



22 July 2019

Mike Young  
Executive Director, Energy and Resources  
Department of Planning, Industry and Environment  
By email: [REDACTED]

Dear Mr Young

### Bylong Coal Project SSD 6367

The Independent Planning Commission (**Commission**) in its consideration of the Bylong Coal Project (the **Project**), is seeking a response from the Department of Planning, Industry and Environment) (**the Department**) in regard to impacts on and rehabilitation of Biophysical Strategic Agricultural Land (**BSAL**) as part of the Project. The Commission would like to better understand the submissions made by the Department of Primary Industries (**DPI**), and the views of other relevant agencies, in relation to the following questions:

- What are the relevant legislative and policy frameworks that apply to BSAL in NSW?
- Is DPI satisfied, on the basis of the information provided by the Applicant, that the site can and will be restored to BSAL-equivalent land through the rehabilitation strategy proposed?
- Has DPI undertaken analysis of the Bylong Coal Project with regard to the recommended completion criteria for rehabilitation? Is DPI satisfied that the concerns raised in its early submissions have been satisfactorily addressed?
- Is DPI satisfied that the precedent rehabilitation examples put forward by the Applicant provide adequate evidence that approximately 400ha of BSAL can be rehabilitated to be BSAL-equivalent land? Are there examples of rehabilitated BSAL that have been productive agriculture land once the site is no longer owned by the mining company?
- The proposed Bylong Coal Project open cut will directly impact approximately 13% of the BSAL in the Bylong Valley. What proportion of BSAL in a given vicinity would DPI consider to be an acceptable loss of BSAL?
- How are known aquifers factored into assumptions that underlie minimum rainfall as a water supply criteria in the BSAL Protocol?
- With regard to the groundwater resources, does DPI consider that the Project Site can be restored to BSAL-equivalent land, given the length of time modelled for the aquifer to recharge post-mining?
- Is BSAL viewed uniformly as a resource in terms of its quality and value to agriculture, or is some BSAL considered more 'valuable' than others, for example, BSAL in close proximity to markets or BSAL that meets both the minimum annual rainfall threshold and the aquifer water supply criteria?
- Does DPI (or any other government authority) monitor BSAL over time in terms of changes in land use or loss of BSAL through activities such as mining or extractive industries? If so, what is the known rate of loss?

The Commission would appreciate if the Department could provide a response either in writing or at a meeting with DPI and the Commission to be scheduled for the week of 22 July 2019.

Yours sincerely



Sam McLean  
**Executive Director**  
**Independent Planning Commission**