



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our ref: RPI19/002 - Wyalla

1 August 2019

Ms Lisa Turner
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Via email: lisa.turner@arrowenergy.com.au

Dear Ms Turner

DECISION NOTICE

RPI19/002 Arrow – Wyalla Project

(given under section 51 of the *Regional Planning Interests Act 2014*)

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) advises that the assessment application for construction and operation of resource activities (multi-well pad and two water monitoring bores) associated with the Wyalla Project has been approved subject to conditions. The subject land is described as Lot 1 on RP117442.

Reasons for the decision

The subject land is within the Darling Downs Regional Plan. All of the subject land is mapped as being included in the Priority Agricultural Area (PAA). Approximately two thirds of the subject land (being the western portion) is also included in the Strategic Cropping Area (SCA). The PAA and SCA are the regional interests under the *Regional Planning Interests Act 2014* (RPI Act).

Although the subject land is mapped as SCA, a Compliance Certificate (being SCLRD2012/000003 and dated 26 July 2012) was previously issued over the tenure

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under the *Strategic Cropping Land Act 2011*. The Compliance Certificate provided for resource activities, including up to 60 wells. The proposed resource activities in this application for a Regional Interest Development Approval (RIDA) are included in the 60 wells. Pursuant to section 103 of the RPI Act, the SCL Compliance Certificate is a RIDA for the proposed resource activities. As a consequence, the SCA was no longer a consideration in the assessment.

In regard to the PAA, the DSDMIP has determined that the proposed resource activities meet applicable Required Outcome 1 of the Priority Agricultural Area assessment criteria, as contained in the Regional Planning Interests Regulation 2014. This is because the Department of Agriculture and Fisheries (DAF) has determined that the proposed resource activities will not be undertaken on land used for a Priority Agricultural Land Use. Accordingly, the DAF had no further requirements regarding the resource activities.

The DSDMIP also sought advice from the Department of Natural Resources, Mines and Energy (DNRME) regarding groundwater matters. The DNRME considered the proposed resource activities with reference to the Surat Cumulative Management Area Underground Water Impact Report (2016 Surat UWIP, Appendix G-2 Guidelines for the construction of new monitoring points). DNRME subsequently advised that the application had appropriately addressed the requirements of the RPI Act, particularly the issue of coexistence for the observation bores. The DNRME recommended that reference be made to the construction standards for the drilling and decommissioning of the bores. These have been included as part of the advice section of the RIDA.

The DSDMIP also sought advice from the GasFields Commission. The GasFields Commission subsequently advised that they considered that the collection of additional groundwater data would assist with an understanding of groundwater systems (in the area). The GasFields Commission also advised that they were not aware of any reason why the proposed activities would negatively impact the ability for coexistence to occur.

The DSDMIP also obtained advice from the Department of Environment and Science (DES) regarding the relationship of the proposed water monitoring bores to the requirements of the relevant environmental authority. The two water monitoring bores are proposed as part of Arrow's Groundwater Characteristics Monitoring Program ('GCMP') within PL 253. The water monitoring is to be undertaken pursuant to Environmental Authority (EA) EA0001401. The DES administers the EA. The applicant has confirmed that a copy of the GCMP was provided to the DES in October 2018. The DES confirmed that the proposed installation of the water monitoring bores is consistent with the aforementioned EA.

The DSDMIP has considered the relevant regional outcomes of the Darling Downs Regional Plan. The relevant regional outcomes (being Policy 1 and 2) are considered to be satisfied, as PAA is not compromised and coexistence is achieved.

The development application was publicly notified pursuant to section 34(4) of the RPI Act. This was because the chief executive gave the applicant a Requirement Notice requiring public notification. Twelve submissions were received during the public

notification period (one of which was effectively a duplication by the same submitter). Nine of the submissions were proforma-type submissions, providing the same grounds. The remainder expanded upon the common grounds of the other nine.

The DSDMIP provided copies of the submissions to the DNRME and the DAF for their review and comment. The DSDMIP categorized the various grounds and responded to each as part of the assessment process, pursuant to section 49 of the RPI Act. The submitters raised a number of matters that were related to the adjacent Linc Energy site (which is the subject of separate action by the DES) or otherwise outside of the considerations for the application. On balance, the DSDMIP considered that the proposed resource activities will not impact the regional interest.

Given the above, I, as the authorised delegate of the Chief Executive, consider that the proposed resource activities will not impact SCA of PAA (or PALU). In any event, conditions have been imposed to ensure the approved resource activities are sited in accordance with the approved plans, and to ensure there is a mechanism for addressing complaints, should they occur.

The attached Regional Interests Development Approval confirms the nature of the resource activities the subject of this approval.

Assessing Agencies

Agency	Area of Regional Interest	Date of assessing agency final response
Department of Agriculture and Fisheries	Priority Agricultural Area	4 July 2019

Appeals

- The period in which any appeal under Part 5 of the *Regional Planning Interests Act 2014* must be started is set out in Attachment 1.
- How rights of appeal under Part 5 of the *Regional Planning Interests Act 2014* are to be exercised are set out in Attachment 1.

This decision takes effect when the “appeal period” for the decision ends. The “appeal period” means the period ending on the last day on which an appeal against the decision may be started (see section 73 in Attachment 1).

The Regional Interests Development Approval is enclosed.

If you require any further information, please contact Darren Brewer, Manager - Development Assessment Division, on 3452 7472 or RPIAct@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Joyce', with a long horizontal stroke extending from the top of the 'P'.

Phil Joyce
Director
Development Assessment Division

enc. Regional Interests Development Approval

Attachment 1 - Extract from the *Regional Planning Interests Act 2014*

Part 5 Appeals and declarations

71 Definitions for pt 5

In this part—

affected land owner, for a regional interests decision, means an owner of land (**affected land**) that may be adversely affected by the resource activity or regulated activity because of—

- (a) the proximity of the affected land to the land the subject of the decision; and
- (b) the impact the activity may have on an area of regional interest.

court means the Planning and Environment Court under the *Sustainable Planning Act 2009*.

regional interests decision means each of the following decisions—

- (a) a decision to grant a regional interests development approval;
- (b) a decision to impose a condition on a regional interests development approval;
- (c) a decision to refuse all or part of an assessment application;
- (d) a decision to make, or refuse to make, a requested amendment to a regional interests development approval.

72 Appeal to Planning and Environment Court

The following may appeal (an **appeal**) against a regional interests decision to the court—

- (a) the applicant;
- (b) if the applicant is not the owner of the land—the owner of the land;
- (c) an affected land owner.

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 Appeal period

- (1) An appeal may be started only within 20 business days after—
 - (a) for a person who received a decision notice, or a copy of a decision notice, for the decision—the notice was received; or
 - (b) for an affected land owner for a regional interests decision—notice of the decision was published under section 52.
- (2) However, the court may at any time extend the time for starting the appeal.

74 Respondent for appeal

- (1) The chief executive is the respondent for the appeal.
- (2) If the appellant is not the applicant for the decision, the applicant is a co-respondent for the appeal.
- (3) If the appellant is not the owner of the land for the decision, the owner of the land may apply to the court to be a co-respondent for the appeal.
- (4) If the appeal is about an assessing agency's response, the assessing agency is a co-respondent for the appeal.
- (5) If the appeal is only about an assessing agency's response, the chief executive may apply to the court to withdraw from the appeal.

75 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.

76 Stay of operation of decision

- (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.

77 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.