

Summary: Findings and Evidence from Land Court on Acland Stage 3

New Acland Coal Pty Ltd v Ashman & Ors and Chief Executive, Department of Environment and Heritage Protection (No. 4) [2017] QLC24

This briefing note provides relevant quotes and information from the Land Court judgement, and identifies which paragraph of the judgement they are derived from.



Groundwater Threats Too Severe

"The principles of intergenerational equity are breached in at least one regard by the proposed revised Stage 3, with potential for groundwater impacts to adversely affect landholders in the vicinity of the mine for hundreds of years to come. This breach is sufficient to warrant rejection of the MLAs and draft EA applications". [14]

"As regarding groundwater, a huge amount of evidence was before the Court. In key areas, New Acland Coal's own experts agreed with major shortcomings of the current model. I was also highly concerned regarding the modelling of faulting and other aspects of the groundwater studies undertaken to date". [16]



Extraordinarily Significant Agricultural Land

"I am satisfied that the evidence of Mr Thompson during cross examination clearly shows his view that he accepted that the land around Acland was among the best 1.5% of agricultural land in Queensland. This certainly makes the land significant from an agricultural perspective" [1299].



Poor Treatment of Community By Mining Company

NAC has sought to portray the local objectors as bigoted individuals who are not interested in facts, only in spreading misinformation about NAC. I do not believe this to be the case. As discussed previously in this decision, I find the majority of the objectors and the witnesses who supported them are honest, hardworking, regular folk whose character has been unfairly besmirched by NAC. In effect, NAC's treatment of objectors and their witnesses in these proceedings confirms their evidence that NAC has a tendency to treat anyone who disagrees with it in a dismissive and disrespectful manner. [1390]



Destruction of the Town of Acland

The town of Acland has been all but destroyed by the actions of New Acland Coal in buying out and then destroying almost all of the homes there. The Land Court judgement found that due to the actions of the company 'Acland as a town has, effectively, ceased to exist' [73], and only one resident remains.



Very Limited Royalties

Approximately 93% of the land to be mined in Stage 3 was granted under pre 1910 land titles and consequently no royalties for coal mined on this land will be paid to the state. The Court estimated that would equate to the loss of approximately \$436 million in normally expected royalties to the state. [1051]



Impacts of Poor Air Quality and Dust

"I have no doubt that [residents] have been greatly inconvenienced and impacted by dust produced by the mine and given their evidence, it is quite possible EA limits with respect to dust and particulate matter have been exceeded". [587]

There have been over 100 complaints recorded on NAC's complaints register regarding dust and another 30 or so dust related complaints to EHP about the existing Acland coal mine, however NAC has only monitored air quality and dust for 27 days over an 11 year period. [580]

Because no regular monitoring has been undertaken, it is impossible to confirm whether Environmental Authority air quality limits have or have not been adhered to. [580]



Impacts of Noise and Poor Handling of Complaints

"The objectors.....have provided the literal 'truck load' of evidence and material detailing what they say to be unacceptable levels of noise generated by NAC's operation of Stages 1 and 2" [721].

"My independent, considered view on what I have before me is consistent with the evidence given by the objectors that they have actually been treated very poorly by both NAC and the statutory party". [721]



Job Estimates Inflated – Revised Down from 1,556 to 680

"Both experts agree that the I/O modelling significantly overestimated the economic benefits of revised Stage 3 and the jobs to be created. In fact most skilled jobs are drawn from other workplaces not unemployment lines". [899]

"Consequently the high job figures predicted by the I/O modelling (EIS 3,550 and AEIS 1,556) are not supported by the current expert evidence...." [900]

"The only expert evidence we have.....indicates 680 jobs will be created by the project". [1038]