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Our ref: D23/115407



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

14 September 2023

Kestrel Coal Resources Pty Ltd ACN 079044689  
c/o Ms Colleen Fish  
Manager Sustainability  
Email: [Colleen.Fish@kestrelcoal.com](mailto:Colleen.Fish@kestrelcoal.com)

Dear Ms Fish

### **AMENDED DECISION NOTICE**

#### **RPI16/002 Kestrel - Kestrel Extension #4 Coal Project**

(given under section 56 of the *Regional Planning Interests Act 2014* (RPI Act))

The requested amendment to the regional interests development approval (RIDA) described below was made, in part, on 14 September 2023.

#### Application details

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Applicant	Kestrel Coal Resources Pty Ltd ACN 079044689
Subject lots	Part of Lot 11 on SP178401 Part of Lot 2 on RP615380 (Subsurface Lot) Part of Lot 26 on RP615396 (Subsurface Lot) Part of Lot 32 on RP615386 (Subsurface Lot) Part of Lot 24 on SP220221 (Volumetric Lot) Part of Lot 23 on SP220221 Part of Lot 10 on TT71 Lot 8 on TT424
Description	Kestrel Extension #4 coal project
Area of regional interest	Strategic cropping area (SCA)
Local government area	Central Highlands Regional Council
Assessing agency	Department of Resources

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**ABN** 29 230 178 530

## Decision

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Outcome Approved in part, subject to conditions  
Date of decision 14 September 2023

## Reasons for the decision

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It is considered that the requested amendment can be made in part as it does not compromise the applicable requirement outcomes for the SCA as contained in Schedule 2 Part 4 of the Regional Planning Interests Regulation 2014 as it:

- will not result in a material impact on SCL on the property (SCL) or on the area in the SCA as it proposes a SCA disturbance area which is less than the already approved SCA disturbance area
- meets the matters contained in s49 of the RPI Act, to the extent considered appropriate.

## Conditions of approval

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The attached amended RIDA confirms the nature and extent of the resource activities the subject of this amended approval. Conditions include matters relating to the location of the resource activities, the maximum area of impact on SCA, the required mitigation measures, the requirement for a Soil Conservation Plan and keeping a copy of the RIDA at all times.

It is considered that by imposing conditions, impacts of the approved resource activities on the SCA will be appropriately managed.

## Appeals

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Details of the appeal process, under Part 5 of the RPI Act, are set out in **Attachment 1**. This decision takes effect when the 'appeal period' for the decision ends. The 'appeal period' means the period ending on the last day on which an appeal against the decision may be started.

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

Yours sincerely



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

enc. Attachment 1 - Extract from the *Regional Planning Interests Act 2014*  
Regional Interests Development Approval

# Attachment 1 - Extract from the *Regional Planning Interests Act 2014*

## Part 5 Appeals and declarations

*In this part—*

**affected land owner**, for a regional interests decision, means an owner of land (**affected land**) that may be adversely affected by the resource activity or regulated activity because of—

- (a) the proximity of the affected land to the land the subject of the decision; and
- (b) the impact the activity may have on an area of regional interest.

**court** means the Planning and Environment Court.

**regional interests decision** means each of the following decisions—

- (a) a decision to grant a regional interests development approval;
- (b) a decision to impose a condition on a regional interests development approval;
- (c) a decision to refuse all or part of an assessment application;
- (d) a decision to make, or refuse to make, a requested amendment to a regional interests development approval.

### 72 Appeal to Planning and Environment Court

The following may appeal (an **appeal**) against a regional interests decision to the court—

- (a) the applicant;
- (b) if the applicant is not the owner of the land—the owner of the land;
- (c) an affected land owner.

Note—

See the Planning and Environment Court Act 2016 for provisions about the powers, processes and procedures of the court.

### 73 Appeal period

- (1) An appeal may be started only within 20 business days after—
  - (a) for a person who received a decision notice, or a copy of a decision notice, for the decision—the notice was received; or
  - (b) for an affected land owner for a regional interests decision—notice of the decision was published under section 52.
- (2) However, the court may at any time extend the time for starting the appeal.

### 73A How appeals are started

- (1) An appeal is started by lodging a written notice of appeal with the registrar of the court.
- (2) The notice of appeal must be in the approved form and succinctly state the grounds of the appeal.

#### **74 Respondent for appeal**

- (1) *The chief executive is the respondent for the appeal.*
- (2) *If the appellant is not the applicant for the decision, the applicant is a co-respondent for the appeal.*
- (3) *If the appellant is not the owner of the land for the decision, the owner of the land may apply to the court to be a co-respondent for the appeal.*
- (4) *If the appeal is about an assessing agency's response, the assessing agency is a co-respondent for the appeal.*
- (5) *If the appeal is only about an assessing agency's response, the chief executive may apply to the court to withdraw from the appeal.*

#### **75 Notice of appeal to other parties**

- (1) *An appellant must, within 10 business days after starting an appeal, give notice of the appeal to each of the following—*
  - (a) *a respondent or co-respondent for the appeal;*
  - (b) *if the appellant is not the owner of land for the regional interests decision—the owner of the land.*
- (2) *The notice must state—*
  - (a) *the grounds of the appeal; and*
  - (b) *if the person given the notice is the owner of the land—that the person may apply to the court to be a co-respondent for the appeal.*

#### **76 Stay of operation of decision**

- (1) *The starting of an appeal does not stay the operation of the decision appealed against.*
- (2) *However, the court may stay the operation of the decision to secure the effectiveness of the appeal.*
- (3) *A stay—*
  - (a) *may be given on reasonable conditions as the court considers appropriate; and*
  - (b) *operates until the first of the following happens—*
    - (i) *the period fixed by the court ends;*
    - (ii) *the appeal is decided, withdrawn or dismissed; and*
  - (c) *may be revoked or amended by the court.*

#### **77 Who must prove case for appeal**

- (1) *In an appeal by the applicant for a regional interests decision, it is for the appellant to establish the appeal should be upheld.*
- (2) *In an appeal by either of the following, it is for the applicant for a regional interests decision to establish the appeal should be dismissed—*
  - (a) *if the applicant is not the owner of the land—the owner of the land;*
  - (b) *an affected land owner.*