STATE DEVELOPMENT, INFRASTRUCTURE AND INDUSTRY COMMITTEE

Members present:

Mr DF Gibson MP (Chair)
Mr MJ Hart MP
Mr SA Holswich MP
Mr R Katter MP
Ms KN Millard MP
Hon. TS Mulherin MP
Mr BC Young MP

Staff present:

Ms E Pasley (Research Director)
Ms M Telford (Principal Research Officer)
Ms M Westcott (Principal Research Officer)

PUBLIC BRIEFING—INQUIRY INTO THE REGIONAL PLANNING INTERESTS BILL 2013

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 13 DECEMBER 2013

Brisbane

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Committee met at 9.32 am

CHAIR: Good morning everyone. I declare open the public briefing for the committee's inquiry into the Regional Planning Interests Bill 2013. I thank you all for your attendance here today. I am David Gibson, the member for Gympie and chair of the committee. Our deputy chair is Mr Tim Mulherin, the member for Mackay, but he is absent at the moment. The other committee members who are present are Mr Michael Hart, member for Burleigh; Mr Seath Holswich, member for Pine Rivers; Mr Rob Katter, member for Mount Isa; Ms Kerry Millard, member for Sandgate; and Mr Bruce Young, member for Keppel.

The briefing is being broadcast live via the Parliamentary Service's website and a transcript will be made by parliamentary reporters and published on the committee's website. The aim of the briefing today is for the committee to gather preliminary information in relation to the bill. For the benefit of Hansard, can I please request that each representative state their name and position when they first speak and to speak clearly into the microphones.

This briefing is a formal committee proceeding and, as such, you should be guided by schedule 8 of the standing orders, of which a copy has been provided to all of you. I now welcome the representatives from the Department of State Development, Infrastructure and Planning.

COTTRELL, Ms Michelle, Principal Planner, Regional Planning, Department of State Development, Infrastructure and Planning

McCAFFERTY, Ms Sue, Director, Regional Planning, Department of State Development, Infrastructure and Planning

WILLIAMS, Ms Kylie, Executive Director, Regional Planning, Department of State Development, Infrastructure and Planning

CHAIR: Would you like to make an opening address to the committee?

Ms Williams: Thank you. I will make the opening remarks on behalf of the department. The Regional Planning Interests Bill 2013 has been prepared to give effect to the policies about matters of state interest identified in new-generation regional plans and to manage under a philosophy of co-existence the impact of resource activities and other regulated activities on areas of Queensland that are of regional interest because they contribute or are likely to contribute to the state's economic, social and environmental prosperity.

Since coming to office the Queensland government has been preparing new-generation regional plans to address critical land-use issues affecting Queensland's regions. The first two of these plans—the Central Queensland and the Darling Downs regional plans—took effect on 18 October this year. These plans particularly focus on policies to address the potential land-use conflicts which may arise from the interaction between the agricultural and resource sectors. They do this by establishing policies that protect strategic areas of the most regionally significant agricultural production and provide certainty for the future of towns. They do this while supporting co-existence opportunities for the resource sector.

The strategic areas of the most regionally significant agricultural production are termed priority agricultural areas, or PAAs. Within these areas the policies make agriculture a priority land use. Any other land use that seeks to operate within the PAA must co-exist with the priority land use. The plans provide certainty for towns through the identification or mapping of what are termed 'priority living areas'. Within a PLA the local council will make the decision about whether the proposed resource activity is appropriate and in the community's best interest.

The Cape York and South-East Queensland regional plans are currently under preparation and are expected to be finalised in mid-2014 and end 2014 respectively. Like the Darling Downs and Central Queensland regional plans, these plans will identify and contain land-use policies related to priority agricultural areas and priority living areas. They are also likely to introduce land-use policies to identify and protect strategic environmental areas.

