



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

Our ref: RPI18/009/Civil & Mining

14 June 2018

Mr Damien Plucknett
c/- Civil and Mining Resources Pty Ltd
Level 1, Suite 1, Blue Tower
12 Creek Street
Brisbane QLD 4000

Via email: damien.plucknett@metserve.com.au

Dear Mr Plucknett,

DECISION NOTICE

RPI18/009/Civil & Mining – Dawson West Coal Bulk Sampling Project (given under section 51 of the *Regional Planning Interests Act 2014*)

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) advises that the assessment application (that was properly made on 1 February 2018) for construction and operation of resource activities associated with the Dawson West Coal Bulk Sampling Project has been approved. The subject land is described at Lot 5196 on Crown Plan PH950.

Reasons for the decision

DSDMIP has determined that the proposed resource activities meet applicable Required Outcome 1 in the strategic cropping area assessment criteria, as contained in the RPI Act. That is, the resource activities will not result in any impact on strategic cropping land in the strategic cropping area on the subject land. This is because the Department of Natural Resources, Mines and Energy (DNRME) has determined that 57.6 hectares of land currently mapped as strategic cropping land (within the subject land) is not actually strategic cropping land. DNRME will subsequently amend its strategic cropping land mapping to remove the 57.6 hectares of land which is the subject of this determination.

Given the above, the authorised delegate of the Chief Executive considers that it has no further requirements in respect of the strategic cropping area. Notwithstanding, the attached Regional Interests Development Approval confirms the nature of the resource activities the subject of this approval.

Assessing Agencies

Agency	Area of Regional Interest	Date of assessing agency final response
Department of Natural Resources, Mines and Energy	Strategic Cropping Area	29 May 2018

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@dsgmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Patrick Atkinson

Director

Development Assessment Division

enc. 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 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)

14 June 2018

RPI18/009 Civil & Mining Resources Pty Ltd - Dawson West Coal Bulk Sampling Project.

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

Description of the land

Real property description: Mineral Development Licence (MDL) 521 on the following lot/plan:
Lot 5196 on Crown Plan PH950

Local Government Area: Central Highlands Regional Council

Approved activities

The approved activities are set out in Table 1 below.

Definitions of the resource activities are included in Table 2 below.

This development approval confirms that the listed activities will not impact Strategic Cropping Area on the subject land.

Table 1: Approved activities

Location	Resource activity
Lot 5196 on Crown Plan PH950	Test Pit; Truck Loading Loop; Workshop, hardstand, go-line; Administration Area; Bathhouse; Topsoil Stockpile; Screening and Crushing Area; Mine Water Dam; Spoil Dam; Sediment Dam; Additional Roads (10m wide); Bund (10m wide); Road (10m wide); Mine Affected Water Drain (10m wide); Run of Mine Stockpile; Diverted Water Drain (10m wide); Service Roads (10m wide); Surface Water Drain (10m wide).

Table 2: Definitions

Resource activity	Definition
Test Pit	Small scale open cut excavation to extract a coal resource for testing purposes.
Truck Loading Loop	Loop shaped road used by road trains to both load the excavated test coal and turn the truck around.
Workshop, hardstand, go-line	Area designated for the maintenance of light and heavy vehicles; area for parking heavy vehicles; a parking area where vehicles are left at the end of a shift ready for the next shift.
Administration Area	Designated area for offices of administration and technical services staff.

Resource activity	Definition
Bathroom	A shower and bathing facility used by coal miners to clean themselves before leaving at the end of shift.
Topsoil Stockpile	The surface layer of a soil profile, which is usually more fertile, darker in colour, better structured and supports greater biological activity than underlying layers. This material is stockpiled in earthen mounds to prevent or minimise erosion and potential loss of topsoils.
Screening and Crushing Area	Area designated to the screening and crushing of excavated test coal materials.
Mine Water Dam	Storage facility for mine affected surface water that has generally come in contact with coal or the open cut pit. Mine-affected water also includes surface water from areas potentially containing hydrocarbons or chemicals of various types used in the mining operations and include sumps, service bays and fuel storage areas.
Spoil Dam	The storage area where overburden material (which is collected as part of the excavation of the coal from the test) is deposited.
Sediment Dam	A bunded or excavated structure used to contain and settle water-borne sediment running off from disturbed areas.
Additional Roads (10m wide)	Light vehicle roads used predominantly to access administration, processing and mining areas.
Bund (10m wide)	An earth mound or similar structure, whether impervious or not, constructed direct water flow into the appropriate water management areas.
Road (10m wide)	Haulage road with the primary purpose of the transportation of material.
Mine Affected Water Drain (10m wide)	Surface water that has generally come in contact with coal or the open cut pit. Mine-affected water also includes surface water from areas potentially containing hydrocarbons or chemicals of various types used in the mining operations and include sumps, service bays and fuel storage areas.
Run of Mine Stockpile	A simple stockpile is formed by machinery dumping coal into a pile, from dump trucks and then pushed into heaps by bulldozers.
Diverted Water Drain (10m wide)	Surface runoff from areas that are unaffected by mining operations. Diverted water includes runoff from undisturbed areas and any fully rehabilitated areas.
Service Roads (10m wide)	Service roads used to connect light vehicle and haulage roads.
Surface Water Drain (10m wide)	Surface runoff water from areas that are disturbed by mining operations (including out-of-pit spoil dumps and haul roads). This runoff may contain high sediment loads, but does not contain contaminated material or high Total Dissolved Solids.

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.