

Our reference: D24/167976



Department of
**Housing, Local Government,
Planning and Public Works**

29 October 2024

Ms Melanie Ballantine
Senior Environmental Advisor
New Acland Coal Pty Ltd ABN 90081022380
email: mballantine@newhopegroup.com.au

Dear Ms Ballantine

REQUIREMENT NOTICE

RPI24/034: New Acland Coal – Life of Mine (Year 6 until Mine Closure)

(given under section 44 of the *Regional Planning Interests Act 2014*)

I refer to the application submitted on 15 October 2024 under section 29 of the Regional Planning Interests Act 2014 (RPI Act). The application seeks a regional interests development approval (RIDA) for mining and other resource activities (excluding petroleum and gas) for the Life of Mine (Year 6 until Mine Closure) project in the priority agricultural area (PAA).

Application details

Applicant	New Acland Coal Pty Ltd ABN 90081022380 ABN 90081022380
Project Description	Life of Mine (Year 6 until Mine Closure) project Mining operations from Year 6 until the mine closure
Area of regional interest	PAA
Proposed PAA disturbance area	1309.41 ha

Site details

Real property description	Refer to Attachment A
Local government area	Toowoomba Regional Council

Information Requirement

Pursuant to section 44 of the RPI Act, you are advised that further information is required to assist in the assessment of the application against the relevant assessment criteria contained in

the RPI Act and the Regional Planning Interests Regulation 2014 (RPI Regulation). The further information required is detailed in **Attachment B**.

The period in which the information must be provided is a maximum of three months from the date of this notice. An extension to this period may be requested if necessary.

Another requirement notice may be given if, for example, the response to this requirement notice does not provide sufficient information to assess and decide the application or in response to matters raised in a submission.

Public notification requirement

In accordance with section 34(4) of the RPI Act, it is determined that it is in the public interest for the application to be publicly notified. Public notification must be undertaken within 10 business days of providing the response to the requirement notice to the Department of Housing, Local Government, Planning and Public Works (DHLGPPW).

In accordance with section 35 of the RPI Act, you must:

- publish a notice about the application '*at least once in a newspaper circulating generally in the area of the land*' as prescribed in section 13 of the RPI Regulation
- where not the owner of the land, give the owners of the land notice about the application. If applicable, please provide proof of delivery of notice about the application to landowners to RPIAct@dasilgp.qld.gov.au

The notification period is 15 business days after the notice about the application is first published, with the closing date being a day that is after the end of the notification period. The approved form for public notification is available on DHLGPPW's website at [rpi-regional-interests-dev-approval-template.doc \(live.com\)](#)

Please provide a copy of the notice as it appears in the newspaper circulating generally in the area to RPIAct@dasilgp.qld.gov.au

You are also referred to the RPI Act Statutory Guideline 06/14 Public notification of assessment applications at [RPI Act - Statutory Guideline 06/14 \(windows.net\)](#) for further information. If you require any further information, or have any queries, please contact Morag Elliott, Manager, Planning Group, DHLGPPW on 3452 7653 or by email at RPIAct@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Phil Joyce
Director
Development Assessment Division
Planning Group

