

Our ref: D23/16638



Department of
**State Development, Infrastructure,
Local Government and Planning**

Dominique Taylor
Environment Specialist, Technical
Anglo American Metallurgical Coal Pty Ltd (ABN: 93 076 059 679)
Dominique.Taylor@angloamerican.com

1 February 2023

Dear Ms Taylor

DECISION NOTICE

RPI22/028 Anglo – Moranbah South Exploration Activities (given under section 51 of the *Regional Planning Interests Act 2014 (RPI Act)*)

The regional interest development approval (RIDA) application described below was made on 20 July 2022 and amended on 12 October 2022.

Application details

Applicant	Anglo American Metallurgical Coal Pty Ltd (ABN: 93 076 059 679)
Subject lots	Lot 5 GV148, Lot 23 GV148, Lot 2 SP260061, Lot 14 GV116, Lot 13 GV225, Lot 6 RP615467, Lot 7 RP615467, Lot 11 SP135741
Description	Resource activity: mining and other resource activities
Area of regional interest	Strategic cropping area (SCA)
Assessing agency	Department of Resources

Decision

Outcome	Approved, subject to conditions
Date of decision	1 February 2023

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Brisbane Qld 4000
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Queensland 4002 Australia
Telephone 13 QGOV (13 74 68)
Website www.dsdilgp.qld.gov.au
ABN 29 230 178 530

Reasons for the decision

The resource activities meet the relevant criteria for approval as contained in section 49 of the *Regional Planning Interests Act 2014*, including the relevant required outcomes for the Strategic cropping area as contained in the Regional Planning Interests Regulation 2014.

Conditions of approval

The attached Regional Interests Development Approval (RIDA) confirms the nature and extent of the resource activities the subject of this approval. Conditions include matters relating to the location and maximum disturbance areas of the resource activities, restoration to pre-activity conditions the retaining of records, the recording of complaints and keeping a copy of the RIDA on site at all times.

It is considered that by imposing conditions, impacts of the approved resource activities on the SCA will be appropriately managed.

Appeals

Details of the appeal process, under Part 5 of the RPI Act, are set out in **Attachment 2**. 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.

If you require any further information, please contact Morag Elliott, Manager, Development Assessment Division, on 3452 7653 or RPIAct@dsdilqp.qld.gov.au who will be pleased to assist.

Yours sincerely



Phil Joyce
Director
Development Assessment Division
Planning Group

enc. Attachment 1 – Extract from the *Regional Planning Interests Act 2014*
Regional Interests Development Approval

Attachment 1 – Subject lots

Lot 1 MPH25920	Lot 4 SP266614	Lot 400 OL88
Lot 2 MPH25920	Lot 6 SP266614	Lot 382 OL77
Lot 3 MPH25920	Lot 9 SP266614	Lot 1 R16230
Lot 4 MPH25920	Lot 10 SP266614	Lot 1 R16235
Lot 11 MPH25920	Lot 16 SP266614	Lot 3 R16236
Lot 51 MPH25920	Lot 18 SP266614	Lot 2 R16229
Lot 52 MPH25920	Lot 19 SP266614	Lot 22 GS43
Lot 53 MPH25920	Lot 22 SP266614	Lot 14 GS696
Lot 58 MPH25920	Lot 23 SP266614	Lot 1 AP3534
Lot 59 MPH25920	Lot 24 SP266614	Lot 1 AP15923
Lot 60 MPH25920	Lot 116 R16210	Lot 1 MPH14402
Lot 61 MPH25920	Lot 117 R16210	Lot 1 MPH25957
Lot 71 MPH25920	Lot 118 R16210	Lot 1 MPH31120
Lot 72 MPH25920	Lot 119 R16210	Lot 1 MPH32554
Lot 73 MPH25920	Lot 201 R16210	Lot 1 MPH35636
Lot 74 MPH25920	Lot 202 R16210	Lot 1 MPH4670
Lot 75 MPH25920	Lot 203 R16210	Lot 1 MPH4707
Lot 76 MPH25920	Lot 12 SP151652	Lot 1 MPH4711
Lot 113 MPH25920	Lot 2 SP310549	Lot 1 MPH4714
Lot 114 MPH25920	Lot 13 SP310549	Lot 1 MPH4720
Lot 115 MPH25920	Lot 17 SP335513	Lot 2 MPH31120
Lot 116 MPH25920	Lot 1 SP264429	Lot 180 MPH25918
Lot 117 MPH25920	Lot 18 SP310550	Lot 20 MPH25919
Lot 1 SP273486	Lot 20 SP310550	Lot 21 MPH25919
		Lot 22 MPH25919

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.

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 Planning and Environment Court Act 2016 for provisions about the powers, processes and procedures of the court.

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.*

73A How appeals are started

- (1) *An appeal is started by lodging a written notice of appeal with the registrar of the court.*
- (2) *The notice of appeal must be in the approved form and succinctly state the grounds of 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.*