Traditionally, regional plans influenced planning and development activities under the Sustainable Planning Act 2009, including the preparation of local planning schemes by local governments. The Regional Planning Interests Bill is proposed to give effect to the policies in statutory regional plans so that they can also apply when assessing proposals for resource activities. The Regional Planning Interests Bill 2013 provides a framework to implement the land-use policies contained in the new-generation regional plans as well as integrate regional interests contained in other government legislation. The bill does this by introducing an assessment framework to manage the impacts of resource activities on areas of the state identified in the bill as areas of regional interest. The framework initiated through the bill follows more than 18 months consultation with the agricultural sector, landholders, resource sector, local government, businesses and community groups as part of the process of preparing the Central Queensland and Darling Downs regional plans.

CHAIR: For the benefit of the committee, to start off with, can you expand for us what the framework involves? As a result of this bill, what framework would they be operating under?

Ms Williams: The bill manages the land-use relationship between agriculture and the resource sector by introducing an assessment framework. So an application would be triggered. In certain circumstances it would be required to be assessed against assessment criteria under the legislation for determination whether the agricultural activity and the resource activity can co-exist in that landscape. If it can, with the principle of protecting the agricultural land use on that land, then the use would be approved. So there are mechanisms for applications to be lodged; for them to be assessed; in some instances for them to be notified applications so the community can comment on those applications—there is also the process to enable applications in certain circumstances to be referred to other areas of government and to local government to assist in the assessment of that application; for the application to be decided; and for an appeal process for certain parties in relation to that decision. The decision can be an approval of all or part of the resource activity or the refusal of that resource activity where it cannot be considered to co-exist with the priority agricultural land use in that area.

CHAIR: Just on the approval, I take it that if it is either all or part then conditions can be attached to that?

Ms Williams: Absolutely. Conditions can be attached to that.

Mr HART: Will this sort of thing apply to quarries? Is a quarry classed as a mine?

Ms Williams: No, it is not under this legislation. So this legislation will implement these land-use policies into resource activities regulated by the resource legislation—so typically those mining activities whether they are open-cut, underground, CSG type activities.

Mr YOUNG: Kylie, I was involved in the Central Queensland part of the process. I fully support it. Some of the concerns that I have from people coming in are that they are outside the scope of the PAA. Their concern is with the aquifers and also the overland flows. Are we going to address those as part of this framework?

Ms Williams: The framework allows for areas to be identified as areas of regional interest. Priority agricultural areas identified in the regional plans are one of those priority agricultural areas. As articulated in the schedule that accompanied the draft Darling Downs and Central Queensland regional plans, the intention is also that, with regard to protecting priority agricultural land uses within those PAAs, we would look at how we deal with overland flow impacts and also certain underground water sources in relation to those impacts in so far as those water sources provide for or are integral to the priority agricultural land-use operations.

Mr YOUNG: I just want to point out that some of the areas of concern actually sit outside of those PAAs.

Ms Williams: Sorry, yes.

Mr YOUNG: So what we are talking about is new resources coming into this area. An example of that is the Galilee. So the Galilee Basin is going to start up. I field questions from people who are concerned about it. That was the catchment of their overland flows. Is the mining activity going to affect their underground water, understanding that these people do not have any big streams running across their properties?

Ms Williams: Sorry, I should have clarified that. The policies that are introduced here are an additional level of protection provided to those strategic areas of priority agricultural land uses which we call priority agricultural areas. It does not take away the current protection and management of impacts from resource activities on other activities and environmental qualities of areas that are

currently regulated through other legislation. So the EIS process, whether it is under the EP Act or the State Development and Public Works Organisation Act, will still address environmental impacts, and the environmental authority through the EPA will also address those environmental impacts. What this legislation does in relation to specifically the land-use conflict between those two activities is look at how we protect and manage the conflict between land use. So the PAAs are a smaller area of those regions. It certainly does not pick up all of the agricultural areas in those regions. It picks up strategic areas and says, 'This is where the interest of state is, in addition to the existing protection and legislation to regulate activities and the relationship between those activities in those regions.'

CHAIR: How are PAAs are identified? Is it in consultation with various groups? Is it just within the department? Could you talk us through that?

Ms Williams: The process of identifying the priority agricultural areas for the Darling Downs and Central Queensland was part of the regional planning process, and obviously there was consultation through that whole process. What we did was initially, in consultation with our minister, identify the priority agricultural land uses for that region—and they can differ from one region to another: they are not the same throughout the state; different regions have different priority agricultural land uses or there is the capacity for that—and then identify where those strategic clusters exist and where it is in the state's interest to protect those in that region.

