

Regional Planning Interests Bill 2013

Amendments during consideration in detail to be moved by

The Honourable Deputy Premier and Minister for State Development,
Infrastructure and Planning

1 **Clause 3 (Purposes and achievement)**

Page 9, line 5, after ‘activities’—

insert—

and regulated activities

2 **Clause 7 (Area of regional interest)**

Page 10, line 10, ‘a strategic cropping area’—

omit, insert—

the strategic cropping area

3 **Clause 8 (Priority agricultural area)**

Page 10, lines 13 to 27—

omit, insert—

(1) A **priority agricultural area** is an area that—

(a) includes 1 or more areas used for a priority agricultural land use, whether it also includes other areas or features, including, for example, a regionally significant water source; and

(b) is either—

(i) shown on a map in a regional plan as a priority agricultural area; or

(ii) prescribed under a regulation.

4 **Clause 8 (Priority agricultural area)**

Page 11, line 1, ‘(3)’—

omit, insert—

(2)

5 Clause 8 (*Priority agricultural area*)

Page 11, after line 6—

insert—

- (3) A ***regionally significant water source*** is a water source prescribed under a regulation.

6 Clause 10 (*Strategic cropping area*)

Page 11, lines 19 to 30, and page 12, lines 1 to 11—

omit, insert—

- (1) The ***strategic cropping area*** consists of the areas shown on the SCL trigger map as strategic cropping land.

- (2) In this section—

strategic cropping land means land that is, or is likely to be, highly suitable for cropping because of a combination of the land's soil, climate and landscape features.

7 Clause 11 (*Strategic environmental area*)

Page 12, lines 13 to 23—

omit, insert—

- (1) A ***strategic environmental area*** is an area that—

- (a) contains 1 or more environmental attributes for the area; and

- (b) is either—

- (i) shown on a map in a regional plan as a strategic environmental area; or

- (ii) prescribed under a regulation.

Examples of areas that may be shown or prescribed as strategic environmental areas—

- the Steve Irwin Wildlife Reserve on Cape York Peninsula
- the channel country of western Queensland

8 Clause 11 (*Strategic environmental area*)

Page 12, lines 25 and 26—

omit, insert—

environmental attribute, for an area, means an attribute of the environment identified as an environmental attribute for the area under a regional plan or regulation.

9 Clause 13 (*Resource authority*)

Page 13, lines 27 and 28, and page 14, lines 1 to 10—

omit, insert—

- (b) a GHG permit or GHG lease under the *Greenhouse Gas Storage Act 2009*;
- (c) each of the following under the *Mineral Resources Act 1989*—
 - (i) a mining tenement other than a prospecting permit;
 - (ii) an approval that grants rights over land;
- (d) a 1923 Act petroleum tenure under the *Petroleum Act 1923*;
- (e) the following petroleum authorities under the *Petroleum and Gas (Production and Safety) Act 2004*—
 - (i) an authority to prospect;
 - (ii) a petroleum lease;
 - (iii) a pipeline licence;

- (iv) a petroleum facility licence;
- (f) a licence, permit, pipeline licence, primary licence, secondary licence or special prospecting authority granted under the *Petroleum (Submerged Lands) Act 1982*;
- (g) an agreement or lease under or mentioned in any of the following Acts—
 - (i) *Alcan Queensland Pty. Limited Agreement Act 1965*;
 - (ii) *Central Queensland Coal Associates Agreement Act 1968*;
 - (iii) *Central Queensland Coal Associates Agreement and Queensland Coal Trust Act 1984*;
 - (iv) *Central Queensland Coal Associates Agreement (Amendment) Act 1986*;
 - (v) *Central Queensland Coal Associates Agreement Amendment Act 1989*;
 - (vi) *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*;
 - (vii) *Mount Isa Mines Limited Agreement Act 1985*;
 - (viii) *Queensland Nickel Agreement Act 1970*;
 - (ix) *Queensland Nickel Agreement Act 1988*;
 - (x) *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962*;
 - (xi) *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965*.

10 Part 1, division 3, subdivision 4, heading (Definition about other regulated activities)

Page 14, lines 18 and 19—

omit, insert—

Subdivision 4 Other definitions

11 After part 1, division 3, subdivision 4, heading

Page 14, after line 19—

insert—

15A Regional interests development approval

- (1) A *regional interests development approval* is an approval issued under section 54 that approves the carrying out of a resource activity or regulated activity in an area of regional interest following an assessment of the extent of the expected impact of the activity on the area.
- (2) A regional interests development approval includes any regional interest conditions of the approval.

