



**NEW HOPE**  
**GROUP**

## Appendix A Revised Regulatory Approvals Plan





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# REVISED REGULATORY APPROVALS PLAN

*New Acland Coal Mine  
Stage 3 Project*

JULY 2014





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## 1. Introduction

Schedule 1 outlines a summary of approvals which may be required for:

- the revised Project in its entirety (e.g. EPBC Act approval);
- on-tenure activities within MLA 50232, including mining, that part of the rail spur and balloon loop to be located on-tenure, upgrades to the existing administration and heavy vehicle maintenance area on ML 50170;
- construction of the rail spur and balloon loop and Train Loadout Facility (TLF) where the facility is to be developed under an Infrastructure Mining Lease (IML) and, in the alternative, where it is developed under SPA; and
- off-tenure activities, including road closures, realignment of Jondaryan-Muldu Road and realignment of electricity infrastructure.



## 2. Summary of Approvals – Schedule 1

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
APPROVALS THAT RELATE TO THE WHOLE OF THE REVISED PROJECT					
1.	EPBC Act Approval	Whole of Project	EPBC Act	Environment Minister	Required if the revised Project will have a significant impact on a Matter of National Environmental Significance. The Federal Environment Minister decided that the revised Project is a controlled action on 24 May 2007 and variation accepted on 9 November 2012 (referral 2007/3423). The revised Project is being assessed under the Bilateral Agreement between the State and the Commonwealth using the accredited EIS process under the SDPWO Act.
2.	CG's Evaluation Report	Whole of Project	SDPWO Act	Coordinator- General	Declaration by the Coordinator-General dated 18 May 2007. The revised Project is to be assessed by an EIS under the SDPWO Act.
3.	Cultural Heritage Management Plan	Whole of Project	ACH Act	Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA)	A CHMP or native title agreement (that does not exclude Aboriginal cultural heritage) with the appropriate Aboriginal parties for the area is required.
MINING ACTIVITIES ON TENURE					
4.	Mining Lease	Mining activities on- tenure  Other on-tenure activities	MR Act	DNRM	A mining lease is required to permit the conduct of specified mining and associated activities within the mining lease. MLA 50232 has been applied for.
5.	Development Plan for the Mining Lease	Mining activities- on tenure E  Other on tenure activities	MR Act	DNRM	It will be a condition of the mining lease that there is an approved development plan for the mining lease.  The development plan must be approved by the Minister.
6.	Amendment to existing EA (EPML003357 13)	Mining activities on- tenure	EP Act	DEHP	A single EA is required for all resource activities that are carried out as a single integrated operation. The application to amend EA (EPML00335713) has been made.  Resource activities for the revised Project will include the following additional activities that would otherwise be ERAs: <ul style="list-style-type: none"><li>• ERA 8 (Chemical storage);</li><li>• ERA 16 (Extractive and Screening activities); and</li><li>• ERA 50 (Bulk material handling).</li></ul>
7.	Plan of Operations	Mining activities on-tenure	EP Act	DEHP	The holder of an EA must not carry out an activity unless a plan of operations has been given to DEHP for all relevant activities.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
8.	Development Approval for Building work	Building work on- tenure	SPA Building Act MRA	Private Certifier	Building work for a mining activity on a mining tenure is self-assessable and does not require a development approval but must comply with the Building Code of Australia and the Queensland Development Code <sup>1</sup>
9.	Notice to an electricity entity of works near electricity works	Mining activities on-tenure	Electricity Act	Depending on where the works are located, the relevant electricity entity	Written notice to an electricity entity will be required where it is proposed that work occur near an electricity entity's works if, in performing the work:  (a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or  (b) soil or other material supporting or covering the entity's works may be disturbed. <sup>2</sup>
10.	Species Management Program	Mining activities on-tenure	NC Act	DEHP	A Species Management Program may be required if the revised Project involves tampering with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. <sup>3</sup>
11.	Rehabilitatio n Permit	Mining activities on-tenure	NC Act	DEHP	A Rehabilitation Permit (Spotter Catcher) would be required for individuals who catch fauna during construction. <sup>4</sup> The rehabilitation permit would include conditions to ensure the appropriate handling of fauna.
12.	Wildlife Movement Permit	Mining activities on-tenure	NC Act	DEHP	A wildlife movement permit would be required to authorise the holder of that permit to move specified wildlife to and from the places stated in the permit.
13.	Water Licence to take or interfere with water	Mining activities on-tenure (dewatering)	Water Act	DNRM	A water licence would be required if the revised Project will interfere with the flow of water on, under or adjoining any of the land, the subject of the ML. <sup>5</sup>  The granting of the licence must be consistent with the Great Artesian Basin Water Resource Plan (WRP) and Resource Operations Plan (ROP) and any relevant moratorium notices.