CHAIR: So it is not just about the quality of the soil, then? It is a range of different factors?

Ms Williams: That is actually land use. It is based on the land use. Using the Australian Land Use and Management Classification system—the ALUM data, which is also used by Queensland to map agricultural activities in Queensland—we have identified those that are priority agricultural land uses in this region because of where they exist in the landscape and their ability to manage impacts from resource activities. So we have not picked up all agricultural activities. For example, grazing is not protected, because the government's direction was that in those instances agriculture and mining have the capacity to work together to resolve how they exist in the landscape. Where we start to get more intense agricultural activity, such as irrigated agricultural activities, where they are very intense on the land, the ability for those two activities to co-exist in the landscape becomes more difficult. So the process was about working out how we manage the co-existence between those activities and determine when they can appropriately co-exist and when they cannot appropriately co-exist under the direction of seeking to preserve those agricultural activities.

Mr MULHERIN: I refer to page 19 of the bill where it says that an activity is exempt from being constricted in a priority agricultural area if it is—

... not likely to have a significant impact on the priority agricultural area.

Who will make this assessment, what will be the criteria for any assessment and what appeal rights will exist to the landholder?

Ms Williams: The exemption means that, if you fulfil those criteria, you would not be required to make an application under this legislation. In the first instance, the applicant would need to say, 'I have fulfilled these requirements and, therefore, I am not exempt.' There is an additional requirement under the legislation that, if somebody takes up and acts on the basis of being an exempt activity, they are required to notify the chief executive of the department administering the legislation so that we can understand who is acting under an exemption. That provides going forward an opportunity to audit those activities to find out exactly what is going on in the landscape.

Mr MULHERIN: Who will make that assessment?

Ms Williams: There is no assessment by the state in relation to that. That is an applicant-driven process. So the applicant, if they fulfil those requirements, can act as an exempt activity. There are the mechanisms in the legislation that enables the state to take action if somebody is acting unlawfully—has taken up and is operating under an exemption—and to investigate whether they are actually an exempt activity.

Mr MULHERIN: What will be the criteria to measure that?

Ms Williams: The department can prepare guidelines to assist.

Mr MULHERIN: Can, but will they? Say I am a farmer and I reckon that I am in a priority agricultural area but a miner comes along and says, 'I believe that it is not likely to have a significant impact and, therefore, I am exempt.' How do you sort out that conflict?

Ms Williams: We would not in the first instance be required to sort that out if the resource proponent acted under that exemption, but if somebody complained then obviously there is that process.

Mr MULHERIN: Say the farmer complains.

Ms Williams: Yes.

Mr MULHERIN: They have a limited bank account. The mining company has a larger bank account. How do they get a just outcome, right or wrong?

Ms McCafferty: If I could add to that? In relation to that exemption, if you look at that particular clause 22 they have to have the written agreement of the landowner. There are two parts to that exemption. So we start with first of all the landowner determining that they agree with that.

Mr MULHERIN: But if the landowner does not, what is the process then?

Ms Williams: Then they would not be an exempt activity and they would be required to make an application.

CHAIR: So it is critical that the landholder's permission is obtained for any activity to be considered exempt.

Ms Williams: Yes. So there are a couple of elements. This exemption applies only if the resource proponent is not the owner of the land and then they are required to have the owner's consent to that and to ensure that they fulfil those requirements. There are a number of tests that they would need to go through to be able to act under this activity. You will note that the other requirement is that the landowner has to have entered into that agreement voluntarily.

CHAIR: Okay.

Mr MULHERIN: Why is the bill being considered in isolation from the regulation, which will include the maps of regional interest, the fees, the notification requirements for properly made submissions and assessment criteria? Would it not be more practical to assess this legislation and framework for which a regulation will apply?

