



NEW HOPE
GROUP

NEW ACLAND COAL PTY LTD

AMENDMENT APPLICATION
RPI19/009 (MINOR AMENDMENT)

SUPPORTING INFORMATION

JULY 2023

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1. INTRODUCTION

1.1. Purpose of the Document

New Acland Coal Pty Ltd (**NAC**), a subsidiary of New Hope Corporation Limited (**New Hope Group**), has prepared this minor amendment application for its current Regional Interest Development Approval (**RIDA**) RPI19/009, which was granted under the *Regional Planning Interests Act 2014* (**RPI Act**), on 25 August 2020.

RIDA RPI19/009 provides approval for the first five years of mining for the New Acland Coal Mine Stage 3 Project (**Project**).

NAC is seeking to amend its existing RIDA RPI19/009 to align Attachment 2 – Approved Plan: Application Area & Indicative Disturbance Area with:

- Figure A1 - Project overview of NAC's Environmental Authority EPML00335713 (**EA EPML00335713**) for the Project, as granted under the *Environmental Protection Act 1994* (**EP Act**);
- Stated condition A2 and Figure 1 – disturbance footprint updated by the 'Coordinator-General's change report No. 4 – amendment to stated conditions following Land Court (2021) proceedings (May 2022)' (**CGCR**), as granted under the *State Development and Public Works Organisation Act 1971* (**SDPWO Act**); and
- the recommendations of NAC's Second Remitted Land Court Hearing decision in relation to the Project, handed down on 17 December 2021.

As part of the alignment process, NAC also proposes to reduce:

- the approved disturbance area for each of the mining areas - Manning Vale East, Willeroo and Manning Vale West; and
- the approved maximum disturbance allowed within the Darling Downs Priority Agricultural Area (**PAA**).

1.2. Background

NAC operates New Acland Coal Mine (**Mine**) on active Mining Leases (**MLs**) 50170, 50216 and 50232 (Stage 1, Stage 2 and Stage 3, respectively), 14km north-west of Oakey. The Mine is located within the Toowoomba Regional Council area.

The Project's amended application for EA EPML00335713 was granted on 28 June 2022 and MLs 50232 and 700002 were granted on 26 August 2022. The most recent version of EA EPML00335713 for the Project/Mine is dated 14 November 2022. On 20 October 2022, NAC was granted an Associated Water Licence under the *Water Act 2000*.

The Project has allowed NAC to recommence its mining operations at the Mine within ML 50232, and potentially expand its production capacity up to 7.5 Mtpa (i.e. based on economic, operational and environmental factors). Currently, NAC is only planning to operate the Project at a production rate of 5.1 Mtpa.

The mining activities proposed for the Project's new resource areas will not involve any change to the mining methods previously used at the Mine. The Project commenced on 1 May 2023 and early pit development is now underway within the Project's Manning Vale East mining area.

To date, the Project has been subject to an extended approvals and litigation process, which significantly delayed its planned start. Commencement of the Project will provide substantial economic benefits and employment opportunities for the Toowoomba Regional Council area,

Darling Downs region and the State. These benefits have been well documented during NAC's extended approvals and litigation processes for the Project.

1.3. RIDA RPI19/009

Between late 2019 and mid-2020, NAC sought and received approval for the Project's first five years of operation under the RPI Act, to allow the extension of the Mine's operating life through the progressive development of three new mining areas and the construction of a rail spur and loop, a train loading facility and other associated mine infrastructure within ML 50232.

In summary:

- RIDA RPI19/009 is located on the Lots provided in Attachment 1 of this minor amendment application, which were determined to be within the PAA, triggering assessment under the RPI Act. These Lots are all located within ML 50232 and were deemed a single property.
- It was determined by the Assessing Agency (Department of Agriculture and Fisheries) that the Project's activities within RIDA RPI19/009 met the relevant criteria for approval as contained in section 49 of the RPI Act, including the relevant required outcome for the PAA as contained in the *Regional Planning Interests Regulation 2014 (RPI Regulation)*.
- It was determined by the Assessing Agency (Department of Agriculture and Fisheries) that the Project's activities within RIDA RPI19/009 will not result in a material impact on the use of the property for a priority agricultural land use (**PALU**), as it was determined that the Project's activities will not be located on land used for a PALU.
- NAC's Priority Agricultural Land Use (PALU) Assessment Report submitted for RIDA RPI19/009 determined that there will be no material impact on the PAA as it was demonstrated that the Project's activities will not be located on land that is used for a PALU, and therefore, Required Outcome 1 from Schedule 2 of the RPI Regulation was satisfied.
- NAC's PALU Assessment Report highlighted that the total mapped PAA is 2,935,511 hectares and the PAA within RIDA RPI19/009 comprised only 0.09% of the total PAA area.

