

2 December 2016

The Chief Executive  
Department of Infrastructure, Local Government and Planning  
C/- the RPI Act Development Assessment Team  
Via email: [RPIAct@dilgp.qld.gov.au](mailto:RPIAct@dilgp.qld.gov.au)

**Attn: Mitzi Venn**

Dear Mitzi,

**RE: RPI14/001 Cockatoo – Baralaba North Continued Operations Project**

I refer to the above Regional Interests Development Approval (RIDA) issued by the Department of Infrastructure, Local Government and Planning (DILGP) on 27 October 2014 and submit this request to amend the approval under Section 55 of the *Regional Interests Planning Act 2014*.

Baralaba Coal Company Ltd (formerly Cockatoo Coal Ltd) effectuated a Deed of Company Arrangement (DOCA) on 30 May 2016, ending a period of Voluntary Administration and providing for a substantial refinancing of the company.

As part of the new direction for the company, revised mine planning has been undertaken which has amended the staging and rehabilitation priorities for the project. As a result, the impacts to the Strategic Cropping Area (SCA) and Priority Agricultural Land Use (PALU) area on Lot 7 on KM44 which were approved under RPI14/001 have been modified.

Specifically, the 'spoil dump' which was determined to result in a permanent impact to SCA and PALU on Lot 7 on KM44 (refer Attachment 1) will no longer be required as the majority of spoil from mining operations will be used as backfill to rehabilitate redundant pit voids. Similarly, without the 'spoil dump' in this location, the 'sediment dam' and 'flood levee' will not be required in the areas of SCA and PALU.

While other activities may be carried out on Lot 7 on KM44, such as the establishment of the Coal Handling Preparation Plant ('CHPP'), Mine Infrastructure Area ('MIA') and associated infrastructure as indicated in Attachment 1, these activities were determined during the RIDA assessment to not result in a permanent impact to these matters.

In order to maintain flexibility for future mine planning, such as a future requirement for 'spoil dump' in this area, it is proposed to retain the current RIDA (RPI14/001), however Baralaba Coal Company Ltd seeks minor amendments to certain conditions.

Currently, the conditions of RPI14/001 require the implementation of mitigation measures to address the permanent impacts to SCA and PALU located on Lot 7 on KM44 prior to commencing the 'approved activities', which are defined in Table 1 of RPI14/001 and include activities that will not permanently impact SCA or PALU areas.

It is requested that DILGP consider amending the conditions of RPI14/001 to allow the commencement of those 'approved activities' that will not permanently impact SCA and PALU, reserving the requirement for the implementation of mitigation measures for only those activities that would result in a permanent impact to these matters.

Such amendments would recognise the flexibility in mine planning over time and ensure mitigation measures are in place as and when permanent impacts to SCA and PALU are to occur. Proposed amendments to RPI14/001 conditions to reflect this request are outlined in Attachment 2 for further discussion.

Should you require any further information or wish to discuss this request, please contact Victoria Musgrove, Senior Environmental Planner, on 0427 935 601 or [vmusgrove@cockatoocoal.com.au](mailto:vmusgrove@cockatoocoal.com.au).

