal seam usually at a depth below 2,000m; and
- (b) released to ground level from the coal seam using hydraulic fracturing.

***designated precinct***, in a strategic environmental area, means—

- (a) for a strategic environmental area mentioned in section 4(1)—the area identified as a designated precinct on the SEA map for the strategic environmental area; or
- (b) if a strategic environmental area is shown on a map in a regional plan—the area identified on the map as a designated precinct for the strategic environmental area.

***hydraulic fracturing*** means the injection of a substance into a petroleum well under pressure for the purpose of stimulating a geological formation or structure.

**mining resource activity** means a resource activity for which a resource authority mentioned in section 13(c) or (g) of the Act is required to lawfully carry out the activity.

**natural underground reservoir** see the *Petroleum and Gas (Production and Safety) Act 2004*, section 13.

**North Queensland strategic environmental area** means the area that is shown on a map as a strategic environmental area in the regional plan for the region prescribed under the *Planning Regulation 2017*, schedule 1 as the North Queensland region.

**petroleum lease** means a lease under the *Petroleum Act 1923* or a petroleum lease under the *Petroleum and Gas (Production and Safety) Act 2004*.

**petroleum resource activity** means a resource activity for which a resource authority mentioned in section 13(d), (e)(i) or (e)(ii) of the Act is required to lawfully carry out the activity.

**petroleum well** see the *Petroleum and Gas (Production and Safety) Act 2004*, schedule 2.

**shale gas** means a gas that is—

- (a) extracted from clay-rich sedimentary rock with low permeability; and
- (b) absorbed within the rock or existing in a free state within the pores of the rock.

**tight gas** means a gas that is—

- (a) extracted from a natural underground reservoir that has permeability below 0.1 millidarcies and porosity less than 10%; and
- (b) held within minuscule rock pores allowing extremely limited migration of the gas.

**unconventional gas or oil** means—

- (a) any of the following gases—
  - (i) coal seam gas;
  - (ii) deep coal gas;

- (iii) shale gas;
- (iv) tight gas; or
- (b) a gas or oil contained in, or extracted from, a natural underground reservoir that is part of a complex geological formation or structure that prevents, or significantly limits, the recovery or release of the gas or oil to ground level without the use of innovative technological solutions for extraction, such as the use of each of the following—
  - (i) extensive hydraulic fracturing;
  - (ii) more than 2ML of ground or surface water for each petroleum well used for the recovery or release of the gas or oil;
  - (iii) infrastructure which has a high or widespread impact on the environment.

*Examples of infrastructure that may have a high or widespread impact on the environment—*

- single well sites that disturb an area greater than 1ha or multiple well sites that disturb an area greater than 1.5ha
- extensive borrow pits greater than 0.2ha and deeper than 2m
- a petroleum facility

## Schedule 3      Criteria for land

schedule 2, part 4, section 9

### Part 1                      Definitions

#### Division 1                  Publication definitions

##### 1                      Publications

- (1) The *field handbook* is National Committee on Soil and Terrain (2009) 'Australian Soil and Land Survey Field Handbook', 3rd ed, CSIRO Publishing, Collingwood, Victoria.
- (2) The *soil chemical methods* is Rayment GE and Lyons DJ (2011) 'Soil Chemical Methods—Australasia', CSIRO Publishing, Collingwood, Victoria.
- (3) Each of the following is a *standard soil colour chart*—
  - (a) Fujihara Industry Company (2001) 'Revised Standard Soil Color Charts', Fujihara Industry Co, Tokyo;
  - (b) Munsell Color Company (2000) 'Munsell Soil Color Charts', Munsell Color Co, Baltimore, MD.

#### Division 2                  Drainage

##### 2                      Meaning of *favourable drainage*

Particular soil in land has *favourable drainage* if its profile has no waterlogged layer within 1,000mm of the surface.

##### 3                      Meaning of *satisfactory drainage*

Particular soil in land has *satisfactory drainage* if its profile has no waterlogged layer within 300mm of the surface.

#### 4 Meaning of *waterlogged layer*

- (1) A *waterlogged layer*, for soil in land, is a layer in its profile with any of the following—
- (a) a dominant soil colour that is gleyed;
  - (b) a dominant soil colour that—
    - (i) is grey; and
    - (ii) has at least 10% distinct or prominent mottles of an orange or rusty colour;
  - (c) any other dominant soil colour that has at least 10% distinct or prominent mottles of a gleyed colour;
  - (d) a conspicuous bleach at least 100mm thick not directly overlying bedrock or weathered rock.
- (2) For this section, a soil's colour must be worked out by visually comparing it with a standard soil colour chart.

