



Our ref: RPI19/005 – New Acland Coal - New Acland Stage 3

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

4 September 2019

New Acland Coal Pty Ltd
c/o Mr Shane Flint
General Manager Land and Environment
New Hope Group
P O Box 47
Ipswich QLD 4305

Via email: sflint@newhopegroup.com.au

Dear Mr Flint

RPI19-005 – New Acland Coal - New Acland Stage 3
Requirement Notice *(RPI Act, s44)*

I refer to your application on 22 August 2019 for a regional interests development approval (RIDA) under section 29 of the *Regional Planning Interests Act 2014* (RPI Act) for the New Acland coal mine stage 3 project. The application seeks approval to allow the construction and operation of a resource activity over MLA 50232 (real property description included as Attachment A), mapped within the Priority Agricultural Area and the Strategic Cropping Area under to RPI Act.

Applicant	New Acland Coal Pty Ltd ABN 90 081 022 380
Project	New Acland Stage 3
Site Details	
Real property description	Refer to Attachment A
Local government area	Toowoomba Regional Council

1 William Street
Brisbane QLD 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3452 7100
www.dsdmip.qld.gov.au
ABN 29 230 178 530

Public notification requirement

The chief executive has determined that the application should be publicly notified. In accordance with section 35 of the RPI Act, the applicant is required to publish a notice about the application in the way prescribed in section 13 of the *Regional Planning Interests Regulation 2014* (RPI Regulation) and give the owners¹ of the land notice about the application.

Notification must commence within 20 business days of the date of this letter. The notification period is for 15 business days. The approved form for notification is available on the department's website:

<https://planning.dsdmip.qld.gov.au/planning/regional-planning-interests-act/rpi-act-forms-and-guidelines>

Refer to *RPI Act Guideline 06/14 Notification requirements under the RPI Act* for further information.

Information Requirement

Pursuant to section 44(1)(b) of the *RPI Act*, you are advised that further information is required in order to assess the application against the assessment criteria contained in Schedule 2, Part 2 of the RPI Regulation. The additional information required is detailed in **Attachment B**.

The period in which you must provide the requested information is a maximum of three months from the date of this notice. You may request an extension to this period if necessary.

If you require any further information, please contact Morag Elliott, Development Assessment Division on 3452 7653 who will be pleased to assist.

Yours sincerely



Phil Joyce

Director – Development Assessment

Enc (2)

Attachment A – Real property description

Attachment B – Information required for assessment against PAA criteria

¹ *Owner* of land is defined in the RPI Act and means the person who is entitled to receive rent for the land, or the lessee of a lease issued under the *Land Act 1994* for agricultural, grazing or pastoral purposes.

ATTACHMENT A

Real property description

Lot 100 AG2498
Lot 101 A342317
Lot 1 AG2605
Lot 1 AP2207
Lot 1 RL206762
Lot RI206785
Lot 1 RL3581
Lot 1 RL5240
Lot 1 RL5273
Lot 1 RL5439
Lot 1 RL6874
Lot 1 RL6875
Lot 1 RL8213
Lot 1 RP142398
Lot 1 RP197103
Lot 1 RP25521
Lot 1 RP36493
Lot 251 SP177899
Lot 2 AG1806
Lot 2 AG2605
Lot 2 AG262
Lot 2 RP197103
Lot 2 RP200083
Lot 2 RP93626
Lot 3069 A341593
Lot 3170 A341594
Lot 3171 RP902113
Lot 3293 A341624
Lot 3421 A341699
Lot 3435 AG2605
Lot 3445 A341747
Lot 3448 A341747
Lot 3461 RP902113
Lot 3462 A341746
Lot 3463 A341746
Lot 3472 A341748
Lot 3473 AG2388
Lot 3519 A341792
Lot 35 RP25514
Lot 3679 A341857
Lot 3684 A341858
Lot 36 RP25514
Lot 37 RP25514
Lot 3873 AG2388
Lot 3875 SP150555
Lot 38 AG2512
Lot 39 AG718
Lot 3 RP220755
Lot 3 RP36466
Lot 4086 A342138
Lot 4089 A342138
Lot 49 AG391

