

Pre-existing Resource Authority Exemption

Regional Planning Interests Act 2014

The *Regional Planning Interests Act 2014* (RPI Act) seeks to strike a balance between protecting priority land uses and managing the impacts of mining and petroleum activities.

It seeks to identify and protect areas of regional interest throughout Queensland, including:

- Priority agricultural areas
- Priority living areas
- Strategic environmental areas
- Strategic cropping areas

Regional Interests Development Approvals

Generally, a resource activity cannot be carried out in an area of regional interest unless a person holds or is acting under a Regional Interests Development Approval (RIDA) for the activity.

A RIDA provides approval for carrying out of a resource activity in an area of regional interest.

A RIDA is subject to an assessment of the extent of the expected impact of the resource activity on the area of regional interest.

What is a pre-existing resource authority exemption?

There are some circumstances where a RIDA is not required. For resource authorities, the RPI Act includes an exemption from the requirement for a RIDA where there is a pre-existing resource authority.

The exemption is intended to allow the continued operation of mining and petroleum activities that were being carried out, or were

approved to be carried out before the 13 June 2014 when the RPI Act commenced.

This exemption is dependent on the mining or petroleum activity being authorised under both:

- an environmental authority under the *Environmental Protection Act 1994* and
- a resource authority under one or more of 17 Acts

How does the pre-existing resource authority exemption apply?

The exemption only extends to the activities and impacts approved as at 13 June 2014.

This means activities authorised under an environmental authority granted before 13 June 2014 are exempt from the requirement for a RIDA if they are occurring on one of the resource authorities identified on the environmental authority.

Any changes to approvals that involve additional impacts or activities after the 13 June 2014 are not exempt.

Community Awareness

Before undertaking a resource activity under a pre-existing resource authority exemption it is expected that there is communication to landowners and adjoining land owners about where the activity is proposed to occur, the extent of activity proposed and any expected impacts.

It is expected this communication occurs prior to works commencing.

Terms you need to know

Resource activity means: an activity for which a resource authority is required. This usually means activities that require a tenure under one or more of the 17 Acts listed below.

Resource authority means: any of the following –

1. a geothermal tenure under the *Geothermal Energy Act 2010*
2. a GHG permit or GHG lease under the *Greenhouse Gas Storage Act 2009*
3. each of the following under the *Mineral Resources Act 1989*—
 - a. a mining tenement other than a prospecting permit
 - b. an approval that grants rights over land
4. a 1923 Act petroleum tenure under the *Petroleum Act 1923*
5. the following petroleum authorities under the *Petroleum and Gas (Production and Safety) Act 2004*—
 - a. an authority to prospect
 - b. a petroleum lease
 - c. a pipeline licence
 - d. a petroleum facility licence
6. a licence, permit, pipeline licence, primary licence, secondary licence or special prospecting authority granted under the *Petroleum (Submerged Lands) Act 1982*
7. an agreement or lease under or mentioned in any of the following Acts—
 - a. *Alcan Queensland Pty. Limited Agreement Act 1965*
 - b. *Central Queensland Coal Associates Agreement Act 1968*
 - c. *Central Queensland Coal Associates Agreement and Queensland Coal Trust Act 1984*
 - d. *Central Queensland Coal Associates Agreement (Amendment) Act 1986*
 - e. *Central Queensland Coal Associates Agreement Amendment Act 1989*
 - f. *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*
 - g. *Mount Isa Mines Limited Agreement Act 1985*
 - h. *Queensland Nickel Agreement Act 1970*

- i. *Queensland Nickel Agreement Act 1988*
- j. *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962*
- k. *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965.*