Encl. Attachment A
Attachment B

Attachment A – Real property description

Lots

Manning East	Vale West	Supporting Infrastructure		
1AP2207	100AG2498	100AG2498	1RP36463	3461RP902113
2AG262	101A342317	1RL3581	RP36463	3462A341746
2RP200083	1RL206762	1RL5439	60SP177899	3463A341746
36RP25514	1RL206785	1SP188363	64AG3113	3469A341746
38AG2512	1RL5273	3435AG2605	AAP17271	3519A341792
67RP25514	1RL6875	3679A341857	1AG2605	49AG391
Willeroo	3171RP902113	3875SP150555	1RP36462	7SP188366
1RL8213	3435AG2605	3SP188364	1RP36463	98A342317
1RL8475	3445A341747	49AG391	2AG2605	97A342317
2RP25524	3448A341747	50AG391	3069A341593	9SP188367
2RP93626	3461RP902113	54A342317	3875P150555	1RP36462
33AG1311	3472A341748	5SP188365	3RP36462	1RP36502
34RP25514	3473AG2388	7SP188366	3RP36463	1SP188363
35RP25514	3684A341858	99A342317	3RP36464	3679A341857
36RP25514	3873AG2388	100AG2498	3RP36466	3RP36464
37RP25514	4086A342138	1RP36502	63AG3098	3RP36466
66AG3194	4089A342138	1SP188363	64AG3113	3RP36503
69RP25514	49AG391	3435AG2605	92A341981	3SP188364
6AG1127	50AG391	3679A341857	AAP17271	5SP188365
8RP25520	54A342317	3875SP150555	1RP36463	7SP188366
	90A342317	3RP36464	251SP177899	9SP188367
	91A342317	3RP36466	3069A341593	1RP36462
	94A342317	3SP188364	60SP177899	1RP36502
	95A342317	49AG391	64AG3113	1SP188363
	96A342317	50AG391	1RL206762	3679A341857
	97A342317	54A342317	1RL206785	3RP36464
	98A342317	5SP188365	1RL206785	3RP36466
	99A342317	7SP188366	1RL5439	3RP36503
		99A342317	1RL6874	3SP188364
		1AG2605	1RL6875	5SP188365
		251SP177899	3171RP902113	7SP188366
		2AG2605	3421A341699	9SP188367

Manning Vale East	Manning Vale West	Supporting Infrastructure		
		3069A341593	3445A341747	
		3473AG2388	3448A341747	

Below the Depth lots

11RP36463	13RP36463
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Volumetric lots

10SP188367	6SP188365
2SP188363	8SP188366
4SP188364	

Part or all of the following roads

Acland Road	Campbells Road
Jondaryan Muldu Road	Woods Road
O'sheas Road	Conroy's Road

ATTACHMENT B

Information required for assessment against PAA and SCA criteria – Schedule 2, Parts 1 and 4 of the Regional Planning Interests Regulation 2014 (RPI Regulation)

1.	<p><u>Issue:</u></p> <p>No spatial data is provided in support of the application, for example, spatial data to support Figures 3-6 in the Priority Agricultural Land Use Assessment report Revision 01, prepared by SLR Consulting Australia, dated 10 October 2024 (PALU report) or the Application Lot Type Parcels detailed in Appendix B.</p> <p>The application lacks spatial data, such as the data supporting Figures 3-6 in the Priority Agricultural Land Use Assessment report Revision 01, prepared by SLR Consulting Australia on 10 October 2024 (PALU report), or the Application Lot Type Parcels listed in Appendix B.</p> <p><u>Actions:</u></p> <p>Provide spatial data to support the application.</p>
2.	<p><u>Issue:</u></p> <p>The Application Form refers to:</p> <ul style="list-style-type: none">• a 'LoM RIDA Application Report – New Acland Coal Pty Ltd'. It is assumed that this refers to the PALU report provided with the application• refers to a PAA disturbance area of 1309.41 ha, whereas Tables 1 and 2 of the PALU report record a disturbance area of 1337.02 ha• Figure 5 and section 1.13 detail the area of overlap to be in the Manning Vale West mining area, however Table 5 details that this is in the Manning Vale East mining area. <p><u>Actions:</u></p> <p>Confirm:</p> <p>(a) whether 'LoM RIDA Application Report – New Acland Coal Pty Ltd' refers to the PALU report and if not, provide this report</p> <p>(b) the proposed PAA disturbance area</p> <p>(c) the location of the area of overlap and amend the application material as required.</p>
3.	<p><u>Issue:</u></p> <p>The lots included in the application is not clear, with the application material including:</p> <ul style="list-style-type: none">• Table 1 of the PALU report, which identifies lots within the proposed mining areas• Table 3 of the PALU report, which identifies lots associated with the supporting infrastructure in the proposed Indicative Disturbance Corridor• Appendix B, which identifies lot types associated with each of the proposed activities• Figure 6 includes Paddock 39 on a lot not included in ML 50232 subject of the application• title deeds for the following 14 lots that are not referenced in the PALU report:<ul style="list-style-type: none">○ Lot 6 RP218459○ Lot 7 RP218459

