



Department of  
**State Development, Infrastructure,  
Local Government and Planning**

Our ref: D23/125669

30 August 2023

Mr Shane Flint  
General Manager Land and Environment  
New Acland Pty Ltd  
email: [sflint@newhopegroup.com.au](mailto:sflint@newhopegroup.com.au)

Dear Mr Flint

## REQUIREMENT NOTICE

### **RPI19/009 New Acland – New Acland Stage 3: Requested amendment to approval under the *Regional Planning Interests Act 2014* (RPI Act)**

I refer to your request dated 25 July 2023 for an amendment (requested amendment) to the regional interests development approval (RIDA) decided on 25 August 2020 for resource activities: mining and other activities associated with the New Acland Stage 3 mine.

#### **Application details**

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**

Area of regional interest Priority agricultural area (PAA)

PAA disturbance area 844.28 hectares

Local government area Toowoomba Regional Council

1 William Street  
Brisbane QLD 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
**Telephone** 13 QGOV (13 74 68)  
**Website** [www.dsdlgp.qld.gov.au](http://www.dsdlgp.qld.gov.au)  
**ABN** 25 166 523 889

## Public notification requirement

Pursuant to section 55(2) of the RPI Act, it has been determined that the requested amendment requires notification. The reason for the decision is that the delegate for the chief executive has determined that it is in the public interest for the requested amendment to be publicly notified.

In accordance with section 35 of the RPI Act, you are required to publish a notice about the requested amendment in the way prescribed in section 13 of the Regional Planning Interests Regulation 2014 (RPI Regulation) and, if not the owner of the land, give the owners of the land notice about the requested amendment.

Public notification must commence within 10 business days of providing the information required to assist in the assessment of the requested amendment, as set out below.

The notification period is 15 business days, with the closing date being the day that is after the end of the notification period. The approved form for public notification is available on the Department of State Development, Infrastructure, Local Government and Planning's website at [Areas of regional interest | Planning \(statedevelopment.qld.gov.au\)](http://Areas%20of%20regional%20interest%20|%20Planning%20(statedevelopment.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 \(windows.net\)](http://RPI%20Act%20-%20Statutory%20Guideline%2006/14%20(windows.net)) for further information.

## Information requirement

You are advised that further information and clarification is required to assist in the assessment of the requested amendment against the assessment criteria contained in the RPI Act and RPI Regulation. The further information required is detailed in **Attachment B**.

The period in which you must provide the 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 this requirement notice does not provide sufficient information to assess and make the requested amendment. If you have any queries, please contact Morag Elliott, Manager, Planning Group, on (07) 3452 7653 or [morag.elliott@dasilgp.qld.gov.au](mailto:morag.elliott@dasilgp.qld.gov.au) or [RPIAct@dasilgp.qld.gov.au](mailto:RPIAct@dasilgp.qld.gov.au)

Yours sincerely



Phil Joyce  
**Director**  
**Development Assessment Division**  
**Planning Group**

Enc Attachment A  
Attachment B

## 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 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 B**

**Information required for assessment against PAA criteria –Schedule 2, Part 2 of the Regional Planning Interests Regulation 2014**

