



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](mailto: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.

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

1 William Street  
Brisbane QLD 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
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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](mailto:phil.joyce@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'K Doss', is positioned below the closing text.

Kerry Doss  
**Deputy Director-General**  
**Planning Group**

## ATTACHMENT A

### Real property description

#### Lots:

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:

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:

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

1.	<p><b><u>Issue:</u></b></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><b><u>Actions:</u></b></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"><li>(i) Lot 99 A342317 – Paddock 31 is identified as having been cropped in:<ul style="list-style-type: none"><li>i. 2009 and 2010 (Table 6)</li><li>ii. 2010 and 2011 (FIS summary)</li></ul></li><li>(ii) Lot 1 RL6874 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none"><li>i. 2009 and 2011 (Table 6)</li><li>ii. 2010 (Google Street View image)</li></ul></li><li>(iii) Lot 1 RL6875 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none"><li>i. 2009 and 2011 (Table 6)</li><li>ii. 2010 (Google Street View image)</li></ul></li><li>(iv) Lot 3421 A341699 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none"><li>i. 2009 and 2011 (Table 6)</li><li>ii. 2010 (Google Street View image)</li></ul></li><li>(v) Lot 9 SP188367 – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none"><li>i. 2009 and 2011 (Table 6)</li><li>ii. 2010 (Google Street View image)</li></ul></li><li>(vi) Part of Conroys Road – Paddock 35 is identified as having been cropped in:<ul style="list-style-type: none"><li>i. 2009 and 2011 (Table 6)</li><li>ii. 2010 (Google Street View image).</li></ul></li></ul> <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><b><u>Issue:</u></b></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><b><u>Actions:</u></b></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"> <li>(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</li> <li>(b) Lot 2 AG262: <ul style="list-style-type: none"> <li>(i) FIS 64 and FIS 97, as it appears that all the photographs for FIS 64 are identical to the photographs for FIS 97</li> <li>(ii) FIS 98, as it appears that the east, west and south aspect photographs are identical to the photographs used for FIS 99</li> </ul> </li> <li>(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</li> <li>(d) Lot 2 AG1806 - FIS 164, as it appears that all the photographs are identical to the photographs for FIS 168</li> <li>(e) Lot 2 RP197103: <ul style="list-style-type: none"> <li>(i) FIS 168, as it appears that all the photographs are identical to the photographs for FIS 164</li> <li>(ii) FIS 169, as it appears that all the photographs are identical to the photographs for FIS 171</li> </ul> </li> <li>(f) Lot 35 RP25514: <ul style="list-style-type: none"> <li>(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</li> </ul> </li> <li>(g) Lot 3472 A341748 - FIS 77, as it appears that all the photographs are identical to the photographs for FIS 36</li> <li>(h) Lot 1 AG2605 - FIS 15, as it appears that the photographs for both the east and west aspects are identical</li> <li>(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</li> <li>(j) Lot 4086 A342138 - FIS 36, as it appears that all the photographs are identical to the photographs for FIS 77</li> <li>(k) Lot 3435 AG2605 - FIS 3, as it appears that the south aspect photograph is identical to the south aspect photograph for FIS 4</li> <li>(l) Lot 36 RP25514: <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(iii) update the FIS summaries as required</li> </ul> </li> </ul>
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	<p>(m) Lot 69 RP25514:</p> <ul style="list-style-type: none"> <li>(i) FIS 142, as it appears that all the photographs are identical to those provided in the application material provided in support of the previous application (Ref: RPI19/005), despite the location for FIS 142 having moved 101 metres to the north-west</li> <li>(ii) FIS 146, as it appears that all the photographs are identical to those provided in the application material provided in support of the previous application (Ref: RPI19/005), despite the location for FIS 146 having moved 148 metres to the north-west</li> <li>(iii) update the FIS summaries as required</li> </ul> <p>(n) Lot 3 RP36495:</p> <ul style="list-style-type: none"> <li>(i) FIS 170, as it appears that all the photographs are identical to those provided in the application material provided in support of the previous application (Ref: RPI19/005), despite the location for FIS 170 having moved 157 metres to the west</li> <li>(ii) FIS 171, as it appears that all the photographs are identical to those provided in the application material provided in support of the previous application (Ref: RPI19/005), despite the location for FIS 171 having moved 255 metres to the north-west</li> <li>(iii) clarify or update the photos used for FIS 171 as it appears that all the photographs are identical to those used for FIS 169</li> <li>(iv) update the FIS summaries as required.</li> </ul>
3.	<p><b><u>Issue:</u></b></p> <p>The PALU assessment does not adequately demonstrate that the proposed resource activities will be located on land used for a PALU, as it includes inconsistent or insufficient information.</p> <p><b><u>Actions:</u></b></p> <p>Provide an updated PALU Assessment which clarifies or confirms the information provided in relation to the following lots:</p> <ul style="list-style-type: none"> <li>(a) Lot 36 RP25514: <ul style="list-style-type: none"> <li>(i) in which Paddock FIS 232 is located, as Appendix E lists FIS 232 in Paddock 4 but Figure 4 lists it in Paddock 7</li> <li>(ii) based on Google Earth imagery (May 2013 and February 2014), whether the lot was cleared in 2013 and 2014</li> <li>(iii) if cropping occurred during those years, provide the mitigation strategy for PALU</li> </ul> </li> <li>(b) based on Google Earth imagery (August 2009 and October 2010), whether Lot 3 RP36494 was cleared in 2009 and 2010</li> <li>(c) the use of Lot 3 RP36495 by the previous landholder from 2009 to 2011</li> <li>(d) Lot 69 RP25514: <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (February 2014 and January 2015) whether the lot was cleared along its eastern boundary in 2014 and 2015</li> <li>(ii) if cropping did occur during those years, provide the mitigation strategy for PALU</li> </ul> </li> <li>(e) Lot 35 RP25514: <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (May 2013 and February 2014), whether the lot was cleared in 2013 and 2014</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(ii) if cropping did occur during those years, provide the mitigation strategy for PALU</li> </ul>
(f)	<p>Lot 2 RP84726:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (August 2009 and May 2013), what cropping activities were undertaken on the lot in 2009 and 2013</li> <li>(ii) if the cropping occurred during the respective summers, confirm when the sowing, growing and harvesting/grazing occurred</li> <li>(iii) if these activities were undertaken for three or more years, provide the proposed mitigation strategy for PALU</li> </ul>
(g)	<p>Lot 2 AG2605:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (May 2013), whether the south-eastern corner of the lot was cleared in 2013</li> <li>(ii) if cropping occurred in the south-eastern corner of the lot during that year, provide the mitigation strategy for PALU</li> </ul>
(h)	<p>Lot 3435 AG2605:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (May 2013), whether the lot was cleared in 2013</li> <li>(ii) if cropping did occur that year, provide the mitigation strategy for PALU</li> </ul>
(i)	<p>Lot 3293 A341624:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (May 2013), whether the lot was cleared in 2013</li> <li>(ii) if cropping activity did occur that year, provide the mitigation strategy for PALU</li> </ul>
(j)	<p>Lot 100 AG2498:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (July 2011 and May 2013), whether the lot was cleared in 2011 and 2013</li> <li>(ii) if cropping did occur during those years, provide the mitigation strategy for PALU</li> </ul>
(k)	<p>Lot 54 A342317:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (July 2011), whether was cleared in 2011</li> <li>(ii) if cropping did occur that year, provide the mitigation strategy for PALU</li> </ul>
(l)	<p>Lot 94 A342317:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (May 2013), whether the lot was cleared in 2013</li> <li>(ii) if cropping did occur that year, provide the mitigation strategy for PALU</li> </ul>
(m)	<p>based on Google Earth imagery (July 2011), whether Lot 95 A342317 was cleared in 2011</p>
(n)	<p>based on Google Earth imagery (July 2011), whether Lot 96 A342317 was cleared in 2011</p>
(o)	<p>Lot 97 A342317:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (July 2011 and May 2013), whether the lot was cleared in 2011 and 2013</li> <li>(ii) if cropping did occur during those years, provide the mitigation strategy for PALU</li> </ul>
(p)	<p>Lot 98 A342317:</p> <ul style="list-style-type: none"> <li>(i) based on Google Earth imagery (July 2011 and May 2013), whether the lot was cleared in 2011 and 2013</li> </ul>