2. PROPOSED AMENDMENTS

NAC seeks to amend RIDA RPI19/009 under Part 3, Division 9, section 55 of the RPI Act, to reflect the following proposed amendments.

1. Table 1: Approved resource activities and areas of disturbance: New Acland Stage 3:
It is proposed to reduce the planned disturbance for the first five years of mining within each of the mining areas – Manning Vale East, Willeroo and Manning Vale West. The proposed reduction in disturbance area for each of the mining areas is sought to facilitate the realignment of the proposed disturbance with the full extent of the disturbance boundaries displayed for each of the mining areas in Figure A1 - Project overview of EA EPML00335713.
2. Attachment 2 – Approved Plan: Application Area & Indicative Disturbance Area:
It is proposed to redefine the Manning Vale East, Willeroo and Manning Vale West mining areas for the first five years of mining to realign the full extent of the disturbance boundaries displayed for each of the mining areas with Figure A1 - Project overview of EA EPML00335713.
3. Condition 4 of the Regional Interest conditions:
It is proposed to reduce the maximum area of disturbance allowed within the PAA from 844.28 hectares to 778.6 hectares. The reduction in the maximum disturbance area reflects the proposed reduction in the disturbance for the first five years of mining within the Manning Vale East, Willeroo and Manning Vale West mining areas.

2.1. RIDA RPI19/009 - Amendment 1

An updated Table 1: Approved resource activities and areas of disturbance: New Acland Stage 3 is as follows. (Please note, the column “RPI19/009’s original area of surface disturbance (hectares)” is provided within this document only for comparison purposes.)

Table 1: Approved resource activities and areas of disturbance: New Acland Stage 3

Area of regional interest	Location	Resource activity	Area of surface disturbance (hectares)	RPI19/009’s original area of surface disturbance (hectares)
Priority agricultural area	Refer to Attachment 1	Manning Vale East open cut mining pit area	88.1	121.97
		Manning Vale West open cut mining pit area	280.0	281.45
		Willeroo open cut mining pit area	312.0	342.36
		Train load out facility	1.1	1.1
		Material handling facility	15.0	15
		Levee	10.8	10.8
		Surface water management	18.4	18.4
		Internal haul roads	44.0	44
		Jondaryan - Muldu Road diversion	0.8	0.8
		Rail spur line and loop	8.4	8.4

Total surface disturbance area (ha)	778.6	844.28
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2.2. RIDA RPI19/009 - Amendment 2

Attachment 2 of this minor amendment application provides an amended plan to replace RIDA RPI19/009’s current plan (Also Attachment 2) to reflect the proposed reduction in open cut mining areas for the Project’s first five years of operation and the realignment of the disturbance boundaries displayed for each of the mining areas in Figure A1 - Project overview of EA EPML00335713. The amended plan also includes a small adjustment to the positioning of the approved Lagoon Creek crossing and its connecting haul roads.

2.3. RIDA RPI19/009 - Amendment 3

An amended Condition 4 is to read as follows.

Condition Number	Condition	Timing of condition
4.	The maximum area of disturbance of priority agricultural area that may occur as a result of this development approval is not to exceed 844.28 778.6 hectares.	At all times.

In addition, Attachment 3 of this minor amendment application provides a copy of RIDA RPI19/009 with all proposed amendments provided in ‘tracked changes’. Please note, a small number of very minor typographical changes have been included for consideration to improve clarity and accuracy.

3. CLARIFICATION OF THE PROPOSED AMENDMENTS

3.1. Changes to the Project's Mining Areas

NAC, through its proposed amendment of RIDA RPI19/009, is seeking to align the approved disturbance footprint for mining activities within the Project's Manning Vale West, Manning Vale East and Willeroo mining areas, with the disturbance boundaries approved for each of these mining areas in Figure A1 - Project overview of its EA EPML00335713.