12 Clause 16 (*Regulated activity*)

Page 14, lines 21 to 25—

omit, insert—

- (1) A *regulated activity*, for an area of regional interest, is an activity—
 - (a) likely to have a widespread and irreversible impact on the area of regional interest; and
 - (b) prescribed under a regulation for the area.
- (2) In this Act, a reference to a regulated activity includes a reference to the carrying out of the activity.

13 Clause 17 (References in provisions)

Page 15, lines 27 to 29—

omit, insert—

- (d) a reference to the regional interests development approval is a reference to the approval issued, or that may be issued, as a result of the application.

14 Clause 17 (References in provisions)

Page 16, lines 1 to 5—

omit, insert—

- (6) For a provision about a regional interests development approval, resource authority or environmental authority, a reference to the land is a reference to the land the subject of the approval or authority, or to which it attaches.
- (7) In a provision about a resource activity or a regulated activity in an area of regional interest, or having an impact on an area of regional interest, a reference to an area of regional interest is, for the strategic cropping area, a reference to an area that is in the strategic cropping area.
- (8) In this section—

15 Part 2, heading (Restrictions on resource activities in areas of regional interest)

Page 16, line 14, after ‘resource’—

insert—

and regulated

16 Clause 18 (Restrictions on carrying out resource activity or regulated activity)

Page 16, line 23 and page 17, line 2, ‘authority’—

omit, insert—

development approval

17 Clause 18 (Restrictions on carrying out resource activity or regulated activity)

Page 17, line 8, after ‘exempt resource activity’—

insert—

or exempt regulated activity

18 Clause 19 (Failure to comply with conditions)

Page 17, lines 10 to 20—

omit, insert—

- (1) This section applies to a person who is the holder of, or is acting under, a regional interests development approval.
- (2) The person must not wilfully contravene a condition of the approval.
Maximum penalty—6250 penalty units or 5 years imprisonment.
- (3) The person must not contravene a condition of the approval.
Maximum penalty—4500 penalty units.
- (4) Subsection (3) is an alternative offence for subsection (2).

Note—

For the effect of subsection (4), see section 78.

19 Clause 20 (Carrying out exempt resource activity without notice)

Page 17, lines 21 to 26—

omit.

20 Clause 22 (Exemption: agreement of land owner)

Page 18, line 20 and page 19, line 6, after ‘priority agricultural area’—

insert—

or area that is in the strategic cropping area

21 Clause 22 (Exemption: agreement of land owner)

Page 19, lines 10 and 11—

omit, insert—

land if the activity has an impact on—

- (a) for land in a priority agricultural area—the suitability of the land to be used for a priority agricultural land use for the area; or
- (b) for land in an area that is in the strategic cropping area—the land’s soil, climate and landscape features that make that area highly suitable, or likely to be highly suitable, for cropping.

22 Clause 23 (Exemption: activity carried out for less than 1 year)

Page 19, lines 13 to 29—

omit, insert—

A resource activity is an *exempt resource activity* for a priority agricultural area or area in the strategic cropping area if the activity is being carried out—

- (a) on a property in the area; and
- (b) within the period of 1 year starting on the day the first activity under the resource authority started to be carried out on the property.

23 Clause 24 (Exemption: pre-existing resource activity)

Page 20, lines 2 to 30 and page 21, lines 1 to 15—

omit, insert—

- (1) This section applies if, immediately before land becomes land in an area of regional interest, including on commencement of this section, a resource activity may be carried out lawfully on the land.
- (2) The resource activity is an *exempt resource activity* for the area of regional interest.
- (3) For subsection (1), a resource activity may be carried out lawfully on land if—
 - (a) the activity may be carried out lawfully on the land—
 - (i) under a resource authority or an environmental authority; and
 - (ii) without the need for any further authority or approval relating to the location, nature or extent of the expected surface impacts of the activity to be obtained under an Act or a condition of either authority; and
 - (b) information provided in, with or in support of the application for the resource or environmental authority (or an amendment of the application) identified the location, nature and extent of the expected surface impacts of the activity.

