



Department of Infrastructure,
Local Government and Planning

Our ref: RPI17-005/ACN 132 668 314 Pty Ltd

26 October 2017

ACN 132 668 314 Pty Ltd
Att: Ms Melissa Brown
PO Box 1982
BRISBANE QLD 4000

Dear Ms Brown

AMENDED DECISION NOTICE

RPI17-005 ACN 132 668 314 Pty Ltd – Barr Creek Project (given under the *Regional Planning Interests Act 2014* section 55)

The Department of Infrastructure, Local Government and Planning (DILGP) advises that the request for a minor amendment of the Regional Interests Development Approval (RIDA) that was made on 26 October 2017 in relation to the Barr Creek Project, has been approved.

Reasons for the decision

DILGP considers that the proposed amendment to Condition 2 and 3 will not compromise the applicable Required Outcomes and assessment criteria for the Gulf Rivers Strategic Environmental Area.

The authorised delegate of the Chief Executive considers that by imposing the conditions, the impacts from the approved activities in the Gulf Rivers Strategic Environmental Area will be appropriately managed.

Assessing Agencies

| Agency | Area of Regional Interest | Date of assessing agency response |
|---|--|--|
| Department of Environment and Heritage Protection | Gulf Rivers Strategic Environmental Area | 22 August 2017 |
| Department of Natural Resources and Mines | Gulf Rivers Strategic Environmental Area | 22 August 2017 |

Appeals

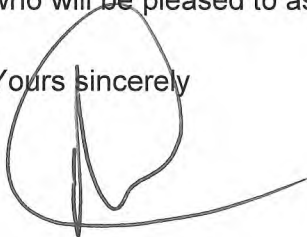
- The period in which any appeal under Part 5 of the *Regional Planning Interests Act 2014* must be started is set out in Attachment 1.
- How rights of appeal under Part 5 of the *Regional Planning Interests Act 2014* are to be exercised are set out in Attachment 1.

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 s73 in Attachment 1).

The Regional Interests Development Approval is enclosed.

If you require any further information, please contact Darren Brewer, Manager - Development Assessment Advisory Team, on 3452 7472 or RPIAct@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Patrick Atkinson', written over the text 'Yours sincerely'.

Patrick Atkinson
Director
Development Assessment Division

enc. Regional Interests Development Approval (amended)

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 under the *Sustainable Planning Act 2009*.

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 *Sustainable Planning Act 2009*, chapter 7, part 1 for provisions about the powers, processes and procedures of the court, including, for example—

- section 457 (Costs);
- section 495 (Appeal by way of hearing anew);
- division 12 (Alternative dispute resolution).

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.

REGIONAL INTERESTS DEVELOPMENT APPROVAL (RIDA) – AMENDED 26 OCTOBER 2017

RPI17/005 ACN 132 668 314 Pty Ltd – Barr Creek Project

(Given under the *Regional Planning Interests Act 2014* section 53)

Description of the land

Real property description: Lot 4 on UN803944

Local Government Area: Mt Isa City Council

Approved activities

The approved activities are set out in Table 1 of **Attachment 1**.

Definitions of the resource activities are included in Table 2 of **Attachment 1**.

This development approval authorises impacts on the Gulf Rivers Strategic Environmental Area (Gulf Rivers SEA) by the approved activities.

General Advice

It is the applicants' responsibility prior to works commencing on site to ensure all relevant approvals and licenses are obtained from the applicable Local, State, and/or Federal Authorities. This includes but not limited to approvals required under *Nature Conservation Act, 1992*; *Aboriginal Cultural Heritage Act, 2003* and *Environmental Protection and Biodiversity Conservation Act, 1999*.