To align RIDA RPI19/009's disturbance footprint with Figure A1 - Project overview of EA EPML00335713, NAC has extended the western and eastern boundaries of the Manning Vale West, Manning Vale East and Willeroo mining areas. To accommodate the western and eastern extensions, NAC has reduced the southern boundary of the Manning Vale West, Manning Vale East and Willeroo mining areas to ensure RIDA RPI19/009's approved disturbance areas for the Project are not exceeded. Attachment 4 displays the proposed changes to the mining areas in relation to the current approved footprint of RIDA RPI19/009. Attachment 6 displays the proposed changes to the mining areas in relation to the current approved footprint of RIDA RPI19/009 and the original assessment area for RIDA RPI19/009.

For the Manning Vale West mining area, the boundary change is primarily required to facilitate a more efficient out-of-pit dump design, which will assist rehabilitation, water management and visual amenity. Some additional coal reserves will be available to be mined, and the extra peripheral areas outside the direct mining area, will help facilitate improved access for safety, rehabilitation and maintenance activities (e.g. safety bunding, inspections, topsoil storage, etc.).

For the Manning Vale East mining area, the boundary change will facilitate access to some additional coal reserves, and the extra peripheral areas outside the direct mining area, will help improve access for safety, flood protection, rehabilitation and maintenance activities (e.g. safety bunding, the Lagoon Creek flood bund, inspections, topsoil storage, etc.).

For the Willeroo mining area, the boundary change is primarily required for the approved Lagoon Creek crossing, which will assist the design, construction, operation, and maintenance of the creek crossing. Some additional coal reserves will be available to be mined, and the extra peripheral areas outside the direct mining area, will help facilitate improved access for safety, flood protection, rehabilitation and maintenance activities (e.g. safety bunding, the Lagoon Creek flood bund, inspections, topsoil storage, etc.).

Overall, the proposed amendment of the boundaries of the Manning Vale West, Manning Vale East and Willeroo mining areas has reduced the total disturbance footprint for the first five years of the Project's operation. Importantly, all the boundary adjustments to the Project's mining areas remain within the original assessment area for RIDA RPI19/009 (Attachment 6), do not involve any change to the current mining methods, and will not create any new disturbance types (i.e. other than those previously assessed for RIDA RPI19/009).

3.2. Minor Change to the Lagoon Creek Crossing

The planned position of the Project's approved Lagoon Creek crossing has changed slightly, because of recent detailed final design work completed for the future construction of the creek crossing. The original position of the approved Lagoon Creek crossing was based on preliminary design work completed during 2019 and did not include all final design requirements. No other changes are proposed for the approved Lagoon Creek crossing, which is an agreed 'at-grade' crossing to help assist fauna movement within the creek system.

The haul roads connecting the approved Lagoon Creek crossing have been slightly realigned to logically accommodate its re-positioning and to ensure long-term safe and efficient transport between the Willeroo mining area (Stage 3) and the Mine's Industrial Area (Stage 1).

3.3. No Change to Table 2: Definition of approved resource activities of RIDA RPI19/009

NAC's proposed minor amendment application for RIDA RPI19/009 will not require any change to the current mining methods employed at the Mine, which will continue to involve an open-cut strip-mining process. All other aspects of the Project will remain the same as originally defined for the construction and operational phases. Consequently, the predicted impacts for the Project's first five years of operations remain unchanged.

Therefore, the information provided for NAC's proposed minor amendment application is consistent with the information provided for its original RIDA application, and as a result, Table 2: Definition of approved resource activities of RIDA RPI19/009 will not require amendment.

3.4. Change to the Presentation of the Project's Mining (Resource) Areas

The amended version of Attachment 2 – Approved Plan: Original RIDA Application Area & Amended Indicative Disturbance (Mining Areas) provided for NAC's proposed minor amendment application for RIDA RPI19/009 depicts each mining area as a single mining disturbance type (resource activity) and is not subdivided into individual mining disturbance types (individual components of the resource activity) as is currently depicted in Attachment 2 – Approved Plan: Application Area & Indicative Disturbance Area of RIDA RPI19/009. NAC's reasoning for the proposed change is outlined in the following explanation.