- (3) In this section—

*conspicuous bleach* means a white or almost white colour—

- (a) that is the dominant colour of the layer; and
- (b) that contains 10% or less mottles; and
- (c) for which its closest match (when dry) is to a colour chip with a value of 7 or 8 and a chroma of 4 or less on a standard soil colour chart's 5YR, 7.5YR or 10YR chart.

*gleyed*, for a soil colour, means—

- (a) it is bluish-grey to greenish-grey; and
- (b) its closest match (when moist) is to the colour chips of a standard soil colour chart of any colour chip—
  - (i) on a gley chart; or
  - (ii) with a value of 7 or 8 and a chroma of 3 or less on a standard soil colour chart's 2.5Y or 5Y chart.

*grey*, for a soil colour, means—

- (a) it is not gleyed; and

- (b) its closest match (when moist) is to a colour chip with a value of 4 or more and a chroma of 2 or less on any chart of a standard soil colour chart.

*mottles* means clear patches or streaks of sub-dominant colour (when moist) within a differently coloured soil matrix.

*orange*, for a soil colour, means its closest match (when moist) is to a colour chip with a value 6 or 7 and a chroma of 6 or more on a standard soil colour chart's 5YR or 7.5YR chart.

*rusty*, for a soil colour, means its closest match (when moist) is to a colour chip with a value of 3 or more and a chroma of 3 or more on a standard soil colour chart's 2.5YR, 5R, 7.5R or 10R chart.

## Division 3                      Rockiness

### 5                      Meaning of *rockiness*

- (1) *Rockiness* is the average density of—
- (a) unattached rock fragments larger than 60mm average maximum dimension on the surface of the land; and
- Note—*
- Rock fragments refers to cobbles, stones and boulders as defined under the field handbook.
- (b) consolidated outcrops of underlying bedrock protruding above the surface.
- (2) The average density must be worked out using the visual estimation charts in the field handbook.

### 6                      Meaning of *bedrock*

*Bedrock* is a continuous mass of consolidated rock that has been little-weathered.

*Notes about bedrock—*

- 1 It may underlie a profile or protrude above the surface.
- 2 Even when moist, it is usually too hard to dig with hand tools.

- 3 It is not underlain by unconsolidated soil material and is distinguished from hardpans that are underlain by unconsolidated soil material. However, bedrock may be underlain by other layers of softer rock.
- 4 Under the field handbook it is defined as an 'R' horizon.

## 7 Meaning of *weathered rock*

- (1) *Weathered rock* is loosely consolidated material—
  - (a) in which there has been minimal biological activity; and
  - (b) that is more like fresh, unweathered rock than the soil material above.
- (2) For subsection (1), the material may be any of the following as defined under the field handbook—
  - (a) partially weathered rock;
  - (b) saprolite;
  - (c) decomposed rock.

*Note—*

Features distinguishing weathered rock from soil are—

- (a) a markedly increased occurrence of rock fragments compared with soil layers above; or
- (b) a presence of a 'ghost rock' structure in which the material has the outline of rock layers or fragments but is as soft as the overlying soil layers; or
- (c) a predominance of 'mealy' material with a characteristic gritty appearance similar to fine 'crusher dust' or 'deco'.

## Division 4 Other definitions

### 8 Meaning of *chloride content*

*Chloride content* is a measurement of soil chloride using a 1:5 soil to water suspension, under method 5A1, 5A2, 5A3 or 5A4 in soil chemical methods.

**9 Meaning of *electrical conductivity***

*Electrical conductivity* is a measurement of soil salinity using a 1:5 soil to water suspension carried out in the field or by laboratory measurement under method 3A1 in soil chemical methods.

**10 Meaning of *gilgai***

*Gilgai* is gilgai microrelief as defined under the field handbook.

**11 Meaning of *soil pH***

*Soil pH* is a measurement of soil acidity or alkalinity carried out in the field, or by laboratory measurement using a 1:5 soil to water suspension under method 4A1 in soil chemical methods.