Lot 50 AG391
Lot 54 A342317
Lot 62 AG2962
Lot 67 RP25514
Lot 69 RP25514
Lot 6 AG1127
Lot 90 A342317
Lot 91 A342317
Lot 92 A341981
Lot 94 A342317
Lot 95 A342317
Lot 96 A342317
Lot 97 A342317
Lot 98 A342317
Lot 99 A342317
Lot 9 SP188367

ATTACHMENT B

Information required for assessment against the PAA criteria

In relation to the RPI Regulation, Schedule 2, Part 2 Required Outcomes

Regional Planning Framework	
1	Provide an assessment of the proposed activities against the relevant Regional outcome and Regional policies contained in the Darling Downs Regional Plan.
Clarification	
2	<p>Provide an amended priority agricultural land use (PALU) assessment to address the following:</p> <ul style="list-style-type: none">(a) Update appendix G maps to show all relevant lots for the PALU assessment.(b) Update the figures to include the activities described in section 1.3 of the PALU assessment and to exclude all activities not located within MLA 50232, and provide associated GIS mapping.(c) Provide clarification on the distinction between 'PALU points' and 'field inspection points' as identified in the PALU assessment.(d) Provide clarification on the following discrepancies under figure 4 in the PALU assessment:<ul style="list-style-type: none">• PALU Point # 88 is shown twice in Paddock 32, however PALU Point # 89 is not represented• PALU Point # 162 is shown twice in Paddock 11, however PALU Point # 161 is not represented• PALU Point # 101 is shown twice in Paddock 2, however PALU Point # 100 is not represented• PALU Point # 41 is not represented in Paddock 31• PALU Point # 270 is not represented in Paddock 17(e) Provide further commentary on table 5 under section 3.1 of the PALU assessment and clarify the following instances of PALU as indicated in the table:<ul style="list-style-type: none">• Cropping undertaken (three instances) in paddocks 1, 7, 10, 18 and 35 during the period of 2009-2018.• PALU activities (three instances) in paddocks 3, 4 and 12 in 2013(f) Lot 2 AG2605 appears to have the same boundaries as Lot 1 RL5240. Confirm which paddock this lot is associated with.(g) Confirm if Lots 67 and 69 RP25514 are subterranean and which paddocks they are associated with.(h) Confirm the lots that make up the paddocks used in the crop frequency reports.(i) Confirm the source of data and photography used within the PALU assessment and provide date stamps or geo-tagging for all photographs. <p><i>Note: ALUM has been updated since the release of the Darling Downs Regional Plan.</i></p>

FORAGE reports	
3	Lot 1 RP142398 is listed in the table of 'Application Land Lots' at appendix G but does not appear to be located in MLA 50232. If located in MLA 50232, provide a FORAGE report for the lot and provide amended figures.
4	There are a number of Title Deeds which appear to be granted for the purposes of agriculture and or primary industry (agriculture and grazing)'. Provide a FORAGE report for the following lots and confirm the 'paddock' each lot is associated with. <ul style="list-style-type: none"> • Lot 1 AP2207 • Lot 1 RL206762 • Lot 1 RL206785
5	Provide an amended PALU assessment to include FORAGE reports for the following lots and confirm which paddocks these lots are associated with: <ul style="list-style-type: none"> • Lot 1 RL3581 • Lot 1 RL5273 • Lot 1 RL5439 • Lot 1 RL6874 • Lot 1 RL6875 • Lot 1 RL8213 • Lot 1 RP25521 • Lot 1 RP36493 • Lot 1 RP142398
6	Confirm ownership of the following lots which are included in a FORAGE report. <ul style="list-style-type: none"> • Lot 3 RP36494 • Lot 7 RP218459 • Lot 169 RP25514 • Lot 8 RP2520 • Lot 2 RP25524 • Lot 101 RP25514 • Lot 102 RP25514 • Lot 68 AG3581 • Lot 1 RP36462 • Lot 7 SP188366.
Further assessment	
7	Further assessment of the impact of the activity on the property would be required in the circumstances that the information request response or a submission demonstrate the land has been used for a PALU for at least 3 years during the 10 years immediately before an assessment application is made.