	<ul style="list-style-type: none"> ○ Lot 2 AG1806 ○ Lot 1 RP25521 ○ Lot 2 RP197103 ○ Lot 3 RP220755 ○ Lot 1 RP122138 ○ Lot 1 RP197103 ○ Lot 39 AG718 ○ Lot 1 RP36493 ○ Lot 62 AG2962 ○ Lot 1 RL5240 ○ Lot 68 AG3581 ○ Lot 3239 A341624. <p>It is also noted that LoM RIDA Application – Title Searches – 10 October 2024 (Title Searches) includes duplicates of 14 lots.</p> <p><u>Actions:</u></p> <p>(a) Confirm:</p> <ul style="list-style-type: none"> (i) whether the 14 lots for which title deeds are provided but which are not referenced in the PALU report are included in the application (ii) why duplicate title deeds have been provided (iii) that Attachment A correctly reflects the lots subject of the application and if not, amend Attachment A as required <p>(b) Amend Figure 6 to remove reference to Paddock 39.</p>
4.	<p><u>Issue:</u></p> <p>Spreadsheet 620.11226-R01_NAC LoM PALU_Area Calculations details the PALU area cultivation but the PALU report, and in particular section 3.2, does not refer to this spreadsheet or provide information on the relevance of the information provided in the spreadsheet.</p> <p><u>Actions:</u></p> <p>Provide information relating to the relevance of the information provided in the spreadsheet 620.11226-R01_NAC LoM PALU_Area Calculations.</p>
5.	<p><u>Issue:</u></p> <p>Appendix I in the data files includes:</p> <ul style="list-style-type: none"> • four Word files • a sub-folder containing five PDF files and four Word files. <p>The relevance of these files is not clear.</p> <p><u>Actions:</u></p> <p>Confirm the purpose of these files provided in Appendix I in the data files.</p>
6.	<p><u>Issue:</u></p> <p>The PALU report refers to Appendix J Common and Botanical Plant Names but this is not included in the application material provided.</p> <p><u>Actions:</u></p> <p>Provide Appendix J Common and Botanical Plant Names.</p>

7.	<p><u>Issue:</u></p> <p>Tables 1 and 3 in the PALU report detail lots included in the mining disturbance areas and in the indicative disturbance corridor respectively.</p> <p>However, disturbance areas in Tables 9 and 11 are provided on a paddock basis.</p> <p>Although some figures in the PALU report indicate lot boundaries as well as paddock boundaries, information detailing which lots intersect with which paddocks is not provided.</p> <p>Section 1.7 and Table 3 refer to the indicative disturbance corridors, however, Figure 5 refers to indicative disturbance zones. This appears to be an inconsistent use of terminology.</p> <p><u>Actions:</u></p> <p>(a) Provide a table that identifies the lots included in each paddock.</p> <p>(b) Confirm whether the terms 'indicative disturbance corridor' and 'indicative disturbance zone' refer to the same area.</p>
8.	<p><u>Issue:</u></p> <p>Figure 5 'Mining and Supporting Infrastructure planned on ML 50232 for Year 6 until Mine closure' includes the indicative disturbance zone of the Manning Vale West ROM Haul Road, but this disturbance area is not included in Table 3 NAC's Second RIDA Application: Supporting Infrastructure – Indicative Disturbance Corridor's Land Parcels.</p> <p><u>Actions:</u></p> <p>Amend:</p> <p>(a) Table 3 to include details of the Manning Vale West ROM Haul Road disturbance area, including the lots on which this is to be located</p> <p>(b) Figure 5 to include lot boundaries.</p>
9.	<p><u>Issue:</u></p> <p>The PALU assessment period for this application is for the period 2014 to 2023 inclusive. However, the application material includes references to historical cropping activities from 2013.</p> <p>References to 2013 cropping activities should be removed from the application material as it is not in the assessment period and hence not relevant to the assessment.</p> <p><u>Actions:</u></p> <p>Amend the application material to only address the PALU assessment period of 2014 to 2023.</p>
10.	<p><u>Issue:</u></p> <p>Figure 8 of the PALU report includes:</p> <ul style="list-style-type: none"> • Field Inspection Locations 2, 4b, 6 and 6a, which appear to be located outside of the application area • includes Field Inspection Location 5 but it is not clear if this is within Paddock 5

