



# PLANNING ASSESSMENT COMMISSION REVIEW



The Minister for Planning has requested that the New South Wales (NSW) Planning Assessment Commission (PAC) review and hold a public hearing into the Bylong Coal Project (the Project) proposed by KEPCO Bylong Australia (KEPCO).

## PLANNING ASSESSMENT COMMISSION

The PAC is an independent panel made up of experts in planning, architecture, the environment, urban design, land economics, traffic and transport, law, engineering, tourism, heritage or government and public administration, constituted under section 23B of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act).

## THE APPROVALS PROCESS TO DATE

In July 2015, KEPCO lodged a Development Application (DA) and Environmental Impact Statement (EIS) with the NSW Government. The EIS provides a detailed description of the Project and identifies potential environmental and social impacts of the proposed development, along with ways to manage these potential impacts through avoidance, mitigation and offsetting. The EIS also identifies actions to enhance Project benefits and social opportunities for the local region.

The NSW Department of Planning & Environment (DP&E) placed the EIS and DA on public exhibition from Wednesday 23 September to Friday 6 November 2015 inviting interested persons to make a submission about these documents. A total of 383 submissions were received.

In response to these submissions, KEPCO prepared a detailed Response to Submissions report, which was submitted to DP&E in March 2016. Additional matters raised by a small number of stakeholders were addressed in a Supplementary Response to Submissions report submitted in August 2016. Following the DP&E's consideration of these reports, and preparation of its Preliminary Assessment Report, the Minister for Planning requested that the PAC review and hold a public hearing into the Project.

The terms of reference for the review and the public hearing are available at <http://www.pac.nsw.gov.au/projects/2017/02/bylong-coal-project>.

## PUBLIC HEARING

Public hearings are provided for under section 23D (1)(b)(iii) of the EP&A Act. The purpose of the public hearing is to give interested parties an opportunity to present their views to the PAC.

The PAC held a public hearing for the Project on the 11 May 2017 in Mudgee, where submissions from residents, the local community and other stakeholders were received.

All relevant documents relating to the Project, including public submissions received by the PAC during its review, are also available on the PAC website.

## RECORDS AND DOCUMENTS

As public hearings are not recorded by any electronic devices, the PAC, where possible, generally requests copies of speech notes or presentations be provided to the PAC Secretariat at or following the hearing, for record purposes.

Presentations and notes provided to the PAC have been made publicly available on the PAC's website, along with any submissions received by the PAC prior to and following the public hearing. Copies of the submissions are available at <http://www.pac.nsw.gov.au/projects/2017/02/bylong-coal-project>.

## AFTER THE PUBLIC HEARING

The PAC released its report to the Minister for Planning on 25 July 2017 and the Project has been returned to DP&E for consideration of the PAC findings.

KEPCO has prepared a detailed response to address the issues raised by the PAC in relation to the benefits of the Project, to definitely quantify residual impacts and to illustrate how these residual impacts will be appropriately mitigated and managed in accordance with regulatory requirements and industry leading practice.

DP&E will now prepare a final Assessment Report considering the information provided in KEPCO's PAC Response Report and the Project is then delegated back to the PAC as the delegate of the NSW Minister for Planning for a final determination (this may or may not include a public meeting).

If the Project is approved under the EP&A Act, it will also require Australian Government approval because it is a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

## PUBLIC MEETING

The purpose of a public meeting is to provide interested parties the opportunity to present their views on the Assessment Report and Recommendations, prior to the PAC determining an application. The PAC may hold a public meeting at its discretion, where it considers additional public input will assist in determining the application.

Should the PAC decide to hold a public meeting for the Project, the PAC needs to provide reasonable notice of the public meeting. This may include:

1. Advertising at least two weeks prior to the meeting
2. Publishing the details of the meeting on its website ([www.pac.nsw.gov.au](http://www.pac.nsw.gov.au))
3. Writing to any parties who have made a submission on the application to the DP&E, and or made a submission or spoke at the public hearing, inviting them to register to speak at the meeting.

Anyone may attend a public meeting, but if you wish to speak at the meeting you must register to do so before the advertised closing date.

## NEED MORE INFORMATION?

Please contact the PAC Secretariat on (02) 9383 2100 or email to [pac@pac.nsw.gov.au](mailto:pac@pac.nsw.gov.au) if you have any questions about the public meeting process, or [www.pac.nsw.gov.au](http://www.pac.nsw.gov.au)

## APPROVAL PROCESS

