



Our ref: D22/204539

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

Mr Leo Hopsick  
Authorised Holders Representative  
Kestrel Coal Resources

e-mail: [leo.hopsick@kestrelcoal.com](mailto:leo.hopsick@kestrelcoal.com)

14 November 2022

Dear Mr Hopsick

## Requirement notice

### **RPI22/008 Kestrel – LW500**

*(Given under s44 of the Regional Planning Interests Act 2014 (RPI Act))*

I refer to your application received on 31 October 2022 for a regional interests development approval (RIDA) under section 29 of the *Regional Planning Interests Act 2014* (RPI Act) for resource activity: Mining and other resource activities associated with the Kestrel coal mine. The application seeks approval for resource activities within the strategic cropping area (PLA).

### **Application details**

Applicant	Kestrel Coal Resources Pty Ltd
Project	Kestrel longwall mining panel (LW500)

### **Site Details**

Real property description	Lot 11 SP178401
Area of regional interest	SCA
Proposed PLA disturbance area	85.9 ha
Local government area	Central Highlands Regional Council

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

## Information requirement

Further information is required to assist in the assessment of the application against the assessment criteria contained in the RPI Act and RPI Regulation.

The further information required is detailed in **Attachment A**.

The period in which the information must be provided is a maximum of three months from the date of this notice. An extension to this period may be requested 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 decide the application, or in response to matters raised in a submission.

## Public notification requirement

Pursuant to section 34(4) of the RPI Act, it has been determined that the application requires notification. In accordance with section 35 of the RPI Act, you are required to publish a notice about the application in the way prescribed in section 13 of the Regional Planning Interests Regulation 2014 (RPI Regulation).

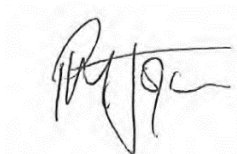
Public notification must commence within 10 business days of providing the information required to assist in the assessment of the application.

The notification period is 15 business days, with the closing day 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 [Regional interests development approval public notification template \(windows.net\)](#)

You are also referred to the RPI Act Statutory Guideline 06/14 Public notification of assessment applications at [RPI Act - Statutory Guideline 06/14 \(windows.net\)](#) for further information.

If you require any queries, please contact Ms Morag Elliott, Manager, Planning Group, Department of State Development, Infrastructure, Local Government and Planning, by telephone on (07) 3452 7653 or by email at [morag.elliott@dsdilgp.qld.gov.au](mailto:morag.elliott@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



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

Enc Attachment A

**ATTACHMENT A**

**Information required for assessment against SCA criteria – Schedule 2, Part 4 of the Regional Planning Interests Regulation 2014**

1.	<p><b><u>Issue:</u></b></p> <p>The Regional Interests Development Approval Application: LW500 Supporting Information report (Supporting report) states that the applicant’s ACN number is 079044689. The Assessment Application Form states that the applicant’s ACN number is 624245325.</p> <p><b><u>Actions:</u></b></p> <p>Confirm the applicant’s ACN number.</p>
2.	<p><b><u>Issue:</u></b></p> <p>Prescribed solution (PS)11(d) for required outcome (RO) 2 states that the application must demonstrate that <i>‘if the activity will have a permanent impact on strategic cropping land on a property (SCL)—no more than 2% of the strategic cropping land on the property (SCL) will be impacted’</i></p> <p>PS13(1)(d) for RO3 states that the application must demonstrate <i>‘Either—</i>  <i>(i) the activity will not have a permanent impact on the strategic cropping land in the area; or</i>  <i>(ii) the mitigation measures proposed to be carried out if the chief executive decides to grant the approval and impose an SCL mitigation condition’.</i></p> <p>In Section 6: LW500 application area restoration of the Supporting report states that restoration activities <i>‘will be carried out with regard to the Kestrel Mine Environmental Authority’</i> (EPML00693413), issued under the <i>Environmental Protection Act 1994</i>.</p> <p>As this is not an approval issued under the RPI Act, further information is required to demonstrate how the proposed activities will avoid a permanent impact on strategic cropping land (SCL).</p> <p><b><u>Actions:</u></b></p> <p>Provide a stand-alone restoration plan which demonstrates that the proposed activity will not have a permanent impact on the SCL and identifies all proposed impacts and associated restoration measures.</p> <p><i>Notes:</i></p> <p><i>RPI Act Statutory Guideline 03/14 Carrying out resource activities in the Strategic Cropping Area at <a href="#">RPI Act - Statutory Guideline 03/14 (windows.net)</a> and RPI Act Statutory Guideline 09/14 - How to determine if an activity has a permanent impact on Strategic Cropping Land at <a href="#">RPI Act - Statutory Guideline 09/14 (windows.net)</a> provide advice on what a restoration plan should include.</i></p> <p><i>Schedule 2 Part 1 of the RPI Regulation defines:</i></p> <ul style="list-style-type: none"> <li>• <i>permanent impact as ‘if, because of carrying out the activity, the land can not be restored to its pre-activity condition’</i></li> <li>• <i>pre-activity condition as ‘the condition of the land’s soil as identified and analysed within 1 year before the making of an assessment application for a resource activity or regulated activity to be carried out on the land’.</i></li> </ul>

