



KEPCO BYLONG AUSTRALIA PTY LTD V INDEPENDENT PLANNING COMMISSION

13 February 2020

The Independent Planning Commission NSW cannot take an active role in responding to a judicial review challenge brought by KEPCO Bylong Australia in relation to its determination of the Bylong Coal Project.

The Commission determined to refuse the state significant development application for the Bylong Coal Project on 18 September last year.

Due to the *Hardiman* principle of administrative law, the Commission is restricted from taking an active role in proceedings brought by KEPCO in the NSW Land & Environment Court.

The *Hardiman* principle is intended to preserve the impartiality of a decision-maker – in this case the Independent Planning Commission NSW – in the event a decision made by it is sent back to it by the Court for re-determination.

Accordingly, the Commission will file a submitting appearance when the matter is before the Court tomorrow (Friday 14 February 2020).

The Commission will make no further comment on this matter at this time.

(END OF STATEMENT)