

RPI Act

Statutory Guideline 04/14

Carrying out activities in a Priority Living Area

A guideline to assist in understanding when and how to apply for a Regional Interests Development Approval under the *Regional Planning Interests Act 2014* for proposed resource activities in a Priority Living Area.



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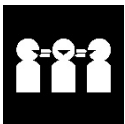


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A Priority Living Area

A Priority Living Area (PLA) is an area of regional interest under the *Regional Planning Interests Act 2014* (RPI Act). PLAs are identified through the regional plan making process under the *Planning Act 2016* and are shown on a map in a regional plan.

A PLA is an area that includes the existing settled area of a city, town or other community and other areas necessary or desirable:

- a) for the future growth of the existing settled area; and
- b) as a buffer between the existing or a future settled area and resource activities.

The purpose of establishing PLAs as areas of regional interest is to provide greater certainty for investment in the development of a region's towns or urban growth areas.

Restricted activities in a Priority Living Area

The RPI Act restricts the carrying out of resource activities where the activity is not exempt from the provisions of the Act or a regional interests development approval has not been granted.

Resource activities include any activity for which a resource authority is required. Resource activities do not include the following:

- a prospecting permit under the *Mineral Resources Act 1989*
- a petroleum survey licence, a data acquisition authority, or a water monitoring authority under the *Petroleum and Gas (Production and Safety) Act 2004*.

Overview of requirements for activities proposed in a Priority Living Area

The RPI Act sets out requirements for how resource activities must be conducted in an area of regional interest. It is an offence to carry out a resource activity as defined under the RPI Act in an area of regional interest unless the activity is exempt or a regional interests development approval has been granted for the activity.

Requirement to obtain a regional interests development approval

Section 24 of the RPI Act provides an exemption from the provisions of the Act where the activity is pre-existing. A resource activity is considered to be 'pre-existing' if, immediately before the land becomes land in an area of regional interest, the activity may be carried out lawfully on the land.

A resource activity can be carried out lawfully on land if:

- it is carried out under a resource authority or environmental authority; and
- the application for either authority adequately detailed the location, nature and/or extent of the expected surface impacts of the activity; and
- no further authority or approval is required to be obtained in relation to the location, nature or extent of the expected surface impacts of the activity.

Where a regional interest development approval is required for an activity located in a PLA, the applicant must make an assessment application to the chief executive of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP).

Making an assessment application

An assessment application for a regional interests development approval is required to be made to the chief executive of DSDMIP in the approved form. The RPI Act requires the assessment application must be accompanied by a report and the applicable fee.

A single application may seek approval for multiple activities across multiple areas of regional interest. In this instance, the application will need to address each applicable set of assessment criteria prescribed in Schedule 2 of the *Regional Planning Interests Regulation 2014* (RPI Regulation). For example, if the proposed activity is located in the PLA as well as another area of regional interest, for example, a priority agricultural area, different or additional requirements may apply.

For further information refer to *RPI Act Guideline 01/14 how to make an assessment application under the RPI Act*.

A pre-application meeting is strongly recommended to discuss a proposed activity that is located in an area of regional interest.

Please email RPIAct@dsdmip.qld.gov.au or visit <https://planning.dsdmip.qld.gov.au/planning/regional-planning-interests-act> for further information and to arrange a pre-application meeting with the Department of State Development, Manufacturing, Infrastructure and Planning.

Requirement to notify the application

The RPI Regulation requires all applications for resource activities in a PLA to be publicly notified. Refer to the *RPI Act Guideline 06/14: Public Notification of Assessment Applications* for more information.

Referral of the application to the local government

The RPI Regulation requires all applications for resource activities in a PLA to be referred to the relevant local government as an assessing agency. Where a PLA crosses over a local government boundary, the application will be referred to the local government with jurisdiction over the settled area.

Addressing the PLA assessment criteria

The PLA assessment criteria are contained in the RPI Regulation and are made up of a required outcome and a prescribed solution.

Meeting the required outcome

The required outcome for the PLA assessment criteria is:

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

When considering how to address this required outcome and prescribed solution, it is expected that the applicant would liaise with the relevant local government to understand how best to minimise the community impacts and maximise benefits at a local level.

Addressing the prescribed solution

The following provides guidance on how an applicant may address the prescribed solution for PLAs.

PRESCRIBED SOLUTION

The activity

- a) is unlikely to adversely impact on development certainty—
 - (i) for the land in the immediate vicinity of the activity; and
 - (ii) in the PLA generally.

To understand whether an activity may adversely impact on development certainty, the applicant should undertake and submit an analysis that demonstrates the extent to which the activity would or would not:

- a) result in the loss of land available for urban development as identified in a local government planning scheme, development scheme or other applicable statutory planning instrument¹
- b) prevent or delay the orderly expansion of planned urban development as identified in a local government planning scheme, development scheme or other applicable statutory planning instrument (for example, the life of the proposed resource activity may delay access to land and preventing its timely development)
- c) result in the discontinuation of an activity that is lawfully in existence under a local government planning scheme, development scheme or other applicable statutory planning instrument
- d) increase the cost of planned development (for example, changes to the existing landform could make the land more difficult or costly to develop)
- e) damage or otherwise affect existing infrastructure (for example, structural damage cause by subsidence)
- f) result in additional demand on existing infrastructure or services (for example, town water)
- g) negatively impact on the amenity of the PLA in general and on land in the immediate vicinity of the activity.

To determine the impact on amenity, the proposed activity should be evaluated against the following factors:

- a) the compatibility of the activity with surrounding activities
- b) the nature and scale of the proposed activity and the extent of its intrusion on the predominant character of the surrounding area
- c) the extent of change to the volume or nature of traffic on the roads in the PLA
- d) the effect on the existing linkages between various parts of the PLA (for example, between residential areas and employment areas)
- e) changes to the outlook from key vistas, nearby sensitive uses (for example, residential areas) or public facilities (for example, parks) and tourist attractions
- f) the effect on the sense of place, local cultural heritage values and perceptions of safety
- g) the visual prominence of the site
- h) proposed landscaping and enhancements.

The application should also explain how any impacts will be managed or mitigated.

¹ An example of an applicable planning instrument is an interim land use plan under the *Economic Development Act 2012*.

PRESCRIBED SOLUTION

Carrying out the activity in the priority living area, and in the location stated in the application, is likely to result in community benefits and opportunities, including, for example, financial and social benefits and opportunities.

The applicant should submit an analysis of:

- a. the economic and social benefits that will be associated with the additional workforce (during both the construction and operation phases)
- b. direct contributions (monetary or in-kind work) towards:
 - i. the improvement of trunk infrastructure (whether it be the capacity or the quality of the infrastructure)
 - ii. public infrastructure (including public transport, health and education services, and cultural and social infrastructure such as parks, sport and recreation facilities, bikeways and walkways)
 - iii. a community initiative or facility (for example public artwork, community notice board, community centre).

Further information

Visit: <https://planning.dsdmip.qld.gov.au/planning/regional-planning-interests-act>

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