Ms Williams: The regulation is being prepared, I suppose, along the same time line as the legislation and we intend to make that information available as soon as possible so that people can understand that. We are continuing to consult on information or the criteria that will be contained in that regulation—for example, the PAA co-existence criteria, which is the criteria against which you would assess an application within a priority agricultural area. We have been working with stakeholders on that not just during the regional plan but we have continued to work with stakeholders since then to refine those co-existence criteria.

Mr MULHERIN: This next question is probably something that you might want to take on notice and provide the committee with the information. Which requirements or elements of the existing Strategic Cropping Land Act 2011 will be discontinued in this bill when that act is repealed? Are you able to provide a comparison table format of any conditions or appeal rights that will be discontinued under this bill?

Ms Williams: We can take that on board. Obviously, we are working with our colleagues in the Department of Natural Resources and Mines, who are the experts in the strategic cropping land legislation, and we will be facilitating the implementation of that legislation into this new act framework.

Mr MULHERIN: But will you work with your colleagues and provide that information? Thank you.

CHAIR: Rob, any questions?

Mr KATTER: No.

Mr HART: Can we just go back to the exempt resource activity for a second. Something has just popped into my mind. Is there any likelihood that a mining company could induce a landowner to agree to going down this path and agree that this is an exempt resource? What sort of auditing process might the government have to make sure that that does not happen or to catch those people if it does happen?

Ms Williams: The owner's consent in voluntarily entering into this enables both the resource proponent and the landowner, which is the whole philosophy of this exemption, to negotiate on how those two activities can exist on that piece of land. This whole provision is about encouraging the two activities to work together to resolve the issues between those two activities on that landowner's land rather than requiring the state to step in in the first instance. So it is encouraging those two proponents to work together to find ways that are mutually beneficial to both parties to the conduct of those activities on that land.

The second part of your question, which was in relation to the audit, is an administrative process that we can establish. Obviously, there is scope for us to define how we might do that. Having the information available is the first step in enabling us to review that information in an audit process.

Mr HART: Right. Just following on from the member for Mackay's question about regulation, there is a lot of detail that will be contained in regulation that has not yet been made. What sort of items will be in the regulations? What sort of the negotiating process are you going through? Who are you negotiating with in order to achieve that regulation? Will this regulation be classified as significant legislation to be accompanied by a regulatory impact statement?

Ms Williams: There is information contained in the regulation. The legislation makes provision for that. We have a list of all the pieces of information that flow through into the regulation. Obviously, the first one is those actual areas in the landscape that are areas of regional interest. Obviously, it picks up those from the regional plans—the priority agricultural areas, the priority living areas—that are already identified in those, but it makes provision for other areas to be declared as regional interests as well in the regulation. It also identifies what will be the regulated activities for the purposes of particular regional interest areas. It will identify those tenure holders, those CMA tenure holders—

CHAIR: Sorry, for the benefit of the committee, CMA is?

Ms Williams: Cumulative management areas.

CHAIR: Thank you.

Ms Williams: Under the Water Act. So it will identify which of those activities also require assessment against the legislation. It will make provision for assessing agencies to be determined for particular regional interest areas. For example, in the case of a priority living area, that is where you would identify local government as being a referral agency for those applications or an assessing agency. It makes provision for identifying which applications are required to be notified, for fees to be prescribed and also, very importantly, the assessment criteria against which a resource activity or a prescribed area would be assessed in relation to those areas of regional interest.

We have been working, particularly in relation to the PAA co-existence criteria and the PLA co-existence criteria, with key stakeholders. Obviously, for the PAAs, it is those resource sectors and the agricultural sectors—so including QFF, AgForce, APIA, AMEC; those resource key stakeholders. In relation to the priority living areas, that consultation will be primarily with local governments and around how they enact this assessment and what they should be looking at in terms of best practice assessment to consider whether an activity is appropriate within a priority living area from their community's perspective.

The SCL—the strategic cropping land assessment—criteria, obviously, our colleagues in the Department of Natural Resources and Mines are taking the knowledge that has been accrued through the operation of the SCL Act over the last 18 months to two years and bringing that forward into the assessment criteria. With strategic environmental areas and the assessment criteria, if you have a look at the draft Cape York Regional Plan you will see the attributes for those strategic environmental areas that we are looking at protecting. A lot of this is flowing from the regional planning process and then in addition to that we have been working with our colleagues and external stakeholders on finalising that information.