24 After clause 24

Page 21, after line 15—

insert—

24A Exemption: pre-existing regulated activity

- (1) This section applies if, immediately before land becomes land in an area of regional interest, including on commencement of this section, a regulated activity may be lawfully carried out on the land under the *Sustainable Planning Act 2009*.
- (2) The regulated activity is an *exempt regulated activity* for the area of regional interest.

25 Clauses 25 and 26

Page 21, lines 16 to 31—

omit.

26 Part 3, heading (Regional interests authorities)

Page 22, line 1, ‘authorities’—

omit, insert—

development approvals

27 Clause 28 (When does a resource activity or regulated activity *impact* an area of regional interest)

Page 22, lines 25 to 28—

omit, insert—

- (i) for a priority agricultural area—section 8(1)(a);
- (ii) for a priority living area—section 9(b);
- (iii) for the strategic cropping area—section 10(1);

28 Clause 29 (Who may apply for regional interests authority)

Page 23, lines 4, 6 and 10, ‘authority’—

omit, insert—

development approval

29 Clause 31 (Owner of land given copy of assessment application)

Page 24, line 4, ‘5 business days after the application is made’—

omit, insert—

the prescribed time frame

30 Part 3, division 3, heading (Amending or withdrawing)

Page 24, line 5, after ‘withdrawing’—

insert—

application

31 After clause 33

Page 24, after line 26—

insert—

33A Owner of land given notice of amendment or withdrawal

- (1) This section applies if—
 - (a) an assessment application is not notifiable;
and
 - (b) the applicant is not the owner of the land;
and
 - (c) the application is amended under section 32
or withdrawn under section 33.
- (2) The applicant must give the owner notice of the amendment or withdrawal within the prescribed time frame.

32 Clause 34 (Application of div 4)

Page 25, lines 7 and 8—

omit, insert—

- (b) an exemption is not granted under subsection (3) by the chief executive within the prescribed time frame.

33 Clause 34 (Application of div 4)

Page 25, line 12, after ‘resource activity’—

insert—

or regulated activity

34 Clause 34 (Application of div 4)

Page 25, line 14, ‘an assessor’—

omit, insert—

the chief executive

35 Clause 36 (Consequences of failure to notify)

Page 26, lines 27 to 32 and page 27, lines 1 to 5—

omit.

36 Clause 38 (Submissions must be published or available for inspection)

Page 27, lines 22 and 23, from ‘5 business days’ to ‘section 48’—

omit, insert—

the prescribed time frame

37 Clause 41 (Assessing agency’s assessment of application)

Page 28, line 28, after ‘of the application’—

insert—

within the prescribed time frame

38 Clause 41 (Assessing agency’s assessment of application)

Page 29, line 6, ‘decision’—

omit, insert—

assessment

39 Clause 42 (Assessing agency’s response to application)

Page 30, lines 1 to 5—

omit, insert—

- (3) However, the response may only be given within the prescribed time frame.

40 Clause 42 (Assessing agency’s response to application)

Page 30, line 14, after ‘response’—

insert—

within the prescribed time frame

41 Clause 44 (Requirement notice)

Page 31, line 7, after ‘by notice’—

insert—

given within the prescribed time frame

42 Clause 44 (Requirement notice)

Page 31, line 14—

omit, insert—

- (c) if the assessor is the chief executive—notify the application under division 4;

43 Clause 46 (Additional advice or comment about assessment application)

Page 32, lines 24 to 26—

omit, insert—

- (1) The chief executive must ask the Gasfields Commission for advice about an assessment application if—
 - (a) the application relates to a resource activity in a priority agricultural area, the strategic cropping area or a priority living area; and
 - (b) either—
 - (a) the application is notifiable; or
 - (b) in the chief executive’s opinion, the expected surface impacts of the resource activity are significant.
- (2) The chief executive or an assessing agency may ask any other person for advice or comment about an assessment application.

44 Clause 47 (Chief executive must decide application)

Page 33, line 3, after ‘chief executive must’—

insert—

, within the prescribed time frame,

45 Clause 48 (Decision generally)

Page 33, lines 11 and 14, ‘authority’—

omit, insert—

development approval

46 Clause 48 (Decision generally)

Page 33, line 15, ‘authority’—

omit, insert—

approval

47 Clause 49 (Criteria for decision)

Page 34, line 3—

omit, insert—

in an assessing agency's response;

- (e) any advice about the application given by the Gasfields Commission.

48 Clause 50 (Compliance with assessing agency's response)

Page 34, lines 6 to 11—

omit.