Firstly, the present depiction of the mining areas within the current version of Attachment 2 – Approved Plan: Application Area & Indicative Disturbance Area of RIDA RPI19/009 is the status of mining after five years, which is a static snapshot of the mining operations. Therefore, from a practical sense, NAC can never achieve compliance with the current version of Attachment 2 – Approved Plan: Application Area & Indicative Disturbance Area of RIDA RPI19/009 until the end of five years of mining and could potentially be considered non-compliant at all other times of operation.

Secondly, mining is a dynamic process, involving a range of specific activities that vary over time as mining progresses across the defined coal reserve of each mining area. Depicting mining disturbance as a single disturbance type in the amended version of Attachment 2 – Approved Plan: Original RIDA Application Area & Amended Indicative Disturbance (Mining Areas) allows NAC operational flexibility within the approved disturbance footprint of each mining area for the first five years of the Project's operation.

Thirdly, NAC is legally required to provide an accurate 'Estimated Rehabilitation Cost' (**ERC**) for the planned mining activities and disturbance types within the Project's MLs for a fixed period of either one to five years. The ERC must be approved by the Department of Environment and Science and NAC must make the required contribution under Queensland's Financial Provisioning Scheme before mining can commence for the nominated period. These statutory requirements ensure that NAC's mining activities will be regulated for the life of the Project and negate the need to provide individual mining disturbance types as displayed in the current version of Attachment 2 – Approved Plan: Application Area & Indicative Disturbance Area of RIDA RPI19/009. Importantly, the ERC is a dynamic approval process that captures changes in mining disturbance over time within the approved mining areas and prevents unauthorised disturbance outside the approved mining and infrastructure areas.

Finally, Table 1: Approved resource activities and areas of disturbance: New Acland Stage 3 of RIDA RPI19/009 only provides a single approved disturbance footprint for each of the Project's mining areas and defines each of these mining areas as individual resource activities. The individual mining activities (resource activities) approved under RIDA RPI19/009 are outlined in Table 2: Definition of approved resource activities. Therefore, depicting mining disturbance as a single disturbance type in the amended version of Attachment 2 – Approved Plan: Original RIDA Application Area & Amended Indicative Disturbance (Mining Areas) does not diminish NAC's compliance responsibilities under the RPI Act and RPI Regulation.

3.5. No Change to the Project's Infrastructure Areas

NAC's proposed amendment of RIDA RPI19/009 does not required any amendment of the Project's current approved infrastructure areas defined by Table 1: Approved resource activities and areas of disturbance: New Acland Stage 3.

3.6. No Change to NAC's Strategic Cropping Area Exemption

NAC has reviewed its original legal advice and concluded that the Project's planned operations within ML 50232 remain exempt under Section 99 of the RPI Act, and therefore, do not require approval for a Strategic Cropping Area (**SCA**). Consequently, no assessment for a SCA was conducted for NAC's proposed minor amendment application for RIDA RPI19/009.

This legal advice is consistent with that applied to and accepted for RIDA RPI19/009's original application.

3.7. No Assessment of Subterranean Lots

The other land to which NAC's proposed minor amendment application relates are subterranean Lots which have no agricultural use and no PALU.

These subterranean Lots are not and cannot be managed as an agricultural enterprise. Under the RPI Act and RPI Regulation, these subterranean Lots are not a property and there is no applicable required outcome for the subterranean Lots. The subterranean Lots range from 12.192 to 33.045 metres depth below ground surface.

This approach is consistent with that taken and accepted for RIDA RPI19/009's original application.

3.8. No Change to the Land Ownership

NAC's proposed minor amendment application remains within the original application area of RIDA RPI19/009 as defined by the Lots provided in Attachment 1. There has been no change in the ownership of the surface Lots that are the subject of NAC's minor amendment application.

The surface Lots that are the subject of NAC's minor amendment application continue to be owned by Acland Pastoral Company Pty Ltd (**APC**), which is a wholly owned subsidiary of the New Hope Group and a sister company to NAC.

