



18 July 2019

Mr William Vatovec
Chief Operating Officer
KEPCO Bylong Australia Pty Ltd (KEPCO)
Suite 1301, Level 13, 141 Walker Street
North Sydney NSW 2060
AUSTRALIA

By email: [REDACTED]

Dear Mr Vatovec,

Bylong Coal Project SSD 14_6367 – Gateway Certificate under clause 17H of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

We refer to KEPCO's development application in respect of the Bylong Coal Project SSD 14_6367 (**Project**), and the Conditional Gateway Certificate – Bylong Coal Project Gateway Certificate (**Gateway Certificate**), which expired on 15 April 2019.

We write to inform you that the Independent Planning Commission (**Commission**) is of the preliminary view that, by reason of clause 50A of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*, the Commission, as consent authority in respect of the Project, cannot approve KEPCO's development application in the absence of a Gateway Certificate that is current at the time of the determination.

In those circumstances, please advise the Commission by **5 pm on Friday 26 July 2019** whether KEPCO intends to request a fresh Gateway Certificate in respect of the Project.

Alternatively, if KEPCO disagrees with the Commission's preliminary view as to the need for a development application to be accompanied by a current Gateway Certificate at the time of determination and wishes to make a submission to that effect, please provide any such submission by **5 pm on Friday 26 July 2019**.

For the avoidance of doubt, this letter should not be taken to offer any indication as to the Commission's views on the merits of the Project's development application. The development application remains under consideration. This letter is only intended to give KEPCO the opportunity to either make a submission on the implications of the expiry of the Gateway Certificate for the development application in light of clause 50A of the EP&A Regulation, or

to notify the Commission of KEPCO's intention to request a fresh Gateway Certificate given that the Gateway Certificate dated 15 April 2014 has now expired.

If you have any questions, please contact me on 9383 2131 or at my email address samantha.mclean@ipcn.nsw.gov.au.

Regards,

A handwritten signature in blue ink, appearing to read 'SM', with a long horizontal stroke extending to the right.

Sam McLean
Executive Director
Independent Planning Commission NSW Secretariat