

21 August 2019

**Email and post**

Chief Executive  
Department of State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
City East QLD 4002  
[RPIAct@dsmip.qld.gov.au](mailto:RPIAct@dsmip.qld.gov.au)

Dear Sir or Madam,

**RE: New Acland Coal Mine Stage 3 Project - application for regional interest's development approval**

Enclosed is an application on behalf of New Acland Coal Pty Ltd (**NAC**) for a regional interest's development approval (**RIDA**) under the *Regional Planning Interests Act 2014 (RPI Act)*. Please note, a cheque for the application fee will be sent by post with a hard copy of this correspondence.

This application seeks a RIDA for mining activities in the priority agricultural area (**PAA**) for the first 5 years of mining on MLA 50232. Mining activities following the first five years of mining will be the subject of future RIDA applications, as required. The requirement for a RIDA for mining activities on MLA 70002 is being separately considered and is not the subject of this application.

Notwithstanding that it is NAC's view that the landholder agreement exemption under section 22 of the RPI Act likely applies, NAC is making this RIDA application out of an abundance of caution. NAC does not consider that the application is notifiable for the purpose of section 34(2) of the RPI Act. Further, it is NAC's view that the application does not warrant a discretionary public notification under section 34(2), for reasons set out below:

1. Statutory Guideline 06/14 specifies that in determining the need for public notification, the chief executive will consider the possible impacts of the activity on an area of regional interest as well as the impact(s) on individual properties within the area of regional interest. The application demonstrates that there is no impact on the PAA as the land has not been used for a priority agricultural land use for 3 years during the 10 years immediately before this application. Further, the land is owned by Acland Pastoral Company Pty Limited, a subsidiary of New Hope Corporation. We have attached Acland Pastoral Company's consent to the application.
2. Statutory Guideline 06/14 also states that it is not the intention to repeat notification of a proposed activity where notification has been undertaken as part of another process (e.g. EIS process under the *State Development and Public Works Organisation Act 1971*). The Stage 3 New Acland mining project (**the Project**) has been the subject of one of the most extensive notification processes for a resource authority. The Project is unique in terms of the extent to which the public and other stakeholders have had opportunities to have their say on the Project. In particular:
  - (a) The EIS under the *State Development and Public Works Organisation Act 1971* was publicly consulted from 18 January 2014 to 3 March 2014.

- (b) The Additional information to the EIS was publicly notified from 1 - 29 September 2014. Application of the RPI Act to the project was discussed at chapter 5.1 of this document.
- (c) Coordinator-General's evaluation report of 19 December 2014, recommending that the Project be approved, subject to conditions was and remains publicly exhibited on the Coordinator-General's website from its issue. The Coordinator-General assessed the impact of the project on agricultural land values and PALU<sup>1</sup> and set conditions to offset the quantity of PALU determined at that date. In particular refer to condition 9 of the Coordinator-General's imposed conditions, which condition will be met.
- (d) The mining lease applications and EA amendment applications were publicly notified from 13 May 2015 - 2 July 2015.
- (e) Subsequent to that, objectors participated in two Land Court objections hearings (not to mention appeals from the original Land Court hearing). The Original Objections Hearing totalled 96 days, making this case the longest in the Land Court history. Some 3 days of the hearing was devoted to the impact of the mine on agriculture, with a report by Mr Bill Thompson in evidence as the expert witness on agricultural impacts.
- (f) Most recently the Project's application for associated water licence was notified between 20 March 2019 and 7 May 2019.
- (g) NAC has also undertaken significant voluntary consultation. Since late 2012, it has held monthly meetings with a Community Reference Group consisting of a cross-section of the community. Since mid-2013, NAC has released quarterly community newsletters that are distributed to approximately 3,000 residents. Further details of the comprehensive consultation undertaken for the Project are set out in Attachment 1 to this letter.

As noted above detailed information on the impact on the PAA and strategic cropping land was provided and notified through the EIS and Coordinator-General's Report and subsequently the subject of extensive evidence in the Land Court. While we understand the Department's advised view was that the application should be notified, as the Department did not have the application before it and given this information on the extent of notification under other processes, we request the Department consider this matter afresh, independent of any early preliminary views formed without the benefit of this material.

Please do not hesitate to contact us if you require further information.

Yours sincerely



Shane Flint

New Acland Coal Pty Ltd

---

<sup>1</sup> Section 501.4 of the Coordinator-General's Report

## **Attachment 1 NAC Public Consultation**

1. EIS released for public comment 20 January 2014 - 3 March 2014 (6 weeks) and 1397 responses were received during this time. The EIS included:
  - (a) Appendix K.1 - Stakeholder Engagement Plan;
  - (b) Appendix J.18 - Local Stakeholder Management Plan;
  - (c) Appendix J.14- Social Impact Management Plan Engagement, EIS; and
  - (d) Appendix A.11 - Landholder Engagement Protocol
2. The AEIS was submitted and released for consultation in September 2014 for 29 days. Landholder engagement strategies proposed in the AEIS include:
  - (a) regular community information sessions;
  - (b) distributing newsletters to provide updates on project developments and current operations;
  - (c) maintain a locally based Community Liaison Officer;
  - (d) development of Landholder Agreements with all affected land holders;
  - (e) 24hr phone number;
  - (f) notification of blast events; and
  - (g) direct involvement of technical study teams in the stakeholder engagement activities and conversations.
3. NAC held community information sessions in February 2014 to answer questions from local residents and other stakeholders about the revised Project and the EIS.
4. An analysis of the Post-EIS engagement requirements was undertaken by Elliot Whiteing Social Planning Solutions. This body of work provided NAC with:
  - (a) an 'Integrated Engagement Plan', which captured all engagement actions and commitments from the EIS and AEIS period in a forward plan for implementation; and
  - (b) a 'Social Commitments Delivery Plan', which captured all Social Impact Management Plan actions, social commitments from the EIS/AEIS commitments register, and all related actions from the Social Impact Assessment completed during the EIS and AEIS period.
5. Public notification of MLAs 50232 and 700002 and the EA Amendment Application occurred during 13 May 2015 - 2 July 2015 (approximately 7 weeks).
6. Public notification of the Associated Water Licence application from 20 March 2019 to 7 May 2019 (approximately 16 weeks).