<sup>1</sup> Schedule 3, Part 1, Table 1, Item 1 SPR and Section 4A MRA

<sup>2</sup> s99 Electricity Act.

<sup>3</sup> s332(4)(a) Nature Conservation (Wildlife Management) Regulation 2006.

<sup>4</sup> s12(e) Nature Conservation (Administration) Regulation 2006.

<sup>5</sup> s206 Water Act.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
14.	Road Closures	On tenure roads to be closed	Land Act  Transport Operations (Road Use Management ) Act 1995	DNRM	If a road is to be temporarily or permanently closed, an application for permanent or temporary road closure will be required. <sup>6</sup> A number of road closures are proposed for the revised Project.
15.	Permit to remove a Protected Plant	Mining activities on-tenure	NC Act	DEHP	<p>In a high risk area, a clearing permit will generally only be required for clearing endangered, vulnerable and near threatened plants (EVNT plants). If a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit.</p> <p>In an area other than a high risk area, a clearing permit is only required if, before a person starts clearing in the area, the person is, or becomes, aware that EVNT plants are present.</p> <p>Exemptions are also provided under the NC Act for routine maintenance of existing infrastructure and for re-clearing for a period of 10 years from the time of approval of a clearing permit or an authority to clear protected plants.</p>
16.	Regional Interests Development Approval	Mining activities on-tenure	RPI Act	Chief executive of DSDIP	<p>A regional interests development approval will be required to carry out a resource activity in an area of regional interest, unless an exemption applies.</p> <p>The proposed expansion area is mapped entirely within a priority agricultural area identified in the Darling Downs Regional Plan and contains strategic cropping areas.</p>
RAIL SPUR AND BALLOON LOOP - WHERE ON TENURE (INFRASTRUCTURE MINING LEASE)					
17.	Mining Lease	Rail Spur and balloon loop	MR Act	DNRM	The rail spur and balloon loop is proposed to be authorised by an Infrastructure Mining Lease. An Infrastructure Mining Lease is an ML that is granted for purposes other than mining, as are specified in the ML and that are associated with, arising from, or promoting the activity of mining.
18.	Consent of overlapping tenure holders	Rail Spur and balloon loop	MR Act	DNRM	Given that the application for the Infrastructure ML is to be made over the area of two EPCs that are held by other companies, the written consent of each EPC Holder will be required. <sup>7</sup>
19.	Application for amendment of EA (EPML003357 13)	Rail Spur line and balloon loop	EP Act	DEHP	<p>Application to amend the existing EA (EPML00335713) will be required.</p> <p>A single EA is required for all resource activities that are carried out as a single integrated operation. Resource activities that will be the subject of the amendment application that would otherwise be ERAs may include:</p> <ul style="list-style-type: none"> <li>ERA 8 (Chemical storage);</li> <li>ERA 16 (Extractive and Screening</li> </ul>

<sup>6</sup> s99(1) Land Act.<sup>7</sup> s248(1)&(2) MRA.