49 Clause 51 (Conditions generally)

Page 34, lines 14 and 15—

omit, insert—

- (a) limit or restrict the carrying out of a resource activity or regulated activity, including, for example, by—
 - (i) requiring the applicant to start or complete the carrying out of the activity by a stated date or within a stated period; or
 - (ii) requiring the applicant to ensure the impact of the activity is limited or restricted to a stated level; or

50 Clause 51 (Conditions generally)

Page 34, line 19, 'a strategic cropping area'—

omit, insert—

an area that is the strategic cropping area

51 Clause 51 (Conditions generally)

Page 34, lines 25 and 26—

omit, insert—

- (2) However, a condition must either—
 - (a) be relevant to, but not an unreasonable imposition on, the resource activity or regulated activity; or
 - (b) be reasonably required to manage the impact of the activity on an area of regional interest.
- (3) A condition under subsection (1)(c) is an ***SCL mitigation condition***.

52 Clause 52 (Notice about decision)

Page 35, lines 3 and 4, from ‘As soon’ to ‘the chief executive’—

omit, insert—

The chief executive

53 Clause 52 (Notice about decision)

Page 35, line 11—

omit, insert—

- assessing agency for the application; and
- (c) if the Gasfields Commission gave the chief executive advice about the assessment application—the Gasfields Commission.

54 Clause 52 (Notice about decision)

Page 35, after line 16—

insert—

- (4) If the chief executive's decision about the assessment application is inconsistent with advice about the application given to the chief executive by either of the following, the decision notice must include reasons for the inconsistency—
 - (a) a local government that was an assessing agency for the application;
 - (b) the Gasfields Commission.
- (5) The decision notice or copy of the decision notice must be given within the prescribed time frame.

55 Clause 53 (Public notification of decision)

Page 35, lines 18 and 19, '5 business days after deciding an assessment application'—

omit, insert—

the prescribed time frame

56 Clause 54 (Issuing authority)

Page 36, line 1, 'authority'—

omit, insert—

approval

57 Clause 54 (Issuing authority)

Page 36, lines 2 to 4—

omit, insert—

- (1) As soon as practicable after deciding to grant a regional interests development approval, the chief executive must issue the approval.
- (2) The regional interests development approval must—
 - (a) be in the approved form; and

- (b) state the following—
 - (i) a description of the land;
 - (ii) the resource activity or regulated activity approved;
 - (iii) the area of regional interest for which the activity is approved;
 - (iv) any regional interests conditions on which the approval is granted.

58 Clause 55 (When authority takes effect)

Page 36, line 5, ‘authority’—

omit, insert—

approval

59 Clause 55 (When authority takes effect)

Page 36, line 6, ‘authority’—

omit, insert—

development approval

60 Clause 55 (When authority takes effect)

Page 36, lines 9, 10 and 11, ‘authority’—

omit, insert—

approval

61 Clause 55 (When authority takes effect)

Page 36, line 16, ‘authority’—

omit, insert—

development approval

62 After clause 55

Page 36, after line 18—

insert—

Division 8A Amending approval

55A Amending approval

- (1) The holder of a regional interests development approval may, in writing, ask the chief executive to make either of the following amendments (each a *requested amendment*) to the approval—
 - (a) a minor amendment;
 - (b) an amendment the chief executive is satisfied would not adversely change the impact of the resource activity or regulated activity on the area of regional interest.
- (2) Before deciding whether to make a requested amendment, the chief executive may give the holder of the approval a notice requiring the holder to notify the application under division 4 within a reasonable stated period.
- (3) If, in the chief executive's opinion, the holder has contravened the notice, the chief executive may refuse to decide whether to make the requested amendment until the notice has been complied with to the chief executive's satisfaction.
- (4) The holder of the approval must bear any costs incurred in complying with the notice.
- (5) In deciding whether to make a requested amendment, the chief executive must consider the matters mentioned in section 49 to the extent the chief executive considers it is appropriate to do so.

55B Notice about decision

- (1) As soon as practicable after deciding whether to make a requested amendment to a regional interests development approval, the chief executive must give the holder of the approval a decision notice about the decision.
- (2) The chief executive must give a copy of the decision notice to—
 - (a) if the holder is not the owner of the land—the owner of the land; and
 - (b) if the assessment application for the approval was referable—each assessing agency for the application; and
 - (c) if the Gasfields Commission gave the chief executive advice about the assessment application for the approval—the Gasfields Commission.

