



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

Our ref: RPI18-021/APLNG/Condabri

18 January 2019

Mr Chris Bignill
Environmental Approvals Lead
Australia Pacific LNG Pty Limited ABN 68 001 646 331
GPO Box 148
Brisbane QLD 4001

Via email: EnvApprovals@upstream.originenergy.com.au

Dear Mr Bignill

DECISION NOTICE

RPI18-021/APLNG – Condabri Central 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 (properly made on 23 November 2018) for construction and operation of resource activities associated with the Condabri Central Project has been approved. The subject land is described as Lot 2 on SP244055.

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 the 5.36 hectares of land currently mapped as strategic cropping land (within the subject land) is not actually strategic cropping land.

DNRME has also advised that it will remove the 5.36 hectares from the Strategic Cropping Land Trigger Map when it creates the next version of that map. DNRME expects this to occur in 2019.

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	20 December 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@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Tim O'Leary
A/ 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) 18 January 2019

RPI18/021 Australia Pacific LNG Pty Limited ABN 68 001 646 331 - Condabri Central Project.

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

Description of the land

Real property description: Lot 2 on SP244055

Local Government Area: Western Downs 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 2 on SP244055	Pond embankment, associated infrastructure and emergency spillway; Soil stockpile; Disturbance work area.

Table 2: Definitions

Resource activity	Definition
Pond embankment, associated infrastructure and emergency spillway	Pond embankment – earthen embankment of the pond wall (for Brine Pond 7).
	Associated infrastructure – infrastructure to support Brine pond 7 during operation, including a perimeter access road, fencing, pumps, water pipelines, shallow groundwater monitoring bores, and seepage inspection pits.
	Emergency spillway – a vegetated emergency spillway. An open channel constructed beside the pond embankment which is designed to control the release of flows from a dam in an emergency flood event.
Soil stockpile	A stockpile to contain topsoil during the construction and operation of the

Resource activity	Definition
	pond (Brine Pond 7), to be used to support rehabilitation of the pond at the end of life.
Disturbance work area	An extra work area to support construction of Brine Pond 7.

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.