Regional interests conditions

A person who is the holder of, or is acting under, this RIDA must not contravene a condition of this approval.

| Condition number | Condition | Timing for condition |
|------------------|---|----------------------|
| 1. | Carry out the approved activities and disturbance of land generally in accordance with: a) The activities identified in Table 1: Approved activities b) The activities defined in Table 2: Definitions of Activities (See Attachment 1) . c) The approved plans: <ul style="list-style-type: none">• <i>Figure 1: Disturbed Areas, Dwg No. 4463-40-DWG-</i> | At all times. |

| | | |
|----|---|---------------|
| | <p><i>EV-00001, Rev C, dated 11/07/17, as provided by the applicant as part of the response to matters raised in the Requirement Notice (See Attachment 2);</i></p> <ul style="list-style-type: none"> • <i>Figure 2: Indicative layout of MIA Area, as provided by the applicant and lodged with the application on 23 June 2017 (See Attachment 2).</i> | |
| 2. | The resource Construction activities must not occur during the regional wet season (November to April). | At all times. |
| 3. | Waste products are to be removed from site and all such Disturbed areas are to be rehabilitated as soon as practical upon cessation of the use and prior to the onset of the wet season (November to April). | At all times. |
| 4. | Develop and implement erosion and sediment controls in accordance with the Best Practice Erosion and Sediment (BPESC) guidelines for Australia (International Erosion Control Association) which: <ul style="list-style-type: none"> i. allows stormwater to pass through or around the site in a controlled manner and at non-erosive flow velocities; ii. minimises soil erosion resulting from wind, rain, and flowing water; iii. minimises the duration that disturbed soils are exposed to the erosive forces of wind, rain, and flowing water; iv. minimises work-related soil erosion and sediment runoff; and v. minimises negative impacts to land adjacent to the activities. | At all times. |
| 5. | Any access tracks that are constructed or upgraded must allow for the natural passage of surface water. | At all times. |
| 6. | <p><i>Clearing of native vegetation and other activities within the Gulf Rivers SEA are not permitted within or adjoining watercourses, lakes, wetlands or springs pursuant to the following setbacks, as applicable:</i></p> <ul style="list-style-type: none"> • <i>Wetlands - 100 m of the defining bank of any natural wetland</i> • <i>Lakes - 100 m of the defining bank of any lake</i> • <i>Springs - 100 m of the defining bank of any spring</i> • <i>Watercourse or drainage feature (distance from the defining bank of a watercourse or drainage feature)</i> <ul style="list-style-type: none"> – <i>Stream order 1 or 2 - 25m</i> – <i>Stream order 3 or 4 - 50m</i> – <i>Stream order 5 or greater – 100m</i> | At all times. |
| 7. | Clearing of native vegetation and other activities are not permitted within 300 metres of watercourses, lakes, wetlands or springs located in the Gulf Rivers SEA designated area, which adjoins the proposed activities to the west. | At all times. |

| | | |
|-----|---|---|
| 8. | Contaminants must not be directly or indirectly released to waters (including groundwater) in the Gulf Rivers Strategic Environmental Area. | At all times. |
| 9. | Progressively reinstate disturbed areas (including access tracks) to a pre-activity condition as soon as practical. | During construction and operation. |
| 10. | <p>a) Take photographs of the pre-disturbance site conditions of the disturbance areas; and</p> <p>b) Take photographs of the post-restoration site conditions demonstrating that the impacted land within the SEA has been returned to its pre-activity condition; and</p> <p>c) The applicant must provide to the chief executive evidence of the pre-disturbance and post-restoration site conditions in accordance with parts a) and b) of this condition to: RPIAct@dilgp.qld.gov.au</p> <p>The notification to the chief executive must state the application reference number, being RPI17/005.</p> | <p>a) Prior to commencement of approved activities</p> <p>b) After restoration</p> <p>c) Within three months of completing all restoration works.</p> |
| 11. | <p>a) All complaints received, and resulting actions taken, about the impact of the approved activities on the environmental attributes in the SEA must be recorded. The record must include:</p> <ul style="list-style-type: none"> i) name, address and contact number of the complainant ii) time and date of complaint iii) reasons for the complaint iv) investigations undertaken v) conclusions formed vi) actions taken to resolve the complaint vii) any abatement measures implemented viii) person responsible for resolving the complaint. <p>b) The records of any complaints received and recorded in accordance with this condition must be provided to the chief executive within three business days of receipt of the complaint to RPIAct@dilgp.qld.gov.au</p> | At all times. |
| 12. | A full copy of the regional interests development approval must be kept on-site and available to any person(s) contracted to undertake the approved activity, throughout the construction, operation and restoration period. | At all times. |

