


Reply to: Nic Clyde
NSW Community Coordinator
Level 14, 338 Pitt Street
Sydney, 2000


22 August 2019

Ms Samantha McLean
Executive Director
Independent Planning Commission

Dear Ms McLean,

RE: PROCEDURAL FAIRNESS AND A REQUEST FOR AN URGENT MEETING

I write in reference to KEPCO's request of 20 August to meet the Commission to discuss the Gateway Certificate for the Bylong coal project.

If the Commission grants this request, procedural fairness dictates that you also provide an opportunity for affected landholders and Lock the Gate Alliance representatives to meet with the Commission before a determination is made on the Bylong Coal Project.

This is particularly important in light of new information arising from the IPC's consultation with NSW DPIE Agriculture on 6 August 2019.

One of the consent conditions for this project recommended by the Department in its final assessment report is that the Proponent "*restore at least 400 ha of BSAL-equivalent land / Class 3 land*". The transcript of the meeting between the Commission and the Department on 6 August 2019 in relation to BSAL effectively contains an admission from the Department that restoration of BSAL land after mining has never been achieved in NSW.

In particular, I note the statement from Mr Mike Young from the Department in the transcript that "*Um, certain investigations and research was undertaken and the bottom line is that, um, certainly from the planning perspective, we have no, ah, particular examples of mining projects that have been able to, ah, restore BSAL.*"

Further, Lock the Gate's consultation with soil science experts reveals significant doubt that this can be achieved. We contend that consent cannot be granted to destroy the unique strategic agricultural land of the Bylong Valley on the promise of experimental and unsubstantiated rehabilitation practices.

In addition, broad references to post-mining rehabilitation in the US made by DPI Agriculture at the meeting with the IPC can not be considered relevant to the issue here, because they failed to provide any specific examples and, even were they to do so, it is unlikely that they are pertinent to Australian conditions.

For procedural fairness to be satisfied, decisions must be free from bias, or the apprehension of bias, they must be based on evidence and they must provide people likely to be adversely affected by the decision with the opportunity to have their response taken into consideration.

In summary, significant matters of public interest are at stake, including the viability of farms neighbouring KEPCO's project area and the preservation or restoration of scarce and hugely important strategic agricultural land. To arrange a meeting - should that be required as per the principles of procedural fairness - please contact Nic Clyde, NSW Community Coordinator for Lock the Gate Alliance by phone on [REDACTED] or via email at [REDACTED]

Yours sincerely,

Nic Clyde