No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
					activities); and <ul style="list-style-type: none"> <li>ERA 50 (Bulk material handling).</li> </ul>
20.	Plan of Operations	Rail Spur line and balloon loop	EP Act	DEHP	The holder of an EA must not carry out an activity unless a plan of operations has been given to DEHP for all relevant activities.
21.	Development Approval for Reconfiguring a Lot	Rail Spur line and balloon loop	SPA	Chief executive of DSDIP <sup>8</sup>	Reconfiguration of lots associated with the construction of the rail spur line and balloon loop would require a development approval.
22.	Development Approval for Building work	Building work associated with Rail Spur line and balloon loop	SPA Building Act MRA	Private Certifier	Building work for a mining activity is self-assessable and does not require a development approval but must comply with the Building Code of Australia and the Queensland Development Code <sup>9</sup>
23.	Riverine Protection Permit	Rail Spur line and balloon loop on tenure for works in Lagoon Creek	Water Act	DNRM	A riverine protection permit would be required to excavate or place fill in a watercourse, lake or spring, unless: <ul style="list-style-type: none"> <li>authorised by the EA; or</li> <li>the activity is carried out pursuant to <i>Guideline - Activities in a watercourse, lake or spring associated with a resource activity or mining operations</i>.<sup>10</sup></li> </ul>
24.	Permit to remove a Protected Plant	Rail Spur line and balloon loop	NC Act	DEHP	In a high risk area, a clearing permit will generally only be required for clearing endangered, vulnerable and near threatened plants (EVNT plants). If a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit.  In an area other than a high risk area, a clearing permit is only required if, before a person starts clearing in the area, the person is, or becomes, aware that EVNT plants are present.  Exemptions are also provided under the NC Act for routine maintenance of existing infrastructure and for re-clearing for a period of 10 years from the time of approval of a clearing permit or an authority to clear protected plants.
25.	Regional Interests Development Approval	Rail Spur line and balloon loop	RPI Act	Chief executive of DSDIP	A regional interests development approval will be required to carry out a resource activity in an area of regional interest, unless an exemption applies.  The site of the proposed rail loop is mapped entirely within a priority agricultural area identified in the Darling Downs Regional Plan and

<sup>8</sup> The Chief Executive of the Department of State Development, Infrastructure and Planning is now the assessment manager for all DAs requiring State government assessment from 1 July 2013.

<sup>9</sup> Schedule 3, Part 1, Table 1, Item 1 SPR and Section 4A MRA.

<sup>10</sup> s266 Water Act and s49 Water Regulation.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
					contains strategic cropping areas.
ADDITIONAL APPROVALS REQUIRED FOR THE RAIL SPUR AND BALLOON LOOP (WHETHER ON OR OFF-TENURE)					
26.	Approval for works that interfere with a railway - rail connection to Western Rail Line	Rail Spur line and balloon loop	TI Act	Queensland Rail	Approvals for work interfering with a railway will be required. <sup>11</sup> This will apply to works that interfere with the Western Rail Line.
27.	Approval for level crossings over local government roads	Rail Spur line and balloon loop	TI Act	Queensland Rail Local government	Ministerial approval will be required to declare parts of roads that are intersected by the railway as common areas, so that the railway is constructed, maintained and operated on the common area in a way that is not inconsistent with the use of the road. <sup>12</sup>
28.	Road Closures	Rail Spur line and balloon loop Road closures	Land Act Transport Operations (Road Use Management) Act 1995	DNRM	Applications for permanent <sup>13</sup> and temporary <sup>14</sup> road closures will be required.
29.	Approvals under Local Laws - Interference with Roads	Rail Spur line and balloon loop Road closures	Local Law No 1	Local Government	Local government approvals will be required to: <ul style="list-style-type: none"> <li>alter a local government road;<sup>15</sup> and</li> <li>carry out works on a road or interfere with the road or its operation.<sup>16</sup></li> </ul>
30.	Species Management Program	Rail Spur line and balloon loop	NC Act	DEHP	A Species Management Program would be required to tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. <sup>17</sup>
31.	Rehabilitation Permit	Rail Spur line and balloon loop	NC Act	DEHP	A Rehabilitation Permit (Spotter Catcher) will be required for individuals who catch fauna during construction. <sup>18</sup> The rehabilitation permit would include conditions to ensure the appropriate

<sup>11</sup> s255 TI Act.

<sup>12</sup> s249 TI Act.

<sup>13</sup> s99(1) Land Act 1994.

<sup>14</sup> s99(2) Land Act 1994.

<sup>15</sup> s7 & Schedule 3, Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

<sup>16</sup> Schedule 1, section 1, Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with Road or its Operation) 2011.

<sup>17</sup> s332(4)(a) Nature Conservation (Wildlife Management) Regulation 2006.