7. Since mid-2013, NAC has released a quarterly New Acland Community Newsletter, distributed to approximately 3,000 local residents including updates and promotion of:
  - (a) NAC03 Project activities and planning updates (locally awarded contracts, publication of research, planning and compliance reports);
  - (b) updates on the abovementioned Court processes;
  - (c) key facts about project impact management processes (e.g. water resources, bore baseline assessment process, Acland Management Plan);
  - (d) Community investment project and partnership outcomes;
  - (e) New Hope Group team updates;
  - (f) Acland Mine Tour Dates;
  - (g) enquiries, concerns and complaints information; and
  - (h) Information Centre opening hours.
  
8. Since 30 October 2012, NAC has held monthly meetings with a Community Reference Group consisting of a cross-section of the community. The meetings cover:
  - (a) New Hope Group Company updates;
  - (b) review of Community Investment Fund applications and recommendations;
  - (c) involvement in Community Needs and Resources Assessment and subsequent local projects;
  - (d) community updates including information sharing from local events, interests and concerns;
  - (e) updates on the abovementioned Court processes;
  - (f) updates on modelling undertaken by NAC; and
  - (g) general business updates (Community Reference Group structure, membership, meeting times).
  
9. NAC provides Social Impact Management Reports to the Coordinator-General every six months and has done since mid-2015. These reports are available on NAC's website and cover the following issues:
  - (a) outcomes of community and stakeholder engagement undertaken by NAC;
  - (b) updates on the abovementioned Court processes
  - (c) NAC's engagement processes with Landholders, the Community and Key stakeholders;
  - (d) consultation issues reporting and complaints management
  - (e) progress of the Project's community health, safety and social infrastructure management strategies
  - (f) NAC community investment and partnership outcomes

10. NAC operates a shopfront Community Information Centre in Oakey and has done since September 2012, which provides an opportunity for the public to obtain information on the Project.
11. NAC will continue to employ the use of its Community Reference Group for targeted consultation and community investment.
12. NAC will continue its proactive six-monthly consultation sessions with individual neighbours, which may include special proactive and/or reactive visits to specific nearby neighbours who may be or have been influenced by the Mine's operation. NAC's General Manager will also continue to participate in specialist consultation events with near neighbours (i.e. for important matters involving the Mine's operation) and will periodically host special events at the Mine for surrounding landowners.
13. NAC/NHG will maintain its Project and Company websites, and as required, will undertake specialist consultation for extensive community coverage via the media (e.g. advertising) and/or social media.
14. In addition, NAC has been using Consultation Manager (database software) to capture its consultation effort for the Project since 2012. Attachment 2 provides a summary of the key consultation facts for the Project for the period 1 January 2014 to 16 November 2018.

## Attachment 2 Project Consultation Summary 2014 to 2018

Year	Main Consultation Facts	Top Five Discussion Topics
2014	<p><u>Total Number of Consultation Events:</u> 293</p> <p><u>No. 1 Form of Consultation:</u> Community Info Centre Visit (174 events)</p> <p><u>No. 1 Stakeholder Involvement:</u> Regional Enquires (183 events)</p>	1. Employment
		2. EIS / AEIS / Supplementary EIS
		3. Approvals Process
		4. Acquisition Process
		5. Consultation - Public
2015	<p><u>Total Number of Consultation Events:</u> 1374</p> <p><u>No. 1 Form of Consultation:</u> Community Info Centre Visit (268 events)</p> <p><u>No. 1 Stakeholder Consulted:</u> Regional Enquires (361 events)</p>	1. Employment
		2. Sponsorship
		3. Technical Reports / (Baseline) Studies
		4. Groundwater
		5. Acquisition Process
2016	<p><u>Total Number of Consultation Events:</u> 2132</p> <p><u>No. 1 Form of Consultation:</u> Phone Call Out (357 events)</p> <p><u>No. 1 Stakeholder Consulted:</u> Tier 2 Landholder (459 events)</p>	1. Employment
		2. Technical Reports / (Baseline) Studies
		3. Sponsorship
		4. Groundwater
		5. Employment
2017	<p><u>Total Number of Consultation Events:</u> 1378</p> <p><u>No. 1 Form of Consultation:</u> Phone Call Out (280 events)</p> <p><u>No. 1 Stakeholder Consulted:</u> Tier 2 Landholder (458 events)</p>	1. Technical Reports / (Baseline) Studies
		2. Groundwater
		3. Community Partnerships / Community Investment Fund
		4. General Enquiry
		5. Business Opportunity
2018 (up to 16/11/18)	<p><u>Total Number of Consultation Events:</u> 370</p> <p><u>No. 1 Form of Consultation:</u> Community Info Centre Visit (82 events)</p> <p><u>No. 1 Stakeholder Consulted:</u> Tier 2 Landholder (109 events)</p>	1. Approvals Process
		2. Groundwater
		3. Community Partnerships / Community Investment Fund
		4. Sponsorship
		5. Community Health and Wellbeing