

## Key findings in historic Land Court decision on Acland mine expansion

7 JUNE 2017

**Key findings in:** [\*New Acland Coal Pty Ltd v Ashman & Ors and Chief Executive, Department of Environment and Heritage Protection \(No. 4\) \[2017\] QLC 24\*](#)

In an unprecedented and historic decision, on 31 May 2017 the Queensland Land Court recommended outright rejection of the New Acland Stage 3 mine expansion, after the most intense factual scrutiny ever applied by the Land Court to a mining project.[1]

The proposal by New Acland Coal Pty Ltd (**NAC**) was the Stage 3 expansion of a coal mine, which first commenced in 2002 near Acland in the Darling Downs.[2] The objectors were local farmers and landholders, many of which traced their family history in the area back to the 1840s.[3]

The Acland town itself has already functionally ceased to exist due to the actions of NAC.[4]

The latest Stage 3 expansion proposal was to expand coal production to 7.5 million tonnes per year.[5] In December 2014, the Queensland Coordinator General published an evaluation report that recommended the project be approved subject to conditions.

Dozens of local people and groups objected to the proposal in the Queensland Land Court.[6]

EDO Qld represented the Oakey Coal Action Alliance (**OCAA**), a group of 60 local landowners and townspeople.

In relation to some of the issues raised by OCAA,[7] the Land Court found:

1. **Groundwater:** There were major shortcomings with the groundwater impact predictions, such that the Stage 3 should not proceed given the risks to the surrounding landholders;[8]
2. **Noise:** A stricter night time noise limit should be applied than that currently proposed by the Coordinator General,[9] but as such a change is not permitted by the current legislation, there is no option but to recommend refusal;[10]
3. **Agricultural land:** The land around Acland was among the best 1.5% of agricultural land in Queensland and significant from an agricultural perspective;[11]
4. **Intergenerational equity:** that the principles of intergenerational equity mean that the revised Stage 3 operations should not be approved;[12]
5. **Economics:** While there would be a positive economic impact overall[13] the loss of \$437 million in royalties was significant[14] and the high job figures in the EIS are not supported,[15] rather 680 net jobs were accepted.[16]
6. **Dust:** If the mine was to proceed, it should be subject to additional monitoring[17] requirements, including online real time forecasts and results, and additional dust limits[18] to protect nearby residents;

Accordingly the Land Court recommended that the proposed Stage 3 expansion be rejected.[19]

In reaching this conclusion the Court relied on rigorous analysis of extensive evidence of 28 expert and 38 lay witnesses gave evidence on oath and subject to cross examination.[20] It was the largest number of witnesses in the Land Court's 120 year history.[21]

The Court noted that the extensive evidence superseded the material underpinning both the Coordinator General's Report[22] and the most recent advice of the Federal Government's Independent Expert Scientific Committee on water impacts.[23]

[Extended document of key findings](#)

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[1] See for example paragraphs [19], [36], [87], [97], [107], [202] and [203].

[2] See for example paragraphs [53],[54].

[3] See for example paragraph [45].

[4] Paragraphs [73]-[75].

[5] Paragraph [59].

[6] See for example paragraph [70] and [80].

[7] Paragraphs [85]-[86].

[8] Paragraph [16].

[9] Paragraphs [773]-[775].

[10] Paragraphs [784]-[786].

[11] Paragraph [1299].

[12] Paragraph [1344].

[13] Paragraphs [981]-[985].

[14] Paragraphs [882], [1050]-[1051].

[15] Paragraph [900].

[16] Paragraph [1038].

[17] See for example [610], [613]-[614], [621] and [623].

[18] See for example [635], [641], [650]-[655], [673].

[19] Paragraph [1879].

[20] For example, paragraphs [19], [36], [87], [97], [107], [202] and [203].

[21] Paragraph [202].

[22] Paragraph [190].

[23] Paragraph [16].