4. JUSTIFICATION

4.1. Additional RIDA Assessment

- NAC's original RIDA application for the Project was assessed during 2019 and 2020 in accordance with the requirements of the RPI Act, RPI Regulation and Regional Planning Interests Act Statutory Guideline 07/14.
- RIDA RPI19/009's PALU Assessment Report determined that there was no PALU within the application area through the provision of the required supporting evidence. It was confirmed that the non-PALU activities conducted within RIDA RPI19/009's application area were predominately cattle grazing and stands of remnant native vegetation.
- NAC demonstrated that its original RIDA application for the Project satisfied Required Outcome 1 from Schedule 2 of the RPI Regulation.
- RIDA RPI19/009's PALU Assessment Report was based on the proposed mine footprint and original development schedule and was focused on the initial stages of mining activities, indicatively five years.
- The Department of State Development, Infrastructure, Local Government and Planning and the Department of Agriculture and Fisheries completed a rigorous assessment of NAC's RIDA application for the Project, which involved public notification and additional information requests, and resulted in the eventual grant of RIDA RPI19/009.
- NAC's proposed minor amendment of RIDA RPI19/009 will provide an additional assessment under the RPI Act, RPI Regulation and Regional Planning Interests Act Statutory Guideline 07/14. This assessment will confirm that the proposed minor amendment is consistent with the original approval decision for RIDA RPI19/009, is only located on land deemed as non-PALU and possesses an overall smaller disturbance footprint than originally granted. Attachment 5 provides the assessment conducted for NAC's proposed minor amendment of RIDA RPI19/009.

4.2. Project Approval Consistency

- The Project has been subject to extensive litigation regarding objections to the grant of MLs 50232 and 700002 and amendment of EA EPML00335713. This litigation process ran from late 2015 to late 2021.
- The Second Remitted Land Court hearing was heard between October and November 2021, with the Land Court Decision recommending approval of MLs 50232 and 700002 and amendment of EA EPML00335713 (subject to conditions) in December 2021.
- The conditions of the Land Court Decision were fulfilled through approval of the CGCR on 26 May 2022, the granting of the amendment of EA EPML00335713 on 28 June 2022 and the granting of MLs 50232 and 700002 on 26 August 2022.
- An important outcome of the litigation process was the alignment of the Project's disturbance footprint defined within the Project's primary approvals granted under the SDPWO Act and the EP Act. Consequently, NAC has sought the relevant amendments or updates to other Project approvals to ensure consistency with the outcomes of the Second Remitted Land Court hearing. This minor amendment application for RIDA RPI19/009 forms part of this approach to ensure consistency for the Project.
- Consistency between the Project's primary approvals will allow NAC to streamline compliance management and help reduce its regulatory burden.

4.3. Project Footprint Alignment

- As a result of the Second Remitted Land Court hearing and subsequently issued CGCR, the approved mining footprint was amended. The Department of Environment and Science then adopted the CGCR's Figure as EA EPML00335713's approved mining footprint figure (i.e. Figure A1 - Project Overview). In addition, the final approved mining footprint also reflects the original information presented by NAC during the Environmental Impact Statement (**EIS**) process for the Project.
- Importantly, these actions have finally provided clarity around the approval of the Project's disturbance footprint, which was not fully finalised during the application process for RIDA RPI19/009. Previously, due to the extended litigation around the Project's approval, NAC was unable to obtain confirmation from the applicable State government departments on the Project's final approved disturbance footprint.
- As a result of obtaining recent certainty in relation to the Project's approved mining footprint, NAC is now seeking to amend its RIDA RPI19/009 to align with Figure A1 - Project Overview of its EA EPML00335713, as relevant to the first five years of mining.

4.4. No Change – Assessment Boundaries or Status

- NAC's proposed minor amendment remains within the original application area of RIDA RPI19/009, which was all deemed non-PALU (i.e. all the assessed Lots provided in Attachment 1). Attachments 5 and 6 confirm that NAC's proposed minor amendment remains within the original application area of RIDA RPI19/009.
- Since the grant of RIDA RPI19/009, there has been no change to the original agricultural status of the assessed Lots or the findings of RIDA RPI19/009's PALU Assessment Report. Attachment 5 provides supporting evidence, including a confirmation letter from APC's Manager, that confirms this finding.
- Therefore, the proposed changes will not negatively affect any PALU lots and will not cause a significant impact to the PAA. Attachment 5 provides supporting evidence to confirm these findings.

