



BYLONG COAL

KEPCO BYLONG AUSTRALIA

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20 August 2019

BY EMAIL: anna.summerhayes@ipcn.nsw.gov.au

Anna Summerhayes
Acting Executive Director
Independent Planning Commission NSW Secretariat
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Dear Ms Summerhayes

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

1. We refer to the following:
 - (a) Letter dated 18 July 2019 from the Independent Planning Commission (IPC) setting out the IPC's preliminary view that it cannot approve the development application for the Bylong Coal Project in the absence of a gateway certificate that is current at the time of the determination and requesting any submission from us by 26 July 2019.
 - (b) Our letter dated 23 July 2019 setting out KEPCO's contrary view on the gateway certificate issue and providing the joint opinion of Richard Lancaster SC and David Hume which supports our view. To date, we have not received any response or comments from the IPC in respect of this letter.
 - (c) The various public submissions made in respect of our letter dated 23 July 2019.
 - (d) Our letter dated 13 August 2019 providing our comments on the public submissions received in relation to the gateway certificate issue. To date, we have not received any response or comments from the IPC in respect of this letter.
 - (e) Our telephone discussion on 16 August 2019 during which I queried the assessment process going forward and requested a meeting with the relevant IPC members. I understood that you would raise these queries with the IPC and revert with a response.
 - (f) Letter dated 19 August 2019 from the IPC indicated that it 'proposes to deal with the Gateway certificate issue in its statement of reasons in respect of the Development Application'. The letter did not respond to the request for a meeting with the relevant IPC members.
2. As the proponent of the proposed Bylong Coal Project, we consider that we are owed a duty of procedural fairness by the IPC, particularly in circumstances where:
 - (a) The IPC has advanced a preliminary view that is potentially adverse to KEPCO's interests.
 - (b) KEPCO has responded to the preliminary view and outlined its competing view.

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- (c) The IPC has received various public submissions on the topic.
 - (d) The IPC has not further engaged with us as to whether it maintains or has abandoned its preliminary view.
3. In the circumstances, KEPCO repeats its request for an urgent meeting with the relevant IPC members to discuss the gateway certificate issue further and to ensure that it has a reasonable opportunity to present its position ahead of any determination by the IPC.

Please do not hesitate to contact me on [REDACTED] if you wish to discuss this matter further.

Yours sincerely



William (Bill) Vatovec
Chief Operating Officer
KEPCO Australia Pty Ltd