



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

Our ref: F19/6160; RPI19/003 Wilton – Wilton Coking Coal

25 November 2019

Wilton Coking Coal Pty Ltd
c/o Ben Dunlop
Project Manager
Futura Resources Ltd
GPO Box 225
SYDNEY NSW 2001

Via email: ben.dunlop@futuraresources.com.au

Dear Mr Dunlop

DECISION NOTICE

RPI19/003 Wilton – Wilton Coking Coal

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

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) advises that the application (as properly made on 5 August 2019) for resource activity: mining and other resource activities (coal) associated with the Wilton Coking Coal project has been approved, subject to conditions. The subject land is described as Lot 2 SP254309.

Assessing and advice agencies

Agency	Area of regional interest	Date of agency final response
Department of Natural Resources, Mines and Energy	Strategic cropping area	28 October 2019
GasFields Commission		23 August 2019

Reasons for the decision

DSDMIP has determined the proposed resource activities meet the relevant criteria for decision as contained in section 49 of the *Regional Planning Interests Act 2014*, including the Required outcome for the strategic cropping area as contained in the Regional Planning Interests Regulation 2014.

The resource activities will not result in any impact on strategic cropping land in the strategic cropping area as it has determined that the area of Lot 2 SP254309 on which the proposed resource activities are to be located is non-compliant strategic cropping land.

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 of the *Regional Planning Interests Act 2014* in Attachment 1).

The Regional Interests Development Approval is attached.

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

Yours sincerely



Phil Joyce

A/ Executive Director

Development Assessment Division

enc. Attachment 1 – Extract from *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.

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.*