4.5. No Change – Prescribes Solutions for Required Outcome 1

- NAC's proposed minor amendment of RIDA RPI19/009 meets the prescribed solutions for Required Outcome 1 under Schedule 2 of the RPI Regulation (i.e. specifically Part 2, Section 3, Subsection 2), which is consistent with the original approval. Attachment 5 provides supporting evidence to confirm this finding.

4.6. Reduced Disturbance Area

- NAC's proposed minor amendment of RIDA RPI19/009 reduces the Project's current approved five-year disturbance footprint by 65.68 hectares (which is a 7.78% reduction). The 65.68 hectare reduction is solely from the Project's mining areas and comprises a 33.87 hectare reduction from the Manning Vale East Pit area, 30.36 hectare reduction from the Willeroo Pit area and 1.45 hectare reduction from the Manning Vale West Pit area.
- The reduction of the Project's current approved five-year disturbance footprint provides positive support to NAC's proposed minor amendment of RIDA RPI19/009 by reducing the Project's disturbance footprint within the PAA.

5. OTHER SUPPORTING MATTERS

5.1. NAC's Rehabilitation Performance

NAC has continued to progressively rehabilitate Stage 1 and Stage 2 areas of the Mine, with 349 hectares of rehabilitation currently certified by the Department of Environment and Science. At the time of certification, the 349 hectares of rehabilitation represented the largest single area of certified rehabilitation for an open-cut coal mine in Queensland.

Since 2019, NAC has rehabilitated a further 86 hectares of disturbance at the Mine and has identified an additional area of rehabilitation ready for certification assessment. This new rehabilitation assessment area will be the subject of a future certification application to be submitted to the Department of Environment and Science.

To date, NAC has rehabilitated 692 hectares of disturbance at the Mine. NAC's rehabilitation effort has been regularly acknowledged as achieving a high standard during past regulatory and other inspections/visits to the Mine.

As provided for RIDA RPI19/009's original assessment, NAC also possesses formal grazing trial results that demonstrate the Mine's rehabilitated land has achieved agricultural outputs as good, and in certain cases, better than comparable surrounding grazing land that has not been disturbed by mining activities.

5.2. NAC's Advanced Rehabilitation Requirements

The Coordinator-General has specially imposed conditions on the Project to ensure an even higher standard of rehabilitation is achieved by requiring at least 50 percent of the total area of disturbed land, originally meeting or exceeding the criteria for either Class 3 grazing land or Class 4 cropping land, to still meet or exceed those classifications at completion of the rehabilitation process.

As part of the Coordinator-General's imposed conditioning, NAC must also operate under a Soils Management Plan (**SMP**) that requires selective handling and placement of the identified soil types within the Project's mining areas. The SMP represents an advanced rehabilitation requirement not previously employed at New Acland Coal Mine. The SMP would be considered leading practice within Australia's mining industry and is ultimately designed to enhance the Project's rehabilitation outcomes.

NAC's SMP was developed from a detailed land resource survey conducted for the Project to identify the soil types and land units to be assigned a land suitability classification within the planned disturbance areas. In addition, NAC has also developed a set of rehabilitation success criteria for each land suitability class identified by the land resource survey and established reference sites for each land suitability class to be represented in the rehabilitated areas. These advanced rehabilitation measures were also prescribed by the Coordinator-General's imposed conditioning and will be managed through NAC's approved Final Land Use and Rehabilitation Plan.

As a result of these advanced rehabilitation requirements conditioned by the Coordinator-General, NAC will achieve an even higher standard of rehabilitation for the Project and a greater level of agricultural output from the former mined land.

5.3. New Hope Group's Rehabilitation Performance

The New Hope Group possesses a strong track record of rehabilitation, with its former Chuwar mine site near Ipswich being the first open-cut coal mine in Queensland to be fully rehabilitated and relinquished. The applicable Queensland government departments accepted the surrender

of the former Chuwar mine site's environmental authority and MLs during mid-2022, following extensive rehabilitation works conducted between 2014 and 2017.

In addition, the New Hope Group at its former New Oakleigh Mine has achieved a high standard of rehabilitation through the complete backfilling of the West Pit void to deliver superior land use and visual outcomes. This action by the New Hope Group greatly exceeded the statutory rehabilitation requirements for its former New Oakleigh Mine and was well received by the local Rosewood community.

