

LOCK THE GATE ALLIANCE

AUSTRALIANS WORKING TOGETHER TO PROTECT OUR LAND, WATER, AND FUTURE

Reply to: Georgina Woods
PO Box 290
Newcastle 2300

22 November 2018

To: Professor Mary O’Kane, Chair, Independent Planning Commission
Gordon Kirkby, Stephen O’Connor, Wendy Lewin, Independent Planning Commission panel
for the Bylong Coal Project
via email ipcn@ipcn.nsw.gov.au

Dear Professor O’Kane and Commissioners

We are taking the step of writing a letter to you in addition to the submission we have made on the Bylong Coal Project, seeking a formal response from the Commission to our request that further information be obtained to augment the assessment of the project provided by the Department of Planning and Environment.

Further to the requests for information in our submission, we ask the Commission to consider the following requests:

- The Commission should seek clarification from the Heritage Council over its decision not to adopt the recommendations of the independent report prepared for it by Hector Abrahams Architects about the heritage significance of Tarwyn Park and the Bylong Scenic Landscape;
- More specifically, we ask the Commission to seek clarification from the Heritage Council as to when it intends to make a decision regarding whether or not to recommend listing of Tarwyn Park and Iron Tank on the State Heritage Register. Legal advice we have obtained indicates that a listing on the State Heritage Register is of direct relevance to the State Significant Development assessment and determination process as it directly affects the matters that the consent authority must take into consideration when determining an SSD proposal and formulating conditions of consent under s79C of the EP&A Act;
- The Commission should seek a briefing from the Department of Industry - Water on its Regional Water Strategy for the Hunter and the water security analysis underpinning that strategy to inform its consideration of this project. We note that since we lodged our submission, the Strategy has been made publicly available and its findings about drought risk and water security in the Greater Hunter are relevant for this project;
- The Commission should seek a briefing on water usage in the Bylong River Water Source to contextualise the proponent and the Department’s claims about the impact of the proposed mine’s water use on the viability of the water source;

- The Commission should obtain market analysis of the Sydney Basin North Coast groundwater source in the Fractured and Porous Rock Water Sharing Plan, since no evidence has been provided that water from this source will be able to be obtained by the proponent to meet its licencing obligations;
- The Commission should consider the heritage impact assessment provided by Hector Abrahams and the very high impact it found would be inflicted on matters of state significance by this mine, which is not removed by the mine plan proposed by the Department of Planning;
- The Commission should obtain independent advice assessing this project against the principles of ecologically sustainable development, since the Department of Planning has failed to provide such information in either of its Assessment Reports.
- The Commission should obtain an independent assessment of the impact of the project on Aboriginal cultural heritage since the additional assessment requested by the Commission review was not undertaken.

Further information about the recommendations above are available in our submission on the project.

We would appreciate a response from the Commission indicating whether these requests for further information to fill gaps in the assessment provided by the Department of Planning and Environment will be made.

Yours sincerely

Georgina Woods