



Mr Stephen Barry
A/Executive Director
Independent Planning Commission
Suite 15.02, Level 15
135 King Street
Sydney NSW 2000

4 July 2022

Glendell Continued Operations Project (SSD 9349) – request for extension in time for determination

Dear Mr Barry

Thank you for your correspondence to the Planning Secretary of the Department of Planning and Environment requesting an extension of the determination date for the Glendell Continued Operations Project (Project). The Planning Secretary asked me to respond on his behalf.

The Department understands that the Independent Planning Commission (Commission) has received representations regarding a report prepared under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Report). The Department also understands that the Commonwealth Department of Agriculture, Water and Environment (DAWE) expressed that the report can be considered by the Commission, however maintains that the Report cannot be made publicly available.

The Department understands the Commission is now in the process of urgently seeking legal advice to examine its options regarding its ability to consider the Report without constraining the Commission's ability to act transparently in accordance with its objectives.

Given this process is currently ongoing, the Planning Secretary agrees to provide the Commission an extension of the determination date for the Project to 22 July 2022 in order to enable the Commission to take legal advice and consider its options.

If you have any questions, contact Steve O'Donoghue on [REDACTED] or via email at Stephen.Odonoghue@planning.nsw.gov.au.

Yours sincerely

Clay Preshaw
Executive Director
Energy, Resources and Industry Assessments