

From: [John Hayes](#)
To: [IPCEN Enquiries Mailbox](#)
Subject: Re: The Bylong Coal Mine - expired Gateway Certificate
Date: Thursday, 1 August 2019 11:30:04 AM

The Independent Planning Commission
ipcn@ipcn.nsw.gov.au

Dear Commissioners,

Re: The Bylong Coal Mine - expired Gateway Certificate

Our Community Group advocates the importance of Correct Planning and Consultation, and so should you.

Your records will show that the writer, as convenor of **Correct Planning and Consultation for Mayfield Group (CPCFM)** attended the IPC meeting at Mudgee, and spoke against KEPCO being granted approval to mine.

The reasons we advanced at that time are still valid.

We were shocked to hear that since the Gateway Certificate has expired, that KEPCO expects that it can continue on with its application, without the need for it to apply for the Gateway Certificate to be renewed.

We oppose KEPCO being given permission by the IPC to proceed with its application to mine, when it does not hold a **Current Gateway Certificate** for the following reasons:

1. The Gateway Certificate expired in April 2019.
2. If the IPC allowed KEPCO to proceed without a current Gateway Certificate, this provides a very bad precedent that would flow onto other Planning Applications and Organisations in the region;
3. If KEPCO is not capable of following the rules of the planning process, how can we, and how can the IPC, be assured that they are capable of:

managing a working project

And

following the terms of consent?

Additional matters that the IPC will need to take into account are:

4. The gateway certificate is all about the impact of this coal mine on the strategic farmland and precious productive groundwater of the Bylong Valley.
5. The certificate was given a 5-year use-by-date for a reason: because the STATE can't just give mining companies open-ended open gates to our best farmland.
6. The Commission should stick to its first instincts and tell KEPCO it must go back to the soil and water scientists for a new gateway certificate.
7. The Biophysical Strategic Agricultural Land at Bylong is too precious to mine, and there is simply no credible evidence that these extraordinary soils can be restored after mining.
8. KEPCO's mine would take out 688 hectares of BSAL land, which is nearly 13% of the BSAL land in the Bylong Valley.
9. The *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* refers specifically to the protection of strategic agricultural land in one of its aims.
10. The legal advice that KEPCO has submitted, claiming it does not have to apply for a new Gateway Certificate is flawed, and should be ignored.

Please close down this application NOW.

Please advise us of your decision as soon as possible.

John L Hayes

Dated 1st August 2019

Convenor

Correct Planning and Consultation for Mayfield Group (CPCFM)**

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** CPCFM was established in 2010, and has about 500 members and supporters