

Land Owner Agreement Exemption FAQs



Regional Planning Interests Act 2014

The [Regional Planning Interests Act 2014](#) (RPI Act) regulates resource activities in areas of regional interest, such as [priority agricultural areas](#) (PAAs) and the [strategic cropping area](#) (SCA).

The RPI Act states that resource activities in areas of regional interest require a [regional interests development approval](#) (RIDA), or an exemption before they can be carried out.

A RIDA is an approval issued for a resource activity to occur in an area of regional interest under the RPI Act. A RIDA will generally include specific details of the approved activities, along with a reason for the decision and development conditions that must be complied with – relating to managing the impact of the approved activity on the area of regional interest.

Whilst an exempt resource activity may proceed without a RIDA under the RPI Act, it must also comply with all applicable approval requirements under other legislation. This includes the requirements for a [resource authority](#) and [environmental authority](#), as well as all statutory obligations in relation to [land access](#).

A key question for land owners is whether an exemption applies where a CCA or other voluntary written agreement has been agreed.



Exempt resource activities are described in various sections of the RPI Act. For example, [section 22 of the RPI Act](#) (the **land owner agreement exemption**) stipulates that a resource activity is an exempt resource activity, for the purpose of a PAA or the SCA, if certain criteria are met. This includes when a resource authority holder has entered into a [conduct and compensation agreement](#) (CCA) or other voluntary written agreement with the land owner.

FAQ 1: Does the RPI Act apply to deviated wells?

Deviated and directional drilling technologies are employed by the onshore gas industry in a range of settings across the state.

Deviated drilling activities (surface and subsurface activities and associated infrastructure) carried out on a resource authority (e.g. a petroleum lease) would typically be considered resource activities for the purpose of the RPI Act.

This means that a person must not carry out a resource activity consisting of the construction or operation of a deviated well in an area of regional interest unless the person holds, or is acting under a RIDA, or an exemption under the RPI Act applies.

Where a deviated well originates from a [‘well head’](#) on one property and crosses an adjoining property’s boundary *below the surface*, either a RIDA or an exemption will be required in relation to the resource activities being undertaken **on both properties**.

FAQ 2: When does the land owner agreement exemption apply?

Section 22 of the RPI Act provides that a resource activity is an exempt resource activity, for the purpose of a PAA or the SCA, **if all the following criteria are met:**

- a. the resource authority holder for the resource activity is not the owner of the land; **and**
- b. either:
 - a CCA between the land owner and the resource authority holder has been entered into voluntarily (not through order of a court); and the resource authority holder has complied with the requirement; or
 - the land owner has voluntarily entered into a written agreement with the resource authority holder and the carrying out of the activity is consistent with the agreement; **and**
- c. the resource activity is not likely to have a significant impact on the PAA or area that is in the SCA; **and**
- d. the resource activity is not likely to have an impact on land owned by a person other than the land owner.

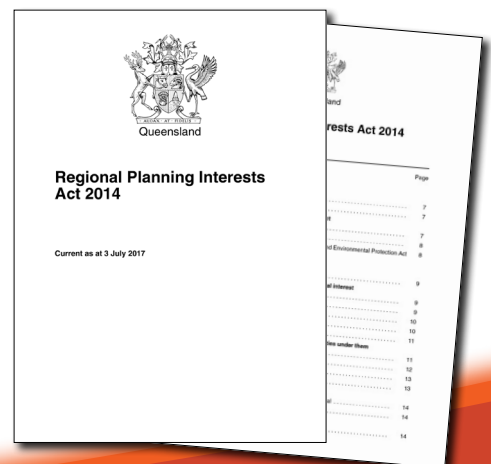
A CCA or other type of voluntary written agreement will not, by itself, be sufficient to satisfy the [land owner agreement exemption](#) – **all the criteria listed above must be satisfied**.

FAQ 3: Is an agreement relating to a deviated well relevant to the land owner agreement exemption?

A written agreement with a land owner for a deviated well **will constitute a voluntary agreement** for the purpose of the land owner agreement exemption under section 22 of the RPI Act.

Deviated well agreements are being utilised by some parts of the onshore gas industry in Queensland as an important part of seeking a proactive and balanced approach in dealing with deviated drilling in high-value agricultural settings.

A voluntary written agreement with a land owner is one part of the exemption. *All the criteria listed above must be satisfied in order to be compliant with the exemption.*



FAQ 4: When does a resource authority holder determine that the land owner agreement exemption applies?

To rely on the exemption, a resource authority holder must be satisfied that each criteria contained in the land owner agreement exemption (outlined above) will be achieved before carrying out any resource activities.

FAQ 5: Can a person challenge a resource authority's reliance on the land owner agreement exemption?

If any person is concerned that a resource authority holder is carrying out a resource activity without a RIDA or where an exemption does not apply, they may lodge a complaint with the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) via RPIAct@dsdmip.qld.gov.au.

A person may do so even if they are a land owner who has entered into a CCA or any other voluntary written agreement with the resource authority holder.

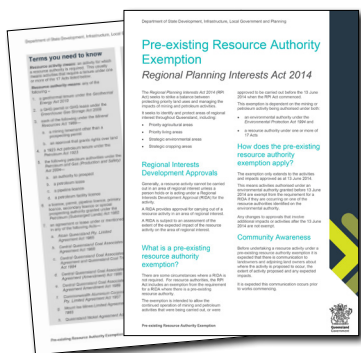
Where a complaint or allegation is made, DSDILGP may choose to investigate the matter and may require the resource authority holder to demonstrate why an exemption applies to the resource activity.

FAQ 6: Where can I find additional information?

A range of additional reference materials and RPI Act related fact sheets can be found on the DSDILGP website: 'Areas of regional interest' (<https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/areas-of-regional-interest>).



The screenshot shows the Queensland Government website navigation bar with links for 'Planning overview', 'Planning framework', 'Planning issues and interests', 'Have your say', and 'Contact us'. Below the navigation is a large image of a busy outdoor market. The main content area is titled 'Areas of regional interest' and includes a sidebar with 'Planning issues and interests' and a list of topics: 'Minister's Planning Awards', 'COVID-19 response', 'City parklands', and 'Areas of regional interest'. The main text explains the 'Regional Planning Interests Act 2014' (RPI Act) and lists its aims: to manage the impact of resource and regulated activities on areas of regional interest, support these activities with other activities, and assist in resolving land use conflict.



DSDILGP have also developed a fact sheet aimed at clearly identifying what pre-existing resource authority exemptions apply to. To download the 'Pre-existing Resource Authority Exemption' fact sheet, visit: https://planning.statedevelopment.qld.gov.au/_data/assets/pdf_file/0022/70582/pre-existing-resource-authority-exemption-factsheet.pdf.