



**BYLONG COAL**

**KEPCO BYLONG AUSTRALIA**

Suite 701, 99 Walker St

North Sydney NSW 2060

Phone: 02 8904 9508 Fax: 02 8904 9588

23 August 2019

**BY EMAIL:** [REDACTED]

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.
  - (g) Letter dated 19 August from KEPCO to the IPC requesting an urgent meeting.
2. If the IPC is going to determine that the gateway certificate must be current at the time of the determination KEPCO requests that it is advised of this prior to determination of the development application. This issue is separate from the broader merits of the application. If a current

gateway certificate is required, then KEPCO should have an opportunity to seek and obtain a current gateway certificate prior to the determination of the current application.

3. As such we reiterate our request for an urgent meeting and for the IPC to advise as to its position on the gateway certificate currency issue prior to progressing the development application.

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