Mr HOLSWICH: So what is the time frame on finishing that process? Is there a time frame at the moment or is it dependent on these other regional plans?

Ms Williams: Some of the identification of those areas is dependent on other regional plans. As we go through the regional planning process they will add to the articulation of areas of regional interest into a local region. The other information we are looking at finalising, obviously, in the regulation is the assessment criteria and we will have that available as soon as possible. I understand that the government would seek to have that available prior to and for commencement of the legislation.

CHAIR: Right. Okay.

Mr HOLSWICH: You mentioned that the regulation will outline the regulated activities. Are those known as yet or is that still part of the ongoing—

Ms Williams: No, at the moment this is framework legislation. So it makes provision for us to identify those in particular instances. For example, with the Cape York Regional Plan and with the SEQ Regional Plan, as we identify these areas we will look at what are the types of activities that

may influence or impact on those areas other than resource activities as well. For example, in a strategic environmental area, what activity would have a large, widespread irreversible impact on the attributes of that area and we would look at regulating those.

CHAIR: So could that include, for example, tourism in the Cape York area? A tourism development? A resort development?

Ms Williams: Technically it could. You would have to consider it as having a widespread and irreversible impact on the attribute of that strategic environmental area. These are strategic areas. In addition to the protection that comes through this legislation, obviously, the VMA and those other pieces of legislation continue to protect the environment. So for it to have a widespread and irreversible impact on the strategic environmental area you would think that it would have to be a very substantial activity.

CHAIR: Okay. Thank you.

Ms Williams: It is not intended in any way to prevent tourism activity.

CHAIR: Is there anything else on this particular area?

Ms MILLARD: I would imagine that is why you have been working quite closely with local councils in developing this?

Ms Williams: Obviously, the mayors of the local government governments for both Central Queensland and the Darling Downs were all on the regional planning committee, which was the process by which we came to the land use policies that we are now taking forward into the legislation. So all of that consultation was done as part of the regional planning process. This is the legislative mechanism to implement those policies.

CHAIR: Okay. Is everyone happy with that?

Mr MULHERIN: I refer to page 22 of the bill where it states—

A local government may be prescribed to be an assessment agency for an assessment application relating to a priority living area in the local government's area.

What protections would local government have against legal action by a resource company that does not agree with a decision not to proceed with a mine in a priority living area?

Ms Williams: There are appeal rights in relation to that decision. There will be a jurisdiction established for that local government through the assessment criteria. Obviously, in the first instance it is about ensuring that they remain with their jurisdiction. There is the ability for a resource proponent to appeal that decision, not dissimilar to the ability under the Sustainable Planning Act for a development proponent to appeal that decision and have that considered by the Planning and Environment Court.

Mr MULHERIN: What resources will be provided to local government so that they can properly assess applications for mining or resource activities within a priority living area, bearing in mind that a lot of these councils are very small and do not have the economies of scale like the Brisbane City Council or regional provincial councils?

Ms Williams: Can I just start by saying that local governments have expressed to us a keen interest in enabling them to assess these applications where they come within these areas of their towns. The state, through our department, will be providing what are called best practice guidelines to assist them in that assessment, to give them advice about what is the type of assessment they would undertake and what is the type of compliance they would seek to achieve through that assessment. In addition to that, obviously the Department of State Development, Infrastructure and Planning provides advice and guidance and assistance to local government in undertaking that assessment.

Mr MULHERIN: Do local government have the opportunity to work with the department to develop those guidelines?

Ms Williams: We will be consulting with them on that, absolutely.

Mr MULHERIN: I also understand that the department administering the bill will be the assessing agency, with the local government chief executive the assessor of an application. How will this work in practice? For example, if the department as the assessing agency recommends that a project proceed and the chief executive officer of a council disagrees, won't that expose the council to legal action from the proponents due to that conflict?