**12 Meaning of *rigid soils* and *non-rigid soils***

- (1) *Rigid soils* are soils with minimal capacity to shrink and swell with changing water content.
- (2) For subsection (1), minimal capacity to shrink and swell exists only if, when dry, the soil does not have—
  - (a) open cracks that—
    - (i) are 5mm wide or more; and
    - (ii) extend from at least 300mm below the surface vertically upwards to—
      - (A) the surface; or
      - (B) immediately below a layer disturbed by human intervention, including, for example, by ploughing; or
      - (C) immediately below a thin, natural surface layer; or
  - (b) gilgai.

- (3) *Non-rigid soils* are soils other than rigid soils.

### 13 Meaning of *slope*

The *slope* of particular land is the upward or downward surface incline measured over an interval of at least 20m.

### 14 Meaning of *soil depth*

- (1) *Soil depth*, for soil, is the depth of the soil to any of the following—
- (a) bedrock;
  - (b) a hard pan;
  - (c) weathered rock;
  - (d) a continuous gravel layer.

- (2) In this section—

*continuous gravel layer* means a continuous layer that—

- (a) extends beneath most of the surface; and
- (b) contains very abundant (90% or more) unconsolidated rock fragments of 2mm or more.

*Note—*

A continuous gravel layer retards penetration by plant roots.

*hard pan* means a hardened layer of soil—

- (a) formed by natural processes; and
- (b) that is a strongly cemented or very strongly cemented pan as defined under the field handbook.

### 15 Meaning of *soil physico-chemical limitation*

- (1) A *soil physico-chemical limitation*, for soil, means it has—
- (a) for any soil in the Western Cropping zone or Eastern Darling Downs zone—a chloride content of more than 800mg/kg; and

- (b) for any soil in the Coastal Queensland zone, Granite Belt zone or Wet Tropics zone—an electrical conductivity of more than 0.56dS/m; and
  - (c) for any soil in any zone—a soil pH of 5.0 or less; and
  - (d) for rigid soils in any zone—
    - (i) a soil pH of more than 8.9; or
    - (ii) an exchangeable sodium percentage of more than 15; or
    - (iii) a calcium to magnesium ratio of 0.1 or less.
- (2) The ***exchangeable sodium percentage*** is the percentage of the total cation exchange capacity (***CEC***) due to exchangeable sodium, measured using—
- (a) generally—the most appropriate method described in table 15.2 of soil chemical methods; or
  - (b) for strongly acid soils—method 15J1 in soil chemical methods (known as ‘effective CEC’ or ‘ECEC’).
- (3) However, the exchangeable sodium percentage must not be used if—
- (a) the CEC or ECEC is less than 3cmol<sub>c</sub>/kg; or
  - (b) the soil texture is sandy loam or lighter as defined under the field handbook.
- (4) The ***calcium to magnesium ratio*** is the ratio of exchangeable calcium to exchangeable magnesium worked out using a relevant method under soil chemical methods.

## 16 Meaning of ***soil water storage***

- (1) ***Soil water storage*** is the amount of total water stored in a soil profile that is available for plant use, expressed as millimetres of water from the surface to the effective rooting depth of the soil.
- (2) For subsection (1)—
  - (a) the amount may be worked out by—

- 
- (i) a combination of laboratory measurement and the soil texture look-up table using the methodology under subsection (4); or
    - (ii) a combination of laboratory measurement and pedotransfer functions approved by the chief executive using the methodology under subsection (5); or
    - (iii) any other method approved by the chief executive; and
  - (b) the effective rooting depth of the soil is the shallowest of the following for the soil—
    - (i) its soil depth;
    - (ii) the depth of any soil physico-chemical limitation for the soil;
    - (iii) a depth of 1,000mm.
- (3) However, the soil texture look-up table can not be used if the value worked out by using the table is within 15% of the amount stated in part 2, criterion 8 for the zone.
- (4) For subsection (2)(a)(i), the methodology is—
- (a) the particle size fractions must be worked out using the particle diameters in the recommended scale in figure 15 in the field handbook; and
  - (b) the soil texture class must be worked out by applying the particle size fractions determined in paragraph (a) to the triangular texture diagram in figure 16 in the field handbook; and
  - (c) the soil water storage for the soil texture class worked out under paragraph (b) is the value worked out using the soil texture look-up table.
- (5) For subsection (2)(a)(ii), the methodology is—
- (a) the particle size fractions must be worked out using the particle diameters in the recommended scale in figure 15 in the field handbook; and

- (b) the gravimetric water content at the lower limit must be measured at a soil water potential of negative 1,500kPa; and
  - (c) the soil water storage is the value worked out using the pedotransfer functions.
- (6) In this section—

***pedotransfer function*** means an empirically derived mathematical equation or algorithm that allows the prediction of a difficult-to-measure soil attribute using more readily measurable soil parameters or pedological properties.

