

August 5, 2014

This is a submission against both the Warkworth (SSD 6464) and Mt Thorley (SSD 6465) Continuation Projects.

I find it incomprehensible as well reprehensible that the Department of Planning is allowed to accept an application for what is effectively the same two projects which were rejected by two NSW courts. This just confirms the disgraceful favoritism and appalling 'in bed' togetherness that **is** mining and Government in this state and country and still further undermines the faith in our political system as it stands.

The NSW Land and Environment Court ruled in April 2013 that expanding the Warkworth coal mine would do the NSW public more harm than good. Judge Preston found that the information used by Rio Tinto and NSW Planning in support of the project was wrong, and he overturned the approval.

When Rio Tinto and the NSW Government appealed that decision to the NSW Supreme Court (Court of Appeal), they lost. Two superior NSW courts have now ruled that Rio's plan to expand the Warkworth coal mine fails on merit.

The Bulga people and their many supporters justly assumed that this would be the end of the project. Instead, Rio Tinto have simply resubmitted their mining application. It has been split in two, and the name updated, but these two projects (SSD 6464 and SSD 6465) are effectively the same project that has been rejected by two NSW courts (MP 09_0202).

That the Planning Department has even accepted Rio Tinto's application is a failure of procedural fairness, and makes a farce of the very process you are now asking us, the public, to participate in. We are being asked to make submissions on a project that has already been through this very same assessment process and failed – only to be resubmitted. We are being asked to submit to a process overseen by a Department that is clearly working closely with the proponent to get the project approved, and which got the decision wrong the first time around. There can be no faith in this process.

The Department must respect the decisions of the NSW Land and Environment Court, and the NSW Supreme Court (Court of Appeal), and reject these applications.