Ms Williams: So the way the process works is the application is submitted to the chief executive of the department. It is referred to the council to assess that area of their jurisdiction in relation to the priority living area. They then provide a recommendation back to the chief executive

about whether they support or do not support the location of those resource activities within the priority living area. The chief executive is then required to implement that recommendation into the decision.

Mr MULHERIN: But if the local government chief executive officer does not agree with the proponent's application and he or she sends that to the department and the department looks at it, can the department chief executive overrule that local government decision-making process?

Ms Williams: In relation to the local government's jurisdiction, which is to consider whether a resource activity can be located within the priority living area—which may be part of a much broader project—the chief executive may allow the project to go ahead but they would need to take on board and reflect the recommendation of the council in relation to the priority living area. So what that could do is it could impose a condition to say, 'The activity is not permitted within the priority living area.' So the decision, while it may enable the project to proceed outside the priority living area, is required to—

Mr MULHERIN: But theoretically you could get a decision where the department chief executive officer says, 'Yes, it can go ahead in the priority living area.'

CHAIR: No, it cannot.

Ms Cottrell: If the local government's decision on a resource application is outside of what they are able to assess it against—the criteria and a few other matters in clause 41—then the minister can step in and provide direction. But it is only in those circumstances when they are acting outside of—

Ms Williams: If they are within their jurisdiction, the chief executive must reflect those recommendations of the council. So if the council came back and recommended that the activity was not permitted, was not supported within the priority living area, the decision of the chief executive would need to reflect that decision.

Mr MULHERIN: My next question leads on from what Ms Cottrell said, and this is a hypothetical. If a local government is holding up a mining application on improper grounds—and this may happen where a councillor's family might have adjoining property to the area—how will this legislation provide for a timely decision in an appeal process?

Ms Williams: Section 43 is where the minister of the department administering the act can actually give directions to the local government to make a decision within their jurisdiction to enable them to resolve that issue.

CHAIR: So they give them direction to resolve but they do not determine what that outcome should be. It is simply, 'You must have an answer back to us by—

Mr MULHERIN: Is there a time limit on it?

Ms McCafferty: Clause 43(2) builds that in: 'The minister may give the direction even if the agency's assessment period for the assessment application has ended ...' So it builds in those various circumstances to provide for those different scenarios.

CHAIR: Just to make it clear for the committee then, in a normal process the council would have 20 business days to make a decision. Is that correct?

Ms McCafferty: That is correct, yes.

CHAIR: If by the end of those 20 business days they had not, the minister can then direct them to provide that advice or that decision back to them. It is not that the minister makes the decision on their behalf.

Ms McCafferty: And I think the other thing to note there is that the assessing agency—the local government in this situation—may make a decision. They may determine that they are not going to make a decision, that they do not want to be involved in that scenario.

Ms Williams: And then the chief executive can decide the application.

Ms McCafferty: Yes. So if a particular local government does not want to get involved in that decision, it does not have to.

CHAIR: So if they choose not to make a decision, do they need to communicate that formally or do they just not make a decision and 20 business days lapse?

Ms McCafferty: I would suggest that it would be an administrative practice that we would work with local government back and forth to resolve that.

Ms Cottrell: It is not in the legislation that they have to provide a response.

CHAIR: Okay.

Mr HART: Are there any transitional arrangements in place for decisions that have already been made in this area and where these plans are possibly changing those or is it at the minister's discretion?

Ms Williams: There are a couple of sections of the act that deal with that because we have a couple of different scenarios. Obviously we have transitional decisions that were made under the strategic cropping land legislation. So what this legislation does is says, 'If a decision, whether it was a validation decision or an SCL protection decision, was made under that legislation, it transitions across and constitutes a decision under this legislation in relation to that regional interest.' More broadly, there is the exemption provision, which is a transition provision to say what resource projects are progressed through the process towards their final ability to operate on that land sufficiently that enables them to continue on without being subject to the commencement of the legislation, and that is those sections that we looked at earlier—sections 22, 23 and 24 in particular, which are those pre-existing resource activities.

Mr HART: Who decides where the line in the sand is drawn?

Ms Williams: At the moment the legislation articulates that. Section 23 talks about activities that are carried out and will have an impact on the land less than 12 months to say they are exempt from being regulated by this legislation.