55C Giving effect to amendment

As soon as practicable after deciding to make a requested amendment to a regional interests development approval, the chief executive must—

- (a) amend the approval to give effect to the requested amendment; and
- (b) issue the amended approval to the holder.

63 After part 3, division 9, heading

Page 36, after line 19—

insert—

55D Approval attaches to land

While it continues in effect, a regional interests development approval attaches to the land despite

any change in the land's ownership or occupation.

64 Clause 56 (Regional interests conditions paramount)

Page 36, lines 21 to 26—

omit, insert—

- (1) This section applies to a regional interests development approval for a priority agricultural area or the strategic cropping area.
- (2) If there is any inconsistency between the conditions of the approval and a condition of the relevant authority, the conditions of the approval prevail to the extent of the inconsistency.
- (3) For subsection (2), it does not matter when the approval, authority or conditions were granted or imposed in relation to each other.

65 Clause 57 (Application of pt 4)

Page 37, line 6, 'authority if the authority'—

omit, insert—

development approval if the approval

66 Clause 61 (What is a *mitigation deed*)

Page 38, line 3, 'authority'—

omit, insert—

development approval

67 Clause 67 (Mitigation deed binds holder's successors)

Page 40, lines 4 and 5, 'authority'—

omit, insert—

development approval

68 Part 5, heading (Appeals)

Page 40, line 8, after ‘Appeals’—

insert—

and declarations

69 Clause 68 (Definitions for pt 5)

Page 40, lines 11 and 12, ‘a person who owns’—

omit, insert—

an owner of

70 Clause 68 (Definitions for pt 5)

Page 40, lines 23 and 25, ‘authority’—

omit, insert—

development approval

71 Clause 68 (Definitions for pt 5)

Page 40, line 27—

omit, insert—

application;

- (d) a decision to make, or refuse to make, a requested amendment to a regional interests development approval.

72 Clause 69 (Appeal to Planning and Environment Court)

Page 41, after line 7—

insert—

Note—

See the *Sustainable Planning Act 2009*, chapter 7, part 1 for provisions about the powers, processes and procedures of the court, including, for example—

- section 457 (Costs);

- section 495 (Appeal by way of hearing anew);
- division 12 (Alternative dispute resolution).

73 After clause 71

Page 41, after line 29—

insert—

71A Notice of appeal to other parties

- (1) An appellant must, within 10 business days after starting an appeal, give notice of the appeal to each of the following—
 - (a) a respondent or co-respondent for the appeal;
 - (b) if the appellant is not the owner of land for the regional interests decision—the owner of the land.
- (2) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is the owner of the land—that the person may apply to the court to be a co-respondent for the appeal.

74 Clause 72 (Stay of operation of decision)

Page 42, lines 2 to 6—

omit, insert—

- (1) The starting of an appeal does not stay the operation of the decision appealed against.
- (2) However, the court may stay the operation of the decision to secure the effectiveness of the appeal.
- (3) A stay—
 - (a) may be given on reasonable conditions as the court considers appropriate; and

- (b) operates until the first of the following happens—
 - (i) the period fixed by the court ends;
 - (ii) the appeal is decided, withdrawn or dismissed; and
- (c) may be revoked or amended by the court.

75 After clause 72

Page 42, after line 6—

insert—

72A Who must prove case for appeal

- (1) In an appeal by the applicant for a regional interests decision, it is for the appellant to establish the appeal should be upheld.
- (2) In an appeal by either of the following, it is for the applicant for a regional interests decision to establish the appeal should be dismissed—
 - (a) if the applicant is not the owner of the land—the owner of the land;
 - (b) an affected land owner.

72B Declarations

- (1) Any person may start a proceeding in the court seeking a declaration about any of the following—
 - (a) a matter done, to be done or that should have been done under this Act;
 - (b) the construction of—
 - (i) this Act; or
 - (ii) a regional plan to the extent it relates to this Act;

- (c) the lawfulness, under this Act, of the carrying out of a resource activity or a regulated activity.
- (2) The *Sustainable Planning Act 2009*, section 456 applies to a proceeding started under this section.