<sup>18</sup> s12(e) Nature Conservation (Administration) Regulation 2006.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
					handling of fauna.
32.	Wildlife Movement Permit	Rail Spur line and balloon loop	NC Act	DEHP	A wildlife movement permit may be required to authorise the holder of that permit to move specified wildlife to and from the places stated in the permit during construction. <sup>19</sup>
OTHER OFF-TENURE ACTIVITIES					
DECOMMISSIONING OF JONDARYAN RAIL LOAD-OUT FACILITY (JLOF)					
33.	Development Approval for building work	JRLF	SPA	Private certifier	A development approval will be required for the demolition of buildings for the JLOF. It will be code assessable.
34.	Development Approval for operational work	JRLF	SPA	Local government	A development approval would be required for operational work associated with the demolition and decommissioning of the JLOF.
35.	Disposal permit for Contaminate d Soil Removal	JRLF	EP Act	DEHP	A disposal permit will be required for any removal of contaminated soil from land on the EMR. <sup>20</sup>
36.	Site Management Plan and Site Validation	JRLF	EP Act	DEHP and Third Party Reviewer	A Site Management Plan and Site Validation Report may be required in order to carry out remediation of contamination. <sup>21</sup>
REALIGNMENT OF JONDARYAN-MULDU ROAD AND OTHER LOCAL GOVERNMENT ROADS					
37.	Development Approval for Reconfiguring a Lot	Road construction / realignment	SPA	Local Government	A development approval will be required to reconfigure lots in order to realign the Jondaryan Muldu Road.
38.	Development approval for operational work associated with reconfigurati on	Off-tenure activities  Road construction / realignment	SPA	Local Government	Development approval will be required for operational work associated with reconfiguring a lot. <sup>22</sup> This includes undertaking road works on a local government road. <sup>23</sup>

<sup>19</sup> s 12(g) Nature Conservation (Administration) Regulation 2006.

<sup>20</sup> s424 EP Act.

<sup>21</sup> Chapter 7, Part 8 EP Act.

<sup>22</sup> Schedule 3, Part 1, Table 4, Item 2 SPR.

<sup>23</sup> s10 SPA.



No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
39.	Approvals under Local Laws - Interference with Roads	Off-tenure activities	Local Law No 1	Local Government	Local government approvals will be required to: <ul style="list-style-type: none"> <li>alter or improve a local government roads in the local government area<sup>24</sup>;</li> <li>carry out works on a road or interfere with the road or its operation.<sup>25</sup></li> </ul>
40.	Notice to an electricity entity of works near electricity works	Off-tenure activities  Road construction / realignment	Electricity Act	Depending on where the works are located, the relevant electricity entity	Written notice to an electricity entity will be required where it is proposed to do work near an electricity entity's works if, in performing the work: <ul style="list-style-type: none"> <li>(a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or</li> <li>(b) soil or other material supporting or covering the entity's works may be disturbed.<sup>26</sup></li> </ul>
REALIGNMENT OF ELECTRICITY INFRASTRUCTURE					
41.	Notice to an electricity entity of works near electricity works	Off-tenure activities  Electricity infrastructure	Electricity Act	Depending on where the works are located, the relevant electricity entity	Written notice to an electricity entity will be required where it is proposed to do work near an electricity entity's works if, in performing the work: <ul style="list-style-type: none"> <li>(a) plant, if not properly controlled, is likely to come into contact with an overhead electric line; or</li> <li>(b) soil or other material supporting or covering the entity's works may be disturbed.<sup>27</sup></li> </ul>
42.	Approvals under Local Laws - Interference with Roads	Off-tenure activities	Local Law No 1	Local Government	Local government approvals will be required to: <ul style="list-style-type: none"> <li>alter or improve a local government controlled road or a state controlled road in the local government area<sup>28</sup>;</li> <li>carry out works on a road or interfere with the road or its operation.<sup>29</sup></li> </ul>
OTHER APPROVALS					
43.	Approval for road works or to	Works to access State Controlled	TI Act	DTMR	Approval from the chief executive of DTMR will be required to carry out road works or to interfere with a State-controlled road. <sup>30</sup>

<sup>24</sup> s7 & Schedule 3, Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

<sup>25</sup> Schedule 1, section 1, Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with Road or its Operation) 2011.

<sup>26</sup> s99 Electricity Act.

<sup>27</sup> s99 Electricity Act.

<sup>28</sup> s7 & Schedule 3, Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011.

<sup>29</sup> Schedule 1, section 1, Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with Road or its Operation) 2011.

No	Approval/ Permit / Licence	Part of Project which approval relates	Legislation	Administering Authority	Trigger for Approval
	interfere with a State controlled road	Road			
44.	Road Corridor Permit for a State controlled road	Works to access State Controlled Road	TI Act	DTMR	A Road Corridor Permit will be required to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road. <sup>31</sup> "Ancillary works and encroachments" includes removing tress and clearing.

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<sup>30</sup> s255 TI Act.

<sup>31</sup> s50 TI Act.