	<p>(ii) if cropping did occur during those years, provide the mitigation strategy for PALU</p> <p>(q) Lot 101 A342317:</p> <p>(i) based on Google Earth imagery (July 2011 and May 2013), whether the lot was cleared in 2013</p> <p>(ii) if cropping did occur that year, provide the mitigation strategy for PALU</p> <p>(iii) based on Google Earth imagery (July 2011), whether Lot 3171 RP902113 was cleared in 2011</p> <p>(iv) based on Google Earth imagery (July 2011), whether Lot 3461 RP902113 was cleared in 2011</p> <p>(v) based on Google Earth imagery (August 2009, October 2010 and May 2013), whether Lot 3679 A341857 was cleared in 2009, 2010 and 2013.</p>
4.	<p><b><u>Issue:</u></b></p> <p>The updated Appendix K 'Photo Time &amp; date Stamp Data' of the PALU Assessment does not identify which photographs are detailed in Appendix E.</p> <p><b><u>Action:</u></b></p> <p>Amend Appendix K of the PALU Assessment to detail which photographs are used in Appendix E.</p>
5.	<p><b><u>Issue:</u></b></p> <p>Schedule 2 Part 1 of the RPI Regulation states that the use of land for a PALU means that the land has been used for a PALU '<i>for at least 3 years during the 10 years immediately before an assessment application is made ...</i>'</p> <p>As the application for a regional interests development approval was made in 2019, the assessment period for determining whether the proposed resource activities will be located on land used for a PALU is from 2009 to 2018.</p> <p>The PALU Assessment includes material which is outside of this assessment period.</p> <p><b><u>Action:</u></b></p> <p>Provide an updated PALU Assessment which includes photographs of FIS 242 to 248, 259 to 261, 264 to 269 and 271 to 273 taken during the assessment period, as the dates and times of the photographs provided state 'July 2019', which is outside the assessment period.</p>
6.	<p><b><u>Issue:</u></b></p> <p>The site visit undertaken by the Department of Agriculture and Fisheries on 4 December 2019 identified matters raised in the PALU Assessment which require further clarification.</p> <p><b><u>Actions:</u></b></p> <p>Update the PALU Assessment to provide additional information on:</p> <p>(a) the outcomes of the cattle grazing trials and New Acland Coal (NAC) – Acland Pastoral Company (APC) coexistence</p> <p>(b) details on management practices used</p>



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| <ul style="list-style-type: none"><li>(c) arrangements between NAC and APC for rehabilitated land to return to agricultural use New Acland Coal (NAC) for the hand over land</li><li>(d) the Department of Environment and Science's comments on NAC certified rehabilitation outcomes</li><li>(e) how the Stage 3 rehabilitation will differ from the current Stages 1 and 2 rehabilitation</li><li>(f) the direction of clean water run-off from areas of and adjacent to the proposed pits and spoil dumps.</li></ul> |
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