

Our ref: D21/216133;RPI19/007



4 November 2021

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

Mathew Johannesen
Senior Mineral Rights Advisor, Strategy & Development
Rio Tinto Exploration Pty Limited

Email: Mathew.Johannesen@riotinto.com

Dear Mr Johannesen

DECISION NOTICE

RPI19/007 Rio Tinto – Elyse

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

The Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) advises that the application made on 25 September 2019 for a resource activity: mining and other resource activities for the Rio Tinto Elyse project in the Cape York strategic environmental area (SEA) has been approved. The site is described as Lot 21 SP269704.

Assessing Agencies

Agency	Area of regional interest
Department of Environment and Science	Cape York strategic environmental area (SEA)
Department of Regional Development, Manufacturing and Water	

Reasons for the decision

DSDILGP has determined that the resource activities meet the required outcome for the SEA assessment criteria, as it will not result in a widespread or irreversible impact on an environmental attribute of the SEA.

The attached Regional Interests Development Approval confirms the nature and extent of the resource activity the subject of this approval. Conditions include matters relating to the location of the resource activities, the returning of disturbance areas to a pre-disturbance condition, the decommissioning of drill holes and the recording of complaints received.

Appeals

- The period in which any appeal under Part 5 of the RPI Act must be started is set out in **Attachment 1**.
- How rights of appeal under Part 5 of the RPI Act are to be exercised are set out in **Attachment 1**.

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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 s73 in **Attachment 1**).

The Regional Interests Development Approval is enclosed.

If you require any further information, please contact Morag Elliott, Manager, Planning Group, in the Department of State Development, Infrastructure, Local Government and Planning, by telephone on (07) 3452 7653 or by email RPIAct@dsdilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Joyce', with a horizontal line drawn across the middle of the signature.

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

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

- (3) *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.*
- (4) *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.*