

Kestrel Response to DSDILGP Requirement Notice (received 14 Nov 2022) - LW500 RIDA Application

DSDILGP Requirement Notice - Comments and Notes		DSDILGP Requirement Notice - Actions	Kestrel Response
1	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.	Action 1 - Confirm the applicant's ACN number.	Response 1 - The correct ACN for this RIDA application is as per the Assessment Application Form - ACN 624245325.
2	<p>Prescribed solution (PS)11(d) for required outcome (RO) 2 states that the application must demonstrate that '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'</p> <p>PS13(1)(d) for RO3 states that the application must demonstrate 'Either— (i) the activity will not have a permanent impact on the strategic cropping land in the area; or (ii) the mitigation measures proposed to be carried out if the chief executive decides to grant the approval and impose an SCL mitigation condition'.</p> <p>In Section 6: LW500 application area restoration of the Supporting report states that restoration activities 'will be carried out with regard to the Kestrel Mine Environmental Authority' (EPML00693413), issued under the Environmental Protection Act 1994.</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>NOTE: RPI Act Statutory Guideline 03/14 Carrying out resource activities in the Strategic Cropping Area at RPI Act - Statutory Guideline 03/14 (windows.net) and RPI Act Statutory Guideline 09/14 - How to determine if an activity has a permanent impact on Strategic Cropping Land at RPI Act - Statutory Guideline 09/14 (windows.net) provide advice on what a restoration plan should include. Schedule 2 Part 1 of the RPI Regulation defines: • permanent impact as 'if, because of carrying out the activity, the land can not be restored to its pre-activity condition' • 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'. If the proposed activity will have a permanent impact on the SCL, details of the proposed mitigation measures will need to be provided.</p>	Action 2 - 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>Response 2 - KCR has prepared a Restoration Plan that identifies the proposed impacts and associated restoration measures. The Restoration Plan is included as Attachment 1.</p> <p>KCR proposes to demonstrate that the proposed activity will not have a permanent impact on the majority of SCL, through the provision of pre and post soil surveys in accordance with RPI Act Statutory Guideline 08/14, followed by assessment against RPI Act Statutory Guideline 9/14.</p> <p>This process is proposed to be incorporated into a Mitigation Deed, in consultation and with approval by DSDILGP. Any area of permanently impacted SCL will be Mitigated via Mitigation Payment to the regulated value.</p>
3	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.	Action 3.1 - Provide the following detailed plans in a stand-alone format to cover all proposed works: (a) Erosion and sediment control plan (ESCP), including details of how stripped/excavated soils will be managed during excavation, stockpiling and replacement/stabilisation	Response 3.1 - The KCR Erosion and Sediment Control Plan is included as Attachment 2 . KCR notes that the Restoration Plan incorporates the relevant management requirements of the ESCP, and as such, we request any conditioning in the RIDA be in relation to the Restoration Plan only, to avoid regulatory overlap with documents required under the Environmental Authority.
		Action 3.2 - Provide the following detailed plan in a stand-alone format to cover all proposed works: (b) Subsidence management plan (SMP) – including plans/actions to monitor/remediate subsidence.	Response 3.2 - The KCR Subsidence Management Plan (SMP) is included as Attachment 3 . KCR notes that the Restoration Plan incorporates the relevant management requirements of the SMP, and as such, we request any conditioning in the RIDA be in relation to the Restoration Plan only, to avoid regulatory overlap with documents required under the Environmental Authority.
4	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.	Action 4.1 - (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.	<p>Response 4.1 - Figure 3 has been updated to show the current proposed surface infrastructure areas. Updated Figure (Figure 3 (a)) is included as Attachment 6.</p> <p>Minor changes to Surface Infrastructure arrangements, shown in Figure 3 (a), have identified an additional 1.5ha of potential impact to SCL. Surface infrastructure arrangements are noted as indicative to allow for any minor modifications that are identified during field installation. The total area of impact will not change.</p> <p>This infrastructure may remain in place for the duration of KCR's mining activities - currently approved to the end of LW510. Current Mine Planning proposes mining of LW510, followed by appropriate rehabilitation processes, to be complete by 2035.</p>
		Action 4.2 - (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.	<p>Response 4.2 - KCR's Restoration Plan (Attachment 1), ESCP (Attachment 2) and Subsidence Mgt Plan (Attachment 3) will be followed to address all mining areas, whether on SCL or otherwise.</p> <p>Any impacted SCL will be managed in accordance with these plans, and any permanent impact will be mitigated in accordance with the proposed Mitigation Deed.</p>

5	<p>Section 4: Areas of Regional Interest states that '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'.</p> <p>Table 4 Response to SCA assessment criteria at Section 8.3 SCA criteria assessment states that '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'.</p> <p>PS11(d) for RO2 for SCA at Schedule 2 Part 4 of the RPI Regulation states that the application must demonstrate that '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'.</p> <p>Note: The RPI Regulation defines 'property (SCL)' at Schedule 2 Part 4 as: (a) a single lot; or (b) otherwise—all the lots that are owned by the same person or have 1 or more common owners and— (i) are managed as a single agricultural enterprise; or (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).'</p>	<p>Action 5 - Provide (a) details of the lots that make up the 'property (SCL)' including lot sizes (b) details of the areas of the proposed activity on the SCL on the 'property (SCL)' (c) confirmation of the calculated percentage of SCL to be disturbed by the proposed activity (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>Response 5 - Letter Response is included as Attachment 4.</p>
6	<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>Action 6 - Provide detail on the erosion rate calculations and the parameters used to inform erosion modelling.</p>	<p>Response 6 - Letter Response is included as Attachment 5.</p>
7	<p>Section 6.2: Restoration of the supporting report references a 'repealed Soil Conservation Act 2014' but there is no such repealed Act.</p>	<p>Action 7 - Clarify the intent of this reference.</p>	<p>Response 7 - The intent of this reference was to identify that the Soil Conservation Act 1986 was not the relevant legislation for the RIDA Application.</p>