



NEW HOPE
GROUP

NEW ACLAND COAL PTY LTD
ABN: 90 081 022 380

YOUR REF: RPI19/009
OUR REF: RIDA for MLA50232

Email and post

18 November 2019

Chief Executive
Department of State Development,
Manufacturing, Infrastructure and Planning
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New Acland Coal Mine Stage 3 Project - application for regional interests development approval RPI19/009

Enclosed is an application on behalf of New Acland Coal Pty Ltd (**NAC**) for a regional interests development approval (**RIDA**) under the *Regional Planning Interests Act 2014 (RPI Act)* (Ref: RPI19/009)

This application seeks a RIDA for mining activities in the priority agricultural area (**PAA**) for the first 5 years of mining on MLA 50232. NAC is the applicant for MLA50232 and the holder under the related EA EPML00335713. 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.

This application has been lodged following withdrawal of RIDA Application (Ref: RPI19/005) and includes additional lots within the application and corrects some clerical errors that were identified in the technical report for the previous application. As part of the new application NAC has addressed the issues raised by the Department in the requirement notice provided for the withdrawn application.

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. Having regard to these matters there is no basis for public notification as:
 - (a) The application demonstrates that there is no material impact on the PAA. There is no priority agricultural land use (**PALU**) on the land the subject of the application. In these circumstances public notification serves no purpose and is unnecessary given that no PALU can be reasonably considered to be impacted.
 - (b) The activities the subject of the application are to be conducted on one farming "property", being the lots held by Acland Pastoral Company Pty Limited (**APC**), which is operated as a single grazing enterprise. APC is a wholly owned subsidiary of New Hope Corporation and its consent to this application is **attached**.

2. The chief executive can be satisfied that there has been sufficient public notification of the resource activity under section 34(3) of the RPI Act. 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 scope and extent of mining activities proposed on MLA50232 has been extensively publicised and is well known and understood. In these circumstances it is not necessary for notification of the application.

3. 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 for the Project 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 published and remains publicly available on the Coordinator-General's website. It describes the activities proposed on MLA50232.
 - (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. NAC and the Oakey Coal Action Alliance made submissions in the Land Court with regards to a potential RIDA application.
 - (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.
 - (h) All landholders within the application area will be notified of the application and provided with a copy.

4. Issues relevant to impact on cropping potential and PALU were assessed and considered through the EIS stage, which material was publicly notified and available through the Coordinator-General's website.

5. The Coordinator-General assessed and considered the impact of the project on agricultural land values and PALU¹ and set conditions requiring NAC to offset the quantity of PALU

¹ Section 5.1.4 of the Coordinator-General's Report

determined at that date. In particular refer to condition 9 of the Coordinator-General's imposed conditions. The Coordinator-General concluded that requirements were set for agricultural land impacted by the project to return to its best possible productive use, providing ongoing economic benefits for the agricultural sector in the region.

6. Other relevant matters considered by the Coordinator-General's Report included:
- (a) land tenure, use and suitability. APC owns all of the surface land and a substantial portion of the land will still be available for grazing operations during the mine's life;
 - (b) APC's grazing trials on rehabilitated land;
 - (c) the Topsoil Management Plan that NAC is required to implement and required to undertake soil surveys prior to stripping;
 - (d) the Final Land Use Rehabilitation Plan, which is to ensure the rehabilitation of agricultural land is enhanced. Rehabilitation is required to meet the criteria Class 3 grazing or Class 4 cropping land for at least 50 per cent of the post-disturbance land area. In particular, refer to condition 7 of the Coordinator-General's imposed conditions; and
 - (e) Schedule H of the Coordinator-General's stated conditions with regards to rehabilitation, which have been included in the Environmental Authority EPML00335713.

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 700002 is being separately considered and is not the subject of this application.

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. Given this information on the extent of notification under other processes, we request the Department consider this matter further.

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

Yours sincerely



NEW ACLAND COAL PTY LTD

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

