

**From:** [REDACTED]  
**To:** [IPCN Enquiries Mailbox](#)  
**Subject:** Formal complaint related procedural process  
**Date:** Friday, 4 October 2019 5:35:00 PM  
**Attachments:** [190925 OUT IPC Statement re Additional Information from DPIE.pdf](#)  
[REDACTED]

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Dear IPCN

On the IPCN website for the Rixs Creek south continuation of mining project SSD 6300- attached statement from the New South Wales Government Independent Planning Commission.

"The Commission will accept written comments with respect to the additional information until 5pm, Friday 4 October 2019. "

As a member of the public reading this statement of commitment from the IPCN chair of the project that this would be adhered to, that written comments would be accepted until 17:00, also note the attached email communication related to the additional information when first raised of the importance of not disadvantage others the right to make a submission, that these submissions or comments would be assessed of significant importance apart of the assessment process of the project.

On receiving a email from the IPCN at 14:50 on the 4th October 2019 that a determination had been made.

The Complaint related to the IPCN relates to these concerns:

- The IPCN potentially failed to follow procedural process related to the statement on the website and email attached to ensure the rights of other's to make submission or comment would be accepted apart of the assessment process
- The concern of the potential of misleading others to the fact that under the statement and email attached that the material provided by the time-frame would be assessed apart of the procedural process of assessment
- Published material on the website of names, land ownership without the consent of the owners, that a member of the public had to notify the IPCN to have these removed, therefore there is a concern of failure of ensuring privacy under the Act, that the procedural process has failed the residence in the Camberwell district and clearly the handling data needs to be addressed.

Regards

[REDACTED]



22 October 2019

[REDACTED]  
Via email: [REDACTED]  
[REDACTED]

**Re: Formal complaints related to procedure**

Thank you for your email correspondence of 4 October 2019.

We note the short delay in responding to your email. The Independent Planning Commission's (**Commission's**) Secretariat aims to reply to general enquiries or complaints within 10 working days, which in the case of your correspondence would have been by yesterday, 21 October 2019.

In that email, you made three complaints regarding the Commission's processes in determining the Rix's Creek Continuation of Mining Project SSD 6300 (**Application**).

As we understand your email, you make three complaints:

1. The Commission said on 25 September 2019 that it would accept written comments regarding additional information provided by the Department of Planning, Industry and Environment (**Additional Information**) until 5pm on 4 October 2019. The Commission failed to be procedurally fair to people making written comments by determining the Application before 5pm on 4 October 2019.
2. That the Commission was potentially misleading in stating that it would accept written comments on the Additional Information up to 5pm on 4 October 2019.
3. That the Commission published on its website names and land ownership details without the consent of those named and that there was a consequent failure to ensure privacy.

As you may be aware, the Commission's purported determination of the Application on 4 October 2019 was invalid and no actual determination of the Application was made on that date. I refer to the Commission's statement of 4 October 2019 (**Statement**), which is **enclosed** for ease of reference.

In the Statement, the Commission extended the deadline for written comments to 12pm on 11 October 2019 in order to provide any person who wished to comment on the Additional Information with adequate time in which to do so.

The Independent Planning Commission then determined the Application on 12 October 2019.



Accordingly, we do not consider that the issues raised in points [1] and [2] have any currency as complaints as they have already been adequately addressed by the extension of time for comment in the Statement and the subsequent determination of the Application on 12 October 2019.

Regarding point [3] in your email, I understand that this refers to an exchange you had with the Commission's Secretariat on 25 September 2019 regarding the Additional Information.

One of the 11 attachments to the Additional Information (specifically, Attachment 2A) contained a table at Appendix A setting out land ownership details of five parcels of land (**Table**). The information provided in the Table was limited to the Receptor ID number of the parcel, the name of the owner of the parcels and the lot and deposited plan of each of the five parcels.

The Commission's 'Privacy Statement', available on our website (**Privacy Statement**), sets out the terms on which personal information is protected by the Commission. Under the Privacy Statement, information that is in a public register is not protected as personal information.

The names of registered proprietors of land, along with the lot and deposited plan identifiers of land, are publicly available on the Register maintained under the *Real Property Act 1900* as administered by NSW Land Registry Services.

Accordingly, we do not consider the information in the Table in Attachment 2A to be protected personal information. It follows that there was no breach of privacy in the publication of the information in the Table – which, in any event, was redacted as a courtesy to you on the same day and within hours of its original publication on our website.

Should you have any questions, please contact Ms Anna Summerhayes on (02) 9383 2100 or [ipcn@ipcn.nsw.gov.au](mailto:ipcn@ipcn.nsw.gov.au)

Yours sincerely

A handwritten signature in cursive script that reads "Anna Summerhayes".

**Anna Summerhayes**  
**Acting Executive Director – Secretariat**



## RIX'S CREEK SOUTH CONTINUATION OF MINING PROJECT (SSD 6300)

4 October 2019

This afternoon (Friday 4 October 2019) a Statement of Reasons for Decision, Development Consent and media release were published on the Independent Planning Commission's website indicating that a determination had been made in respect of the Rix's Creek South Continuation of Mining Project (SSD 6300).

That material has now been removed from the Commission's website, as the Commission has determined that the purported determination was not valid.

As such, no determination of this state significant development application has yet been made.

The stated deadline for written comments in relation to [additional information from the Department of Planning, Industry & Environment](#) (dated 24 September 2019) (the Additional Information), which was published on the Commission's website, did not lapse until 5pm today.

The Commission has decided to extend this deadline in order to provide any person who wishes to comment on the Additional Information with adequate time in which to do so.

As such, the revised deadline for comment on the Additional Information is **Midday (12pm AEDT) on 11 October 2019**.

Any comment received prior to this date (including those already received) will be taken into account by the Commission in making its determination.

The Commission will publish its determination in due course.

There will be no further comment in relation to this matter.

**(END OF STATEMENT)**