



Queensland Treasury

Our ref: F19/9502; RPI19/009 New Acland - New Acland Stage 3
Your ref: RIDA for MLA50232

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

DECISION NOTICE

RPI19/009 – New Acland Stage 3

(given under section 51 of the *Regional Planning Interests Act 2014 (RPI Act)*)

The regional interest development approval (RIDA) application described below was made on 19 November 2019.

Application details

Applicant	New Acland Coal Pty Ltd ABN 90 081 022 380
Subject lots	The subject lots are listed in Attachment 1
Description	Mining and other resource activities
Area of regional interest	Priority agricultural area
Assessing agency	Department of Agriculture and Fisheries
Advice agency	Gasfields Commission

Decision

Outcome	Approved, subject to conditions
Date of decision	25 August 2020

Reasons for the decision

The resource activities meet the relevant criteria for approval as contained in section 49 of the *Regional Planning Interests Act 2014*, including the relevant required outcome for the PAA as contained in the Regional Planning Interests Regulation 2014.

The resource activities will not result in a material impact on the use of the property for a priority agricultural land use (PALU), as it has been determined that they will not be located on land used for a PALU.

Conditions of approval

The attached Regional Interests Development Approval (RIDA) confirms the nature and extent of the resource activities the subject of this approval. Conditions include matters relating to the location of the resource activities, the rehabilitation of disturbance areas, the retaining of records, the recording of complaints received and keeping a copy of the RIDA on site at all times.

It is considered that by imposing conditions, impacts of the approved resource activities on the PAA will be appropriately managed.

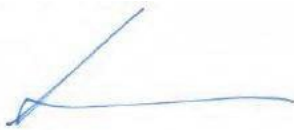
Appeals

Details of the appeal process, under Part 5 of the RPI Act, are set out in Attachment 2.

This decision takes effect when the 'appeal period' for the decision ends. The 'appeal period' means the period ending on the last day on which an appeal against the decision may be started.

If you require any further information, please contact Phil Joyce, Director, Development Assessment Division, on 3452 7449 or RPIAct@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Steve Conner
Executive Director

25 August 2020

enc. Attachment 1 – Subject lots
 Attachment 2 – Extract from the *Regional Planning Interests Act 2014*
 Regional Interests Development Approval

Attachment 1 – Subject Lots

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 2 - Extract from the *Regional Planning Interests Act 2014*

Part 5 Appeals and declarations

71 Definitions for pt 5

In this part—

affected land owner, for a regional interests decision, means an owner of land (**affected land**) that may be adversely affected by the resource activity or regulated activity because of—

- (a) the proximity of the affected land to the land the subject of the decision; and
- (b) the impact the activity may have on an area of regional interest.

court means the Planning and Environment Court.

regional interests decision means each of the following decisions—

- (a) a decision to grant a regional interests development approval;
- (b) a decision to impose a condition on a regional interests development approval;
- (c) a decision to refuse all or part of an assessment application;
- (d) a decision to make, or refuse to make, a requested amendment to a regional interests development approval.

72 Appeal to Planning and Environment Court

*The following may appeal (an **appeal**) against a regional interests decision to the court—*

- (a) the applicant;
- (b) if the applicant is not the owner of the land—the owner of the land;
- (c) an affected land owner.

Note—

See the Planning and Environment Court Act 2016 for provisions about the powers, processes and procedures of the court.

73 Appeal period

- (1) An appeal may be started only within 20 business days after—
 - (a) for a person who received a decision notice, or a copy of a decision notice, for the decision—the notice was received; or
 - (b) for an affected land owner for a regional interests decision—notice of the decision was published under section 52.
- (2) However, the court may at any time extend the time for starting the appeal.

73A How appeals are started

- (1) An appeal is started by lodging a written notice of appeal with the registrar of the court.
- (2) The notice of appeal must be in the approved form and succinctly state the grounds of the appeal.