|    |   |
|----|---|
| 1. | <p><b><u>Issue:</u></b></p> <p>The Shapefiles provided in support of the requested amendment detail incorrect locations for the Lagoon Creek crossing.</p> <p>The ‘<i>disturbance areas previous</i>’ Shapefile shows the crossing at the proposed amended location, whereas the ‘<i>disturbance areas</i>’ Shapefile details the crossing at the approved location. The ‘<i>disturbance areas</i>’ Shapefile also does not align with Figure 1 at Attachment 1c.</p> <p>Further, the Shapefiles detail that the Lagoon Creek Crossing disturbance area also intersects with Mining Lease (ML) 50216. However, that area is outside the scope of this requested amendment, which relates to ML 50232.</p> <p>It is noted that Figure 1 at Attachment 1c. also details the crossing in ML50216.</p> <p><b><u>Action:</u></b></p> <p>(a) Update the ‘<i>disturbance areas previous</i>’ and ‘<i>disturbance areas</i>’ Shapefiles to correctly detail the approved location of the Lagoon Creek crossing and the proposed amended location.</p> <p>(b) Update the Shapefiles and Attachment 1c. to reflect the Lagoon Creek Crossing disturbance area subject of the requested amendment.</p> |
| 2. | <p><b><u>Issue:</u></b></p> <p>The Shapefiles detail a relocation of the internal haul road adjacent to Manning Vale West disturbance area to the current mining infrastructure area in ML 50216. If there is a proposed change to the location and/or extent of the internal haul road other than that at the Lagoon Creek Crossing, this needs to be confirmed in the material provided in support of the requested amendment (request material).</p> <p><b><u>Action:</u></b></p> <p>Update relevant sections in the request material, detailing any proposed changes to the location of the internal haul road adjacent to Manning Vale West disturbance area.</p>  |
| 3. | <p><b><u>Issue:</u></b></p> <p>Attachment 1b. Real property description for RIDA RPI19/009 and the proposed minor amendment application (Attachment 1b.) does not align with the Shapefiles, as the Shapefiles detail that the disturbance areas intersect with additional real property descriptions that are not included in this requested amendment. For example, the Shapefiles detail additional lots including Lot 1 RP142398 at the Willeroo disturbance area, Lot 140 RP25514 at the Manning Vale East disturbance area, and Lot 1 RL5240 at the Manning Vale West disturbance area. These real property descriptions are not included in Attachment 1b.</p>   |

|    |  |
|----|--|
|    | <p><b><u>Action:</u></b></p> <p>(a) Confirm the extent of the disturbance areas by real property descriptions and update the Shapefiles and/or Attachment 1b. as required.</p> <p>(b) Provide detail in Attachment 1a. Supporting information (Attachment 1a) to note that Shapefiles are based on ML boundaries not cadastral boundaries.</p> <p>(c) Provide a plan which demonstrates the location of the lots within each disturbance area.</p>   |
| 4. | <p><b><u>Issue:</u></b></p> <p>It is unclear whether the requested amendment includes changes to the location of the levees.</p> <p>Section 2 of Attachment 1a. does not detail any proposed changes to the location of the levees or to the approved area of surface disturbance of the levees in Table1.</p> <p>However, the proposed location of the levees in Figure 1 at Attachment 1c. is inconsistent with the location of the levees:</p> <ul style="list-style-type: none"> <li>• in the approved plan in the RIDA</li> <li>• in Figures 1 and 3 in Attachment 1f. Priority Agricultural Land Use Assessment ML 50232 (Attachment 1f.).</li> </ul> <p>The Shapefiles align with Figure 1 at Attachment 1c.</p> <p><b><u>Action:</u></b></p> <p>If the levees are included in the requested amendment, detail the requested amendments and update the Shapefiles and request material as required.</p> |
| 5. | <p><b><u>Issue:</u></b></p> <p>It is unclear if the requested amendment includes the rail spur and loop, as they are not included in Figures 1, 3 and Appendix A in Attachment 1f.</p> <p><b><u>Action:</u></b></p> <p>If the rail spur line and loop are included in the requested amendment, update figures as required.</p>   |
| 6. | <p><b><u>Issue:</u></b></p> <p>Table 2 in Attachment 1f. includes that Priority Agricultural Land Use (PALU) was undertaken on Paddock 4 in 2013. However, Section 5 in Attachment 1f. details that Acland Pastoral Company (APC) has not undertaken any PALU within the last ten years.</p> <p><i>Note: Refer to Schedule 2, Part 1 of the Regional Planning Interests Regulation 2014 for the definition of land 'used' for PALU.</i></p> <p><b><u>Action:</u></b></p> <p>Confirm if PALU was undertaken by APC on Paddock 4 during the time 2013 to 2022 inclusive, as per the PALU used test, and update Attachment 1f. as required.</p>   |

|    |  |
|----|--|
| 7. | <p><b><u>Issue:</u></b></p> <p>Figure 5 in Attachment 1f. includes Paddocks 3, 8, 10, 25 and 26. However, these are not included in Table 2.</p> <p><b><u>Action:</u></b></p> <p>Update either Figure 5 or Table 2 in Attachment 1f., as required.</p>   |
| 8. | <p><b><u>Issue:</u></b></p> <p>Appendix E Current Site Photos of Paddocks (Appendix E) in Attachment 1f. does not include the dates of the photographs provided.</p> <p><b><u>Action:</u></b></p> <p>Update Appendix E of Attachment 1f. to include the dates when photographs were taken.</p> |