

5 July 2019

Commissioners
Independent Planning Commission
3/201 Elizabeth Street
SYDNEY NSW 2000

Attention: Ms Samantha McLean

Dear Ms McLean,

**Bylong Coal Project
Response to IPC Correspondence dated 27 June 2019**

We thank you for your correspondence dated 27 June 2019 providing the opportunity for KEPCO to comment on the six documents which have recently been placed on the IPC website in relation to the Bylong Coal Project (the Project). The documents dated between 7 December 2018 to 15 April 2019 raise similar matters which have previously been addressed within KEPCO's correspondence to the IPC. It is noted that one of the documents listed was prepared on behalf of KEPCO and no response is required.

The correspondence from Chalk and Behrendt on behalf of Lock the Gate Alliance (LTGA) dated 7 December 2018 and 9 April 2019 raise concerns regarding the application of the NSW Aquifer Interference Policy (AIP) and related legislation to the predicted Project impacts. Further, the correspondence from Marylou Potts dated 19 February 2019 raises concern on the draft Compensatory Water Supply Agreement (CWSA) sent to neighbours for discussion and draft Condition 25 of the recommended development consent conditions. KEPCO has previously responded to water related matters (including matters raised within these three separate submissions) within the '*Response to Submissions in Relation to Water Resources*' provided to the IPC on 20 December 2018 (referred to within Attachment A of the IPCs correspondence).

Correspondence from the Environmental Defenders Office (EDO) NSW on behalf of the Bylong Valley Protection Alliance (BVPA) dated 15 April 2019 poses the 'wrong time test' with reference to the recent Land and Environment Court cases in relation to the Wallarah 2 Coal Project and Rocky Hill Project.

KEPCO has thoroughly addressed comments from stakeholders relating to greenhouse gas emissions within its submission to the IPC entitled '*Relevant Information for the IPC's Consideration in Relation to Greenhouse Gas Emissions*' dated 4 March 2019 and subsequent letter entitled '*Response to EDO NSW Submission dated 15 February 2019*' which was submitted to the IPC on 8 March 2019.

On review of the email submissions included within the Phone Campaign Emails (dated between 12 and 17 December 2018), KEPCO considers that the matters raised by stakeholders have already been addressed within KEPCO's approvals documentation and/or responses to stakeholder submissions provided to the IPC as part of the determination process. Further, there has been no request from the IPC in the past 6 months for KEPCO to provide further information on any specific matter raised within these submissions. KEPCO notes that the majority of these email submissions are duplicated within the document (i.e. included more than one time) provided on the IPC website.

The IPC's correspondence highlighted to KEPCO that it had made publicly available all submissions it had received from the public (up to 27 June 2019) in relation to the GML Heritage Advice. KEPCO considers that its '*Response to GML Heritage Advice dated 12 June 2019*' which was submitted with the IPC on 27 June 2019 thoroughly addresses the matters raised within the GML Heritage Advice which has been relied upon for these stakeholder submissions. Further KEPCO considers that there are no new matters raised which have not previously been addressed by KEPCO within its approvals documentation.

It is also important to highlight to the IPC that on 21 March 2019, in response to a request made by LTGA for the Department of Environment and Energy (DoEE) to reconsider its controlled action decision for the Project, the Assistant Secretary of DoEE as a delegate of the Minister made a decision under section 78C of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to "*confirm the first decision*". In their decision, the DoEE considered that the potential impacts of the Project to the Greater Blue Mountains World Heritage Area are not likely to be significant and accordingly decided not to amend the controlled action decision (originally made on 12 April 2014) for the Project to list World Heritage properties as a controlling provision. This decision by the Commonwealth Government responds to the various form submissions raising this concern.

Please do not hesitate to contact us should you like to discuss any queries that you may have in relation to this letter or any matter relating to the Bylong Coal Project.

Yours faithfully

HANSEN BAILEY



Nathan Cooper
Principal



James Bailey
Director