	<ul style="list-style-type: none"> • duplicate locations for Field Inspection Locations 12, 32 and 35. It is not clear whether these are erroneous references to Field Inspection sites 12a, 12b, 32a, 32b, and 35a and 35b referenced in Appendix H but not reflected in Figure 8 • several Field Inspection Locations in the wrong paddocks. For example, Field Inspection Location 9 appears to be in Paddock 10, Field Inspection Location 22a is in Paddock 20, and Field Inspection Location 23 is in Paddock 21 <p>It does not include:</p> <ul style="list-style-type: none"> • Field Inspection sites that are detailed in Appendix H, for example, sites 1, 3 and 8 (2023 photographs) • numerous Field Inspection sites referenced in Appendices I and L. <p>There is an inconsistent use of terms in the PALU report and Appendices, for example Field Inspections sites are also referred to as points, locations or paddocks.</p> <p>Actions:</p> <ol style="list-style-type: none"> Confirm whether Field Inspection Locations 2,4b, 6 and 6a are in the application area and amend the application material accordingly. Confirm the paddock which intersects with Field Inspection Location 5 <ol style="list-style-type: none"> confirm the locations of Field Inspection Locations 9, 22a and 23 include all sites referenced in Appendices H, I and L. Confirm whether the terms 'sites', 'points' 'locations' and 'paddocks' have same meaning.
11.	<p>Issue:</p> <p>Appendix L does not include timestamp details for Field Inspection sites 28, 29, 32b, 33, 34, and 37 (2024 photographs).</p> <p>Actions:</p> <p>Amend Appendix L to include timestamp details for Field Inspection sites 28, 29, 32b, 33, 34, and 37 (2024 photographs).</p>
12.	<p>Issue:</p> <p>Figure 5 Mining and Supporting Infrastructure planned on ML 50232 for Year 6 until Mine closure in the PALU report:</p> <ul style="list-style-type: none"> • includes the indicative mining disturbance area as approved by the Amended RIDA (Ref. RPI19/009) which is not subject of this application • does not include lot boundaries or the location of the PAA. <p>Actions:</p> <p>Provide a figure which:</p> <ol style="list-style-type: none"> includes the information provided in Figure 5, excluding 'Amended RIDA RPI19-009 – Indicative Mining Disturbance' includes lot boundaries and the location of the PAA.

Attachment A – Real property description

Lots

Manning Vale East	Manning Vale West	Supporting Infrastructure		
1AP2207	100AG2498	100AG2498	1RP36463	3461RP902113
2AG262	101A342317	1RL3581	RP36463	3462A341746
2RP200083	1RL206762	1RL5439	60SP177899	3463A341746
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	90A342317	3RP36464	251SP177899	9SP188367
	91A342317	3RP36466	3069A341593	1RP36462
	94A342317	3SP188364	60SP177899	1RP36502
	95A342317	49AG391	64AG3113	1SP188363
	96A342317	50AG391	1RL206762	3679A341857
	97A342317	54A342317	1RL206785	3RP36464
	98A342317	5SP188365	1RL206785	3RP36466
	99A342317	7SP188366	1RL5439	3RP36503
		99A342317	1RL6874	3SP188364
		1AG2605	1RL6875	5SP188365
		251SP177899	3171RP902113	7SP188366
		2AG2605	3421A341699	9SP188367
		3069A341593	3445A341747	
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O'sheas Road	Conroy's Road

