



## BYLONG COAL PROJECT REFUSED DEVELOPMENT CONSENT

18 September 2019

The Independent Planning Commission has refused development consent for a new coal mine near Mudgee, in the state's Central West, citing concerns about long-lasting environmental, agricultural and heritage impacts.

Kepeco Bylong Australia Pty Ltd had sought approval to develop an open cut and underground coal mine in the Bylong Valley to extract up to 120 million tonnes of run-of-mine coal over 25 years for the thermal coal export market.

The Department of Planning, Industry and Environment referred the state significant development application to the Commission for determination in October last year because of significant community opposition.

Commissioners Gordon Kirkby (Panel Chair), Wendy Lewin and Stephen O'Connor were appointed to determine the state significant development application.

They met with the Applicant, the Department, Mid-Western Regional and Muswellbrook Shire Councils and the Bylong Valley Protection Alliance to discuss the proposed mine and conducted an inspection of the site and surrounding area.

The Commission also held a public meeting in Mudgee to listen to the community's views. Key issues raised in oral and written submissions to the Commission included:

- the loss of prime agriculture land
- air quality and greenhouse gas emissions
- biodiversity
- groundwater and surface water impacts
- heritage impacts
- noise and blasting
- economic and social benefits, including job creation

After considering all the evidence and weighing the community's views, the Commission has today (Wednesday 18 September 2019) determined to refuse development consent for the mine.

While the Commission found the mine's predicted air quality, biodiversity, noise, subsidence and visual impacts are acceptable and/or can be effectively managed or mitigated, it raised significant concern about other longer-lasting environmental impacts.

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In its Statement of Reasons for Decision, the Commission found (in summary):

- the groundwater impacts would be unacceptable
- no evidence to support the Applicant's claim that impacted Biophysical Strategic Agricultural Land (BSAL) can be rehabilitated post-mining to BSAL-equivalent
- given the expected level of disturbance to the existing natural landscape, the Commission does not consider that a recreated landscape post-mining will retain the same aesthetic, scenic, heritage and natural values; and
- greenhouse gas aspects of the Project remain problematical.

The Commission acknowledged the anticipated economic and social benefits to NSW during the life of the mine – including the creation of hundreds of jobs and the payment of royalties totalling up to \$290 million.

However, it found the environmental impacts, particularly on groundwater and productive agricultural land, would last long after the mine is decommissioned.

“The Project is not in the public interest because it is contrary to the principles of ESD (ecologically sustainable development) – namely intergenerational equity because the predicted economic benefits would accrue to the present generation but the long-term environmental, heritage and agricultural costs will be borne by the future generations,” the Commission concluded.

**The Commission's Statement of Reasons for Decision is available here:**

<https://www.ipcn.nsw.gov.au/projects/2018/10/bylong-coal-project>

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