76 Clause 73 (Evidentiary aids generally)

Page 42, lines 20 and 23, ‘authority’—

omit, insert—

development approval

77 After clause 78

Page 46, after line 27—

insert—

78A Court may make orders

- (1) A court hearing a proceeding for an offence against this Act may make an order in relation to the defendant as the court considers appropriate.
- (2) The order may be in addition to, or in substitution for, any penalty the court may otherwise impose.
- (3) The order may, for example, require the defendant—
 - (a) to stop carrying out a resource activity or regulated activity; or
 - (b) to demolish or remove from the land stated buildings, structures, plant or equipment related to the carrying out of a resource activity or regulated activity; or
 - (c) to restore, as far as practicable, land to the condition the land was in before the carrying out of a resource activity or regulated activity started; or

- (d) to do, or not to do, another act to ensure a resource activity or regulated activity complies with a regional interests development approval; or
 - (e) for a resource activity or regulated activity that has started—to apply for a regional interests development approval.
- (4) The order must state the date by, or period within, which the order must be complied with.
 - (5) A person must comply with the order unless the person has a reasonable excuse.
- Maximum penalty—1665 penalty units or imprisonment for 12 months.

78 Clause 79 (Authorised persons under the Vegetation Management Act 1999)

Page 47, lines 4 to 11—

omit, insert—

- (1) This section applies for a priority agricultural area and the strategic cropping area.
- (2) The functions of an authorised person (natural resources) under the *Vegetation Management Act 1999* include to ensure compliance with this Act (the **further function**).
- (3) For the purposes of subsection (2)—
 - (a) an authorised person (natural resources) may exercise the person’s powers under the *Vegetation Management Act 1999*, part 3 (other than part 3, division 1, subdivisions 7 and 8) to perform the further function; and
 - (b) an authorised person (natural resources) may enter a place under section 30 of that Act if the place is—
 - (i) the subject of a regional interests development approval; and

- (ii) entered during daylight hours; and
- (c) on an application by an authorised person (natural resources), a magistrate may issue a warrant for a place under section 33 of that Act only if the magistrate is satisfied there are reasonable grounds for suspecting—
 - (i) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act; and
 - (ii) the evidence is at the place or, within the next 7 days, may be at the place.

79 Clause 80 (Authorised persons under a Local Government Act)

Page 47, lines 17 to 26—

omit, insert—

- (2) The functions of an authorised person (local government) under the *Local Government Act 2009* or the *City of Brisbane Act 2010* include to ensure compliance with this Act (the *further function*).
- (3) For the purposes of subsection (2)—
 - (a) an authorised person under the *Local Government Act 2009* may exercise the person's powers under chapter 5, part 2, division 1 of that Act to perform the further function; and
 - (b) an authorised person under the *City of Brisbane Act 2010* may exercise the person's powers under chapter 5, part 2, division 1 of that Act to perform the further function; and
 - (c) on an application by an authorised person (local government), a magistrate may issue a

warrant for a place under section 130 of the *Local Government Act 2009* or section 119 of the *City of Brisbane Act 2010* only if the magistrate is satisfied there are reasonable grounds for suspecting—

- (i) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act; and
 - (ii) the evidence is at the place or, within the next 7 days, may be at the place; and
- (d) a reference in the *Local Government Act 2009* or the *City of Brisbane Act 2010* to the Local Government Acts is taken to include a reference to this Act.

80 Clause 81 (Authorised persons under the Environmental Protection Act)

Page 48, lines 4 to 9—

omit, insert—

- (2) The functions of an authorised person (environment) under the Environmental Protection Act include to ensure compliance with this Act (the *further function*).
- (3) For the purposes of subsection (2)—
 - (a) an authorised person (environment) may exercise the person's powers under the Environmental Protection Act, chapter 9 to perform the further function; and
 - (b) an authorised person (environment) may enter a place under section 452 of that Act if the place is—
 - (i) the subject of a regional interests development approval; and

- (ii) entered during daylight hours; and
- (c) on an application by an authorised person (environment), a magistrate may issue a warrant for a place under section 456 of that Act only if the magistrate is satisfied there are reasonable grounds for suspecting—
 - (i) there is a particular thing or activity (the *evidence*) that may provide evidence of an offence against this Act; and
 - (ii) the evidence is at the place or, within the next 7 days, may be at the place.

