

Our ref: D22/135005



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

Mr Mathew Johannesen
Principal Advisor Land and Mineral Rights
Rio Tinto Exploration Pty Limited ACN 000 057 125
mathew.johannesen@riotinto.com

28 July 2022

Dear Mr Johannesen

DECISION NOTICE

RPI22/025 Rio Tinto – Billy’s Lagoon Plateau

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

The regional interest development approval (RIDA) application described below was made on 19 April 2022.

Application details

Applicant	Rio Tinto Exploration Pty Limited ACN 000 057 125
Subject lots	Lot 21 SP269704
Description	Mining and other resource activities – Exploration activities
Area of regional interest	Cape York Strategic Environmental Area (SEA)
Assessing agency	Department of Environment and Science Department of Regional Development, Manufacturing and Water

Decision

Outcome	Approved, subject to conditions
Date of decision	28 July 2022

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Brisbane Qld 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone 13 QGOV (13 74 68)
Website www.dsdlgp.qld.gov.au
ABN 29 230 178 530

Reasons for the decision

The resource activities meet the relevant criteria for approval as contained in section 49 of the *Regional Planning Interests Act 2014*, including the relevant required outcome for the SEA as contained in the Regional Planning Interests Regulation 2014.

The resource activities will not result in a widespread or irreversible impact on an environmental attribute of the Cape York strategic environmental area.

Conditions of approval

The attached Regional Interests Development Approval (RIDA) confirms the nature and extent of the resource activities the subject of this approval. Conditions include matters relating to the location of the resource activities, when activities are to be undertaken, the implementation of measures to minimise the diversion of overland flow, the implementation of erosion and sediment controls, restrictions on the clearing of vegetation and on the releasing of contaminants, restoring disturbance areas, the retaining of records, the recording of complaints received and keeping a copy of the RIDA on site at all times.

It is considered that by imposing conditions, impacts of the approved resource activities on the SEA will be appropriately managed.

Appeals

Details of the appeal process, under Part 5 of the RPI Act, are set out in Attachment 2. 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.

If you require any further information, please contact Morag Elliott, Manager, Development Assessment Division, on 3452 7653 or RPIAct@dsdilqp.qld.gov.au who will be pleased to assist.

Yours sincerely



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

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.

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

- (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.*