Yours sincerely,



Brian Wyatt  
**Interim Chief Executive Officer**

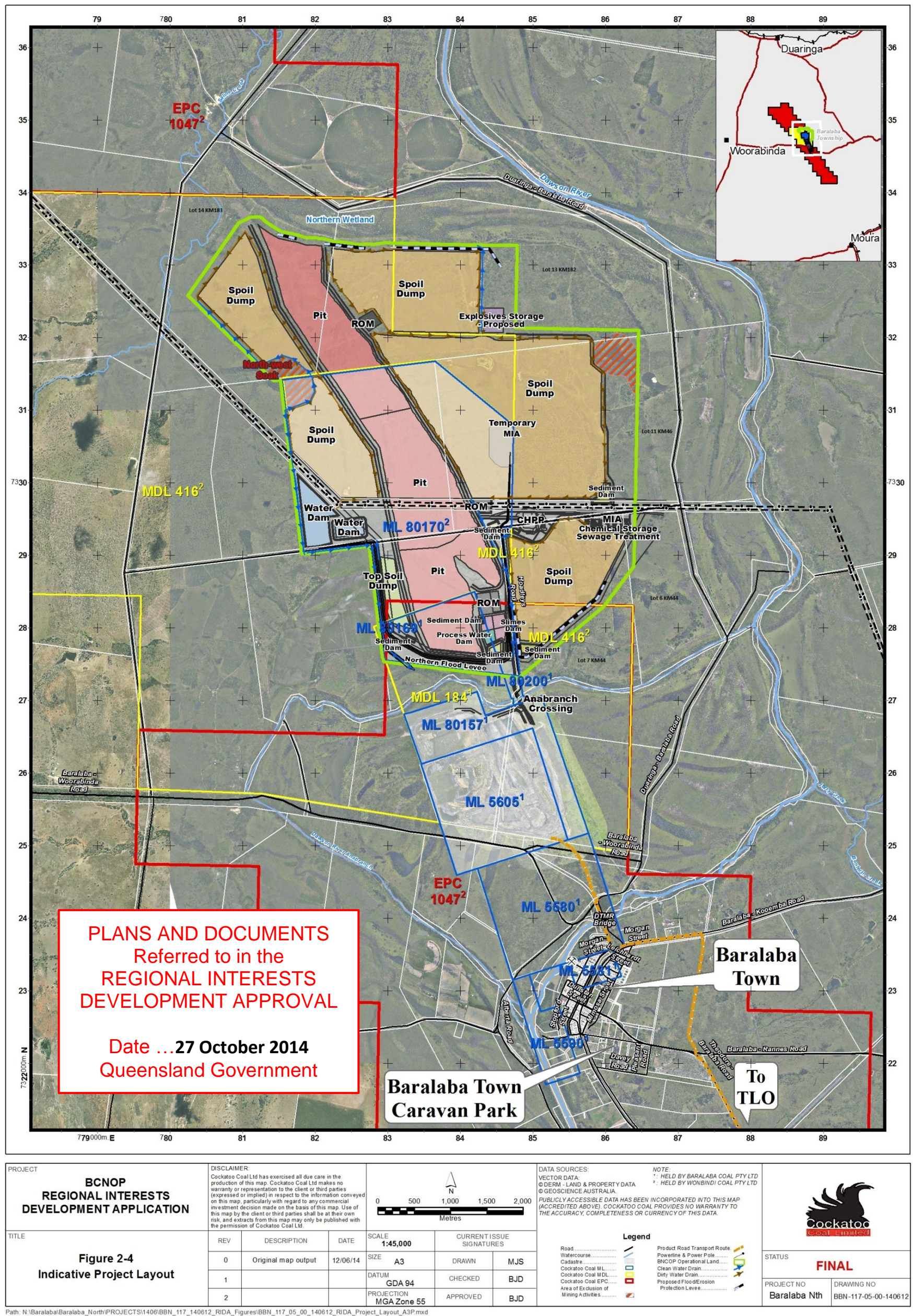
Encl. Attachment 1 – Project Figures

Attachment 2 – Proposed amendments to RPI14/001 Conditions for discussion

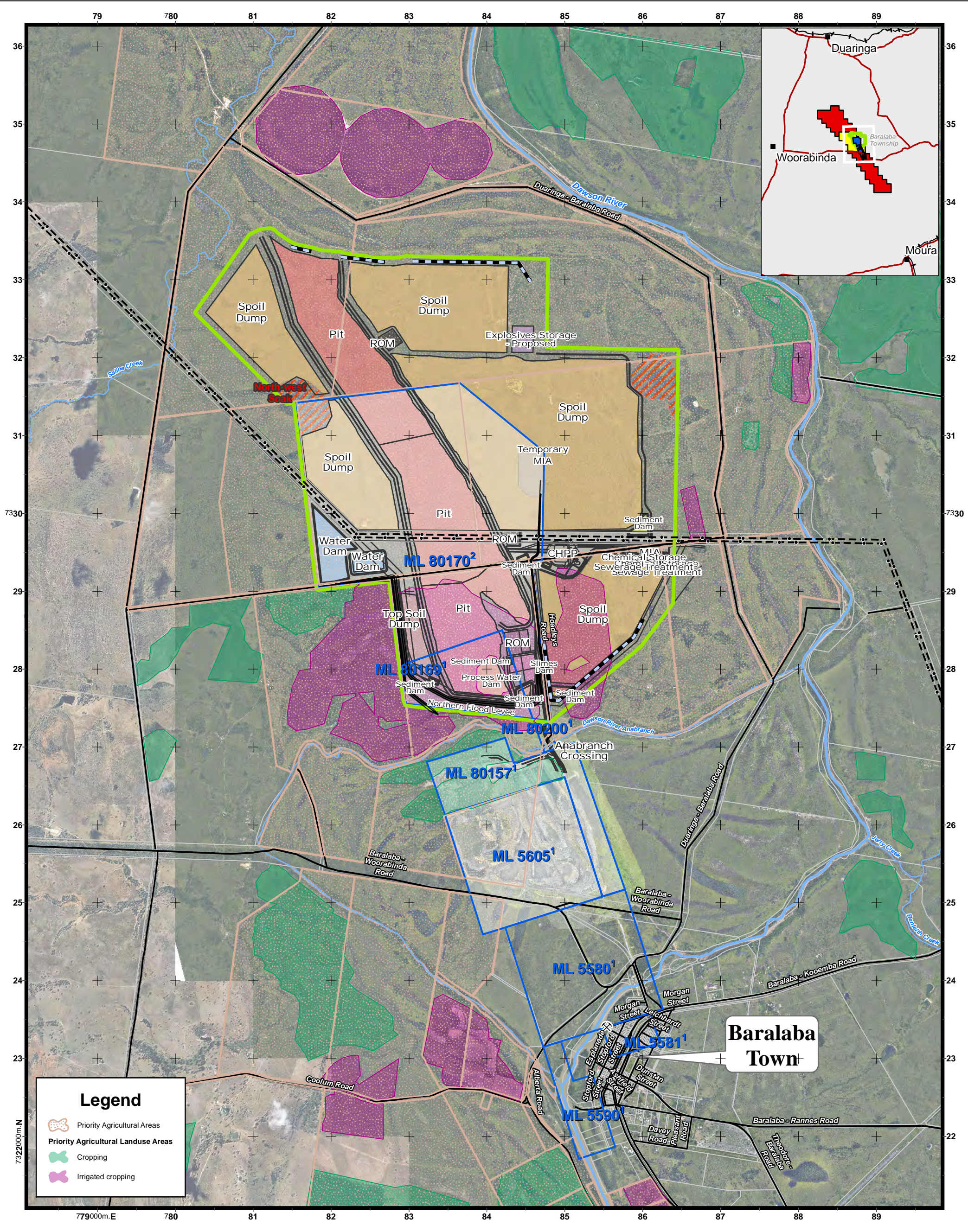
Attachment 1 – Project Figures













**Attachment 2:** *Figure 2-4 Indicative Project Layout, number BBN-117-05-00 -140612 dated 12.06.14*







PROJECT  <b>BCNOP REGIONAL INTERESTS DEVELOPMENT APPLICATION</b>		DISCLAIMER: Cockatoo Coal Ltd has exercised all due care in the production of this map. Cockatoo Coal Ltd makes no warranty or representation to the client or third parties (expressed or implied) in respect to the information conveyed on this map, particularly with regard to any commercial investment decision made on the basis of this map. Use of this map by the client or third parties shall be at their own risk, and extracts from this map may only be published with the permission of Cockatoo Coal Ltd.					DATA SOURCES: VECTOR DATA: © DERM - LAND & PROPERTY DATA © GEOSCIENCE AUSTRALIA.  