81 Clause 90 (Definitions for pt 7)

Page 50, line 18, ‘7’—

omit, insert—

8

82 After clause 90

Page 51, after line 7—

insert—

90A Validation application

- (1) This section applies to a validation application made under the repealed Act, section 40 if, at the commencement, the application had not been decided, withdrawn or lapsed.
- (2) The chief executive (natural resources) must deal with and decide, or continue to deal with and decide, the validation application under the repealed Act as if this Act has not been enacted.
- (3) After making a decision about a validation application, the chief executive (natural resources) must ensure the SCL trigger map

under this Act is consistent with the decision by, if necessary, amending the map—

- (a) if the decision is to record any of the land the subject of the application as SCL—to include the land as an area, or part of an area, in the strategic cropping area shown on the map; and
 - (b) if the decision is to record any of the land as decided non-SCL—to remove the land from the strategic cropping area shown on the map.
- (4) In this section—

decided non-SCL see the repealed Act, section 9(3).

SCL see the repealed Act, section 9(2).

validation application see the repealed Act, section 40(1).

90B Resource activities excluded from repealed Act are exempt resource activities

A resource activity is an *exempt resource activity* for the strategic cropping area under this Act if the environmental authority or resource authority for the activity was issued or granted—

- (a) before 30 January 2012; or
- (b) as a result of an application that was excluded under the repealed Act, chapter 9, part 3, division 2 or 3.

90C Conditions imposed for future environmental authority or mining lease relating to EPC 891

- (1) This section applies for any environmental authority or mining lease granted because of an application for an environmental authority or a mining lease relating to EPC 891.

- (2) It is a condition of the lease that no open cut mining can be carried out under the lease.
- (3) It is a condition of the environmental authority that its holder must use all reasonable endeavours to rehabilitate all impacts on the land from underground coal mining carried out under the lease.
- (4) This section does not limit or otherwise affect a power under this Act, the *Mineral Resources Act 1989* or the Environmental Protection Act to impose other conditions on the lease or authority, or a resource activity for the lease or authority, that are not inconsistent with these conditions.
- (5) In this section—
EPC means an exploration permit for coal under the *Mineral Resources Act 1989*.
mining lease means a mining lease under the *Mineral Resources Act 1989*.

83 Clause 91 (Application for SCL protection decision)

Page 51, lines 14 to 17—

omit, insert—

- (b) the application is for a resource activity in an area that is in the strategic cropping area under this Act.
- (2) The chief executive (natural resources) must deal with and decide, or continue to deal with and decide, the application under the repealed Act as if this Act has not been enacted.

84 Clause 92 (SCL protection decision)

Page 51, line 21, ‘a strategic cropping area’—

omit, insert—

in the strategic cropping area

85 Clause 92 (SCL protection decision)

Page 51, lines 23 and 24—

omit, insert—

- (b) one made as a result of an application mentioned in section 91;
- (c) one made as a result of an appeal mentioned in section 95 or 96.

86 Clause 92 (SCL protection decision)

Page 51, line 26, ‘authority (the transitioned authority)’—

omit, insert—

development approval (the *transitioned approval*)

87 Clause 92 (SCL protection decision)

Page 52, lines 15 and 16—

omit, insert—

- (6) The chief executive may issue, under section 54, a regional interests development approval to the applicant for the transitioned approval.

88 Clause 93 (SCL compliance certificate)

Page 52, line 29, ‘a strategic cropping area’—

omit, insert—

in the strategic cropping area

89 Clause 93 (SCL compliance certificate)

Page 52, lines 31 and 32, ‘authority (the transitioned authority)’—

omit, insert—

development approval (the *transitioned approval*)

90 Clause 93 (SCL compliance certificate)

Page 53, lines 4 and 5—

omit, insert—

- (4) The chief executive may issue, under section 54, a regional interests development approval to the applicant for the transitioned approval.

91 Clause 94 (Mitigation requirements)

Page 53, line 17, ‘authority’—

omit, insert—

development approval

92 Clause 95 (Right of appeal on commencement)

Page 54, line 3, ‘a strategic cropping area’—

omit, insert—

in the strategic cropping area

93 Clause 96 (Appeals started at commencement)

Page 54, line 15, ‘a strategic cropping area’—

omit, insert—

in the strategic cropping area

94 Clause 97 (Stop work notices and restoration notices)

Page 54, lines 26 and 27, ‘a strategic cropping area’—

omit, insert—

in the strategic cropping area

95 After clause 97

Page 55, after line 3—

insert—

Part 8A **Transitional regulation-making power**

97A Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a savings or transitional nature to allow or facilitate—
 - (a) the commencement of the operation of this Act; or
 - (b) the change from the operation of the repealed *Strategic Cropping Land Act 2011* to the operation of this Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This part and any transitional regulation expire 1 year after the commencement.