74 Respondent for appeal

- (1) *The chief executive is the respondent for the appeal.*
- (2) *If the appellant is not the applicant for the decision, the applicant is a co-respondent for the appeal.*
- (3) *If the appellant is not the owner of the land for the decision, the owner of the land may apply to the court to be a co-respondent for the appeal.*
- (4) *If the appeal is about an assessing agency's response, the assessing agency is a co-respondent for the appeal.*
- (5) *If the appeal is only about an assessing agency's response, the chief executive may apply to the court to withdraw from the appeal.*

75 Notice of appeal to other parties

- (1) *An appellant must, within 10 business days after starting an appeal, give notice of the appeal to each of the following—*
 - (a) *a respondent or co-respondent for the appeal;*
 - (b) *if the appellant is not the owner of land for the regional interests decision—the owner of the land.*
- (2) *The notice must state—*
 - (a) *the grounds of the appeal; and*
 - (b) *if the person given the notice is the owner of the land—that the person may apply to the court to be a co-respondent for the appeal.*

76 Stay of operation of decision

- (1) *The starting of an appeal does not stay the operation of the decision appealed against.*
- (2) *However, the court may stay the operation of the decision to secure the effectiveness of the appeal.*
- (3) *A stay—*
 - (a) *may be given on reasonable conditions as the court considers appropriate; and*
 - (b) *operates until the first of the following happens—*
 - (i) *the period fixed by the court ends;*
 - (ii) *the appeal is decided, withdrawn or dismissed; and*
 - (c) *may be revoked or amended by the court.*

77 Who must prove case for appeal

- (1) *In an appeal by the applicant for a regional interests decision, it is for the appellant to establish the appeal should be upheld.*
- (2) *In an appeal by either of the following, it is for the applicant for a regional interests decision to establish the appeal should be dismissed—*
 - (a) *if the applicant is not the owner of the land—the owner of the land;*
 - (b) *an affected land owner.*

REGIONAL INTERESTS DEVELOPMENT APPROVAL (RIDA)

RPI19/009 – New Acland Stage 3

(Given under section 53 of the *Regional Planning Interests Act 2014*)

Date: 25 August 2020

Description of the land

Real property description: Refer to **Attachment 1**
 Mining lease application (MLA) MLA 50232
 Local Government Area: Toowoomba Regional Council

Approved resource activities

The approved resource activities (mining and other resource activities) and areas of surface disturbance are set out in Table 1 below.

Definitions of the approved resource activities are included in Table 2 below.

This development approval authorises impacts on the priority agricultural area by the approved resource activities.

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)
Priority agricultural area	Refer to Attachment 1	Manning Vale East open cut mining pit area	121.97 88.1
		Manning Vale West open cut mining pit area	281.45 280.0
		Willeroo open cut mining pit area	342.36 312.0
		Train load out facility	1.1
		Material handling facility	15
		Levee	10.8
		Surface water management	18.4
		Internal haul roads	44
		Jondaryan - Muldu Road diversion	0.8
		Rail spur line and loop	8.4
Total surface disturbance area			844.28 778.6

Table 2: Definition of approved resource activities

Resource activity	Definition
Open cut mining pit area	An open pit, trench, excavated overburden or rehabilitated areas at the surface from which coal is extracted, involving vegetation clearing and topsoil removal. This also includes ancillary activities and supporting infrastructure such as noise bunds, overburden and out-of-pit dump, active spoil, active pit, hardstands, offices, ablution facilities.
Materials handling facility	Infrastructure necessary to support the coal handing processing plant e.g. wash plant, water dam, crushers, conveyor belts, stackers and reclaimers.
Levee	An embankment that only provides for the containment and diversion of stormwater or flood flows from a contributing catchment, or containment and diversion of flowable materials resulting from releases from other works, during the progress of those stormwater or flood flows or those releases; and does not store any significant volume of water or flowable substances at any other times.
Surface water management	Includes dams, drains, bunds and sediment containment structures to divert runoff, protect mining operations from flood events, capture mine affected water, manage water capture in-pit and to transfer captured water onsite.
Internal haul roads	Internal access roads to allow the transport of, for example, run of mine coal, overburden/interburden, mining equipment and personnel, product coal to the train load out and includes an at-grade creek crossing of Lagoon Creek.
Road diversion	The construction of a road along a defined alignment and in accordance with approved environmental and technical specifications.
Rail spur and loop	Construction of a rail spur and loop, access and lay down areas and associated facilities along a defined alignment in accordance with approved environmental and technical specifications and train load-out facility, including access and laydown areas and administration and ablution facilities.