CHAIR: Sorry, just to be clear: is it that the impact is less than 12 months or that the activity is less than 12 months?

Ms Williams: It is the impact on the area.

Ms Cottrell: Impact as in clause 28.

Ms Williams: 'Impact' is defined in section 28, and it says the impact—

CHAIR: Sorry, I am just trying to get my head around this. So the activity may run for a month but the impact may extend beyond the life of the activity as long as the impact does not extend beyond 12 months.

Ms Williams: That is right. And it does provide then for the rehabilitation of the land as part of that 12 months and requires the impact to be rehabilitated within that 12 months. Section 24 is more specifically looking at those resource activities that have started their process of approval in the area and also started work in that area. There are a number of different scenarios. So the provision outlines a number of different opportunities to say when in particular instances in relation to particular regional interest areas are those activities considered existing in the landscape and are not subject to this approval. So it is not simply one scenario. We have had to articulate a number of scenarios there to cover off on the range of resource activities and the range of legislation and the requirements in relation to that.

Most significantly is that one in relation to the plan of operation for a resource activity. So you might have your environmental impact statement either under the EP Act or potentially as a major project under the State Development and Public Works Organisation Act and you might have your environmental authority, but the works will only be exempt if you have also submitted a plan of operation for those works and you are undertaking those works in accordance with that plan of operation.

CHAIR: So they could have existing approvals in place under the environmental side of things but have not submitted a plan of operations because they have not scaled up to that point in their operations yet, so they would therefore not be considered a pre-existing resource activity.

Ms Williams: And the reason we have had to do that is that, when we look at the regional interests and what we are trying to address and protect in relation to those regional interests, we really need to know where the activities are actually being undertaken on the site at a specific property level. In most instances the resource proponent will not know that until they get towards their program for the next couple of years. So the EIS and the EA are done at a very high level. They do not have that detail to say, 'In relation to lot 1 on RP375, what is actually the activity I am going to conduct there? Where am I going to locate things on that property?' That is why it is linked to the plan of operation at this stage.

Mr KATTER: We were talking earlier about where conflicts arise between land uses and resource companies and you addressed the term 'co-existence'. Just from the language you are using it would seem to me that there are cases where you are saying, 'We have to resolve the conflict and see where that lands.' It seems to me that that implies there are situations where you are going to find strategic cropping land that cannot co-exist and one use will favour the other. Is that correct? That is the assumption underlying all of this.

Ms Williams: Yes, absolutely. While it is accepted that in many instances those activities can co-exist for the benefit of both parties, there will be instances—there could be instances—where they just cannot co-exist. In that case the priority would go to the preservation of that priority agricultural land use in that area.

Mr KATTER: Thanks.

Mr HART: I just want to go right back to my first question about quarries. I am wondering why the government did not include quarries in its resource area, because you are basically taking something out of the ground, there is an impact on the environment and on the appearance of the land, and there is some rehabilitation that needs to take place. So why have quarries been left out of this sort of thing?

Ms Williams: Land use planning is traditionally done and implemented through the Sustainable Planning Act and planning schemes. Resource activities regulated under specific pieces of resource legislation have not been part of that mechanism. When you do those resource activities on tenure they are actually removed from that process. That is the process where quarries and the relationship between quarries and activity is actually addressed and provided for. So we were very conscious of not trying to duplicate existing mechanisms and existing systems that are established to address those issues. So there is a mechanism—the Sustainable Planning Act, land use planning by local governments and the state planning policy—which addresses the relationship between those sorts of activities and potential conflict. So we did not seek to duplicate or supplement that process in any way.

Mr HART: Would there have been a form of red-tape reduction in getting rid of one of these things and amalgamating them into one?

Ms Williams: Well there is one system—which is the Sustainable Planning Act, the state planning policy and planning schemes—to deal with that. There is one system. Quarries are very different, I suppose, in terms of their widespread impacts on an area when we are looking at the priority agricultural areas. When we are looking at other land uses in priority agricultural areas, they will be managed through the Sustainable Planning Act and planning schemes the same way, but those mechanisms do not currently have traction into resource activities regulated under resource acts.

