



Department of Infrastructure,
Local Government and Planning

Our ref: RPI17/008/U & D Mining
OUT17/7863

16 November 2017

U & D Mining Australia Pty Ltd ACN 165 894 806
Att: Mr Marty Costello
Level 4, Rowes Building
235 Edward Street
BRISBANE QLD 4000
Brisbane.admin@udmining.com.au

DECISION NOTICE

RPI17/008/U & D Mining – Meteor Downs South Coal Project (given under the *Regional Planning Interests Act 2014* section 51)

The Department of Infrastructure, Local Government and Planning (DILGP) advises that the assessment application (that was properly made on 19 September 2017) for construction and operation of resource activities associated with the Meteor Downs South Coal Project on strategic cropping land has been approved, subject to regional interests conditions. The subject land is described at Attachment 'A'.

Reasons for the decision

DILGP considers that by imposing conditions, the proposed activity meets the applicable Required Outcome in the Strategic Cropping Area assessment criteria.

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

Assessing Agencies

Agency	Area of Regional Interest	Date of assessing agency response
Department of Natural Resources and Mines	Strategic Cropping Area	30 October 2017

Appeals

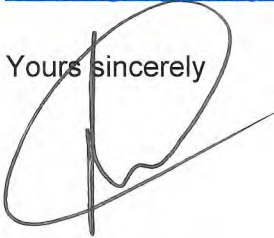
- The period in which any appeal under Part 5 of the *Regional Planning Interests Act 2014* must be started is set out in Attachment 1.
- How rights of appeal under Part 5 of the *Regional Planning Interests Act 2014* are to be exercised are set out in Attachment 1.

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 and Advisory Team, on 3452 7472 or RPIAct@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Patrick Atkinson
Director
Development Assessment Division

enc. Regional Interests Development Approval
Attachment 'A'

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.

Attachment A

Lot 1 on SP164068

Lot 4 on SP170740

Lot 2 on RP616045

Lot 4 on RP617701

Lot 1 on SP174071

REGIONAL INTERESTS DEVELOPMENT APPROVAL (RIDA) 16 NOVEMBER 2017

RPI17/008 U & D Mining Australia Pty Ltd – Meteor Downs South Coal Project.

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

Description of the land

Real property description: Mining Lease ML70452 on the following lot/plans:
Lot 1 on SP164068
Lot 4 on SP170740
Lot 4 on RP617701
Lot 2 on RP616045
Lot 1 on SP174071

Local Government Area: Central Highlands Regional 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 Strategic Cropping Area 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.	<p>Carry out the approved activities and disturbance of land generally in accordance with:</p> <p>a) The activities identified in Table 1: Approved activities (refer Attachment 1)</p> <p>b) The activities defined in Table 2: Definitions of Activities (refer Attachment 1).</p> <p>c) The approved plans:</p> <ul style="list-style-type: none"> • 'Meteor Downs Strategic Cropping Land', prepared by Northern Resource Consultants, dated 15 November 2017 (refer Attachment 2); • 'Meteor Downs Strategic Cropping Land Affected by Infrastructure', prepared by Northern Resource Consultants, dated 15 November 2017 (refer Attachment 2); • 'Mine Infrastructure Area Layout Plan', prepared by Harradynamics, Drawing No. 1550-SK-LA-041, Rev A, dated 11 September 2017 (refer Attachment 2); and • 'Meteor Downs AB Triple Contractor Laydown Pad and MIA Pad', prepared by Northern Resource Consultants, dated 15 November 2017 (refer Attachment 2). 	At all times.
2.	<p>Maintain the approved activities generally in accordance with plan 'Meteor Downs Strategic Cropping Land Affected by Infrastructure', prepared by Northern Resource Consultants, dated 15 November 2017 (refer Attachment 2) and Table 1: Approved Activities (refer Attachment 1).</p>	At all times.
3.	<p>The maximum area of impact on SCL that may occur as a result of this development approval is to be no greater than 29.573 hectares.</p>	At all times.
4.	<p>Provide mitigation for the 29.573 permanently impacted strategic cropping land ('the mitigated SCL land') in accordance with the <i>Regional Planning Interests Act 2014</i>. The applicant is to pay to the strategic cropping land mitigation fund, the sum of money calculated as 30 hectares multiplied by the dollar amount prescribed by the Regional Planning Interests Regulation 2014 at the time of payment.</p> <p><i>Note:</i> <i>The mitigation value is determined by multiplying each hectare of the mitigated SCL land by the prescribed mitigation value, where:</i> <i>a) the number of hectares is rounded up to the nearest whole hectare; and</i> <i>b) the mitigation value for land in the Central Highlands Isaac subzone in the Western Cropping zone is prescribed in section 16 (1)(a)(ii) of the Regional Planning Interests Regulation 2014.</i></p>	Prior to commencing any approved activities upon the area of approved permanently Impacted strategic cropping land.

5.	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.
6.	<p>a) All complaints received, and resulting actions taken, about the impact of the approved activities on the environmental attributes in the SCA 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.

Attachment 1

Table 1: Approved activities within the Strategic Cropping Area

Area of regional interest	Location	Resource activity	Area of disturbance (hectares)
Strategic Cropping Area	Lot 1 on SP164068	Haul Road	14.132
		AB Triple Contractor Compound	2.046
		Groundwater monitoring bores	0.008
		Borefield Maintenance Track	0.127
		MIA Pad	3.450
	Lot 2 on RP616045	Haul Road	9.809
	Lot 4 on RP617701	Haul Road	0.001
Total area of disturbance is 29.573 ha.			

Table 2: Definitions

Resource activity	Definition
Haul Road	The haul road will be utilised to facilitate access to the Meteor Downs South project and allow the movement of coal product from the open cut pit to the Run of Mine prior to offsite transport.
Borefield Maintenance Track	Light vehicle track to provide access to facilitate maintenance of borefield throughout activities.
Groundwater monitoring bores	Utilised to conduct environmental monitoring as required under the Meteor Downs South project Environmental Authority.
AB Triple Contractor Compound	The AB Triple Contractor Compound will house supporting infrastructure for mine site contractors including materials and storage areas.
Mine Infrastructure Area (MIA) Pad	The MIA pad will house supporting infrastructure for coal product extraction including the workshop, administration, storage and vehicle facilities.

Attachment 2 (approved plans)