PUBLICLY ACCESSIBLE DATA HAS BEEN INCORPORATED INTO THIS MAP (ACCREDITED ABOVE). COCKATOO COAL PROVIDES NO WARRANTY TO THE ACCURACY, COMPLETENESS OR CURRENCY OF THIS DATA.			NOTE: 1: HELD BY BARALABA COAL PTY LTD 2: HELD BY WONBINDI COAL PTY LTD  	
TITLE  <b>Figure 3-2 BNCOP Project Layout &amp; Priority Agricultural Areas</b>		REV	DESCRIPTION	DATE	SCALE <b>1:45,000</b>	CURRENT ISSUE SIGNATURES		<div>Legend</div> <div><div><div>Road.....</div><div>Watercourse.....</div><div>Cadastre.....</div><div>Cockatoo Coal ML.....</div><div>Area of Exclusion of Mining Activities.....</div></div><div><div></div><div></div><div></div><div></div><div></div></div><div><div>Powerline &amp; Power Pole.....</div><div>BNCOP Operational Land.....</div><div>PROPOSED Flood Levee.....</div></div><div><div></div><div></div><div></div></div></div>			
		0	Original map output	13/06/14	SIZE A3	DRAWN	MJS				
		1			DATUM GDA 94	CHECKED	BJD				
		2			PROJECTION MGA Zone 55	APPROVED	BJD				
									STATUS  <b>FINAL</b>		
		PROJECT NO Baralaba Nth					DRAWING NO BBN-116-13-00-140613				