5.4. Acland Pastoral Company

APC was established as a wholly owned subsidiary of the New Hope Group during 2006, and is a farming, grazing and land management enterprise based within the Acland district. APC manages approximately 10,000 hectares of land for mainly grazing purposes, and to a lesser extent, cropping purposes. APC farms land surrounding the Mine (buffer zones) and the Mine's rehabilitated and non-operational areas.

APC manages the Mine's land once it is freed from operational purposes and is fully rehabilitated by NAC and incorporates it into its agri-business. Therefore, a business impetus exists within the New Hope Group to ensure that NAC's rehabilitation performance is of the highest possible standard to support APC's future use of the land for agricultural production.

The New Hope Group believes that mining and agriculture can coexist together and is demonstrating this outcome at Acland where APC and other surrounding landowners conduct their agricultural activities in harmony with NAC's mining operations.

5.5. NAC's Future Progressive Rehabilitation and Closure Plan

NAC is currently developing its Progressive Rehabilitation and Closure Plan (**PRCP**) for the Mine as a statutory requirement under the EP Act and a critical element of the Queensland Government's Mined Land Rehabilitation Policy. The Department of Environment and Science is responsible for management of the PRCP framework and ensuring NAC's PRCP is compliant with the requirements of the EP Act and any associated environmental guidelines.

The PRCP framework will guarantee all general and special rehabilitation obligations for the Project/Mine are captured into a schedule of progressive rehabilitation over the Mine's life and are successfully completed for future closure of the Mine and relinquishment of the MLs and EA EPML00335713.

The PRCP and ERC together will ensure through statutory compliance that NAC delivers the highest possible standard of rehabilitation for the Project/Mine to allow the best possible agricultural production to be achieved from the former mined land.

6. AMENDMENT STATUS

NAC is requesting an amendment of RIDA RPI19/009 under Section 55(1) of the RPI Act. NAC considers that the requested amendment is minor and through the information provided will not adversely change the impact of the resource activity or regulated activity on the area of regional interest (PAA).

NAC's proposed minor amendment of RIDA RPI19/009:

- remains within the original application's assessment area;
- will not change the extent of the expected impact of the Project on PAA;
- will not result in a material impact on the use of the property for PALU as all the assessed property Lots remain non-PALU; and
- does not change the original approval decision for RIDA RPI19/009.

Attachment 5 and the information provided within this document confirm these findings.

7. PUBLIC NOTIFICATION REQUIREMENTS

7.1. Regional Planning Interests Act Statutory Guideline 06/14

NAC has assessed the proposed minor amendment of RIDA RPI19/009 against Regional Planning Interests Act Statutory Guideline 06/14 and evaluated its previous public notification of the Project in relation to the criteria stated in the guideline, to determine if sufficient public notification has been conducted for the purposes of Section 34(3) of the RPI Act. NAC's evaluation of the Regional Planning Interests Act Statutory Guideline 06/14's criteria for sufficient public notification is provided in Table A.

Table A: Regional Planning Interests Act Statutory Guideline 06/14 – Criteria Evaluation

Criteria 1: The period between the previous public notification and the receipt of the application under the RPI Act does not exceed 12 months.

Response:

- NAC considers Criteria 1 not relevant because its application seeks to amend an existing approval, RIDA RPI19/009, that was the subject of a previous application, public notification, and approval under the RPI Act.

Criteria 2: The publicly notified activity or project included the land the subject of the application made under the RPI Act.

Response:

- NAC considers it is compliant with Criteria 2 because its proposed minor amendment applies to land that was the subject of a previous application, public notification, and approval under the RPI Act.

Criteria 3: The publicly notified activity or project detailed the surface area impacts of the activity the subject of the application made under the RPI Act.

Response:

- NAC considers it is compliant with Criteria 3 because its proposed minor amendment is consistent with the overall surface area impacts previously notified and approved under the RPI Act.

Criteria 4: The publicly notified activity or project provided sufficient information about matters relating to an area of regional interest. For example, existing land uses on the site and the impact of the proposed resource activity on the town.

Response:

- NAC considers it is compliant with Criteria 4 because its proposed minor amendment does not change the previously provided assessment of the matters relating to an area of regional interest or the original approval decision.

