



Our ref: DEPBN20/129; RPI19/009 New Acland Coal – New Acland Stage 3

Your ref: RIDA for MLA50232

5 MAR 2020

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

New Acland Coal Pty Ltd
c/o Mr Shane Flint
General Manager Land and Environment
New Hope Group
IPSWICH QLD 4305

Email: sflint@newhopegroup.com.au

Dear Mr Flint

RPI19/009 – New Acland - New Acland Stage 3

Further requirement notice

(Given under s44 of the Regional Planning Interests Act 2014)

I refer to your application on 19 November 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 resource activities: mining over MLA 50232 (real property description at **Attachment A**) within a Priority Agricultural Area under the RPI Act.

I also refer to the requirement notice dated 3 December 2019, which advised that further information and public notification of the application were required, and your response dated 10 December 2019.

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.

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| 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 |

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Brisbane QLD 4000
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If you require any further information, please contact Mr Phil Joyce, Director, Planning Group, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 3452 7687 or phil.joyce@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Kerry Doss
Deputy Director-General
Planning Group

ATTACHMENT A

Real property description

Lots:

| | | |
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| Lot 100 AG2498 | Lot 101 A342317 | Lot 1 AG2605 |
| 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 |
| Lot 2 RP36465 | Lot 60 SP177899 | Lot 3 RP36494 |
| Lot 1 RP84726 | Lot 2 RP84726 | Lot 3 RP36495 |
| Lot 72 AG3550 | Lot 79 AG3526 | Lot 3 RP84726 |
| Lot 4 RP84726 | Lot 1 RP36464 | Lot 63 AG3098 |
| Lot 3 RP36464 | Lot 3 RP36462 | Lot 1 RP36462 |
| Lot 3 RP36463 | Lot 64 AG3113 | Lot 1 RP36463 |

Subterranean lots:

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| Lot 138 RP25514 | Lot 169 RP25514 |
| Lot 6 RP218459 | Lot 7 RP218459 |
| Lot 8 RP218459 | Lot 10 SP188367 |
| Lot 13 RP36463 | Lot 11 RP36463 |

Part or all of the following roads:

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| Acland Road | Acland Muldu Road |
| Campbells Road | Conroys Road |
| Greenwood School Road | Jondaryan Muldu Road |
| Mclaughlins Road | Muldu Brymaroo Road |
| O'Sheas Road | Temporarily Closed Road |
| Willeroo Mine Road | Woods Road |

ATTACHMENT B

Information required for assessment against Priority Agricultural Area (PAA) criteria

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

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| 1. | <p><u>Issue:</u></p> <p>The Priority Agricultural Land Use Assessment (PALU Assessment) prepared by SLR, dated November 2019 SLR ref: 620.11226 MLA 50232, states that <i>'the activities will not be located on land that is used for a PALU ...'</i> (pg 3).</p> <p>However, information provided in Appendix E 'Field Inspection Sites' (FIS) of the PALU Assessment and in 2010 Google Street View images, indicate that certain lots the subject of the application have been used for a PALU for at least three years during the 10 year assessment period (2009 - 2018).</p> <p><u>Actions:</u></p> <p>(a) Provide an updated PALU Assessment which includes evidence to confirm the use of the following:</p> <ul style="list-style-type: none">(i) Lot 99 A342317 – Paddock 31 is identified as having been cropped in:<ul style="list-style-type: none">i. 2009 and 2010 (Table 6)ii. 2010 and 2011 (FIS summary)(ii) Lot 1 RL6874 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none">i. 2009 and 2011 (Table 6)ii. 2010 (Google Street View image)(iii) Lot 1 RL6875 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none">i. 2009 and 2011 (Table 6)ii. 2010 (Google Street View image)(iv) Lot 3421 A341699 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none">i. 2009 and 2011 (Table 6)ii. 2010 (Google Street View image)(v) Lot 9 SP188367 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none">i. 2009 and 2011 (Table 6)ii. 2010 (Google Street View image)(vi) Part of Conroys Road – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none">i. 2009 and 2011 (Table 6)ii. 2010 (Google Street View image). <p>(b) If it is confirmed that the proposed resource activities will be located on land that is used for a PALU, provide an assessment of the proposed resource activities against Prescribed solution (3) of Required outcome 1 in Schedule 2 Part 2 of the Regional Planning Interests Regulation 2014, including proposed mitigation strategies.</p> |
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| 2. | <p><u>Issue:</u></p> <p>There is a duplication of photographs provide in different FIS summaries in Appendix E of the PALU Assessment. The correct photographs for each FIS summary are required to assist in determining if the proposed resource activities will be located on land used for a PALU.</p> <p><u>Actions:</u></p> <p>Provide an updated PALU Assessment which clarifies or updates the photographs used in the FIS summaries on the following lots:</p> <ul style="list-style-type: none"> (a) Lot 67 RP25514 - FIS 99, as it appears that the east, west and south aspect photographs are identical to those used for FIS 98 (b) Lot 2 AG262: <ul style="list-style-type: none"> (i) FIS 64 and FIS 97, as it appears that all the photographs for FIS 64 are identical to the photographs for FIS 97 (ii) FIS 98, as it appears that the east, west and south aspect photographs are identical to the photographs used for FIS 99 (c) Lot 39 AG718 - FIS 113 and FIS 114, as it appears that the south aspect photographs used for FIS 113 are identical to the photographs for FIS 114 (d) Lot 2 AG1806 - FIS 164, as it appears that all the photographs are identical to the photographs for FIS 168 (e) Lot 2 RP197103: <ul style="list-style-type: none"> (i) FIS 168, as it appears that all the photographs are identical to the photographs for FIS 164 (ii) FIS 169, as it appears that all the photographs are identical to the photographs for FIS 171 (f) Lot 35 RP25514: <ul style="list-style-type: none"> (i) FIS 129 and FIS 173, as it appears that the north aspect photograph for FIS 129 was taken from the same place and has the same field of view as the north aspect photograph for FIS 173 (g) Lot 3472 A341748 - FIS 77, as it appears that all the photographs are identical to the photographs for FIS 36 (h) Lot 1 AG2605 - FIS 15, as it appears that the photographs for both the east and west aspects are identical (i) Lot 92 A341981 - FIS 29, as it appears that the photographs for both the west and south aspects were taken from the same place and have the same field of view (j) Lot 4086 A342138 - FIS 36, as it appears that all the photographs are identical to the photographs for FIS 77 (k) Lot 3435 AG2605 - FIS 3, as it appears that the south aspect photograph is identical to the south aspect photograph for FIS 4 (l) Lot 36 RP25514: <ul style="list-style-type: none"> (i) FIS 110, as it appears that all the photographs are identical to those in the application material provided in support of the previous application (Ref: RPI19/005), despite the location for FIS 110 having been moved 253 metres to the south-west (ii) FIS 232, as it appears that all the photographs are identical to those in the application material provided in support of the previous application (Ref: RPI19/005), despite the location for FIS 232 having moved 296 metres to the south-west (iii) update the FIS summaries as required |
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