## Attachment 2 – Potential amendments to RPI14/001 Conditions for discussion

Condition Number	Condition	Timing for Condition	Comments
4	<i>Mitigation measures must be in place for 57.6ha (58ha) of permanently impacted strategic cropping land in the Central Highlands Isaac sub-zone in the Western Cropping zone.</i>	<i>Prior to commencing approved activities <u>that will permanently impact on the strategic cropping land</u> on Lot 7 KM 44</i>	<p>The unamended condition requires the implementation of mitigation measures for the approved impacts to SCA prior to the commencement of ‘approved activities’ on Lot 7 on KM44 – that is, any activities on Lot 7 on KM44 defined in Table 1 of the RIDA, not just activities that would permanently impact on the SCA on Lot 7 on KM44.</p> <p>It is noted that SCA on Lot 7 on KM44 totals 58 ha of the total 378 ha of the property, and the mine expansion area totals 1,446.443 ha.</p> <p>The proposed amendment ensures that expansion activities can be commenced elsewhere within the expansion footprint, which will not permanently impact on the SCA, prior to the implementation of the required mitigation measures.</p>

5	<p>a) The approved activities <u>that will permanently impact priority agricultural land uses on Lot 7 KM44</u> must not be commenced until:</p> <p>i) written proposals for mitigation measures for the 106ha of priority agricultural land uses on Lot 7 KM44 that will be permanently impacted by the approved activities (the PAA Mitigation Measures) have been submitted to, and approved in writing by the Chief Executive administering the Regional Planning Interests Act 2014 (the Chief Executive); and</p> <p>ii) land required for the implementation of the PAA Mitigation Measures approved by the Chief Executive has been secured for that purpose by means of:</p> <p>A. a freehold, or sufficient leasehold, interest in the land becoming vested in the applicant (and/or the applicant's successors in title or assignees for the land on which the approved activities are to be carried out); and/or</p> <p>B. by the registration over the land of a covenant with the State of Queensland under section 97A of the Land Title Act 1994 or section 373A of the Land Act 1994 or any amendments to, or re- enactments of, those provisions.</p>	As indicated	<p>The unamended condition requires approval of the necessary mitigation measures for approved impacts to PALU prior to the commencement of the 'approved activities' and implementation of these measures within 12 months of the commencement of the 'approved activities' on Lot 7 on KM44 – that is, any activities on any land defined in Table 1 of the RIDA, not just activities that would permanently impact on PALU on Lot 7 on KM44.</p> <p>It is noted that PALU on Lot 7 on KM44 totals 106ha of the total 378 ha of the property, and the mine expansion area totals 1,446.443 ha.</p> <p>The proposed amendment ensures that expansion activities can be commenced elsewhere within the expansion footprint, which will not permanently impact on the PALU, prior to the implementation of the required mitigation measures.</p>
---	---	--------------	---

	<p>b) The PAA Mitigation Measures must, as a minimum:</p> <ul style="list-style-type: none"> <li>i) provide equivalent land to the 106 ha of priority agricultural land uses on Lot 7 KM44 that will be permanently impacted by the approved activities (the “equivalent land”) on part of Lots 2 and 3 of SP235019, to the west of the Duaringa-Baralaba Road, and</li> <li>ii) provide for the equivalent land to be in use for a priority agricultural land use/s within 12 months of commencing the approved activities <u>that will permanently impact priority agricultural land uses</u> on Lot 7 KM44; and specify the sequence of actions that will be undertaken to ensure this occurs, and</li> <li>iii) provide for the equivalent land to be maintained as land used for priority agricultural land use/s thereafter for the full term of the conduct of the approved activities <u>that will permanently impact priority agricultural land uses</u> and specify how this will occur; and</li> <li>iv) give effect to the priority agricultural land use mitigation concepts presented in the Baralaba North:- PAA and SCL Mitigation Report prepared for Cockatoo Coal Ltd by Dr Evan Thomas, Project Number CCC0049, version 3, dated 26 September 2014.</li> </ul>		
--	--	--	--



	<p>c) The PAA Mitigation Measures approved by the Chief Executive must be implemented and maintained.</p> <p>d) Annual records detailing the following must be prepared and retained, and provided to the Chief Executive upon request:-</p> <ul style="list-style-type: none"> <li>i) yield quantity and quality from the equivalent land inputs (e.g. quality and volume of irrigation water, rainfall, fertilizer, machinery) to the equivalent land</li> <li>ii) any events, whether natural or not, which have influenced the productive capacity of the equivalent land.</li> </ul>		
--	---	--	--