In addition, RIDA RPI19/009's approved disturbance area of 844.28 hectares will be reduced by NAC's proposed minor amendment and remains within the application's original area of assessment. This disturbance area and the original assessment area were part of the public notification process undertaken between late 2019 to early 2020 for RIDA RPI19/009.

NAC's proposed minor amendment of RIDA RPI19/009 does not change the land use outcomes for the area. It meets the prescribed solutions for Required Outcome 1 under Schedule 2 of the RPI Regulation and will not cause a significant impact to the PAA. Consequently, NAC's proposed minor amendment of RIDA RPI19/009 is consistent with the original approval decision, and therefore, does not require further public notification.

Therefore, NAC considers that the Chief Executive should exercise discretion to exempt the proposed minor amendment of RIDA RPI19/009 from public notification pursuant to section 34(3) of the RPI Act, on the basis that sufficient public notification has already occurred under the RPI Act and other state legislation (Sections 7.2 and 7.3).

7.2. Additional Project Public Notification/Consultation

NAC has conducted extensive public consultation and notification of the Project for a period of over 15 years. NAC has consulted with a wide range of stakeholders and maintains a summary of its consultation. NAC continues to remain proactive in relation to consultation for the Project and reports its consultation effort to the Coordinator-General on a six monthly basis as a component of a Social Impact Management Report (**SIMR**). Attachment 7 provides a copy of NAC's most recent SIMR submitted to the Coordinator-General during June 2023. This SIMR and past reports are publicly available on the New Hope Group's website.

Project notification/consultation conducted under other state legislation has included:

- formal public information sessions held in Goombungee, Acland, Oakey and Jondaryan, various advisory body meetings, informal information session held at NAC's Oakey Shopfront, website information access and feedback provisions, media releases and interviews, information and presentations provided at key local and regional events, regular community newsletters, and an array of information letter distributions to the community on a local and regional scale;
- the continued use of a Community Reference Group established for the Project during 2012 to provide local insight on key topics (information sharing), particularly in relation to potential opportunities and impacts presented by the Project (and existing Mine);
- public notification for the EIS and Additional Information to the EIS (i.e. as a declared 'Coordinated Project' under the SDPWO Act); and
- the long running public scrutiny of the Project during the numerous Court hearings between 2015 and 2021, which has included information around its original disturbance footprint.

NAC through its Community Reference Group, quarterly community update forums and community newsletters continues to provide advice to the local community on Project/Mine matters, including the status of primary approvals. More specifically, NAC has recently advised its Community Reference Group about the proposed amendment of RIDA RPI19/009 with context to the Project's operation for dissemination to the broader community. The outcomes of this consultation effort will be reported in the Project's next SIMR. Attachment 8 provides a copy of NAC's most recent community newsletter (March 2023).

7.3. Recent Major Project Approvals – Public Notification Status

The Project's disturbance footprint was finally accurately delineated during mid-2022 through the release of the CGCR and the grant of the Project's amendment application for EA EPML00335713. For both primary approvals, the Coordinator-General and the Department of Environment and Science, respectively, did not require public notification as part of their assessment and amendment processes.

NAC believes that the non-requirement for public notification during these recent primary approval processes indicates that the Coordinator-General and the Department of Environment and Science have accepted that significant notification and consultation activities have been conducted during the Project's extended period of approvals and litigation.

In line with this reasoning, NAC believes the Chief Executive should exercise the same discretion and exempt NAC's proposed minor amendment of RIDA RPI19/009 from public notification.

8. CONCLUSION

NAC requests that the Chief Executive grant the proposed minor amendment of RIDA RPI19/009. Based on the information provided in support of this minor amendment application, it has been demonstrated that the proposed amendment is minor, is consistent with the original approval decision for RIDA RPI19/009 and will not adversely change the impact of the Project on the PAA.

NAC also requests that the Chief Executive grant an exemption from public notification under the RPI Act for the proposed minor amendment of RIDA RPI19/009. Based on the information provided in support of this minor amendment application, it has been demonstrated that:

- sufficient public notification has been conducted in relation to the Project under the RPI Act and other state legislation;
- Regional Planning Interests Act Statutory Guideline 06/14's criteria for sufficient public notification have been satisfied; and
- the proposed minor amendment of RIDA RPI19/009 does not change and is consistent the original approval decision that was publicly notified.