Attachment 1

Table 1: Approved activities – all within the Gulf Rivers Strategic Environmental Area

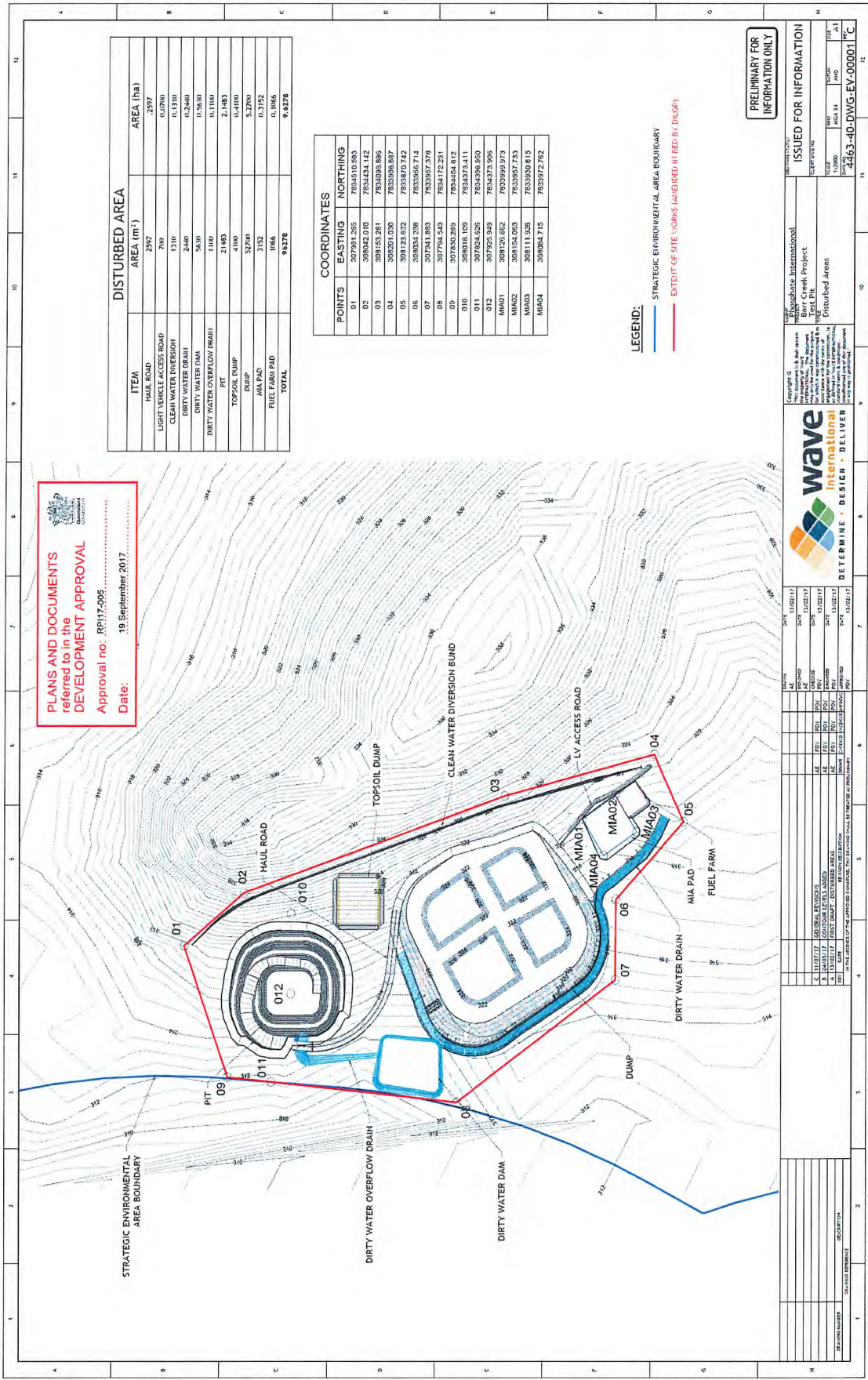
| Area of regional interest | Location | Resource activity | Area of disturbance (hectares) |
|--|------------------------|---|--------------------------------|
| Gulf Rivers Strategic Environmental Area | Lot 4 on Plan UN803944 | Test Pit | 2.15 |
| | | Haul Road | 0.26 |
| | | Access Tracks | 0.07 |
| | | Dirty Water Drain | 0.56 |
| | | Dirty water dam | 0.24 |
| | | Dirty water overland Flow | 0.11 |
| | | Dump | 5.20 |
| | | Topsoil Dump | 0.41 |
| | | Mine Infrastructure Area Pad | 0.32 |
| | | Fuel Farm pad | 0.10 |
| | | Clean water diversion bund | 0.13 |
| | | Total area of disturbance is 9.6 ha. | |

