



DENDROBIUM EXTENSION PROJECT (SSD 8194)

1 July 2021

Due to the *Hardiman* principle of administrative law, the Independent Planning Commission NSW is restricted from taking an active role in a judicial review of the Commission's refusal of the Dendrobium Coal Mine application on 5 February 2021.

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

The Commission cannot take an active role in responding to three of the four grounds in the judicial review challenge brought by Illawarra Coal Holdings. The NSW Government will intervene in the proceedings to defend the one remaining ground of appeal.

Accordingly, the Commission will file a submitting appearance in the proceedings, consistent with the Commission's approach to other recent judicial reviews regarding the Bylong Coal Project and the Narrabri Gas Project.

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

(END OF STATEMENT)