***soil texture look-up table*** means the following table, using the soil texture classes under the field handbook—

| <b>Soil texture</b>                           | <b>Estimated soil water storage per 100mm of soil depth (in mm)</b> |
|---|---|
| sand, clayey sand or loamy sand               | 4   |
| sandy loam                                    | 5   |
| loam, silty loam or sandy clay loam           | 6   |
| clay loam, sandy clay loam or silty clay loam | 8   |
| silty clay or clay less than 45% clay         | 10  |
| clay equal to or greater than 45% clay        | 12  |

*Note—*

Individual values for each increment or soil layer are summed to the effective rooting depth to give the soil water storage.

## 17 Meaning of ***surface***

***Surface***, for a provision about land or soil, is the ground surface of the land or soil.

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## Part 2                      Criteria

### Criterion 1

Slope is—

- (a) for land in the Western Cropping zone—3% or less; or
- (b) otherwise—5% or less.

### Criterion 2

Rockiness is 20% or less.

### Criterion 3

The average density of gilgai with depressions of more than 500mm is less than 50% of the land surface.

### Criterion 4

Soil depth is 600mm or more.

### Criterion 5

The land has—

- (a) for land in the Granite Belt zone—satisfactory drainage; or
- (b) otherwise—favourable drainage.

### Criterion 6

Soil pH at 300mm depth and 600mm depth is as follows—

- (a) for rigid soils—5.1 or more to 8.9;
- (b) for non-rigid soils—more than 5.0.

**Criterion 7**

Soil at 600mm depth or shallower has—

- (a) for land in the Western Cropping zone and the Eastern Darling Downs zone—a chloride content of less than 800mg/kg; or
- (b) otherwise—an electrical conductivity of less than 0.56dS/m.

**Criterion 8**

The land's soil water storage is—

- (a) for land in the Coastal Queensland zone—75mm or more; or
- (b) for land in the Wet Tropics zone—50mm or more; or
- (c) for land in the Granite Belt zone—25mm or more; or
- (d) otherwise—100mm or more.

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## Schedule 4      Assessment application fees

section 18

### Part 1                      Preliminary

#### 1                      Definition for schedule

In this schedule—

*expected area of impact*, for an assessment application, means the area in which—

- (a) the activity is proposed to be carried out; and
- (b) carrying out the activity is likely to have an impact.

### Part 2                      Priority agricultural areas

| Nature of assessment application   | Fee units |
|--|-----------|
| 1 for an assessment application that states it complies with the prescribed solution for required outcome 1 stated in schedule 2, part 2, section 3(2) | 3,431.00  |
| 2 otherwise—   |           |
| (a) for an assessment application with an expected area of impact of less than 30 hectares   | 6,860.00  |
| (b) for an assessment application with an expected area of impact of 30 hectares or more, but less than 100 hectares                                   | 13,719.00 |
| (c) for an assessment application with an expected area of impact of 100 hectares or more  | 27,436.00 |



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## Part 5 Strategic environmental areas

| Nature of assessment application   | Fee units |
|--|-----------|
| 1 for an assessment application with an expected area of impact of less than 30 hectares                           | 6,860.00  |
| 2 for an assessment application with an expected area of impact of 30 hectares or more, but less than 100 hectares | 13,719.00 |
| 3 for an assessment application with an expected area of impact of 100 hectares or more                            | 27,436.00 |

## **Schedule 5      Prescribed time frames for the Act**

section 20

| <b>Column 1<br/>Provision of Act</b> | <b>Column 2<br/>Time frame</b>  |
|--------------------------------------|---|
| section 30(2)                        | within 5 business days after the application is made  |
| section 33(2)                        | within 5 business days after the amendment is made or the withdrawal takes effect   |
| section 34(2)(b)                     | within 10 business days after the chief executive receives the written application from the applicant   |
| section 38(2)                        | within 5 business days after the application is decided   |
| section 41(1)                        | within 5 business days after the application is made  |
| section 42(3)                        | within the later of the following— <ul style="list-style-type: none"><li>(a) 20 business days after the day the notification period under section 35(4) of the Act ends;</li><li>(b) if the applicant is given 1 or more requirement notices—20 business days after the later of the reasonable periods stated in the requirement notices, or extended by the assessor under section 44(4) of the Act, ends;</li><li>(c) 20 business days after the application is made;</li><li>(d) a longer period decided by the chief executive</li></ul> |
| section 42(6)                        | within 5 business days after giving the response to the chief executive   |

