

Our ref: D22/157133



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

Ensham Joint Venture
c/o Shane Wright
Executive General Manager - Operations & Development
Idemitsu Australia
e-mail: Shane.Wright@idemitsu.com.au

30 August 2022

Dear Mr Wright

DECISION NOTICE

RPI22/002 Ensham – Life of Mine extension Zones 2 and 3

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

The application for a regional interest development approval (RIDA) described below was made on 17 March 2022.

Application details	
Applicant	Ensham Joint Venture
Subject lots	Lot 31 CP864573 Lot 32 RP908643 Lot 30 CP864574 Lot 33 RP864576
Description	Mining and other resource activities: Ensham – Life of Mine Extension Zones 2 and 3
Area of regional interest	Priority agricultural area (PAA) Strategic cropping area (SCA)
Assessing agency	Department of Agriculture and Fisheries Department of Resources
Decision	
Outcome	Approved, subject to conditions
Date of decision	30 August 2022

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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 PAA and the SCA contained in the Regional Planning Interests Regulation 2014.

The resource activities will not be located on land that is used for a priority agricultural land use and it is considered that they will not result in a material impact on strategic cropping land (SCL) on the property (SCL) or in an area in the SCA.

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 of the resource activities, maximum area of SCL to be permanently impacted, payment to the SCL mitigation fund for the permanent impacts to SCL, maximum SCL subsidence levels, a Subsidence management plan, restoring PAA surface disturbance areas, the retaining of records, the recording of complaints received 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 PAA and 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@dsgmip.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 - 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.*