Regional interests conditions

A person who is the holder of, or is acting under, this RIDA must not contravene a condition of this approval.

Condition number	Condition	Timing for condition
1.	Carry out the approved resource activities and disturbance of land in the priority agricultural area generally in accordance with: <ul style="list-style-type: none"> (a) the resource activities and areas of disturbance identified in Table 1: Approved resource activities and areas of disturbance: New Acland Stage 3_ <u>as amended on (date to be inserted).</u> (b) the resource activities defined in Table 2: Definition of approved resource activities (c) the stamped approved plan - <i>Application Area & Indicative Disturbance</i>, prepared by SLR (Attachment 2) <u>as amended on (date to be inserted).</u> 	At all times.
2.	Maintain the approved resource activities generally in accordance with: <ul style="list-style-type: none"> (a) Table 1: Approved resource activities and areas of disturbance (b) Table 2: Definitions of resource activities (c) Approved Plan: Application Area & Indicative Disturbance, prepared by SLR. 	During construction and operation of the approved resource activities.
4.	The maximum area of disturbance of priority agricultural area that may occur as a result of this development approval is not to exceed <u>844.28778.6</u> hectares <u>as amended on (date to be inserted).</u>	At all times.
5.	Restore disturbance areas in the priority agricultural area as soon as practical after the decommissioning of the resource activities.	As indicated.

7.	<p>Provide records to the chief executive (RPIAct@dmdmip.qld.gov.au application reference number RPI19/009), demonstrating that the impacted land within the priority agricultural area has been returned to its pre-disturbance condition. Such records must include:</p> <ul style="list-style-type: none"> (a) photographs of the pre-disturbance site conditions (b) photographs of the post-reinstatement site conditions (c) photographs of the post-restoration site conditions (d) date and GPS stamped evidence, supporting parts (a) to (c) of this condition. <p><i>Note:</i> <i>'disturbance'</i> - means any impact to the landscape, vegetation, air quality, hydrology, habitat, or water quality that has been directly or indirectly caused by human activity associated with the resource activity.</p>	Within three months of completing all post-restoration works.
Condition number	Condition	Timing for condition
	<p><i>'pre-disturbance'</i> - the condition of the land before any resource activities occurred.</p> <p><i>'post-reinstatement'</i> - following the completion of the resource activity, being the return of the soil to its previous profile, topography and drainage.</p> <p><i>'post-restoration'</i> - this is the point at which the ground cover has been established and ponding, erosion, subsidence, etc has been dealt with (being a longer process than the reinstatement phase).</p>	

5.	<p>(a) All complaints received, and resulting actions taken, about the impact of the approved resource activities on priority agricultural land uses in the priority agricultural area must be recorded. The record must include:</p> <ul style="list-style-type: none"> (i) name, address and contact number of the complainant (ii) time and date of complaint (iii) reasons for the complaint (iv) investigations undertaken (v) conclusions formed (vi) actions taken to resolve the complaint (vii) any abatement measures implemented (viii) person responsible for resolving the complaint. <p>(b) The records of any complaints received and recorded in accordance with this condition must be provided to the chief executive at RPIAct@dsmip.qld.gov.au.</p> <p><i>Note: The record of complaint provided to the chief executive must state the application reference number, being RPI19/009.</i></p>	<p>(a) At all times. (b) Within 60 business days of receipt of a complaint.</p>
6.	<p>A full copy of the regional interests development approval must be held on-site and available to any person(s) contracted to undertake the approved resource activities throughout the construction, operation and restoration stages.</p>	<p>At all times</p>

General Advice

It is the applicant's responsibility to ensure all relevant approvals and licenses are obtained from the applicable Local, State, and/or Federal Authorities prior to works commencing on site.

RPI19/009 – New Acland Stage 3 was amended on (date to be inserted) following submission of a minor amendment application by New Acland Coal Pty Ltd on (date to be inserted).

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Attachment 2 - Approved plan

To be replaced by a new amended Approved plan