	<i>If the proposed activity will have a permanent impact on the SCL, details of the proposed mitigation measures will need to be provided.</i>
3.	<p><b><u>Issue:</u></b></p> <p>The information provided in support of the application regarding remediation, restoration, erosion, sediment control and subsidence monitoring is of limited detail and is not considered adequately detailed to demonstrate that the application meets PS11(d) for RO2 and PS13(1)(d) for RO3.</p> <p><b><u>Actions:</u></b></p> <p>Provide the following detailed plans in a stand-alone format to cover all proposed works:</p> <ul style="list-style-type: none"> <li>(a) Erosion and sediment control plan (ESCP), including details of how stripped/excavated soils will be managed during excavation, stockpiling and replacement/stabilisation</li> <li>(b) Subsidence management plan (SMP) – including plans/actions to monitor/remediate subsidence.</li> </ul>
4.	<p><b><u>Issue:</u></b></p> <p>Figure 3: Indicative Surface infrastructure for LW500 of the supporting report indicates that some proposed surface infrastructure extends beyond the LW500 footprint, including infrastructure located across the western and southern boundaries and not adjacent to other mining series.</p> <p><b><u>Actions:</u></b></p> <ul style="list-style-type: none"> <li>(a) Confirm the location and footprint of proposed surface infrastructure shown in Figure 3 is correct, as well as the duration this infrastructure will be in place.</li> <li>(b) Provide details of how the restoration of any impacted SCL will be managed in these areas as a part of the restoration plan, referred to in Issue 2 above.</li> </ul>
5.	<p><b><u>Issue:</u></b></p> <p>Section 4: Areas of Regional Interest states that <i>‘The LW500 footprint is wholly situated on Lot 11 SP178401 ... which has an area of 9,135 ha ... However, Kestrel owns a number of contiguous properties that are managed as a single enterprise (defined as an SCL Property under the RPI Act) totalling 17,707 ha and containing 14,000 ha of trigger-mapped SCL (Figure 5). As such, the maximum proportion of SCL disturbed by virtue of LW500 constitutes 0.6% of the total Kestrel SCL Property area’.</i></p> <p>Table 4 Response to SCA assessment criteria at Section 8.3 SCA criteria assessment states that <i>‘Any impacts to SCL are to be restored such that permanent impact ... is avoided. If this objective is not met, the maximum proportion of SCL disturbed constitutes 0.8% of the total SCL on Kestrel properties’.</i></p> <p>PS11(d) for RO2 for SCA at Schedule 2 Part 4 of the RPI Regulation states that the application must demonstrate that <i>‘if the activity will have a permanent impact on strategic cropping land on a property (SCL)—no more than 2% of the strategic cropping land on the property (SCL) will be impacted’.</i></p> <p><b><u>Actions:</u></b></p> <p>Provide:</p> <ul style="list-style-type: none"> <li>(a) details of the lots that make up the ‘property (SCL)’ including lot sizes</li> <li>(b) details of the areas of the proposed activity on the SCL on the ‘property (SCL)’</li> <li>(c) confirmation of the calculated percentage of SCL to be disturbed by the proposed activity</li> </ul>

	<p>(d) a plan which shows the lots included in the 'property (SCL)', the SCL on the 'property (SCL)' and the location of the proposed activities.</p> <p><i>Note:</i></p> <p><i>The RPI Regulation defines 'property (SCL)' at Schedule 2 Part 4 as:</i></p> <p><i>(a) a single lot; or</i></p> <p><i>(b) otherwise—all the lots that are owned by the same person or have 1 or more common owners and—</i></p> <p><i>(i) are managed as a single agricultural enterprise; or</i></p> <p><i>(ii) form a single discrete area because 1 lot is adjacent, in whole or part, to another lot in that single discrete area (other than for any road or watercourse between any of the lots).'</i></p>
6.	<p><b><u>Issue:</u></b></p> <p>Section 4.2.3: Soil erodibility of the Supporting report states that erosion rates for the LW500 area are very low. To fully assess the validity of these rates, and to demonstrate compliance with PS13(1)(d) for RO3, further evidence showing how these erosion figures were calculated is required.</p> <p><b><u>Actions:</u></b></p> <p>Provide detail on the erosion rate calculations and the parameters used to inform erosion modelling.</p>
7.	<p><b><u>Issue:</u></b></p> <p>Section 6.2: Restoration of the supporting report references a 'repealed <i>Soil Conservation Act 2014</i>' but there is no such repealed Act.</p> <p><b><u>Actions:</u></b></p> <p>Clarify the intent of this reference.</p>