Table 2: Definitions

| Resource activity | Definition |
|----------------------------|---|
| Test Pit | The test pit will be excavated by qualified contractors who will remove approximately 440,000 tonnes of material of which approximately 70,000 tonnes will be phosphatic material. The pit has been designed with a floor of approximately 20m x 40m, overall pit slope of 30 degrees and a total surface footprint of 2.2ha. |
| Haul Road | The haul road will be used to move material from the test pit to the stockpiles located on the dump. |
| Access Tracks | Light vehicles including trucks and equipment will use the tracks to access the test pit site from the landholder's existing access roads and the property boundary. |
| Dirty Water Drain | The dirty water drain will direct any water that runs off the stockpiles into the dirty water/sediment dam. |
| Dirty Water Dam | The dirty water dam will store any water that has run off the stockpiles to ensure that the water does not enter the Strategic Environmental Area (SEA). |
| Dirty Water Overflow Drain | The overflow drain will direct any water that overflows from the dirty water dam during large rain events into the test pit. |
| Dump | The dump will be used to initially store the overburden, which will be stockpiled and levelled. Once prepared, the overburden pile will be used as the base to store the four stockpiles containing the four layers of phosphatic material. |
| Topsoil dump | The topsoil dump will be used to store the top soil taken from the test pit site. |
| MIA Pad | The MIA (Mine Infrastructure Area) pad will house supporting infrastructure during the test pit excavation including the workshop, administration block, storage and turn around facility for large vehicles. |
| Fuel Farm Pad | The fuel farm pad will house the self-bunded fuel tank and includes an area for refuelling. |
| Clean water diversion bund | The clean water diversion bund will ensure that during rain events, all clean water is diverted around the site so it will not retain any material from site prior to entering the SEA. |

