

Our ref: DEPN19/1303

Your ref: RIDA for MLA50232

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

03 DEC 2019

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

Via email: sflint@newhopegroup.com.au

Dear Mr Flint

RPI19/009 – New Acland - New Acland Stage 3

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 a resource activity over MLA 50232 (real property description included as **Attachment A**) within a Priority Agricultural Area under the 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

Public notification requirement

The delegate for 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.

Public notification must commence on or before 10 January 2020. The notification period is for 15 business days. It is recommended that the period between 20 December 2019 and 6 January 2020 is not included in the public notification period. The approved form for public notification is available on the Department of State Development, Manufacturing, Infrastructure and Planning'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

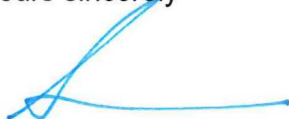
Pursuant to section 44(1)(b) of the RPI Act, you are advised that further information is required in order to assess the application against the assessment criteria contained in Schedule 2, Part 2 of the RPI Regulation. The additional information required is detailed in **Attachment B**.

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.

Another requirement notice may be given if, for example, the response to the requirement notice or a submission demonstrate the land has been used for a Priority Agricultural Land Use for at least three years during the 10 years immediately before the application, requiring further assessment of the impact of the proposed resource activities.

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

Yours sincerely



Steve Conner
**Acting Deputy Director-General
Planning Group**

Enc (2)

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

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 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

Provide an updated Priority Agricultural Land Use (PALU) Assessment to address the following:

1. Lot 1 RP91936, Lot 1 RP93926, Lot 1 RP36466 and Lot 65 AG3109 are shown within the map package but not within the paddock details or Table 1 in Appendix G. Confirm if the above lots are included in the application and amend the assessment as necessary.
2. Confirm the layer of government mapping referenced in Appendix G, on which the spatial objects are indicated.
3. Amend figures to clearly identify the boundaries of MLA 50232, and the area of overlap of ML 50216 and MLA 50232.
4. There are inconsistencies between the Current Title Search and Table 2 of Appendix G on the ownership of Lot 138 RP25514. Confirm the owner of the above lot and amend the assessment as necessary.
5. Confirm that all owners of the land subject of the application have been provided with a notice about the application, as required by section 35 of the *Regional Planning Interests Act 2014*.
6. Amend the assessment and Figures 2, 3 and 4 to provide a clear description and area of disturbance for the following resource activities:
 - a. the location of any active spoil and recontoured spoil
 - b. the coal handling and processing plant as identified in section 1.3 of the PALU Assessment
7. Confirm if approval is sought for the following resource activities which appear to be located outside of MLA 50232 and the lots subject of the application:
 - a. the backfilling and rehabilitation of South Pit
 - b. the construction and operation of a clay lined cell
 - c. portions of haul road, lagoon creek crossing, levee, lagoon creek in ML50216
 - d. parts of the road diversion shown on Figures 2 and 3
8. Confirm the total area of PAA in the Darling Downs Regional Plan 2013 as the figure provided correlates to the total area of PAA in Queensland.
9. Confirm that the total area of the assessed paddocks in the application area is 2,995 hectares. An analysis of the data from the map package identifies the area to be 2,787 hectares.
10. Amend the QLUMP map provided in Appendix B to include:

- a. the lots the subject of the application
- b. the extent of each land use identified on land the subject of the application
- c. the boundary of MLA 50232 and the area where MLA 50232 and ML 50216 overlap

11. Confirm why Table 5 PALU Assessment Results excludes:

- a. Paddock 21 from the Manning Vale West section when Paddocks 24, 27 and 32 are included. All four Paddocks do not appear to have any pit disturbance areas located within them
- b. Paddocks 27, 29 and 32 from the Infrastructure Area. These Paddocks appear to include infrastructure activities within them.

12. Provide a copy of the Final Land Use Rehabilitation Report referenced in the PALU assessment.

13. Provide amended Appendices C2, C3 and C4 so that the Forage Reports provided are consistent with the order of Paddocks in Table 5.

14. Confirm the purpose of Appendix C5 and Appendix K, which are not referenced in the document.

15. Update Appendix K so that its list of photos is consistent with the order of photos in the Field Inspection Site summaries contained in Appendix E.