

Our ref: D23/140861



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

29 November 2023

Mr Shane Flint
General Manager Land and Environment
New Hope Group
New Acland Coal Pty Ltd
email: sflint@newhopegroup.com.au

Dear Mr Flint

AMENDED DECISION NOTICE

RPI19/009 New Acland - New Acland Stage 3

(given under section 56 of the *Regional Planning Interests Act 2014* (RPI Act))

The requested amendment to the regional interests development approval (RIDA) described below was made, in part, on 29 November 2023.

Application details

Applicant	New Acland Coal Pty Ltd ABN 90 081 022 380
Date of request	25 July 2023
Subject lots	The subject lots are listed in Attachment 1
Description	Mining and other resource activities
Area of regional interest	Priority agricultural area (PAA)
Assessing agency	Department of Agriculture and Fisheries
Advice agency	Gasfields Commission Queensland

Decision

Outcome	Approved in part, subject to conditions
Date of decision	29 November 2023

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
ABN 29 230 178 530

Reasons for the decision

It is considered that the requested amendment can be made in part as it:

- meets prescribed solution 3(2) at Schedule 2 Part 2 of the Regional Planning Interests Regulation 2014 as it demonstrates that the resource activities will not be located on land that is used for PALU
- hence meets RO1 as it will not result in a material impact on the use of the property for a PALU
- meets the matters contained in s49 of the RPI Act, to the extent considered appropriate.

Conditions of approval

The attached amended RIDA confirms the nature and extent of the resource activities the subject of this amended approval. Conditions include matters relating to the location of the resource activities, the maximum area of disturbance of PAA, restoration and the provision of records demonstrating the impacted land has been returned to its pre-disturbance condition, the recording of complaints received and actions taken 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 Morag Elliott, Manager, Planning Group, in the Department of State Development, Infrastructure, Local Government and Planning, by telephone on (07) 3452 7653 or by email RPIAct@dSDLGP.qld.gov.au, who will be pleased to assist.

Yours sincerely



Phil Joyce
Director
Development Assessment Division
Planning Group

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

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.*