| Column 1<br>Provision of Act | Column 2<br>Time frame   |
|------------------------------|--|
| section 44(1)                | (a) if the assessor giving the requirement notice is the chief executive— <ul style="list-style-type: none"> <li data-bbox="484 411 1127 542">(i) for a referable assessment application—anytime before the day that is 10 business days after the end of the period mentioned in section 42(3); or</li> <li data-bbox="484 556 1127 620">(ii) otherwise—within 10 business days after receiving the assessment application; or</li> </ul> (b) if the assessor giving the requirement notice is an assessing agency—within 10 business days after receiving a copy of the application from the chief executive |
| section 47(1)                | within the later of the following— <ul style="list-style-type: none"> <li data-bbox="418 839 1127 939">(a) 20 business days after the day the assessing agency is required to give the chief executive a response to the application;</li> <li data-bbox="418 953 1127 1021">(b) a longer period decided by the chief executive for which prior notice has been given to the applicant</li> </ul>  |
| section 51(5)                | within 5 business days after the chief executive decides the application   |
| section 52(1)                | within 5 business days after deciding the application  |

## Schedule 6 Dictionary

### section 2

***agriculture department*** means the department that is mainly responsible for agriculture.

***bedrock***, for schedule 3, see schedule 3, section 6.

***broadacre cropping*** see section 11(2).

***Channel Country strategic environmental area*** see section 4(1)(a).

***chloride content***, for schedule 3, see schedule 3, section 8.

***dam***—

- (a) means the following—
- (i) a barrier, whether permanent or temporary, that does, could or would impound water;
  - (ii) the storage area created by the barrier;
  - (iii) an embankment or other structure that is associated with the barrier and controls the flow of water; but
- (b) does not include a water tank, including a rainwater tank, constructed of steel, concrete, fibreglass, plastic or similar material.

***electrical conductivity***, for schedule 3, see schedule 3, section 9.

***environment department*** means the department administering the Environmental Protection Act.

***expected area of impact***, for an assessment application, for schedule 4, see schedule 4, section 1.

***favourable drainage***, for schedule 3, see schedule 3, section 2.

***field handbook***, for schedule 3, see schedule 3, section 1(1).

***gilgai***, for schedule 3, see schedule 3, section 10.

***Gulf Rivers strategic environmental area*** see section 4(1)(b).

***Hinchinbrook Island strategic environmental area*** see section 4(1)(c).

***non-rigid soils***, for schedule 3, see schedule 3, section 12(3).

***permanent impact***, of a resource activity or regulated activity on strategic cropping land, for schedule 2, see schedule 2, section 1(2).

***pre-activity condition***, for land in the strategic cropping area, for schedule 2, see schedule 2, section 1(1).

***property (SCL)***, in the strategic cropping area, for schedule 2, see schedule 2, section 1(1).

***rigid soils***, for schedule 3, see schedule 3, section 12(1).

***rockiness***, for schedule 3, see schedule 3, section 5.

***satisfactory drainage***, for schedule 3, see schedule 3, section 3.

***SEA map***, for a strategic environmental area, see section 4(2).

***slope***, for schedule 3, see schedule 3, section 13.

***soil chemical methods***, for schedule 3, see schedule 3, section 1(2).

***soil depth***, for schedule 3, see schedule 3, section 14.

***soil pH***, for schedule 3, see schedule 3, section 11.

***soil physico-chemical limitation***, for schedule 3, see schedule 3, section 15(1).

***soil water storage***, for schedule 3, see schedule 3, section 16(1).

***standard soil colour chart***, for schedule 3, see schedule 3, section 1(3).

***strategic cropping land*** see the Act, section 10(2).

***surface***, for schedule 3, see schedule 3, section 17.

***used***, for schedule 2, part 1, see schedule 2, part 1, section 1.

***voluntary agreement*** means an agreement mentioned in the Act, section 22(2)(a)(i) or (ii).

***waterlogged layer***, for schedule 3, see schedule 3, section 4(1).

***water storage (dam)*** see section 11(3).

***weathered rock***, for schedule 3, see schedule 3, section 7(1).