CHAIR: I will go to Mr Young in a moment. But just on that point, what is the interface then between this bill and the Sustainable Planning Act? You very clearly identified that SPA has a range of responsibilities. What will the interface be?

Ms Williams: There is no overlap in those jurisdictions. When we are talking about resource activities we are talking about resource activities under those resource acts which are on tenure. At the moment, local governments do not have jurisdiction into those through their planning schemes. So there is clear separation. The relationship is the government's policy intention, which has come through the regional plan, to say, 'These are the policy outcomes from a land-use perspective that we are seeking to achieve in the region.' We knew that they would flow directly through the Sustainable Planning Act and be addressed through that way for those off-tenure resource activities. But this bill has said to us, 'We need to take those land-use policies and give them status in those resource activities as well.' So the relationship is at a land-use-planning policy perspective and these are different implementation tools to achieve that. So there is the coordination: what are we seeking to achieve in the region and how do we then achieve that?

Mr YOUNG: Are there any land tenure aspects that override the PAAs?

Ms Williams: No. Land tenure is a separate consideration. So our approval is separate to the land tenure consideration, as it is separate to the environmental authority approval. They will need to have all approvals in place before they can undertake an activity lawfully on the land.

Mr YOUNG: What about boundary realignments with PAA? Will they happen long term when we look at property development? There is a mechanism for allowing those boundaries to shift, even with PLAs also?

Ms Williams: Absolutely there is a process, and it is the regional planning process that enables those to be amended for those that are articulated in a regional plan. There is a process provided for under legislation to amend regional plans. There is also an administrative process of reviewing plans. So in the past regional plans have generally been reviewed about every five years. They are very forward-looking documents as opposed to planning schemes, which are about regulating development today.

CHAIR: Just to build on that, because I think Bruce has raised a really important point, we have certainly heard a lot about the Queensland Plan and about moving people out of the south-east corner into the rest of the state. This has the potential, albeit on a very long time horizon, to see growth in a lot of smaller regional communities. So if that growth were to occur and their urban footprint were to expand, that process would be through the regional plans to redefine those priority living areas in those places; is that correct?

Ms Williams: So the priority living areas are the urban settlement area. That is both existing and proposed. So any land-use-planning tools—strategic plans by a local government that identifies future growth areas—have already been captured as the settlement area. And then we have put a buffer around that to say, 'Activities that come within that area need to consider the use of that land for urban activities.' When you look at what we have considered to be those urban land uses and we have put the boundary around them, they are quite substantial areas. A lot of their expansion opportunities in the future are already built into the actual settlement area, let alone the buffer area. So we absolutely can review those. And if a town started to explode with population and they realised they needed to double their urban settlement footprint, there is a process in the legislation to enable us to go back and look at those priority living areas and say, 'Are we sufficiently protecting that investment and that growth of those towns?'

CHAIR: The explanatory notes states at page 5—

> The bill will ... provide a mechanism to integrate other state legislation in the future.

For the benefit of the committee, could you identify what that other legislation may be?

Ms Williams: At the moment what we know is that other legislation is, for example, the wild rivers legislation, to the extent that it dealt with land-use-planning issues. For example, the Cape York Regional Plan is looking at how we deal with the land-use-planning aspects of the wild rivers legislation to enable the repeal of those declarations and for it to be addressed through the process, which will then require the legislation to give that its legislative effect with resource activities.

CHAIR: Any others that you are aware of?

Ms Williams: Well, we have obviously identified strategic cropping land and wild rivers. No. But being framework legislation, we do not want to necessarily not provide for the ability for other land-use-planning requirements to be facilitated through this legislation.

CHAIR: Thank you very much for your briefing. You have been very helpful to the committee. Are there any final points you would like to bring to the committee's attention?

Ms Williams: I do not have any.

CHAIR: We have one question on notice and we ask that you provide that answer to the committee by Friday, 20 December. There being no further questions, I close this briefing and I thank you for your presentations. It certainly assists us in our preparation to then move to public hearings on this particular bill. Thank you.

Committee adjourned at 10.20 am