96 Clause 100 (Insertion of new s 212A)

Page 55, lines 17, 20 and 25 and page 56, line 5, ‘authority’—
omit, insert—

development approval

97 Clause 100 (Insertion of new s 212A)

Page 56, line 7, after ‘authority’—
insert—

or approval

98 After clause 101

Page 56, after line 15—

insert—

**Part 10 Amendment of
Gasfields Commission
Act 2013**

102 Act amended

This part amends the *Gasfields Commission Act 2013*.

103 Amendment of s 7 (Commission's functions)

Section 7—

insert—

- (ca) in response to requests for advice from the chief executive under the *Regional Planning Interests Act 2014* about assessment applications under that Act, advising that chief executive about the ability of landholders, regional communities and the resources industry to coexist within the area the subject of the application;

104 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

resources industry—

- (a) means the businesses that carry out a resource activity within the meaning of the *Regional Planning Interests Act 2014*, section 12(2); and

(b) includes the onshore gas industry.

99 Schedule 1 (Dictionary)

Page 57, lines 6 and 13, '(1)'—
omit.

100 Schedule 1 (Dictionary)

Page 57, after line 23—
insert—

cropping includes the following—

- (a) the yield of any form of cultivated crop for any purpose, including, for example, for food, fibre, fodder or medicinal purposes;
- (b) the growing of trees to produce, or as a component for, food, fibre or a medicinal product;
- (c) harvesting a timber plantation.

101 Schedule 1 (Dictionary)

Page 58, lines 3 and 4—
omit.

102 Schedule 1 (Dictionary)

Page 58, after line 6—
insert—

exempt regulated activity, for an area of regional interest, see section 24A(2).

exempt resource activity, for an area of regional interest, see section 22(2), 23, 24(2) or 90B.

expected surface impacts, of a resource activity, means the expected impacts of carrying out the

activity on the surface of the land where the activity is to be carried out.

Gasfields Commission means the commission under the *Gasfields Commission Act 2013*.

103 Schedule 1 (Dictionary)

Page 58, after line 9—

insert—

lot means—

- (a) a lot under the *Land Title Act 1994*; or
- (b) a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*.

104 Schedule 1 (Dictionary)

Page 58, after line 15—

insert—

mitigation value, of mitigated SCL land, see section 59(2).

105 Schedule 1 (Dictionary)

Page 58, lines 21 to 27—

omit, insert—

owner, of land, means—

- (a) the person for the time being entitled to receive the rent for the land or who would be entitled to receive the rent for it if it were let to a tenant at a rent; or
- (b) the lessee of a lease issued under the *Land Act 1994* for agricultural, grazing or pastoral purposes.

party, to an appeal, means the applicant and each respondent or co-respondent for the appeal.

prescribed time frame, for a matter, means the time frame prescribed under a regulation for the matter.

priority agricultural area see section 8(1).

priority agricultural land use see section 8(2).

106 Schedule 1 (Dictionary)

Page 58, after line 30—

insert—

property means—

- (a) if an area managed as a single agricultural enterprise consists of 1 lot—the lot; or
- (b) otherwise—all the lots that—
 - (i) are owned by the same person or have 1 or more common owners; and
 - (ii) are managed as a single agricultural enterprise; and
 - (iii) 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).

107 Schedule 1 (Dictionary)

Page 59, lines 1 to 10—

omit, insert—

regional interests condition see section 48(2).

regional interests decision, for part 5, see section 68.

regional interests development approval see section 15A.

regional plan see the *Sustainable Planning Act 2009*, section 33.

regulated activity see section 16(1).

108 Schedule 1 (Dictionary)

Page 59, after line 17—

insert—

requested amendment see section 55A(1).

109 Schedule 1 (Dictionary)

Page 59, after line 21—

insert—

road see the *Sustainable Planning Act 2009*, schedule 3.

SCL mitigation condition see section 51(3).

SCL trigger map means the electronic map called ‘Trigger Map for Strategic Cropping Land in Queensland’ approved by the chief executive (natural resources) and published on the website of the natural resources department.

110 Schedule 1 (Dictionary)

Page 59, after line 23—

insert—

watercourse see the *Water Act 2000*, section 5.