Attachment 2

Figure 1: Disturbed Areas, Dwg No. 4463-40-DWG-EV-00001, Rev C, dated 11/07/17

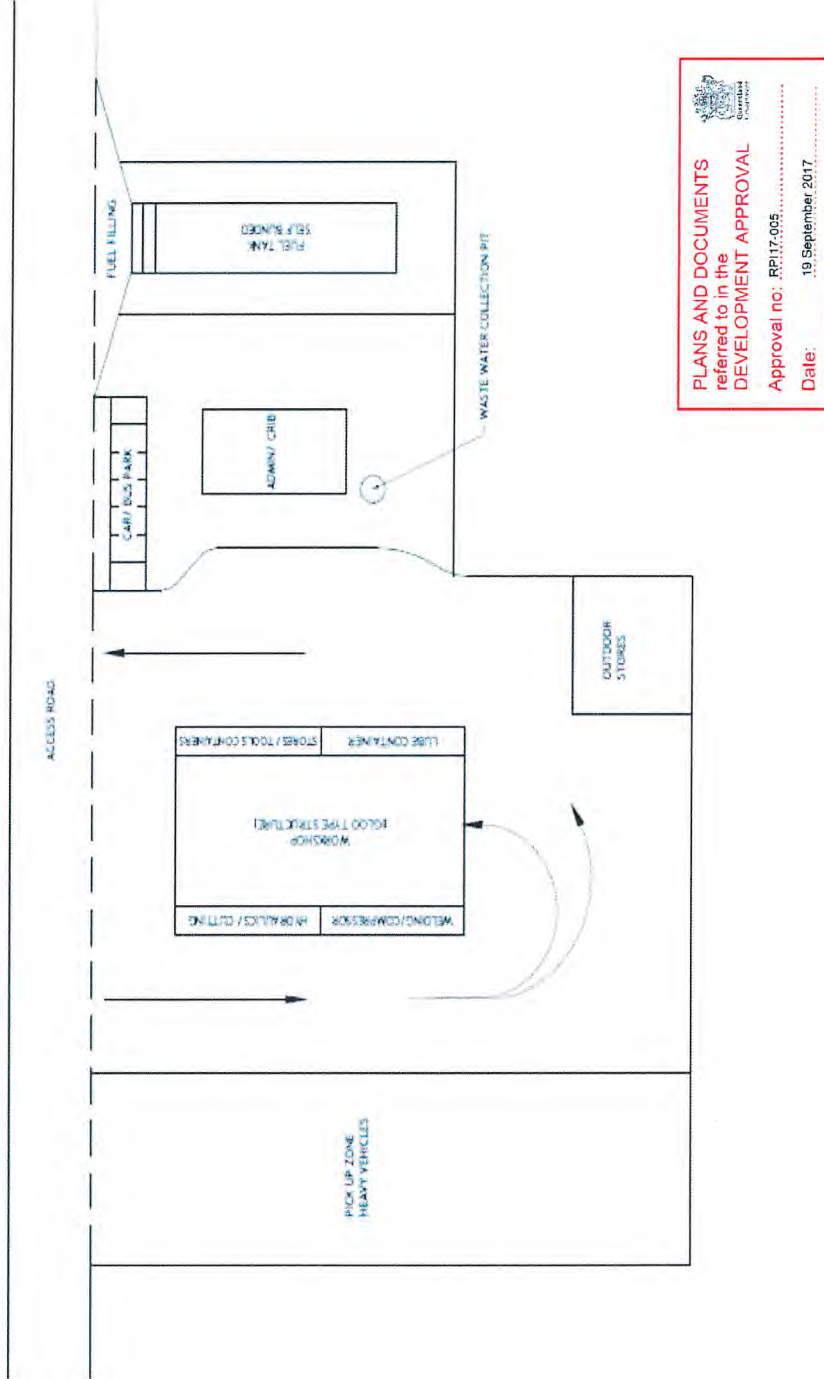


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 DETERMINE DESIGN DELIVER

| NO. | DATE | BY | CHKD BY | DESCRIPTION |
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| 1 | 11/07/17 | AL | PO | ISSUED FOR INFORMATION |
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| 3 | 11/07/17 | AL | PO | ISSUED FOR INFORMATION |
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ISSUED FOR INFORMATION
 PROJECT: Barr Creek Project
 DRAWING: 4463-40-DWG-EV-00001
 DATE: 11/07/17

Figure 2: Indicative layout of MIA Area




PLANS AND DOCUMENTS
 referred to in the
DEVELOPMENT APPROVAL
 Approval no: RP117,005
 Date: 19 September 2017

PLAN MIA AREA:
1:500

Figure 2: Indicative layout of MIA area

Figure 3: Overall Layout

